

HALIFAX REGIONAL MUNICIPALITY

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DESIGN REVIEW COMMITTEE  
LUNCH AND LEARN NOTES

July 15, 2013

PRESENT: Terry Smith-Lamothe, Chair, Kevin Conley, Sue Sirrs, Suzanne Saul, Jeff Pinhey, Cesar Saleh, Anne Sinclair, Ramzi Kavar, Ann Wilkie, Roy McBride

REGRETS: William Hyde, Vice-Chair  
Mary Black

STAFF: Jane Cooper, Operations Manager, Development Approvals  
Kurt Pyle, Supervisor, Planning Applications  
Sara Knight, Solicitor, Legal Services  
Jennifer Weagle, Legislative Assistant

## **1. CALL TO ORDER**

The meeting commenced at approximately 12:00 p.m. in Duke Tower, 5251 Duke Street, Halifax. The Committee agreed that this is an opportunity for informal discussion regarding the role of the Committee and administrative and procedural matters. The Committee agreed not to discuss specific applications and it was suggested that members each take a few minutes to comment upon issues of concern relating to the Committee for discussion.

## **2. CONFLICT OF INTEREST**

A document entitled “Conflict of Interest for Members of the Design Review Committee” was circulated to the Committee and is available on file.

Ms. Sara Knight, Solicitor, Legal Services, reviewed the Conflict of Interest document with the Committee. Ms. Knight encouraged members to err on the side of caution when it comes to a potential conflict of interest. When in doubt, a member may contact the Clerk’s office to discuss the potential conflict with legal staff before a meeting, or at a meeting with the solicitor. She noted that not declaring a conflict may jeopardize the decision of the Committee and could form a foundation for a challenge of the decision of the Committee or Council.

## **3. GENERAL DISCUSSION**

At the request of Mr. Ramzi Kawar, Mr. Kurt Pyle, Supervisor, Planning Applications, explained that signage and lighting items have been removed from all drawings presented to the Committee because these are decisions to be made by the Development Officer, not the Committee.

Mr. Pyle and Ms. Jane Cooper, Operations Manager, Development Approvals, discussed the role of the Committee, noting that part of the mandate of the Committee is to ask questions of sustainability. With regard to an application, it is up to staff to impose the rules put forward by Council, and the role of the Committee to share their views on the design.

Members discussed the difficulty with keeping personal and professional opinions separate from the application of the design guidelines, and the difficulty with critiquing an application when the applicant/consultant is present.

Mr. Pyle noted that it is good to give detailed feedback at the pre-application stage, to allow an opportunity for applicants/architects to come up with solutions prior to submitting their application.

Mr. Kavar commented on the need for the media and architects to be educated in urban design principles. Members agreed that education is not the mandate of the Committee.

The Committee discussed the process of applications brought forward to the Committee for recommendation to Council, and the opportunity for the Committee to recommend revisions/requirements/stipulations. Ms. Cooper and Mr. Pyle commented that should the Committee wish to make a recommendation to improve an application, to put that forward as part of the recommendation and staff will determine whether that can be implemented. Ms. Cooper encouraged members to provide considered views to Council, including the “what and why” of recommendations so that the rationale for the recommendation is understood.

The Committee discussed encouraging developers to be more pro-active in coming to the Committee at the pre-application stage to provide feedback on an application before it goes to the public. Staff clarified that this process is currently voluntary.

Mr. Kavar inquired whether it would be appropriate for Committee members to attend a public information meeting (PIM) on an application that would come before the Committee. Ms. Knight indicated that attending a PIM to listen would be appropriate, although when it comes time for the Committee to make a recommendation on that application, the decision must be based on what is before the Committee at that time. Committee members must be cautious not to pre-judge an application.

Mr. Kavar inquired as to when staff respond to errors in the media? Staff indicated that it depends on the issue and how erroneous it is.

Ms. Knight excused herself from the meeting at this time.

Mr. Saleh noted that Committee members’ Design Manual, Guidelines, and Land Use By-law had not been updated since the Committee was formed. He noted that it is important for them to have the most up-to-date copies of this information. He also noted that the Committee has not received any training since it was formed, although there are several new members.

The Committee discussed terms of appointment of Committee members. The Legislative Assistant confirmed that terms are staggered, and reviewed the term expiration for each member, ending either in November 2013 or November 2014.

The Committee held a brief discussion on the landscape open space requirements in the Land Use By-law.

Ms. Anne Sinclair noted that the Committee needs time to prepare before considering an application, including time to read the reports. Mr. Smith-Lamothe encouraged members to visit the site before the meeting.

It was suggested that it would be helpful to have a manual for the Committee, and also to know how Design Review Committees in other cities operate. Ms. Cooper commented that in Calgary, the DRC provides written comments as a group and acts as a consultation body, not a decision making body.

Ms. Sinclair suggested that for a pre-application consultation, the Committee provide a suggestion list to the developer, to make for more focused feedback.

The Committee inquired whether a pre-application meeting with the Committee could be made a requirement. Ms. Cooper commented that there are a very large number of applications, although this could perhaps apply only to major proposals or those proposed for downtown. Mr. Pyle noted that information is still confidential at the *pre*-pre-application stage, although once a pre-application or an application is submitted the information becomes public knowledge.

Committee members noted the need for detailed minutes to be able to provide constructive comments on an application. Further discussion was held on the process of providing feedback during pre-application consultation, with the Committee agreeing to form a list of recommendations at the end of the meeting, to be included in the minutes as a way of providing feedback from the Committee.

The Committee discussed occurrences of Council voting on projects against the recommendation of the Committee. It was noted that there should be more details of the Committees' reasoning forwarded to Council. Staff noted that this could be achieved through additional information in the "Discussion" section of the Committee's recommendation report to Council. Mr. Smith-Lamothe also noted that he would be happy to present the Committee's reports to Council, noting that staff are provided an opportunity to do so.

Mr. Pyle reviewed the timeline of a typical application, noting that staff try to work with developers to ensure that the application process works well.

Ms. Sinclair commented that she finds it troubling when costs enter the discussion, and the Committee should agree to not allow discussion of costs when considering an application or pre-application. Ms. Cooper agreed, noting that economics should not enter the discussion at the Committee level.

Mr. Kawar noted that time should be carefully tracked at meetings to ensure everyone sticks to the agenda. He also noted that there should not be any side conversations with developers or their consultants at Committee meetings.

Ms. Cooper commended the work of the Committee, noting that they provide free expert advice to developers and Council.

**9. REGULAR MEETING DATE – August 8, 2013**

**10. ADJOURNMENT**

The meeting was adjourned at approximately 1:45 p.m.

Jennifer Weagle  
Legislative Assistant