



P.O. Box 1749
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Item No. 9.1.3
Design Review Committee
December 1, 2021

Executive Standing Committee
November 22, 2021

TO: Mayor Savage and Members of the Executive Standing Committee

SUBMITTED BY: - Original signed -

John Traves, Q.C., Executive Director of Legal & Legislative Services

- Original signed -

Jacques Dubé, Chief Administrative Officer

DATE: October 19, 2021

SUBJECT: **Amendment to the Design Review Committee Terms of Reference –
Section 4 of the Downtown Halifax Land Use Bylaw**

ORIGIN

January 25, 2021 Executive Standing Committee motion (Item No. 12.3.1):

MOVED by Councillor Mason, seconded by Deputy Mayor Outhit

THAT the Executive Standing Committee 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.

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

Administrative Order One, *The Procedures of the Council Administrative Order*, Schedule 6, states:

4. The Executive Standing Committee shall act as the Membership Selection Committee of the Council with a mandate to function as the nomination committee for appointment to Boards and Committees, including at large nomination to Standing Committees, except as delegated to other Standing Committees by the Council; and

RECOMMENDATIONS ON PAGE 2

9. The Executive Standing Committee shall:

- ...
(b) perform other Administrative matters as may be determined and directed by the Council...

The *Downtown Halifax Land Use By-law*, subsection 4 (13) states

4 (13) 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 FOR EXECUTIVE STANDING COMMITTEE

It is recommended that Executive Standing Committee recommend that Halifax Regional Council adopt the amendments to the *Land Use By-law for Downtown Halifax* as set out in Attachment 2 of this report.

RECOMMENDATION FOR DESIGN REVIEW COMMITTEE

It is recommended that Design Review Committee recommend that Halifax Regional Council adopt the amendments to the *Land Use By-law for Downtown Halifax* as set out in Attachment 2 of this report.

BACKGROUND

The membership of the Design Review Committee is set out in subsection 4 (2) of the *Land Use By-law for Downtown Halifax*¹.

On December 1, 2020 Regional Council received a recommendation report from the Design Review Committee dated November 23, 2020 and referred the matter to the Executive Standing Committee.

On January 25, 2021 the Executive Standing Committee received the recommendation report from the Design Review Committee dated November 23, 2020 and passed the motion outlined in the origin section of this report.

On October 26, 2021, Regional Council approved amendments to the *Secondary Municipality Strategy and Land Use By-law for Downtown Halifax* as part of the Centre Plan Package B planning process. These amendments incorporate the majority of the Downtown Halifax Plan into the Regional Centre Plan area, except for the Barrington Street and the Old South Suburb Heritage Conservation Districts (HCDs) and five additional development sites. These amendments maintain all provisions concerning the Design Review Committee, which will continue to be responsible for considering site plan approval applications for the lands remaining in the Downtown Halifax Plan area.

DISCUSSION

The November 23, 2020 Design Review Committee report² identified concerns regarding committee continuity resulting from gaps of time where there are no site plan approval applications for the Committee

¹ See [Downtown Halifax Land Use Bylaw](#)

² See [Executive Standing Committee, January 25, 2021 – Item No. 12.3.1](#)

to consider. There is a learning curve for new Committee members who receive orientation and training on the intention of the *Downtown Halifax Land Use By-law*, including the Design Manual, and the site plan approval process. The Committee has observed that because of these periods, new members with minimal practical experience evaluating site plan applications are often the most senior members and are being asked to take on leadership roles. The Committee has also identified concerns with turnover in past and current membership, and that there is a limited pool for candidates in the HRM professional community.

It should also be noted that the Committee's responsibilities are expected to be reduced upon the approval of the Centre Plan – Package B. Committee reviews of site plan approvals will be mainly limited to the Barrington Street Heritage Conservation District and the Old South Suburb Heritage Conservation District. This will likely result in a reduction in site plan application reviews and increase the time between reviews.

The Committee has proposed automatically renewing member terms for a period of one or two additional years. Staff are recommending that the Terms of Reference be amended to increase the length of all committee member terms to three years. This would be phased in during the next round of appointments to the Committee. This is consistent with the *Public Appointment Policy*.

FINANCIAL IMPLICATIONS

No financial implications at this time.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. The proposed amendment to the Downtown Halifax LUB may be considered under existing SMPS policies. Regional Council has the discretion to make decisions that are consistent with the SMPS, 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 are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

No community engagement was required.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

The Executive Standing Committee or the Design Review Committee could choose to recommend that Halifax Regional Council:

1. Defeat the staff recommendation to adopt 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, as set out in Attachment 2 of this report. This will result in status quo to the terms of membership on the Design Review Committee.
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2. Request amendments to the Design Review Committee's Terms of Reference in section 4 of the Downtown Halifax Land Use By-law that are different to the recommended amendments to address specific issues. This may require a supplementary report to address additional amendments.

ATTACHMENTS

Attachment 1 – Proposed Changes to the Land Use By-law for Downtown Halifax

Attachment 2 – Amendments to the Land Use By-law for Downtown Halifax

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jill McGillicuddy, Legislative Assistant, 902.483.2810

ATTACHMENT 1

(Showing proposed Changes to the *Land Use By-law for Downtown Halifax*)

- 4 (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), 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, members of the Committee must hold a professional degree in their respective fields;
 - (f) **subject to subsection 2A**, 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.
- (2A) Members of the Committee appointed after the coming in force of this subsection shall be appointed by Council for a period of three years.**
- (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.

ATTACHMENT 2

AMENDMENTS TO THE LAND USE BY-LAW FOR DOWNTOWN HALIFAX

BE IT ENACTED by the Council of the Halifax Regional Municipality that the *Land Use By-law for Downtown Halifax* is hereby amended as follows:

1. Clause 4(2)(f) is amended by adding the words and comma “subject to subsection 2A,” at the beginning of the clause.
2. Subsection 4(2A) is added after subsection 4(2) and before subsection 4(3), as follows:
 - (2A) Members of the Committee appointed after the coming in force of this subsection shall be appointed by Council for a period of three years.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk