

FHC Identified topics for new staff report for APL proposal- details

1. Need for height at this corner has not been demonstrated

Under the Regional Centre Plan, 125 persons/acre can be accommodated in a 3-storey building or in 3 storeys of residential on a commercial base in the Quinpool Corridor.

Instead of respecting the height of allowable built form to benefit the interests of the citizens at large, HRM is prioritizing for individual owners who wish to develop their lots. Approximately 200 individual developer-driven projects have gone through or are going through the DA check-box. DAs ignore a communal and community-based set of priorities. So many individual buildings have been approved there is little protection of the remains of stable neighbourhoods, or room for appropriate and compatible development. This building unnecessarily impinges on the Halifax Common, an iconic civic space as well as neighbouring 2-story residential streets. Parker St will be a location for hundreds of cars to enter and exit the building's underground parking.

HRM Staff must be directed to do further research into what the community wants, needs and will benefit from and how new developments can be better balanced. HRM should favour infill or invisible density or gentler density that carefully integrates into existing neighbourhoods or uses land that presently has a lower valued use such as parking lots as an alternative to intensive vertical development proposed in this project.

2. Project does not supply type of housing HRM needs.

This project is not providing the kind of housing that is needed in the city - namely affordable housing for families. In fact, the project will negatively affect adjacent neighbourhood residential properties that actually do offer a variety of housing for a variety of income levels. Directing development so as to produce a suitable mix of affordable housing, including housing for families with children, is essential.

Presentations by Centre Plan staff, Jacob Ritchie indicate newly built accommodation is 30% higher on average than existing accommodation. Approving new construction that

degrades and destroys existing homes for such a premium priced type of housing is not meeting community needs; its creating an imbalance towards an urban elite.

3. Project's overall size, that is the number of units are not required.

The 2013 HRM commissioned study Quantifying Costs and Benefits of Alternative Growth Scenarios, by John Heseltine of Stantec found that the urban area of HRM has a capacity for 35,025 additional multi-family housing units, and this is without any change in zoning rules. If the Regional Centre attracts 25% of new housing units, meeting the target in the Regional Plan, this would mean 13,744 housing units would be constructed in the urban area in the next 25 years. This is only 39% of the capacity for housing in the urban area, with no change in the rules. That is present zoning rules allow for 2.5 times as much new housing as the Regional Plan target.

Many submissions about the APL project and the Centre Plan have provided detailed evidence that the population projections for the Centre Plan are inflated and incorrect. A realistic growth target for the Regional Centre over the next 15 years is 16 - 17,000 not 33,000 as suggested in the Centre Plan. To achieve this level of growth, HRM staff need to consider how many people could be accommodated with the number of units approved for development or under consideration for development and then find how many more units of what type would be required for the balance of population growth.

The population projections and the units required need to be calculated and detailed in the HRM staff report. That being said, population growth to the extent that it does occur should be accommodated by high quality, medium density development that contributes to vibrancy throughout the Peninsula rather than vertical sprawl that degrades adjacent neighbourhoods and benefits one developer.

The area to the north of Quinpool Road has the second highest population density on the peninsula, 7,121 persons per square kilometre. (Schmidtville has from 15-23,000 people per square kilometre.) The area south of Quinpool has a density of 4,988 persons per square kilometre, well above the population densities of the urban cores of

Boston and Toronto. Montreal's Plateau has 2 & 3 storey buildings but has 11,000 people per square kilometre. This kind of in-fill and intensification of existing neighbourhoods is much more amenable to protecting neighbourhoods than high-rises.

The Stantec Report notes that 11.1% of HRM residents walk or bike to work, 3rd highest of 33 Canadian cities considered. Only 65.1% drive to work, 4th lowest of the 33 cities. There are 25,754-employees/square kilometre in the CBD, 7th highest of the 33 cities. This building will degrade the walkability/liveability of the neighbourhood and increase congestion and traffic. As stated Parker St will be the entrance/exit for cars.

4. The claim of economic case for this development is not founded.

HRM staff writes that essentially the Developer's business case for a new residential building is dictating the new building design and size requirements.

