

# ST. JOHN'S

## Regular Meeting - City Council Agenda

April 19, 2021

3:00 p.m.

4th Floor City Hall

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# Proclamation

## Volunteer Week April 18 to 24, 2021

**WHEREAS:** The City of St. John's recognizes the enormous contribution that volunteers and community organizations make to the social, cultural and economic development of our province; and

**WHEREAS:** It has been recognized that more than 46% of Newfoundlanders and Labradorians over the age of 15 contribute an average of 151 volunteer hours each year, resulting in a significant and positive impact on the quality of life for our citizens; and

**WHEREAS:** The City of St. John's acknowledges the theme "The Value of One, The Power of Many" for Volunteer Week 2021 and recognizes the many people who contribute to our community by volunteering.

**THEREFORE:** I, Mayor Danny Breen, do hereby proclaim April 18 to 24, 2021, as **Volunteer Week** in the City of St. John's.

Signed at City Hall, St. John's, NL on this 19th day of April, 2021.

Danny Breen, Mayor

# Proclamation

## Child Abuse Prevention Month April, 2021

**Whereas:** Children are the foundation for a prosperous and innovative society, and the foundation for a child's growth and development is established when the community takes responsibility for creating healthy environments where our children can thrive;

**Whereas:** All children deserve to have a safe, stable, nurturing home and community to foster their healthy growth and development;

**Whereas:** Child abuse and neglect is an important societal concern that may affect the long-term health and well being of not only children, but also the adults they become;

**Whereas:** Child abuse and neglect impacts our entire society and our society's future;

**Whereas:** Child abuse prevention is a shared responsibility and finding solutions requires the involvement and collaboration of citizens, organizations and government entities;

**Whereas:** this month, we emphasize the importance of understanding the devastating problem of child abuse and neglect; and commit to learn more about the behavioural and physical signs of possible abuse.

Therefore: I, Mayor Danny Breen, do hereby proclaim the month of April 2021 to be Child Abuse Prevention Month in St. John's; and urge all citizens to work together to help reduce child abuse and neglect significantly in years to come.

Dated this 12<sup>th</sup> day of April, 2021.



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Danny Breen, Mayor

# **ST. JOHN'S**

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## **Minutes of Regular Meeting - City Council**

**Council Chamber, 4th Floor, City Hall**

**April 12, 2021, 3:00 p.m.**

**Present:**

- Mayor Danny Breen
- Deputy Mayor Sheilagh O'Leary
- Councillor Sandy Hickman
- Councillor Debbie Hanlon
- Councillor Deanne Stapleton
- Councillor Jamie Korab
- Councillor Ian Froude
- Councillor Wally Collins
- Councillor Shawn Skinner

**Regrets:**

- Councillor Maggie Burton

**Staff:**

- Kevin Breen, City Manager
- Derek Coffey, Deputy City Manager of Finance & Administration
- Tanya Haywood, Deputy City Manager of Community Services
- Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
- Lynnnann Winsor, Deputy City Manager of Public Works
- Cheryl Mullett, City Solicitor
- Elaine Henley, City Clerk
- Kelly Maguire, Public Relations & Marketing Officer
- Jennifer Squires, Legislative Assistant

### **Land Acknowledgement**

**The following statement was read into the record:**

**“We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John’s is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and other peoples. We would also like to acknowledge with respect the diverse**

histories and cultures of the Mi'kmaq, Innu, Inuit, and Southern Inuit of this Province.”

1. **CALL TO ORDER**

2. **PROCLAMATIONS/PRESENTATIONS**

2.1 **National Poetry Month - Don McKay**

3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2021-04-12/156

**Moved By** Councillor Skinner

**Seconded By** Councillor Collins

That the Agenda be adopted as presented.

For (9): Mayor Breen, Mayor Breen, Deputy Mayor O'Leary, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hickman, Councillor Hanlon, Councillor Hanlon, Councillor Stapleton, Councillor Stapleton, Councillor Korab, Councillor Korab, Councillor Froude, Councillor Froude, Councillor Collins, Councillor Collins, Councillor Skinner, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - April 5, 2021**

SJMC-R-2021-04-12/157

**Moved By** Councillor Hickman

**Seconded By** Councillor Stapleton

That the minutes of April 5, 2021 be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**5. BUSINESS ARISING FROM THE MINUTES****5.1 RPS By-Law Amendment - Parking of Vehicles on Residential Yards  
(Notice of Motion given at April 5 Regular Meeting of Council)**

As per the notice of motion given at the April 5 Regular Meeting of Council, Councillor Froude introduce a motion to amend the Residential Property Standards By-Law to clarify that the parking of vehicles on the front yard of a residential property is prohibited.

SJMC-R-2021-04-12/158

**Moved By** Councillor Froude

**Seconded By** Councillor Skinner

That Council amend the Residential Property Standards By-Law to clarify that the parking of vehicles on the front yard of a residential property is prohibited.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**6. DEVELOPMENT APPLICATIONS****6.1 Request for Building Line Setback - 22 Kerry Street - DEV2100041**

SJMC-R-2021-04-12/159

**Moved By** Councillor Froude

**Seconded By** Councillor Korab

That Council approve a 5.54 metre Building Line setback at 22 Kerry Street to accommodate the construction of a Single Detached Dwelling.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**7. COMMITTEE REPORTS**

**7.1 Audit and Accountability Standing Committee - March 25, 2021**

**1. 2021 Audit Plan**

SJMC-R-2021-04-12/160

**Moved By** Councillor Stapleton

**Seconded By** Councillor Korab

That Council approve the 2021 audit plan.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**2. Vendor Master File, Electronic Funds Transfer and Wire Transfer Audit Report**

SJMC-R-2021-04-12/161

**Moved By** Councillor Stapleton

**Seconded By** Councillor Hanlon

That Council approve the Vendor Master File, Electronic Funds Transfer and Wire Transfer Audit Report and the associated action plans put forth by management.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**8. DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)**

**8.1 Development Permits List April 1 - 7, 2021**

Council considered the Development Permits List for information.

**9. BUILDING PERMITS LIST (FOR INFORMATION ONLY)**

**9.1 Building Permits List for the week of April 7, 2021**

Council considered the Buildings Permits List for information.

**10. REQUISITIONS, PAYROLLS AND ACCOUNTS**

**10.1 Weekly Payment Vouchers for Week Ending April 7, 2021**

SJMC-R-2021-04-12/162

**Moved By** Councillor Collins

**Seconded By** Deputy Mayor O'Leary

That the weekly payment vouchers for the week ending April 7, 2021 in the amount of \$2,838,990.33 be approved.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**11. TENDERS/RFPS**

**11.1 2021024 - Supply & Delivery Swimming Pool Chemicals**

SJMC-R-2021-04-12/163

**Moved By** Councillor Hickman

**Seconded By** Councillor Korab

That Council award this open call to the lowest bidders per section meeting specifications: Section 1 - White's Pools and Spas Limited for \$849.40 per year, Section 2 – Rockwater Professional Products for \$17,999.00 per year, and Section 3 - Rockwater Professional Products for \$30,940.50 per year (HST excluded from all values) as per the Public Procurement Act.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**11.2 2021056 – Supply and Delivery of Rainwear**SJMC-R-2021-04-12/164**Moved By** Councillor Skinner**Seconded By** Deputy Mayor O'Leary

That Council award open call 2021056 – Supply and Delivery of Rainwear, to the lowest bidder meeting the specifications, D'Costa Marketing Limited for \$29,060.20 (including HST), as per the Public Procurement Act. There is a price escalation allowance which is up to a maximum of the appropriate CPI index for years 3 and beyond.

**MOTION CARRIED (9 to 0)****12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS****13. OTHER BUSINESS****13.1 Sale of City Land Adjacent to 78 McNiven Place**SJMC-R-2021-04-12/165**Moved By** Councillor Stapleton**Seconded By** Councillor Hickman

That Council approve the sale of City land adjacent to 78 McNiven Place, as outlined in blue on the diagram below.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)****13.2 Sale of City land on Robinson Place and Columbus Drive**SJMC-S-2021-04-12/166**Moved By** Councillor Korab**Seconded By** Councillor Stapleton

That Council approve the sale of City land on Robinson Place and Columbus Drive, as shown in attached surveys



For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**14. ACTION ITEMS RAISED BY COUNCIL**

Councillor Collins referenced a number of potholes around Fort Amherst and would like staff to reach out to the contractor concerning this matter.

**15. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:41.

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MAYOR

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CITY CLERK

# DECISION/DIRECTION NOTE

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**Title:** Request for Rear Yard Variance – 6 Spruce Grove Avenue – INT2100027

**Date Prepared:** April 14, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 5

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## **Decision/Direction Required:**

To seek approval for a 7.6% Variance on the Rear Yard setback at 6 Spruce Grove Avenue.

## **Discussion – Background and Current Status:**

An application has been submitted to add an extension to rear of the Single Detached Dwelling at 6 Spruce Grove Avenue. The minimum Rear Yard requirement in the Residential Low Density (R1) Zone is 6 metres. The proposed Rear Yard setback with the extension would be 5.54 metres, which would require a 7.6% Variance. Section 8.4 of the Development Regulations provides that up to a 10% Variance pertaining to Lot Requirements can be considered.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Abutting property owners have been notified
3. Alignment with Strategic Directions/Adopted Plans: *St. John's Strategic Plan 2019-2029 - A Sustainable City* – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Section 10.3.3(1)(f) and Section 8.4 of the St. John's Development Regulations.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.



9. Information Technology Implications: Not applicable.

10. Other Implications: Not applicable.

**Recommendation:**

That Council approve the 7.6% Variance to allow a 5.54 metre Rear Yard setback at 6 Spruce Grove Avenue, to accommodate the rear extension of a Single Detached Dwelling.

**Prepared by:**

Andrea Roberts P.Tech – Senior Development Officer  
Planning, Engineering and Regulatory Services

**Approved by:**

Jason Sinyard, P. Eng., MBA, Deputy City Manager-  
Planning, Engineering and Regulatory Services

**Report Approval Details**

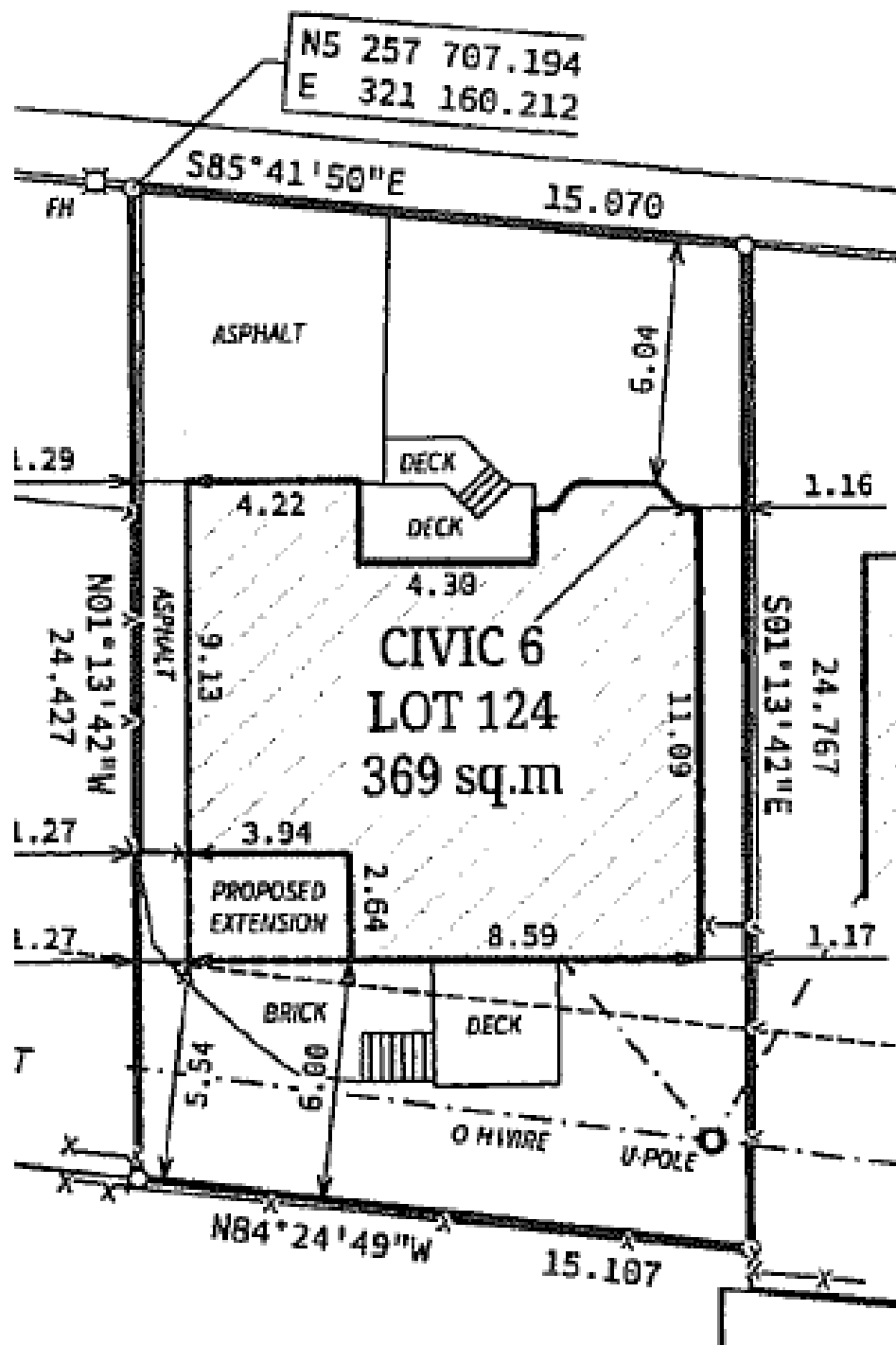
Document Title:	Development Committee - Request for Rear Yard Variance - 6 Spruce Grove Avenue - INT2100027.docx
Attachments:	- Extension.pdf - Aerial Map - 6 SPRUCE GROVE AVENUE.pdf
Final Approval Date:	Apr 14, 2021

This report and all of its attachments were approved and signed as outlined below:

**Lindsay Lyghtle Brushett - Apr 14, 2021 - 12:53 PM**

**Jason Sinyard - Apr 14, 2021 - 6:36 PM**

# SPRUCE GROVE AVENUE (15m Wide)





**SUBJECT PROPERTY**

**R1**

**SPRUCE GROVE AVE**

**453**

**2**

**4**

**6**

**8**

**10**

**R1**

**449**



# DECISION/DIRECTION NOTE

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**Title:** Outdoor Eating Area and Lounge – 115 Duckworth Street – DEV2100034

**Date Prepared:** April 13, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 2

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**Decision/Direction Required:** To consider a Discretionary Use application for an Outdoor Eating Area and Lounge at 115 Duckworth Street.

**Discussion – Background and Current Status:** The proposed Use is for an Outdoor Eating Area and Lounge at The Vu. The outside area will be approximately 74.31 m<sup>2</sup> and located in the parking area. Hours of operation for the Outdoor Area will be seasonal, seven days a week from 7 a.m. to 11 p.m. Parking relief has been requested. The proposed application site is in the Commercial Central Mixed Use (CCM) Zone.

Two submissions were received. Concerns raised pertained to reducing the hours of operation for the patio use, no outdoor music and no invasive lighting. Although this is an annual Use on the site, the operating months and hours of operation proposed are in line with the Parklet program. The proposed hours of operation also follow the requirements of the City's Noise Bylaw. It is recommended that no outdoor speakers be allowed on the patio.

The proposed patio would take up 6 parking spaces and parking relief is requested for these spaces due to the temporary nature of the patio extension (May 22 to October 31 annually).

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.
3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 – A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: St. John's Development Regulations Section 5.5, Section 7.21(5) and Section 9.1.1.

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5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Public advertisement in accordance with Section 5.5 of the St. John's Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least once and are posted on the City's website. Written comments received by the Office of the City Clerk are posted in the agenda for the regular meeting of Council.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council approve the application for an Outdoor Eating Area and Lounge at 115 Duckworth Street, subject to all applicable requirements. The use of outdoor speakers will not be permitted. It is also recommended that Council approve the temporary parking relief for 6 parking spaces to accommodate the Outdoor Eating Area and Lounge.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development  
Planning, Engineering and Regulatory Services

**Approved by:**

Jason Sinyard, P. Eng, MBA Deputy City Manager  
Planning, Engineering and Regulatory Services



**Report Approval Details**

Document Title:	Notices Published - 115 Duckworth Street.docx
Attachments:	
Final Approval Date:	Apr 14, 2021

This report and all of its attachments were approved and signed as outlined below:

**Lindsay Lyghtle Brushett - Apr 13, 2021 - 4:13 PM**

**Jason Sinyard - Apr 14, 2021 - 6:38 PM**

April 5, 2021

Office of the City Clerk  
City of St. John's  
Newfoundland and Labrador

**Re.: RESIDENT SUBMISSION** regarding the Discretionary Use Application submitted by the Vue Restaurant at 115 Duckworth Street, St. John's NL

Dear Honorable Mayor Danny Breen and respected City Councillors,

As 15 year residents of Wood Street, we have seen this quiet residential downtown neighbourhood undergo rapid, invasive change only over the past 2 years. We recognized that the opening of Bannerman Brewery would bring added entertainment attention to east Duckworth, and it took no time for that to start.

The neighbouring streets now endure a substantive change to our previous streetscape:

- Parking reductions for residents
- Constant parking violations by bar patrons
- Late night pedestrian noise
- Sleep interruptions
- Increased activity 7 days & nights/week

As the Brewdock prepares to launch its delayed opening, the Vu logically wants to share the financial potential. We appreciate the logic and predicted it.

The residential group was vocal about our opposition to the Brewdock's intentions for its outdoor area, and asked that they follow the same rules as Bannerman:

- Reduced hours for deck use – patrons must be indoors well before closing hours
- No live music outdoors
- No amplified music after 9pm
- No invasive lighting

We now request the same rules apply for the Vue's proposed application.

We acknowledge the city's efforts to enforce parking laws, but we also know that the pandemic has worked for us in reducing the traffic which is already of concern. We will need increased vigilance in parking monitoring and response times to late night complaints, as are certain to arise with 3 bars in such close proximity, on dangerously busy and reduced visibility intersections.

Thank you for considering our continued concerns for our evolving neighbourhood.

A large black rectangular redaction box covering the signature and name of the sender.

## Karen Chafe

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**From:** CityClerk  
**Sent:** Friday, March 26, 2021 9:47 AM  
**To:** [REDACTED] CityClerk  
**Cc:** [REDACTED]; Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning  
**Subject:** RE: (EXT) Discretionary Use Application Submitted by the Vu Restaurant

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley  
City Clerk  
709-576-8202

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Thursday, March 25, 2021 9:19 PM  
**To:** CityClerk <cityclerk@stjohns.ca>  
**Cc:** [REDACTED]  
**Subject:** (EXT) Discretionary Use Application Submitted by the Vu Restaurant

Dear City Clerk

Re: Discretionary Use Application Submitted by the Vu Restaurant 115 Duckworth St.

My family and I live at [REDACTED]. I do not know the owners of this establishment nor do I have any connection to them.

I fully support this application and encourage you to positively approve their request as quickly as possible.

We need to do everything we can to assist private entrepreneurs like those behind the Vu Restaurant, especially at a time like this.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

# DECISION/DIRECTION NOTE

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**Title:** Discretionary Use – 19 King’s Bridge Road – DEV2100027

**Date Prepared:** April 13, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 2

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**Decision/Direction Required:** To consider a Discretionary Use application for Office Use at 19 King’s Bridge Road.

**Discussion – Background and Current Status:** The proposed Office Use will have a floor area of 900m<sup>2</sup> and operate Monday–Friday, 8 a.m. to 6 p.m. On-site parking is provided. The proposed application site is located in the Institutional (INST) Zone.

One submission was received.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.
3. Alignment with Strategic Directions/Adopted Plans: St. John’s Strategic Plan 2019-2029 – A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Not applicable.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Public advertisement in accordance with Section 5.5 of the St. John’s Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least once and are posted on the City’s website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.

**ST. JOHN’S**

9. Information Technology Implications: Not applicable.

10. Other Implications: Not applicable.

**Recommendation:**

That Council approve the application for Office Use at 19 King's Bridge Road, subject to all applicable requirements.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development  
Planning, Engineering and Regulatory Services

**Approved by:**

Jason Sinyard, P. Eng, MBA Deputy City Manager  
Planning, Engineering and Regulatory Services

## Karen Chafe

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**From:** CityClerk  
**Sent:** Wednesday, March 24, 2021 2:20 PM  
**To:** [REDACTED]; CityClerk  
**Cc:** Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning  
**Subject:** RE: (EXT) 19 King's Bridge Road

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley  
City Clerk  
709-576-8202

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**From:** [REDACTED]  
**To:** CityClerk <cityclerk@stjohns.ca>  
**Subject:** (EXT) 19 King's Bridge Road

This building has effective been used for offices since the time the building was occupied as the American Embassy.

There is no reason why this use should not continue.

Regards,

[REDACTED]

**Disclaimer:** This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

# ST. JOHN'S

## Report of Committee of the Whole - City Council

Council Chambers, 4th Floor, City Hall

April 7, 2021, 9:30 a.m.

Present: Mayor Danny Breen  
Deputy Mayor Sheilagh O'Leary  
Councillor Sandy Hickman  
Councillor Debbie Hanlon  
Councillor Deanne Stapleton  
Councillor Jamie Korab  
Councillor Ian Froude  
Councillor Wally Collins  
Councillor Shawn Skinner

Staff: Kevin Breen, City Manager  
Derek Coffey, Deputy City Manager of Finance & Administration  
Tanya Haywood, Deputy City Manager of Community Services  
Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services  
Lynnann Winsor, Deputy City Manager of Public Works  
Susan Bonnell, Manager - Communications & Office Services  
Elaine Henley, City Clerk  
Karen Chafe, Supervisor - Office of the City Clerk  
Maureen Harvey, Legislative Assistant

Others Linda Bishop, Senior Legal Counsel  
Ann Marie Cashin, Planner III  
Anna Snook, Transportation Engineer  
Judy Tobin, Manager of Affordable Housing  
Krista Gladney, Affordable Housing and Development Facilitator

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### **1. Interest Free Payment Plan**

#### Recommendation

**Moved By** Councillor Skinner

**Seconded By** Councillor Hanlon

That Council approve the creation of a monthly interest free payment program for residential taxpayers whose accounts are current and are set up for a preauthorized payment option only. This option would become effective April 1, 2021.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**2. Affordable Housing Catalyst Grant Allocations 2021**

Recommendation

**Moved By** Deputy Mayor O'Leary

**Seconded By** Councillor Skinner

That Council approve the recommended 2021 Housing Catalyst Grant allocations and retain the unawarded amount to the 2022 grant cycle.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

**3. 130 Aberdeen Avenue, MPA1900006**

Recommendation

**Moved By** Councillor Stapleton

**Seconded By** Councillor Hickman

That Council:

1) consider rezoning the property at 130 Aberdeen Avenue from the Commercial Regional (CR) Zone to the Apartment Medium Density (A2) and Residential High Density (R3) Zones to allow a residential development containing single detached dwellings, semi-detached dwellings, townhouses and apartment buildings; and following staff review, advertise the application for public review and comment;



2) direct staff to work with the St. John's International Airport Authority and the Province to determine the best approach to update the airport noise (NEF) maps and policies and bring back recommendations to Council; and

3) defer any future rezoning applications for new residential development within the 30 NEF line until Council makes a decision on new NEF maps and policies.

For (7): Mayor Breen, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Collins, and Councillor Skinner

Against (2): Deputy Mayor O'Leary, and Councillor Froude

**MOTION CARRIED (7 to 2)**

**4. Re-Imagine Churchill Square Concept Plan**

Discussed with agreement that the park across the street would be a good follow-up project to blend, and compliment Churchill Square.

Recommendation

**Moved By** Councillor Froude

**Seconded By** Deputy Mayor O'Leary

That Council approve the proposed Re-imagine Churchill Square concept plan and it be referred for future capital works consideration to proceed with the detailed design and construction as funding becomes available.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

**MOTION CARRIED (9 to 0)**

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Mayor

# DECISION/DIRECTION NOTE

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**Title:** Interest Free Payment Plan

**Date Prepared:** March 26, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Shawn Skinner, Finance & Administration

**Ward:** N/A

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**Decision/Direction Required:** Whether to provide an interest free payment option for residential municipal taxes

## **Discussion – Background and Current Status:**

Council requested staff consider the impact of modifying the existing monthly payment plans for residential taxpayers to be interest free and not require payment in advance. The request did not include commercial taxpayers as they are billed in arrears on a quarterly basis and are also complicated by potential vacancy allowance claims.

The City currently has an interest free monthly payment option for those using preauthorized payment (PAP) however it requires payment in advance. For example – if the January 2021 tax bill was \$1,200 a taxpayer would pay \$200 from September 2020 through February 2021 so that after the six months \$1,200 would be accumulated on the taxpayers' account so that no interest would be charged. These taxpayers are referred to as "pay in advance" accounts.

There are also regular PAP clients who pay the same amount each month but are being charged interest. As an example, a taxpayer availing of this method on a home valued at \$300,000 will pay approximately \$60 in interest over the course of a year.

There are approximately 2,800 accounts which are paying in advance, 2,000 regular accounts making monthly payments with interest, and another 17,000 where payments are made by a financial institution. With approximately 40,000 residential accounts this leaves approximately 18,200 who could avail of such a change. Of these 18,200 there are also a number of residents who pay directly to the City each year in full and as a result would not "cost" the City interest revenue.

Attempting to assess the full uptake of such a program is very difficult. If this is immensely popular the type of payment becomes an important consideration. If for example 5,000 accounts switched to this method and they all wanted to use post-dated cheques this would create an additional 60,000 transactions to be keyed by staff. This is for illustrative purposes as many would use the PAP option. That said, to prevent increased staffing costs for keying transactions PAP is the preferred payment method.

# ST. JOHN'S

**Key Considerations/Implications:**

## 1. Budget/Financial Implications:

The full loss in interest revenue of providing a monthly interest free option is difficult to ascertain as the full utilization is hard to assess. For the 2,000 accounts currently on regular PAP, and assuming an average house in the City valued at \$300K, the loss of interest revenue to the City will be approximately \$120,000. For every additional 1,000 accounts that are currently paying interest and that partake in an interest free program the cost to the City is estimated at \$60,000. While this could be upwards of 18,200 accounts the uptake is not expected anywhere close to that amount. The impact on interest revenue is not expected to materially impair the City's finances.

## 2. Partners or Other Stakeholders:

This will provide taxpayers with some interest relief and payment flexibility. It will allow them to smooth their cash flows without having to make two significant lump sum payments.

## 3. Alignment with Strategic Directions/Adopted Plans:

A sustainable City

## 4. Legal or Policy Implications:

## 5. Privacy Implications:

## 6. Engagement and Communications Considerations:

A communications plan has been developed to make taxpayers aware of the monthly interest free option and to provide direction for those who already make monthly payments.

## 7. Human Resource Implications:

## 8. Procurement Implications:

## 9. Information Technology Implications:

## 10. Other Implications:

**Recommendation:**

That Council approve the creation of a monthly interest free payment program for residential taxpayers whose accounts are current and are set up for a preauthorized payment option only. This option would become effective April 1, 2021.

**Prepared by:**

**Approved by:**

**Report Approval Details**

Document Title:	Interest Free PAP.docx
Attachments:	
Final Approval Date:	Apr 1, 2021

This report and all of its attachments were approved and signed as outlined below:

**Kevin Breen - Apr 1, 2021 - 11:10 AM**

# DECISION/DIRECTION NOTE

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**Title:** Affordable Housing Catalyst Grant Allocations 2021

**Date Prepared:** March 31, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Deputy Mayor Sheilagh O'Leary, Housing

**Ward:** N/A

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## **Decision/Direction Required:**

Seeking Council approval on 2021 Housing Catalyst Grant allocations

## **Discussion – Background and Current Status:**

The City of St. John's approved the 'Affordable Housing Strategy, 2019-2028', in November 2018. The strategy will address the municipality's housing needs by working in step with partners, stakeholders, and residents to create and maintain safe, suitable and affordable housing throughout the city.

Leading innovation is a strategic direction of the new strategy, intended to inspire and facilitate creativity in affordable housing projects. Implementation action 3.1 *Continue to offer the Housing Catalyst Fund grants yearly for affordable housing projects* is found under this direction.

The Housing Catalyst Fund allows the City to be a catalyst for practical and collaborative projects that produce tangible housing solutions for people. The City's role through this fund is to work collaboratively with community groups and other stakeholders (housing providers, service providers, non-profit organizations, builders/developers) to facilitate and plan housing solutions that will enhance the quality of life for individuals and families and build a healthier community.

In fall 2020, the City of St. John's signed an agreement to collaborate with the Community Housing Transformation Centre (CHTC) to enhance the impact and reach of the Housing Catalyst Fund. The new partnership adds \$100,000 to the City's \$50,000. Grants will continue to fund short term projects with a one to two-year timeline of completion, however the maximum grant amount available to applicants has increased from \$10,000 to \$30,000.

# ST. JOHN'S

A Housing Catalyst Grant selection committee was established to review submissions, and included a representative from CMHC, two representatives from CHTC, two citizen representatives with experience in the housing and homelessness sector, and three staff from the City of St. John's.

The City of St. John's Manager - Housing and the Affordable Housing & Development Facilitator declared conflicts of interest and recused themselves from the review of these applications.

