



**DESIGN REVIEW COMMITTEE
MEETING MINUTES
September 10, 2015**

PRESENT: Kourosh Rad, Chair
Steve Murphy, Vice Chair
Rick Buhr
Kevin Conley
Catherine Courtney
Jared Dalziel
Rob LeBlanc
Louis Lemoine
Malcolm Pinto
Anna Sampson

REGRETS: Noel Fowler

STAFF: Richard Harvey, Major Projects Planner
Luc Ouellet, Senior Planner
Andrew Reid, Legislative Assistant
Cailin MacDonald, 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 Committee are available online: <http://www.halifax.ca/boardscom/drc/150910DRCAgenda.php>

The meeting was called to order at 4:05 p.m. and adjourned at 6:24 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 4:05 p.m.

2. APPROVAL OF MINUTES – August 13, 2015

MOVED by Mr. Lemoine, seconded by Mr. Buhr

THAT the minutes of August 13, 2015 be approved as distributed. MOTION PUT AND PASSED.

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

The agenda was accepted as distributed.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CONSIDERATION OF DEFERRED BUSINESS – NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS

6.1 Correspondence

6.2 Petitions

6.3 Presentation

7. REPORTS

7.1 STAFF

7.1.1 Overview of the Built-form Requirements of the Land Use By-law and Design Manual

The Chair invited Mr. Richard Harvey, Major Projects Planner, to give a presentation on the built-form requirements of the Land Use By-law and Design Manual to the Committee.

Mr. Harvey began by sharing that staff ensures that proposed buildings are built within the design requirements and that the Committee's role is to consider the building's materials, how the building addresses the street as well as variances or modifications to the built-form requirements. Mr. Harvey continued by showing the Committee a typical city block and outlined the requirements that apply to central blocks compared to those that apply to non-central blocks. He noted that the primary differences relate to setback requirements.

Mr. Harvey commented that there are two height parameters within the Downtown including pre-bonus and post-bonus heights. He added that there can be approximately 30 to 50 per cent difference between the pre- and post-bonus heights. He also stated that buildings cannot exceed these height parameters other than minor changes allowed for in the Land Use By-Law.

Mr. Harvey went on to discuss street wall placement which is where a building sits in relation to its property boundaries. He noted that each block is given a symbol indicating the prescribed distance between a building and its street line, and outlined the three measurements ranging from 0-1.5 metres, 0-4 metres or +4 metres, based on the characteristics of the block. He added that on the ground plane, or interior lot line, there are no setback requirements.

Mr. Harvey shared that buildings may be a minimum height of 11 metres and a maximum height of 21.5 metres. He continued by stating that the interface of a building should be of an appropriate scale that is pedestrian friendly and noted that for non-central blocks as a building increases stepbacks (the distance from the streetwall) and setbacks (distance from interior property lines) may vary. Mr. Harvey continued to describe the stepback and setback requirements for non-central and central blocks.

Mr. Buhr asked whether balconies, cornices and other features needed to be accounted for in these measurements. Mr. Harvey responded that these types of features are given special allowances and commented on balconies as an example.

Mr. Harvey described that the rationale for regulating the widths for portions of high-rise buildings is to ensure that the Downtown does not end up with extremely wide buildings. He continued by describing the allowances when building a penthouse as well as applications for density bonuses and the options outlined in the Land Use By-law.

Mr. Harvey commented on the minimum floor heights as well as the different separation distances that may apply. He continued to describe the built-form requirements as a framework in the Land Use By-Law and noted that the Committee may encounter applications with variances on these built-form requirements. Furthermore, he stated that the Committee will be required to evaluate these variances by looking at the criteria as outlined in the Design Manual to determine whether a particular variance should be approved.

Mr. Murphy arrived to the meeting at 4:24 p.m.

The Chair thanked Mr. Harvey for his presentation and opened the floor to questions and comments from the Committee.

Mr. Buhr inquired about the application of view planes. Mr. Harvey responded that the view planes from Citadel Hill regulate building heights and indicated that there are maximum height requirements opposite of landmarks.

The Chair asked whether Mr. Harvey could make this presentation available to the Committee via email. He also commented that he hoped that this discussion would continue to bring further clarity to the Committee's role throughout the application process as well as elements not addressed in the Design Manual.