HRM Staff writes that *"the applicant has indicated that the existing value of the office building currently occupying the lands is a key consideration in the proposed residential density. In essence – the value of the proposed development must exceed the value of the existing development, taking into account construction costs, land costs, carrying costs, and profit margins. While assessing building pro forma of this nature is not a typical step HRM takes in assessing proposed development, it should be noted that a significant amount of new office space on the Halifax Peninsula is scheduled to become available over the course of the next year. Given this, a decrease in the demand for office space on the Peninsula may occur resulting in a reduced value for the existing office building on the site. Furthermore, a key benefit of office space within the peninsula is its close proximity to other office uses, providing easy access to other businesses for tenants. With the Halifax Downtown plan encouraging more office development within the downtown area via more generous tower dimension and floor plate provisions, this may also reduce demand for office space in this location, resulting in the requested plan amendment to develop the site with primarily residential uses."* (p 4 & 5 September 2016 Report)

If it is the business of HRM staff and city government to help prepare a developer's pro forma maybe there should be a more comprehensive and balanced analysis. That might include information on the original price paid for the existing building by the proponent, the value of the fully-leased rental income, or the property assessment. And also consider the potential effect of the proposed building on the property value of the seven adjacent two-storey homes which presently have higher assessed values than the 10-storey tower and 4-storey parking garage.

According to [Nova Scotia Property On Line](#) the assessed value of the 10-storey APL office tower is **\$2,625,100** (the 4-storey parking garage is assessed at **\$0**). The combined assessed value of the seven 2-3-storey Parker Street houses is **\$2,786,500**. The total APL lot size is **25,900 ft²**. The combined lot size for the seven houses is **25,082 ft²**. *So the seven 2-3 storey Parker Street houses are assessed at ~\$160,000 more than the 10-storey APL tower and 4-storey parking garage but have ~800ft² less land. Yet these properties will be the most negatively impacted by the tower.*

Staff may be unaware that the “we must build higher to recover our costs” argument does not work even in real estate markets far more expensive than Halifax. But it is the business of a municipality to foster economic conditions, which allow developers to operate within the context of a vision to encourage quality, human-scaled urban design. That is not what is happening at the corner of Robie and Quinpool.

5. HRM Staff are inconsistent in their recommendation for the neighbourhood and incorrect/misleading in their public statements.

i. Adjacent Properties are planned for with incongruity; HRM Planning Staff have publicly stated that the Chedrawe proposal for the Cruickshank Funeral Home site was not appropriate, and development should not exceed six storeys, because of the shallow lot depth. At the same time, the HRM Staff see the APL site as appropriate for a tower with no concerns about the 20-storeys there and how it will transition to the two-storey neighbourhood. HRM staff have stated that Parker St was not a neighbourhood even though it has the same fundamental urban design characteristics

embodied by Welsford Street, which it seamlessly blends with.

ii. Misleading public statements by HRM staff; At least one senior HRM staff member has stated that 15-storeys is the permitted height at the Robie/Quinpool. This is factually incorrect. This misinformation has been asserted by at least two councilors in a response to citizens concerned about the proposed project's height. The permitted height at this corner is basically the existing building's envelope, 10-storey residential or 11-storey commercial. HRM staff and Councilor statements carry a lot of credibility. To imply that the HRM staff recommendation for 20-storeys is only 5 storeys more than the permitted height soft-sells the real amount of change in the law that is being demanded. There must be a correction of the error and HRM Staff must state and write what the present height limit is. A model of what is permitted should be rendered.

iii. Unjustified HRM Staff Bias; After the vote by HRM Council to take this project to a public hearing, HRM Chief Planner Bob Bjerke was quoted in the media as saying that although he acknowledges that the building will create a permanent shadow on the Halifax Common his vision is to "*create an urban form that feels and functions as a cohesive unit*" at this corner. That is to say his vision for more skyscrapers at this corner outweighs the input of 99% of the public who made written submissions and do not support height at this corner. This ignores the interests of the inhabitants who are the rightful shared owners of the Halifax Common and the neighbouring property owners who will be the most affected by fallout from this decision. Their oral and written concerns have not been addressed and should not be ignored.

iv. Influencing Councilors: Some councilors have been persuaded by HRM planning staff that this corner is the best place for height and that there is no other better place. This is clearly a matter of opinion and not borne out by any fact-based evidence. As presented by public submissions, there are many under-utilized land parcels that could be accommodating medium-scale density. Importantly there is no growth scenario for in-fill density in the Centre Plan or a valid data on the number of units needed to meet population projections etc. By misleading Council because of their own biases, HRM

Staff isn't serving the public interest, as this site's developer remains the focus.

v. Centre Plan Walks support for height is not well founded: The case has been made that on the Centre Plan community walks people supported height at this corner. The timeframe for walks was after council had voted to accept HRM staff recommendation for 20-storeys rather than the proponent's 29-storeys. In communication with the Centre Plan walk organizers it was learned only two of ten walks in total were held in the Quinpool Road area. As described from the notes below, it cannot be concluded that there was support for height at this corner.