The following matrix was used to evaluate projects:

Housing Catalyst Fund 2021: Selection Criteria		
Item #	Criteria	Weighting
1	Project aligns with <a href="#">Affordable Housing Strategy</a> and <a href="#">CHTC's Priority Areas</a>	25%
2	Impact of project	25%
3	Project responds to clearly identified need	20%
4	Project is realistic and feasible	15%
5	Clarity of request	15%

The selection committee is recommending 6 applications be approved for funding. They are as follows

Organization	Project	Grant Amount		
		City	CHTC	Total
End Homelessness St. John's	Hiring of a consultant to explore the prospects and problems associated with developing cohousing/house sharing projects for low-income individuals in St. John's.	-	\$30,000	\$30,000
Association for New Canadians	Hiring of a consultant to identify best practices and provide key recommendations on operating a transition house, particularly for newcomer women seeking shelter from family violence.	-	\$30,000	\$30,000
S.O.D. Housing Co-operative	Energy efficiency upgrades to downtown properties.	\$10,000	-	\$10,000
Empower	Work with various partners on the development of a model based on current needs, and source various levels of funding, to build or renovate accessible housing for people with disabilities.	\$5,000	\$25,000	\$30,000
Fundamental Inc.	The Community-Supported Micro-Living Pilot Project is looking to explore the opportunity for providing a housing-vulnerable youth with a community-sponsored micro-unit.	\$10,000	\$15,000	\$25,000
Cohousing NL	Offering an affordable cohousing participatory design workshop and information series.	\$10,000	-	\$10,000

When reviewed in their entirety there is \$15,000 remaining in the overall Housing Catalyst Fund. It is recommended that Council retain this amount for the next grant cycle.



**Key Considerations/Implications:**

1. Budget/Financial Implications: \$50 000 has been approved for the 2021 Housing Catalyst Fund. Once approved, the City will transfer \$15,000 to CHTC for the administration of projects that are co-funded.
2. Partners or Other Stakeholders: CHTC, and 6 partners in their affordable housing efforts
3. Alignment with Strategic Directions/Adopted Plans: Affordable Housing Strategy 2019-2028- 3.1 Continue to offer the Housing Catalyst Fund grants yearly for affordable housing projects
4. Legal or Policy Implications: In 2020, the City of St. John's signed an MOU with CHTC outlining the Catalyst Fund Partnership agreement
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: Housing staff will work with Marketing and Communications and CHTC in releasing information.
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A
10. Other Implications: N/A

**Recommendation:**

That Council approve the recommended 2021 Housing Catalyst Grant allocations and retain the unawarded amount to the 2022 grant cycle.

**Prepared by: Jennifer Langmead, Supervisor – Tourism and Events**

**Approved by: Tanya Haywood, DCM – Community Services**

**Report Approval Details**

Document Title:	2021 Housing Catalyst Grants.docx
Attachments:	
Final Approval Date:	Mar 31, 2021

This report and all of its attachments were approved and signed as outlined below:

**Judy Tobin - Mar 31, 2021 - 12:04 PM**

**Tanya Haywood - Mar 31, 2021 - 12:14 PM**

# DECISION/DIRECTION NOTE

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**Title:** 130 Aberdeen Avenue, MPA1900006

**Date Prepared:** March 29, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 1

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## **Decision/Direction Required:**

To consider a rezoning application for land at 130 Aberdeen Avenue from the Commercial Regional (CR) Zone to the Apartment Medium Density (A2) Zone and Residential High Density (R3) Zones to accommodate a residential development consisting of single detached dwellings, semi-detached dwellings, townhouses and apartment buildings.

## **Discussion – Background and Current Status:**

The City has received an application to rezone land at 130 Aberdeen Avenue from the Commercial Regional (CR) Zone to the Apartment Medium Density (A2) and Residential High Density (R3) Zones for the purpose of a residential subdivision with a mix of housing types. A Municipal Plan amendment is also required. This application is still being reviewed by staff but is being brought to Council before the review is finished; Council's decision may affect the design of the proposed development.

When the application was received, it was referred to the St. John's International Airport Authority (SJIAA) for comment. Generally, the Airport Authority reviews applications with respect to building height, location within the Noise Exposure Forecast (NEF) system, and sometimes building materials (some materials can affect air navigation by radar). Transport Canada uses the NEF system to evaluate noise impacts; it includes factors such as the number of aircraft movements, types of aircraft, runways used, and the glide and approach paths. The higher the NEF number, the louder the noise. The aim is to ensure that land uses which are sensitive to airport noise, such as residential uses where people could be awakened by noise) are kept away from the airport.

For the proposed development at 130 Aberdeen Avenue, there were no concerns from the Airport Authority with respect to the building heights, but they did express concern with airport noise. According to their most recent NEF maps (attached), the proposed development is bisected by the 30 NEF line and they assert that new residential development is not suitable above 30 NEF. They recommended that the developer rearrange the site plan to keep residential uses on the low side of the 30 NEF line. The Airport Authority recommends following their map showing the ultimate NEF lines. Even if it is 30+ years in the future, the building would still be there when the ultimate NEF comes to pass.

# ST. JOHN'S

This ultimate NEF map differs from the NEF map used in the St. John's Development Regulations, which is based on the 1996 map in the St. John's Urban Region Regional Plan. The City also uses the airport policies in the Regional Plan. Relevant sections of the Regional Plan are attached for Council's reference.

The Province's Regional Plan recognizes that aircraft and helicopter movements are noisy and aims to minimize their adverse impacts. The Plan sets minimum requirements for development, limits new residential uses to areas outside (or lower than) the 35 NEF line, and recommends that any residential development between 30 and 35 NEF have sufficient sound insulation. The Regional Plan's NEF map is from 1996 and has not been updated. Using these lines, the proposed rezoning at 130 Aberdeen Avenue would fall between the 25 and 30 NEF lines and thus would be permitted under the Regional Plan.

In addition to the NEF map in the Regional Plan being older than the one used and recommended by the Airport Authority, their policies are also different. The Regional Plan recommends that new residential uses can proceed between the 30 and 35 NEF lines, subject to sufficient noise insulation, but Transport Canada recommends against new residential development above 30 NEF. If the responsible authority (in this case, the City) chooses to proceed contrary to Transport Canada's recommendation, then Transport Canada advises that:

- a) appropriate acoustic insulation features must be considered, and
- b) a noise impact assessment study must be completed. Further, the developer should be required to inform all prospective tenants or purchasers that airport noise (creating annoyance and interfering with speech) is a problem at 30 NEF and is very significant by 35 NEF.

The requirement for noise insulation for residential developments between 30 and 35 NEF is similar to the policy of the Regional Plan, though it is against Transport Canada's recommendation.

There are two ways in which Council can approach the current rezoning request:

1. Consider rezoning the entire property for residential use. This is the applicant's request. Should Council decide on this direction, staff recommend that the applicant be required to provide sufficient sound insulation as proposed in the attached Aircraft Noise Feasibility Assessment prepared for the applicant.
2. Consider rezoning only the portion of the property that is below the 30 NEF line. This would require the applicant to redesign the development. The portion between 30 and 35 NEF would remain in the Commercial Regional (CR) Zone where airport noise is less of a concern.

Given that the St. John's Development Regulations and the Province's Regional Plan would allow the proposed development; given that the applicant has prepared an Aircraft Noise Feasibility Assessment for Council's consideration; and given that, should the NEF map be updated, the proposed noise insulation would fall in line with the Regional Plan policies and the cautionary recommendation from Transport Canada - it is recommended that Council consider rezoning the entire property for residential use. Should Council consider rezoning the entire

property, the application would be advertised once the staff review is complete and staff confirm that the proposed development meets City regulations and policies. Some revisions to the attached site plan may be required.

Staff recognize the important economic role of the Airport regionally and provincially, including its need to operate 24 hours a day. There are many Canadian airports where overnight operations are not allowed due to the presence of residential areas close by. With the geographic location of St. John's at the extreme east of Canada, the airlines start their day very early so that aircraft move westward across the country. Also, some flights end their run in St. John's well after midnight. Years ago, the Airport Authority advised the City that any threat to 24-hour operation would challenge the Airport's ability to meet the needs of the airlines.

Therefore, staff recommend that the City work with the Airport Authority and the Province in determining the best approach to update the NEF map and policies. Engine and airframe technology and changing flight schedules affect the NEF lines and can change over time. Using a map from 1996 is not appropriate when there are updated maps. As the Airport grows, we must keep our policies up to date. Staff also recommend deferring any further applications to rezone properties to residential use within the 30 NEF line until Council decides on any new policy. Areas already zoned for residential use would not be affected by this. As shown on the attached map, these are areas currently zoned Commercial Regional (CR), Industrial General (IG), Agricultural (AG), Rural, and other non-residential zones.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring property owners and residents; the St. John's International Airport Authority; and the NL Department of Environment, Climate Change and Municipalities (for the Regional Plan).
3. Alignment with Strategic Directions/Adopted Plans:  
*St. John's Strategic Plan 2019-2029 - A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.*
4. Legal or Policy Implications: Map amendments to the St. John's Municipal Plan and Development Regulations are required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Should Council decide to consider the rezoning, following staff review the application will be advertised in *The Telegram* newspaper and on the City's website, and notices will be mailed to property owners within 150 metres of the application site.
7. Human Resource Implications: Not applicable.

8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council:

- 1) consider rezoning the property at 130 Aberdeen Avenue from the Commercial Regional (CR) Zone to the Apartment Medium Density (A2) and Residential High Density (R3) Zones to allow a residential development containing single detached dwellings, semi-detached dwellings, townhouses and apartment buildings; and following staff review, advertise the application for public review and comment;
- 2) direct staff to work with the St. John's International Airport Authority and the Province to determine the best approach to update the airport noise (NEF) maps and policies and bring back recommendations to Council; and
- 3) defer any future rezoning applications for new residential development within the 30 NEF line until Council makes a decision on new NEF maps and policies.

**Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage**

**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**

**Report Approval Details**

Document Title:	130 Aberdeen Avenue, MPA1900006.docx
Attachments:	- 130 Aberdeen Avenue - COTW Attachments(compressed).pdf
Final Approval Date:	Mar 31, 2021

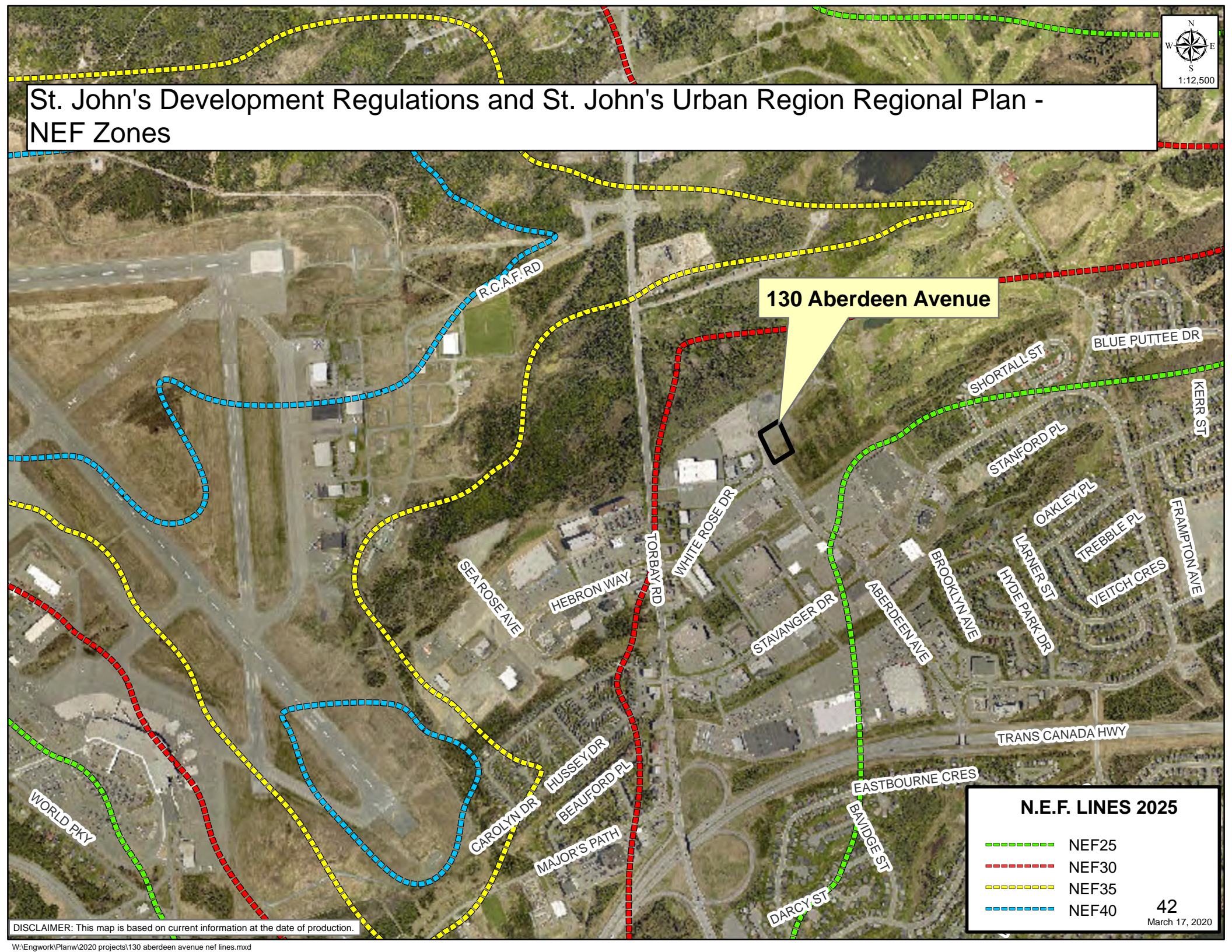
This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Mar 30, 2021 - 5:28 PM**

**Jason Sinyard - Mar 31, 2021 - 1:05 PM**



# St. John's Development Regulations and St. John's Urban Region Regional Plan - NEF Zones



130 Aberdeen Avenue

**N.E.F. LINES 2025**

- NEF25
- NEF30
- NEF35
- NEF40

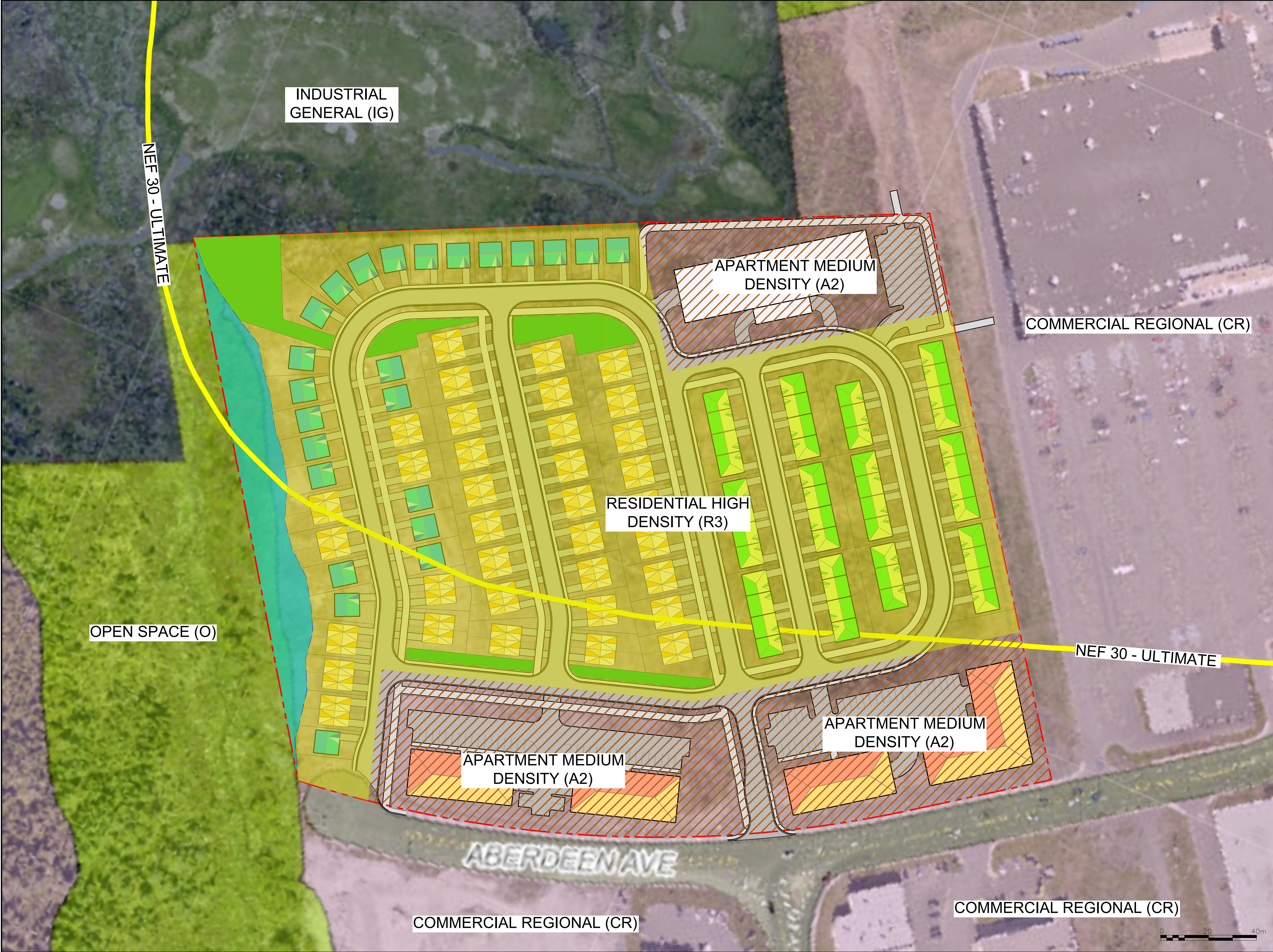
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March 17, 2020









CONTRACTOR MUST VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE PROCEEDING WITH ANY PORTION OF THIS WORK. REPRODUCTIONS OF THIS DRAWING MAY HAVE BEEN REDUCED OR ENLARGED. REFER TO GRAPHIC SCALE. DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

A  
B  
C

A - PLAN, SECTION, ELEVATION, OR DETAIL No.  
B - No. OF DRAWING WHERE 'A' IS ON SITE PLAN  
C - No. OF DRAWING WHERE 'A' IS DETAILED

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

B	ISSUED FOR APPROVAL		21/01/27	
A	ISSUED FOR APPROVAL		19/12/06	
No.	REVISIONS	APP	DWN	DATE

NORTH:

STAMP:

Progressive Engineering  
& Consulting Inc.

PERMIT STAMP:

PROVINCE OF NEWFOUNDLAND AND LABRADOR

PERMIT HOLDER  
This Permit Allows

PROGRESSIVE ENGINEERING & CONSULTING INC

To practice Professional Engineering  
in Newfoundland and Labrador.  
Permit No. as issued by PEG N0566  
which is valid for the year 2021

OWNER/CLIENT NAME:

A HARVEY &  
COMPANY LTD.

PROJECT TITLE:

ABERDEEN AVENUE  
DEVELOPMENT

DRAWING TITLE:

PROPOSED ZONING PLAN

DRAWN BY:	DESIGNED BY:	APPROVED BY:
J.P.	J.P.	J.P.
MAE No:	DATE:	SCALE:
N/A	DEC 2019	AS SHOWN
PROJECT No:	DRAWING No:	REV:
2019-019	C1	B

44



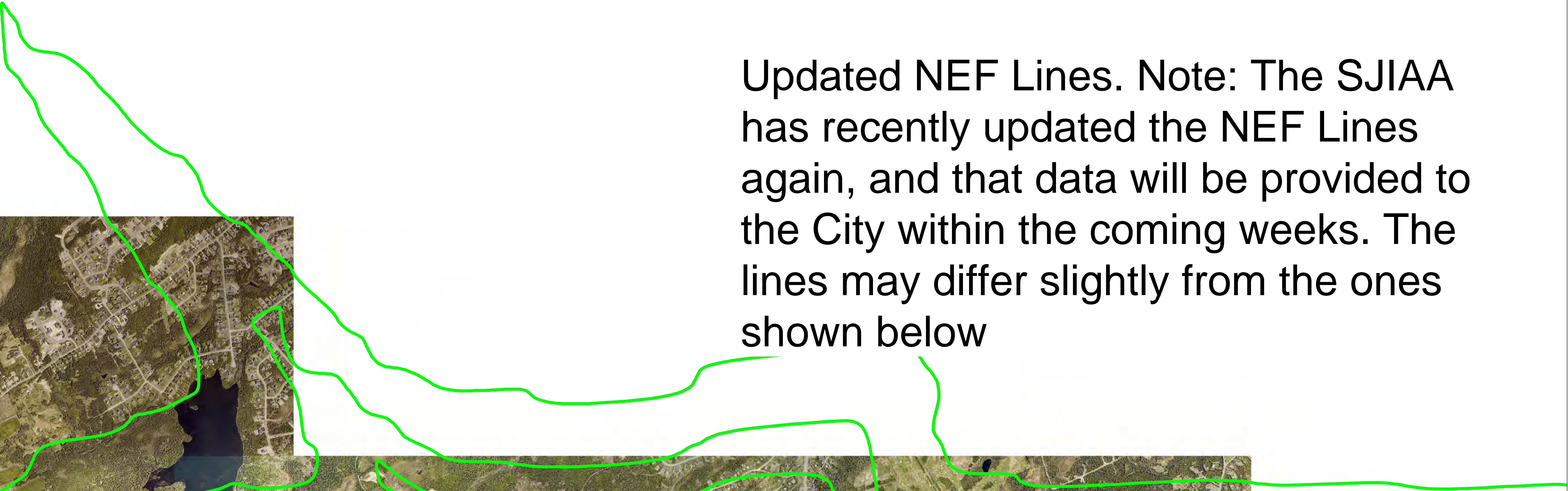
[illegible]

The NEF Lines the City currently use. The 1996 lines were digitized and sent to the City in 2012.



Updated NEF Lines. Note: The SJIAA has recently updated the NEF Lines again, and that data will be provided to the City within the coming weeks. The lines may differ slightly from the ones shown below

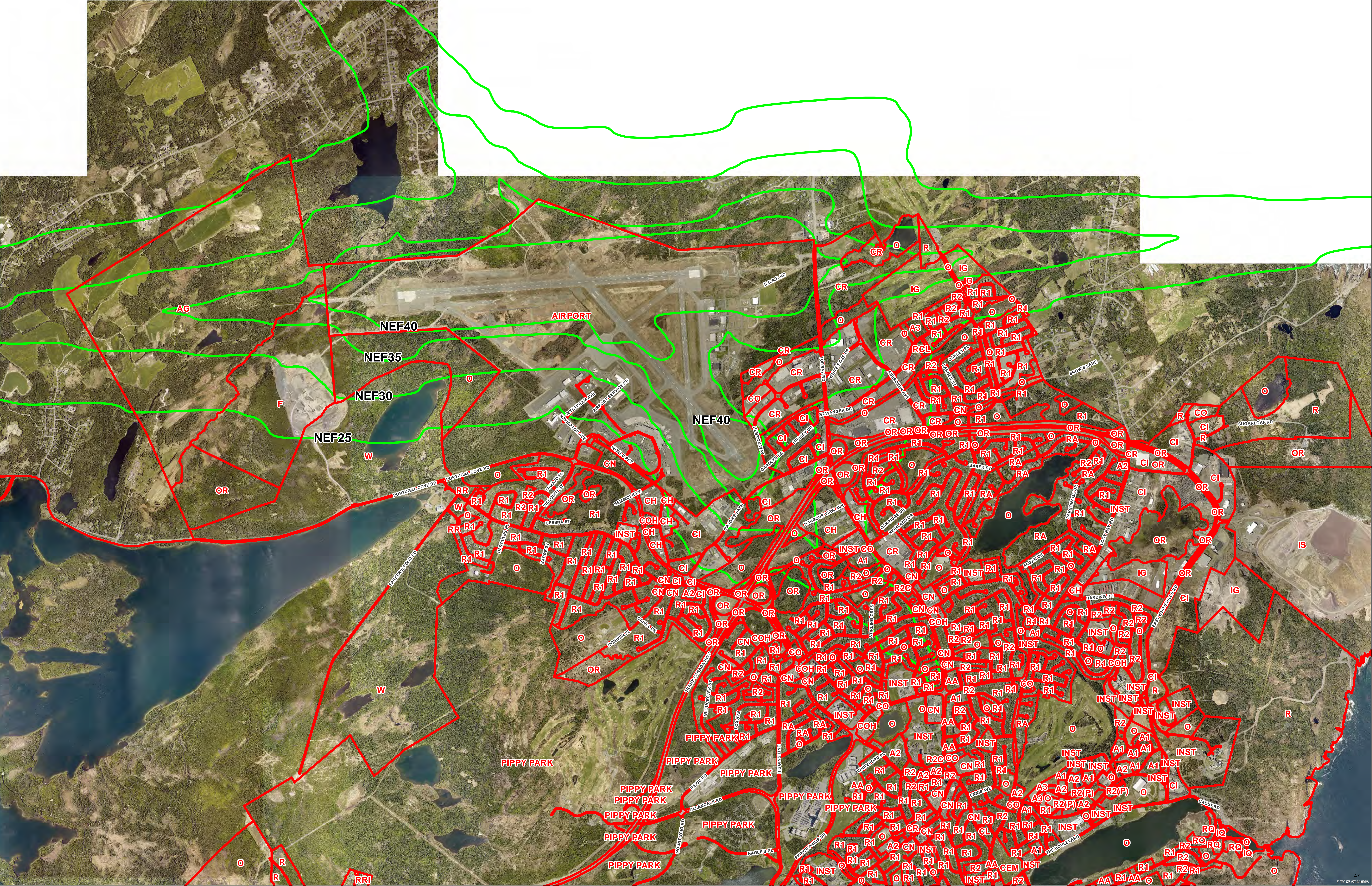
Updated NEF Lines. Note: The SJIAA has recently updated the NEF Lines again, and that data will be provided to the City within the coming weeks. The lines may differ slightly from the ones shown below





Most of the areas within the 30+ NEF Lines are zoned for non-residential uses.

Most of the areas within the 30+ NEF Lines are zoned for non-residential uses.





# **ST JOHN'S URBAN REGION**

## **REGIONAL PLAN**

**1976**

**with  
Forestry Policy Amendment, 1978  
Watershed Protected Areas Policy Amendment, 1980  
and  
Subsequent Amendments**

**OCTOBER 1995**

**Unofficial Consolidation as of May 1, 2007**

**Prepared by  
Engineering and Land Use Planning Division  
Department of Municipal Affairs**

*Residential uses shall not be permitted in any industrial area except for a dwelling for an essential workman or caretaker and his family, or for transient accommodations.*

*(Amendment #2, 1994)*

*The amenity of surrounding non-industrial areas shall be protected by keeping noises, fumes and any hazardous aspects of industrial operations as far as possible from the property lines dividing the industrial and non-industrial areas.*

*[Crossed out: Green Bay Industrial Site.]*

*a) the purpose of the site is to accommodate an offshore service base to provide docking and related loading, storage, repair, maintenance and administrative facilities in support of offshore oil and gas exploration, development and production effort.*

*b) development of the site will be dependent upon the approval of a Development Scheme prepared under the provisions of the Urban and Rural Planning Act.*

*(as amended 1987)*

**(b) Torbay Airport**

*Notwithstanding the land use designations on the Regional Plan Map and any other policies of this Regional Plan, the following special provisions shall apply within the vicinity of Torbay Airport:*

- i) No development shall infringe the height limitations in the vicinity of Torbay Airport unless otherwise approved by the Ministry of Transport.*
- ii) No development shall be permitted in the vicinity of Turbo Airport that would, in the opinion of the Ministry of Transport, pose a danger to the operations of aircraft by interfering with navigational aids or telecommunications equipment.*
- iii) Within the noise zones indicated on Annex I (Noise Exposure Forecast Values) decisions upon permitting development shall in the first instance have regard to the policies set out elsewhere in this Plan according to the*

*designation of the area in which they are to be located and, in addition, the policies set out in Annex II of the Plan shall be used as guidelines.*

*Within the area designated 'Airport' on the Regional Plan Map development shall be limited to uses associated with the operation of the airport and to which the Ministry of Transport have no objection.*

### (c) Regional Industrial Uses

#### Policy:

*The policies set out above for Major Industrial Uses(a) will apply in the Regional Industrial areas, except that the types of uses which may be permitted include light industrial and certain additional commercial uses. Commercial uses that require large lots and floor areas and direct vehicular access for loading of purchased goods may be permitted in addition to those outlined in (a) above.*

*The Regional Industrial use designation shall not preclude the setting aside of conservation and other open space areas for the protection of waterbodies, for passive or active recreation, for reservation of heights of land or land which should not be developed because of steep slopes, hazardous conditions, servicing, or other development constraints.*

*(Amendment #3, 1994)*

## **H. TRANSPORTATION**

The transportation network forms the backbone of the Regional Plan; it is the component that ties all the parts together. The transportation policies of the Regional Plan have been developed in conjunction with the land use policies and the transportation plan is incorporated on the Regional Plan Map, providing for the following classes of roads:



**ST. JOHN'S AIRPORT ENVIRONS POLICY**

**1983**

**as amended**

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## **1. INTRODUCTION**

The area which is the subject of the St. John's Airport Environs Policy is generally bounded as follows:

- i) to the south by the 1981 boundary of the City of St. John's and by the boundary of the C.A. Pippy Park;
- ii) to the west by the far western boundary of St. John's Airport;
- iii) to the north by an east/west line running through the northern tip of South Pond; and
- iv) to the east by a north/south line to the east of Quidi Vidi Lake.

The above area is shown on the attached St. John's Airport Environs Policy Map, but is emphasized that there are other areas in the Urban Region, which lie outside of the above area and which are impacted by proposals for that area, and policies made relevant to that area which by their nature apply outside of the area.

