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**Item No. 11.2.1**  
**Halifax Regional Council**  
**December 1, 2020**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
for Erica Armstrong, Chair, Design Review Committee

**DATE:** November 23, 2020

**SUBJECT:** **Amendments to the Design Review Committee's Terms of Reference -  
Section 4 of the Downtown Halifax Land Use By-law**

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**ORIGIN**

November 12, 2020 meeting of the Design Review Committee, Item No. 11.1.1.

**LEGISLATIVE AUTHORITY**

As per Section 13(d) of the Design Review Committee's Terms of Reference, *Downtown Halifax Land Use By-law*:

the Committee shall...

(d) advise Council on potential amendments to regulation and policy to carry out the role and responsibilities of the Committee or to further the intent of this By-law as may be required from time to time.

**RECOMMENDATION**

The Design Review Committee recommends that Halifax Regional Council request a staff report respecting amendments to the Design Review Committee's Terms of Reference in section 4 of the Downtown Halifax Land Use By-law with respect to the length of terms for members and to consider the possibility of automatically renewing terms for a one or two year period.

## **BACKGROUND**

The composition of the Design Review Committee, including the nature and length of membership appointments, are set out in section 4(2) of the *Downtown Halifax Land Use By-Law*.

**Section 4 (2)** The Committee shall consist of not more than 12 members, who shall be appointed by Council in accordance with the following:

...

- (b) with the exception noted in clause (c) (**RC-Dec 13/11; E-Mar 3/12**), only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, city planning, structural engineering or a similar field shall be eligible as members of the Committee;
- (c) where possible, the Committee shall be comprised of 4 architects, 2 landscape architects, 1 city planner or urban designer, 1 structural engineer, 1 professional at large from the above referenced professions, and 3 residents at large;
- (d) where possible, at least one member with professional expertise in architecture should be an accredited professional in sustainable building design and construction.;
- (e) with the exception of the resident at large **members (RC-Dec 13/11; E-Mar 3/12)**, members of the Committee must hold a professional degree in their respective fields;
- (f) members of the Committee shall be appointed by Council for a period of two years with the exception of the original appointments by Council where five of the members shall be appointed for a period of one year;
- (g) a member of the Committee shall be eligible for re-appointment...

*The Public Appointment Policy* applies to HRM's citizen appointments to HRM Boards and Committees and the appointment of members.

### **Section 1.7 Variation from Policy**

This document articulates the general policy applicable to the appointment process. Council may, at its discretion, provide more specific direction or variance from time to time as Council sees fit.

## **Section 3 TERMS AND LENGTH OF SERVICE**

### **3.1 Terms of appointment**

A set term will be established for each ABC. In general the term will be for two (2) years, coincident with the term of the Council that appoints the members or until a successor is appointed. Exceptions are noted below:

Despite the term of appointment, all citizens are appointed at the pleasure of Council and Council retains the right to replace any appointed member at any time and for any reason.

The Council document appointing citizen members shall state the name of the appointee, the board or committee (ABCs), the term of the appointment and the fact that they have been appointed at the pleasure of Council.

### **3.2 Limits on Length of Service**

Acknowledging the value of experience and the need for continuity, incumbents who are eligible and willing to seek reappointment may apply for a subsequent term.

When reapplying for reappointments incumbents must complete an application form as provided by the Office of the Municipal Clerk.

HRM also recognizes the importance of engaging as many residents as possible and infusing new ideas and perspectives from time to time.

To facilitate this length of service for any citizen is two (2) consecutive term on the same Board or Committee (ABC). Exceptions are noted below.

### **3.7 Reappointments when Maximum Service Reached**

To ensure healthy turnover effort should be made to achieve a balance between new members and those with experience serving on the Board (ABC).

Subject to the exemptions noted below, incumbents who reapply for appointment beyond the stated maximum length of service on the same board will be deemed ineligible. Their applications can only be considered under special circumstances such as an insufficient number of applications having been received

- a) From eligible and qualified applicants, or
- b) From incumbents who are eligible to be reappointed, and thereby
- c) The board (ABC) would suffer from a lack of continuity if all members are replaced at once.

Any recommendation to reappoint an incumbent who has reached their sunset date shall identify those special circumstances and recommend to Council a waiver of the limit on length of service.

## **DISCUSSION**

The Chair of the Design Review Committee (DRC) included Item 11.1.1 - DRC Terms of Reference to the agenda of the November 12, 2020 meeting of the DRC to canvass the opinions of members about how to ensure the continuity of experience in the DRC membership and succession planning for future members.

The Design Review Committee discussed several concerns:

- A need to leave the DRC stronger when a member completes their term.
- Desires that the DRC and their decisions leave a positive impact on HRM.
- Concerns that the current two year term with an option for reappointment upon reapplication do not provide members sufficient opportunity to develop experience with the application of the *Downtown Halifax Land Use By-law* (DHLUB) in the review of Site Plan Approval (SPA) applications. These concerns are because there are lengthy periods of time when there are no SPA applications for the DRC to consider. These long breaks during a member's tenure can result in them not gaining sufficient experience with the DHLUB before they may need to take on a leadership role when more senior members leave the DRC at the end of their term or are not reappointed to the DRC.
- Desires for more membership continuity so members can better understand the SPA application approval process and the various complex elements of the DHLUB.
- Concerns that experience as Chair or Vice Chair of a committee should be considered by HRM staff and Members of Halifax Regional Council during the Board and Committee recruitment process to allow for continuity on the DRC.
- Concerns with high turnover in past and current DRC membership and that there is a limited pool for candidates in the HRM professional community. Especially as 9 of the DRC's 12 membership must possess professional expertise in the fields of architecture, landscape architecture, urban design, city planning, structural engineering or a similar field.

