

DESIGN REVIEW COMMITTEE
MINUTES

September 8, 2011

- PRESENT: Mr. Alan Parish, Chair
Mr. Terry Smith-Lamothe, Vice Chair
Mr. Ramzi Kawar
Mr. Roy McBride
Ms. Sue Sirrs
Ms. Suzanne Saul
Mr. William Hyde
Mr. Jeff Pinhey
Mr. Cesar Saleh
- REGRETS: Ms. Anne Sinclair
Mr. Nick Pryce
- STAFF: Ms. Kelly Denty, Supervisor, Planning Applications
Mr. Luc Ouellet, HRM Planner
Mr. Richard Harvey, Senior Planner, HRM
Mr. Austin French, Manager, Planning Services
Mr. Andy Fillmore, Project Manager, Urban Design
Ms. Julie Vandervoort, Legislative Support

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1. CALL TO ORDER

The meeting was called to order at 6:01 p.m. in Halifax Hall, 2nd Floor City Hall.

2. APPROVAL OF THE MINUTES

Mr. Kawar noted an error in the spelling of “albedo” on page 5 of the minutes.
MOVED by Mr. Saleh, seconded by Mr. Kawar, that the minutes of August 11, 2011, as amended, be approved. MOTION PUT AND PASSED.

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

The agenda, as distributed, was accepted.

3(a). Decision to Receive Correspondence from Mr. Pacey

The Chair informed the Committee members that following a conversation with the Deputy Clerk and based on his own reading of Administrative Order 1, it was his view that the Committee was obligated to receive correspondence such as Mr. Pacey had sent but the Committee was not obligated to allow presentations or to otherwise respond to the correspondence. The Chair noted that Mr. Pacey’s e-mails involved legal opinions and the HRM legal department had already responded to Mr. Pacey. The Chair further stated that Mr. Pacey’s correspondence in this case had not met the advance notice time requirement as set out in Administrative Order 1.

Mr. Saleh stated that with only one meeting a month, Committee members did not have time to deal with such correspondence, especially if legal matters were involved. He added that the DRC was not a public forum, and he was not comfortable with the potential for submissions to influence the Committee before an applicant has made a presentation. Mr. Pinhey stated he agreed with Mr. Saleh. (Mr. Price, who was not present, requested by e-mail, dated September 8, 2011, that his agreement with Mr. Saleh on this point be noted). The Chair concluded the discussion and called for a motion.

MOVED by Ms. Saul, seconded by Mr. Saleh that future correspondence addressed to the Design Review Committee will be received but not discussed during Committee meetings. MOTION PUT AND PASSED.

Mr. Hyde stated he was opposed to the motion; Mr. Smith-Lamothe abstained.

4. BUSINESS ARISING OUT OF THE MINUTES -- NONE

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 Case 16466: First Annual Review – Amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law (Phase 1 of 2)

A staff report dated July 21, 2011 was before the Committee. Mr. Luc Ouellet, HRM Planner, gave a presentation to the Committee on the proposed amendments and the staff recommendations. Mr. Ouellet responded to questions and provided clarification on the definitions of “flat roof”, landscaped open space, and drive-throughs in the downtown. Mr. Ouellet also explained proposed changes to temporary on-site construction uses (such as small offices and rock-crushing operations), aspects of non-conforming buildings, and the need to configure Clyde Street and former Halifax Infirmary site parking spaces in a flexible way. HRM staff Mr. Andy Fillmore, Mr. Austin French and Mr. Richard Harvey also responded to questions and provided additional details. After a brief discussion of each of the above proposals, the Committee made a series of motions.

