



"for the use of the inhabitants of the town of Halifax as Common forever" (1763-2013)

May 1, 2017

Mayor Savage, HRM Council, CAO and HRM Chief Planner
Box 1749 Halifax
NS B3J 2A5

Dear Mayor, Council, CAO and HRM Chief Planner,

Re: New HRM Staff Report for APL proposal required.

Friends of Halifax Common are very concerned about the level of accuracy and comprehensiveness of the analyses of APL's proposed project at Quinpool Road and Robie Street. Because it is of such a major scale, it is important that all relevant information be properly presented to HRM Council before a decision is made on whether to break existing regulations and approve (or not approve) a 20- or 29-storey tower. This letter details a number of errors, omissions and biases in HRM staff reporting and in HRM staff public statements relating to the proposed APL project. Friends of Halifax Common request a new staff report for the APL proposal before HRM council considers the decision. **This new staff report must be done before the public hearing.**

Following here are three specific examples relating to errors, omissions and biases and a summary list of sixteen other themes. An attachment provides details on each of these. This letter is not presented as a criticism; rather the intent is to make the case for a more balanced, informed and thoughtful consideration to the important matter at hand. The Council and the public deserve to have a comprehensive and correct understanding of this project. FHC stress the importance of prioritizing the big picture-the Halifax Common Masterplan and Centre Plan.

1. A significant error is the assertion by HRM planning staff and certain HRM Councilors that 15-storeys at this site is presently permitted. This error creates the perception that 20-storeys "*isn't much more*" and soft sells the impact of increasing the permitted height. Present by-laws permit a building that is approximately the same size as the existing APL building envelope. The assertion about 15-storeys is factually wrong and must be publicly corrected by HRM staff for the record. Note: a 20-storey proposal is not permitted under the draft Centre Plan regulations due to setback requirements for shadow restrictions. Staff should prepare a model of what is permitted compared to the proposal.

2. A significant omission is that public comments and written submissions since the initiation of the Development Agreement application process (~June 2014) have never been fully analyzed. Submissions are not carried forward and only recently have their numbers even been tallied. Staff reports have improperly framed the publics' many written and stated concerns on a broad range of themes as being primarily about height. Advice and information provided to HRM staff and Councilors from the public has not been made available to Councilors in a comprehensive on-going way. Newly elected Councilors would not have received or read this information.

3. A significant bias is HRM Staff use of an invalidly worded on-line survey that is given equal or greater weight to public in-put in the staff reporting. The HRM web-based survey provided incorrect and selective information, for example it did not allow citizens to vote to keep the existing height limits in several questions on this topic. Staff acknowledges the limited scientific accuracy and methodology of the survey but still put it at the top of the summary to suggest support for height.

The following summary list and attachment details many instances where staff reporting is incomplete, biased, wrong or does not reflect fact-based evidence. On a matter of conduct, it is reasonable to direct HRM staff to write a new staff report that better reflects a more accurate assessment of the proposed APL project. There needs to be a clear correction of the public record to avoid misinformation playing any part in this important decision. The report must also include a review of material submitted by the public and a comprehensive summary of this.

FHC's identified topics for New staff report – (detailed comments are attached)

1. The need for height at this corner has not been demonstrated.
2. The project does not supply the type of housing HRM needs and negatively affects existing units.
3. The project's overall size, that is the number of units are not required.
4. The claim of an economic case for the development is not founded.
5. HRM Staff are inconsistent in their recommendation for the neighbourhood and incorrect/misleading in their public statements. i.e., the as-of-right height is not 15-storeys; a 20-storey building would not be permitted under the draft Centre Plan.
6. This Development Agreement offers no public benefit, only harm. This building is an isolated physical form that has no consideration for its contribution to the public realm, civic space or the authentic qualities of the urban landscape. HRM's Density Bonusing Study indicates developers receive millions of dollars from increased height.
7. The APL Proponent has not considered the option of repurposing or renovating the building. Refurbishing it would be the most sustainable option, demonstrate creativity and respect for the surroundings and allow the developer to conform to what the site allows.
8. The APL Project has been fluid and not responsive. Public, staff, PAC and Councilor concerns raised since 2014 have not been addressed. The April 25th hearing was delayed at the request of the developer to undertake a "consultation"- that is to launch a social media and print media campaign to support the 29-storey proposal. APL asserts 100 letters from "special interest groups" are stopping this project whereas it breaks at least 10 democratically agreed upon rules and couldn't be built under the Centre Plan. APL published the date for the re-scheduled public hearing days before HRM's website.
9. Modeling to show the cumulative impact and interplay of multiple existing and proposed towers for this area has not been provided to the public or to HRM Council. Staff statements about shadows have been misleading.
10. The Centre Plan Process and the St Pat's High School Process have confused what size project should be considered and have been wrongly regarded as a guiding principle. As stated even at 20-storeys this project could not proceed under the draft Centre Plan.

11. HRM staff makes no reference to the 1994 Halifax Common Plan in written material or oral presentation even though this was raised as an issue at the first public meeting and subsequent written submissions. Newly elected HRM Councilors such as Shawn Cleary and Lindell Smith only learned of the 1994 Halifax Common Plan and its goals because of personal communication with FHC directors, not from HRM staff.
12. APL proposes to break at least 10 Halifax Peninsula Land Use By-laws under the Municipal Planning Strategy. HRM staff publicly dismisses these regulations' merit without examining why they exist. Note: the problem with the proposal is much greater than the height.
13. HRM staff consideration, analyses and reporting of public submissions and comments is inadequate. Public engagement is an important component of municipal decision-making.
14. HRM Staff use of an on-line survey has been given greater weight than public in-put, although staff confirm that it is not valid.
15. Inadequate notification and changing dates.
16. HRM's WSP consultant working on the St Pat's site was in conflict of interest. Until that process was delayed project proposals were unresponsive to public concerns about height, massing, wind, shadow, public benefit, density, open space, traffic, parking, etc.

Finally FHC requests that HRM legal staff correct Council's perception that refusing such a proposal sets the city up for legal action. It may be advised to consider a Development Agreement Application but it is discretionary. HRM determines the process, timeframe and outcome. Only in extremely limited circumstance such as if the city were found to be acting in bad faith, would it be subject to a lawsuit. The normal remedy for a developer, a URB appeal, does not award money damages. Potential for legal action has been suggested by at least two Councilors. It is unfounded and not fundamental to the decision made on this project.

Yours truly,

Peggy Cameron, Co-chair

For Friends of Halifax Common

(Please see detailed comments in the attachment)