



P.O. Box 1749
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Item No. 10.1.1

Harbour East-Marine Drive Community Council
January 12, 2023
February 17, 2023
March 27, 2023

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: - Original Signed -
Kelly Denty, Executive Director of Planning and Development

DATE: December 9, 2022

SUBJECT: **Case 23805: Development Agreement for lands located on Portland Street and Carver Street, Dartmouth**

ORIGIN

Application by Fathom Studios, on behalf of the property owner.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Dartmouth, as set out in Attachment A, to rezone lands located on Portland Street and Carver Street, Dartmouth from the R-1 (Single Family Dwelling) Zone to the R-4 (Multiple Family Residential) Zone – High Density, to allow a 6-storey, mixed-use, multi-unit building, and schedule a public hearing;
2. Give notice of motion to consider the proposed development agreement, as set out in Attachment B, and schedule a public hearing for the development agreement which shall be held concurrently with that indicated in Recommendation 1;
3. Adopt the amendment to the Land Use By-law for Dartmouth, as set out in Attachment A.
4. Provisionally approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment B; and

RECOMMENDATION CONTINUES ON PAGE 2

5. Require that the development 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

Fathom Studio, on behalf of the property owner, is applying to rezone lands (PID 00241984 and 00242016) from the R-1 (Single Family Residential) Zone to the R-4 (Multiple Family Residential) Zone – High Density under the Dartmouth Land Use By-law. The applicant is also applying to enter into a development agreement to build a 6-storey multiple unit residential building with ground floor commercial on lands with frontage on both Portland Street and Carver Street, Dartmouth.

Subject Site	PID 00241984 (16 Carver Street) and PID 00242016 (Portland Street)
Location	Near the corner of Portland Street and Carver Street
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential
Zoning (Map 2)	R-1 (Single Family Residential) Zone
Size of Site	~750 sq metres (~8,072 square feet) & ~4544 sq metres (~48,910 square feet)
Street Frontage	23.16m (~76 feet) & 35.05m (~115 feet)
Current Land Use(s)	Single Unit Dwelling & Vacant
Surrounding Use(s)	Residential and Commercial Uses

Proposal Details

The applicant proposes to construct a mixed-use multiple unit building on lands located on Portland Street and Carver Street, Dartmouth. The major aspects of the proposal are as follows:

- A single unit dwelling fronting on Carver Street, as per the requirements of the R-1 Zone;
- A multiple unit residential building with ground floor commercial;
- A minimum of 40% of the units are to be 2+ bedroom units;
- Maximum height of 6 storeys (19.5 metres);
- Two vehicular access points, two-way access off Carver Street and a right in-right out off Portland Street;
- Minimum parking ratio of 0.7 spaces per unit; and
- Minimum amenity space of 9 square metres per unit, to be provided both indoor and outdoor.

Enabling Policy and LUB Context

The Residential designation, which applies to the subject properties, is an all-encompassing designation that allows for a variety of residential uses. Dartmouth Municipal Planning Strategy (MPS) Policy IP-1 (b) permits the request to rezone from R-1 to R-4 to enable the multiple unit dwelling use on the site. Dartmouth MPS Policy IP-5 requires a development agreement for any new multiple unit dwelling, including those located in the R-4 zone. Criteria that Council must consider for the rezoning and development agreement are provided in Dartmouth MPS Policy IP-1 (c); additional criteria for the development agreement only are found in Dartmouth MPS Policy IP-5.

Approval Process

The approval process for this application involves two steps:

- i) First, Harbour East-Marine Drive Community Council must consider and, if deemed appropriate, approve the rezoning of the lands from the R-1 (Single Family Residential) Zone to the R-4 (Multiple Family Residential) Zone – High Density; and
- ii) Second, Harbour East-Marine Drive Community Council must consider and, if deemed appropriate, conditionally approve the proposed development agreement.

Notwithstanding the two-stage approval process, a single public hearing can be held by Community Council to consider both the proposed rezoning and the development agreement. Council may, upon completion of the public hearing, approve the rezoning and provisionally approve the development agreement. Upon the coming into effect of the rezoning, the development agreement would be then be approved and a second appeal period for the development agreement would commence. Both decisions are subject to appeal to the N.S. Utility and Review Board.

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 (1,707 unique webpage views with an average time on page of 4 minutes 49 seconds), signage posted on the subject site, 125 letters mailed to property owners within the notification area, and a public information meeting held on March 29, 2022 (~41 attendees). Attachment D contains a copy of the engagement summary. The public comments received include the following topics:

- Compatibility with surrounding area;
- Traffic concerns;
- Noise/construction concerns;
- Stormwater impacts; and
- Landscaping/buffers and privacy issues.

A public hearing must be held by Harbour East-Marine Drive Community Council before they can consider approval of the proposed rezoning and development agreement. Should Harbour East-Marine Drive Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment C provides an evaluation of the proposed rezoning and development agreement in relation to the relevant MPS policies.

Rezoning

Both properties are currently zoned R-1 and must be rezoned to R-4 to be eligible for a development agreement enabling a multi-unit building. Although PID 00241984 (16 Carver Street) will be rezoned, the agreement will require the land be regulated under the R-1 Zone of the Dartmouth LUB. The rezoning is required to enable the boundary readjustment of the two parcels of land to allow for vehicular access for the multiple unit dwelling onto Carver Street. Staff advise that the proposed rezoning is reasonably consistent with the intent of Dartmouth MPS Policy IP-1(c), and that any concerns are resolved by the required development agreement.

Proposed Development Agreement

Attachment B contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- Controls on the subdivision of land;
- Allows a 6-storey multiple unit building on Block A and a single unit dwelling as per the R-1 Zone on Block B;
- Height, siting, massing, and exterior design controls of the multiple unit building;
- Permitted uses within the multiple unit building, including ground floor commercial;
- Required unit mix with a minimum of 40% of the units containing two or more bedrooms;
- Required indoor and outdoor amenity space and its location;
- Controls on site access location and requirements for vehicular parking;
- Landscape and lighting controls;
- Requirement for Lot Grading and Erosion and Sedimentation Control Plans; and
- Non-substantive amendments permitted within the agreement including:
 - Changes to the landscaping requirements;
 - Changes to accommodate any alterations to landscaping, setbacks and driveway location required for Portland Street improvements; and
 - Extension to the dates of commencement and completion of development

The attached proposed development agreement will permit a multi-unit residential building with ground floor commercial space, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion.

Land Use

The proposal includes maintaining a single unit dwelling along Carver Street and the construction of a 6-storey residential building with ground floor commercial uses that front Portland Street. In terms of land uses, the proposal is both consistent and compatible with other surrounding uses in the area as both residential and commercial uses surround the site. Residential uses are found abutting on Carver Street, Cathy Cross Drive, and Portland Street. Commercial uses directly abut the site with large scale commercial uses being located Portland Street. The proposal is also in keeping, from a use and form perspective, with multi-unit residential buildings located to the west on Bruce Street and east on Pembroke Court. Multi-unit residential developments are also compatible with low-density residential, from a use perspective, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street, as is the case with this portion of Portland Street.

Height and Massing

In terms of bulk and scale, the building being proposed will be as tall as the tallest building in the general area (a 6-storey building is located 2 blocks away at 9 Bruce Street). Staff advise the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by the distribution of the bulk of the building on the site, which can be summarized in the following points:

- (1) The building transitions down in height towards the low-density residential properties on Cathy Cross Drive at the rear of the property, from 6 to 4 storeys with a stepdown to 3 storeys. This decrease in height at the rear of the building increases the setback of the 6-storey portion of the building to ~19 metres from the shared property boundary with the Cathy Cross Drive lots. The 3-storey portion is ~11 metres and the 4-storey portion is ~13 metres from the shared boundary. This design intervention increases the separation distance and coupled with landscaping measures, will assist in hiding the ground floor of the new building and reduce the bulk and scale of the building facing the rear properties.
- (2) Setbacks from the low-density residential properties on Carver Street and Portland Street (~20 metres and 6 metres, respectively) as well as perimeter fencing and dense landscaping will provide a sufficient transition and a reduced impact, thereby mitigating compatibility issues.
- (3) The proposed building will also have step backs in the massing above storeys 3 and 4 which will minimize the impact of the overall bulk of the building and will increase the setbacks of the 6-storey portion of the building to shared property lines with single unit dwellings.

Traffic Generation

A Traffic Impact Study (TIS) was prepared by the applicant and submitted as part of the application. The findings of the TIS concluded that the traffic volumes generated by the development are within the volume guidelines for the residential street network and while the Woodlawn/Baker intersection operates at near capacity at peak hours, this development will contribute very low volumes to that intersection. Furthermore, the traffic dispersion from the site satisfies the requirements of HRM By-law S-300, which requires traffic be directed to a street that carries a lesser amount of daily traffic, which in the circumstance would be Carver St. and surrounding local roads. HRM Traffic Management and HRM Engineering have reviewed the analysis and accepted its findings.

Landscaping/Amenity Space

The agreement requires amenity space be provided at a rate of 9 square metres per dwelling unit, excluding private balconies. This amenity space is to be a mix of indoor and outdoor amenity space and must include an interior amenity room, a 5th floor roof top patio, and outdoor space abutting Landrace Crescent Park. Some of the existing tree canopy will be removed during construction, however select trees will remain which will be complemented by new plantings. The agreement requires a well-designed amenity area in the northeast that is sympathetic and complimentary to the abutting municipal park.

The final landscaping provided on the property will result in dense vegetation surrounding the site which will improve the aesthetics and provide a form of visual buffer along internal property lines thereby increasing privacy and compatibility with abutting properties.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, this planning application was assessed against the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. While these priority plans often contain policies which were originally intended to apply at a regional level and inform the development of Municipal Planning Strategy policies, there are still components of each plan which can and should be considered on a site-specific basis. Where conflict between MPS policy and priority plan policy exists, staff must weigh the specificity, age, and intent of each policy, and consider how they would be applied to a specific geographic context. In this case, the following policies were identified to be most relevant to this application, and as such were used to inform the recommendation within this report:

The Integrated Mobility Plan (IMP) guides investment in active transportation, transit, transportation demand management, goods movement and the roadway network in Halifax. One of the actions identified in the IMP is to study existing roads that are important for regional vehicle flow, transit, goods movement and active transportation (walking, rolling and cycling). The Portland Street/Cole Harbour Road corridor is one of these existing roads. Continuing on the direction of the IMP, the Rapid Transit Strategy identifies and designates Portland Street as a Transit Priority Corridor, where a variety of transit priority measures will be implemented along the corridor in addition transit supportive land use changes. Figure 37 of the Rapid Transit Study identifies the subject lands, and surrounding area, as a potential transit-oriented community where dense development is encouraged to support transit ridership. Staff advise the proposed development aligns with this priority plan as the proposal is to increase density along a Transit Priority Corridor in an area identified as a potential transit-oriented community.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The site and building design, including the distribution building mass, results in a development that can be considered compatible and consistent with the existing development form while also adding infill residential density in an area where the Regional Municipal Planning Strategy calls for increasing density. Therefore, staff recommend that the Harbour East-Marine Drive Community Council approve the proposed rezoning and proposed development agreement.