The policies which follow are based on the findings contained in the report "St. John's Airport Environs Development Plan, Volume I Development Plan, and Volume II Background Report". Relevant statistical data, analysis and reasoning from which these policies were derived can be found in the above noted work.

## **2. AIMS FOR ST. JOHN'S AIRPORT ENVIRONS**

The principal aims for the St. John's Airport Environs Policy are to allow for development of land uses which will:

- i) not hinder in any way the optimum use of the Airport;
- ii) provide for the highest and best use of the land around the Airport, for both trend growth and for economic development derived from growth of the offshore oil and gas industry; and
- iii) complement the surrounding regional context of both urban and rural uses.

## **3. GOALS AND OBJECTIVES**

The following five broad goals for the St. John's Airport Environs are recognized:

- i) the optimization of Airport use;
- ii) the optimization of the potential for offshore oil and gas related developments around the Airport;
- iii) the optimization of the quality of the residential environment;
- the optimization of investment in municipal services; and
- iv) comprehensive regional planning.

From these goals are derived specific objectives which are set out below with, where appropriate, a brief explanatory note.

### **3.1 Goal: Optimization of Airport Use**

Optimization of airport use is seen as a development goal on three counts:

- i) To assist in the development of regular traffic growth.
- ii) To protect the significance of the airport as a critical transportation link for the economy of the whole province and, in particular, the St. John's Urban Region.
- iii) To enhance the role of the airport and thus the Urban Region in its service function for the offshore oil and gas industry.

Although the main tools to optimize the use of the airport relate more specifically to the future development, operation and management of the airport itself, the rational planning for and the use of lands surrounding the airport have significant impact. Thus, planning for the Airport Environs will encourage development of the right kind and at the right locations, and prevent development which would potentially reduce optimum use of the airport.

#### **Objectives:**

- a) Maximization of Land Availability for Airport-Derived Commercial Use.
- b) Maximization of Land Availability for Airport-Derived Industrial Use.

### **3.2 Goal: Optimization of the Potential for Offshore Industry Development Around the Airport**

Since the offshore industry is so dependent on airport use, adequate well located land around the airport should be reserved to assist potential industrial growth associated with development of this industry.

#### **Objectives:**

- a) Maximization of land Availability for Offshore/Airport-Related Industrial and Commercial Uses.
- b) Implementation of a Comprehensive Regional Road Network and Improvement of Airport-Port/Downtown Access.

### **3.3 Goal: Optimization of the Quality of the Residential Environment.**

Any disruption to already developed and still undeveloped areas due to airport activity should be minimized.

#### **Objectives:**

- a) Avoidance of All Noise Disturbance in Future Residential Areas.
- b) Minimization of Noise Disturbance in Existing Residential Areas.
- c) Allocation of Land Uses so as to Minimize Conflicts between Airport-related Industrial and Commercial Uses and Existing or Future Residential Uses.

### **3.4 Goal: Optimization of Investment in Municipal Services**

#### **Objectives:**

- a) Disposition of Land Uses so as to Fully Utilize Existing and Planned Municipal Infrastructure.
- b) Phasing of Land Development so as to Maximize Existing Infrastructure and planned phasing of New Servicing.
- c) Minimization of Right-of-way Impacts and Costs, by Implementation of a Multiple-use Service Corridor.

### **3.5 Goal: Comprehensive Regional Planning**

The Airport Environs is an integral part of the St. John's Urban Region and it must function within this context and respect, where appropriate, other regional policies.

#### **Objectives:**

- a) The Retention and Encouragement of Designated Agricultural Areas within the Airport Environs.
- b) The Retention of Designated Watershed Areas in or abutting the Airport Environs.

## **4. ST. JOHN'S AIRPORT ENVIRONS POLICY**

The St. John's Airport Environs Policy Map shows the land uses proposed for the lands surrounding the airport. These are: residential; commercial, ~~airport-related commercial; airport-related industrial/commercial; airport-related industrial;~~ industrial, agriculture, watershed and rural. Each of these uses is discussed below in general terms, followed by policies relating to their implementation. Following the policies relating to specific land uses are policies relating to noise impact, bird hazard constraints, and infrastructure.

*(Amendment #2, 1991)*

### **4.1 Residential Uses**

New areas of residential uses within the Airport Environs are designated only outside of the consolidated forecast 25 NEF line. Other areas designated residential, lying both within and outside of the 25 NEF line, are all either developed, in the process of development or are approved subdivisions.

*(Amendment #1, 1991)*

*(Amendment #1, 1994)*

**Policies:**

- ▶ That new residential uses be restricted to only those areas lying outside of the ~~25~~ 35 NEF consolidated noise footprint.

*(Amendment #1, 1991)*

*(Amendment #1, 1994)*

- ▶ That infill development of new residential uses shall be permitted in existing or approved residential areas, but that the full acoustic insulation shall be incorporated into building design specifications.

- ▶ Any new residential development between the 30 NEF contour and the 35 NEF contour shall include sufficient sound insulation as established from time to time by appropriate authorities.

*(Amendment #1, 1994)*

## **4.2 Commercial Uses**

In many instances this designation encompasses existing uses. In addition to commercial uses in general, specific-purpose commercial uses, i.e., airport-related, are identified and dealt with as a separate policy heading.

It is the intent of this Policy to consolidate commercial uses at nodes along arterial roads, and not to encourage the further proliferation of strip commercial development.

### **Policy:**

- ▶ That commercial uses only be permitted in the areas appropriately designated. The definition of such uses shall be the responsibility of the appropriate local authority but shall generally include retail and office activities, as well as commercial clubs, restaurants and service stations provided particular attention is given to site design and access.

## **4.3 Airport-Related Commercial Uses**

*(Deleted in Amendment #2, 1991)*

## **4.4 Industrial/Commercial Uses**

Within this designation light industrial or commercial uses will be permitted. Highway-related uses will not be permitted on that land so designated and lying to the south of the proposed Outer Ring Road because of the controlled access nature of this road. However, such uses will be permitted elsewhere in this designation provided strict consideration is given to site design and access.

**Policy:**

- That only industrial/commercial uses be permitted in this designation and that these uses shall accord with the Major Industrial Policy of the St. John's Urban Region Regional Plan, with the additional stipulation that heavy industrial uses shall not be permitted.

**4.5 Airport-Related Industrial/Commercial Uses**

*(Deleted in Amendment #2, 1991)*

**4.6 Industrial Uses**

A large area surrounding the airport is designated for industrial use. A large proportion of this, particularly to the east and northeast of the airport, is ideally suited for offshore-related industrial use.

This White Hills area is also designated for industrial use and possesses great locational advantages of good future regional road access to this airport and port.

**Policy:**

- That industrial uses only shall be permitted in the areas so designated and that these uses shall be subject to the "Major Industrial Policy" of the St. John's Urban Region Regional Plan.

**4.7 Airport-Related Industrial Uses**

*(Deleted in Amendment #2, 1991)*

**4.8 Aviation-Related Industrial Uses**

This designation is given to land lying on Airport property immediately east of runway 02/20 and between it and Turbo Road. The designation has been applied to this area since it is of such importance to support the helicopter and general aviation activity, with many of the former and its support uses likely being offshore-related.

**Policies:**



- ▶ That helicopter and specific aviation-related industrial uses only shall be permitted in the areas so designated.
- ▶ That a full definition of compliance with a helicopter and aviation-related use classification shall be developed by the appropriate jurisdictions for use in the development of this land and this definition shall be included in any implementing regulation for this plan and any municipal, local area plan, or airport plan prepared in accordance with it.

#### **4.9 Agricultural Use**

The St. John's Agricultural Development Area encompasses lands to the north and northeast of the airport. The lands are a regional and provincial resource which cannot be replaced if used for other purposes. Analysis of land demands for urban uses has indicated that there is no shortage of potentially developable land for such uses and that there is on these grounds no cause to consider amendment to existing agricultural policy.

**Policy:**

- ▶ That agricultural uses only be permitted in the areas so designated and that the policies relating to these uses be those of the St. John's Urban Region Regional Plan.

*(Section 4.9 is affected by amendments to the policies of Section F(a) of the Regional Plan).*

**4.10 Rural Use**

The rural designation has been applied to areas beyond current and proposed servicing limits or where topographic and drainage considerations might well hinder development. Land demand analysis indicates that there is no need to consider the urban use of these lands.

**Policy:**

- ▶ That rural uses only be permitted in the areas so designated and that policies relating to these uses be those of the St. John's Urban Region Regional Plan.

**4.11 Watershed Use**

The Windsor Lake and South Pond Watersheds fall partly within the Airport Environs. Their existing and future use as domestic water sources is undisputed and they will be accordingly protected.

**Policy:**

- ▶ That the Windsor Lake and South Pond Watersheds remain subject to the Watershed Protected Areas Policy of the St. John's Urban Region Regional Plan.

#### 4.12 Noise

Aircraft and helicopter movements are generally noisy and the disposition of the above noted land uses has been determined on the basis of anticipated movements and noise levels in order to minimize impacts. However, there are existingly developed areas and areas committed for development which are and will be affected by aircraft noise. It is essential that incompatible development not be permitted in potentially high noise areas and that, where possible, steps be taken to minimize impacts on existingly developed areas. Airport and aircraft operations are beyond the control of this plan, but certain steps can be taken beyond the boundaries of the airport to minimize adverse impacts. Annex I shows the Noise Exposure Forecast values for St. John's Airport for ~~1985~~ 1996, which replace the former NEF values of the St. John's Urban Region Regional Plan with effect from the approval of these policies. The following policies apply equally to areas beyond what this plan defines as the St. John's Airport Environs.

*(Amendment #1, 1992)*

##### **Policies:**

- ▶ That no noise sensitive uses, particularly residential ones, be permitted in existing and future high noise impact areas.
- ▶ That new infill housing in noise impact areas have mandatory acoustic insulation.
- ▶ That structures and landscaping on land in high noise areas be designed to also act as noise barriers or absorbers.
- ▶ That the change of use from noise-sensitive uses to noise-tolerant ones be encouraged in high noise impact areas.
- ▶ That noise levels, noise level forecasts and airport developments be monitored and, that the land use policies of this plan be reviewed on the basis of variations or forecast variations.
- ▶ The volume and frequency of helicopter movements be monitored with a view to considering with the appropriate federal, provincial, municipal, and industry authorities, the establishment of helicopter corridors to provide for safe operation with minimum impact on noise sensitive uses.

#### 4.13 Bird Hazard Constraints

Birds and aircraft are potentially dangerous to one another. In the vicinity of any airport, therefore, steps have to be made to minimize the risk of collision between them.

Certain land uses and activities by their nature attract birds and these land uses near airports should be discouraged if not prevented. The zones of potential danger to aircraft around the St. John's Airport are shown in Annex III as three concentric circles: A) 2 mile-radius; B) 3-mile radius; C) 5-mile radius.

Zone A is the area of greatest potential hazard. Most of the Airport Environs area lies within this zone, where the preferred uses, considering potential bird hazards would be industrial and commercial uses, excluding any drive-in restaurants or other food-related commercial uses. Residential uses in any zone do not normally exacerbate the bird hazard constraint. For a detailed list of land uses and related bird hazards, see Annex III.

**Policy:**

- ▶ Within the Bird Hazard Zones shown in Annex III decisions upon permitting development shall in the first instance have regard to the policies set out elsewhere in this plan according to the designation of the area in which they are to be located and in addition the policies set out in Annex III.

**4.14 Servicing**

Proposals to provide trunk water and sewer mains to the airport environs are in hand and are essential to the realization of the areas potential. Adequate land will be serviced to meet this potential and development will only be permitted on these lands in order to minimize servicing costs, fully use those to be provided and limit unnecessary outward sprawl.

**Policies:**

- ▶ That the water supply system to the St. John's Northeast Expansion Zone be implemented.
- ▶ That the Penetanguishene extension of the Pleasantville Trunk Sewer be implemented.
- ▶ That storm sewerage in the airport environs be given adequate consideration in the design and implementation of new developments.
- ▶ That no activity at or emission be undertaken from the Robin Hood Bay waste disposal site which could be a hindrance to air navigation.
- ▶ That the route of the proposed Outer Ring Road through the airport environs area be utilized as a multiple-use service corridor for linear services such as roads, water and sewer mains, hydro lines and pipelines. The full cooperation of concerned agencies will be solicited for this section of the Outer Ring Road, and elsewhere on its route where appropriate.

**4.15 Road Network**

The planned regional road network will be capable of accommodating the potential development of the areas surrounding St. John's Airport and in part by providing excellent regional access will promote the area's development. Consideration will be given to other improvements to aid traffic flow and promote development as the rate of development dictates.

**Policies:**

- ▶ That the regional road network as depicted in the St. John's Urban Region Regional Plan be implemented.
- ▶ That the Outer Ring Road be given the highest priority so that its construction will enable the realization of development potential in both the Airport Environs and the Region as a whole.
- ▶ That the Penetanguishene Bypass and Airport Access Road be constructed in conjunction with the Outer Ring Road and the development of St. John's Airport facilities.
- ▶ That an Airport-Port/Downtown St. John's link from the eastern limit of the Outer Ring Road be developed.
- ▶ That a link to the Outer Ring Road from the planned industrial area to the east of Turbo Road be investigated for possible realization as the industrial area develops.
- ▶ That further research be carried out into the potential truck traffic generated by Airport Environs industrial areas, with particular emphasis on port destined or derived traffic, with a view to establishing truck routes and/or defined times for truck movements through city streets.

**ANNEX I**  
**NOISE EXPOSURE FORECASTS**

## NOISE EXPOSURE FORECASTS

The Noise Exposure Forecast (NEF) system used by Transport Canada to evaluate the real extent of noise impacts is dependent upon a number of factors:

- i) number of traffic movements;
- ii) type of aircraft in use;
- iii) proportional mix of aircraft;
- iv) runways utilized;
- v) glide and approach paths;
- vi) height of traffic on approach and departure paths;
- vii) noise and characteristics of aircraft types, during both landing and take-off procedures;
- viii) duration of noise;
- ix) frequency components of the noise (pure tones); and
- x) subjective analysis of the degree of annoyance of the noise. This evaluation is a result of a combination of physical and behavioural studies and is considered the most up-to-date method of evaluating noise problems with an airport.

NEF contours to reflect the anticipated aircraft movements in 1985 have been projected by Transport Canada.\* These contours are shown on Annex I and are based on the Optimistic Oil Scenario for 1985.

No NEF contours have been supplied for traffic movements beyond 1985, although projections for traffic volumes have been calculated. This absence of NEF contours for beyond the near future is clearly a major constraint for land use planning in the Airport Environs area.

*(1985 NEF contours have been replaced with 1996 contours).*

\* It should be noted that NEF contours are computer-plotted at a scale of 1:50,000. This means that any enlargement of the scale, eg., to 1:12,500 runs the risk of an inherent distortion. The NEF lines thus have to be evaluated in this light. Nonetheless, they are the best estimated of the anticipated locations of noise-affected areas.

The NEF contours were plotted based on an assumption of a mix of summer day traffic. Offshore helicopter traffic was incorporated into the noise forecast, however, the helicopters were assumed to be operating under IFR conditions and therefore would be flying at a much higher level than they would be under VFR conditions. This fact also may have distorted the NEF contours.



BPD+ Boundridge Planning and Development Services Inc.

24 Silverton Street, St. John's, Newfoundland

pdboundridge@yahoo.com

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**15 March 2021**

Ken O'Brien, MCIP

Chief Municipal Planner

Department of Planning, Engineering and Regulatory Services

City of St. John's Municipal Council

**Re: Application to Rezone Land at Civic # 130 Aberdeen Avenue  
to Accommodate a Mixed-Form Housing Development  
York Development Inc/York Construction  
CSJ File #: MPA1900006**

Good Day, Mr. O'Brien:

On behalf of Peter Batson and York Development Inc. (York) and as part of the project team, I want to convey our appreciation to the City of St. John's for the opportunity provided us on 24 February 2021 to attend a meeting with the Committee of the Whole (COTW) and make a short presentation on this project to develop a new residential neighbourhood in the City's northeast.

Purpose of the Presentation

As you are aware, City representatives advised York that it should meet with the COTW to better familiarize Council representatives about what the rezoning application is intended to accomplish. York agreed and prepared a presentation for the COTW meeting to discuss the proposed development project and to inform the COTW of the relevance of the St. John's Airport Noise Exposure Forecast (NEF) contours as they relate to municipal and provincial planning policies involving the responsible use by Council of its discretionary authority to allow residential development to occur within the 30 – 35 dB NEF contour band; and to garner some measure of support from Council members for exercising this discretion when considering the York application to rezone and redesignate 130 Aberdeen Avenue to support York's subsequent application to develop a new mixed-form residential neighbourhood. We also felt it important to remind current Council members that, in accordance with the *Urban and Rural Planning Act, 2000* (URPA), the ultimate authority to allow the requested rezoning and approve the proposed development rests with the City of St. John's.

We also believed it important to impart to City representatives some of the knowledge about NEF mapping that our project team obtained through consulting with professional staff of the St. John's Airport Authority, and the results of the professional sound impact assessment that York had commissioned. The former is important as it reveals how NEF contours are identified and...

... 2



...how they have changed over time. The latter is important as it indicates, using Canadian Government guidance, the mitigative measures which will be undertaken during dwelling construction to increase the liveability of dwellings on the small part of the Aberdeen Avenue site within the 30 – 35 dB NEF contour band.

### The Regulatory Regime

The St. John's Municipal Plan (**Part I, Section 1.4 - Relation to Other Levels of Government**) "...must conform to the St. John's Urban Region Regional Plan which was adopted by the Province in 1976. The Regional Plan applies to all land in the St. John's Urban Region, which is essentially the Northeast Avalon Peninsula....the St. John's Development Regulations implement the policies of the St. John's Municipal Plan and are subordinate to it."

The St. John's Municipal Plan, as noted in the following policy excerpt, gives clear direction to the City in the matter of residential development in the vicinity of the St. John's Airport.

#### **CSJ Municipal Plan - (Part III, Section 4.3.4 – St. John's Airport Land Use District Policies)**

"The City shall work with the Airport Authority to ensure that residential land uses and other uses that may be detrimentally affected by noise are limited in accordance with the Noise Exposure Forecast (NEFF) Contours shown on the General Land Use (**Map III-I**)"

The above St. John's Municipal Plan policy is implemented by the following regulation which is part of the St. John's Development Regulations.

#### **CSJ Development Regulations (Section 11 – Overlay Districts)**

##### **11.1 Airport Vicinity Requirements**

"In addition to or supplementing any other provisions of these Regulations, any Developments in the vicinity of the St. John's Airport are subject to the St. John's Urban Region Regional Plan concerning Noise Exposure Forecast Zones and Bird Hazard Zones." (emphasis added)

The St. John's Urban Regional Plan ("the Regional Plan") has a very specific policy pertaining to the St. John's Airport - the **St. John's Airport Environs Policy 1983**. The principal aims of the St. John's Airport Environs Policy "are to allow for development of land uses which will:

- i) not hinder in any way the optimum use of the Airport;
- ii) provide for the highest and best use of the land around the Airport, for both trend growth and for economic development derived from growth of the offshore oil and gas industry; and



- iii) complement the surrounding regional context of both urban and rural uses”

This Airport Environs Policy document contains a series of sub-policies which provide clear guidance to the Airport Authority, municipalities and property owners/developers having lands within the Airport Environs. In regard to residential development, it states the following:

#### **“4.1 Residential Uses**

New areas of residential uses within the Airport Environs are designated only outside of the consolidated forecast 35 Noise Exposure Forecast (NEF) Line. Other areas designated residential, lying both within and outside the 35 NEF line, are all either developed, in the process of development, or are approved subdivisions.

#### **Policies:**

- That new residential uses be restricted to only those areas lying outside of the consolidated 35 NEF consolidated noise footprint.
- That infill development of new residential uses shall be permitted in existing or approved residential areas, but that the full acoustic insulation shall be incorporated into building design specifications. (emphasis added)
- Any new residential development between the 30 NEF contour and the 35 NEF contour shall include sufficient sound insulation as established from time to time by appropriate authorities.” (emphasis added)

*The St. John’s International Airport Master Plan Update 2015 – 2035*, St. John’s International Airport Authority (Final Report Prepared for the St. John’s International Airport Authority, January 2017; WSP Canada Ltd.) utilizes the best practices in recommending an array of policies and standards for the successful operation of airports in the country. Amongst these are *TP1247 9th Edition – Aviation Land Use in the Vicinity of Airports*.

The *Aviation Land Use in the Vicinity of Airports* document begins with the statement “From a regulatory perspective, the authority for the designation of and control of the use of lands located outside of aerodrome property rests with provincial/municipal levels of government.” Part IV of this document deals specifically with the subject of Aircraft Noise and includes the blanket statement that “Transport Canada does not support or advocate incompatible land use (*especially residential housing*) (emphasis added) in areas affected by aircraft noise...” Section 4.8 of this guideline document provides recommended practices for various land use types, including residential development, as follows:



**“A**

Annoyance caused by aircraft noise may begin as low as NEF 25. It is recommended that developers be made aware of this fact and that they undertake to so inform all prospective tenants or purchasers of residential units. In addition, it is suggested that development should not proceed until the responsible authority is satisfied that acoustic insulation features, if required, have been considered in the building design.”

**“B**

(b) This Note applies to NEF 30 to 35 only. New residential construction or development should not be undertaken. If the responsible authority chooses to proceed contrary to Transport Canada's recommendation, residential construction or development between NEF 30 and 35 should not be permitted to proceed until the responsible authority is satisfied that: (1) appropriate acoustic insulation features have been considered in the building and (2) a noise impact assessment study has been completed and shows that this construction or development is not incompatible with aircraft noise. Notwithstanding point 2, the developer should still be required to inform all prospective tenants or purchasers of residential units that speech interference and annoyance caused by aircraft noise are, on average, established and growing at NEF 30 and are very significant by NEF 35.” (emphasis added)

### The Airport Noise Impact Assessment

In accordance with the direction provided by Regional Plan’s St. John’s Airport Environs Policy 1983 and *The St. John’s International Airport Master Plan Update 2015 – 2035*, York engaged Valcoustics Canada Ltd. (“Valcoustics”) to complete an assessment of the potential noise impact from air traffic using the St. John’s International Airport upon the proposed mixed-form residential neighbourhood development. The noise impact assessment was completed on November 11, 2020 and is attached for your information.

Valcoustics undertook the noise assessment drawing guidance from published guideline documents from the Canada Mortgage and Housing Corporation (CMHC), Transport Canada and the National Research Council (NRC) [“New Housing and Airport Noise”- CMHC, 1981; “Aviation, Land Use in the Vicinity of Aerodromes” (TP1247E), Transport Canada, 2019; “Building Practice Note, Controlling Sound Transmission Into Buildings (BPN 56), National Research Council].



The Valcoustics noise impact assessment report notes that the majority of the proposed residential development lies between the NEF 25 and NEF 30 contours with the western portion of the site between NEF 30 and NEF 35; and that “residential development is still permitted between the NEF 30 and NEF 35 contours provided that appropriate sound insulation is provided for the dwellings to protect the indoor spaces.” (emphasis added).

The NRC’s BPN 56 assessment determines the Sound Transmission Class (STC) requirements for individual building elements (i.e., exterior windows, walls and roof). The sound impact assessment for part of the subject property above the 30 dB contour yielded the following results:

- “Exterior walls should have a STV of at least 54. This can be achieved using typical brick veneer construction. If lighter weight sidings, such as vinyl, are desired, additional gypsum board, cement board sheathing and/or resilient channels can be used to achieve the requirement. This can be determined as part of the detailed design of the dwellings;
- Roof construction with a STC of at least 50 is needed. This can be achieved using a typical wood roof truss with ventilated attic and asphalt shingle construction; and
- Exterior windows should have a STC of at least 34. This can be achieved using a double glazed window with 2 panes of 6 mm thick glass separated by a 13 mm air space. Alternatively , a double glazed window with a pane of 6 mm thick laminated glass, 6 mm air space and 3 mm thick glass can be used.

The sound isolation requirements can be reduced at lower NEF contours. The requirements for living/dining rooms, recreation spaces and kitchens will be lower due to higher indoor sound level criteria....Final acoustical insulation requirements should be determined once final building plans are available. As per TC guidance, future occupants should be made aware of the potential noise situation through an appropriate warning clause(s).”

As the City can now conclude, and as previous Councils concluded, successful residential development in the vicinity of the St. John’s Airport can occur without adverse impact on the operations of the airport or the residents.

### The Path Forward

Transport Canada and the Airport Authority are automatically opposed to residential development on land above the 30 dB contour and recommend to municipalities that it not be allowed. Transport Canada and the Airport Authority defer to the legislated authority of the City of St. John’s to regulate development on lands outside the boundaries of the airport and concede that residential development of land above the 30 dB contour in the vicinity of the airport may occur provided a noise impact assessment study has been undertaken, and appropriate acoustic insulation features have been considered in the design of proposed residential buildings.



This balanced approach is reflected in the St. John's Airport Environs Policy which is part of the St. John's Urban Region Regional Plan. This approach has been followed by previous Councils who have a much broader perspective and set of responsibilities than the Airport Authority, particularly in providing opportunities within the City for more affordable housing, housing that will have a positive fiscal impact upon the City and makes good sense from a planning perspective.

After extensive consultation with City representatives to address municipal technical and policy issues, York (with the assistance of its engineering consultant – Progressive Engineering & Consulting Inc.) has a well-developed plan for the development of a new residential neighbourhood on the property at 130 Aberdeen Avenue. The November 2020 Valcoustics noise impact assessment study demonstrates that, using Canadian Government guidelines, residential development between the 30 – 35 dB contour band is feasible at this location with appropriate acoustic insulation.

As we are aware, the next step in the rezoning process is to have a staff report, with a recommendation/direction, brought forward to the COTW for consideration and a recommendation to Council. The recommendation to Council could be that the application be rejected, or that it be referred to the public consultation process (i.e., advertisement and/or public meeting); followed by Council referral of the proposed Municipal Plan and Development Regulations amendments to the Department of Environment, Climate Change and Municipalities (DECCM) for an URPA Section 15 review and release; adoption of the amendments at a Regular Meeting of Council; Council appointment of an independent Commissioner and the scheduling of a public hearing; consideration by Council of the Commissioner's Report and a final decision at a Regular Meeting of Council on the proposed rezoning and approval of the proposed/adopted Municipal Plan and Development Regulations amendments.

Assuming that the rezoning application is successful and following the conclusion of the lengthy rezoning process with the publishing of a Notice of Registration in the *Newfoundland and Labrador Gazette*, York will then apply to the City for approval to commence development of the mixed-form residential neighbourhood.

York and its project team continue to rely upon City representatives for clarity in communications in understanding and addressing municipal engineering and planning policy concerns. If there is anything else which we can provide at this stage to assist Council in the decision making process (i.e., a Statement of Planning Rationale document) or to aid in the preparation of a comprehensive planning report to the COTW, please advise us and it will be provided in due course.



If there are any questions or if additional information is required from York's project team, please do not hesitate to contact me.

Yours truly,

  
**Paul Boundridge, MCIP**  
Planning and Development Consultant

Copy: Jason Sinyard – Deputy City Manager; Planning, Engineering and Regulatory Services  
Ann Marie Cashin, MCIP – Planner III, City of St. John's  
Peter Batson – York Development  
Gerard Doran – Plan First Development

Attachments:

“Aircraft Noise Feasibility Assessment, Proposed Residential Development, 130 Aberdeen Avenue, St. John's, Newfoundland, VCL File 120-0422”: November 11, 2020; Valcoustics Canada Ltd.

