

**DISTRICT 12 PLANNING ADVISORY COMMITTEE**  
**January 16, 2006**  
**MINUTES**

**PRESENT:** Heather Ternoway, Chair  
Beverly Miller  
Clary Kempton  
Lucy Trull  
Councillor Dawn Sloane  
Graeme Gunn

**ABSENT:** Mia Rankin

**STAFF:** Maureen Ryan, Planner, Regional Planning  
Austen French, Manager, Settlements, Regional Planning  
Jacqueline Hamilton, Capital District Project Manager  
Paul Sampson, Planner, Planning and Development Services  
Gail Harnish, Admin/PAC Coordinator  
Jennifer Weagle, Legislative Assistant  
Sherryll Murphy, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 5:04 p.m. in the Trophy Room, City Hall.

It was agreed by the Committee that the Regional Planning presentation would be addressed first.

**2. REGIONAL PLANNING (presentation)**

- C Fact Sheet - Highlights of the Draft Regional Plan - District 12 - Halifax Downtown was distributed by Ms. Ryan.

Ms. Maureen Ryan, Planner, Regional Planning, provided an overview of the second draft Regional Plan and the context of strategies involved in the Plan. Ms. Ryan advised that extensive public consultation has taken place since last spring and input from this consultation is being considered and implemented in the Plan.

Ms. Ryan reviewed the Four Pillars of Growth of the Regional Plan, as follows:

1. Natural Environment & Heritage
2. Growth Centres
3. Transit Linked Communities
4. Fiscally Sustainable & Strong Economy

Ms. Ryan provided an overview of highlights of the changes included in the second draft Regional Plan, including the following:

- C clarifies HRM's role
- C clarifies diverse housing options must only be *considered* in Community Planning
- C clarifies affordable housing definition
- C clarifies use of density bonusing
- C requires 2.5 metres of coastal setback as interim measure pending coastal hazard mapping
- C no variance permitted
- C requires Capital District policies be developed as amendments to Regional Plan
- C gives more prominence to upcoming Cultural Plan
- C gives more recognition of landscapes, views, and heritage districts

Ms. Ryan discussed changes to the second draft Regional Plan, which will directly affect District 12:

- C more protection for built heritage

- C bicycle parking facilities required for new development
- C enhanced preservation and design standards for alterations to heritage buildings
- C development agreements required for Spring Garden Road Commercial Area

Ms. Ryan indicated that Regional Council's approval will be sought for the Plan in early 2006. She further advised that Regional Planning will then proceed to the community visioning process, which will provide the basis for community plan reviews.

Further to questions from the Committee, Ms. Ryan, Mr. Austen French, Regional Planning, and Ms. Jacqueline Hamilton, Capital District, advised the following:

- C Lands including abandoned or vacant buildings will be included in opportunity sites for residential growth.
- C Community parking policies will be addressed under future community plans through the community visioning process. The issue of parking will also be addressed through the transit component of the Plan.
- C With regard to scalability of communities, clarity and appropriateness of height will be addressed as well as determining a strategy for creating a culture of design.
- C The new RPK zoning (recreation or conservation space) needs to be addressed as the policy is too broad.
- C The issue of on-site density bonusing will be recommended to Council to be addressed as a secondary planning process.
- C More emphasis will be placed on heritage registration and heritage district designations in the Plan. An inventory of heritage properties throughout HRM will be completed and new heritage incentives will also be looked at.

Committee members are to submit written comments to the Chair by Friday, January 20<sup>th</sup>. These will be compiled in a written submission to Council for review at the next meeting.

**The Committee adjourned the meeting at 6:06 p.m. to reconvene the meeting in Halifax Hall, City Hall, at 6:30 p.m.**

**The meeting was called to order at 6:42 p.m. in Halifax Hall with all the same persons being present.**

The Chair reconvened the meeting by clarifying the following:

- C That District 12 PAC meetings are open to the public for observation.
- C Requests for public participation (ie: presentations) must be submitted to the Clerk's office five days prior to the meeting.
- C Public participation is limited to general planning issues and policy, not on specific developments.