FINANCIAL IMPLICATIONS

There are no budget 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 proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2022-2023 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within 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 LUB amendments and development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

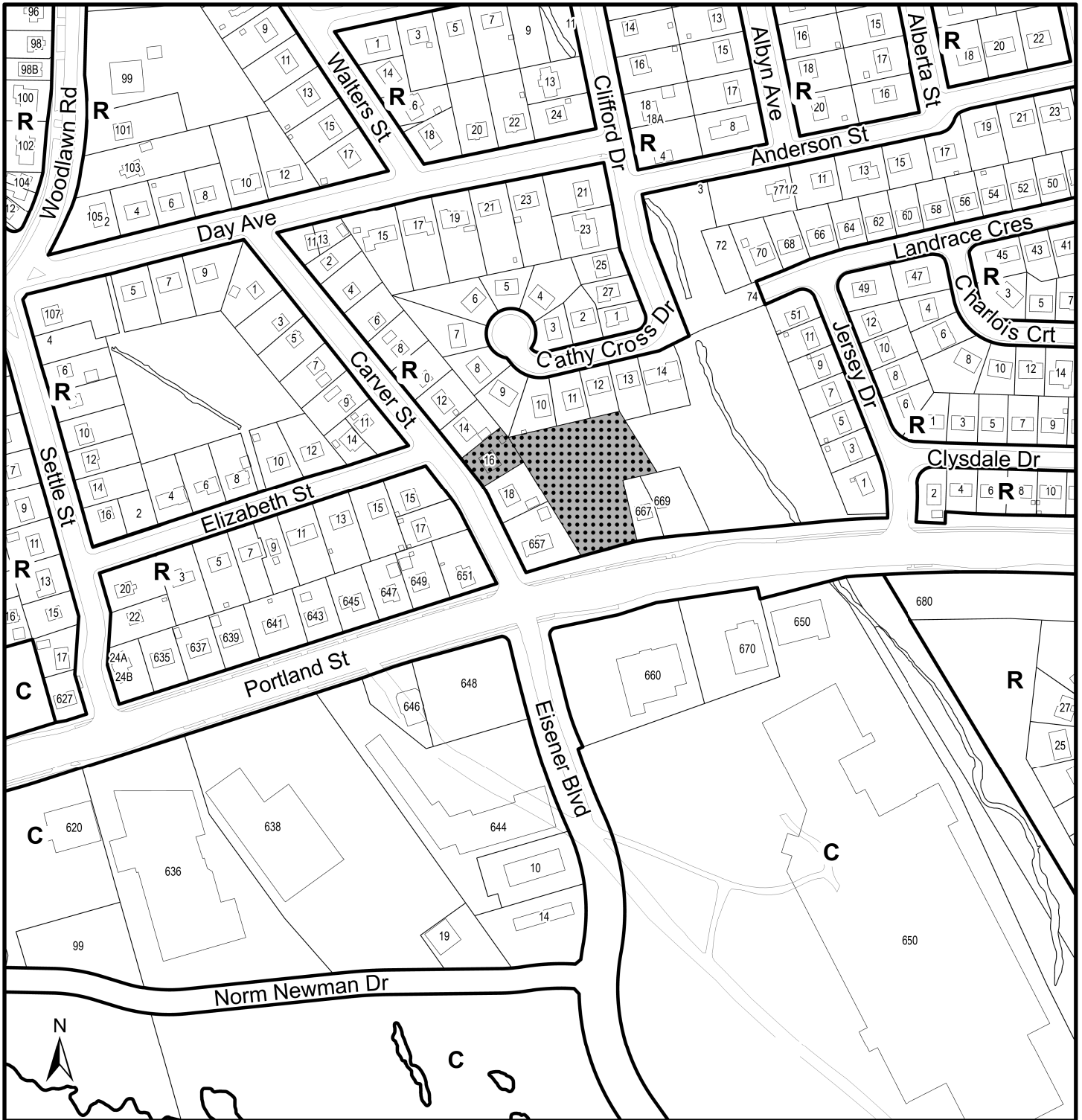
ALTERNATIVES

1. Harbour East-Marine Drive Community Council may choose to approve the proposed amendment to the Dartmouth LUB and the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve the proposed LUB Amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East-Marine Drive Community Council may choose to refuse the proposed amendment to the Dartmouth LUB and proposed development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or proposed development agreement are appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amendment to the Land Use By-law for Dartmouth
Attachment B:	Proposed Development Agreement
Attachment C:	Review of Relevant Regional and Dartmouth MPS Policies
Attachment D:	Engagement Summary

Report Prepared by: Dean MacDougall – Planner III - 902.240.7085



Map 1 - Generalized Future Land Use

663 Portland Street & 16 Carver St,
Dartmouth

HALIFAX

 Subject Properties



Designation

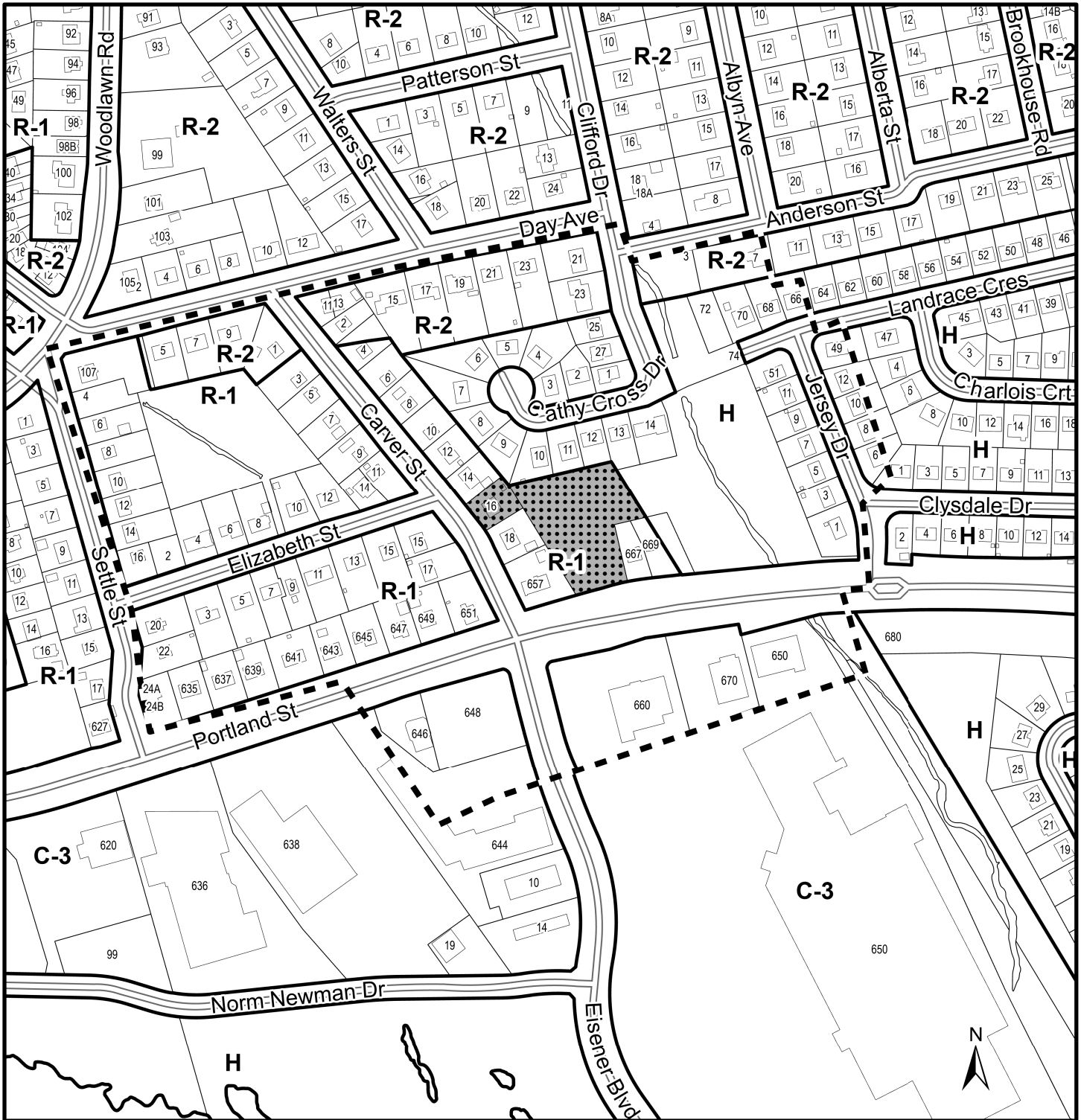
- R Residential
- C Commercial

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Dartmouth Plan

17 September 2021



Map 2 - Zoning and Notification Area

663 Portland Street & 16 Carver St,
Dartmouth

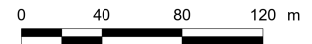
HALIFAX

Subject Properties

Area of Notification

Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- C-3 General Business
- H Holding



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The accuracy of any representation on this plan is not guaranteed.

Dartmouth Land Use By-Law Area

ATTACHMENT A

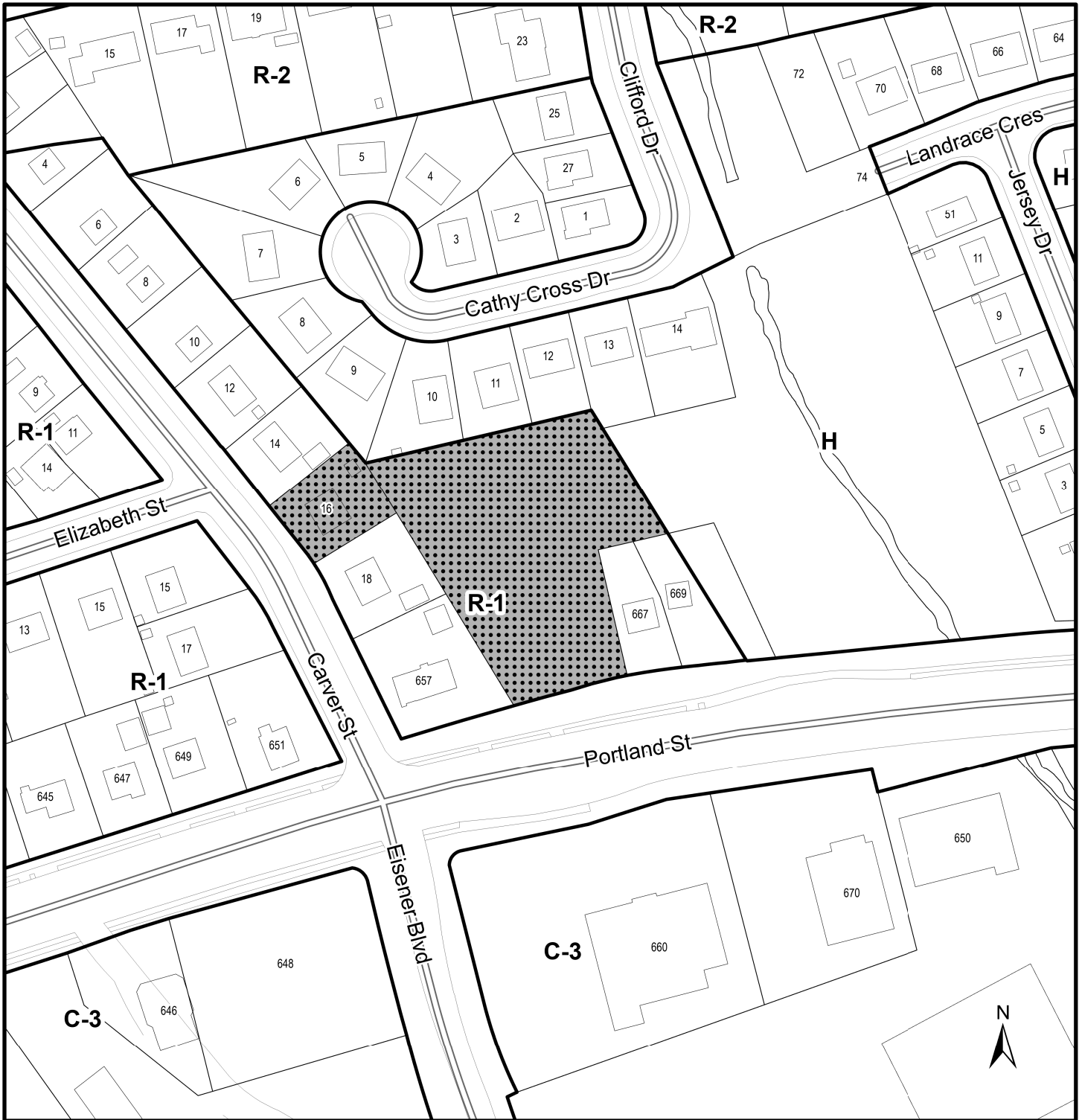
Proposed Amendment to the Land Use By-law for Dartmouth