November 11, 2020

York Construction  
9 Westview Avenue  
P.O. Box 21447  
St. John's, Newfoundland  
A1A 5G6

Attention: Peter Batson  
[peter@yorkbuilt.ca](mailto:peter@yorkbuilt.ca)

**VIA E-MAIL**

**Re: Aircraft Noise Feasibility Assessment  
Proposed Residential Development  
130 Aberdeen Avenue  
St. John's, Newfoundland  
VCL File: 120-0422**

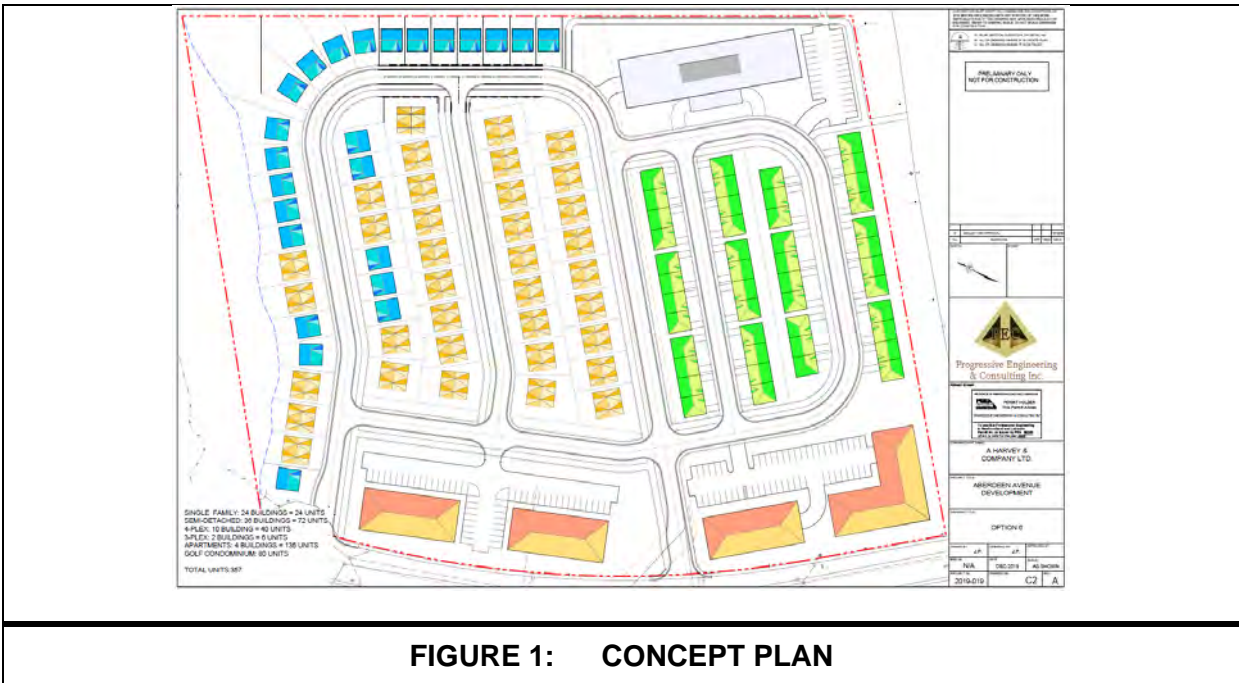
Dear Mr. Batson:

## **1.0 INTRODUCTION**

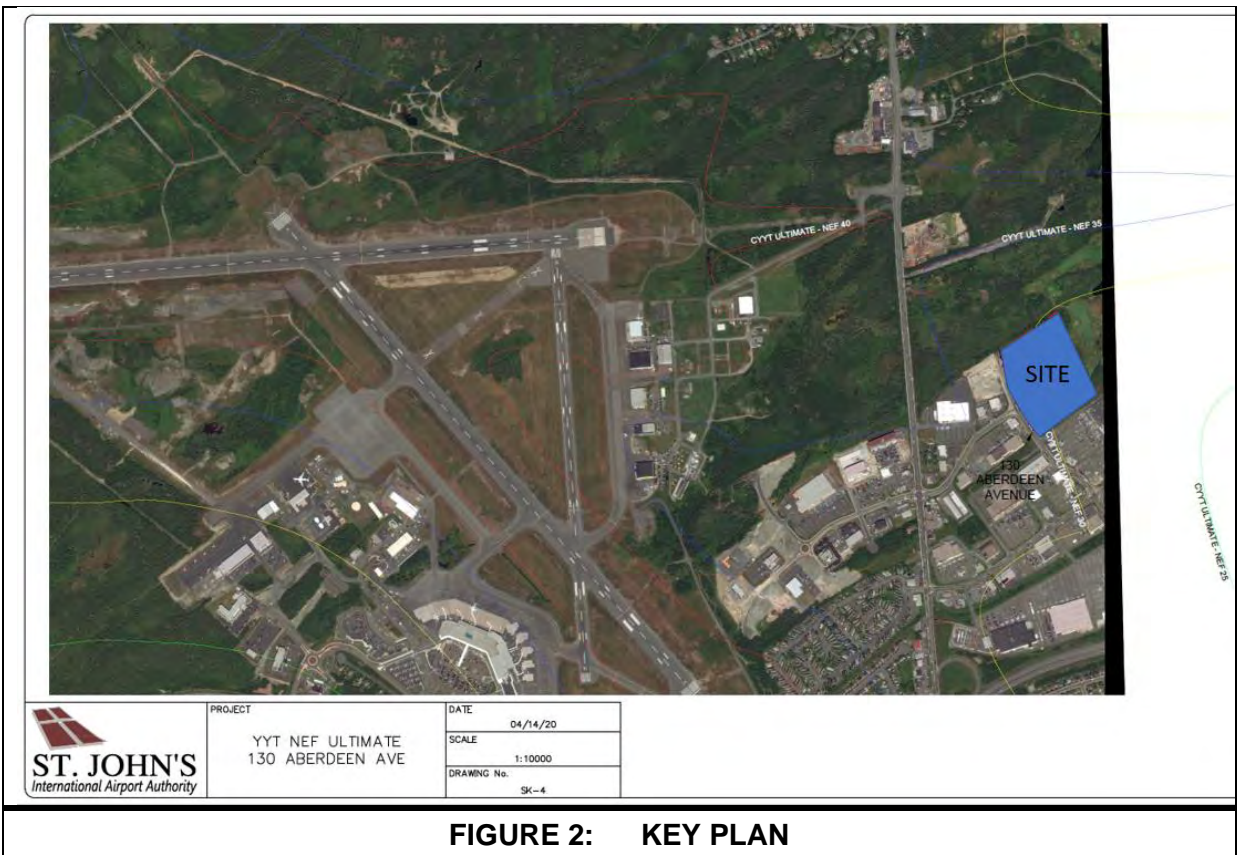
An assessment of the potential noise impact from air traffic using the St. John's International Airport (SJIA) on the proposed residential development has been completed. Our findings and recommendations are provided herein.

The proposed residential development consists of 24 detached dwellings, 36 semi-detached dwellings, 10 four-plex buildings, 2 three-plex buildings, 4 apartment buildings and 1 condominium building. A copy of the concept plan is Figure 1.





The site of the proposed development is to the east of SJIA. A Key Plan is Figure 2.



A number of methods have been devised to evaluate the noise exposure in the vicinity of airports. They are all similar in nature and combine many factors into a single number evaluation. The system currently used by Transport Canada (TC) and SJIA is Noise Exposure Forecast (NEF).

The NEF contours for St. John's International Airport are also shown on Figure 2. The majority of the proposed residential development lies between the NEF 25 and NEF 30 contours with western portion of the site between NEF 30 and NEF 35.

It should be noted that the Key Plan shows existing residential development to the north of the development site that is between the NEF 35 and NEF 40 contours as well as between the NEF 30 and NEF 35 contours.

## 2.0 NOISE GUIDELINES

The noise assessment has been completed using the guidance provided in published guideline documents.

### 2.1 CANADA MORTGAGE AND HOUSING CORPORATION

The Canada Mortgage and Housing Corporation (CMHC) has a guideline document "New Housing and Airport Noise", first published in 1978 and revised in 1981. Section 4.2.5 states "where noise exposure factors are between 25 and 35 NEF inclusive, the Corporation recommends or requires adequate sound insulation in new dwellings".

The dwellings must be designed so the indoor sound levels do not exceed those in Table 1.

**TABLE 1: CMHC Indoor Noise Exposure Criteria**

Use of Space	Maximum Indoor NEF
Bedrooms	0
Living, Dining, Recreation	5
Kitchen, Bathroom	10

Note that the above indoor criteria are consistent with those currently used in Ontario as outlined in Publication NPC-300 (issued in 2013).

### 2.2 TRANSPORT CANADA

TC has a document "Aviation, Land Use in the Vicinity of Aerodromes" (TP1247E). The Explanatory Notes for Table 2 state:

*"...residential construction or development between NEF 30 and 35 should not be permitted to proceed until the responsible authority is satisfied that:*

- 1. Appropriate acoustic insulation features have been considered in the building, and*
- 2. A noise impact assessment study has been completed and shows that this construction is not incompatible with aircraft noise.*

*Notwithstanding point 2, the developer should still be required to inform all prospective tenants or purchasers of residential units that speech interference and annoyance caused*

*by aircraft noise are, on average, established and growing at NEF 30 and are very significant by NEF 35."*

The above noted TC publication does not provide indoor sound level criteria.

### **3.0 NOISE ASSESSMENT**

The majority of the proposed development site lies between the NEF 25 and NEF 30 contours and is acceptable for residential development. The westernmost portion of the site lies between the NEF 30 and NEF 35 contours. Residential development is still permitted provided that appropriate sound isolation is provided for the dwellings to protect the indoor spaces.

#### **3.1 ACOUSTIC INSULATION**

A preliminary assessment has been completed to determine the acoustic insulation required for the exterior facades of the dwellings needed to meet the CMHC indoor sound exposure objectives. The assessment was completed using "*Building Practice Note, Controlling Sound Transmission into Buildings (BPN 56)*" published by the National Research Council of Canada (NRC). The BPN 56 assessment determines the Sound Transmission Class (STC) requirements for the individual building elements (i.e. exterior walls, windows and roof).

The preliminary assessment looked at the worst case scenario:

- Dwelling unit located at NEF 33 contour;
- Bedroom (has the most stringent indoor objective of NEF 0) located at an exterior corner (has maximum amount of exterior surface area); and
- Wall and window areas assumed to be 80% and 20% of the bedroom floor area on each of the two exterior corner facades.

#### **3.2 ASSESSMENT RESULTS**

The results of the assessment indicate:

- Exterior wall should have a STC of at least 54. This can be achieved using typical brick veneer exterior wall construction. If lighter weight sidings, such as vinyl, are desired, additional gypsum board, cement board sheathing and/or resilient channels can be used to achieve the requirement. This can be determined as part of the detailed design of the dwellings;
- Roof construction with a STC of at least 50 is needed. This can be achieved using a typical wood roof truss with ventilated attic and asphalt shingle construction; and
- Exterior windows should have a STC of at least 34. This can be achieved using a double glazed window with 2 panes of 6 mm thick glass separated by a 13 mm air space. Alternatively, a double glazed window with a pane of 6 mm thick laminated glass, 6 mm air space and 3 mm thick glass could be used.

The sound isolation requirements can be reduced at lower NEF contours. The requirements for living/dining rooms, recreation spaces and kitchens will be lower due to higher indoor sound level criteria.

In addition to the sound isolation requirements for the exterior facades, the dwellings should also be air conditioned to permit exterior windows to remain closed for noise control purposes.

Final acoustic insulation requirements should be determined once final building plans are available. As per TC guidance, future occupants should be made aware of the potential noise situation through an appropriate warning clause(s).

## **4.0 CONCLUSIONS**

The proposed residential development lies between the NEF 25 and NEF 35 contours from the SJIA. Residential development is permitted within this range provided appropriate acoustic insulation is provided for the dwelling units.

The results of the preliminary assessment indicate that it is feasible to provide a suitable indoor acoustical environment for the future occupants. The dwellings should be air conditioned to permit exterior windows to remain closed for noise control purposes. Future occupants should also be made aware of the potential noise situation through an appropriate warning clause(s).

A detailed assessment of the acoustic insulation requirements should be done once detailed building plans and a site layout is available.

If there are any questions or if additional information is needed, please do not hesitate to call.

Yours truly,

**VALCOUSTICS CANADA LTD.**

Per: \_\_\_\_\_  
**John Emeljanow, P.Eng.**

JE\  
J:\2020\1200422\000\Letters\2020-11-11 Preliminary Report V0.1.docx



His Worship the Mayor and members of Council,

Further to the COTW meeting of February 25/21 and having contributed to the presentation of the subdivision development plan, the value of visual aid clearly demonstrates the benefits of this affordable housing project. The proximity to public transportation, access to commercial services, including shopping are within short commuting distance of the development. Residential development, especially affordable housing is much desired and needed in the north and north-east parts of the City. In the recent decades, housing in this area has been designed and built for middle class or high-income earners. With scarce land inventory remaining in this location, there lies a great opportunity to offer affordable living to both homeowners and rental accommodation. Included with the presentation was the sound literary context of the Noise Exposure Forecast (NEF).

Abiding by planning policy and the technical requirements, development plans are well advanced in pursuit of a favorable consideration of this much needed affordable housing project.



For reference, a similar development that mirrors the housing stock of Hawkesbury Estates has existed in Ward 3 for almost 50 years. The multi-zoned and multiple dwelling development at Hamlyn Road, Barachois Street and Pasadena Crescent (shown above) boasts modern urban convenience with its affordable housing options of rental and private home ownership choices. That west end development is more than twice as large in the land area as Hawkesbury.

Sincerely,

Gerard Doran

# DECISION/DIRECTION NOTE

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**Title:** Re-Imagine Churchill Square Concept Plan

**Date Prepared:** March 29, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Ian Froude, Transportation and Regulatory Services & Sustainability

**Ward:** Ward 4

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## **Decision/Direction Required:**

Decision is required whether to approve the proposed Re-imagine Churchill Square concept plan and determine the next steps with regards to design and construction of improvements to the public space in Churchill Square.

## **Discussion – Background and Current Status:**

In the fall of 2019, Council recognized an opportunity to explore and coordinate improvements and engagement on a concept design project for the Churchill Square area. In February of 2020, the City retained Mills & Wright Architecture and began work on the Re-Imagine Churchill Square project. The first phase of the project involved consulting the City's Advisory Committees and engaging business community stakeholders and the general public on their vision of what a Re-imagined Churchill Square could be.

### Public Engagement Phase 1: Establishing Vision and Priorities

Priorities and a vision of how the public space in Churchill Square could be improved were explored in the first round of engagement that occurred from March to June last year. This process included a variety of methods to reach the community, including an interactive project page, an online survey, virtual meetings with the public and the Churchill Square Business Association representatives, as well as consultation with the City's Advisory Committees. The [What We Heard](#) document summarizing the feedback received through this process was released in mid August, 2020.

Key themes that emerged from the public consultation process include:

- The space needs to be pedestrian and community oriented;
- More outdoor amenities and upgrades to current infrastructure is needed;
- Ample parking is critical to the success of businesses in Churchill Square;
- Well-spaced accessible parking, and improved accessibility of buildings is required;
- Re-configuration of traffic flow and/or parking could provide more community space;
- More greenspace and amenity areas are important;
- Existing lighting is generally poor and could be improved;

# ST. JOHN'S

- Improved snow clearing and maintenance needs to be provided.

#### Proposed Re-Imagine Churchill Square Concept Plan

Public and stakeholder feedback was considered in conjunction with technical considerations such as site access requirements, vehicle, pedestrian and cyclist circulation needs, underground water and sewer service conflicts, and general site grading constraints. The proposed concept plan was developed and released for a second round of feedback on March 12, 2021.

A concept plan is an early design document that is intended to establish how areas of space will be used and the general layout of the public space. This includes areas of parking, drive-aisles, and sidewalks, as well as the general locations of intersections landscaping. Concept designs provide direction for the next step of detailed design and are used to develop project cost estimates. Some of the most notable changes to the existing layout shown in the concept plans include:

- Sidewalks in front of businesses around the square have been expanded to provide more amenity, landscaping, and pedestrian space.
- Parking areas have been reoriented by 90 degrees to improve circulation efficiency and the concept plan reflects a reduction in total area parking by about 26 spaces.
- Space along the central drive aisle has been dedicated for separated pedestrian and bike connections between Elizabeth Avenue and the central plaza area at the Terrace on the Square building.
- The intersection in front of Terrace on the Square has been reconfigured to allow through movements only and raised to sidewalk level providing improved accessibility while calming traffic. A separate lay-by area is located outside the front door for GoBus and passenger drop-off/pick-up and deliveries.
- A continuous sidewalk is provided adjacent to parking along the Terrace on the Square and ramps to the building have been improved to meet current accessibility requirements.
- Existing trees along Elizabeth Avenue have been preserved and enhanced with additional landscape features.
- Improved lighting for parking lot and sidewalk areas.

While the plans and images of the renderings show a lot of detail at this stage, many features including curb ramps and tactile warning surfaces are not shown. These features would be included as part of the detailed design process. Some features that are shown in the concept plan such as the type of tables and bike racks may not be the exact products used or shown in the exact placement. This phase of the project and these plans and images are the first step to understanding the re-imagined vision of Churchill Square.

#### Public Engagement Phase 2: Feedback on Proposed Concept Plan

A second round of consultation was held from December 2020 to March 2021 to gather feedback on the proposed concept plan. Staff met with the Inclusion Advisory Committee (IAC) on March 23, 2021 to review the concept plan and gather input. Key points discussed at the meeting are summarized below:

- There was support expressed for the drop-off layby accommodation provided for Go Bus at the front of Terrace on the Square and the IAC was very pleased with the proposed improvements to the drop off/pick up including the raised intersection at this central drop-off and crossing point.
- There was a request for one or two accessible spaces to be located at parking along the end of Rowan Street (near the street exit to Pine Bud Avenue).
- There was general support expressed for the project as a whole with emphasis on the potential improved accessibility and amenity areas, including structures that will protect users from weather (wind, wet, fog).
- IAC members highlighted that layout/paths that prioritize pedestrian movement and safety were an extremely important part of design and that providing spaces that are comfortable for these users to spend time is key.
- No significant concerns were identified at this project stage and the IAC was generally supportive of the project at this time.

Consultation with other City's advisory committees was held on March 24, 2021 during a virtual meeting. Public feedback on the concept plan was gathered through the project's online Engage! page through quick polls, commentary, and questions submitted through the platform. Emails to [engage@stjohns.ca](mailto:engage@stjohns.ca) and phone calls to the Access Centre were also received. In addition, two virtual public open houses were held on March 25, 2021.

Key points heard through this second round of engagement are provided below:

- Too much space is still allocated for parking.
- The redesign is an improvement to pedestrian safety.
- Interest in the mix-use opportunities was expressed while some had concerns about neighbourhood impacts of possible events.
- The concept plan represents a definite improvement in accessibility.
- Expanded sidewalks in the area were well received and people were generally supportive of expanding pedestrian and amenity space.
- Some people were disappointed there wasn't more pedestrian and green space. There was an expectation by some that there would be a significant reduction in area parking.
- Residents in the area generally felt the project was positive for the neighbourhood.
- Support for maintaining the existing vendor setups and improving the Square for vendors was noted.
- Importance of the bike facility connections and parking was voiced.
- People want to see electric vehicle charging stations incorporated.
- The importance of ongoing winter maintenance and design to support all-season and all-weather use was expressed.
- Many comments provided feedback on what people would like to see out of a detailed design (e.g. types of landscaping) were received in addition to other comments on things outside of the project scope (e.g. type of businesses in the square and ideas for the park space across the street).



Representatives of the Churchill Square Business Association were consulted through the process and reviewed the proposed concept plan. They have expressed that they are supportive of the proposed concept plan and would like to see the project move ahead. They also provided requests for ongoing maintenance and other operational considerations. A copy of the letter outlining their support and comments is attached for consideration.

#### Maintenance

Maintenance was identified as being critical to the success of the proposed concept plan, both by city staff and through the engagement process. To prioritize snow clearing and winter maintenance of the parking area in Churchill Square, Council approved the work to be completed by a private contractor in the fall of 2019. This annual contract is currently \$57,000 before tax and includes snow clearing and ice control of the parking area. This two-year contract is currently cluing up, and an increased total cost is expected when it is re-tendered. It is noted that this contract does not currently include sidewalk snow clearing in the area. City crews clear the sidewalk along the Rowan Street side of the Square up to Elizabeth Avenue.

The proposed concept plan was reviewed by the City's Public Works department to estimate the potential costs of a future contract for continued enhanced winter maintenance of the reconfigured public space. Enhanced winter maintenance for the parking area with the addition of sidewalk and pedestrian plaza snow clearing could cost an additional \$60,000 to \$90,000 annually for a total annual anticipated cost of about \$120,000 to \$150,000 before tax. The main reasons for the additional cost would be the additional scope of sidewalk clearing as well as the introduction of new features, which would require the use of additional machinery (not just a loader, but smaller equipment as well) as well as some clearing by hand. In addition, the reduction of snow storage space would require added costs to include more frequent snow removals from the area.

The Parks and Open Spaces division of Public Works reviewed the proposed concept plan and advised that maintenance of the landscaping in the area could be addressed with existing resources.

#### Coordination of Capital Works Projects

Existing underground watermain in the area are generally in poor condition and in need of repair/replacement. Public Works has confirmed that the planned and budgeted work required to upgrade this utility infrastructure could be coordinated with the potential implementation of the proposed Churchill Square concept plan. A condition assessment of the sewer infrastructure in the area has also been initiated. While this inspection is not yet complete, it is expected that it will likely reveal the need for rehabilitation work. A high-level estimate for sewer main lining in the area was completed and found that the work could cost in the order of \$2,000,000. If required, underground infrastructure rehabilitation work would need to be completed and coordinated with the construction of the Re-imagined Churchill Square.

About 30 years ago (in the early 1990s) the access to Churchill Square along Elizabeth Avenue was consolidated from two unsignalized accesses to the signalized intersection present today as part of a street widening project along Elizabeth Avenue. At that time, some limited paving and sidewalk work was also completed. Just over 10 years ago the asphalt

surface of the northeast parking lot was repaved. No other significant capital projects have occurred in this area since that time.

### **Key Considerations/Implications:**

1. Budget/Financial Implications:

The overall estimated cost for design and construction of the proposed concept plan is in the order of \$3,225,100. This budget excludes any potential sewer rehabilitation costs noted below.

In addition to the estimated capital project costs, ongoing enhanced winter maintenance of the reconfigured public area could cost \$60,000 to \$90,000 annually in addition to the current winter maintenance budget of \$57,000.

If sewer rehabilitation in the area is deemed necessary through the detailed condition assessment, a coordinated project to complete this work could cost approximately \$2,000,000.

At present, there is about \$560,000 available in the Churchill Square Parking Reserve Fund. Of the parking meter revenue generated in Churchill Square, 20% is dedicated to this fund which is set aside for capital improvements in Churchill Square. A portion of the proposed concept plan project could be completed through this available fund.

2. Partners or Other Stakeholders:

Residents, businesses (and their employees) and visitors of Churchill Square, City Advisory Committees, and the general public.

3. Alignment with Strategic Directions/Adopted Plans:

4. Completion of the Re-Imagine Churchill Square project aligns with the strategic direction to create a Connected City. Specifically, "A city where people feel connected, have a sense of belonging, and are actively engaged in community life." and the goal to "develop and deliver programs, services, and public spaces that build safe, healthy and vibrant communities".

5. Legal or Policy Implications: Not applicable

6. Privacy Implications: Not applicable

7. Engagement and Communications Considerations:

Two rounds of consultation and engagement with City Advisory Committees, area stakeholders, and the general public were completed as part of this project. What We Heard documents were prepared and submitted to Council summarizing the feedback received.

If the concept plan were to move forward for implementation, the City would continue to engage with necessary stakeholders and relevant Advisory Committee's while

communicating project progress to the public. Where feasible, feedback from the engagement on the concept plan will be incorporated into the design process.

- 8. Human Resource Implications: Not applicable
- 9. Procurement Implications: Not applicable
- 10. Information Technology Implications: Not applicable
- 11. Other Implications: Not applicable

**Recommendation:**

That Council approve the proposed Re-imagine Churchill Square concept plan and it be referred for future capital works consideration to proceed with the detailed design and construction as funding becomes available.

**Prepared by: Anna Snook P.Eng. PTOE, Transportation System Engineer**

**Approved by: Scott Winsor P.Eng., Director of Engineering**

**Report Approval Details**

Document Title:	Re-Imagine Churchill Square Concept Plan.docx
Attachments:	- Re-imagine Churchill Square_Concept Report.pdf - 23-03-2021-Inclusion Advisory Committee Meeting.pdf - CSBA REPORT COMMENTS.pdf
Final Approval Date:	Mar 31, 2021

This report and all of its attachments were approved and signed as outlined below:

**Scott Winsor - Mar 31, 2021 - 2:33 PM**

**Jason Sinyard - Mar 31, 2021 - 3:11 PM**

# REIMAGINE

## CHURCHILL SQUARE



# Introduction

Churchill Square is bounded on the north and south by multi-unit, mixed-use buildings including a new multi-unit residential building that is currently under construction on the site of the former Dominion. The Square is bounded on the east by the Terrace on the Square commercial centre and, to the west, faces Elizabeth Avenue and a large recreational area containing soccer fields and a playground. The central area contains a large surface parking lot and brick-lined walkways which provide space for food trucks, open air farmer's markets, and seasonal vendors.

Over time, the Square has evolved to become an important public space for St. John's and it has long acted as a local hub for residents of the Churchill Park and surrounding neighbourhoods. Recently, the City has been considering an upgrade to several important pieces of municipal infrastructure that serve the area such as the lighting and the parking management system.




These initiatives allow us to look at other improvement opportunities that may exist, such as accessibility improvements, new public amenities, or additional landscaping. The purpose of this study is to "Re-imagine Churchill Square" by taking a holistic look at what opportunities could be considered to revitalize and restore the Square as a high-quality public space.





# Community Engagement - Round 1 (March to June, 2020)

## How We Engaged

 Engagement Activity	 Date	 How Many People Engaged?
Meeting with the City's Advisory Committees	March 10th	20+
Meetings with Representatives of the Churchill Square Business Association	April 21st/May 14th	4
Online Survey	May to June	646
engagestjohns.ca	May to June	1,898
Meeting with KMK Capital (developers of former Dominion)	May 20th	2
Community Virtual Open House	June 25th, 1pm	45
Community Virtual Open House	June 25th, 7pm	44
Submissions via email or Access St. John's (311)	May to June	24

Note: The full What We Heard Summary can be found on the Engage page at <https://www.engagestjohns.ca/12603/widgets/49996/documents/38194>

## What We Heard



The space needs to be comfortable for cyclists and include infrastructure such as bike lanes & bike racks



More benches and places to sit, relax, linger, and have social interaction



The current configuration seems to prioritize vehicles over pedestrians; this should be reversed



More trees and green space are needed throughout



Move bus stops closer to the Terrace on the Square for better transit service



Support the small businesses, especially mobile vendors, by providing public space for their customers



Addition of a grocery store would provide a much needed amenity for the area



Signage clutter along Elizabeth Avenue takes away from the Square's curb appeal



Better lighting is needed, but must consider neighbours by reducing glare and bright spots



Churchill Square needs to provide outdoor spaces that can be used in all four seasons



Parking and access to the Square is extremely important to support the business community



Can the centre driving lane be removed and reconfigured to provide a pedestrian promenade?



Pedestrian safety challenges exist at the intersection and sidewalk in front of Terrace on the Square



Consider alternate uses for the parking lot during off-peak hours such as evenings and weekends



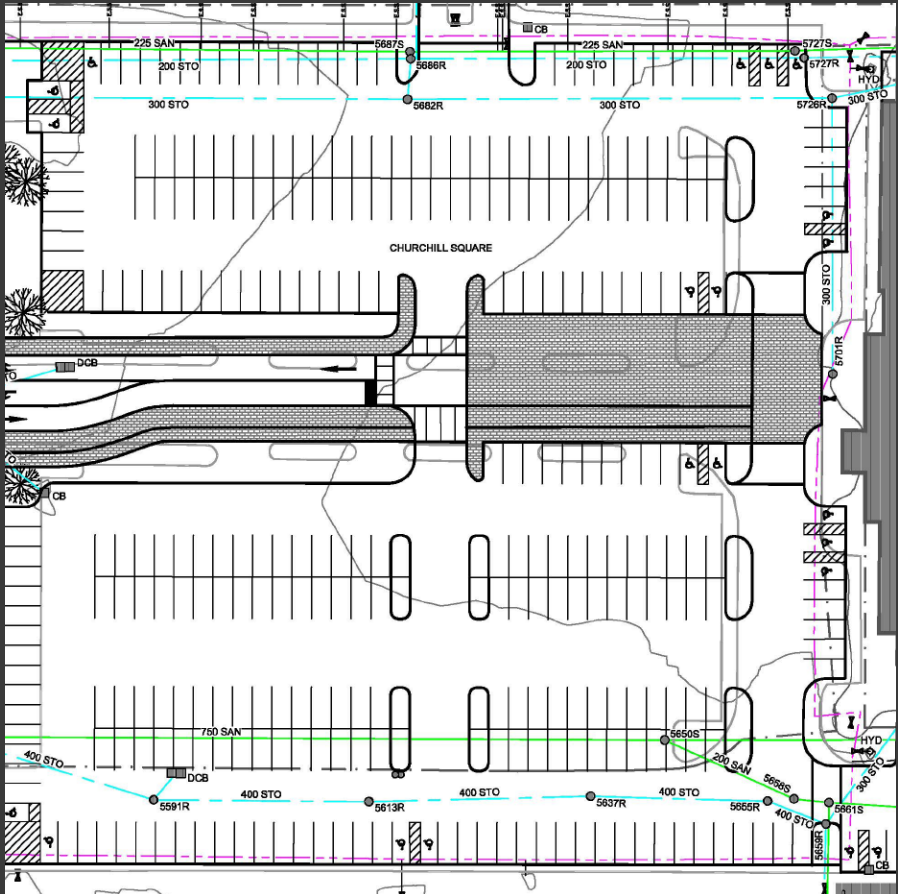
Underutilized spaces adjacent to By Sharpe Design and CIBC bank should be better incorporated



Improve walkability through better, wider sidewalks and strong connections to adjacent areas



# Technical Analysis



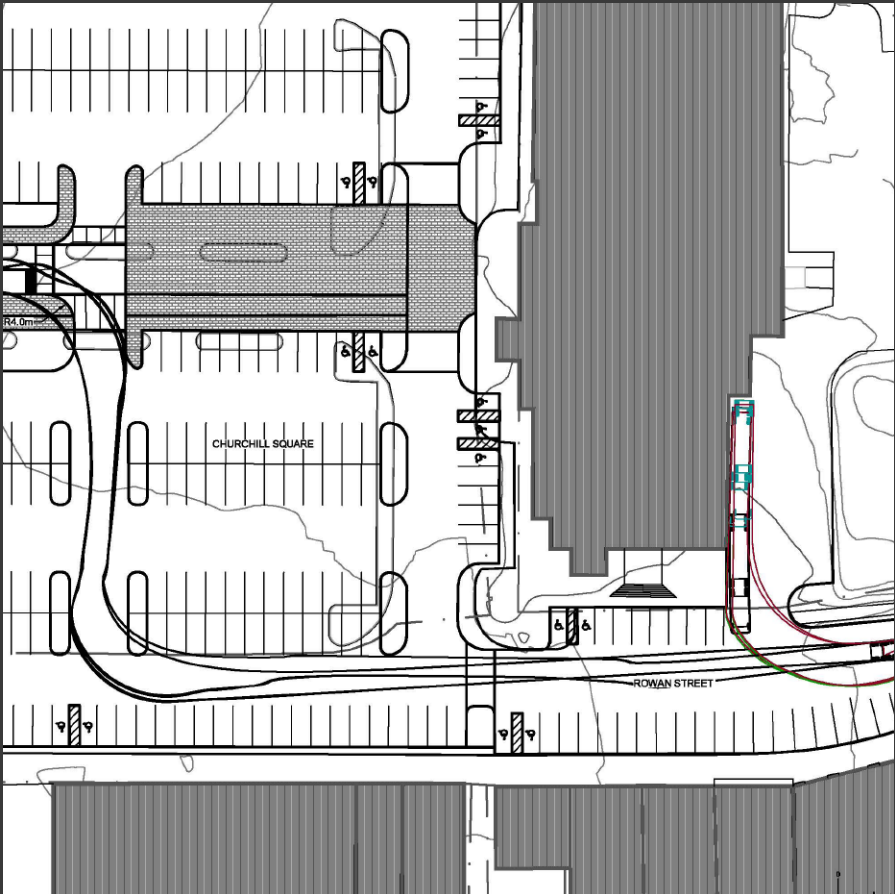
## Underground Infrastructure

Existing underground infrastructure such as water, sanitary, and storm sewer lines were overlaid on the Churchill Square site plan to ensure possible conflicts with proposed elements (such as trees or structural footings) was avoided. Proposed infrastructure changes associated with the new KMK mixed-use building was also reviewed. Mitigation of any potential conflicts with these services was identified and reflected in the proposed Churchill Square concept plan presented in this report.