- C This meeting is a regular meeting of District 12 PAC and not a public hearing.
- C United Gulf Developments Limited (“United Gulf”) had previously been advised that they could present to the Committee on this development through email communications dating from October 2005; although a formal written request to present had not been received. It was also previously indicated to United Gulf that they would have a maximum of ten minutes to present to the Committee.
- C The Federation of Nova Scotian Heritage submitted a request to present in advance of the five day request deadline.
- C Three other requests to present were received after the five day deadline.
- C Due to the lack of clarity regarding these rules prior to this meeting, it is the Committee’s prerogative to allow the requested presentations for this meeting.
- C Committee members can direct questions through the Chair to staff, the developer, and presenters.

The Committee agreed to allow presentations from United Gulf Developments and the Federation of Nova Scotian Heritage.

**3. APPROVAL OF ORDER OF BUSINESS**

**MOVED by Ms. Beverly Miller, seconded by Mr. Clary Kempton, that District 12 PAC allow the submitted requests for presentations from Mr. Philip Pacey, Ms. Elizabeth Pacey, and Mr. Peter Delefes at this meeting.**

**ADDED:      Item 7.1      Update on Spring Garden Road Public Lands and Grand Parade Public Lands - Heather Ternoway**

The Chair clarified that presenters would be allowed a maximum of five minutes to make their presentations.

At the request of Committee members, Ms. Sherryll Murphy, Legislative Assistant, and the Chair discussed the public participation process of this Committee, noting the following:

- C Although the policy is five days, the Committee does have the ability to override this policy in this instance.
- C This meeting was not advertised as a public hearing, and therefore, there may be other members of the public that wish to speak to this development, that may not have been aware of this meeting.
- C Allowing public input on this development contrary to the policy may bring into question the validity of the process and may be grounds for an appeal.

Ms. Miller commented that an appeal would be based on either a judicial review of the process or based on the Municipal Planning Strategy. Ms. Miller further clarified that the agenda for this meeting is available on the HRM website.

**MOTION PUT AND PASSED.**

**MOVED by Councillor Sloane, seconded by Mr. Clary Kempton, that the agenda be approved as amended. MOTION PUT AND PASSED.**

**4. CASE 00709: DEVELOPMENT AGREEMENT - Former Texpark Site, Halifax**

- C A staff report dated December 16, 2005 was before the Committee.
- C Ms. Anne Muecke, United Gulf, provided copies of her presentation along with correspondence from the Downtown Halifax Business Commission.
- C Ms. Elizabeth Pacey, Heritage Trust of Nova Scotia, provided copies of her presentation.

Mr. Paul Sampson, Planner, Planning and Development Services, presented to the Committee, providing an overview of the report dated December 16, 2005. A copy of the report and presentation are on file. Mr. Sampson reviewed the following with the Committee:

- C Committee's responsibility with regard to this proposal to provide advice to Regional Council by making a recommendation
- C Details of the proposal - Condominium and hotel towers with main floor retail on three sides.
- C Applicable Municipal Planning Strategy policies.
- C Staff's recommendations
- C Context of the development including view planes and location of neighbouring heritage properties
- C Proposed design concept including podium elevations, full elevations, parking plan, and floor plans
- C Various views and view planes associated with the proposal

The Chair requested that Committee members reserve questions of the presenters following all presentations.

Ms. Anne Muecke presented to the Committee, on behalf of United Gulf. Ms. Muecke reviewed the following with the Committee:

- C Overview of the site

- C Review of design concept including model design, podium design and elevation, floor plans and building materials
- C Stakeholder consultation feedback
- C Impact of the development, including:
  - C Height
  - C Shadow
  - C Wind
  - C Traffic and circulation
  - C Views
  - C Central Business District Economy
- C Various street scape views and Citadel view planes
- C Financial impacts during construction
- C Economic impact after occupancy

Ms. Muecke advised that copies of the shadow, wind, and traffic studies are available for review at this meeting.