On one of these two walks with six people attending, (according to walk organizers' notes) *"there was consensus that people felt that the proposals should be scaled down to the staff recommendations for height on those corners."* However this does not indicate clear support for 20-storeys only that this height was better than 29-storeys. Furthermore walkers would not likely have been aware that the present height is restricted to 10-storeys, what is presently there, and may have been just as likely to support that present height limit.

On the second walk held in this area there were twenty-six participants in total. The walk organizers noted *"that although the Willow tree buildings were not explicitly mentioned (other than a discussion about the fact that a public meeting about them was coming up soon), there were general concerns voiced about the host of new tall buildings on Quinpool and the potential negative impacts of wind and traffic that these might cause."* On that same walk *"one of the planners, ... was present, so she may have chatted with some folks and gotten additional input on those building heights in conversations that [the walk organizer] was not party to. On eight other walks no mention was made about this corner."*

vi. HRM Staff Reports and comments show bias: Staff write that this is a good location for a tall building because the corner is a "gateway" between the Halifax Common and Quinpool Road. This is an arbitrary opinion and questionable claim, one

that is not born out by any meaningful analysis. The corner is no more a gateway than dozens of other corners in the city. In cities where urban design is taken seriously such arbitrary claims to justify out-of-scale development would not be credible.

Furthermore this arbitrary building design has not been demonstrated to be any more suitable for this location as it has not been compared to an alternative building design for the location. For example a much lower building (6-storeys) could provide a soft transition from the Halifax Common, a large public open green space, into a green network through the Parker Street Park, the St Pat's property, and potentially the Quinpool Centre parking lot and the blocked Harvard Street might be considered.

6 The development agreement as presented offers no public benefit.

For any DA there has to be an appreciable public benefit. HRM's Density Bonusing Report from December 2015 spoke to 'lift' or increase in the value of land that gets a Development Agreement. It describes the millions of dollars that HRM is giving away or losing as revenue, by permitting extra development rights freely for developers (ie floors) without anything in return from the developer.

The APL developer has occasionally suggested he will provide space for IWK parents, however no details have been made publicly available. Just because something involves sick children does not mean it has public benefit. Any claimed public benefit should be examined in detail. Therefore the 'lift' report or density bonusing report needs to be dealt with by Council prior to engaging with planning by exception through DAs.

7. The APL Proponent has not considered repurposing/refurbishing the building.

At the Feb 22, 2015 PAC meeting there was the suggestion that the existing building could be refurbished. APL confirmed that repurposing had not been considered. Because the answer was "No" this should not mean that possibility is dismissed.

Re-purposing of existing buildings is energy-efficient, and, as a practical matter, is entirely feasible in most instances. It can be economical as it generally uses half as

much material and twice as much labour. Favouring this should not turn on the aesthetics of particular properties. HRM Staff should be directing the developer to look at this sustainable option ahead of considering any other. Research indicates that repurposing averages half as much material and twice as much labour. A new energy efficient building can take ~80 years to match the embodied energy of an existing building that it replaces.

8. The APL Project is fluid but not responsive to public & council concerns.

Initially on June 10, 2014 Councilor Watts moved and Councilor Mason seconded a motion to direct staff to initiate a process to consider two applications for developers Armoyen and Chedrawe subject to addressing the design control principles for building height, mass, density, shadowing and spacing between towers, as raised in the staff report and to direct staff to follow the public participation process.

Between the initiation and the October 2014 Open House the APL applicant increased his building height from 22 and 11.

At the Feb 22, 2015 PAC meeting considered the Amendments to the Halifax MPS and the Halifax Peninsula LUB for two projects:

- a) Quinpool Road Site: An application by APL Properties Limited to develop two new towers (22 and 11 storeys) on top of a common podium containing a mix of residential and commercial uses at 6009 and 6017 Quinpool Road and,
- b) Robie Street Site: An application by Westwood Developments Limited to develop a single residential tower (18 storeys) sitting atop a podium which contains commercial uses at 2032-2050 Robie Street.