## Grading

The finished floor elevations of the existing buildings and grades of adjacent roads and sidewalks (Elizabeth Avenue and Rowan Street) are well established. Topographic survey information was reviewed to ensure all proposed elements of the Churchill Square plan would work with the existing grading constraints. Where necessary, stairs, curb ramps, and ramps have been proposed to improve this condition. Conceptually, all proposed features meet current accessibility requirements, however slight adjustments may be required during detailed design.



## Vehicle Delivery Requirements

The businesses and tenants of the Terrace on the Square building receive regular deliveries including several via large truck traffic that accesses the rear loading area. Swept path analysis of design vehicles was completed in consultation with property owners to ensure the proposed Churchill Square concept plan can accommodate commercial deliveries. Slight adjustments may be required during detailed design.



# Project Goals & Objectives

The feedback collected during the Community Engagement phase directly informed the project goals and objectives.

01

Multifunctional Spaces

- » Space is limited in Churchill Square - the design must ensure spaces are able to serve more than one purpose wherever possible.
- » Ensure spaces are flexible to allow different type of activities and programs to occur.
- » The parking demand changes depending upon time of day - the design should consider other uses for the parking during off-peak times.

02

Multimodal

- » Accommodate all methods of transportation including pedestrian, vehicular, transit, and cycling.
- » Ensure the site is intuitive, safe, and enjoyable for all users regardless of their preferred method of transportation.

03

Aesthetics

- » Create high-quality public spaces that make Churchill Square one of the city's premiere attractions.
- » Improve the curb appeal of the Elizabeth Avenue frontage.
- » Improve the way public space looks and feels.
- » Preserve existing vegetation and introduce more landscaping.

04

Pedestrian Experience

- » Reduce pedestrian and vehicle conflicts.
- » Provide spaces that encourage people to linger.
- » Provide a variety of places to sit and relax.
- » Introduce places for social interaction.
- » Create safer spaces through improved lighting.
- » Improve accessibility.

05

Site Operations

- » St. John's is a winter city - the design must ensure space is able to be easily maintained during winter months to ensure year-round use.
- » Accommodate existing underground infrastructure to avoid unnecessary and potentially-costly upgrades.
- » Utilize materials that are durable and lasting to reduce maintenance requirements.
- » Consider the drop-off/delivery requirements of businesses in the area.



# Overall Concept Plan





# Overall Concept Plan

- 1 Streetscaping Beautification
- 2 Entry Signage
- 3 Sidewalk Zones
- 4 Two Way Bike Lane
- 5 Sidewalk Connection
- 6 Main Pedestrian Plaza
- 7 Covered Bike Parking Area
- 8 Raised Crosswalks
- 9 Terrace on the Square Plaza
- 10 Metrobus Lay-by

Total Parking Provided:  
351 Spaces

Total Accessible Parking:  
23 Spaces





Bird's Eye View





# Sidewalk Zones

Our experience of a place is typically from the sidewalk level, so it is important that they are thoughtfully-designed as distinct public spaces. They are not simply corridors for movement, but essential pieces of the placemaking puzzle that encourage active transportation (such as walking and cycling); provide opportunity for social interaction such as dining, shopping, or sitting; contribute to an area’s economic vitality by providing access to businesses; and animate the public realm by encouraging activity and longer stays.

The existing sidewalk network in Churchill Square exists on three sides - north (in front of the Alpine Country Lodge side), east (in front of the Terrace on the Square), and south (in front of the former Dominion). This general configuration will remain, however all sidewalks have been widened by 1 to 2-metres. This provides a more generous sidewalk, increasing pedestrian space and accommodating new sidewalk amenity zones.

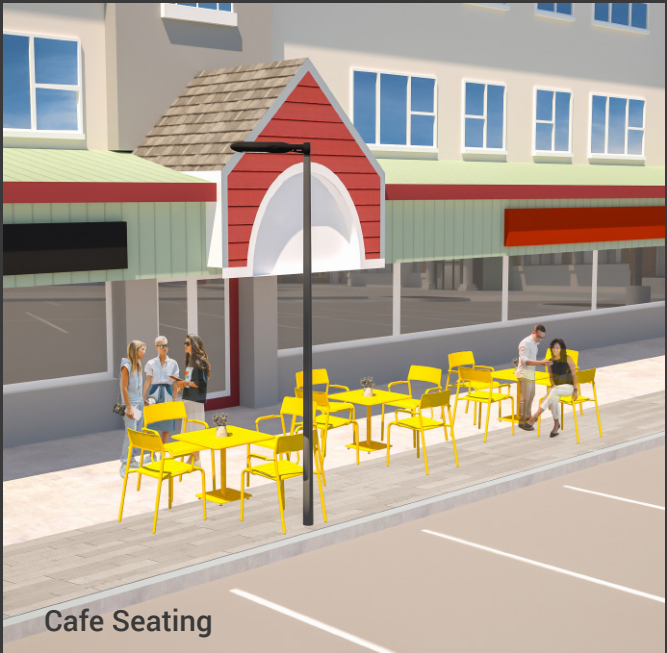
Sidewalk amenity zones are invisible areas that divide sidewalks into different spaces depending on their use. The sidewalk widths in Churchill Square allow for the creation of two zones; a pedestrian through zone and an amenity zone. The pedestrian through zone is the primary route that provides pedestrians with safe and adequate space. This zone is kept clear of obstructions. The amenity zone provides space for amenities that contribute to a vibrant public realm and positive pedestrian experience. The following images represent examples of typical amenities found in these zones. The amenity zone also improves site operations by ensuring streetscape elements are out of the path of sidewalk plows and protected from winter maintenance procedures.



Note: Zones could be reversed if desired



Sidewalk Sale



Cafe Seating



Waste/Recycling Bins



Parking Pay Stations



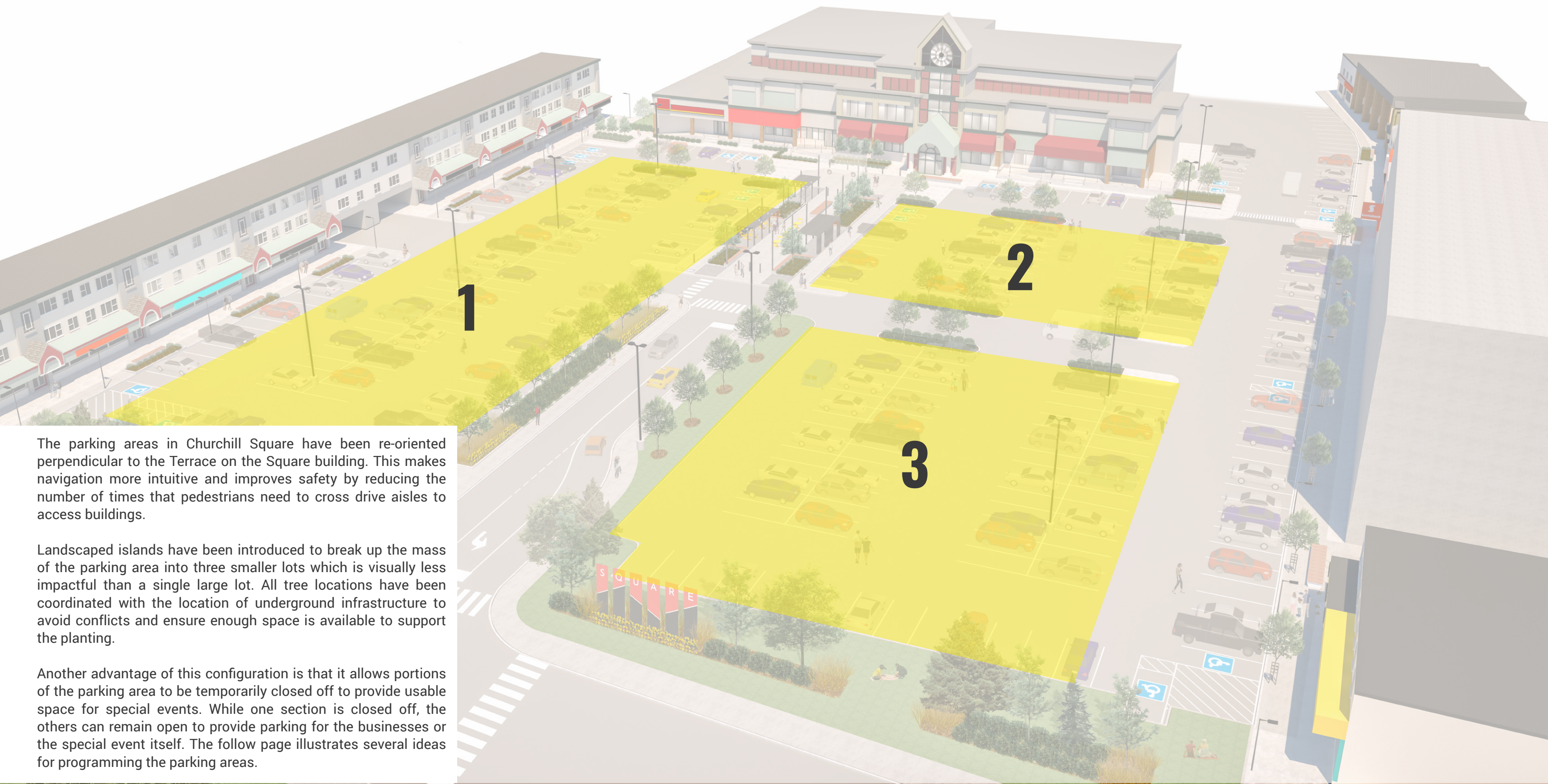
Lighting



Landscaping



# Parking Areas



The parking areas in Churchill Square have been re-oriented perpendicular to the Terrace on the Square building. This makes navigation more intuitive and improves safety by reducing the number of times that pedestrians need to cross drive aisles to access buildings.

Landscaped islands have been introduced to break up the mass of the parking area into three smaller lots which is visually less impactful than a single large lot. All tree locations have been coordinated with the location of underground infrastructure to avoid conflicts and ensure enough space is available to support the planting.

Another advantage of this configuration is that it allows portions of the parking area to be temporarily closed off to provide usable space for special events. While one section is closed off, the others can remain open to provide parking for the businesses or the special event itself. The follow page illustrates several ideas for programming the parking areas.



# Parking Areas as Multipurpose Space

Note: The images shown are conceptual and illustrate possible examples of how the reconfigured parking areas could be used for different activities/events.



Drive-in Movie Night



Ball Hockey Tournament



Food Truck Festival



Concert





# Main Pedestrian Plaza

The main plaza space is located right outside the front door of the Terrace on the Square making it an extension of the building itself. It will feature places to sit and socialize, covered bike parking, and a flexible space for events such as a pop-up market or sidewalk sale.

Trees and pavilion structures at the edges provide a sense of enclosure from the adjacent parking while providing shade and protection from the elements.





Main Pedestrian Plaza





# Terrace on the Square Plaza

The space in front of the Terrace on the Square has been re-imagined as a contemporary linear plaza. New ramps are provided with gentle slopes that meet current accessibility requirements. The intersection in front of the building has been raised to sidewalk level creating a smooth transition that improves accessibility and calms vehicle traffic. A lay-by is conveniently located outside the front door for drop-off/pickup, GoBus, and deliveries. Existing trees are preserved where possible with new landscaping also provided to improve curb appeal.





# Design Components



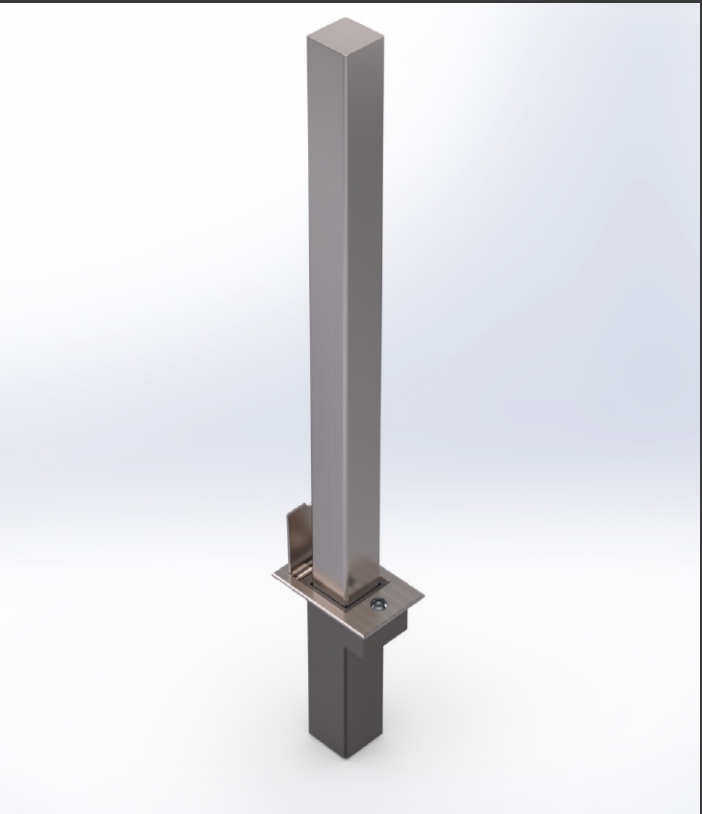
Soil compaction is a significant challenge to healthy tree establishment in urban environments. The location of the trees in the Churchill Square concept plan have been planned to provide adequate soil volume and space for healthy growth, however there may be instances where soil volume is difficult to establish (such as in front of the new mixed-use building that is currently under construction). In this case, the City may consider a **structural soil system** such as the Silva Cell or Stratacell. These systems can also be tied to the stormwater management system to improve water quality and reduce flow rates.



**Tree grates** allow for a balance of human and ecological needs, protecting trees from pedestrian traffic while maximizing pedestrian space. Tree grates should have small openings to be heel-friendly and to ensure garbage does not collect, and be easily removable for cleaning and maintenance purposes. In the Churchill Square concept plan, tree grates should be considered for the trees in the hardscape in front of the new mixed-use building.



The City completed a Bike Master Plan in June of 2019 which advocates for a cycling-friendly culture through the installation of high-quality cycling infrastructure. **Bike racks** encourage cycling and provide safe, secure bike storage for visitors to Churchill Square. The design should include not only covered bike parking in the main pedestrian plaza area (as shown), but additional bike parking in the sidewalk amenity areas around the Square for convenience.



**Bollards** are short, sturdy posts which act as traffic control devices. The City should consider installing bollards wherever pedestrians and vehicles are in close proximity to one another, such as the main pedestrian plaza or the lay-by in front of the Terrace on the Square. These can be removable (as pictured) to facilitate snow clearing during winter.



# Design Components



**Tactile wayfinding surface indicators** are textured surfaces embedded in sidewalks which inform visually-impaired users that they are approaching an intersection or crosswalk. These should be provided at all crossing locations in Churchill Square.



Similar to a traditional paver, **mega pavers** are made of precast concrete and available in many colours. Mega pavers, however, are larger than traditional pavers making them heavier, more durable, and less likely to heave due to freeze-thaw. In the Churchill Square concept plan, these have been concentrated in areas where they will be the most impactful and contribute to achieving a vibrant public realm, including the main pedestrian plaza, the plaza in front of Terrace on the Square, and the expanded sidewalks/bike lane adjacent to the drive aisle. Special consideration in detailed design must be given to ensure proper installation to avoid uneven surfaces that may create accessibility issues.



**Concrete sitting walls** are proposed throughout Churchill Square. These are clad in Ipe, a durable hardwood that provides comfortable seating. Sitting walls provide flexible seating opportunities that allow users to sit alone or in groups. These are proposed around the perimeter of the site as well as the main pedestrian plaza. In most cases, they are incorporated with a planter which has the added benefit of protecting the landscaping from routine maintenance activities.

Note: The images shown are conceptual and represent items that may be further considered during detailed design.



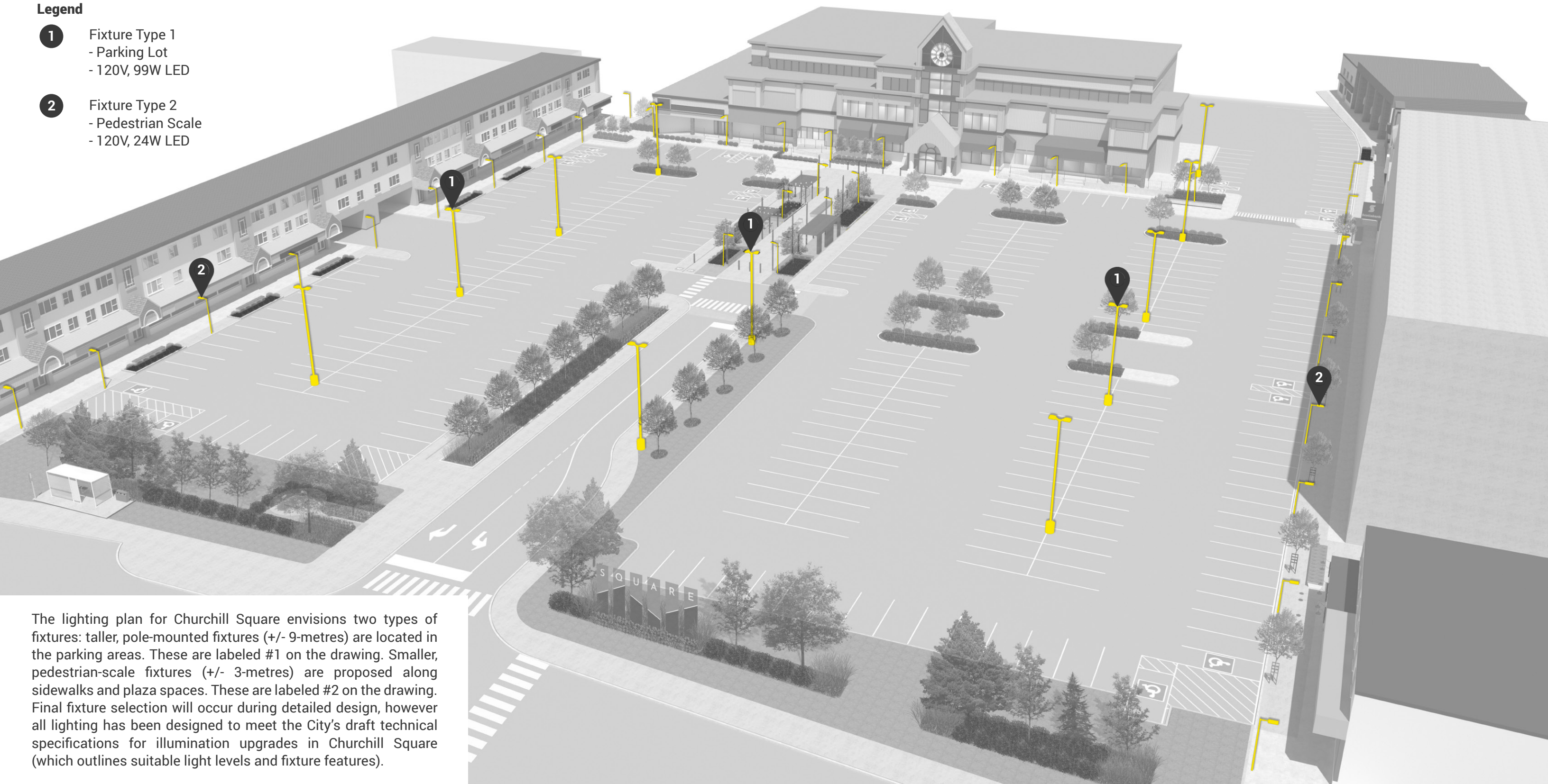
**Commercial-grade string lights** are proposed to hang above the main pedestrian plaza. This would enhance the pedestrian environment by making it more inviting, as well as extend the plaza's use into the evening and during shorter winter months.



# Conceptual Lighting Layout

Legend




- 1 Fixture Type 1  
- Parking Lot  
- 120V, 99W LED
- 2 Fixture Type 2  
- Pedestrian Scale  
- 120V, 24W LED



The lighting plan for Churchill Square envisions two types of fixtures: taller, pole-mounted fixtures (+/- 9-metres) are located in the parking areas. These are labeled #1 on the drawing. Smaller, pedestrian-scale fixtures (+/- 3-metres) are proposed along sidewalks and plaza spaces. These are labeled #2 on the drawing. Final fixture selection will occur during detailed design, however all lighting has been designed to meet the City's draft technical specifications for illumination upgrades in Churchill Square (which outlines suitable light levels and fixture features).

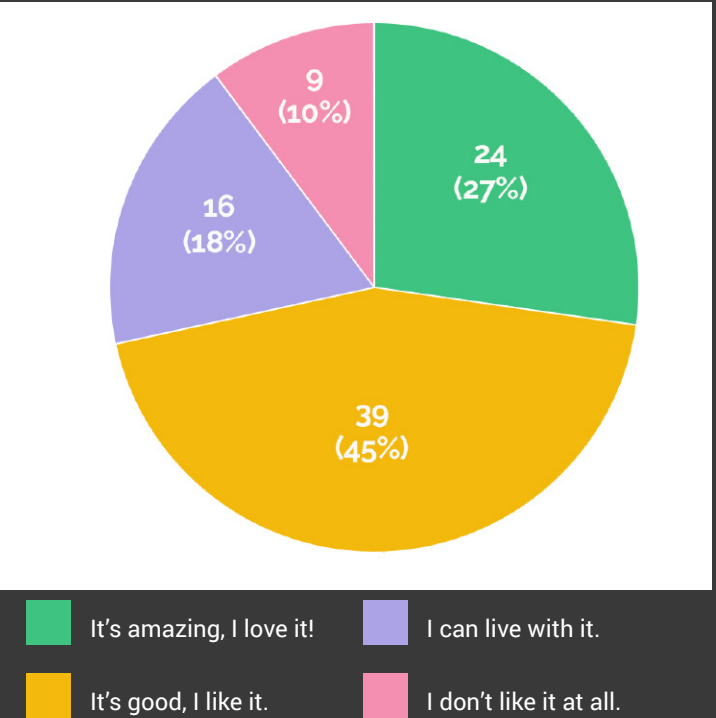
# Community Engagement - Round 2 (December, 2020 to March, 2021)

## How We Engaged

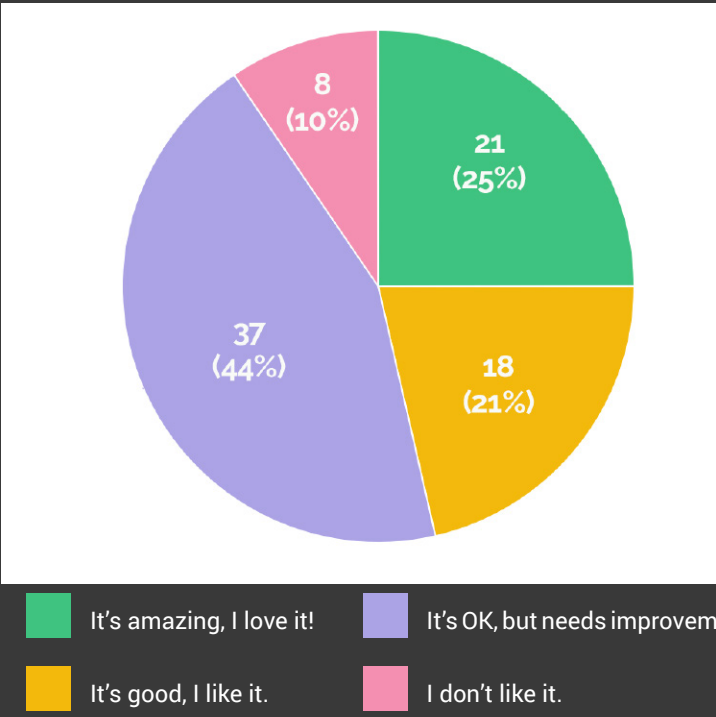
 Engagement Activity	 Date	 How Many People Engaged?
Meeting with KMK Capital (developers of former Dominion)	December 18th	2
Meeting with Representatives of the Churchill Square Business Association	January 5th	3
Submissions via email or Access St. John's (311)	March 2021	10
engagestjohns.ca	March 11th to 28th	5,513
Meeting with the City's Inclusion Advisory Committees	March 23rd	20
Meeting with the City's Advisory Committees	March 24th	27
Community Virtual Open House	March 25th, 10:30am	48
Community Virtual Open House	March 25th, 6:30pm	47

## What We Heard - Engagestjohns.ca

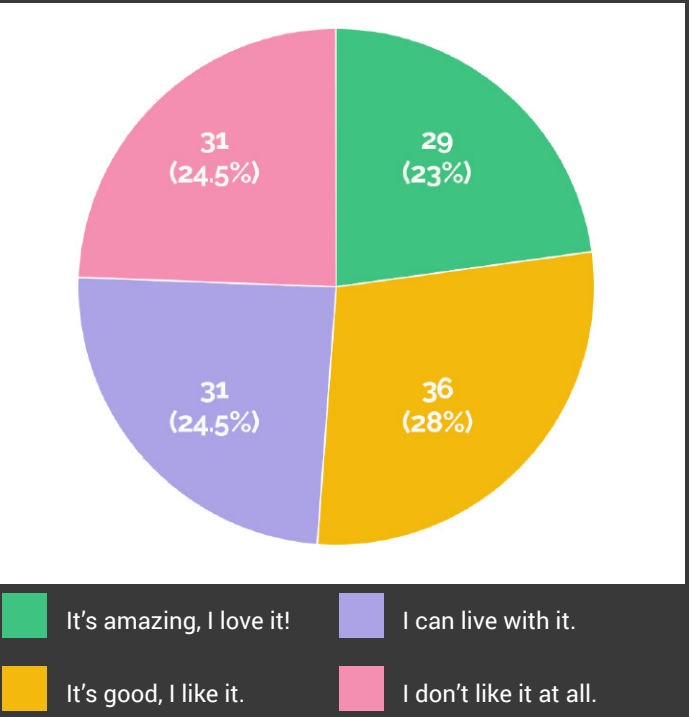
Q1: What do you think about the expanded sidewalk area in front of the businesses?



Q2: What do you think about the central plaza area for pedestrians?



Q3: How do you feel about the proposed re-imagine concept plan?





# Community Engagement - Round 2 (December, 2020 to March, 2021)

## What We Heard

Too much space is still allocated for parking

The redesign is an improvement to pedestrian safety

Interest in the mix-use opportunities was expressed while some had concerns about neighbourhood impacts of possible events

The concept plan represents a definite improvement in accessibility

Expanded sidewalks in the area were well received and people were generally supportive of expanding pedestrian and amenity space

Some people were disappointed there wasn't more pedestrian and green space. There was an expectation by some that there would be a significant reduction in area parking.

Residents in the area generally felt the project was positive for the neighbourhood

Support for maintaining the existing vendor setups and improving the Square for vendors was noted

Importance of the bike facility connections and parking was voiced

People want to see electric vehicle charging stations incorporated

The importance of ongoing winter maintenance and design to support all-season and all-weather use was expressed

Many comments provided feedback on what people would like to see out of a detailed design (e.g. types of landscaping) as well as comments on things outside of the project scope (e.g. type of businesses in the square and ideas for Churchill Park).

Prepared by



95 LeMarchant Road, Suite 202  
St. John's, NL A1C 2H1  
(709) 770-5035/8381  
[millsandwright.ca](http://millsandwright.ca)

In association with





## Inclusion Advisory Committee Meeting

March 23, 2021

### Re-Imagine Churchill Square Concept Plan

#### SYNOPSIS

Anna Snook, a transportation system engineer with the City, updated the Committee on the visioning/concept plan exercise conducted. Some of the main needs outlined were wider sidewalks, enhanced lighting, conveniently placed bus stops, space needs to be more pedestrian oriented, more appealing landscaping, and more outdoor amenities. The proposal presented today is an attempt to incorporate these needs in the context of challenges with existing infrastructure and grading. A concept plan is not a detailed design but rather a much higher level look at a space so the process is still at the preliminary stage. As such, specific amenities/objects/structures are not illustrated in great depth on the plan as it is more of a blocking exercise to ascertain what could fit where, all of which will require Council's approval prior to going through a detailed design phase. In terms of feedback from the IAC, staff requested direction on the layout of accessible spaces for parking, noting that the Province's Service NL will have final authorization in this regard. Anna advised that feedback is required in time for her report to Council next week.