Mrs. Elizabeth Pacey presented to the Committee on behalf of the Heritage Trust of Nova Scotia. Mrs. Pacey reviewed the following with the Committee:

- C s.217(1) of the *Municipal Government Act* states that “A municipality shall not act in a manner that is inconsistent with a municipal planning strategy”.
- C Policy 3.5.4 states that “Council...shall not enter into agreements which are inconsistent with the policies of this Plan”.
- C Utility and Review Board decision of the A.T.C. Properties Ltd. (ATC) appeal case states “Policy 5.2 [now 6.2] is a mandatory policy by which the City is committed to make every effort to preserve or restore those conditions which impart to Halifax a sense of its history, such as views from Citadel Hill...”.
- C UARB decision of the Midtown appeal rejected, in part, as inconsistent with policies 6.2, 6.3, 6.3.1, and 7.1.2.
- C Further discussion of UARB decisions on ATC and Midtown appeals.
- C Relative height comparisons above grade and above sea level of existing buildings, rejected developments and the current development.

Mr. Philip Pacey addressed the Committee, showing a historical photograph of the view from the Citadel, noting that it is one of the most important economic and recreational sites in Halifax, along with being the premier tourist attraction in Nova Scotia. He further reviewed the view plane of the Midtown proposal, the view planes from the Citadel with the proposed United Gulf development and the street scape view with the proposed development, noting that policies are in place to protect view planes and views. Mr. Pacey showed a photograph of a registered heritage property adjacent to the proposed development site indicating that the development would be out of scale with this property

and the structural elements and materials would not reinforce the aspects of the heritage building, contrary to Policy 7.2.1.

Mr. Peter Delefes addressed the Committee, noting that he is a member of Heritage Trust of Nova Scotia and the Nova Scotia representative of the Heritage Canada Foundation. He briefly discussed the building history of the area. Mr. Delefes further discussed the potential impact of this development on the downtown core, and in particular, on nearby national historic buildings such as Province House, Government House, St. Mary's Basilica, St. Paul's Church, and the Citadel. He indicated that the proposed development contravenes the heritage policies outlined in the MPS. Mr. Delefes went on to describe view protection measures undertaken by Greece and the trend of heritage cities to build new buildings in context to surrounding heritage buildings. He also indicated that HRM is working to enact Heritage Districts within HRM, which will attract people to these areas.

Mr. Howard Epstein, addressed the Committee on behalf of the Federation of Nova Scotian Heritage, which represents heritage organizations throughout Nova Scotia. Mr. Epstein urged the Committee to hold a public meeting on this development and asked that the Committee refrain from making a decision on this development at this meeting in order to allow time for him to make a written submission for consideration. He expressed disappointment in there being no mention of the Midtown UARB decision in the staff report and believes that the ATC case was mis-represented in the report. Mr. Epstein noted that this development does not fit within the policies of the MPS. He further expressed concern that Province House, which is four stories tall, will be overshadowed by this twenty-seven storey development. Mr. Epstein further endorsed the opinions expressed by Mrs. Pacey, Mr. Pacey, and Mr. Delefes at this meeting.

The Chair thanked the presenters and invited Committee members to address any questions to the presenters at this time.

Ms. Trull requested clarification from Mr. Sampson of the differing staff and heritage interpretations of the MPS regarding height. Mr. Sampson noted that staff consider all policies specifically relating to a development and staff support this proposal, having reviewed it against the MPS as a whole and all other applicable legislation. Mr. Sampson advised that the MPS sets height limit restrictions on buildings "immediately adjacent to Citadel Hill", however, this proposal is six blocks away. Mr. Sampson noted that further discussion of the MPS protected views is set out on page eight of the staff report.

At the request of Mr. Kempton, Mr. Sampson outlined the MPS view protection, outside of the ten specifically protected view planes. Mr. Sampson noted there are some buildings in Halifax that were constructed prior to the view plane protection and are higher than the Citadel or that obstruct a view plane. Other buildings have been constructed that are within a view plane, but hidden by a buildings pre-dating the view plane protection. Other policies



respecting view protection are more general and open to interpretation by Council. It was noted that the view plane protection does not regulate a panoramic view from the Citadel and for example, Cambridge Suites, which was built by Development Agreement, is not within a view plane, however it does obstruct a view of the harbour.