BE IT ENACTED by the Harbour East Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby further amended as follows:

1. Amend Map Schedule 1, the Zoning Map, by rezoning the property identified as PID 00241984 and PID 00242016, from R-1 (Single Family Residential) Zone to the R-4 (Multiple Family Residential) Zone – High Density, as shown on the attached Schedule A.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East Marine Drive Community Council held on [DATE], 201[#].


Iain MacLean
Municipal Clerk



Schedule A

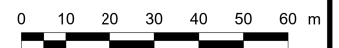
663 Portland Street & 16 Carver St,
Dartmouth

HALIFAX

 Area proposed to be rezoned from R-1 (Single Family Residential) to R-4 (Multiple Family Residential (High Density))

Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- C-3 General Business
- H Holding



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Dartmouth Land Use By-Law Area

Attachment B: Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.] a body corporate, in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY, a municipal body corporate, in the Province of Nova Scotia (hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 16 Carver Street and PID 00242016 Portland Street, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for mixed-use multi-unit building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to IP-5 of the Dartmouth Municipal Planning Strategy;

AND WHEREAS the Harbour East Marine Drive Community Council provisionally approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case 23805;

AND WHEREAS a supporting amendment to the applicable land-use by-law took effect on **[Insert - Date]**, thereby confirming Harbour East Marine Drive Community Council's provisional approval of the request to enter into the Development Agreement;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

- 1.1.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Development Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Dartmouth and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variances to the requirements of the Land Use By-law for Dartmouth shall not be permitted.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Development Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Development Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Development Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Development Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Development Agreement conflicts with information provided in the Schedules attached to this Development Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Development Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

- 1.6.1 The provisions of this Development Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Development Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:

Height means the vertical distance between the ground floor and the roof slab, and shall exclude roof top features like parapets, hand railings, rooftop landscaping, mechanical penthouses, elevator and stair enclosures, heating, ventilation, and air conditioning equipment and enclosures.

Indoor Amenity Space means common amenity spaces for residents of the development located within the building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

Outdoor Amenity Space means common amenity spaces for residents of the development located outside the building, including but not limited to, building terraces and picnic areas, but not individual unit balconies/terraces.

Storey means a portion of building between a floor and another floor, or a floor and a ceiling. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade.

PART 3: USE OF LANDS, SUBDIVISION, AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Development Agreement and filed in the Halifax Regional Municipality as Case Number 23805:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Proposed Subdivision Plan
Schedule D	Landscape Site Plan
Schedule E	North Elevation
Schedule F	East Elevation
Schedule G	South Elevation
Schedule H	West Elevation

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) A copy of the approved, registered Plan of Survey of Block A and Block B. This Plan of Survey shall comply with Section 3.4 of this Development Agreement.
 - (b) A detailed Landscape Plan in accordance with Section 3.10 and Schedule D of this Development Agreement;
 - (c) A detailed Lighting Plan in accordance with Section 3.8 of this Development Agreement; and
 - (d) Written confirmation from a Structural Engineer that all landscape areas designed to be installed upon any portion on any rooftop level of the building is able to support any required drainage or additional weight caused by the landscaped area.
- 3.2.2 Prior to the issuance of the Occupancy Permit for the building, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) Prior to issuance of the first Occupancy Permit the Developers shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement;
 - (b) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the Lighting Plan as required by Section 3.8 of this Development Agreement; and
 - (c) Confirmation of Final Subdivision Approval for Block A and Block B, as per Section 3.4 of this Development Agreement.
- 3.2.3 Notwithstanding any other provision of this Development Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Development Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Development Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Development Agreement.

3.3 General Description of Land Use

3.3.1 The uses of the Lands permitted by this Development Agreement are the following:

- (a) On that part of the Lands identified as Block A on Schedule C:
 - i. One six-storey mixed use building with ground floor commercial uses but excluding adult entertainment uses, adult cabarets, adult theatres, billboards, cannabis production facilities, and uses that would cause a nuisance or a hazard to the public; and
 - ii. At least 40% of dwelling units shall contain two or more bedrooms.
- (b) On that part of the Lands identified as Block B on Schedule C:
 - i. Those uses permitted within the R-1 Zone of the Dartmouth Land Use By-Law.

3.4 Subdivision of the Lands

3.4.1 Subdivision application shall be submitted to the Development Officer in accordance with the subdivision plan presented as Schedule C of this Development Agreement and the Development

Officer shall grant subdivision approval subject to and in accordance with the requirements of the Regional Subdivision By-law, except as varied by the following terms and conditions:

- (a) Block B shall have a minimum frontage of 15.24 metres and minimum lot area of 464.51 square metres.

3.5 Building Siting, Massing, and Scale

3.5.1 The siting, height, exterior design, materials, and massing of the building on Block A shall be in general conformance with Schedules B through H, subject to the provisions of this Development Agreement.

3.5.2 Required yards for all portions of the building on Block A, above grade, shall be as follows:

- (a) A minimum of 11 metres from the north property boundary that abuts properties fronting Cathy Cross Drive;
- (b) A minimum of 3 metres from the east property boundary that abuts properties fronting Portland Street;
- (c) A minimum of 6.8 metres from the east property boundary that abuts Landrace Crescent Park;
- (d) A minimum of 1 metre from south property boundary fronting Portland Street; and
- (e) A minimum of 9.8 metres from the west property boundary that abuts properties fronting Carver Street.

3.5.3 No portion of the building shall exceed 6 storeys in height (19.5 metres), as measured from the Portland Street average streetline grade (Schedule G), shall reduce in height near the rear of the building to 5 storeys facing Landrace Crescent Park and 4 storeys facing the north property boundary that abuts properties fronting Cathy Cross Drive, as shown on Schedule B of this Development Agreement.

3.5.4 The building shall have stepbacks above storeys 3 and 4, as shown on Schedule B of this Development Agreement.

3.5.5 The Portland Street streetwall shall not exceed 4 stories in height.

3.5.6 Any excavation, construction or landscaping shall be carried out in a safe manner, with the appropriate measures put into place to ensure the protection and preservation of the adjacent properties.

3.6 Architectural Requirements

3.6.1 The building in Block A shall meet the following architectural requirements:

- (a) The façades facing Portland Street shall be designed and detailed as shown on Schedule G and architectural treatments shall be continued around all sides of the building;
- (b) The commercial entrances to the building shall be distinguished from residential entrances by signage, detailing, changes in materials, and other architectural devices;
- (c) Any exposed foundation in excess of 0.75 metres in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer;
- (d) Exterior building materials shall not include plywood, unpainted or unstained wood, or vinyl siding;
- (e) All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate

- these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent;
- (f) No mechanical equipment or exhaust fans shall be located between any building and abutting properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems;
 - (g) Propane tanks and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from Portland Street and from adjacent residential uses. These facilities shall be secured in accordance with the requirements of the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping; and
 - (h) Rooftop mechanical and telecommunications equipment will be integrated into the building design or appropriately screened.

3.7 Parking, Circulation, and Access

- 3.7.1 A minimum of 0.7 parking spaces per residential unit shall be provided within the underground parking levels on Block A. Where parking requirements result in a fraction, the requirement shall be rounded down to the nearest whole number.
- 3.7.2 Surface parking shall not be required but shall be permitted on Block A in accordance with the following:
 - (a) Shall consist of a maximum of twenty-five parking spaces, inclusive of accessible parking spaces;
 - (b) A minimum of two accessible parking spaces shall be provided, which have an adjacent side access aisle of at least 2 metres wide;
 - (c) All parking spaces shall have a minimum of 2.75 metres by 5.5 metres; and
 - (d) The limits of the parking area shall be defined by a curb (concrete or asphalt).
- 3.7.3 All driving lanes, walkways, and surface parking facilities on Block A shall have a hard-finished surface such as asphalt, concrete, or interlocking precast concrete paver stones. Permeable hard surfaces are acceptable and shall be adequately maintained.
- 3.7.4 Bicycle parking on Block A shall be required in accordance with the Land Use By-law.
- 3.7.5 A barrier shall be provided, as shown on Schedule D of this Development Agreement, restricting vehicular access through the site from Portland Street to Carver Street.

3.8 Outdoor Lighting

- 3.8.1 A Lighting Plan for Block A shall be prepared by a qualified professional and provided to the Development Officer demonstrating compliance with this section of this Development Agreement.
- 3.8.2 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways sufficient to promote safety and security and shall be arranged so as to divert light away from streets, adjacent lots and buildings.
- 3.8.3 Buildings may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings, and does not flash, move or vary in intensity such that it creates a nuisance or hazard to public safety.
- 3.8.4 All pedestrian pathways on the Lands shall be uniformly lighted along the entire length of the pathway.

3.9 Amenity Space

- 3.9.1 Amenity space shall be provided on Block A at a rate of 9 square metres per dwelling unit.
- 3.9.2 Except for amenity space associated with an individual dwelling unit, all amenity space required by Subsection 3.9.1 of this Agreement shall be:
- (a) Provided in increments of at least 30 contiguous square metres;
 - (b) Barrier-free and accessible to all building residents; and
 - (c) A mix of indoor amenity space and outdoor amenity space, but must consist of at least:
 - an interior amenity room;
 - a 5th floor roof top patio; and;
 - outdoor space abutting Landrace Crescent Park.

3.10 Landscaping and Fencing

- 3.10.1 Prior to the issuance of a Development Permit, the Developers shall provide the Development Officer with a detailed Landscape Plan that complies with the provisions of this Section and generally conforms with the Preliminary Landscape Plan attached as Schedule D. The Landscape Plan shall be prepared by a full member, in good standing, of the Canadian Society of Landscape Architects.
- 3.10.2 Planting details for at-grade and on-slab planting situations for each type of plant proposed shall be provided in the detailed Landscape Plan, including a species list with quantities, sizes, and common and botanical names (species and variety).
- 3.10.3 The minimum acceptable sizes for plant material shall be as follows:
- (a) Deciduous trees at grade – 60 mm caliper;
 - (b) Deciduous trees on slab – 45 mm caliper;
 - (c) Coniferous trees – 1.5 m in height; and
 - (d) Shrubs – 0.6 m in height or spread.
- 3.10.4 All plant material shall conform to the Canadian Nursery Landscape Association's Canadian Nursery Stock Standard, and all landscape construction on the site shall conform to the Canadian Landscape Standard.
- 3.10.5 A perimeter fence, as shown on the Schedules of this Development Agreement, shall be an opaque fence or masonry wall at least 1.8 metres high. Chain link shall not be permitted.
- 3.10.6 Prior to issuance of the first Occupancy Permit the Developers shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.10.7 Notwithstanding Section 3.9.6, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developers may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developers only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developers not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in

this section of the Agreement. The Developers shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developers upon completion of the work and its certification.