**MOVED by Mr. Smith-Lamothe, seconded by Mr. Saleh that the Design Review Committee accept the proposed amendment to the Downtown Halifax Land Use By-law to define “flat roof” as not sloping greater than 1:10.
MOTION PUT AND PASSED.**

**MOVED by Mr. Saleh, seconded by Mr. Kawar that the Design Review Committee accept the proposed amendment to the Downtown Halifax Municipal Planning Strategy to prohibit drive-throughs in Downtown Halifax.
MOTION PUT AND PASSED.**

**MOVED by Mr. McBride, seconded by Mr. Saleh that the Design Review Committee accept the proposed amendments to the Downtown Halifax Municipal Planning Strategy and the Downtown Halifax Land Use By-law to provide additional flexibility to spread the parking requirement between the Clyde Street and the former Halifax Infirmary lots.
MOTION PUT AND PASSED.**

The Chair, the Vice-Chair and Mr. Kawar stated they were opposed to the above motion on parking, Ms. Saul abstained.

**MOVED by Mr. Smith-Lamothe, seconded by Mr. Saleh that the Design Review Committee accept the proposed addition of provisions to deal with temporary on-site construction uses.
MOTION PUT AND PASSED.**

MOVED by Mr. Saleh, seconded by Mr. Hyde that the Design Review Committee accept the proposed amendments to the Downtown Halifax Municipal Planning Strategy and the Downtown Halifax Land Use By-law to allow for the extension, enlargement, or alteration of non-conforming buildings in Downtown Halifax. MOTION PUT AND PASSED.

MOVED by Mr. Smith-Lamothe, seconded by Mr. Kavar that the Design Review Committee accept the proposed amendments to the Downtown Halifax Land Use By-law requirement for landscaped open space for Precinct 3 and Precinct 9 but not for Precinct 2. MOTION PUT AND PASSED.

Mr. Saleh retired from the meeting at 7:24 p.m. citing a previous commitment.

5.2 Memorandum – Case 17070, Pre-Application, TD Bank Building Expansion (Barrington/George/Granville Streets)

A staff memorandum dated July 26, 2011 was before the Committee and Mr. Eugene Pieczonka, representing the applicant, gave a presentation that provided photographs, site maps, and floor plans. He responded to questions and provided additional details on the streetwall design concept, the incorporation of the existing Macara-Barnstead building, the canopies and lighting, the signage, viewplanes, landscaped roof and rampart maximums.

The Committee thanked Mr. Pieczonka and made a decision to finalize its decision on the application under item 7.1 during this meeting. Mr. Pinhey excused himself from the decision-making process as he had a conflict of interest.

6. DELEGATIONS/PRESENTATIONS – NONE

7. REPORTS/DISCUSSION

7.1 Case 17186: Substantive Site Plan Approval – TD Bank Building

A staff report dated August 24, 2011 was before the Committee. Mr. Richard Harvey responded to questions from the Committee on the Design Review checklist including the proposed canopies, the streetwall height, the coordination of mechanical equipment, suitable materials for new work next to the heritage context of the Macara-Barnstead building, the requested variances, the set-back and the updated wind assessment. Mr. Harvey confirmed that the Committee did not have jurisdiction over the interior of buildings.

The Committee briefly examined the proposed public benefit in terms of improved energy use and sustainable building practices and concluded its discussion.

MOVED by Mr. Smith-Lamothe, seconded by Ms. Sirrs that the Design Review Committee:

- 1. Approve the qualitative elements of the substantive site plan approval application for the expansion and alterations to the TD Bank building and Macara-Barnstead building, including the variances being sought, as shown on the plans identified as Attachment A; and**
- 2. Recommend that the Development Officer accept the preservation of a heritage resource and the provision of exemplary sustainable building practices, as a public benefit, thereby allowing the proposed building to exceed the maximum pre-bonus height identified on Map 4 of the Downtown Halifax Land Use By-law.**

MOTION PUT AND PASSED.

8. ADDED ITEMS – NONE

9. DATE OF NEXT MEETING – October 13, 2011

10. ADJOURNMENT

Mr. Ouellet announced in closing that there was an upcoming public information meeting September 21, 2011 at the Citadel Inn that may be of interest to DRC members. The meeting adjourned at 8:57 p.m.

Julie Vandervoort
Legislative Support