Further to questions from Mr. Kempton, Mr. Pacey noted that Cambridge Suites obstructs a minor view of the harbour. He went on to review policy 5.2 (now 6.2) of the MPS.

Ms. Ternoway noted that there are several precedent cases available for guidance and interpretation of the policy, however, there has been discussion regarding the definitions of “adjacent” and “vicinity” and requested clarification from Mr. Sampson regarding these definitions. Mr. Sampson noted that there is a 1984 staff report on the subject of building heights in the vicinity of the Citadel, which sets out a study area from Brunswick Street to Granville Street. He explained that the report proposed three view protection Bands (Band A along Brunswick Street, Band B along Market Street/Granville Street, and Band C along Argyle Street) to protect views from the Citadel. Only Band A was adopted by Council, however, a policy was kept to protect building heights within the “vicinity” of the Citadel. Mr. Sampson indicated that the use of the term “vicinity” is general and open to interpretation.

Regarding the term “adjacent”, Mr. Sampson noted that policy 7.2.1 includes “adjacent”, however, the term is not defined within the Land Use By-Law. Mr. Sampson advised that in the A.T.C. and Midtown UARB decisions, “adjacent” was used in terms of one block away or further, relative to visibility. Mr. Sampson noted that distance is a factor in defining “adjacent”, however, no specific distance is given. He went on to advise that policy 7.2.1 has not previously been used as a key decision making factor in setting out policy because it is a “should” policy, and not a “shall” policy. Policy 7.2.1 has been used alongside other mandatory policies for support.

Ms. Miller indicated that the UARB Midtown decision deals extensively with the term “adjacent”. She further requested Mr. Sampson to address several statements in the staff report of December 16, 2005, as follows:

C Page 3, paragraph 3: “The two towers have a unique asymmetrical design not yet seen in Halifax and which could not have been envisioned when the MPS was written more than twenty-five years ago.”

Page 7, paragraph 1: “The unique and dramatic design of the two towers certainly could not have been envisioned when the MPS was written more than twenty-five years ago.”

Mr. Sampson indicated that this proposal is of a unique and modern design involving advanced structural engineering. The MPS was written twenty-five years ago during an era of rectangular, symmetrical buildings. Mr. Sampson clarified that

he was indicating in the report that at the time the MPS was written, it was not known what type of designs would come before Council, and therefore it was drafted to be flexible enough to allow for such contemporary designs. He further noted that the MPS is essentially a work in progress, as it has been amended almost every year since it went into effect to keep up-to-date with planning developments and issues.

- C Page 5, paragraph 5: "The limited experience HRM has had with tall buildings has resulted in several tall buildings which have created harsh pedestrian environments and are unsympathetic to adjacent heritage assets."

Mr. Sampson clarified that there were several tall buildings constructed in the 1960's and 1970's in Halifax that some residents take exception to and highlight as designs that should not be repeated.

- C Page 5, paragraph 6: "Two recent approaches dominate the design of contemporary tall buildings."

This comment was not addressed.

Mr. Gunn clarified that on page 7 of the staff report it states "...the MPS is not intended to prescribe a particular design style. Provided the design principles outlined in the MPS are met, the MPS allows for evolving design trends and aesthetic tastes."

Councillor Sloane noted that the view of the harbour has been discussed repeatedly with regard to this case, as well as, in previous cases. She further noted concern with the lack of clarity surrounding the definitions of "vicinity" and "adjacent". Councillor Sloane further suggested that incomplete policies such as the view protection Bands B and C that were not implemented could be reviewed again, which would aid with future decision making.