- 3.10.8 Planting materials on rooftops above structures shall be selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. It is the responsibility of the Developers to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping, as well as the anticipated mature weight of the plant material on any rooftop or podium.

3.11 Maintenance

- 3.11.1 The Developers shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

- 3.11.2 All disturbed areas of the Lands shall be reinstated to original condition or better, in the opinion of the Development Officer.

3.12 Signs

- 3.12.1 Sign requirements shall be in accordance with the Land Use By-law and HRM By-law S-801, *A By-law Respecting Licensing Temporary Signs* except as otherwise provided herein.

3.13 Temporary Construction Building

- 3.13.1 A building shall be permitted on the Lands for the purpose of providing security, housing equipment and materials, and for other office-related matters relating to the construction and sale of the development in accordance with this Development Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Development Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

4.2 Off-Site Disturbance

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.3 Undergrounding Services

- 4.3.1 All secondary or primary (as applicable) electrical, telephone and cable service to all buildings on the Lands shall be underground installation.

4.4 Site Preparation in a Subdivision

- 4.4.1 The Developer shall not commence clearing, excavation or blasting activities required for the installation of primary or secondary services in association with a subdivision prior to receiving final approval of the subdivision design unless otherwise permitted by the Development Officer.

4.5 Solid Waste Facilities

- 4.5.1 All refuse and recycling materials shall be contained within the building. The building shall include designated interior space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate source separation program in accordance with By-law S-600 as amended from time to time. This designated space for five (5) waste containers shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have been issued a Grade Alteration Permit in accordance with By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.

5.2 Archaeological Monitoring and Protection

- 5.2.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.3 Sulphide Bearing Materials

- 5.3.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

6.1.1 The following items are considered by both parties to be not substantive and may be amended in a matter consistent with the *Halifax Regional Municipality Charter*:

- (a) Changes to the landscaping measures as detailed in Section 3.10 and Schedule D;
- (b) Changes to the Development Agreement, including schedules, to accommodate any alterations to landscaping, setbacks and driveway location required to accommodate Portland Street improvements;
- (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Development Agreement; and
- (d) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 of this Development Agreement.

6.2 Substantive Amendments

6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

7.1.1 A copy of this Development Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

7.2.1 This Development Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Development Agreement until this Development Agreement is discharged by the Chief Administrative Officer for the Municipality.

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within three (3) years from the date of registration of this Development Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean the submission of a Final Subdivision application, as per Sections 3.2 and 3.4 of this Development Agreement.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.1.

7.4 Completion of Development

- 7.4.1 Upon the completion of the whole development, the Municipality may review this Development Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement;
- 7.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.
- 7.4.3 Upon the completion of the whole development or complete phases of the development, or at such time that policies applicable to the lands have been amended, the Municipality may review this Development Agreement, in whole or in part, and may:
- (a) retain the Development Agreement in its present form;
 - (b) negotiate a new Development Agreement;
 - (c) discharge this Development Agreement; or
 - (d) for those portions of the development which have been completed, discharge this Development Agreement and apply appropriate zoning pursuant to the Dartmouth Municipal Planning Strategy and Land Use By-law, as may be amended from time to time.
- 7.4.4 In the event that development on the Lands has not been completed within six (6) years from the date of registration of this Development Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after ten (10) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office in Halifax the Chief Administrative Officer for the Municipality may review this Development Agreement, in whole or in part, and may:
- (a) retain the Development Agreement in its present form;
 - (b) negotiate a new Development Agreement; or
 - (c) discharge this Development Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

- 8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Development Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Development Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Development Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Development Agreement.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

Printed Name: _____

Date Signed: _____

=====

=====

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
MAYOR

Date signed: _____

Witness

Per: _____
MUNICIPAL CLERK

Date signed: _____

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

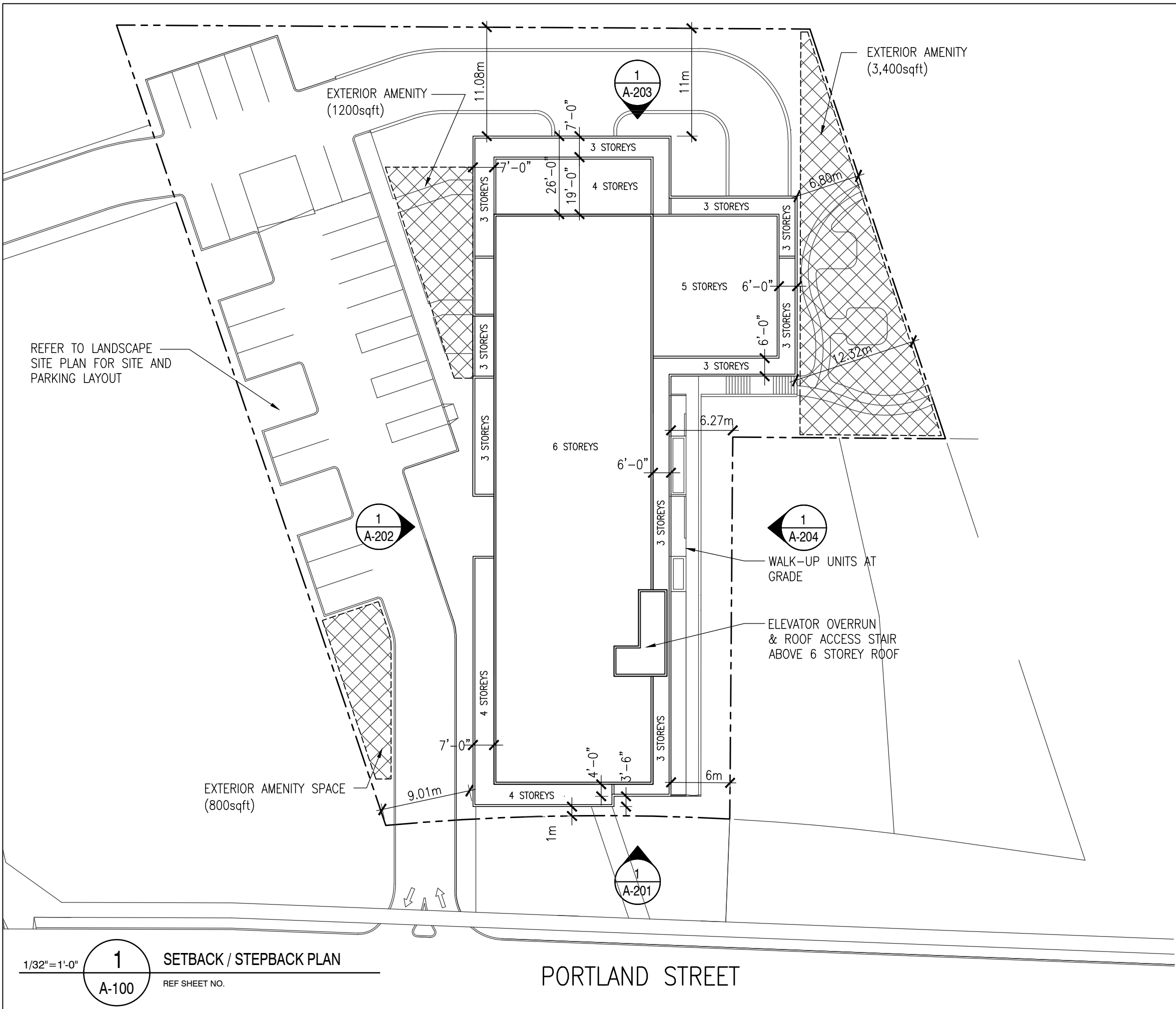
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia



Fathom Architecture Inc.,
 Fathom Studio
 fathomstudio.ca
 1 Starr Lane
 Dartmouth, NS
 B2Y 4V7



KEY PLAN	

REVISIONS	DATE

PROJECT
 663 PORTLAND ST.
 MIXED-USE DEVELOPMENT
 D.A. APPLICATION

CLIENT
 CLARK WILKINS

SCALE	DATE	
DRAWN BY	CHECKED	REVIEWED

APPROVED

SEAL

NOT FOR
CONSTRUCTION

DRAWING
SCHEDULE B
 DRAWING NO.
A-100

1/32" = 1'-0"
1
 A-100
 SETBACK / STEPBACK PLAN
 REF SHEET NO.

PORTLAND STREET

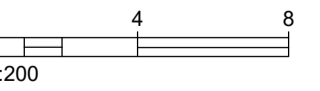
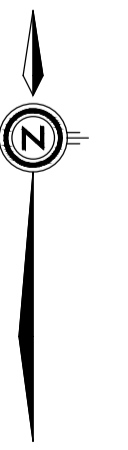
Schedule C - Proposed Subdivision Plan

Block B

Block A

CARVER STREET

PORTLAND STREET



663 Portland Street, Dartmouth

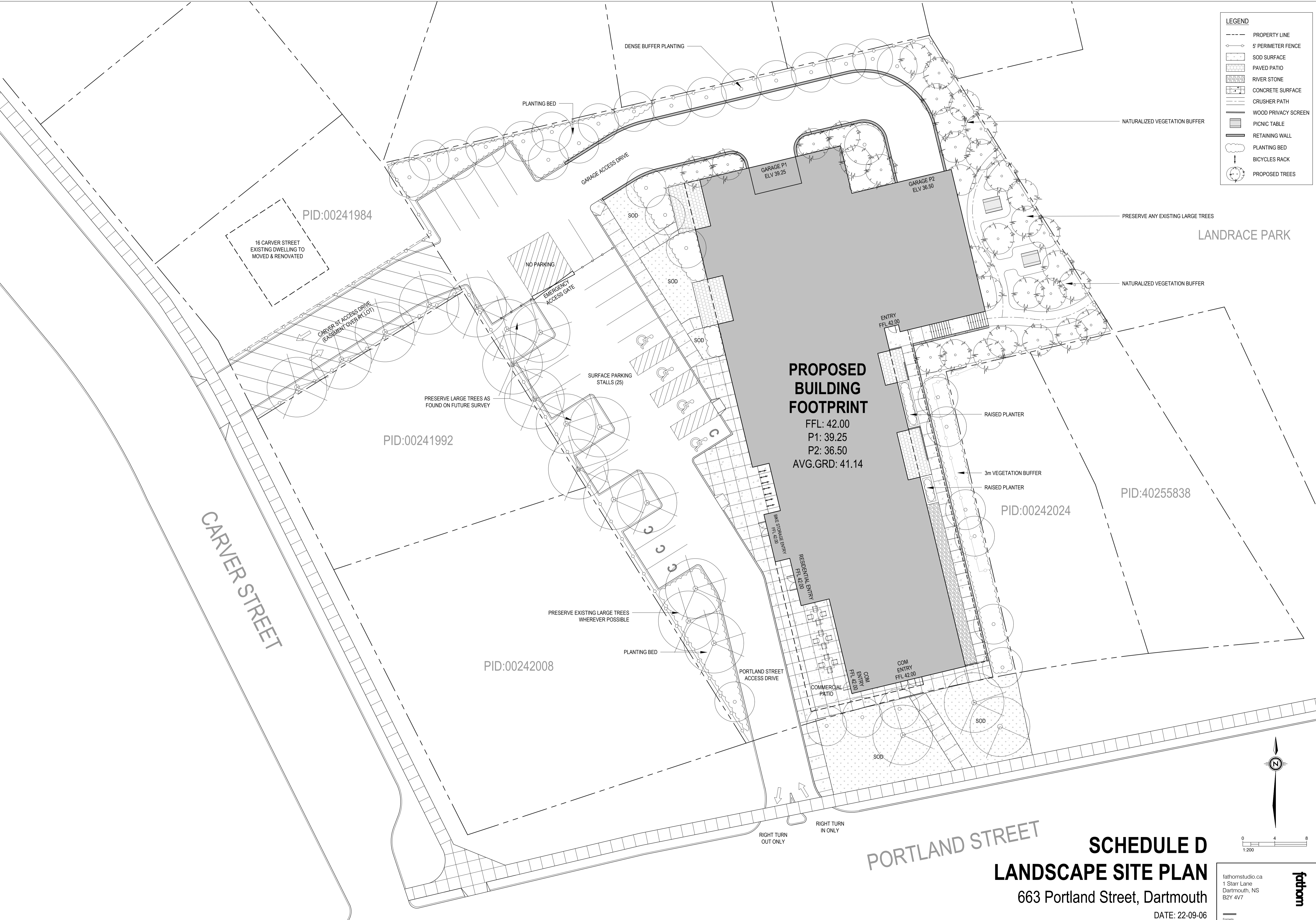
DATE: 22-09-20

fathomstudio.ca
1 Starr Lane
Dartmouth, NS
B2Y 4V7



Formerly
Davies Planning & Design

LEGEND	
	PROPERTY LINE
	5' PERIMETER FENCE
	SOD SURFACE
	PAVED PATIO
	RIVER STONE
	CONCRETE SURFACE
	CRUSHER PATH
	WOOD PRIVACY SCREEN
	PICNIC TABLE
	RETAINING WALL
	PLANTING BED
	BICYCLES RACK
	PROPOSED TREES



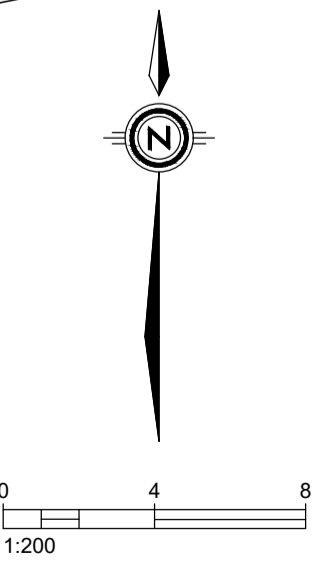
PROPOSED BUILDING FOOTPRINT
 FFL: 42.00
 P1: 39.25
 P2: 36.50
 AVG.GRD: 41.14

**SCHEDULE D
 LANDSCAPE SITE PLAN**

663 Portland Street, Dartmouth

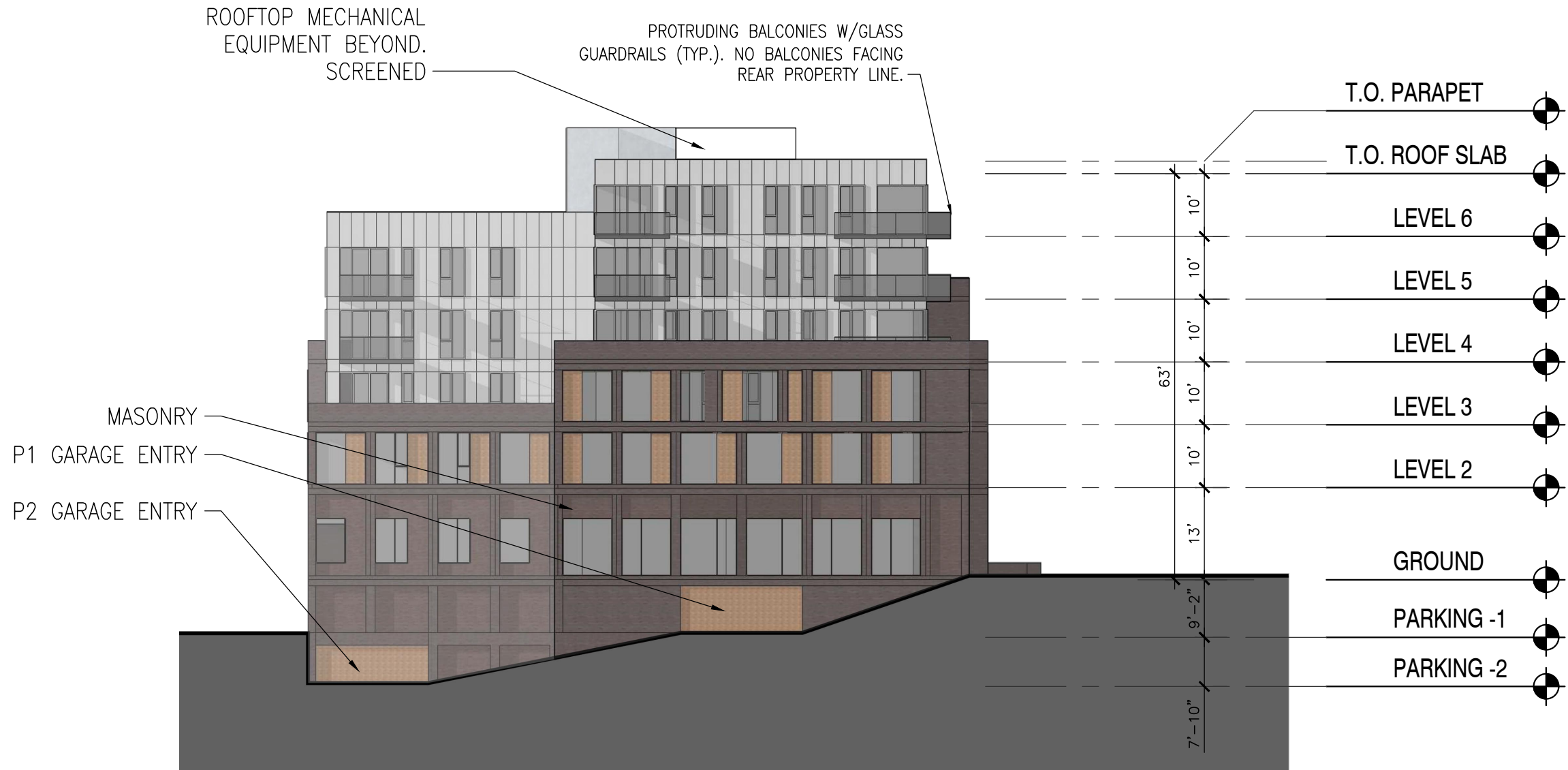
DATE: 22-09-06

fathom
 Formerly
 Bivona Planning & Design



Schedule E - North Elevation

Fathom Architecture Inc.,
 Fathom Studio
 fathomstudio.ca
 1 Starr Lane
 Dartmouth, NS
 B2Y 4V7



KEY PLAN

NO.	DESCRIPTION	DATE

REVISIONS DATE

PROJECT
 663 PORTLAND ST.
 MIXED-USE DEVELOPMENT
 D.A. APPLICATION

CLIENT

SCALE DATE

DRAWN BY CHECKED REVIEWED

APPROVED

SEAL

NOT FOR CONSTRUCTION

DRAWING
SCHEDULE E

DRAWING NO.
A-203

1:250 **1** NORTH ELEVATION
 A-203

Schedule F - East Elevation

Fathom Architecture Inc.,
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 Dartmouth, NS
 B2Y 4V7



KEY PLAN

REVISIONS	DATE

PROJECT
 663 PORTLAND ST.
 MIXED-USE DEVELOPMENT
 D.A. APPLICATION

CLIENT

SCALE DATE

DRAWN BY CHECKED REVIEWED

APPROVED

SEAL

NOT FOR CONSTRUCTION

DRAWING
SCHEDULE F

DRAWING NO.
A-204

1:250 **1** EAST ELEVATION
 A-204

Schedule G - South Elevation

Fathom Architecture Inc.,
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 Dartmouth, NS
 B2Y 4V7



KEY PLAN

REVISIONS	DATE
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PROJECT
 663 PORTLAND ST.
 MIXED-USE DEVELOPMENT
 D.A. APPLICATION

CLIENT

SCALE	DATE
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DRAWN BY	CHECKED	REVIEWED
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APPROVED

SEAL

NOT FOR CONSTRUCTION

DRAWING
SCHEDULE G

DRAWING NO.
A-201

1:250 **1** SOUTH ELEVATION
 A-201

Schedule H - West Elevation

Fathom Architecture Inc.,
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 Dartmouth, NS
 B2Y 4V7



KEY PLAN

REVISIONS	DATE
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PROJECT
 663 PORTLAND ST.
 MIXED-USE DEVELOPMENT
 D.A. APPLICATION

CLIENT

SCALE	DATE
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DRAWN BY	CHECKED	REVIEWED
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APPROVED

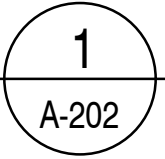
SEAL

NOT FOR CONSTRUCTION

DRAWING
SCHEDULE H

DRAWING NO.
A-202

1:250 **1** WEST ELEVATION



Review of Relevant Regional and Dartmouth MPS Policies

Dartmouth Municipal Planning Strategy: Implementation Policies	
Policy	Staff Comment
<p>Policy IP-1 (b)</p> <p><i>The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional, (6) Waverley Road, (7) Wright's Cove, (8) Main Street, (9) Kuhn Road, and (10) Reserve. Map 10 (Generalized Future Land Use) shows the distribution of the generalised land use designation within the plan area. (Added-RC-Mar 5/19;E-Apr 6/19).</i></p> <p><i>Tables 4, 4a and 4b identify, in matrix form, the permitted uses under each generalized land use category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown in matrix form on Tables 4, 4a and 4b.</i></p> <p><i>Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.</i></p> <p><i>An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.</i></p>	<p>The Dartmouth MPS has designated the land at PIDs 00242016 and 00241984 as Residential. The requested rezonings of PIDs 00242016 and 00241984 from R-1 (Single Family Residential) to R-4 (Multiple Family Residential – High Density) are permitted within the residential designation as it allows for a variety of land uses including low to high density residential (Table 4) provided they are in keeping with intent of the area plan. Table 4 of the MPS supports 'Neighbourhood Convenience Stores' in the residential designation.</p>
<p>Policy C-2</p> <p>It shall be the intention of City Council to deal with neighbourhood convenience outlets through the contract zoning provisions of the Planning Act - Section 33 (2) (b).</p>	<p>Commercial use evaluated through Policy IP-1 (c) below.</p>
<p>Policy IP-1 (c)</p> <p><i>In considering zoning amendments and contract zoning, Council shall have regard to the following:</i></p>	
<p><i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan;</i></p>	<p>This is the staff position for the reasons outlined in this report.</p>
<p><i>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal;</i></p>	<p>The proposal includes maintain a single unit dwelling along Carver Street and a 6-storey residential building with ground floor commercial uses that front Portland Street. In terms of uses, the proposal is compatible and consistent with other surrounding uses in the area as both residential and commercial uses surround the site. Residential uses are found</p>