#### Other noteworthy points raised:

- transit stops require more strategic placement and frequency to ensure accessibility is accommodated;
- No objections were outlined in relation to the proposed layby area for public transit, as it was noted that it is always a safety challenge in busy areas to let people on and off GoBus/Metrobus.
- Assurance that sidewalks are kept clear to accommodate public transit passengers in particular. Staff advised that maintenance considerations must be incorporated within the plan. At present, Churchill Square is snow cleared by a private contractor. The businesses in the area have been consulted on the approximate cost to accommodate maintenance within the proposed plan.
- Reference was made to the prevalence of parking spaces in Churchill Square and how these may coexist with pedestrian use/access, i.e. community assembly, passive recreational opportunities, places for people to sit and meet, access to wifi. Staff advised that a total of 26 fewer parking spaces is proposed in the design. Though it is not obvious in the plan, the idea is provide lots of space for people to gather in front of businesses and sidewalk areas will be wider than the norm.
- Reference was made to the practical use by pedestrians given the challenges with weather during certain times of the year and what consideration has been given to shelters. Any space that is created should be usable space and not simply for the creation of space. Staff was asked to address the pedestrian

aspect more positively and with more geometry. Staff advised that amenities such as wind screening would happen at the detailed design stage. When it comes to pedestrian movements, the provision of connections are important.

- There is a requirement that 6% of the total number of parking spaces must be accessible. The plan currently shows 23 accessible spaces which is just over that requirement. The placement of accessible spaces is important to consider in line with those areas requiring ramped access to business. Terrace on the Square is a challenge in this regard as its entryway is high above ground. Reference was made to a space near Alpine Country Lodge which would provide a convenient connection to the ramp by CIBC.
- Reference was made to good examples in the City of seamless procession into buildings, i.e. Walmart and Starbucks where no ramps exist or are required. Concern was expressed about the area becoming a series of ramps and the revamping of the total site may be an opportunity to address the elevation and movement of pedestrians. It was suggested that there are good examples in Europe of modernized older buildings that have no curbs and use new technologies and designs for accessibility. Staff advised that they have looked at preliminary grading; however, it becomes cost prohibitive to regrade an entire site. To do so will functionally stall the project. There are also implications in relation to impacts on the underground infrastructure should regrading take place.
- It was suggested that one or two accessible spaces on Rowan near Pinebud Avenue would be in order. Staff advised this may be a challenge due to stairs in the area but staff will take it into consideration.
- Is the sidewalk outside the public area adequately wide enough? Staff advised it is 2 meters which is about half a meter larger than typical sidewalks. There is also another 2 meters for pedestrians on the other side as well.
- Reference was made to the demographic of seniors in the area who will appreciate the enhanced space, adding to their quality of life

Ms. Anna Snook  
City Of St. John's  
New Gower Street  
St. John's, NL

Dear Anna,

#### COMMENTS ON THE MILLS WRIGHT REPORT

Thank you for all of your work to date in spearheading the ReImagine Churchill Square.

The Churchill Square Business Association speaks for the sixty-eight St. John's businesses and over 400 employees that work in Churchill Square. All considered, Churchill Square represents a large and important tax base for the city and a vibrant place to conduct business.

Below are comments from Charlie, Dale and I on behalf of the Churchill Square Business Association (CSBA)

#### **Recommendations:**

- **We support the "Proposed Concept Plan"**
- **Snow Clearing Commitment (Very important)**
  - Curb to curb
  - Sidewalks and Plaza

Note: This is at the top of our list. We strongly suggest that a commitment from the city is to a snow clearing protocol for Churchill Square, that includes the new expanded sidewalks and the public plaza. Not doing so will relegate these areas to being places to deposit snow..

- **Garbage Management Commitment (Very important)**
  - Proper receptacles and clear-out schedule commitment

Note: Many high school students visit Churchill Square 5 days a week during their lunch time. If we create and encourage new public space and have not thought out a garbage strategy, then this exercise is doomed. Littering is one of Churchill Squares biggest problems.

- **Trees**
  - To bet in planters with a top lip for impromptu seating

Note: We feel concrete planters will protect the trees in the winter from snowplows, plus allow for folks to gather by providing seating in the warmer months.

- **Signage at Elizabeth Ave**
  - One large sign at Elizabeth Ave to denote the location
  - A digital board that can display information
  - Individual merchant signage would not be permitted

- **Food Vendors (not referring to the farmers market)**
  - Restricted food vendors to a maximum of one
  - Condition of vehicles

Note: We would like the city to set vehicle condition guidelines so that the trucks used as do not detract from the area. One other issue is Sea Gulls, they hang out around the food truck and foul the area and as such wish that any food truck remains at the top of the lot near Elizabeth Ave. These vendors often spread out and occupy additional valuable parking stalls.

- **Permit System for Staffing**

- A provision for no charge or reduced charge parking permits for staff

With over 400 people working in Churchill Square, it is imperative that we develop a system of permits that will allow our staff to be able to park in Churchill Square.

We appreciate being a part of this especially important dialogue.

Sincerely,

Pat Thompson

**Churchill Square Business Association**

**Development Permits List  
For the Period of April 8 to April 14, 2021**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Demo/Rebuild for Single Detached Dwelling	118 Ennis Avenue	1	Approved	21-04-09
RES		Demo/Rebuild for Single Detached Dwelling	77 Quidi Vidi Village Road	2	Approved	21-04-14

\*      **Code Classification:**  
RES    - Residential      INST    - Institutional  
COM    - Commercial     IND    - Industrial  
AG      - Agriculture  
OT      - Other

\*\*      This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.

**Lindsay Lyghtle Brushett  
Supervisor - Planning and  
Development**

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**Permits List**  
**Council's April 19, 2021 Regular Meeting**  
 Permits Issued: 2021/04/08 to 2021/04/14

**BUILDING PERMITS ISSUED**

**Residential**

<b>Location</b>	<b>Permit Type</b>	<b>Structure Type</b>
12 Exmouth St	Fence	Fence
12 Seminole Dr	New Construction	Single Detached Dwelling
13 Osbourne St	Site Work	Single Detached Dwelling
132 Cheeseman Dr	Accessory Building	Accessory Building
162 University Ave	Renovations	Single Detached Dwelling
18 First Ave	Renovations	Single Detached Dwelling
19 Military Rd	Renovations	Semi Detached Dwelling
19 Military Rd	Fence	Fence
22 Gallipoli St	New Construction	Single Detached Dwelling
23 Fourth Pond Rd	Fence	Fence
29 Pearson St	Renovations	Semi Detached Dwelling
292 Main Rd	Accessory Building	Accessory Building
3 Hamlet St	Fence	Fence
30 Monchy St	Deck	Patio Deck
34 Cherrybark Cres	New Construction	Single Detached Dwelling
36 Charlton St	Renovations	Duplex Dwelling
54 Faulkner St	Site Work	Semi Detached Dwelling
55 Frampton Ave	New Construction	Single Detached Dwelling
57 Canada Dr	Deck	Patio Deck
6 Carew St	Renovations	Semi Detached Dwelling
82 Diamond Marsh Dr	New Construction	Single Detached Dwelling

This Week:     \$1,408,743.29

### Commercial

Location	Permit Type	Structure Type		
245-247 Duckworth St	Sign	Service Shop		
37 Cookstown Rd	Renovations	Other		
40 Kenmount Rd	Accessory Building	Accessory Building		
71 Duckworth St	Renovations	Mixed Use		
Commonwealth Ave	Site Work	Mixed Use		
			This Week:	\$122,720.00

### Government/Institutional

Location	Permit Type	Structure Type		
			This Week:	\$0.00

### Industrial

Location	Permit Type	Structure Type		
50 Captain Prim Dr	Sign	Other		
			This Week:	\$7,500.00

### Demolition

Location	Permit Type	Structure Type		
			This Week:	\$0.00
			<b>This Week's Total:</b>	<b>\$1,538,963.29</b>

**REPAIR PERMITS ISSUED:** **\$55,780.00**

<b>YEAR TO DATE COMPARISONS</b>			
<b>April 19, 2021</b>			
<b>TYPE</b>	<b>2020</b>	<b>2021</b>	<b>% Variance (+/-)</b>
Residential	\$5,063,589.94	\$9,535,140.68	88
Commercial	\$23,094,838.22	\$8,107,335.44	-65
Government/Institutional	\$134,000.00	\$779,941.00	482
Industrial	\$3,000.00	\$4,007,500.00	133483
Repairs	\$93,350.00	\$1,767,990.00	362
<b>TOTAL</b>	<b>\$28,388,778.16</b>	<b>\$24,197,907.12</b>	<b>-15</b>
Housing Units (1 & 2 Family Dwelling)	9	28	

Respectfully Submitted,

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Jason Sinyard, P.Eng., MBA  
Deputy City Manager  
Planning, Engineering and Regulatory Services



# MEMORANDUM

## **Weekly Payment Vouchers For The Week Ending April 14, 2021**

### **Payroll**

**Public Works** \$ 394,311.85

**Bi-Weekly Administration** \$ 784,095.22

**Bi-Weekly Management** \$ 871,702.69

**Bi-Weekly Fire Department** \$ 823,949.54

**Accounts Payable** \$21,930,299.58

*(A detailed breakdown available [here](#) )*

**Total: \$24,804,358.88**

# ST. JOHN'S

DEPARTMENT OF FINANCE

CITY OF ST. JOHN'S PO BOX 908 ST. JOHN'S NL CANADA A1C 5M2 WWW.STJOHNS.CA

# BID APPROVAL NOTE

**Bid # and Name:** 2021011 Windsor Lake Water Treatment Plant Building Extension  
for Lime System Upgrade  
**Date Prepared:** Tuesday, April 13, 2021  
**Report To:** Regular Meeting  
**Councillor and Role:** Councillor Maggie Burton, Planning & Development  
**Ward:** N/A

**Department:** Planning Engineering and Regulatory Services  
**Division:** Engineering  
**Quotes Obtained By:** Sherri Higgins  
**Budget Code:** ENG-2017-882  
**Source of Funding:** Capital

**Purpose:**

The purpose of this open call is to address ongoing operational concerns with membrane fouling.

**Results:** ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Cahill-Lindsay Partnership	\$7,527,900.00
Olympic Construction Limited	\$7,535,987.95
Can-Am Platforms & Construction Ltd.	\$7,748,527.35
Trotter & Morton Industrial Contracting Inc.	\$8,679,261.43
Brook Construction	\$9,083,717.75
Johnson's Construction Ltd.	\$9,380,538.50
RCS Construction Inc.	\$9,882,525.00

**Expected Value:** ☒ As above  
☐ Value shown is an estimate only for a # year period. The City does not guarantee to buy specific quantities or dollar value.

**Contract Duration:** The Work shall be substantially performed within [18] months from the date of notification of award of Contract.

**Bid Exception:** None

**Recommendation:**

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That Council award this open call to the lowest bidder meeting specifications, Cahill-Lindsay Partnership, for \$7,527,900.00 (HST included) as per the Public Procurement Act.

**Attachments:**



### Report Approval Details

Document Title:	2021011 Windsor Lake Water Treatment Plant Building Extension for Lime System Upgrade.docx
Attachments:	
Final Approval Date:	Apr 14, 2021

This report and all of its attachments were approved and signed as outlined below:

**Rick Squires - Apr 13, 2021 - 2:03 PM**

**Derek Coffey - Apr 14, 2021 - 10:03 AM**

# BID APPROVAL NOTE

**Bid # and Name:** 2021050 – Self Contained Snowblower Attachments  
**Date Prepared:** Wednesday, April 14, 2021  
**Report To:** Regular Meeting  
**Councillor and Role:** Councillor Sandy Hickman, Public Works  
**Ward:** N/A

**Department:** Public Works  
**Division:** Fleet  
**Quotes Obtained By:** Sherry Kieley  
**Budget Code:** PWP-2021-021  
**Source of Funding:** Capital

**Purpose:**

This open call was issued as part of the fleet regular replacement plan.

**Results:** ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
Vohl Inc.	\$299,998.00
J.A. Larue Inc.	\$312,896.00

**Expected Value:** ☒ As above  
☐ Value shown is an estimate only for a # year period. The City does not guarantee to buy specific quantities or dollar value.

**Contract Duration:** 6 months

**Bid Exception:** None

**Recommendation:**

That Council award open call 2021050 – Self Contained Snow Blower Attachments to the lowest bidder meeting specification, Vohl Inc., as per the Public Procurement Act, for \$299,998.00 plus HST.

Delivery date shall be within 6 months from purchase order date.

**Attachments:**

# ST. JOHN'S

### Report Approval Details

Document Title:	2021050 - Self-Contained Snowblower Attachments.docx
Attachments:	
Final Approval Date:	Apr 15, 2021

This report and all of its attachments were approved and signed as outlined below:

**Rick Squires - Apr 15, 2021 - 8:22 AM**

**Derek Coffey - Apr 15, 2021 - 9:15 AM**

# BID APPROVAL NOTE

**Bid # and Name:** 2021066 – Sweeper, 2021 or Newer  
**Date Prepared:** Wednesday, April 14, 2021  
**Report To:** Regular Meeting  
**Councillor and Role:** Councillor Sandy Hickman, Public Works  
**Ward:** N/A

**Department:** Public Works  
**Division:** Fleet  
**Quotes Obtained By:** Sherry Kieley  
**Budget Code:** PWP-2021-021  
**Source of Funding:** Capital

**Purpose:**

This open call was issued as part of the fleet regular replacement plan.

**Results:** ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
S&S Supply Ltd.	Disqualified
Cubex Ltd.	Disqualified
Saunders Equipment	\$321,750.00
FST Canada Inc. o/a Joe Johnson Equipment	\$353,245.00
FST Canada Inc. o/a Joe Johnson Equipment	\$355,160.00
City View Bus Sales & Services	\$398,645.14

**Expected Value:** ☒ As above  
☐ Value shown is an estimate only for a # year period. The City does not guarantee to buy specific quantities or dollar value.

**Contract Duration:** One Year

**Bid Exception:** None

**Recommendation:**

That Council award open call 2021066 – Sweeper, 2021 or Newer to the lowest bidder meeting specification, Saunders Equipment, as per the Public Procurement Act, for \$321,750.00 plus HST.

Delivery date shall be within 1 year from purchase order date.

# ST. JOHN'S



**Attachments:**

### Report Approval Details

Document Title:	2021066 - Sweeper- 2021 or Newer.docx
Attachments:	
Final Approval Date:	Apr 15, 2021

This report and all of its attachments were approved and signed as outlined below:

**Rick Squires - Apr 15, 2021 - 9:56 AM**

**Derek Coffey - Apr 15, 2021 - 10:04 AM**

# BID APPROVAL NOTE

**Bid # and Name:** 2021039 - Glass Cleaning for Various City Buildings  
**Date Prepared:** Thursday, April 15, 2021  
**Report To:** Regular Meeting  
**Councillor and Role:** Councillor Sandy Hickman, Public Works  
**Ward:** N/A

**Department:** Public Works  
**Division:** City Buildings  
**Quotes Obtained By:** Sherri Higgins  
**Budget Code:** See attached  
**Source of Funding:** Operating

**Purpose:**

Glass cleaning at City Building sites is essential for both the appearance and function of the building(s). Currently, the City Buildings Division does not have adequate staff to complete this task with its own staff in a timely manner. In addition, specialized equipment and training is required for above ground windows. As such, it is more cost effective to have this service completed by an outside contractor.

**Results:** ☐ As attached ☒ As noted below

Vendor Name	Bid Amount
2298679 Ontario Inc.	\$77,096.00
SqueeKleen	\$83,738.40
CCG Capital Incorporated o/a Canada Clean Glass	\$96,025.00
Clear View Glass (2016) inc.	\$118,910.00
Vinland Property Maintenance	\$556,342.40

**Expected Value:** ☐ As above  
☒ Value shown is an estimate only for a 1 year period. The City does not guarantee to buy specific quantities or dollar value.

**Contract Duration:** 3 years with option to extend 1 year

**Bid Exception:** None

**Recommendation:**

That Council award this open call to the lowest bidder meeting specifications, 2298679 Ontario Inc., for \$77,096.00 per year (HST Included) as per the Public Procurement Act.

**ST. JOHN'S**

**Attachments: 2021039 – Budget Numbers**



### Report Approval Details

Document Title:	2021039 - Glass Cleaning for Various City Buildings.docx
Attachments:	- 2021039 - Budget Numbers.docx
Final Approval Date:	Apr 15, 2021

This report and all of its attachments were approved and signed as outlined below:

**Rick Squires - Apr 15, 2021 - 12:01 PM**

**Derek Coffey - Apr 15, 2021 - 1:17 PM**

2021039 – Glass Cleaning for Various City Buildings

Budget #'s

1252 52387 Maintenance of City Hall - CLEANING OF WINDOWS  
1254 52387 Maintenance City Hall Annex - CLEANING OF WINDOWS  
1258 52387 Maintenance of Civic # 245 Freshwater Road - CLEANING OF WINDOWS  
1259 52387 Maintenance Property Assessment Building - CLEANING OF WINDOWS  
1260 52387 Archives Building - CLEANING OF WINDOWS  
2494 52387 Central Fire Station - CLEANING OF WINDOWS  
2495 52387 Kenmount Rd. Fire Station - CLEANING OF WINDOWS  
2496 52387 Mt. Pearl Fire Station - CLEANING OF WINDOWS  
2497 52387 Brookfield Rd. Fire Station. - CLEANING OF WINDOWS  
2499 52387 West End Fire Station - CLEANING OF WINDOWS  
2501 52387 Kent's Pond Fire Station - CLEANING OF WINDOWS  
2505 52387 Paradise Fire Station - CLEANING OF WINDOWS  
3241 52387 Works Depot Maintenance - CLEANING OF WINDOWS  
4332 52387 Bldg. Mtce. Robin Hood Bay - CLEANING OF WINDOWS  
6624 52387 Mtce. Gentara Bldg. - CLEANING OF WINDOWS  
7140 52387 Mtce. Paul Reynolds Community Centre - CLEANING OF WINDOWS  
714252387 Mtce. Kenmount Terrace Community Centre - CLEANING OF WINDOWS

# DECISION/DIRECTION NOTE

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**Title:** 2021 Civic Improvement Assessment Rates

**Date Prepared:** April 9, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Sandy Hickman, Public Works

**Ward:** N/A

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## Decision/Direction Required:

To set assessment rates for 2021.

## Discussion – Background and Current Status:

Under the City's Assessment Policy Council has to set the new assessment rates each year for civic improvements which are to be completed in that year. Assessment rates are determined by multiplying established base assessment rates by an adjustment factor. This adjustment factor is the ratio of current construction costs to costs estimated using the City's base unit prices. This procedure allows the adjustment factor to reflect changes in construction costs from year to year.

## Key Considerations/Implications:

1. Budget/Financial Implications:  
N/A – Assessments are not considered part of the project funding.
2. Partners or Other Stakeholders:  
Applicable City of St. John's property owners.
3. Alignment with Strategic Directions/Adopted Plans:  
A sustainable city. Be financially responsible and accountable.
4. Legal or Policy Implications:  
Assessments required as per the City of St. John's Act.
5. Privacy Implications:  
N/A
6. Engagement and Communications Considerations:  
Assessment details are communicated to applicable properties.



7. Human Resource Implications:  
N/A

8. Procurement Implications:  
N/A

9. Information Technology Implications:  
N/A

10. Other Implications:  
N/A

**Recommendation:**

That Council approve the assessment rates for 2021.

**Assessment Rates for 2021**

Watermain	\$ 185/m
Sanitary Sewer	\$ 169/m
Storm Sewer	\$ 110/m
Water Service	\$ 1,205/EA
Sanitary Service	\$ 1,243/EA
Storm Service	\$ 1,243/EA
Commercial Water Service	\$ 4,566/EA
Commercial Sanitary Service	\$ 2,205/EA
Commercial Storm Service	\$ 2,020/EA
Street Improvement	\$ 99/m
New Street	\$ 419/m
Sidewalk	\$ 24/m
Rural Street Upgrading	\$ 84/m

**Prepared by: Mark White, Manager, Construction Engineering**  
**Approved by: Scott Winsor, Director Engineering**



**Report Approval Details**

Document Title:	2021 Civic Improvement Assessment Rates.docx
Attachments:	
Final Approval Date:	Apr 14, 2021

This report and all of its attachments were approved and signed as outlined below:

**Scott Winsor - Apr 9, 2021 - 4:33 PM**

**Jason Sinyard - Apr 14, 2021 - 8:38 AM**

# DECISION/DIRECTION NOTE

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**Title:** 22 Shaw Street – Adoption – REZ2000013

**Date Prepared:** April 13, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 3

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## **Decision/Direction Required:**

That Council adopt the attached resolution for St. John's Development Regulations Amendment 718, 2021, to rezone land from the Residential Special (RA) Zone to the Residential High Density (R3) Zone to accommodate a Semi-detached Dwelling development (2 houses). Please note that this overlaps Wards 3 and 2.

## **Discussion – Background and Current Status:**

The City has received an application to rezone the property at 22 Shaw Street from the Residential – Special (RA) Zone to the Residential High Density (R3) Zone to allow subdivision of the lot and development of 2 Semi-detached Dwellings. The house there will be demolished (the demolition-permit application is being reviewed). The RA Zone does not permit Semi-detached Dwellings and therefore rezoning is needed. The property is not in a Heritage Area and a Municipal Plan amendment is not required; the property is in the Residential Medium Density District of the Municipal Plan.

While 22 Shaw Street is the only parcel proposed to be rezoned, the development would require a reconfiguration of 22 Shaw Street with part of the rear yard of 67 Warbury Street. Note that 22 Shaw Street is in Ward 3 and 67 Warbury Street is in Ward 2. The applicant has been advised that, at the development stage (should rezoning be approved), the City will require surveys for the two new proposed lots and for the remaining property at 67 Warbury. This is to ensure that the changes to 67 Warbury would not make it a non-conforming lot. Neighbouring residents have raised concerns as to why the subdivision was not completed prior to rezoning. The reason is that the City cannot approve a subdivision for a use that is not permitted, therefore the rezoning must come first, before subdividing the land.

At its regular meeting of March 22, 2021 Council decided to consider the amendment and advertise it for public review. The proposed amendment was advertised 3 times in *The Telegram* newspaper and was posted on the City's website, and property owners within 150 metres of the application site were notified. Written submissions were received by the City Clerk and are included in the agenda for the regular meeting of Council.

Some neighbours have raised concerns with the proposed rezoning and development. Below is a summary of the concerns, and staff comments.

# ST. JOHN'S

- *The development is not in keeping with neighbourhood character and quality as required by the Municipal Plan:* Staff feel that it does fit with the neighbourhood. The north side of Shaw Street, including areas zoned Residential Special (RA) and Residential Low Density (R1), are in the Residential Medium Density District of the Municipal Plan. The R3 Zone fits with the Municipal Plan. A section of the Municipal Plan quoted in a submission requires Council to consider appropriate infill, and staff believe that this proposal is appropriate infill.
- *There is a different housing character on Shaw Street north and south of Warbury Street:* Staff do not draw this distinction along Shaw Street – we evaluate the neighbourhood as a whole. While much of Shaw Street is single detached houses, this does not mean that Semi-detached Dwellings are inappropriate. Shaw Street has higher density and lower density houses plus a large apartment building.
- *The development does not create a transition between the adjacent properties and is too dense:* While the development is a different housing form than the adjacent houses, it is a similar density. The proposed development has 2 units. Single detached dwellings in the R1 or R3 Zones can each have a subsidiary apartment, which would mean 2 units. Further, the proposed houses are similar in style to those at 14 to 20 Shaw Street.
- *The development should not be approved so as to protect the trees on the lot:* All development, whether a rezoning is required or not, is subject to the City's Landscape Development Policy and Street Tree Planting Standards. This application was reviewed by the City's Parks Division and the applicant was advised that efforts should be made to preserve existing trees and natural features and incorporate them into the proposed development. This would be evaluated at the development stage. This is what happened when McLea Place and the new houses on Shaw Street were built – many trees were removed and some were incorporated into the development.
- *There is an old river system which once ran between 20 and 22 Shaw Street and the development will impede water flow into the old river or stream bed:* City staff were not aware of the former river; it would have been diverted to the Shaw Street storm sewer. Development and Engineering staff have reviewed the application and had no concerns at this stage. Stormwater management will be examined at the development stage.
- *The development will negatively impact stormwater runoff on Shaw Street:* The City's Development and Engineering staff do not share this concern. There is a storm sewer main along the frontage of the property on Shaw Street.
- *The development will cause a decrease in neighbouring property values:* Studies have shown that new development usually increases property values or has no effect on them. New development in a residential area generally does not decrease property values. Further, 24 Shaw Street (bordering the subject property) is zoned R3, so the rezoning would not be introducing a new zone to the neighbourhood.
- *The development will cause snow clearing and traffic issues:* The proposed development meets the requirement of off-street parking. The application was reviewed by Development and Engineering staff and this was not a concern.
- *This rezoning will cause a precedent for other rezoning in the neighbourhood:* Staff review each rezoning application on its individual merits.

Staff feel that this proposal is appropriate for the area and recommend that Council consider adopting the attached amendment.

Should Council adopt the attached amendment, it will be forwarded to the NL Department of Municipal and Provincial Affairs for registration. A commissioner's public hearing or further vote is not required.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners.
3. Alignment with Strategic Directions/Adopted Plans:  
*St. John's Strategic Plan 2019-2029 - A Sustainable City* – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: A map amendment to the St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council adopt St. John's Development Regulations Amendment Number 718, 2021, which will rezone property at 22 Shaw Street from the Residential Special (RA) Zone to the Residential High Density (R3) Zone.

**Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage**  
**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**



**Report Approval Details**

Document Title:	22 Shaw Street - Adoption - REZ2000013.docx
Attachments:	- 22 Shaw Street - Adoption Attachments.pdf
Final Approval Date:	Apr 14, 2021

This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Apr 14, 2021 - 5:05 PM**

**Jason Sinyard - Apr 14, 2021 - 6:34 PM**





**SUBJECT PROPERTY**

**RA**

**RA**

**5**

**R1**

**16**

**14**

**SHAW ST**

**DAVIDSON PL**

**R1**

**15**

**R1**

**1**

**11**

**135**

**CITY OF ST. JOHN'S**

DISCLAIMER: This map is based on current information at the date of production.





22 Shaw Street and rear of 67 Warbury Street

67

69

24

22

20

18

SHAW ST

136

CITY OF ST. JOHN'S

DISCLAIMER: This map is based on current information at the date of production.



## 22 Shaw Street and surrounding neighbourhood





## SECTION 10 - USE ZONE SCHEDULES

### RESIDENTIAL ZONES

#### 10.1 RESIDENTIAL - SPECIAL (RA) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

##### 10.1.1 Permitted Uses

Residential:

- (a) Accessory Building (subject to Section 8.3.6) **(1995-06-09)**
- (b) Home Office (subject to Section 7.9) **(1997-08-08)**
- (c) Single Detached Dwelling

Recreational:

- (d) Park

##### 10.1.2 Discretionary Uses (subject to Section 5.8)

- (a) Heritage Use (except for an Office, a Boarding or Lodging House and/or a Restaurant) **(2011-11-25)**
- (b) Private Park **(2007-10-05)**
- (c) Public Utility

##### 10.1.3 Zone Requirements

The following requirements shall apply to all uses:

- (a) Lot Area (minimum) 740 m<sup>2</sup>
- (b) Lot Frontage (minimum) 21 m
- (c) Building Line (minimum)
  - (i) Minimum Building Line for New Streets or Service Streets: 9 m
  - (ii) Minimum Building Line for Existing Streets or Service Streets: as established by Council under the authority of Section 8.3.1 **(2009-09-04)**
- (d) Side Yards (minimum) One of 1.5m and another of 3.0m
- (e) Side Yard on Flanking Road (minimum) 9 m
- (f) Rear Yard (minimum) 11 m
- (g) Landscaping Front Yard At least 50% of the Front Yard shall be landscaped. However, the Director of Building and Property Management, or a designate, may vary this requirement where, in his/her opinion, it is deemed to be warranted and desirable.