Councillor Sloane noted correspondence from the Downtown Halifax Business Commission distributed by Ms. Muecke at the beginning of the meeting, states "We understand that none of the additional parking spaces will be offered to the public. Currently, that is adequate. However, as more people come to the downtown, Metro Park starts filling, and surface parking is lost at the base of Salter St., we feel it may be important to open up some of those spaces in the future to public parking." She requested clarification from United Gulf whether this parking would be opened to the public. Ms. Muecke advised that as per the Regional Plan, HRM is trying to create a balance between supplying adequate parking in the downtown and encouraging people to leave their vehicles at home and use alternative transportation. United Gulf were encouraged not to include public parking with the design of the building. Ms. Muecke noted that this could be a possible future opportunity for building management to rent parking spaces.

Ms. Trull inquired how the size of the commercial space and the location of the doors were determined and if United Gulf already have tenants identified for the space. Ms Muecke

advised that there are currently no tenants in place. She clarified that there are a number of different ways the commercial space could be presented and that the size of spaces and the number of entrances will reflect the needs of the tenants. Ms. Muecke clarified that having direct entrances between the pedestrians and the shops was suggested by both HRM and the Downtown Halifax Business Commission and that feedback regarding entrances on hills indicate they do not work well in terms of accessibility.

Mr. Sampson noted that the draft agreement attached to the staff report indicates the minimum number of doors required.

Ms. Trull further inquired whether street furniture and streetscaping were part of the proposal or would be determined at a later date. Mr. Sampson advised that streetscaping is part of the proposal, however the details will be determined at a later date. He further clarified that the Capital District has adopted streetscape guidelines that the developer will follow by. At the request of Ms. Trull, Mr. Sampson clarified that the Development Agreement will be the guarantee that what is approved by Council will be carried out. He advised that Council can approve certain non-substantive changes by agreement, and that further details of possible variations are outlined in the Development Agreement included with the staff report. Ms. Sampson clarified that the Development Officer is responsible for ensuring the Development Agreement is carried out and a change of use of the building would go back to Council for approval.

At the request of Committee members for clarification regarding any other possible commercial uses for the building, Mr. deMontbrun advised that the penthouse usage on the top two stories of each tower has not yet been defined. He further advised that no elevator access has been provided to the top floor of the penthouse level, and therefore the usage will depend on walk-up access and building codes. A possibility could be two storey condominium units.

Mr. Kempton noted that clause 2.11 outlines parking as an interim use of lands that "shall be permitted until such time as the building permit is issued and construction commences and may be extended by resolution of Council pursuant to Section 3.1(e)." Mr. Sampson advised that this would be valid for four years from the date of approval of the Development Agreement. Mr. deMontbrun noted that the commencement of construction means that the foundation must be laid, which will involve considerable work, lessening the time frame for the use of parking on the site. He clarified that the developer wishes to provide monthly parking for 35 to 40 spaces on a short term basis to help pay for taxes until construction.

Councillor Sloane noted that providing for further parking in the downtown will be contrary to the Regional Plan. Ms. Miller noted that monthly parking would not benefit merchants. Ms. Muecke indicated that there needs to be a well developed transit system, otherwise many people are left with no alternative but to drive.

At the request of the Chair, Mr. Sampson advised that Clause 2.11 is not a regularly used clause in Development Agreements, however there is policy in place to allow for the option of interim parking on construction sites. Ms. Miller noted that Council has the option to approve a renewal of the Development Agreement, allowing for the site to be used for interim parking for longer than four years.

Ms. Miller commented that she has read a number of letters of support for a luxury hotel in Halifax, and inquired whether United Gulf has a tenant identified for the hotel space. Ms. Muecke advised that there is not a tenant in place for the hotel and Mr. deMontbrun added that the development costs associated with this development will be significant, and therefore the tenant costs would have to be high to recoup the development costs, such as a luxury hotel. Mr. deMontbrun further commented that feedback from the tourist industry indicates that Halifax is in need of a 600 room hotel. He advised that feedback from downtown businesses and HRM staff indicate a need for monthly parking, as short-term parking is available at MetroPark in the same area. Mr. deMontbrun noted that revenue from renting 40 spaces for \$100 per month would not be significant, as the purchase costs for the lot are at approximately \$30,000.00 per month, and therefore United Gulf will want to move on the construction fairly quickly upon approval.

