

# BY-LAWS

Waterfront Design Review Panel

V1.3

Amended July 2024

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# **WATERFRONT DESIGN REVIEW PANEL BY-LAWS**

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## **1.0 BACKGROUND AND MANDATE**

### **1.1 Waterfront Toronto Mission**

Toronto's revitalized waterfront must be characterized by excellence in architecture, urban design, sustainability, and inclusivity. What is built on the waterfront, from buildings to streets to precincts to parks and public art, will set new standards for the built environment across the city, and help Toronto achieve world-wide recognition as a centre of creativity, liveability, clean technology, and good design.

### **1.2 Panel Background**

The Waterfront Design Review Panel (the Panel) was formed by the Toronto Waterfront Revitalization Corporation (Waterfront Toronto) in 2005 as an independent body to help guide and inform the revitalization of the Toronto waterfront. The Panel is advisory to Waterfront Toronto and the City of Toronto, and in no way supersedes the City's regulatory approval authority.

### **1.3 Panel Mandate**

The Waterfront Design Review Panel's mandate is to provide objective, professional advice to Waterfront Toronto and City Planning staff about proposed public and private development within the Designated Waterfront Area. The role of the Panel is to advocate for the highest quality design and city-building outcomes for the citizens of Toronto. Established in 2005, the Panel has become a renowned forum for advancing design excellence, including the pursuit of high quality architecture, landscape architecture, urban design, and environmental sustainability.

### **1.4 Panel Governance**

These By-Laws are established by the Waterfront Design Review Panel to govern its operations in a fair, consistent, and transparent manner. The Panel may amend these By-Laws by majority vote of Panel members. These By-Laws, and any changes thereto, will be made in consultation with the Waterfront Toronto Board of Directors and the City of Toronto's Director of Urban Design.

### **1.5 Review Procedures and Design Review Handbook**

Specific procedures governing the Design Review process are detailed in the Design Review Handbook, which is adopted by the Panel and may be

revised from time to time. The latest version of the Handbook is available on the Waterfront Toronto website

### **1.6 Compliance with Code of Conduct**

The Panel is expected to comply with the Waterfront Toronto's Code of Conduct for Panel Members to guide their process and decision making in fulfilling the Panel's mandate. The Corporate Code is based on the principles, values, and ethical standards to which Waterfront Toronto and its board of directors are held. It is substantially similar to the code of conduct that is applicable to the board of directors, with modifications that are necessary to make it applicable to the Panel.

Panel members must sign a declaration regarding compliance with the Code of Conduct at the beginning of their term and annually thereafter.

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## **2.0 PANEL COMPOSITION**

Members of the Panel are drawn from the best of Canada's design, engineering and environmental sustainability professionals. Individuals will be selected based on several criteria, including examples of outstanding built work, past awards and citations, a demonstrated commitment to achieving design excellence, and/or a track record of exemplary civic service. Panel members are expected to offer Waterfront Toronto their best professional advice on matters of design related to buildings, parks and open space, and precinct/subdivision plans as they are brought forward by Waterfront Toronto. Panel members are not employees of Waterfront Toronto.

### **2.1 Panel Members**

The Panel consists of fifteen professionals who are recognized experts in their fields. The Panel is made up of the following:

- **Six (6)** Architects, who are members of the Ontario Association of Architects or equivalent
- **Four (4)** Landscape Architects, who are members of the Ontario Association of Landscape Architects or equivalent
- **Three (3)** Urban Designers/ Planners, who are either registered members of the Ontario Professional Planners Institute, Ontario Association of Architects, Landscape Architects or equivalent
- **Two (2)** Engineers, who are members of the Ontario Society of Professional Engineers, hold a Building Sciences Specialist of Ontario Designation, or equivalent

### **2.2 Quorum**

To ensure a fair and consistent review process, a minimum of six (6) Panel members are required to be present to conduct the business of the Panel.

### **2.3 Designees**

Waterfront Toronto will appoint one Representative to the Panel, who is the primary point of contact between the Panel and Waterfront Toronto but is not a member of the Panel. The Waterfront Toronto Representative (or his/her designated staff) will be responsible for managing the administrative operations of the Panel, as well as setting the agenda for each Panel meeting in consultation with the Chair. The Representative will also be responsible for producing minutes of the meetings, which will become the official record of the Panel's deliberations and decisions, upon their review and approval by the Panel. It is expected that the Representative will be Waterfront Toronto's Chief Planning and Design Officer.

Waterfront Toronto will also appoint one City Representative to the Panel, who is selected by the City and serves as the primary point of contact between the Panel and the City. The City Representative is not a member of the Panel. It is expected that the City Representative will be the City of Toronto's Director of Urban Design.

### **2.4 Selection of Members**

Waterfront Toronto will solicit applications from qualified individuals. Panel members will be chosen and appointed by a selection committee consisting of the Panel Chair, Vice Chair, City of Toronto Direction of Urban Design, and Waterfront Toronto Chief Planning and Design Officer.