As recorded in the minutes of the PAC committee members expressed concern about height, mass, shadows on the abutting buildings, wind, the effect on the adjacent neighbourhood, the need to lower the podium to 1-2 storeys, the need to improve the pedestrian level street wall and skyline and concern about the proposal setting a precedent. Only certain PAC members suggested that the corner was an appropriate

area for height but emphasized the proposal could be improved upon in terms of the pedestrian level street wall and skyline. Committee members' concern for shadowing on abutting residential units could not be addressed as the main analysis had been on open space. Concern that questioned wind impact, given other taller buildings in the area could not be addressed as no wind studies have yet been performed. Staff responded to PAC concerns about the density sought by staff for the site by stating that although the site was suitable for density, height and mass would further determine the density. That is density would be a result of the size of the building rather than guide these criteria.

Following the Open House, in July 2015 in response to concerns raised and recorded the APL proponent came back with a proposal for a 25-storey, and later a single 29-storey tower (7-storeys higher). (The proponent had at one time also proposed a 28- and 12- storey design to better meet their needs.) Next the decision was taken to separate the two projects and so citizens, staff and committee members had twice the number of processes to follow. Timing was such that the St Pat's process and Centre Plan public consultations were involving the same citizens' community.

The original concerns raised by the first PAC meeting with respect to the APL proposal for 22 & 11 storeys and the suggestion for a lower height were ignored. Yet HRM staff report that the new design made significant positive strides in mitigating the 4 out of the 5 previously referenced concerns of mass, density, shadowing and spacing between towers with height being the major concerns.

The September 15, 2015 public meeting had by far the majority of ~20 speakers opposed to the project on the basis of density, mass, height, need, traffic, congestion, wind, shadow and the negative effect on the adjacent properties and Halifax Common.

A January 25, 2016 PAC meeting motion recommends a maximum heights of 18-storeys for the Quinpool site. The proposal before council is still 29-storeys. 20-storeys is twice the 10-storey allowable height and 2-storeys higher than PAC suggested.

On August 4 2016 it was decided that the two projects should be separated. HRM Staff chose to move forward with DA even though there was no demonstrated need for this project or good will/cooperation on the part of the developer. It is not reasonable that this project which breaks 9 existing regulations could be seen as having made significant positive strides in mitigating the referenced concerns.

The January 25th 2017 PAC meeting which reviewed the application in their motion to proceed, recommends a maximum height of 18-storeys for Case 18966.

At the developer's request the April 25th public hearing was delayed so it could do their own "consultation/engagement". But now the developer has launched an advertising and social media campaign to garner support for the 29-storey building. He blames 100 letters mostly from "organized special interest groups" as stopping the project. The new public hearing date confirmed on April 18th was not posted on HRM's website until April 27 although it was promoted in the proponent's campaign material.

9. Modelling to show the cumulative impact and interplay of multiple existing and proposed towers for this area has not been provided. Staff statements about shadows and wind are misleading.

According to HRM's Staff report the applicant had provided a computer model for the revised Case 18966. But without looking at the spatial relationship between the APL proposal, the Welsford, St Vincent's, something at the Chedrawe site, something at St Pat's and possible projects allowed under the Centre Plan there is no possibility to judge the effect of either the individual or the several towers on the public space and neighbouring properties. HRM staff should be directed to provide such modelling.

The proponent should be directed to have an independent wind study that will model for the effect of wind within the area of the existing and future towers and to include this in a staff report and presentation.

HRM staff write that based on the applicants computer model, the shadows are taller and faster. This is unfounded and doesn't offer a remedy to the problem of the shadows. It's similar to previous statements by staff that tall thin buildings cast less shadow; this is also untrue- they cast the same sized shadow but the shadows are tall and thin. The shadow's speed doesn't increase or decrease; it's just a different shape.

10. The Centre Plan Process and the St Pat's High School Process have confused what size project should be considered and are wrongly regarded as a guiding principle.

The St Pat's process was undertaken within the same relative time frame as the Willow Tree Projects. The outcome was so far removed from what citizens wanted Council delayed the process until after the Centre Plan. Even though there's no final decision, at a meeting of the PAC, a committee member Mr. Hayter is recorded as stating that the St Pat's site may be used as a guiding principle, as determined to be 18-storeys. Another PAC member Mr. Bradfield suggested that 16 storeys be the maximum.

More recently the height proposed under the Centre Plan for this area of 20-storeys is also wrongly regarded as a guiding principle. The Centre Plan is a draft. The Centre Plan will have to come to Council and to the public at a public hearing. This height is not what citizens that have made submissions on the public record with their signatures attached want. And the Centre Plan would not permit a 20-storeys building at this location because of set-back requirements to conform to shadow restrictions.

11. HRM staff have not made reference to the 1994 Halifax Common Plan in any written material or oral presentation.

The City of Halifax adopted the 1994 Halifax Common Plan after broad public consultation and committed to undertake the development of a Master Plan for the entire 240 acre Common. Although FHC and others have raised this information it has not been duly noted or considered by HRM staff.

Since being established under the Society's Act in 2007 Friends of Halifax Common

has worked to raise attention to the commitment the city made with the adoption of the 1994 Halifax Common Plan in correspondence, in meetings, at public hearings and at public meetings. It is through the work of the FHC that the 1994 Halifax Common Plan is available on the HRM website, and that the Common Roots Urban Farm was established. At a meeting with HRM staff in the fall of 2016, FHC was assured that councilors would receive a copy of the three documents and understood that this was agreed to and would be followed through on.

At public meetings for both APL and Westwood projects FHC again raised attention to the 1994 Plan, the impact of the proposed buildings being against the goals of the Plan, and the commitment by the city to develop a Master Plan in advance of taking any further decisions that would affect the Common. That is honour its commitment. Although the presentation is briefly noted in the minutes from the public meeting for the APL project there is no information from HRM staff about the 1994 Halifax Common plan in the written report not is the diagram of the plan that the city committed to for planning purposes (p 3) included.

On March 29, 2017 during an introductory conversation with newly elected Councilor Shawn Cleary from District 9, Mr. Cleary stated that he had no knowledge of the 1994 Halifax Common Plan or the background report and that he looked forward to reading it. HRM Staff should familiarize themselves with the three reports, make hard copies available to all councilors and the Mayor. FHC could also provide a presentation.

12. APL proposes to break at least 10 Halifax Peninsula Land Use By-laws under the Municipal Planning Strategy

The proposed building height is 2-4 times what is permitted. Ground level setbacks from adjacent properties are less than required. Upper level setbacks from the street are less than required. There is no neighbourhood compatibility with adjacent houses on Parker Street or the Halifax Common. The proposed population density of 588 persons/acre is 4.7 times what is permitted. The land scaled open space is less than required. The number of parking spaces at 199, is fewer than required. The impact of

wind in the local area will be too great. There needs to be a quantitative wind study of the proposed, existing or other potential buildings. The impact on sunlight, of shade and of blocked views will be too great. Traffic in the local area will be too great.

And HRM staff has publicly dismissed the merit of existing regulations without examining why they exist.

Rather than reflecting the history of why regulations at the Willow Tree site are complicated, as detailed in written submissions, HRM staff persists in describing them as complicated and out of date. After being built in the 1960s, the towers in the Willow Tree area were seen as problematic with respect to intensity, parking and traffic so height restrictions were brought into place to prevent future high-rises. HRM staff has presented the Halifax MPS and the Halifax Peninsula LUB as being out of date and in need of replacement to allow greater height at this location. The context for the creation of these regulations by thoughtful community engagement at that time has been presented in oral communication at public meetings and in written submissions. HRM Staff should be aware and present this information in its new report.

Information provided in at least one written submission provides important context as to why and how the Quinpool Road Commercial Area Plan, Section XII of the Halifax Municipal Planning Strategy came into existence. The following is one such excerpt:

“The Quinpool Road Commercial Area Plan SEction XII of the Halifax Municipal Planning Strategy was established after a thorough consultative process, involving many public meetings. The 45-foot height limit, which applies to the western part of the Armco property, and to many properties on the street, was established at the request of the Quinpool Road merchants, who recognized that the saturated traffic on Quinpool, and the saturated parking on adjacent streets, limited the intensity of development that was possible.”