All of these concerns ground the DRC's recommendation to Halifax Regional Council that upon the expiration of a DRC's member's initial two year that they be provided the option to consider an automatic renewal of their term to serve an additional one or two year term. The Design Review Committee thinks this option would be as benefit to the DRC and HRM as it would allow members to gain experience with the application of the DHLUB and its Design Manual in the SPA application decision making process. As well, this experience would strengthen the DRC's decision-making process.

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

**RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report.

**COMMUNITY ENGAGEMENT**

The agenda, reports, and minutes of the Design Review Committee are posted on Halifax.ca.

**ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

**ALTERNATIVES**

The Design Review Committee did not discuss alternative recommendations.

**ATTACHMENTS**

**Attachment 1** – Section 4 of the Downtown Halifax Land Use By-law.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Andrea Lovasi-Wood, Legislative Assistant, 902.490.6732

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**Administration**

3(1) This By-law shall be administered by the Development Officer.

**Design Review Committee**

4(1) There is hereby created the Design Review Committee.

**Composition of the Committee**

- (2) The Committee shall consist of not more than 12 members, who shall be appointed by Council in accordance with the following:
- (a) residents of the Municipality who have applied to Council to act as members;
  - (b) with the exception noted in clause (c) (**RC-Dec 13/11;E-Mar 3/12**), only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, city planning, structural engineering or a similar field shall be eligible as members of the Committee;
  - (c) where possible, the Committee shall be comprised of 4 architects, 2 landscape architects, 1 city planner or urban designer, 1 structural engineer, 1 professional at large from the above referenced professions, and 3 residents at large;
  - (d) where possible, at least one member with professional expertise in architecture should be an accredited professional in sustainable building design and construction.;
  - (e) with the exception of the resident at large **members (RC-Dec 13/11;E-Mar 3/12)**, members of the Committee must hold a professional degree in their respective fields;
  - (f) members of the Committee shall be appointed by Council for a period of two years with the exception of the original appointments by Council where five of the members shall be appointed for a period of one year;
  - (g) a member of the Committee shall be eligible for re-appointment;
  - (h) a member of the Committee who is absent from three consecutive meetings of the Committee without cause shall be deemed to have resigned from the Committee; and
  - (i) should a vacancy occur on the Committee, for any reasons other than the expiration of the term of a member, Council shall, within 30 days of notification of a vacancy, appoint a person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the member in whose place he or she was appointed.

**Meetings**

- (3) The Committee shall meet once each month, which may be in the evening, or hold additional meetings at the request of the majority of the Committee members.
- (4) A quorum of the Committee is four (4) members.
- (5) Where the Chair and Vice-Chair are absent from a meeting the Committee shall elect an Acting Chair for that meeting.

- (6) The procedure of the Committee shall be governed, where not inconsistent with the *Halifax Regional Municipality Charter* or this By-law, by Administrative Order No. 1 Respecting the Procedures of the Council.
- (7) Meetings of the Committee are open to the public.

### **Chair and Vice-Chair**

- (8) The Committee shall, at its first meeting and annually thereafter, elect from the members, a Chair and a Vice-Chair for the ensuing year.
- (9) The Chair shall represent the Committee at Council or a committee of Council.
- (10) The Chair shall act as spokesperson for the Committee.
- (11) The duties of the Chair, in whole or in part, may be shared with or delegated to the Vice-Chair in order to carry out the role and responsibilities of the Committee.

### **Committee Role**

- (12) The Committee shall review:
  - (a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and
  - (b) wind impact assessments as per Schedule S-2 of this By-law.
- (13) The Committee shall:
  - (a) approve, approve with conditions, or deny an application for substantive site plan approval consistent with the requirements of the Design Manual;
  - (b) seek and consider the advice of the Heritage Advisory Committee on site plan applications on registered heritage properties or abutting registered heritage properties, and on applications within heritage conservation districts;
  - (c) advise the Development Officer on matters pertaining to bonus zoning in relation to substantive site plan approvals; and
  - (d) advise Council on potential amendments to regulation and policy to carry out the role and responsibilities of the Committee or to further the intent of this By-law as may be required from time to time.

### **Remuneration of Committee Members**

- (14) Each member of the Committee may receive an honorarium at a rate set by Council for each application for which he/she has actively participated in the decision to either approve or refuse. Each member of the Committee may also be reimbursed for any necessary expenses incurred while engaged in official duties, provided such expenses are approved by the Chief Administrative Officer in advance.

## **Appeal of Committee Decision**

- (15) A decision by the Committee to approve, approve with conditions, or deny a substantive site plan approval may be appealed to Council in accordance with the *Halifax Regional Municipality Charter*.