



**DESIGN REVIEW COMMITTEE
MEETING MINUTES
MAY 8, 2014**

PRESENT: Ramzi Kawar, Chair
Kourosh Rad, Vice-Chair
Roy McBride
Mary Black
Sue Sirrs
Andy Fillmore
Steve Murphy
Noel Fowler
Kevin Conley
Louis Lemoine

REGRETS: Cesar Saleh
Anne Sinclair
Noel Fowler

STAFF: Richard Harvey, Major Projects Planner
Sherryll Murphy, Deputy Clerk
Jane Crosby, Legislative Support

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

The agenda, supporting documents, and information items circulated to the Board are available online: <http://www.halifax.ca/boardscom/DesignReviewCommittee-HRM.html>

The meeting was called to order at 6:02 p.m., and the Committee adjourned at 7:14 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m. in Halifax Hall, City Hall, 1841 Argyle Street.

2. APPROVAL OF THE MINUTES – April 10, 2014

In reference to page 5, Ms. Sirrs noted that the fourth sentence in the fifth paragraph should read:

“Mr. Jonson indicated that they would be metal panels without exposed fasteners.”

In reference to page 6, Ms. Sirrs noted that the third paragraph should read:

“Ms. Sirrs commented that the current landscape plan for the roof is very well done. She added that it would be important to know where rooftop mechanical units would be required and how it would be incorporated with the current landscape plan. Mr. Johnston responded that ideally they would like to have the mechanical equipment in the basement.”

MOVED by Mr. McBride, seconded by Mr. Rad, that the minutes of April 10, 2014 be approved as amended.

MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Mr. Fillmore, seconded by Ms. Sirrs, that the agenda be approved as circulated.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - None

5. CONSIDERATION OF DEFERRED BUSINESS – None

6. CORRESPONDENCE, PETITIONS & DELEGATIONS – None

7. REPORTS/DISCUSSION

7.1. **Case 19171 – Amendments to the Downtown Halifax MPS and an Existing Development Agreement to Permit an Extension to the Commencement and Completion Requirements for a 16 Storey Building at 1593 Barrington Street, Halifax.**

The following was before the Committee:

- *A staff recommendation/information report dated April 23, 2014*
- *A map of zoning and notification, proposed amendments to the DHSMPS, proposed amendments to the existing development agreement, and correspondence received with regards to this case.*

Mr. Richard Harvey, Major Projects Planner HRM, introduced the case to the Committee noting that the application is to amend the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and to amend an existing development agreement in order to prolong the requirements for the commencement and completion of a 16 storey building. He noted that the role of the Committee is not only to consider site plan approvals, but also to consider amendments to the DHSMPS and provide recommendations to Regional Council on such amendments.

Mr. Harvey provided the Committee with background information on the case. It was noted that Regional Council has already approved the site plan and there are no requested changes to that site plan. Mr. Harvey indicated that the site plan involves adding an addition above the existing three storey building.

Mr. Harvey explained that there were four development agreement applications in play at the time when Council was considering the DHSMPS in 2009. These four applications were considered in advance of the adoption of the new planning process due to the recognition of the investment that had been made in submitting these applications. Mr. Harvey noted that it was specified in the DHSMPS that these four applications would need to commence within three years and be completed within six years from the date of execution of the development agreements as Council was concerned about extending any long term rights for projects.

Mr. Harvey explained that 1593 Barrington is one of the four applications. He added that two of the other applications are now complete, and the Roy Building is the other application which is currently under construction. For 1593 Barrington Street, there is a requirement that construction must commence by July 20, 2014 and must be completed by July 20, 2017. However, the Discovery Centre, which is the current tenant of this site, is wishing to stay in the building for up to two years. Therefore the current application by the owner is to allow a two year extension to the commencement and completion date requirements that exist in the development agreement.

Mr. Harvey indicated that the Discovery Centre has investigated other options; however the costs for these options are too high. A two year extension would allow them to stay at their current site until their new location on the Halifax waterfront is ready. The Developer for 1593 Barrington Street finds this reasonable but only if there is an extension granted.

Mr. Harvey presented the Committee with the various options for Regional Council and reviewed the staff recommendation. Mr. Harvey further noted that staff is proposing a change to Parts 1 and 3 of the staff recommendation in order to provide clarity, as shown below in bold:

1. Give First Reading and schedule a public hearing to consider adopting the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy, contained in Attachment A, **with the replacement to the reference to '90D' with '90C, and opting out of section 8.6.1**, in order to enable an extension to the commencement and completion requirements for a 16 storey building at 1593 Barrington Street, Halifax.
3. Adopt the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy, contained in Attachment A, **with the replacement to the reference to '90D' with '90C, and opting out of section 8.6.1**.