	<p>abutting on Carver Street, Cathy Cross Drive, and Portland Street. Commercial is found directly abutting the site as well as across Portland Street with large scale commercial uses.</p> <p>The proposal is also in keeping, from a use and form perspective, with multi-unit residential buildings located to the west on Bruce Street and east on Pembroke Court. Multi-unit residential developments are also compatible with low-density residential, from a use perspective, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street as is the case with this portion of Portland Street.</p> <p>In terms of bulk and scale, the building being proposed will be as tall as the tallest building in the general area when compared to what currently exists (a 6-storey building is located 2 blocks away at 9 Bruce Street). Staff advise the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by how the bulk is distributed on the site, which can be summarized in the following points:</p> <p>(1) The building will transition down in height towards the rear low-density residential properties on Cathy Cross Drive (from 6 to 4 storeys with a stepdown to 3 storeys). The decrease in height at the rear of the building increases the setback of the 6-storey portion of the building to ~19 metres from the shared property boundary with the Cathy Cross Drive lots. The 3-storey portion is ~11 metres and the 4-storey portion is ~13 metres from the shared boundary. This design intervention increases the separation distance and (coupled with landscaping) will tend to hide the ground floor of the new building and reduce the bulk and scale of the building facing the rear properties.</p> <p>(2) Setbacks from the low-density residential properties on Carver St and Portland St. (~20 metres and 6 metres, respectively), perimeter fencing, and dense landscape buffers will also mitigate compatibility issues to the same effect as described above.</p> <p>(3) The proposed building will also have step backs in the massing above storeys 3 and 4 which will minimize the impact of the overall bulk of the building and increase the setback of the 6-storey portion of the building to the shared property lines with single unit dwellings.</p>
<p><i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential</i></p>	<p>The applicant is proposing an approximate 2-metre landscaped buffer between the proposed building and the single-unit dwellings front Cathy Cross</p>

<p><i>incompatibilities with adjacent land uses and traffic arteries;</i></p>	<p>Drive. This buffer will consist of a 1.8 metre high fence and dense linear treed buffer. In addition, the applicant is proposing to transition the building down in height towards these rear properties from 6 to 4 storeys with a stepdown to 3 storeys. This step down increases the setback of the 6-storey portion of the building to ~19 metres. The 3 storey portion is ~11 metres and the 4-storey portion is ~13 metres. This design intervention increases the separation distance and will tend to hide the ground floor of the new building and reduce the bulk and scale of the building facing the rear properties. Additionally, setbacks from the low-density residential properties on Carver St. and Portland St. (~20 metres and 6 metres, respectively), multiple step backs in the massing above storeys 3 and 4 throughout, as well as fencing and dense landscape buffers will provide adequate transitions will minimize the impact of the overall bulk of the building with abutting single unit dwellings.</p> <p>Section 3.10 of the draft development agreement requires that landscaping be provided around the proposed building.</p> <p>Section 3.6 of the draft development agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators. Section 4.15 of the draft development agreement requires that solid waste receptacles be located within the building.</p> <p>No open storage is enabled under the draft development agreement.</p> <p>Two site access are proposed. A right-in right-out off of Portland Street and a driveway on Carver Street. The findings of the TIS suggest the traffic volumes generated by the development are considered within the volume guidelines for the residential street network. The traffic dispersion from the site is line with the requirements of HRM By-law S-300, which requires traffic be directed to a street that carries a lesser amount of daily traffic (Carver Street). Section 3.7 of the draft development agreement specifies controls in regards to traffic generation, access to and egress from the site. These items are not anticipated to conflict with adjacent or nearby uses. Clause 3.7.5 ensure no short cutting through the site from Portland to Carver.</p>
<p><i>(4) that the proposal is not premature or inappropriate by reason of:</i></p>	
<p><i>(i) the financial capability of the City is to absorb any costs relating to the development;</i></p>	<p>The City will not be financially responsible for costs associated with this development. The subject site is well served by existing municipal infrastructure. Any cost to upgrade municipal infrastructure, in order to</p>

	accommodate the project, will be the responsibility of the developer.
<i>(ii) the adequacy of sewer and water services and public utilities;</i>	There is sufficient capacity in the stormwater and water distribution systems to service the proposed development. Halifax Water did not identify any significant issues. The developer will be required to provide evidence at the building permit stage that sufficient capacity exists in the local wastewater system. Any necessary upgrades to the wastewater system will be the responsibility of the developer.
<i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i>	The site abuts Landrace Crescent Park and is close to other local and community parks and public facilities including Russel Lake Park and Woodlawn Public Library. The site is within the Prince Andrew High School family of schools. The Halifax Regional Centre for Education (HRCE) resource known as the Long Range Outlook; a 10 year projection for each family of schools under the HRCE, shows all schools in the Prince Andrew family of schools are within capacity. According to HRCE, apartment housing provided an estimated yield of 0.16 children aged 5-17 per housing unit. This means this development is projected to produce 12 school aged children. This low number suggest a minimal impact on the local schools. Further, The <i>Education Act</i> mandates that every person over the age of 5 years and under the age 21 years has the right to attend a public school serving the school region in which that person lives. Where there are no schools located within a walkable distance bussing is provided.
<i>(iv) the adequacy of transportation networks in adjacent to or leading to the development;</i>	<p>The site is in an established and well-developed area of Dartmouth with an existing transportation network. The site is connected to Portland Street and Woodlawn Road via local streets Carver Street, Day Avenue, Elizabeth Street, and Settle Street.</p> <p>The findings of the TIS suggest the traffic volumes generated by the development are considered within the volume guidelines for the residential street network and while the Woodlawn/Baker intersection operates at near capacity at peak hours, this development will contribute very low volumes to that intersection. Furthermore, the traffic dispersion from the site is line with the requirements of HRM By-law S-300, which requires traffic be directed to a street that carries a lesser amount of daily traffic. The TIS has been supported by HRM Engineering.</p> <p>The site is well serviced by public transit with an accessible transit stop immediately adjacent on Portland Street, which includes Routes 59, 61, 68, and 79, and is a short distance away from the Penhorn Transit Terminal.</p>

	Active transportation routes are limited in this area but according to the Active Transportation Priorities Plan, Carver Street is identified as a desired bikeway that would be integrated into the regional AT network.
<i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas;</i>	No watercourses are identified on the site and the site is approximately 56 metres from the nearest watercourse. The development agreement requires a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met at permitting, including the adherence to the watercourse buffer requirements of the Regional Plan.
<i>(vii) the presence of natural, historical features, buildings or sites;</i>	According to the Regional Plan, Map 9, the lands may be within an area of elevated archeological interest. An archaeological monitoring and protection clause is included in the agreement requiring the developer to contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage should artefacts be found.
<i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized;</i>	This would be considered an infill development utilizing existing infrastructure and services.
<i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i>	This development should have limited impact on other areas of the Municipality.
<i>(5) that the proposal is not an obnoxious use;</i>	The proposal is not an obnoxious use, the area is comprised of primarily residential and commercial properties and uses, the development has similar uses to that found within the area.
<i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i>	
<i>(i) type of use, density, and phasing;</i>	Sections 3.3 of the draft development agreement include controls over use. No controls over phasing were incorporated within the draft development agreement as the proposed building is intended to proceed under a single construction phase. Density is controlled through unit mix requirement and controls on massing, found through Section 3.5.

<i>(ii) emissions including air, water, noise;</i>	No air or water emissions are expected to be created by this development. The proposal is for a 6-storey residential building with small space for ground floor commercial. Staff does not anticipate any noise emissions beyond what could be expected from such a use. Specific controls were therefore not included in the draft development agreement.
<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	Section 3.7 of the draft development agreement specifies controls in regards to traffic generation, access to and egress from the site, as well as parking. These items are not anticipated to conflict with adjacent or nearby land uses.
<i>(iv) open storage and landscaping;</i>	Section 4.5 of the draft development agreement requires that solid waste receptacles be located within the building. No open storage is enabled under the proposed development agreement. Section 3.10 of the draft development agreement requires the provision of landscaping.
<i>(v) provisions for pedestrian movement and safety;</i>	This refers to on-site pedestrian movement which is regulated through Section 3.10 of the development agreement and through the schedules.
<i>(vi) management of open space, parks, walkways;</i>	This refers to the private open space and walkways of the development, which is regulated through the agreement by Section 3.10 and the schedules, which outlines the provision of landscaping and amenity areas.
<i>(vii) drainage both natural and sub-surface and soil-stability;</i>	Staff is not aware of any soil-stability issues on the subject site and therefore did not include controls within the draft development agreement on this matter. During the permit stage, HRM Development Engineering will review the grading and stormwater management plans for the subject site. As per By-law G-200, the site will be required to balance, or improve, pre-development and post-development stormwater flows.
<i>(viii) performance bonds.</i>	A development agreement will enable this proposal, which negates the need to make use of performance bonds for the design and siting of the building. The sole performance bond for landscaping is regulated by the DA.
<i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors.</i>	The proposed site is suitable in terms of the steepness of slope. The subject site is not impacted by any watercourse, marsh, swamp, or bog. Staff is not aware of any soil or geological conditions on the subject site that would negatively impact the proposed development or abutting properties. The subject site is not located next to a major highway, ramp, railroad, or other nuisance factors.
<i>(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments</i>	A public information meeting on this application was held on March 29, 2022.

<i>may be aired to the public via the “voluntary” public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council.</i>	
<i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i>	
<i>(i) Council with a clear indication of the nature of proposed development, and</i>	Staff is of the opinion that enough detail has been provided to Council to allow it to clearly understand the nature of the proposed development.
<i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i>	Staff is of the opinion that it is in possession of enough detail on the proposed development to properly assess and determine the impacts that such a development will have on the land and the surrounding community.
<i>(10) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i>	Not applicable as site is not within a Holding Zone.