**RA**

# Proposed Zone

## 10.5 RESIDENTIAL-HIGH DENSITY (R3) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

### 10.5.1 Permitted Uses

#### Residential:

- (a) Accessory Building (subject to Section 8.3.6) **(1995-06-09)**
- (b) Bed and Breakfast (subject to Section 7.27) **(1998-10-23)(2008-01-25)**
- (c) Boarding or Lodging House  
(accommodating between five (5) and sixteen (16) persons) **(1999-04-16)**
- (d) Duplex Dwelling
- (e) Home Office (subject to Section 7.9) **(1997-08-08)**
- (f) Semi-Detached Dwelling
- (g) Single Detached Dwelling
- (h) Subsidiary Apartment
- (i) Townhousing (except for the Battery neighbourhood of  
Planning Area 2, where Townhousing is not a permitted Use.) **(1999-08-20)**

#### Recreational:

- (j) Park

#### Other:

- (k) Family Home Child Care Service (subject to Section 7.6) **(2004-05-14)**

### 10.5.2 Discretionary Uses (subject to Section 5.8)

- (a) Adult Day Care Facility (subject to Section 7.3)
- (b) Day Care Centre (subject to Section 7.6)
- (c) Converted Building **(2002-01-02)**
- (d) Heritage Use
- (e) Home Occupation (subject to Section 7.8)
- (f) Infill Housing (subject to Section 7.10)
- (g) Parking Lot (subject to Section 7.13)
- (h) Planned Unit Development (subject to Section 5.10.3)
- (i) Private Park **(2007-10-05)**
- (j) Public Utility

### 10.5.3 Zone Requirements

Notwithstanding the following, an application to construct or enlarge a building situate in the Fort Amherst residential area (from Civic Number 8 Fort Amherst Road up to and including Civic Number 56 Fort Amherst Road on one side, and Civic Number 55 and Civic Number 59 Fort Amherst Road on the other side) may be subject to height limitations. **(2009-02-20)**

## R3

The following requirements shall apply to:

- (1) Bed and Breakfast: (subject to Section 7.27) (2008-01-25)  
The same requirements as established for the Dwelling types in this Zone. (1998-10-23)
- (2) Boarding or Lodging House:  
The same requirements as established for the Dwelling types in this Zone.
- (3) Converted Building
  - (j) Lot Area (minimum) at the discretion of Council (2009-02-20)
  - (k) Building Height (maximum) 3 storeys
  - (l) Side Yard on Flanking Road (minimum) 2 metres
  - (m) Rear Yard (minimum) 4.5 metres
  - (n) Landscaping of Lot (minimum) 20% (2002-02-01)
- (4) Duplex Dwelling:
  - (a) Lot Area (minimum) 350 m<sup>2</sup>
  - (b) Lot Frontage (minimum) 14 m
  - (c) Building Line (minimum) 4.5 m
  - (d) Side Yards (minimum) Two of 1.2 m (1994-11-04)
  - (e) Side Yard on Flanking Road (minimum) 4.5 m
  - (f) Rear Yard (minimum) 6 m
- (5) Semi-Detached Dwelling:
  - (a) Lot Area (minimum) 188 m<sup>2</sup> per Dwelling Unit (1997-03-07)
  - (b) Lot Frontage (minimum) 15 m; 7.5 m per Dwelling Unit
  - (c) Building Line (minimum) 4.5 m
  - (d) Side Yards (minimum) Two of 1.2m (1994-11-04)
  - (e) Side Yard on Flanking Road (minimum) 4.5 m
  - (f) Rear Yard (minimum) 6 m
- (6) Single Detached Dwelling:
  - (a) Lot Area (minimum) 300 m<sup>2</sup>
  - (b) Lot Frontage (minimum) 10 m (1994-11-04)
  - (c) Building Line (minimum) 4.5 m
  - (d) Side Yards (minimum) 1.2 m (1994-11-04)
  - (e) Side Yard on Flanking Road (minimum) 4.5 m
  - (f) Rear Yard (minimum) 6 m
- (7) Townhousing:
  - (a) Lot Area (minimum) 140 m<sup>2</sup> per Dwelling Unit
  - (b) Lot Frontage (minimum) 5.5 m per Dwelling Unit
  - (c) Building Line (minimum) 0 m
  - (d) Side Yard for End Unit Townhouses (min.) 1.2 metres (2002-07-05)
  - (e) Side Yard on Flanking Road (minimum) 2.4 m
  - (f) Rear Yard (minimum) 6 m

**R3**

(8) Day Care Centre in a non-residential Building:

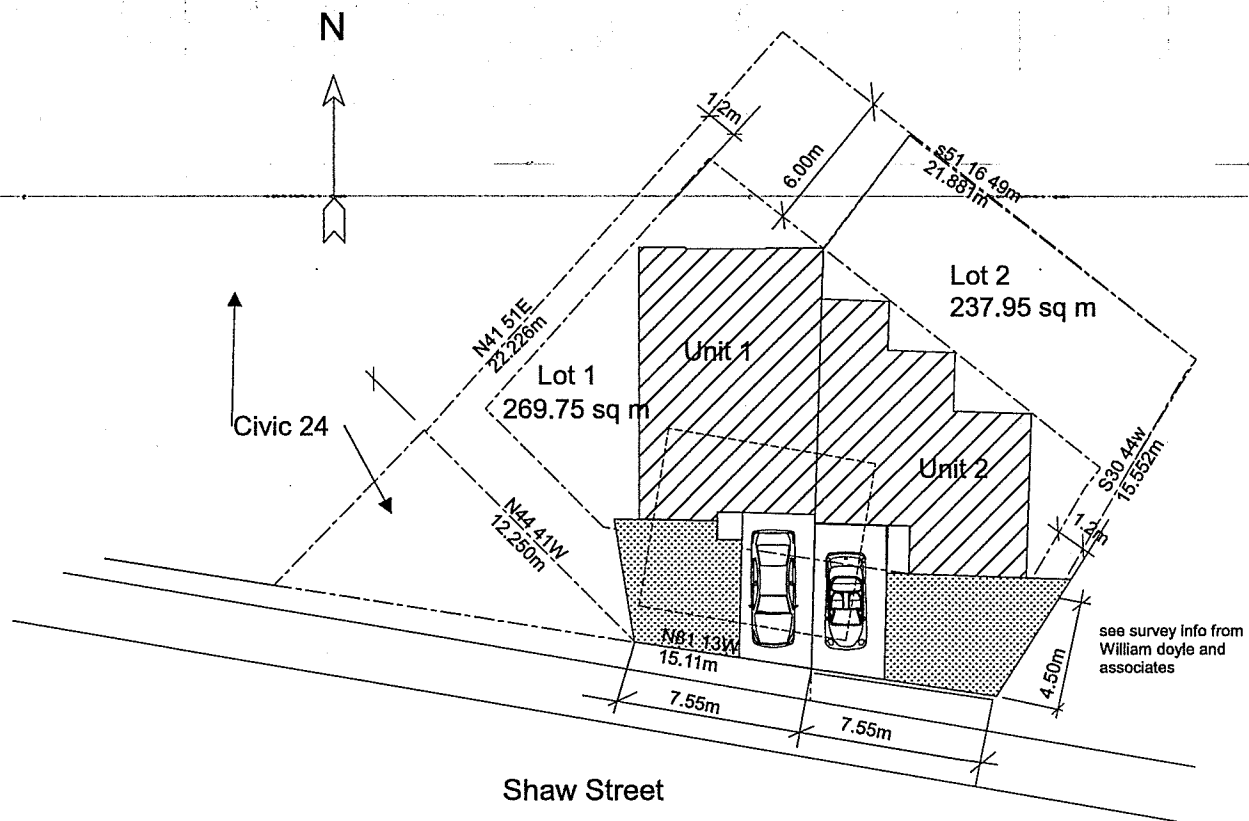
- |     |                              |                         |                     |
|-----|------------------------------|-------------------------|---------------------|
| (a) | Lot Size (minimum)           | 450 m <sup>2</sup>      |                     |
| (b) | Lot Frontage (minimum)       | 15 m                    |                     |
| (c) | Landscaping on Lot (minimum) | Subject to Section 8.5. | <b>(1998-09-11)</b> |

10.5.4 Battery Development Area

- (1) Notwithstanding the requirements of Section 10.5.3, the maximum Building Height for properties that are included on Map I – Battery Development Area that are zoned as Residential High Density (R3), is three (3) storeys from the downhill side of a lot; and
- (2) In addition to the requirements of Section 10.5.3, the development of any properties that are included on Map I – Battery Development Area, is subject to Section 7.28 and Appendix A, “Footprint and Height Control Overlay for the Battery Development Area.”  
**(2009-07-24)**

**R3**





Semi Detached  
Proposed PLOT PLAN  
Civic 22 Shaw Street

1:200

www.rjrobere  
designplanning.ca

709-753 8169

PLOT PLAN LAYOUT  
22 Shaw Street

date Dec 17 2020	drawn by rjr	S-1
project 1:200		

## Proposed development at 22 Shaw Street and properties 14-20 Shaw Street



FRONT ELEVATION





22 Shaw Street – Before (2009) and after (2019) development of McLea Place





**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**CITY OF ST. JOHN'S Development Regulations, 1994**

**Amendment Number 718, 2021**

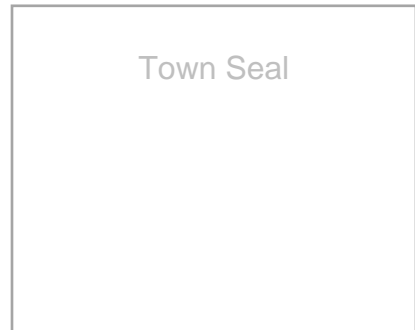
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the City of St. John's Development Regulations Amendment Number 718, 2021.

Adopted by the City Council of St. John's on the 19th day of April, 2021.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_.

Mayor: \_\_\_\_\_

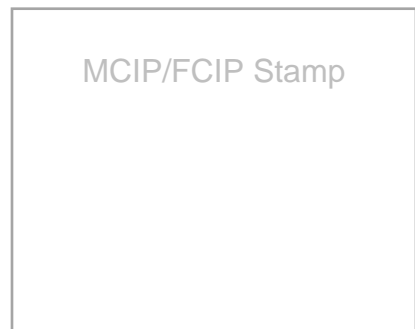
Clerk: \_\_\_\_\_



**Canadian Institute of Planners Certification**

I certify that the attached City of St. John's Development Regulations Amendment Number 718, 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: \_\_\_\_\_





## **CITY OF ST. JOHN'S**

### **Development Regulations Number 718, 2021**

#### **BACKGROUND**

The City of St. John's wishes to rezone land at 22 Shaw Street from the Residential Special (RA) to the Residential High Density (R3) Zone to allow a Semi-detached Dwelling development (2 houses). See attached Council Decision Note dated April 13, 2021 for background information on this amendment.

#### **PUBLIC CONSULTATION**

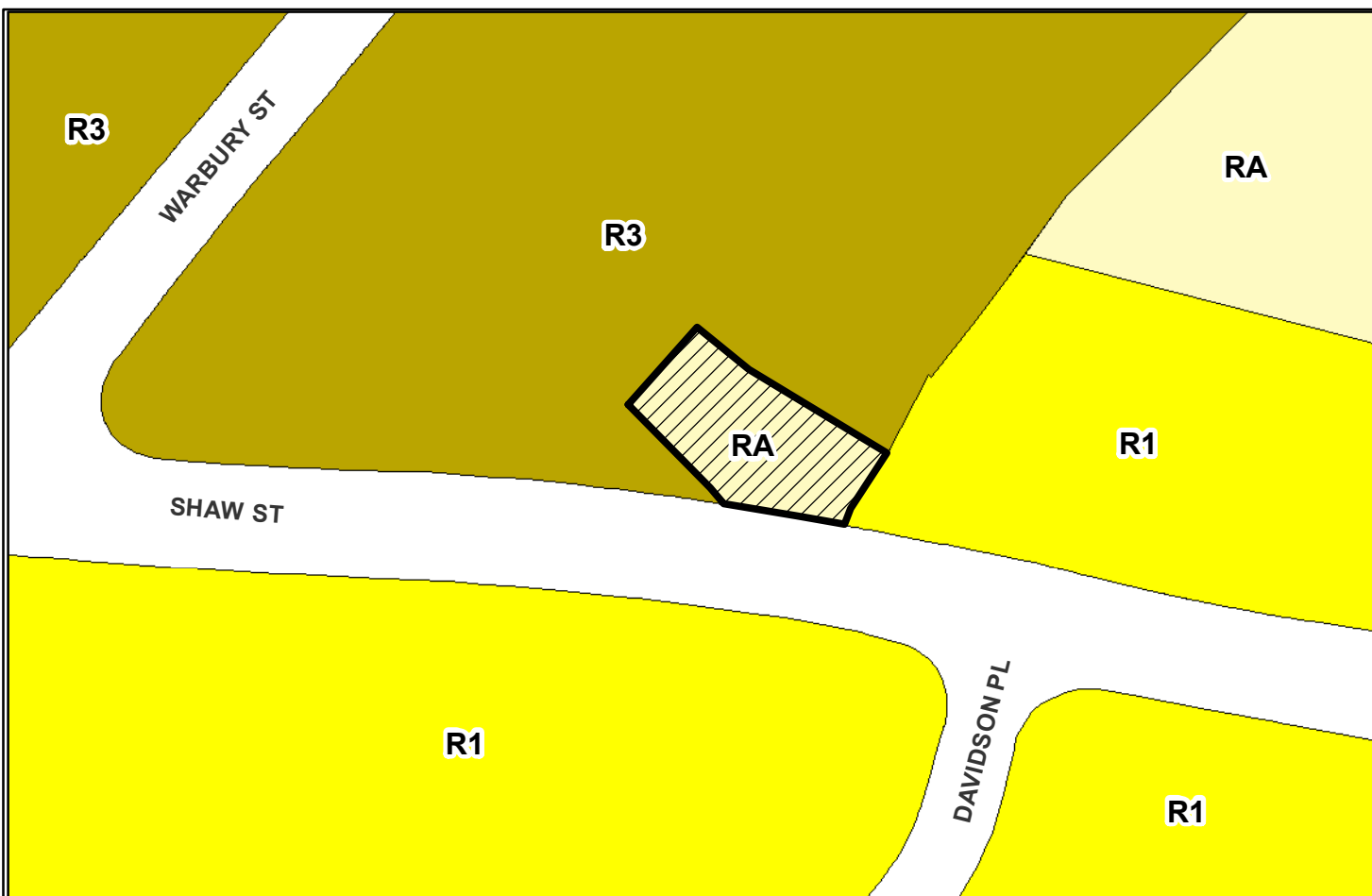
The proposed amendment was advertised on three occasions in The Telegram newspaper on March 27, April 3 and April 10, 2021. A notice of the amendment was also mailed to property owners within 150 metres of the application site and posted on the City's website and social media.

#### **ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 718, 2021**

The City of St. John's Development Regulations is amended by:

- 1) Rezoning land at 22 Shaw Street [Parcel ID#15146] from the Residential Special (RA) Zone to the Residential High Density (R3) Zone as shown on Map Z-1A attached.**

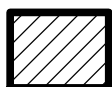




**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 718, 2021  
[Map Z-1A]**

2021 04 14 Scale: 1:750  
City of St. John's  
Department of Planning, Development  
& Regulatory Services

**I hereby certify that this amendment  
has been prepared in accordance with the  
Urban and Rural Planning Act.**



AREA PROPOSED TO BE REZONED FROM  
RESIDENTIAL SPECIAL (RA) LAND USE ZONE TO  
RESIDENTIAL HIGH DENSITY (R3) LAND USE ZONE

**22 SHAW STREET  
Parcel ID 15146**

\_\_\_\_\_  
M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

Provincial Registration



## Stacey M. Corbett

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**From:** CityClerk  
**Sent:** Monday, April 12, 2021 9:47 AM  
**To:** [REDACTED]  
Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning  
**Subject:** RE: (EXT) 22 Shaw Street Re-Zoning Request

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley  
City Clerk  
709-576-8202

---

**From:** [REDACTED]  
**Sent:** Friday, April 9, 2021 1:59 PM  
**To:** CityClerk <cityclerk@stjohns.ca>  
**Subject:** (EXT) 22 Shaw Street Re-Zoning Request

I am writing in response to the notice I received on the Application for the re-zoning of 22 Shaw Street from RA to R3. My wife and I are the registered owners and occupants of [REDACTED]. We purchased our property in 1998 and, like many others in the neighbourhood, we have spent considerable effort and expense in developing our property consistent with the area. We do not support the request to rezone 22 Shaw Street to R3 for a number of reasons.

In consideration of the subject request related to 22 Shaw Street I believe that it is important to review a previous rezoning request in this neighbourhood. In 2003 there was an application from a developer (Myles-Leger) to rezone the "Sparkes" property (now McLea Park) to R2/R3 to facilitate upwards of 41 town houses on that large piece of property. In light of a number of factors, including a significant pushback from the neighbours, this request was denied by the city. Subsequently, the Sparkes property was purchased by another party who developed the property into McLea Park which I'm sure you would agree is a suitable development for the neighbourhood as it contains RA and R1 lots, vs the high density re-zoning requested by the earlier developer.

The subject request to rezone 22 Shaw Street raises two concerns:

1. The McLea Park development included four R1 lots on Shaw Street ( #14, 16, 18 and 20). All of which have been developed and contain large, single family executive style townhouses. The request in question to rezone 22 Shaw Street from RA to R3 may significantly negatively impact the adjacent property (#20) which may have a knock on effect to others in the neighbourhood, including ourselves.
2. The precedent which may be created in rezoning 22 Shaw Street from RA to R3 would be very concerning in light of the number of RA lots which remain to be developed in the area. Certainly each rezoning request needs to stand on its own merits, and the rezoning of 22 Shaw Street from RA to R3, if successful, should not be seen as precedent-setting for RA or R1 lots in the neighbourhood.

The concerns above may result in a number of negative impacts to our property including but not limited to reduced property value should this type of rezoning occur in this neighbourhood.

Hopefully you will take these concerns into consideration during your review.



## Karen Chafe

---

**From:** CityClerk  
**Sent:** Monday, April 12, 2021 2:06 PM  
**To:** [REDACTED]  
**Cc:** Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning  
**Subject:** FW: (EXT) 22 Shaw Street - Rezoning Application  
**Attachments:** McLea Park - Site Plan.pdf; McLea Park - Homesite Covenants.pdf; City Submission 22 Shaw Street April 11th 2021[1].pdf

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to reaching a final decision on this application.

Elaine Henley  
City Clerk  
709-576-8202

---

**From:** [REDACTED]  
**Sent:** Monday, April 12, 2021 12:45 PM  
**To:** CityClerk <cityclerk@stjohns.ca>  
**Subject:** (EXT) 22 Shaw Street - Rezoning Application

Office of the City Clerk,

Please accept the following email as my objection to the rezoning application being considered for **22 Shaw Street**.

As the developer for **McLea Park**, I previously sought and was granted rezoning approval for a portion of the former "Sparkes Property" from RA to R1 for purposes of developing under covenants, a composition of architecturally designed homes. (See attached **McLea Park** site plan illustration and covenants).

Upon receiving the City's notice regarding the application for development of a semi-detached dwelling at civic **22 Shaw Street**, I was surprised to learn the subject property's present non-conforming and fragmented portion of contiguous land to **McLea Park** is currently zoned RA, and why implications regarding same, were not considered at the time our comprehensive development plan was reviewed?


In my opinion, the proposed rezoning of **22 Shaw Street** does not transition well from the immediately adjacent RA and R1 zones, and such consideration does not support, or compliment the immediately adjacent properties.

Additionally, in my opinion as a [REDACTED], permitting development of a semi-detached dwelling at **22 Shaw Street** will cause a direct negative impact to the valuation of **20 Shaw Street** specifically.

In concern of the immediate surrounding neighbourhood and extensive existing mature buffer area, (ironically presently contained within a R3 zone), it would be my recommendation, if rezoning is to be considered for the subject property, that R1 would alternatively represent the most compatible and transitional zoning change.

Thanks,



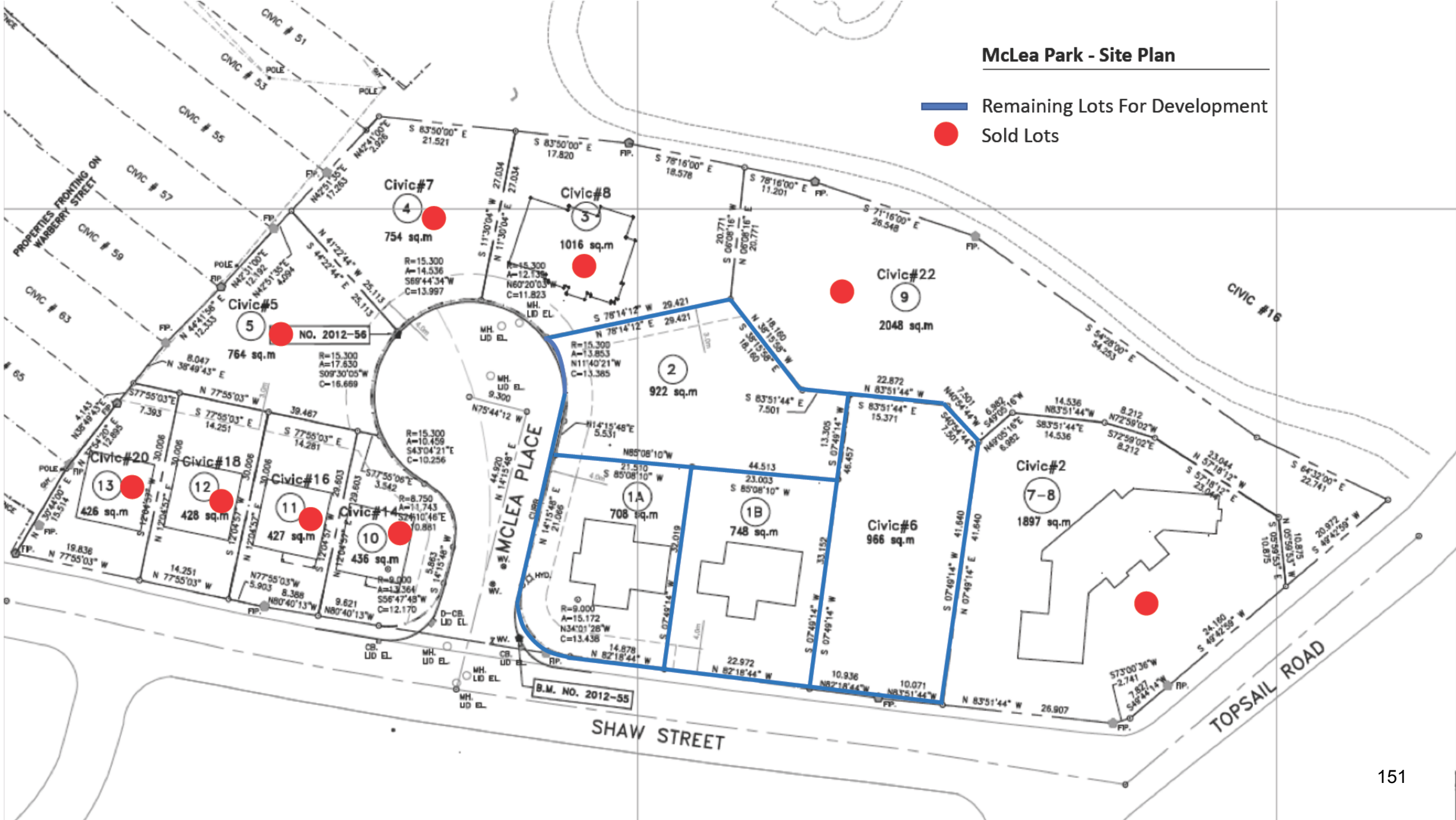


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Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.



Remaining Lots For Development  
Sold Lots







## **Homesite Covenants**

### **Wrightland Development Corporation**

#### **McLea Park**

With the intention that the burden of these covenants shall run with and bind the land shown on a Plan of Development described in Schedule "A" (hereinafter called the "Development"), the Developer and the Owner do hereby covenant and agree with each other, and as to the Owner, with the owner or owners from time to time of any building lot in the Development, as to which the benefit and burden of the following stipulations, restrictions and provisions are attached, and to bind their, his, her or its respective heirs, executors, administrators, successors and assigns, to observe, perform and comply with the following Homesite Covenants (collectively referred to as the "Covenants"), namely:

1. For the purposes of these Covenants the following words shall have the following meanings:
  - (a) "Building Lot" shall mean any building lot located within the Development;
  - (b) "Developer" means Wrightland Development Corporation, its successors and assigns;
  - (c) "Garage" shall include any structure used or to be used for housing or protection of motor vehicles, all-terrain vehicles, boats and garden equipment;
  - (d) "House" shall mean a dwelling house occupied for residential purposes by a single family; and
  - (e) "Owner" means the person or persons, corporation or corporations, or any other party, or their respective heirs, executors, administrators, successors and assigns to whom the lands referred to in the Deed of Conveyance to which these Covenants are attached, are conveyed or transferred, or who otherwise acquire a beneficial or leasehold interest in the said lands, and "Owner" shall include all persons, corporations or any other parties who act as agents of the Owner, including all contractors, sub-contractors, or others retained or employed by the Owner to perform works or services in relation to the land described in the Deed of Conveyance.
2. The Owner shall be deemed to have inspected the Building Lot prior to executing an Agreement of Purchase and Sale for its purchase, or other agreement for the conveyance, transfer or acquisition of a beneficial or leasehold interest in the Building Lot, and shall be deemed to be satisfied as to its suitability for construction



of a House in accordance with the requirements of these Covenants. The Owner will ensure, and will be solely responsible for ensuring, that the design of the Building Lot, the House and its services meet all of the Owner's technical requirements. The Owner hereby acknowledges that the Developer is in no way responsible for any claims, damages, losses, expenses or costs that the Owner may suffer or incur by reason of the Owner's failure to comply with this and the other Covenants, and hereby indemnifies and saves harmless the Developer from any action, cause of action, claim or demand which may arise therefrom, save and except for any claims, damages, losses, expenses or costs that arise as a result of the Developer's negligence or willful misconduct.

3. The Building Lot shall not be used for any purpose other than for private single family, owner-occupied residential purposes and, save and except for the building known as Richmond Hill Municipal Heritage Building located within the Development, no attached or semi-detached House or duplex shall be erected on the Building Lot and no more than one detached House may be erected on the Building Lot.
4. The construction of a House on the Building Lot shall be started within eighteen (18) months of the closing date of the purchase of the Building Lot. If construction has not started within eighteen (18) months of the closing date of the purchase of the Building Lot, the Owner will, at the request of the Developer, convey the lot back to the Developer at the same purchase price which was paid by the Owner as set forth in the Deed of Conveyance by which the Owner purchased the Building Lot.
5. No House shall be erected or stand upon the Building Lot or any part thereof which shall have a floor area of less than:
  - (a) 150 square meters (1,615 square feet) main floor living area in the case of a one-storey House - exclusive of Garage and basement, if applicable;
  - (b) 115 square meters (1,238 square feet) main floor living area in the case of a two-storey House - exclusive of Garage and basement, if applicable; or
  - (c) 90 square meters (970 square feet) in the case of a three-storey House.

Split-level Houses shall be considered to have the number of storeys of their highest structure. The areas shall be calculated as the area of the ground floor only, measured to the outside of the main walls, and excluding any Garage, verandah, or fully-glazed attached conservatory, or sun-room.

6. Prior to the commencement of any construction, including excavation, the Owner shall submit to the Developer plans of the proposed House, which plans shall include a plot plan indicating location of footings and foundation, finished basement floor elevation, finished lot grading, driveway location, utilities location and exterior architectural materials, and any such plans shall be subject to review and approval by the Developer, with such approval not to be unreasonably withheld.
7. No shed, building, wall, fence (including hedges), gate, post or other structure shall be commenced, constructed or maintained on the Building Lot, nor shall any addition to or alteration thereof be made, until the architectural and engineering plans,



- specifications and siting plan showing the nature, location, materials, colour and height of any such shed, building, wall, fence (including hedges), gate, post or other structure and any addition or alterations thereto shall have been submitted to and approved in writing by the Developer who, acting reasonably, may refuse to approve any such plans, specifications or siting plan, which, in its opinion, are unsuitable or undesirable. In approving or refusing to approve such plans, specifications and siting plan, the Developer may, but is not obliged to, take into consideration the material of all exterior walls, woodwork, windows, fencing, paving and landscape details proposed and the harmony thereof with the surroundings and the effect of the structures as planned on the outlook from adjacent or neighboring properties.
8. No excavation shall be made on the Building Lot except excavations for the purpose of construction at the time of commencement of such construction or for the improvement of the gardens and grounds of the Building Lot. No soil, sand or gravel shall be removed from the Building Lot except with the prior permission of the Developer.
  9. The Owner may erect on the Building Lot and use a lighted swimming pool provided that it is first approved by the Developer, and any such swimming pool shall be maintained by the Owner in accordance with the requirements of any statute, regulation or by-law promulgated by any governmental authority having jurisdiction in that regard and the Owner shall hold the Developer harmless from any action, cause of action, claim or demand which may arise by reason of any such swimming pool being located on the Building Lot.
  10. No external alterations or changes to the structure of, or in respect of, any House, Garage, shed or other structure erected by the Owner shall be made, done or permitted except with the written approval of the Developer.
  11. No signs, billboards, notices or other advertising matter of any kind, except those offering the Building Lot or buildings thereon for sale or rent, shall be placed on any part of the Building Lot or upon or in any buildings or on any fence, tree or other structure on the Building Lot without the prior written consent of the Developer.
  12. No exterior television or radio aerials (with the exception of a professionally installed satellite dish meeting normal standards for residential use) may be erected or maintained on any part of the Building Lot without the prior written consent of the Developer.
  13. No repairs to any motor vehicle shall be effected on the Building Lot save within a wholly enclosed Garage.
  14. No trailer with living accommodations shall be parked or placed upon any part of the Building Lot except in a Garage thereon in accordance with these Covenants.
  15. No fill, building waste or other material of any kind shall be left, dumped or stored on the Building Lot, except clean earth for the purpose of leveling in connection with the erection of a building thereon or the immediate improvements of the grounds.