Mr. LeBlanc noted that it was important to remember that the Committee's role relates to the outer envelope of a building and he referenced the last slide in Mr. Harvey's presentation which illustrated this distinct area. Mr. Harvey echoed Mr. LeBlanc's comments, emphasizing that as long as a building was within the set parameters then it would meet the requirements. Mr. Buhr inquired whether the Committee could question design components prior to the formal application. Mr. Harvey responded that the Committee is encouraged to be critical of design elements at this stage. The Chair inquired that in cases of an appeal of the Committee's decision to Council, is Council required to review the application according to the Design Manual guidelines. Mr. Harvey responded that Council is required to follow the same guidelines.

The Chair asked whether the Committee had any further questions, and hearing none, he thanked Mr. Harvey for his presentation.

Mr. Pinto arrived to the meeting at 4:30 p.m.

7.1.2 Five-year review of the Downtown Halifax Plan and Introduction to Proposed Amendments to the Land Use By-Law

The following was before the Committee:

- Downtown Halifax Five-Year Review Memorandum

- Proposed Changes to the Downtown Halifax Land Use By-law presentation to the Design Review Committee, September 10, 2015
- Downtown Halifax Land Use By-Law (Draft Version)

A copy of the presentation is on file.

The Chair invited Mr. Luc Ouellet, Senior Planner with the Municipality, to present the proposed changes to the Downtown Halifax Land Use By-law (Land Use By-law).

Mr. Ouellet began by reviewing the Memorandum that was presented to the Committee. He stated that staff has been working diligently on this project for the past 16 months and that they have been making note of issues and concerns from developers and the community on an ongoing basis for consideration during this review. He went on to state that throughout this review process staff has been conducting consultations internally with various departments, including Transportation and Public Works and Legal Services, to identify issues and to devise potential solutions.

Mr. Ouellet shared that while there have been three annual reviews of the planning documents undertaken since the Plan and Land Use By-law came into effect, this five-year review is mandated under Policy 88 of the Plan and is more substantive in nature. He also outlined that there are some projects that have been identified as out of scope including, the Old South Suburb Heritage Conservation District Project, the Schmidville Heritage Conservation District Project, and the potential dismantling of the Cogswell Interchange. He continued that once this review process is completed further amendments related to these projects will be incorporated to the Land Use By-law as required. Furthermore, Mr. Ouellet shared that there is a planned public meeting on September 23, 2015 and that since February 2015 staff have consulted with eight stakeholder groups out of an identified ten. He also shared that the remaining groups include members of the development community as well as design professionals.

Mr. Ouellet asked whether the Committee had questions at this stage of the presentation. The Chair inquired about the review process and at what stage the Committee would be recommending or approving amendments. Mr. Ouellet responded that later in October 2015 feedback from the remaining public and stakeholder consultations will be incorporated into the Land Use By-law and it will be shared with the Committee to review and discuss in detail as well as make recommendations to Regional Council.

Mr. Ouellet invited the Committee to ask questions throughout his presentation. He shared that the format of the Land Use By-law has been changed to present information more clearly. Mr. Ouellet noted that it will now be organized by parts, sections, subsections, clauses and sub-clauses which will be more user-friendly, easier for readers to navigate as well as easier to make amendments.

Mr. Ouellet continued by stating that related provisions are now grouped together in a more logical way and that certain concepts are now introduced earlier in the document. He also shared that quite a few changes have been made to the definition section of the Land Use By-law. Mr. Ouellet explained that staff has removed definitions of words which no longer appear in the document, tweaked existing definitions to improve clarity, replaced existing definitions to reflect the language used in the *HRM Charter* as well as added new definitions.

Mr. Ouellet commented that three levels of approval are being recommended: exempt, level I substantive site plan approval and level II substantive site plan approval and that the term non-substantive would be removed. He noted that exempt projects generally included smaller projects which would be reviewed by staff and would not require a public engagement process. He outlined the types of projects which are currently considered exempt as well as those that would be considered newly exempt including signage. He also indicated that the Design Manual would be applied for heritage properties or buildings in a conservation district.

Mr. Ouellet continued by describing the types of projects which would be considered under level I substantive site plan approval including:

- New window and door openings or alterations to existing window and door openings abutting streetlines;
- Development that materially changes the external appearance of a building facing streetlines;
- Additions to an existing building if the additions have a gross floor area of less than or equal to 200 sq. m.; and
- Amendments to already approved level II substantive applications for site plan approval, as long as the amendments could have been considered under one of the above categories.