Ms. Ternoway discussed the Design Guidelines drafted by HRM Real Property and Asset Management, which was attached as Schedule B to the Development Agreement for the proposal. The Guidelines set out other priorities and guidelines that are not included in the MPS, but which staff suggest should be incorporated into the development. Ms. Ternoway requested that Ms. Sampson clarify the relative importance and the weight placed on these Guidelines. Mr. Sampson advised that some policies in the Guidelines are based on MPS policy, while others deal more with design details. He further clarified that the Guidelines were drafted with Planning input, however, the MPS will regulate the development over the Guidelines.

Ms. Ternoway inquired of United Gulf how much consideration was given to the Guidelines during the development of the proposal. Ms. Ternoway noted that some criteria in the Guidelines match the design of the proposal, while others do not, such as the width of the towers. Ms. Muecke clarified that the footprint of the development was extended because of additional plots that were purchased. She clarified that United Gulf decided it was a better design to have two narrower towers with a space in between, as opposed to the one larger tower that was initially planned.

Ms. Miller requested clarification regarding the use of "fine grain" building space set out in the Guidelines. Ms. Muecke noted that there is no definition of "fine grain" in the Guidelines, however, United Gulf interpreted the definition to mean a pedestrian friendly streetscape. As per this direction, United Gulf included, for example, covered doorways and walkways, recesses and opportunities for visual interest.

Ms. Miller noted that the shadow, traffic, and wind studies were not included as attachments to the staff report. She noted particular interest with the wind study and what determination was used to deem the study results acceptable. Ms. Miller stressed the importance of including the wind study with the staff report, which clearly stressed the wind affects of the proposed development, using a comprehensive measuring tool such as the

Beaufort Scale. She advised that she spent an afternoon at the United Gulf office with Mr. DeMontbrun and Ms. Muecke reviewing the wind study results, however, the comprehensive studies should be provided with the report for consideration.

Mr. Sampson advised that the shadow, traffic, and wind studies are very extensive and large and are not normally included in their entirety with the report. He noted that the results of the wind, shadow and traffic studies are discussed in the staff report. The wind study completed for this proposal was completed by RWDI Consulting Engineers. The studies were reviewed by staff, in consultation with the Applicant and the consultants, and were found to be acceptable by staff.

Ms. Muecke advised that she had previously presented the wind study results to the District 12 PAC in May of 2005. She noted that the wind study that was completed by RWDI was more detailed than the Beaufort study undertaken for the Midtown Proposal and that the Beaufort model was initially developed for marine conditions and does not include ground level wind measurements, which the RWDI study does include. Ms. Muecke indicated that RWDI are internationally respected consultants and have extensive experience with this type of study. She advised that United Gulf will provide the study if Council wishes to review it and the full studies are available at this meeting for review.

Mr. Sampson noted that there are very general policies in place with regard to wind and shadow studies. He noted that the recommendation of the professionals who completed the report is that the proposed development will not have any significant impacts on wind and shadow and staff concur with the opinion of the consultants.

The Chair and Councillor Sloane provided clarification that Committee members can include in their recommendation that staff provide further details on the wind, shadow, and traffic study results in the form of a supplementary report, if they wish for more information.

Ms. Miller clarified that she would like staff to support of the reasoning for the decision to recommend that the study results are acceptable. She further noted that this supplementary report include the wind, traffic, and shadow studies.

**MOVED BY Ms. Beverly Miller, that the District 12 Planning Advisory Committee request that staff prepare a supplementary information report to provide support for the reasoning behind the staff recommendation that the wind, traffic and shadow study results are acceptable.**

The Chair indicated that staff have made their best judgment in reviewing the studies and making a recommendation and that the Committee should respect the judgment of staff as professionals. She further noted that as Mr. Sampson previously indicated, there is little to go by in terms of guidelines for what is considered acceptable for wind and shadow

studies, so the Committee must depend on what staff determine is reasonable or unreasonable on a development-by-development basis.

Ms. Trull noted that staff have made a decision based on the study and that the Committee have seen the studies. She indicated this was sufficient information to make a recommendation in her view.