Mr. Fillmore asked for Mr. Harvey to provide an explanation of the amendment to section 8.6.1. Mr. Harvey explained that this section refers to instances in which Council has specified it will consider amendments. This includes five year reviews, annual reviews, unforeseen circumstances and proposals that offer benefit to HRM. The Chair asked what would be the advantages to opting out of 8.6.1. Mr. Harvey explained that it provides clarity that this instance is not necessarily a situation of a five year review, annual review, benefit or unforeseen circumstance.

Mr. Lemoine sought clarification on the required amendment to the Municipal Planning Strategy. Mr. Harvey responded that this is an amendment to the strategy to provide an exemption for this project and also a corresponding amendment to the existing Development Agreement. Members expressed concern that this particular project has been or is to be treated differently than others that have been grandfathered.

Ms. Sirrs asked Mr. Harvey what the scenario would be if the amendments and changes are not made. Mr. Harvey explained that should the amendments and changes not occur, then the Discovery Centre would likely vacate the premises and the developer would exercise the Development Agreement. Mr. Harvey added that Regional Council has recognized the importance of the Discovery Centre.

Mr. Lemoine asked why the Discovery Centre and the owner have waited so long for this application. Mr. Harvey noted that he had no information in this regard could only speak to the application before the Committee. The Committee entered into discussion with regards to the

application and the various options for the site and the Discovery Centre and the following motion was put:

MOVED by Mr. Fillmore, seconded by Mr. McBride that the Design Review Committee recommends that Halifax Regional Council:

1. Give First Reading and schedule a public hearing to consider adopting the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy, contained in Attachment A, with the replacement to the reference to '90D' with '90C, and opting out of section 8.6.1, in order to enable an extension to the commencement and completion requirements for a 16 storey building at 1593 Barrington Street, Halifax.
2. Move Notice of Motion to consider the proposed amending development agreement as contained in Attachment B to permit an extension to the commencement and completion requirements for a 16 storey building at 1593 Barrington Street, Halifax and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.
3. Adopt the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy, contained in Attachment A, with the replacement to the reference to '90D' with '90C, and opting out of section 8.6.1.

Contingent upon the amendments to the Downtown Halifax Municipal Planning Strategy being approved by Regional Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Halifax Regional Council:

4. Approve the proposed amending development agreement as contained in Attachment B.
5. Require that the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Regional Council on request of the property owner, from the date of final approval by Regional 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.

A brief discussion ensued with a number of members indicating they were in favour of the proposed amendment, however, with some hesitation on the basis of fairness.

Mr. Rad asked for clarification on the completion dates for construction noted in the Development Agreement. The Chair then asked if the property could be sold and Mr. Harvey responded that someone else could potentially purchase the property but the Development Agreement would run with the land.

The Committee discussed the possibility of further extensions to the Development Agreement and several members indicated that they would not like to see this agreement be extended beyond what is currently being requested.

The Chair indicated that the Committee would have to approach this case with the information given to them and advised that Committee members avoid speculation. He added that, from a business perspective, Committee members would need to establish a relationship with the material in front of them regarding this particular case.

The Chair called for the question on the motion.

MOVED by Mr. Fillmore, seconded by Mr. McBride that the Design Review Committee recommends that Halifax Regional Council:

1. Give First Reading and schedule a public hearing to consider adopting the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy, contained in Attachment A, with the replacement to the reference to '90D' with '90C, and opting out of section 8.6.1, in order to enable an extension to the commencement and completion requirements for a 16 storey building at 1593 Barrington Street, Halifax.
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Contingent upon the amendments to the Downtown Halifax Municipal Planning Strategy being approved by Regional Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Halifax Regional Council:

4. Approve the proposed amending development agreement as contained in Attachment B.
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MOTION PUT AND PASSED.

Mr. Fillmore commented that this meeting's recommendation to Halifax Regional Council was a difficult decision and the case before them was rather ambiguous. Several committee members agreed and expressed frustration with not having mechanisms to apply conditions on the ability to grant extensions. Mr. Fillmore added that Halifax Regional Council should be encouraged to apply conditions on the extension. The Committee discussed this concern and, in addition to the above recommendation, the following motion was put:

MOVED by Mr. Fillmore, seconded by Mr. Lemoine that the DRC recommends that Halifax Regional Council not grant any further extensions to the existing development agreement beyond this extension regardless of ownership or tenancy.

MOTION PUT AND PASSED.

- 8. ADDED ITEMS - None**
- 9. DATE OF NEXT MEETING – June 12, 2014, 6:00 pm, Halifax Hall, City Hall, 1841 Argyle Street.**
- 10. ADJOURNMENT**

The meeting adjourned at 7:14 p.m.

Jane Crosby
Legislative Support

INFORMATION ITEMS-None