He indicated that the Committee may wish to comment on the measurements specified in this section. Mr. Ouellet continued to explain the proposed process for level I site plan approvals which would be processed entirely by staff. He shared that these applications would not require a public information and consultation which would help to reduce timelines from four months to one month. He also shared that these applications may still be referred to the Committee by the Development Officer and that in these instances the Committee would take the place of the Development Officer.

Mr. Ouellet went on to describe level II site plan approvals. He explained that these encompassed projects not listed as “exempt” or “level I substantive site plan approval” as well as any development that proposes the construction of a new elevated pedestrian walkway. Furthermore, he indicated that the level II site plan approval process would continue to have full Committee oversight, require a public information and consultation, and that the timeline would remain as four months.

Mr. Ouellet shared that a key consideration during this Downtown Halifax Five-Year Review was the Committee’s capacity in recognition that the long-term plan to expand this process to include downtown Dartmouth as well as the central plan area.

Mr. Ouellet indicated that the right to appeal decisions would continue to exist. He added that the proposed notification area is 30 metres from the project site for level I substantive site plan approval applications and 100 metres from the project site for level II substantive site plan approval applications.

Mr. Ouellet shared that the Committee membership criteria as been refocused to include design professionals with mandatory membership in their respective professional associations or institutes.

Mr. Ouellet commented that the Heritage Advisory Committee would no longer advise the Design Review Committee as sometimes this process made it difficult to meet statutory timelines. As well, he commented that legal services was concerned that the former was an improper process. Mr. Ouellet continued to explain this proposed change and noted that now applications involving heritage resources will be dealt with through two parallel, but independent processes.

Mr. Ouellet shared that the Land Use By-law will outline clearer public engagement processes which are only required for level II site plan approvals. He added that smaller projects, including level I site plan approval applications, would no longer require a public information and consultation process.

Mr. Ouellet shared that the term “variance” would be replaced by “modification” and noted that the term “variance” implied certain meanings under the *HRM Charter*. He went on to note that the term modification is more accurate in describing a modification of the built form requirement as well as stated that the Development Officer would have the ability to issue modifications under level I substantive site approval applications. Mr. Lemoine commented that variance is familiar term used amongst design professionals and within the design community. Mr. Ouellet responded that staff is open to the use of other terms if the Committee has recommendations and shared examples of how the term “variance” is defined according the *HRM Charter*. The Committee continued to discuss the implications of the term “variance” versus “modification” with staff.

Mr. Ouellet remarked that Landscaped Open Space is currently required to be provided on the site of projects supplying residential units and that this requirement applies to 3 of the 9 precincts. He continued that staff is proposing the removal of the Landscaped Open Space requirement in these precincts since it is no longer valid.

Mr. Ouellet stated that currently there is a requirement for all flat rooftops to be landscaped and noted that the proposed changes to this requirement will clearly outline the treatment expected for constructing a new or altering an existing flat rooftop. He added that the Land Use By-law would allow a reflective rooftop treatment for building rooftops equal to or exceeding 50 metres which is based on comments staff received from developers. Furthermore, he explained the landscaping requirements that were being proposed and stated that applications would be required to have a certified landscape plan prepared by a landscape architect. He added that these would involve sign-off from a landscape architect certifying that all landscaping has been completed according to the terms of the site plan approval prior to the first occupancy permit being issued. Mr. Ouellet also shared that developers would have the ability to submit security to obtain an occupancy permit prior to completion of landscaping, up to a 12 month delay, to give flexibility for timing of applications. As well, he commented that clearer design guidelines have been proposed on what is acceptable in terms of landscaping.

Mr. Lemoine asked whether there had been discussions about public art requirements. Mr. Ouellet responded that staff can discuss this opportunity with the public art administrator and noted that staff would like to see this as a requirement for municipal buildings. Mr. Lemoine continued that he would like to see all large projects mandated to set aside a percentage of their budget to public art. Mr. Ouellet explained that it would not be able to be a requirement at this time as it is not currently reflected in the *HRM Charter* and commented that staff can put in a request. The Committee continued to discuss with staff the importance of mandatory public art in municipal and non-municipal buildings.

Mr. Lemoine inquired about the inclusion of section 5.2 (e) of the Land Use By-Law since there was already a Heritage Advisory Committee. Mr. Ouellet responded that since some of the guidelines are heritage related it may be a benefit to have this expertise on the Committee, noting that future Committee applicants may receive higher scoring if their combined experience includes being a member of the Canadian Association of Heritage Professionals.