“The basic premises of the Plan are still valid today. Quinpool Road traffic is at capacity at rush hour and parking is at capacity on adjacent streets. The

proposed building would violate not just the height limits, but also the population density, open space, setback and angle controls for apartment buildings in the By-law. The provisions in the By-law are important; they establish standards, and assure quality control. They assure that the occupants of the building have adequate amenities and services, and that neighbours can retain their quality of life, and that pedestrians can walk safely, with access to sunlight and protection from winds. By failing to meet standard after standard, the application of case 18966 would fail its future occupants and its neighbours.”

A development agreement is a contract, and generally involves give and take. For example, a city might consider an increase in height in exchange for provision of extra open space. In case of this proposal there is no give and take; there is failure after failure to meet reasonable standards. Policy G-15 of the Regional Plan requires HRM to consider that controls are placed on a proposed development agreement to reduce conflict with any adjacent or nearby land uses by reason of height, bulk and lot coverage. The height, bulk and lot coverage of the proposed building would clearly create conflict with the adjacent, two-storey houses on Parker Street.”

13. HRM staff reporting on and consideration of public comments and written submissions is inadequate

HRM staff have not incorporated in any serious way any details on the content of any public presentations or written submissions into any of their reports despite that much of the information is fact-based and relevant. It is a charter right. Does staff view the public input as opinion and anecdotal rather than valuable, measured commentary?

At the Feb 22, 2015 PAC meeting 38 letters of correspondence from residents was available on file but not included in the minutes.

As of early April, based on the Willow Tree Group's count there were ~ 200 letters objecting to this proposal, but there has been no tally of the number of letters or detailed analyses of the thoughtful and considered input on the part of the public as to

why they do not support this project. Only prior to the most recent, postponed public hearing did HRM Clerk's office start to tally letters: 100 against; 0 for the proposal.

Furthermore, if the public submits comments to individual councilors so that they get their attention these comments do not become part of the public record unless they are submitted to the Clerk. If the public submits written comments to the HRM clerk for circulation to councilors these do not become available to the council members until such time as the matter comes before the relevant committee or council as an agenda item. Written submissions to the Clerk will not be circulated if they are over three pages unless the writer provides thirty hardcopies. None of these written submissions are carried forward to the next step in the process. As such it is a serious duty on the part of HRM staff to fully and consciously analyze public concerns, input and suggestions and to present these in their written report.

HRM staff have not provided nor incorporated any details on the content of public presentations and written submissions into any of their reports despite much of the information being fact-based and relevant.

14. HRM Staff use of invalidly worded on-line survey is given greater weight than public in-put

HRM Staff will not provide the wording of the relevant survey question or questions as well as the number and nature of the responses because of the concerns of the methodology and the scientific accuracy, however HRM staff refer to this same survey to support height at the corner.

A couple of examples of problems with the methodology of the on-line survey noted at the time include that:

- The questionnaire on the web did not allow residents to vote to keep the existing height limits. When the questionnaire mentions other heights in the area, it selects only other high-rises, and does not mention the two-storey Burton Wilkie house or the Parker Street houses.

- The survey also incorrectly states that tall slender buildings cast less shadows than shorter, wider buildings. This is the reverse of the truth; for the same total floor area, a shorter building mathematically must cast less shadow than a taller one.

In an email on March 6, 2017 HRM staff wrote, *"the report notes, while we did complete a survey, we heard a lot of concerns from the community and applicants alike around the methodology of the survey, and the scientific accuracy. In reviewing these criticisms, we agree with a number of them, and acknowledge that the survey was problematic in the way we implemented it. Given this, we have not released the quantitative data we obtained through the survey, and instead provided a summary of common themes within the comments received within the public consultation section of the last 2 reports."*

However the HRM Staff Report summary of common themes, as included below this paragraph, includes the information from the survey as favouring increased heights at the top of their list. The third item in the list, "Feedback was also received which stated concern for the manner in which the survey was used;" does not in any way indicate that the methodology and scientific accuracy was so bad that HRM Staff will not release the quantitative data.