### **2.5 Appointment of Panel Chair and Vice Chair**

The Chair of the Panel will be appointed by Waterfront Toronto from one of the fifteen members of the Panel. The Vice Chair will be nominated by the Chair from one of the fifteen members of the Panel with the agreement of Waterfront Toronto, and appointed by vote of the Panel. In the event that the Chair is not able to attend a Panel meeting, the Vice Chair will lead the meeting.

### **2.6 Duration of Appointments**

Members will be appointed for two year terms. Members may be appointed at the discretion of Waterfront Toronto, in consultation with the Chair and the City of Toronto's Director of Urban Design.

### **2.7 Attendance**

Panel Members are expected to make best efforts to attend all Panel meetings throughout the year in person or, when appropriate, through fully-functioning video conferencing. Panel members may not miss more

than two (2) consecutive meetings or more than three (3) meetings per year, or they may be asked to remove themselves from the Panel or may not be renewed at the end of their term.

## **2.8 Remuneration**

Panel members serve on a voluntary basis and receive an honorarium for their time. Travel expenses for those members residing outside of the GTA are reimbursed at a rate consistent with Waterfront Toronto's expense reimbursement policies, and will be set out in writing at the time of appointment.

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## **3.0 ROLES AND RESPONSIBILITIES**

For information regarding types of project reviews, refer to the latest Panel adopted version of the Design Review Panel Handbook on the Waterfront Toronto website.

The Panel will provide critical input to Waterfront Toronto staff, City of Toronto staff, and the Proponent(s) at appropriate points in the evolution of the project(s), as described in the Handbook. The Panel will make recommendations to Waterfront Toronto and City staff in the form of formal recordings of the proceedings.

### **3.1 Geographic Jurisdiction**

For information regarding Panel review jurisdiction, refer to the latest Panel adopted version of the Design Review Panel Handbook on the Waterfront Toronto website.

### **3.2 Project Typology**

For information regarding project typologies and considerations of the reviews, refer to the latest Panel adopted version of the Design Review Panel Handbook on the Waterfront Toronto website.

### **3.3 Review Stages**

For information on the review stages, process, and how recommendations are formulated, refer to the latest Panel adopted version of the Design Review Panel Handbook on the Waterfront Toronto website.

### **3.4 Other Activities**

In addition to project reviews, the Panel will act as an advisor to Waterfront Toronto and the City of Toronto on related issues, such as requests for proposals, international design competitions, design contracts and scopes of work, charrettes and workshops, and temporary installations and events, if requested. The Panel may provide advice in the following areas:

#### **3.4.1 Advice on design competitions**

The Panel will review and provide advice to Waterfront Toronto as part of the evaluation process for design competitions for buildings, parks and public spaces, and other plans as requested.

#### **3.4.2 Advice on developer proposal calls**

The Panel will provide advice to Waterfront Toronto on the design component of development requests for proposals calls, either as part of the initial developer selection process or upon selection of a development team, as requested.

#### **3.4.3 Knowledge Sharing**

Waterfront Toronto may bring information items, such as corporate strategies and communications plans, to the Panel for their information and/or review as deemed appropriate by Waterfront Toronto staff. Similarly, Panel members may share information items, such as the results of work they have been involved in, with the Waterfront Toronto for consideration in its policies and long-range visioning.

### **3.5 Conditions and Limitations**

Because the Panel is an advisory body to Waterfront Toronto and is not a formal part of the City of Toronto's statutory regulatory process, there are certain limitations concerning its roles and responsibilities, as described below.

#### **3.5.1 The Panel's recommendations are advisory**

The critical input, comments and recommendations of the Panel are not a binding element of a regulatory review process. The Panel will provide recommendations to Waterfront Toronto and City of Toronto staff for consideration in their decision-making processes.

#### **3.5.2 The Panel will not produce competing project designs**

The Panel's activities are limited to the review of material submitted by others. While the Panel may make suggestions and offer guidance on design issues, it is not intended to generate alternative plans and designs of its own. The Panel should in no way produce proposals in competition with those being prepared by Proponents and/or partners of Waterfront Toronto. Waterfront Toronto shall not ask the Panel to act as a pro-bono design service, either for original work or to fill in gaps in the work of others.

#### **3.5.3 The Panel will conduct its Private Development reviews with respect for existing regulatory structures**

The Panel will carry out its work within the framework of the City's Official Plan, the Central Waterfront Secondary Plan, Waterfront Toronto's Precinct Plans as officially adopted, and other governing urban design guidelines and zoning by-laws. Where the Panel disagrees with these policies and regulations it may make formal note of that and recommend that they be changed. However, individual projects are not to be held up pending broader regulatory change, and the Panel will be expected to help achieve the best results within existing constraints.