Mr. Ouellet went on to comment that further height exceptions are outlined in the Land Use By-law to account for elements like rooftop greenhouses. Mr. Dalziel inquired how these height exceptions related to viewplanes and Mr. Ouellet explained that viewplanes are always part of these considerations. Furthermore, he remarked that most elements allowed to exceed maximum height will be limited to a rooftop coverage of 30 per cent with no ability to apply for a modification.

Mr. Lemoine asked whether there was any language in regards to the screening of mechanical equipment and Mr. Ouellet responded that there currently is not. Mr. Lemoine inquired whether this language around renewable energy sources should be included in the section on public benefit and incentivized. Mr. Dalziel commented that if you move renewable energy sources into the public benefit category then this would likely always be chosen by developers as their public benefit option rather than seeking the other opportunities available.

Mr. Buhr inquired whether there had been discussion by staff about incorporating compact wind turbines into the Land Use By-law. Mr. Ouellet responded that it was something that staff could consider.

Mr. Ouellet shared that the new Land Use By-law will clearly articulate that urban agriculture uses are permitted throughout Downtown Halifax and that rooftop agriculture will be incentivized by allowing rooftop greenhouses to exceed the overall maximum rooftop coverage and height. He also shared with the Committee that staff had only looked at rooftop options for urban agriculture during this review given the amount of park space in the downtown. He noted that beekeeping will be permitted on rooftops as well, in accordance with the *Bee Industry Act*.

Mr. Ouellet went on to describe lot requirements and noted that generally buildings will not be allowed to be erected on lots that do not have frontage on a public street and acknowledged that waterfront property may not be easily connected to the roadway. However, he shared that the proposed amendments would enable more than one building on one lot or one building on multiple lots in the Institutional, Cultural and Open Space Zone (ICO Zone) or on lots containing registered heritage properties.

Mr. LeBlanc inquired about the frontage needed for an area like the Battle of the Atlantic space. Mr. Ouellet responded that this space would not require very much frontage. Mr. LeBlanc inquired whether waterfront kiosks would be included in the definition of building. Mr. Ouellet responded that the term “generally” has been incorporated into this requirement and that kiosks are an example that would not require street frontage.

Mr. Ouellet commented on the proposed changes to the built form requirement and stated that currently above the height of a streetwall and buildings located outside the Central Blocks have to be setback from interior lot lines by 10 per cent of the lot width or 5.5 metres, whichever is less. He mentioned that the 10 per cent was problematic since in some cases the impact on your neighbour may be extensive. He went on to describe that staff is proposing that a setback of 5.5 metres will be applied in all cases.

Mr. Ouellet continued that staff has introduced a minimum storey height of 3 metres and acknowledged that some of the streetwall heights may need to be adjusted to accommodate this height. Mr. Buhr commented that he was concerned that this would be considered a constraint and that ceiling heights would differ based on whether a building was commercial or residential. Mr. Jacob Ritchie, Urban Design Manager, responded that this requirement was based on feedback from the design community. The Committee continued to discuss with staff the implications of implementing a minimum storey height and what this measurement should be.

Mr. Ouellet shared that the new Land Use By-law will introduce a floor on demolition of registered heritage properties, where a density bonus is being sought. He continued by stating that there are five waterfront view corridors that are being protected. Mr. Ouellet shared that waterfront view corridors will be surveyed and mapped, noting that the Waterfront Development Corporation has helped with this process and brought clarity to this requirement. He commented that new built form requirements would treat corridors similar to streets. Mr. Ouellet shared that along the waterfront view corridor the proposed changes would now allow for architectural offices, multimedia firms and similar creative spaces to occupy the ground level as to not only be limited to restaurants and shops.

Mr. Ouellet remarked that for Precincts 1 and 4, Southern Waterfront and Lower Central Downtown, an 8 metre setback from Ordinary High Water Mark (OHWM) would be changed to an 8 metre setback from the waterside edge of the Harbourwalk, or the OHWM in the absence of a Harbourwalk, and that the maximum width of the eastern face of any building would be wider. He also commented that the allowable tower width would increase from 21.5 metres to 27.5 metres and that the maximum permitted depth would be reduced from 38.5 metres to 38 metres which would be similar to tower dimensions in Central Blocks.