Policy	Staff Comment
<p>Policy IP-5</p> <p><i>In considering the approval of such Agreements, Council shall consider the following criteria:</i></p>	<p>Policy IP-5 applies as the request is to:</p> <p>(1) rezone R-1 (Single Family Residential) to R-4 (Multiple Family Residential – High Density); and</p> <p>(2) enter into a development agreement to allow for a 6-storey mixed use residential and commercial building.</p>
<i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i>	Refer to earlier policy analysis provided regarding Policy IP-1 and to the Discussion section of the Staff Report.
<i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i>	<p>Controls for these elements are contained throughout the draft development agreement, as follow:</p> <ul style="list-style-type: none"> • Height (Sections 3.5, Schedule B, and E to H)

	<ul style="list-style-type: none"> • Size and bulk (Sections 3.5, 3.6, Schedule B, and E to H) • Density (Section 3.3, 3.5, Schedule B, and E to H) • Lot coverage (Sections 3.4, 3.5, and Schedule B) • Lot size and frontage (Schedules A and C) <p>Staff believes there are adequate controls to reduce conflict with adjacent or nearby uses.</p>
<p><i>(ii) traffic generation, access to and egress from the site; and</i></p>	<p>Section 3.7 of the draft development agreement specifies controls in regards to traffic generation, access to and egress from the site. These items are not anticipated to conflict with adjacent or nearby uses. Clause 3.7.5 ensures no short cutting through the site from Portland to Carver.</p>
<p><i>(iii) parking;</i></p>	<p>Section 3.7 of the draft development agreement specifies controls in regards to parking. Vehicular parking will be provided via internal parking levels containing a minimum ratio of 0.7 spaces per residential unit. Surface parking is not required but if it is provided it must be as per the Schedules of the agreement and consistent of not more than 25 stalls.</p>
<p><i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i></p>	<p>The site abuts Landrace Crescent Park and is close to other local and community parks and public facilities including Russel Lake Park and Woodlawn Public Library. The site is within the Prince Andrew High School family of schools. The Halifax Regional Centre for Education (HRCE) resource known as the Long Range Outlook; a 10 year projection for each family of schools under the HRCE, shows all schools in the Prince Andrew family of schools are within capacity. According to HRCE, apartment housing provided an estimated yield of 0.16 children aged 5-17 per housing unit. This means this development is projected to produce 12 school aged children. This low number suggest a minimal impact on the local schools. Further, The Education Act mandates that every person over the age of 5 years and under the age 21 years has the right to attend a public school serving the school region in which that person lives. Where there are no schools located within a walkable distance bussing is provided.</p>
<p><i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i></p>	<p>The site is in an established and well-developed area of Dartmouth with an existing transportation network. The site is connected to Portland Street and Woodlawn Road via local streets Carver Street, Day Avenue, Elizabeth Street, and Settle Street.</p> <p>The findings of the TIS suggest the traffic volumes generated by the development are considered within the volume guidelines for the residential street network and while the Woodlawn/Baker intersection</p>

	<p>operates at near capacity at peak hours, this development will contribute very low volumes to that intersection. Furthermore, the traffic dispersion from the site is in line with the requirements of HRM By-law S-300, which requires traffic be directed to a street that carries a lesser amount of daily traffic. The TIS has been supported by HRM Engineering.</p> <p>The site is well serviced by public transit with an accessible transit stop immediately adjacent on Portland Street, which includes Routes 59, 61, 68, and 79, and is a short distance away from the Penhorn Transit Terminal.</p> <p>Active transportation routes are limited in this area but according to the Active Transportation Priorities Plan, Carver Street is identified as a desired bikeway that would be integrated into the regional Active Transportation (AT) network.</p>
<p><i>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i></p>	<p>The agreement requires amenity space be provided at a rate of 9 square metres per unit, excluding private balconies. The agreement (Section 3.9) also requires that this amenity space be provided in increments of at least 30 contiguous square metres; be barrier-free and accessible to all building residents; and a mix of indoor and outdoor amenity space, that must consist of at least an interior amenity room; a 5th floor roof top patio; and outdoor space abutting Landrace Crescent Park. Additionally, the landscaped (Section 3.10) is significant and adequate and will provide an area in the northeast that is well designed and includes elements which will provide a complimentary amenity space for the residents adjacent to the municipal park.</p>
<p><i>(f) that mature trees and other natural site features are preserved where possible;</i></p>	<p>It is the intent of the applicant to preserve as many trees as possible where landscaping is located on the site plan. The applicant is also proposing the planting of new trees as part of the landscape plan attached to the draft development agreement. There are no other valuable natural features associated with the subject site.</p>
<p><i>(g) adequacy of buffering from abutting land uses;</i></p>	<p>The applicant is proposing an approximate 2-metre landscaped buffer between the proposed building and the single-unit dwellings front Cathy Cross Drive. This buffer will consist of a 1.8 metre high fence and dense linear treed buffer. In addition, the applicant is proposing to transition the building down in height towards these rear properties from 6 to 4 storeys with a stepdown to 3 storeys. This step down increases the setback of the 6-storey portion of the building to ~19 metres. The 3 storey portion is ~11 metres and the 4-storey portion is ~13 metres. This design intervention increases the separation distance and will tend to hide the ground floor of the</p>

	<p>new building and reduce the bulk and scale of the building facing the rear properties. Additionally, setbacks from the low-density residential properties on Carver St. and Portland St. (~20 metres and 6 metres, respectively), multiple step backs in the massing above storeys 3 and 4 throughout, as well as fencing and dense landscape buffers will provide adequate transitions will minimize the impact of the overall bulk of the building with abutting single unit dwellings.</p> <p>Section 3.10 of the draft development agreement requires that landscaping be provided around the proposed building.</p> <p>Section 3.6 of the draft development agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators. Section 4.15 of the draft development agreement requires that solid waste receptacles be located within the building.</p> <p>No open storage is enabled under the draft development agreement.</p>
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	The developer will need to abide with Section 5.1 of the draft development agreement, which deals with Erosion and Sedimentation and Grading Plans. Grading and stormwater management plans will be reviewed by HRM Development Engineering at the permit stage.
<i>(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).</i>	See policy outline above.

Regional Municipal Planning Strategy	
Policy	Staff Comment
<p>Policy G-14A</p> <p><i>In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including: (a) (b) (c) (d) (e) The Integrated Mobility Plan; Halifax Green Network Plan; HalifACT; Halifax's Inclusive Economic Strategy 2022-2027; and any other priority plan approved by Regional Council while this policy is in effect.</i></p>	<p>The Integrated Mobility Plan (IMP) guides investment in active transportation, transit, transportation demand management, goods movement and the roadway network in Halifax. One of the actions identified in the IMP is to study existing roads that are important for regional vehicle flow, transit, goods movement and active transportation (walking, rolling and cycling). The Portland Street/Cole Harbour Road corridor is one of these existing roads. Continuing on the direction of the IMP, the Rapid Transit Strategy identifies and designates Portland Street as a Transit Priority Corridor, where a variety of transit priority measures will be implemented along the corridor in addition transit supportive land use changes. Figure 37 of the Rapid Transit Study identifies the subject lands, and surrounding area, as a potential transit-oriented</p>

	community where dense development is encouraged to support transit ridership.
<p>Policy G-15</p> <p><i>In considering development agreement applications pursuant to the provisions of this Plan, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:</i></p> <p><i>(d) if applicable, the requirements of policies E-10, T-3, T-9, EC-14, CH-14 and CH-16.</i></p>	<p>Policies EC-14, CH-14 and CH-16 are not relevant to this site. Policies E-10, T-3, and T-9 are evaluated below.</p>
<p>Policy E-10</p> <p><i>The recommendations of the Urban Forest Master Plan, adopted in principle by HRM in September 2012, shall be considered in planning, programming and regulatory activities related to managing and enhancing the urban forest cover in HRM.</i></p>	<p>Applicant submissions provide no discussion of compliance or noncompliance with Urban Forest Master Plan. The proposal commits to maintaining existing trees on the subject site while providing new plantings. The development agreement requires that landscaping and tree planting conform to the Canadian Nursery Landscape Association's Canadian Nursery Stock Standard, and all landscape construction on the site shall conform to the Canadian Landscape Standard. Subject site is not in a Priority Urban Forest Neighbourhood</p>
<p>Policy T-3</p> <p><i>When preparing secondary planning strategies or negotiating development agreements, HRM shall consider:</i></p> <p><i>(a) protecting greenways from development that would disrupt the continuity of planned greenways;</i></p> <p><i>(b) requiring planned greenways to be built by developers to HRM standards when the land abutting them is developed; and</i></p> <p><i>(c) requiring new development be connected to, and provide access to, existing and planned greenways.</i></p>	<p>RMPS Map 3 – no greenways (planned or built) on or abutting the subject site.</p> <p>RMPS Map 4 – no parks or natural corridors on or abutting subject site.</p> <p>However, the landscaping (Section 3.10 of DA) will provide an area in the northeast of the site that is well designed and includes elements which will provide a complimentary amenity space for the residents adjacent to the municipal park.</p>
<p>Policy T-9</p> <p><i>HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies and shall strive to achieve the intent of this policy through land use by-law amendments, development agreements and capital investments.</i></p>	<p>The subject site is within the Urban Transit Service Boundary (RMPS Map 7). The proposed building is mixed-use and provides additional density along a Transit Priority Corridor.</p>

Attachment D: Summary of Public Engagement



HRM Planning Application Website



Signage Posted on the Site



Mailout to residents and property owners



Public Information Meeting

Information Sharing

Information on Case 23805 was shared through the HRM planning applications webpage, signage posted on the subject site, notices mailed to property owners within approximately 150 metres (500 feet) surrounding the proposed development, and a public information meeting held on March 29, 2022.

Public feedback was collected from the onset of the application and for several weeks after the information meeting. The following table outlines the various ways in which the public received information about the proposal and how popular each tool was:

Public Engagement Statistics:

Halifax.ca Planning Applications Website	
Number of unique website views up to May 4, 2022	1,436
Average time spent on the website (minutes: seconds)	4:59
Notices Mailed to Area Residents	
Number of notices mailed within notification area	121
Public Information Meeting	
Approximate number of Public Attendees	41
Direct Communication with the HRM Planner	
Number of calls received (unique callers)	3
Number of emails received from the public (unique email addresses)	19

Public Information Meeting

A public information meeting was held at the Woodlawn Public Library on March 29, 2022. Staff gave a presentation on the scope of the proposal including the planning process, what staff analysis in their evaluation, how the public can participate in the planning process, and various ways in which they can provide feedback on the proposal. Fathom Studios presented the details of their proposal and the technical studies submitted in support of the application. Members of the public were given the opportunity to offer their feedback and ask questions about the proposal after the presentations. The PowerPoint presentations were posted to the application webpage for anyone who was unable to attend the in-person event. A summary of the minutes of the meeting is provided below:



**Public Information Meeting
Case 23805**

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

**Tuesday, March 29, 2022
6:00 p.m.**

Woodlawn Public Library (31 Eisener Blvd, Dartmouth NS)

STAFF IN

ATTENDANCE: Dean MacDougall, Planner, Planner III, HRM Planning
Tara Couvrette, Planning Controller, HRM Planning
Reyhan Akyol, GIS Planning Intern
Cameron Robertson, Principal Planner, HRM Planning

ALSO IN

ATTENDANCE: Robert LeBlanc – Applicant, Fathom Studio
Roger Boychuck – Applicant, Fathom Studio
Clark Wilkins – Landowner, Developer
Tony Mancini (District 5) - Councillor for Harbourview – Burnside – Dartmouth East

PUBLIC IN

ATTENDANCE: Approximately: 41

1. Call to order and Introductions – Dean MacDougall, Planner

Case 23805: Application by Fathom Studio for a Rezoning and Development Agreement to allow a 7 storey multi-unit residential building with a small commercial space fronting Portland Street at PID 00242016 and 16 Carver Street, Dartmouth.

Mr. MacDougall introduced himself as the Planner and Facilitator guiding Fathom Studio's application through the planning process. They also introduced other staff members, and the presenter for this application. The area Councillor for District 6, Tony Mancini, was also in attendance.

2. Presentations

2a) Presentation by HRM Staff – Dean MacDougall

Mr. MacDougall's presentation included information on the following:

- (a) the purpose of the meeting including to share information and collect public feedback about the proposal - no decisions were made at this meeting;
- (b) the role of HRM staff through the planning process;
- (c) a brief description of the application including application history, application proposal, site context, proposal, planning policies & what a development agreement is;
- (d) and status of the application.