**3.5.4 *The Panel will conduct its Public Development reviews with respect for Waterfront Toronto's program***

The Panel is expected to review projects in a timely and appropriate manner that facilitates the mandate of Waterfront Toronto. Where the Panel disagrees with the established priorities and/or timeframes, it may make official note of that and recommend that Waterfront Toronto seek to change them. However, individual projects are not to be held up pending broader changes in priorities and funding, and the Panel is expected to help achieve the best results within existing constraints.

**3.6 Administration**

Waterfront Toronto will provide administrative support for the Panel. Waterfront Toronto will ensure that minutes and reports are drafted and circulated in a timely manner. Minutes and reports will be available on Waterfront Toronto's website.

The activities of the Panel are funded by Waterfront Toronto. This includes administrative costs associated with: renting meeting space and equipment; producing materials for review sessions; travel and related expenses for out-of-town members of the Panel and/or invited guests; advertising of meeting times and locations; and administrative activities associated with writing meeting minutes, reports, letters, etc. on behalf of the Panel. Any expenditures relating to the Panel's activities will require prior approval by Waterfront Toronto through the Representative.

**3.7 Public Meetings**

Meetings of the Panel will generally be open to the public, except as otherwise provided herein.

Some Panel meetings (or portions thereof) shall be closed to the public (i.e. in-camera) when dealing with:

- (i) matters which the Panel considers to be inappropriate for public disclosure, including, without limitation, matters that are confidential, commercially-sensitive, relate to Panel governance, or



which may be prejudicial or otherwise adversely affect the ability of the Panel to fulfil its mandate or effectively advise Waterfront Toronto or the City of Toronto:

- (ii) projects that are being reviewed during their Pre-Application Consultation (PAC) phase. Projects coming for review during Pre-Application Consultation (PAC) follow the protocols of PAC Review as agreed with City of Toronto and the reviews will be closed to the public. The details of the review including the name and stage of the project will not be disclosed in the meeting agenda.

Closed (In-Camera) meetings will be attended by Panel members and WT staff only, though others may be invited to remain by invitation of the Chair and WT staff. No vote will be taken in the PAC Review sessions..

Scheduled meetings will be posted on Waterfront Toronto's website, and meeting locations will be selected to accommodate members of the public.

The public will not participate in the review process discussion unless specifically requested to do so by the Chair.

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## **4.0 RECORDING AND REPORTING OF PROCEEDINGS**

Official written records will be made of all Panel proceedings and will become the public record of the critical input, comments and recommendations made by the Panel. The primary vehicle for recording the proceedings will be meeting minutes. However, the Panel may also write letters with specific recommendations for either Waterfront Toronto, or the City of Toronto with the agreement of Waterfront Toronto.

### **4.1 Meeting minutes**

Published meeting minutes will serve as the official record of the Panel's deliberations. The minutes will be structured as a reference guide to issues and/or decisions made at the meeting, not a transcription of the proceedings. For PAC Reviews, the meeting minutes will be published when the project begins its formal development application review process with City of Toronto.

### **4.2 Video Recordings**

All public segments of the DRP will be recorded and made available on Waterfront Toronto's Youtube channel after the review. For PAC Reviews, the recording of the session will be published when the project begins its formal development application review process with City of Toronto.

### **4.3 Letters to Waterfront Toronto management and board**

The Panel may choose to submit specific comments, recommendations, or concerns to Waterfront Toronto management staff or the board of directors in writing when it deems necessary. Similarly, Waterfront Toronto management staff or the board of directors may request comments, recommendations or clarifications of the Panel in writing when it feels it is in the best interests of Waterfront Toronto to do so.

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## **5.0 COMMUNICATIONS AND MEDIA RELATIONS**

The Panel shall comply with the provisions of the Code of Conduct with respect to public statements, including to the media or on social media.

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## **6.0 CONFLICT OF INTEREST PROCEDURES**

Because of its public mandate, it is critically important that Waterfront Toronto preserve public confidence, trust and accountability. Accordingly, Waterfront Toronto expects that it, and all persons dealing with Waterfront Toronto in any manner, will conduct themselves in accordance with principles of fair and honest dealings and in the absence of actual or perceived Conflicts of Interest.

The Panel shall comply with the provisions of the Code of Conduct with respect to Conflicts of Interest.

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## **7.0 DESIGN REVIEW PANEL HANDBOOK**

The Panel adopts a Design Review Panel Handbook that provides further direction on the types of projects to be reviewed, the specific issue areas to be considered in those reviews, as well as the structure of the review process itself. This Handbook may be relied upon by WT/City staff and proponents as representing the policies of the Panel regarding the conduct of its business. The Handbook may be updated from time to time to reflect evolving practices of the Panel. The current version of the Handbook is made publicly available, along with these By-Laws, on the Waterfront Toronto website.