Mr. Gunn noted that if he wanted more detail on the studies, he would make arrangements to review the full studies. He indicated that the Committee must have trust in staff's recommendations and the opinion of the professionals.

Councillor Sloane noted that the issue of vague guidelines for wind and shadow requirements, as well as the issue of Bands B and C not being adopted by Council are issues of policy review. These matters can be discussed at a later meeting for possible policy review recommendations to Council.

At the request of Mr. Kempton, Mr. Sampson clarified that at this time, the studies are only available to the general public through the *Freedom of Information and Protection of Privacy Act*, because the studies were paid for by the Applicant. Ms. Muecke advised that the general public can, however, contact United Gulf for an appointment to review the study results.

The Chair noted that the canopy around the main floor of the proposed development does not cover the entire perimeter of the building, only sections. The Chair inquired whether this decision was made keeping in mind the MPS provisions requiring wind and weather protection for pedestrians. Mr. Sampson clarified that the Development Agreement requires that at the detail design stage, another report be submitted to the Development Officer confirming detailed wind mitigation solutions.

At the request of Councillor Sloane, Mr. Sampson clarified that the developer will require an encroachment license for the 'twist' portion of the towers. It was further clarified by Ms. Muecke, at the request of Councillor Sloane, that the stone material used in the facade of the building would be real and not imitation stone.

The Chair requested a seconder for Ms. Miller's motion, there being none, the **MOTION WAS LOST**.

Ms. Miller noted that Mr. Pacey, in correspondence to the Committee, indicated that the quote from the UARB decision on A.T.C. Properties Ltd. on page 8 of the staff report, was taken out of context and was applied incorrectly. The quote reads "It appears clear that the City having adopted its view plane legislation did not intend to preserve a generally open panoramic view of the harbour from Citadel Hill". Ms. Miller indicated that this statement

is not consistent with the final decision of the UARB on the A.T.C. Properties Ltd. decision, which was to reject the appeal. She suggested that it be reviewed whether this statement was in fact taken out of context and that Mr. Pacey provide further information regarding why he is of the opinion that this statement was taken out of context.

Mr. Sampson clarified that it is staff's opinion that there is no panoramic view protection of the harbour from Citadel Hill and that the statement is correct.

**MOVED by Ms. Beverly Miller, seconded by Councillor Sloane, that the Committee request from Mr. Pacey clarification regarding why he is of the opinion that the statement appearing in the 'Panoramic Views' section on page 8 of the staff report dated December 16, 2005 from the UARB decision on A.T.C. Properties Ltd. was taken out of context and applied incorrectly. MOTION PUT AND PASSED.**

**MOVED BY Councillor Sloane, seconded by Ms. Trull, that the Committee defer discussion and recommendation of Item 4, along with Items 6, 7, and 8, to a meeting on Monday, January 23, 2005 at 6:30 p.m. in the Trophy Room, City Hall. MOTION PUT AND PASSED UNANIMOUSLY.**

**5. PUBLIC PARTICIPATION - general planning issues**

There were no requests to present relative to general planning issues.

**6. STATUS UPDATES**

**6.1 Monthly Status Updates**

This item was deferred to the January 23, 2006 meeting of the District 12 PAC.

**6.2 Decisions of Community Council**

This item was deferred to the January 23, 2006 meeting of the District 12 PAC.

**6.3 Review of District 12 PAC Status Sheet**

This item was deferred to the January 23, 2006 meeting of the District 12 PAC.

**7. ADDED ITEMS**

**7.1 Update on Spring Garden Road Public Lands and Grand Parade Public Lands - Heather Ternoway**



This item was deferred to the January 23, 2006 meeting of the District 12 PAC.

**8. ELECTION OF CHAIR AND VICE-CHAIR**

This item was deferred to the January 23, 2006 meeting of the District 12 PAC.

**9. NEXT REGULAR MEETING DATE**

The next meeting of the District 12 Planning Advisory Committee is scheduled for January 23, 2006 at 6:30 p.m. in the Trophy Room, City Hall.

**10. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:52 p.m.

Jennifer Weagle  
Legislative Assistant