2b) Presentation by Robert LeBlanc & Roger Boychuck – Applicant

Mr. LeBlanc presented details about Fathom Studio's proposal including project location, context plan, site plan, building plans, building elevations and 3D views (renderings). Roger provided information on traffic and parking on the site.

3. Questions and Comments

Mr. MacDougall welcomed attendees to ask questions to staff and the presenters and provide their feedback, including what they liked and disliked about the proposal.

(1) Questions from attendees

(i) **Chrystal Young:**

Concerns with the TIS (Traffic Impact Statement) shows no significant impact on their St. and appreciates the divider that stops cut-through traffic from the commercial area, however the 76 parking spaces that are proposed for the underground parking will be directed solely in and out of Carver St. and adding 76 units will have a great impact on the already busy street. How will this not impact Carver St and the surrounding streets? Where will guests park – on the side streets. Concerned traffic is being downplayed for this area. Says turning left onto Carver St. from their house is near impossible because of people cutting through and the traffic they cause. Most people leaving that development will turn right and cause more impact on traffic on other side streets in the neighbourhood.

Roger Boychuck – Spoke to the traffic and the TIS (Traffic Impact Statement). Also stated the right in, right out to the commercial area that fronts on Portland St is to solve some of those issues.

(ii) **Barry Osmun:**

Stated Rob's team does great work which is second to none. Thinks this is a great location and fully supports this development. Believes this may help solve some of the housing issues within HRM. This would give seniors a place to live that is close to many amenities.

(iii) **Ryley Norman:**

Has concerns about losing greenspace, as there are very few greenspaces in the community, however on this space there is a great deal of littler. Doesn't feel this is a greenspace that has any animal habitat because of the state of it. It is an ideal location for development but is concerned about the size, 6-storyes, it is too big and is encroaching on properties close by this development. What is being done to preserve people's privacy other than the step backs on the building? Feels people may lose the ability to garden on their property because of this buildings, size, mass. Traffic – to say that this development will have a minimal impact on people's enjoyment of their properties is an understatement. What amenities are being provided in this development? Will these amenities be only for the residents of the development or could they also be shared with people in the neighbourhood? Will you be providing additional greenspace, potentially on the rooftop, to replace or replicate the landscape that is being destroyed? Will there be noise restrictions put in place?

Rob LeBlanc – spoke to greenspace and habitat loss, amenity space that will be offered to residents. There will be privacy fences on all boarding properties that will be at least 6 feet tall. The developer has also offered to plant trees on any neighbouring properties, if it was requested, for additional screening and reduced impacts. There will be noise restrictions put in place.

Dean MacDougall – they will also be required to meet all HRM noise restriction bylaws as well as having a construction management plan in place.

(iv) **Clarey Kempton:**

Would like to know about the excavation plan, will there be blasting? Is there a dedicated truck route for the excavation removal? What about the mitigation of dust and mud?

Dean MacDougall – explained that takes place later in the permitting stage through the construction management plan.

(v) **Steve Elliott:**

Has concerns about the shadows this development will cause. House will not get any direct sunlight from Sept. to mid March because of this development. They will not be able to garden anymore because of this. This will affect them and their neighbours negatively.

Rob LeBlanc – spoke to the shade study that was done on this development.

(vi) Genevieve Campbell (speaking on behalf of her daughter) - Edna Salame (daughter):

Has concerns about drainage on the property. This development is on the high end of elevation and their property is on the low end of the elevation. There is a streamlet that runs behind their property and this stream is not big enough to support the drainage and it overflows at times. The backyard will consistently be flooded if this is not corrected. Most of the year the yard is damp and right now it is muddy, with this development the yard will be muddy all year round because of the lack of sun due to the shade from this building. Where will the garbage be collected? There are 2 proposed connections to the trails on Landrace Park and would like to know if a high privacy fence could be installed to provide privacy to the residents on Cathy Cross Dr.

Dean MacDougall – with drainage – the developer needs to balance pre and post flow. The water that enters and leaves the property needs to be the exact same before and after development with a storm water management plan. As part of the development agreement the garbage receptacles will be placed inside the development. The developer is proposing to keep some landscaping and fences along neighbouring properties. The area of fencing that is being requested along municipal land; they will raise these concerns with the parkland planners.

(vii) Kim:

Wants to know where the compatibility is with the neighbourhood. Doesn't feel there is any compatibility. Will seniors be able to afford these apartments?

Dean MacDougall – Part of the planning process is the look at compatibility. The municipality doesn't regulate rent.

(viii) Martin:

Doesn't think the development is in the character of the neighbourhood. Feels that the address being on Portland St. is misleading. It is a Carver St. address not a Portland St address because most of the traffic will be from the residents of the building entering and existing on Carver St. which are all single-family homes and residential. Traffic is already terrible and extremely busy on the best of times. Feels the entrance and exit to the building should be on Portland St. not carver St.

(ix) Wendy Kirby:

Likes the residential feel of the area and is the reason they moved back to this area and feels this development will ruin that. Would like stop signs to be put in at the end of Carver and Day to make it a 3-waystop. Feels traffic is high already and this will make it worse. Will the lights at Portland ever allow for cars to come across onto Carver St.

Dean MacDougall – the street will remain as is.

Roger Boychuck – There will be no additional stop sign installed.

(x) Trudy Fong:

Finds it hard to see how this can go from an R-1 to something that is a throughfare that is going to turn into a 4-way intersection into a street that is already backed up. When trying to cross from Portland St. to Carver St. at the lights, while walking, people take their lives into their own hands because of the traffic. Doesn't feel this development coincides with the municipal plan. This will take us from a quite neighborhood to living in the middle of a traffic jam. Feels this will be destroying people's property values.

(xi) Audrey Farris:

Thinks this development is an excellent idea. Likes it proximity to the Superstore and other amenities.

(xii) Robert MacKenzie:

Would like to know about light pollution coming through is very large picture window. Against the project because of the residential feel and this is going to ruin that. They feel this development belongs across the street. The brook that runs all the way down to the ocean – is there any

protection of that runoff? Where is the sewer connection going to happen – on Carver or Portland St.? Carver St. will not be torn up?

Roger Boychuck – all connections will be made on Portland St. There shouldn't be any reason, as far as they can tell, to but into Carver St. other than to start the driveway. Spoke to storm water management. Also talked about elevation and lights and will look into it more in the detailed design of the development.

(xiii) Callom Thompson:

Worries about loss of privacy from balconies looking over his property. Will the property be regraded due to the difference in elevation through the property? What about storm water?

Roger Boychuck – There may be some regrading on the property but not much. As far as storm water you will not be worse off if anything you will be better off.

(xiv) Gregory Fong:

Doesn't feel this is a good corridor development for this area and it is impinging on a residential neighbourhood in an R-1 area. What designed modification could be done to mitigate the shading on residential properties? Traffic flow should go in and out of Portland St. not Carver St.. Stated if they are trying to encourage people to use transit there should be fewer parking spaces not a 1:1 ratio as there is now.

Dean MacDougall – They are confined to the property they own and that is what they must work within.

Roger Boychuck – explained why the driveway is where is it and traffic. Agrees with comments on parking spaces and transit but there is a balance that needs to be met.

(xv) Christine Marsh:

Traffic will increase with this development. People area always turning around in their driveway and it will only get worse with this.

Roger Boychuck – Traffic counts don't warrant updates to the road. Also spoke to shortcutting traffic.

(xvi) Hector Car:

10 years ago, there was a medical clinic proposed for this property, which would have worked better than this, and it didn't go through. Doesn't agree with this development going in here.

(xvii) Tony Young:

Where will the extra parking be, on the streets?

Dean MacDougall – there is enough parking for all units in this development.

(xviii) Cory:

Feels the park that is there is very neglected. If the land gets developed next to it and more people and residents are there the park will get more attention.

(xix) Nancy Elliott:

Stated the 2 schools in the area are over capacity now and will not be able to support additional children.

Dean MacDougall – advised that the application is provided to HRCE for review.

4. Closing Comments

Mr. MacDougall thanked everyone for their participation in the meeting.

5. Adjournment

The meeting adjourned at approximately 8:05 p.m.

Summary of Public Questions and Comments

HRM planning staff compiled all the public comments and questions provided to date. Broadly, these comments fell into five categories, summarized below:

Compatibility with surrounding area

- The height and scale of the building are of great concern and will have a negative impact on the established neighbourhood.
- This proposal doesn't fit the neighbourhood, which is made up of single unit dwellings (primarily bungalows).
- Out of character for the neighbourhood.
- A four-storey building would be more appropriate given other multi-unit buildings in mixed neighbourhoods close by.
- The proposal should be of a smaller scale - townhouses or a low-rise building.

Traffic Safety

- Valleyfield/Day/Woodlawn intersection can't handle this additional traffic.
- This proposal will increase traffic on an already stressed street.
- Concerned the driveway will act as street, thereby creating what will feel like a 4 way intersection with it, Carver, and Elizabeth.
- This development is pushing multi-unit traffic to low density residential side street
- This is already an unsafe street/area and with the increase of traffic from this building safety will be further decreased.
- Portland, Carver, and Eisener Blvd. is an unsafe intersection now – this will only make it worse.
- Portland Street, this section specifically, is over capacity and development should be on hold until the problem is fixed.
- Existing street parking for existing residents will be gone
- The right in-right out off of Portland for such a small commercial space doesn't make sense and will be unsafe without proper deterrents in place
- There is too much parking for such a small commercial space.
- Active Transportation and Transit service is overexaggerated in study. Residents will drive cars.
- Concerns about the accuracy of the TIS with the on-going COVID-19 pandemic.
- Agree with subject experts that additional traffic would be insignificant and not make a noticeable impact.
- Carver is a street that is used like most - coming from one community to another - this building won't impact that.

Noise/Construction

- What mitigation efforts will be done during construction?
- Concerned about the years of nuisance with the blasting and construction
- Where will construction vehicles and their workers park during construction?
- What will be the truck routes during construction?
- Worried about the impact the construction could have on the park and its users.

Stormwater Impacts

- Concerns were raised about potential underground springs and potential impact this development could have on water flow.
- Currently there is significant overland drainage in this area due to nearby watercourse and concerns were raised on how this development will impact that water flow.
- Concerned about potential stormwater runoff onto neighbour's property due to increase of impermeable surfaces.
- Concerns were raised that shade made by the proposed building may not allow abutting lands to properly dry.

Landscaping & Buffers

- The buffer/landscaping to adjacent properties is significantly lacking and inadequate.
- Too much surface parking lot – especially for commercial space. Should be reduced and additional landscaped space provided instead.
- The back portion of the site abutting the park is an improvement and enhances the area.

Other

- This provides options to those living in the area to downsize but not leave the neighbourhood.
- Would not have bought in area if it was known a multiple unit building could go here.
- Concerns about potential loss in home value
- More housing is needed and this a good spot for that housing.
- This building will result in a loss of privacy for abutting properties
- 16 Carver should be removed from the proposal and the property/building utilize Portland Street only
- Concerned that garbage and collection bins will be located close to abutting properties.
- Shadow and shade created by this building will negatively impact abutting properties and the municipal park.
- Yes, some abutting properties will be impacted but let's not forget the families and individuals who will benefit from this new development and the new housing options.
- This is a great location for an apartment as grocery and pharmacy are minutes away and there is transit at the front door.