There are as many references to the survey in the list of summary points as there are to the public comments. The one comment that expresses "concern" in no way conveys that it was basically junk science: -"Feedback was also received which stated concern for the manner in which the survey was used;"

Below is the complete list of HRM Staff Report summary of common themes

- The online survey generally indicated support for increased heights for both properties. Concern did, however, exist for the guidelines which regulated the form of this height. More specifically, it was indicated that building spacing equal or greater to that which would be required within the downtown;

- A focus on mitigating the impact that shadow will have on the adjacent Common was very important;
- Feedback was also received which stated concern for the manner in which the survey was used;
- The open house itself offered contrasting feedback to the online survey in and of that a strong opposition to the proposed height of the buildings was expressed;
- Increased attention to design was thought to be required – Specifically in the podiums of the buildings to ensure active uses and interest at the level; and
- Generally, the majority of individuals at the open house indicated concern for the increased heights proposed, suggesting that this would not offer an appropriate interface between these sites and the lower density residential neighbourhood to the north and west."

15. Inadequate notification and changing dates. Why must the public wait and respond at the developer's will?

As detailed in number 8. The developer asked for a delay of the April 25th public hearing, then launched a print and social media campaign. The proponent published the date for the re-scheduled public hearing, May 23rd, three days ahead of it being available on the HRM website. Some citizens went to the April 25th HRM council meeting expecting a public hearing on the proposal.

The City Charter establishes four rights of the public. These have not been respected to the fullest. There is a need to notify and inform residents and hold new neighbourhood meetings. Many HRM citizens are unaware that there is a new public hearing scheduled for the proposed APL project at Quinpool and Robie. All citizens are not reading the provincial print media, particularly at this time because of the 16-month Herald strike, yet that is the paper of public record. The process for the project has been on-going since June 2014, Are citizens justified in believing their input is ignored?

Section 208(c) of the Charter establishes four rights of the public: the rights to notice, to access to information, to participate, and to be heard. In the case of the planning

strategies on the Peninsula, notice and information were provided by distributing a newsprint copy of draft planning documents to each household in the area affected. Participation and hearing were accomplished at neighbourhood meetings, sometimes several successive meetings in a neighbourhood. Any proposed amendments to these strategies should be subject to an equally robust public consultation.

As described in the previous point the proposed public engagement on the web site did not meet the test of adequate consultation and although that is acknowledged by HRM Staff they have not reported that publicly nor have they corrected the weight they give the survey results in their report.

As previously stated HRM Staff reports have not adequately responded to or documented the concerns raised by citizens. The decision to amend the LUB and MPS for the APL Project has long-term ramifications for the entire North, Centre Common and Quinpool Road district. The engagement must be expanded to fulfill the obligation under the City Charter and better ensure that each resident of the Regional Centre is notified, can read the text of any proposed amendments, and then to attend, participate and be heard at a neighbourhood meeting or meetings.

16. HRM's WSP consultant working on the St Pat's site was in conflict of interest.

The WSP employee working for the St Pat's public consultation was at the same time working for Danny Chedrawe and Westwood Developments on the Ben's Bakery site. Their final report was dated March 2016, and it was apparently only posted to the HRM site on May 3. It appears that WSP was working for HRM and Westwood at the same time.

WSP made a number of serious errors on the St. Pat's project. This included inaccurate information about the existing density in the surrounding blocks and incorrect information about the density allowed if the site were rezoned to high density residential. They omitted to tell the public the existing height limit on the site. Although this was pointed out to them, they waited until the public consultation was almost over

before correcting this information. On the St. Pat's site, they have recommended roughly doubling the density allowed in this area under an R-3 zone. They recommended tripling or quadrupling the height limit to 18 storeys.

If these changes had been approved for city-owned land on this site, it would make it difficult for the city to refuse similar increases for other properties on Quinpool and Robie. Thus the changes WSP recommended for the St. Pat's site would have benefited Westwood, owner of the Ben's site and the site on Robie close to St. Pat's.

Minutes of the Planning Advisory Committee indicate that WSP's recommendations for the St. Pat's site did influence the Committee's position on the Westwood property on Robie. "Mr. Hayter commented regarding height that the St. Pat's site may be used as a guiding principle, as determined to be 18 stories."

The advice of WSP again is in complete contrast to public input, which did not support high-rise height. The majority of the public that participated to the best of their ability in the St Pat's consultation and process were against height on this location. This bias by HRM Staff and their consultants toward height on public property, against the will of the citizens did serve to confuse matters. Furthermore the public had strong agreement that a future agenda for St Pat's should include a public use and a public benefit. The consultant's conflict of interest prevented an outcome that reflected the input of citizens.