Mr. Ouellet stated that staff has engaged a consultant to help make recommendations for incentive or bonus zoning as this has been a problematic area. The Chair inquired whether the proposed changes will require changes to the *HRM Charter*. Mr. Ouellet responded that the proposed changes will not require changes to the *HRM Charter*. Mr. Ouellet continued by stating that as part of the proposed changes the Development Officer or Chief Planner would be allowed to stand in the place of Council with respect to entering an incentive or bonus zoning agreement, noting that Council would commit the Municipality to an expenditure. The Chair asked whether other changes were being proposed to this area. Mr. Ouellet responded that there are a number of recommendations in the consultants' report like changing the number of public benefits to exclude parking and include daycares. The Chair inquired whether funds would be allocated to downtown projects, particularly as the area grows. Mr. Ouellet responded that staff is recommending that funds be kept in the downtown and possibly in the precinct it derived from. He also stated that staff is considering engaging the public to help create project lists which would be approved by Council as part of a five year plan and that developers may suggest projects on this list to allocate funds towards. Mr. Dalziel commented that staff may want to distinguish wording around how district funds are allocated. Mr. Ouellet responded that this was a consideration and that the consultant was asked to not to gear public benefits towards projects that the Municipality is already planning for. The Committee continued to discuss with staff public benefits as well as the implications for providing affordable housing.

Mr. Ouellet shared that additional flexibility has been incorporated when it comes to signage. He commented that menu-boxes will be added to the list of permitted signs not requiring a development permit and that traditional neon tubing will now be expressly permitted. Mr. Ouellet went on to state that projecting signs will be permitted to encroach up to 1 or 1.5 metres from a face curb or the nearest edge of a vehicular travelled way, instead of the current 3.1 metres since many of the sidewalks are wide enough to accommodate this new measure. He also shared that a business having frontage on more than one street will be allowed an additional projecting sign per secondary business frontage. Continuing, Mr. Ouellet remarked that some of the signage requirements will be tightened. The Committee continued to briefly discuss signage requirements with staff.

Mr. Ouellet described the proposed wind assessment performance standards, noting that the minimum height that triggers a wind assessment is proposed to be raised from 20 to 22 metres. He explained that this would reduce the financial burden for the developers of sites that have no ability to achieve a bonus zoning. Mr. LeBlanc commented that assessments should include qualitative and quantitative data at the pre-application level for buildings exceeding a certain height. Mr. Ouellet responded that staff is proposing that buildings of a certain scale require a full assessment. Mr. Harvey commented that a confident and definitive statement will be required of wind assessment study submissions so that staff and the Committee can appropriately assess its impact.

The Chair thanked Mr. Ouellet and staff for the presentation and opened the floor to questions and comments from the Committee.

The Chair expressed concerns about building applications under 2000 square metres no longer being reviewed the Committee. Staff responded that applications would still be reviewed according to the Land Use By-law and that there is still opportunity for the Development Officer to refer level I applications to the Design Review Committee. Furthermore, the Chair inquired whether the Committee could have a say in which applications it would review. Staff responded that timelines would not allow for this type of accommodation.

The Chair inquired about accessory buildings and structures being exempt and whether additional requirements were outlined in the Land Use By-law for these. Mr. Ouellet responded that currently there is not and that requirements only relate to setbacks.

Mr. LeBlanc commented that this review presented an opportune time to look at prominent visual terminus sites, for example Argyle Street. He also shared his concern for streetwall heights and the allowance for mid-rise or high-rise buildings to come right to the street and noted that language which addresses this existed in the Cogswell report. Staff agreed that this was an area to look at.

Mr. Conley commented that landscaping plans and renderings often include design elements that are not on their property and therefore would not necessarily be able to be executed. Staff acknowledged that this was sometimes evident particularly in renderings and advised that in these instances it is best to look at the plans rather than renderings to glean an accurate understanding of what is being proposed.

The Chair commented that the date of the next Committee seemed quite close to the public consultation. The Committee discussed the timelines for the approval of Land Use By-law with the Committee and the possibility of changing the next meeting date to accommodate these timelines.

7.2 COMMITTEE MEMBERS

8. ADDED ITEMS – NONE

9. DATE OF NEXT MEETING – October 8, 2015 beginning at 4:00 p.m.

10. ADJOURNMENT

The meeting adjourned at 6:24 p.m.

**Design Review Committee Minutes
September 10, 2015**

Cailin MacDonald
Legislative Support