16. No animals other than domesticated household pets normally permitted in private homes in urban residential areas shall be kept or sheltered upon the Building Lot.
17. The Owner will repair to the satisfaction of the Developer any damage to sidewalks, curbs, streets or any lands abutting, or adjacent to, the Building Lot caused by any construction activities undertaken by or on behalf of the Owner, howsoever caused, and will complete such repairs at the direction of the Developer and to the Developer's satisfaction, and where necessary or applicable to the satisfaction of the Engineering Department of the City of St. John's; the Department of Transportation and Works of the Province of Newfoundland and Labrador; any other municipal or provincial authority; Bell Aliant Regional Communications Inc.; Bell Aliant Regional Communications, Limited Partnership; Newfoundland Power Inc.; Rogers Communications Inc.; or any similar or successor department, authority, corporation or entity to any of the foregoing, within ten (10) days from the receipt of written notice from the Developer.
18. The Developer shall provide an easement or right-of-way for the installation of electrical, telephone and cable services to such public or private utilities as may require the easement or right-of-way. The Owner shall be responsible for the provision of an electrical, telephone and cable connection to the Owner's House. The Owner will place or cause to be placed, at the Owner's expense, all wires and cables leading to the House foundation on the Building Lot under the surface of the Building Lot and, after placing such wires and cables, shall restore the surface of the Building Lot, as far as possible, to the condition it was in before such wires and cables were so placed. The location of these underground services shall be such as will minimize the need for the removal of trees and other natural landscape features.
19. The Owner will not damage or remove any survey stake or pin planted in or on the Building Lot and if any such stake or pin is damaged or removed by the Owner, or any of the Owner's contractors, servants, agents, workmen, vehicles, materials or equipment, and in the opinion of the Developer replacement of such stake or pin is necessary, the Owner will pay the cost of such replacement by a surveyor.
20. All construction by the Owner shall meet all requirements of all authorities having jurisdiction.
21. The Building Lot shall not be subdivided or have its boundaries changed without the approval of the Developer.
22. Driveways shall be finished with asphalt, concrete or paving stones and maintained in a good and attractive condition.
23. House designs shall be devised or selected to aesthetically blend with site slopes.
24. Fence details shall be approved by the Developer.
25. Landscaping shall be generally grass sod with shrubs, trees and hard surfaces of materials approved by the Developer. The Owner shall ensure that the Building Lot



is landscaped so that the view of surrounding property owners is not impeded. The Developer will endeavour, where possible, to resolve any landscaping concerns in an amicable and non-confrontational manner.

26. Where trees exist, trees shall be maintained. Deciduous trees such as Copper Beach, Birch, Larch, or Maple trees shall not be removed from the Building Lot unless specific approval is obtained from the Developer and the removal is reasonably necessary in order to facilitate construction of a House, or to provide utility services for the House.
27. Landscaped surfaces shall not have abrupt or steep changes in slope, other than by a retaining wall approved by the Developer.
28. The Owner agrees to obtain an agreement to observe the Covenants herein set forth, including this clause, from any person, corporation or other party who subsequently purchases the Building Lot, or otherwise acquires the Building Lot or a beneficial or leasehold interest therein, from the Owner.
29. In these Covenants, any approval, consent, decision, opinion or permission which the Developer may give or make shall be given or made by the Developer acting reasonably.
30. The Covenants herein contained are severable and the invalidity or unenforceability of any Covenant shall not affect the validity or enforceability of any other Covenants.
31. Provided always that notwithstanding anything herein contained, the Developer and its successors and assigns shall have power by instrument or instruments in writing from time to time to waive, alter or modify the above Covenants in their application to any Building Lot or to any part thereof comprising part of the Development without notice to the owner of any other Building Lot.
32. These Covenants shall be binding upon the Owner or any other person, corporation or any other party claiming by or through the Owner during the Owner's ownership of the Building Lot, and shall continue to be binding thereafter in respect of any breach of the Covenants committed or continued during the Owner's ownership of the Building Lot, upon or in respect of which such breach shall have been committed or continued.

[EXECUTION PAGE FOLLOWS]



DATED at the City of St. John's, in the Province of Newfoundland and Labrador, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**THE CORPORATE SEAL**

of the Developer was hereunto  
affixed in the presence of:

**WRIGHTLAND DEVELOPMENT  
CORPORATION**

\_\_\_\_\_

\_\_\_\_\_

**SIGNED, SEALED AND DELIVERED**

by the Owner in the presence of:

\_\_\_\_\_

\_\_\_\_\_

**SIGNED, SEALED AND DELIVERED**

by the Owner in the presence of:

\_\_\_\_\_

\_\_\_\_\_



**OBJECTION TO APPLICATION TO CITY BY DEVELOPER FOR A SEMI-DETACHED HOUSING DEVELOPMENT (TWO HOUSES) REQUIRING BOTH:**

- i. REZONING PROPERTY FROM SPECIAL (RA) ZONE TO THE RESIDENTIAL HIGH-DENSITY ZONE AND;**
- ii. RECONFIGURATION OF 22 SHAW STREET AND PART OF REAR YARD OF 67 Warbury Street.**

**EXECUTIVE SUMMARY**

**Our arguments against the above application will be in 5 parts:**

- I. The proposed development is not in keeping with the neighbourhood character and quality as required by the Municipal Plan.**
- II. The proposed development will be actively harmful to community interest in the existing and mature desirable Urban Forest in the immediate area and should be protected pursuant to the Tree Protection Policy of the City's progressive urban Forest Management Plan.**
- III. The proposed development will negatively impact already significant storm water runoff from Shaw Street during winter melts and rainstorms by preventing or impeding water flow into the old river or stream bed. This will have the added impact of tending to dry the wet and marshy former stream bed from which the trees mentioned above draw some water.**
- IV. The proposed development will potentially impact both snow clearing and parking on a very busy street designated for emergency use and frequently used for large truck traffic by Oceanex (and the City itself during salt season).**
- V. The Applicant (or his immediate predecessor in title) assembled the property in Schedule "C", and in particular acquired a portion of the backyard of Warbury Street, for the purpose of this development application without obtaining subdivision approval from the City. Without this approved subdivision, the very small size of the existing 22 Shaw Street property (about half of the 525 square meter assembled property without the addition of 67 Warbury Street), would not be large enough to permit rezoning to R3 for the purpose Semi-Detached dwellings. The City must receive and consider and grant an application for the subdivision of 67 Warbury Street in order to add it to the existing 22 Shaw Street before it can entertain a rezoning application for the property as assembled property in Schedule "C". The Rezoning application should follow that application, if successful.**



## SCHEDULES

We attach for easy reference the following Schedules:

- a) Satellite picture of the area from City Website. "A".
- b) Zoning overview Map of the area from City Website. "B".
- c) Deed of conveyance dated February 19, 2021 to Applicant for 22 Shaw Street and back portion of 67 Warbury Street containing survey description. "C".
- d) Pictures of old river or Stream bed between 20 and 22 Shaw Street. "D".
- e) Pictures of homes on Shaw Street, Davidson Place and Shaw Street below intersection with Warbury Street. "E".
- f) Pictures showing mature trees on 22 Shaw Street; on or near boundaries of 22 Shaw Street with 20 Shaw Street and 67 /69 Warbury Street and many other trees proceeding east on old river or stream bed behind 22 Shaw Street. "F".
- g) Old Arborists Report dated April 10<sup>th</sup>, 2021. "G".
- h) Tree Map and Building Line description for 22 Shaw Street. "H".

## INTRODUCTION

We live at [REDACTED] We purchased our home in 2017. It is part of a relatively new development including 4 large single detached townhomes on Shaw Street, of which ours was the last one built and is the immediate neighbour to the south of 22 Shaw Street and 67 Warbury Street. We, like many of our neighbours were particularly attracted to this area by both the downtown location and character of the neighbourhood on and around Shaw Street, from Warbury Street and below, and its beautiful Urban Forest nature surrounded by mature trees both on and off our property and up and down Shaw Street and Davidson Place. The many trees on our property and that of our immediate neighbours to the side of and behind our houses, in turn frame what we understand from local history and appearance to be an old river or stream bed which was redirected many years ago into a City storm sewer which now runs down Shaw Street. Indeed, a long-time resident informs us that a bridge at one time was required to cross that river or stream which flowed from Mundy Pond on what was then called Shaw's Lane. This river or stream was subsequently redirected underground with new municipal works (we surmise the storm sewer running down Shaw Street on the City Map at Schedule "B"). However, as you can see from photos we have attached at Schedule "E", this not only has the appearance of a riverbed, it remains wet and marshy.

North of Warbury, the area has a somewhat different character, including a large multi unit residential apartment building at the top on the west side and a large garage and vehicle parts business on the top on the east side. As you return south down the west side of Shaw, there is a substantial club building and yet further south set back from the road, a plumbing supplies business. Houses are interspersed in this higher density (and commercial) area and include a Quadruplex and a duplex. Below Warbury, there exist only individual houses.

Our housing development is in the Residential Low Density (R1) Zone. 22 Shaw Street is in the Special (RA) Zone. Warbury Street is zoned Residential High Density (R3).



To our rear, is a cul de sac (McLea Place) on which a single large home has been built, but two other lots on it have been purchased and are waiting development. Other large building lots on the cul de sac, which are the actual location of the late, beautiful Richmond Cottage, remain on the market. To the rear (east) of that cul de sac is a beautiful old treed estate property. To the southeast, is a very large new home on the corner of Shaw and Old Topsail Road. All of this property appears to be zoned RA. Across diagonally from our home and looking south are modern individual homes (some of significant size). Immediately across from our home is the entrance to Davidson Place (a lovely cul de sac of modern individual homes). North of that entrance on Shaw Street as you proceed to the intersection with Warbury Street, are several modern individual homes. These homes are zoned R1. As you cross Shaw Street to the south side of the Warbury Street entrance and head south towards 22 Shaw Street (a modest bungalow with frontage parallel to Shaw Street), though zoned R3 like Warbury Street itself, are two very nicely renovated homes built on very small lots, both with frontage at an angle to the Shaw Street. We presume same must have been necessary because of a pre-existing footprint.

We thought it best before making specific arguments against the granting of this rezoning application, to provide this overview of the neighbourhood. Our arguments are below and will be organized as set out in the Executive Summary above.

## **ARGUMENTS**

### **I. The proposed development is not in keeping with the neighbourhood character and quality as required by the Municipal Plan.**

The relevant portion of the Development Regulations are as follows:

#### **5.1.3 Discretionary Powers**

##### **(1) Compatibility with the Municipal Plan**

***In considering an application for approval to carry out Development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulation pursuant thereto.***

*Where the requirements appear inadequate to meet the policies of the Municipal Plan or any document pursuant thereto, or where requirements have not been specified in these Regulations or are left to the discretion of Council, Council may establish the necessary requirements.*

***The Municipal Plan in turn requires that the following be considered.***

## **2.1 OBJECTIVE**

***Maintain and improve neighbourhood character and quality of life in residential neighbourhoods through maintenance and improvement of housing quality and variety, good subdivision design, management of non-residential land use, and appropriate infill.***

## **2.2 GENERAL POLICIES**

***The fundamental role of the City with respect to residential land use is to provide good quality neighbourhoods in which to build houses and live. Provision of necessary municipal services and protection from incompatible uses are fundamental to achieving this goal. The***



following policies seek to enhance neighbourhood quality and ensure an adequate supply of land for housing.

#### **2.2.1 Maintain and Improve Neighbourhood Character and Quality**

*The City views the neighbourhood as the basis for comprehensive planning of the residential environment. **The historic pattern of development has given the City a varied housing stock in well- defined neighbourhoods. It is accepted that these differences contribute to the character of St. John's. Through public initiatives and appropriate development, the City shall encourage and guide the development of such areas so as to conserve and improve their individual quality.***

*Based on the above, the principle that we submit is the primary one for consideration by the City in this application is to. "... **Maintain and improve neighbourhood character and quality of life in residential neighbourhoods** ...".*

In the context of this application for approval, we suggest that in order to understand the neighbourhood character, it is best to take a tour around Shaw Street below Warbury Street. We have already given detailed written description of the area in the Introduction. In addition to this, for those who have not had a site visit, this is perhaps best accomplished through a review of the photographs of the houses in this area contained in Schedule "E". What is notable in this review (beyond the high quality of the housing stock situated in a lush Urban Forest), is that there are no semi-detached houses, duplexes or other larger multi-unit houses (even where they might be permitted uses. In the R3 zoned 24 and 26 Shaw) It is of interest that the proposed Rezoning for this small lot is not for R2 medium density which permits Semi Detached dwellings; but rather for high density R3; despite the fundamentally low density nature of the area. Each existing house in this beautifully treed area is a stand alone individual house; of quality. The mere fact that in order to allow Semi -Detached homes to be "shoehorned" into a small lot in an otherwise individual home area as room does not exist to do so in the more incremental and land intensive medium density R2 zone), is insufficient reason to move to High Density R3 zoning. In fact, it is reason not to do so. Schedule "H" sketches an estimate of the available building area on the proposed property accounting for building setback requirements for Semi-Detached dwellings in an R3 zone. It also shows the location of adjacent trees for easy reference.

In the case of the neighbourhood surrounding 22 Shaw Street, as can be seen from the zoning map at Schedule "B" and the survey of 22 Shaw Street at Schedule "C", there is minimal frontage of about 15 meters on 22 Shaw Street, (though its front boundary also extends behind the property at 24 Shaw Street). This is the bare minimum necessary for a high density R3 zone Semi-Detached dwellings, but given that the lot (even if subdivision of 67 Warbury had been approved for subdivision as required, which it has not been ), it is likely that to get to the footprint for the what we understand to be the developer's planned unit size of 1600 square feet (nearly 150 square meters ) that the structure could need to be angled northwards away from being parallel to Shaw Street (unlike the current modest home at 22 Shaw Street ) beyond the minimal frontage and in part behind the already southward angled home on 24 Shaw Street. In turn of course, 26 Shaw Street is also angled northward from being parallel with Shaw Street. Independent of any other reason to not permit approval for the proposed Semi-Detached dwellings, surely this is one. Zoning should not be departed from to accommodate two Semi-Detached homes wedged into a lot too small for the purpose which have the impact of exacerbating irregular home placement at its neighbours at 24 and 26 Shaw Street; the development of which as we will see later also puts the Urban Forest nature of the area at great risk.



For these reasons, we urge the City to conclude that the proposed Semi-Detached Dwellings do not Maintain and Improve Neighbourhood Character ...through maintenance and improvement of housing quality. "and therefore to reject this application.

## **II. The proposed development will be actively harmful to community interest in the existing and mature desirable Urban Forest in the immediate area and should be protected pursuant to the Tree Protection Policy of the City's progressive Urban Forest Management Plan**

In the case of the proposed development at 22 Shaw Street, it sits within a beautiful and irreplaceable Urban Forest in a historic downtown neighbourhood. As noted previously, mature deciduous trees abound which during the growing season ( which will begin shortly) provide all residents in our neighbourhood with a beautiful canopy of leaves growing from the many branches of the tall and mature trees in the immediate area of 22 Shaw Street in particular, such mature trees exist on that property, on our property, on are deserving protection of the boundary of our two properties ( indeed we at a minimum may share roots of such trees and continuing behind and to the side as a visitor moves east through what appears to be an old river or stream bed. Many of these trees along the boundary and river or stream bed appear to form part of the perimeter of the former Late, Richmond Cottage property.

A satellite photograph showing the extent of the substantial leaf canopy in summer taken from the City website is at Schedule "A". Pictures showing mature trees on 22 Shaw Street; on or near boundaries of 22 Shaw Street with 20 Shaw Street and 67 /69 Warbury Street and many other trees proceeding east on old river or stream bed behind 22 Shaw Street are shown at Schedule "F". Of historical and human interest is that we are advised that a long line of mature trees running along the eastern boundary of 67 Warbury Street was planted in the 1930s as a Boy Scout project by the great uncle of the current resident.

This City is indeed fortunate that it has developed a progressive Urban Forest Management Plan and associated operational policies; guided by the Municipal Plan. Relevant excerpts are copied below and bolded for emphasis. This importantly includes a Tree Protection Plan.

The trees in this Urban Forest are deserving of protection pursuant to the terms of the Urban Forest Protection Plan. I will not repeat here in detail but do ask that you review the excerpt below (especially where bolded). This plan also includes requirements for Tree Protection about which I will say more below. I do note however that despite the obvious presence of a mature, beautiful and fragile urban forest, to our knowledge, no consideration has been given in the application to the requirement for preservation of existing landscape character and existing trees as per #1 below. Neither has a professional Landscape Plan as per #2 below been submitted to the City. This has the impact that no or insufficient attention has been paid to the issues clearly identified in the tree protection plan below to mitigate the damage which construction activities (e.g. **Excavation, storage of material, refuse or other debris, changes of grade, cutting of tree limbs or roots, operation, of heavy equipment**) on this small and cramped property may cause to the trees



## **Urban Forest Protection Plan**

### **Requirement**

The policy is guided by the City's Municipal Plan, [Urban Forest Management Plan](#), [Parks and Open Space Master Plan](#) and other direction provided by City Council. These requirements offer guidelines for developers and property owners to align with the City's vision for future development.

**1. The existing landscape character shall be preserved to an extent reasonable and feasible. This includes the preservation of existing trees and incorporation of new trees into the landscape to obtain a tree density as outlined in the City's Street Tree Planting Standard.**

*St. John's is fortunate in that it is surrounded by existing forests and natural areas, many of which extend deep into the city. These forested areas are ethically pleasing, provide areas for passive recreation and respite from the pressures of urban living, and contribute significantly towards the City's management of stormwater runoff.*

**St. John's is a slow growing environment, primarily due to its relatively short growing season and other climatic conditions. This requires that additional emphasis be placed on the preservation of existing resources through the course of development. There are site development alternatives that allow existing resources to be retained.**

**2. Submission of a landscape/site plan identifying the following, prepared by a qualified landscape professional:**

- minimum 20% of the total development area to be landscaped
- **location, species (common and botanical name) size, condition/stock type and quantity of trees, shrubs and any other plant material proposed**
- areas to be sodded or seeded shall identify a minimum of 150 mm of topsoil
- **existing trees to be retained and proposed protection, e.g. protective hoarding**
- flower beds and planters
- description and locations of hard landscaping
- existing vegetation to be removed
- planting details
- **soil specifications**
- snow storage plan
- applicable technical requirements of the current edition of the Canadian Landscape Standard



***Landscape plans and associated details are required components of development applications. These plans must be prepared by a qualified landscape professional with the requisite skills to interpret construction plans and develop landscape designs that are harmonious with all elements of the proposed development.***

***Landscape plans should be developed in concert with the overall site development process. Engaging the services of a landscape professional early in the project planning stages can help to ensure alignment with City requirements, avoiding costly delays and revisions at a later stage.***

The failure to provide a landscape plan in accordance with other the requirements of the Urban Forest Protection Plan above has the impact that no or insufficient attention has been paid to the issues clearly identified in the Tree Protection Plan excepted and bolded below to mitigate the damage which construction activities (e.g. Excavation, storage of material, refuse or other debris, changes of grade, cutting of tree limbs or roots, operation , of heavy equipment ) on this small and cramped property may cause to the trees.

#### ***Tree Protection***

***Existing trees to be protected must be identified on all plans, including landscape plans, where proposed work has the potential to cause damage. In some instances, prior to the start of construction it may be necessary to install protective fencing, establishing a tree protection zone (TPZ), prohibiting the following.***

- ***excavation***
- ***storage of material, refuse or other debris***
- ***changes of grade***
- ***cutting of tree limbs or roots***
- ***dumping of slurries or other liquids***
- ***operation of heavy equipment***
- ***entry of vehicular traffic, etc.***

***The size of TPZ required is determined based upon the trunk diameter of the tree in question, multiplied by a factor of six (6). For example, a tree measuring 40 cm in diameter would require a tree protection zone of 2.4 m measured from the base of the tree (40 cm x 6 = 240 cm or 2.4 m). The minimum required TPZ is 2.4 m.***

***Tree protection hoarding is to be constructed of plywood or other rigid material where necessary to block debris from entering the TPZ. Otherwise, TPZ's can be defined using orange snow fencing attached to rebar, t-rails, or similar posts. Signage must be attached to the fencing identifying the area as a tree protection zone. Below is a sample City of St. John's Tree Protection Zone sign. This sign may be reproduced for use throughout the city.***





*Where excavation in close proximity to existing trees to be protected cannot be avoided, hand digging and root pruning may be required. Individual tree assessments will be required in these instances and where minimum TPZ's cannot be achieved, to determine the tree's ability to withstand the impact of the proposed work and maintain structural integrity.*

In the absence of the availability of any landscape plan for review, we retained the services of Old Earth Arborists to review the site and advise of issues which should be considered by the City in respect of Tree Protection in relation to the area surrounding 22 Shaw Street. This brief report (also attached as Schedule "G"), is copied below:

April 10, 2021 For [REDACTED]  
St. John's, NL  
Mr. [REDACTED]

Thank you for contacting me and conveying your concern and care for the trees in your neighbourhood, expressly, the trees on your property, and adjacent properties that may be affected by development.

Understanding how injury may occur to trees during construction is essential to long-term tree health, thoughtful consideration and tree management will support environmental benefits and beautification that trees provide to our neighbourhoods. Locating and determining significant trees to be retained as landscape assets and identifying trees that may be impacted on neighbouring properties and designating Tree Protection Zones/Critical Root Zones is an essential step in pre-construction. Using best retention standards, in partnership with local municipal development bylaw should be integrated into building design, footprint and execution of the project. Clearance pruning is performed prior to construction to reduce risk of stem or branch injury by machinery, work crews and provide adequate room for operators, material deliveries and trades to undertake their duties.

Established root systems and soil biology are critical to tree health, roots store energy, anchor the tree, absorb water, nutrients and minerals which are distributed throughout the tree. A sensitive and unique relationship exist between soil micro-organisms, fungi, oxygen and the tree roots. It is essential a Tree Protection Zone of fixed-temporary fencing is erected beyond the drip line of the tree, guarding the roots from physical injury by severing, and the established soil ecosystem from pollutants, and soil compaction caused by materials staging, foot and vehicle traffic.

Grade change or piling greater than 15cm should be avoided, or, soil will require retaining beyond the tree protection zone. A smooth non-toothed bucket must be used while excavating near a root zone



and in a radial direction, not across the roots. Roots larger than 15cm in diameter should not be severed, where roots lesser than 15cm are severed they must be pruned by hand, with sanitized tools, depending on species and if exposed, covered with fabric or burlap and kept moist.

In our urban forest trees can absorb hundreds of liters of water per day, reducing loads to our water table, storm and sewer infrastructure, minimizing erosion to banks and drainages. By providing shade and a wind break trees lower heating and cooling costs, trees clean our air, are habitat for wildlife and where established trees exist, property values are higher, crime is reduced, traffic moves slower, and neighbourhoods are generally more desirable and experience more recreational activity by residents.

Ryan Painter

Old Earth Arborists

Old Earth Arborists | [REDACTED] | St. John's, NL | [REDACTED] | [info@oldearth.ca](mailto:info@oldearth.ca)

While this report is not meant to be a comprehensive Landscape Plan as per the Urban Forest Protection Plan, it does provide an excellent overview of the **complexity** of the issues which need to be reviewed and planned for to determine of the feasibility of and adequacy of strategies for protection of this Urban Forest if this application is to be considered.

Having read the Urban Forest Management Plan above and the report of Mr. Painter the arborist and knowing the location of the trees on or near 20 and 22 Shaw Street, it is all but certain that grade changes in the rear yard and excavation of the new smaller side yard will put the 69 Warbury line of tree and the trees on the boundary of 20 and 22 Shaw Street at grave risk. The above is sufficient reason to exercise discretion to reject this application.

In the alternative the Development Regulations grant the City the authority to order a Land Use Impact Assessment Report (LUIA) as per the excerpt copied below:

### **5.6.3 Discretionary LUIA**

***Council may require a Land Use Impact Assessment to evaluate any proposed land use, Development and/or situation that affects the policies contained in the Municipal Plan.***

*Such an LUIA includes an Environmental Analysis Report as per the excerpt from the Development Regulations copied below. While we acknowledge that this report may be waived in the case of a small development, the potential environmental impact on a valued Urban Forest in a wet and marshy area would favour. Preparation of such a report if the City is to consider this application.*

## **5.7 ENVIRONMENTAL ANALYSIS REPORT (EAR)**

### **5.7.1 Environmental Analysis Report Defined**

***An Environmental Analysis Report is considered a Land Use Impact Assessment as defined in Section 5.6.***

***The Environmental Analysis Report shall include***

***(a) a description of the project as described under the requirements for an Approval-in-Principle, including a quantification of hard and permeable surfaces and locations and discharge points of storm sewers, and furthermore a description of and a statement of***



*the rationale, including advantages and disadvantages to environment, for the undertaking;*

*(b) a location plan showing the Development in relationship to the drainage basin(s) in which it is situated;*

*(c) a description of the environment likely to be affected by a Development, and this shall include:*

- the alternative methods of carrying out the undertaking, including the effect of not carrying out the undertaking; and*
- the alternatives to the undertaking;*
- a description of the physical environment, including:*
  - terrain features such as soil type, topography;*
  - site and near-site hydrology, including data on water quality;*
  - boundaries of potentially affected waterways and Wetlands (using existing data, field survey, and air-photo analysis techniques),*
- a description of the biological environment on site and in the impacted area as it relates to:*
  - fish and fish habitat,*
  - vegetation,*
  - wildlife and wildlife habitat*

*(d) a*

*description of:*

- the effects that will be caused or that might reasonably be expected to be caused to the environment; and*

*St. John's Development Regulations Section 5 - Page | 10*

- the actions necessary or that may be reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects that might reasonably be expected upon the environment by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking;*

*(e) the terms of reference for, or the proposed contents of, a Conservation Plan. 5.7.3 Small Developments of Low Environmental Impact*

*Where a development is deemed to have a relatively low impact on the environment; and/or is relatively small scale, Council may change or waive the requirements of Sections 5.7.2 (c), (d) and (e).*



**III. The proposed development will negatively impact already significant storm water runoff from Shaw Street during winter melts and rainstorms by preventing or impeding water flow into the old river or stream bed. This will have the added impact of tending to dry the wet and marshy former river or stream bed from which the trees mentioned above draw water.**

In support of this argument, the following brief (and self-explanatory) excerpt from the above report of The Old Arborist, Mr. Painter, bears repeating:

***In our urban forest trees can absorb hundreds of liters of water per day, reducing loads to our water table, storm and sewer infrastructure, minimizing erosion to banks and drainages.***

We can personally speak to both points made in this excerpt by Mr. Painter.

Firstly, as to the absorption of water by the trees, in the nearly three and a half years we have lived adjacent to this river or stream bed is that it is constantly wet and marshy. While we understand it has not been identified as a wetland by the City in its recent inventory, in our view it might well be described as that. Whether or not it meets the technical definition of “wetland”, it certainly is a repository for water which must nourish the many nearby mature trees in our highly valued Urban Forest. For this reason alone, it should be protected from adverse development activities which may tend to limit it attracting water from runoff down Shaw Street.

Secondly, as to the reduction of loads to the water table, storm sewers and drains, in our home, my wife attends to snow clearing. She and our next door neighbour wage a constant battle to avoid flooding by removing snow and ice around a flooded storm sewer drain in front of our house as winter snow melts and runs past our homes. If the runoff to the old river or stream bed is prevented or impeded, this problem would be much exacerbated.

**IV The proposed development will potentially impact both snow clearing and parking on a very busy street designated for emergency use and frequently used for large truck traffic by Oceanex (and the City itself during salt season).**

Shaw Street is a very busy Street. Large trucks (often Oceanex and, in season, City Salt trucks) frequently use this route. Indeed, we understand that the frequency of large trucks using Shaw Street at night has occasioned multiple noise complaints to the City. During summer months, vehicles regularly speed up and down this Street (despite the blind hill just south of 22 Shaw Street) The addition of a Semi-Detached dwelling on the small space available at 22 Shaw Street will in all likelihood increase on street parking and thereby danger to residents from large trucks and speeding traffic. During winter snow clearing season, such increased on street parking will interfere with proper Street clearing; thereby limiting the convenient use of the Street by area residents.

**V The Applicant (or his immediate predecessor in title) assembled the property in Schedule “C”, and in particular acquired a portion of the backyard of Warbury Street, for the purpose of this development application without obtaining subdivision approval from the City.**



The following excerpt from the City Website says the following (in part) about the necessity for subdivision approval. This excerpt begins with the definition of subdivision found in the Development Regulations:

#### **Part I: An Overview of the Process**

The [St. John's Development Regulations](#) defines subdivision to mean the dividing of any land, whether in single or joint ownership, into two or more pieces for the purpose of development.

#### **Submitting the Application**

Any person wishing to subdivide property in the City of St. John's should contact the development officer, Planning and Development Division, fourth floor, John J. Murphy Building (City Hall Annex) and complete the applicable [application form](#). Any person may make an application to subdivide property. Where the Applicant is not the property owner, the property owner's authorization signature must appear on the application form before it can be officially accepted for processing .....

As a minimum, the Applicant must provide information on the location and current use of the property, the lot area and frontage, access, and the proposed land-use of the subdivision. For larger subdivisions where an internal road network and/or municipal services are to be constructed, the Applicant is required to submit information on the proposed layout of internal streets and lots, the proposed municipal services, including the method of water supply and the generation of sanitary and storm sewer, and information on proposed public open spaces if applicable.

Many factors are considered in designing a subdivision, including topography, surrounding development, natural vegetation, natural drainage courses, legal surveys, and servicing systems. To ensure all aspects have been considered, it is recommended that the Applicant make use of design professionals such as surveyors, engineers or land-use planners.

Without this approved subdivision, the very small size of the existing 22 Shaw Street property (about half of the 525 square meter assembled property without the addition of 67 Warbury Street), would not be large enough to permit rezoning to R3 for the purpose Semi-Detached dwellings. The City should receive, consider and grant an application for the subdivision of 67 Warbury Street in order to add it to the existing 22 Shaw Street before it can entertain a rezoning application for the property as assembled property in Schedule "C". The Rezoning application should follow that application, if successful. If not, the rezoning application is at best premature. To consider the rezoning application prior to or conjointly with the subdivision application is to ignore (or at least only give lip service to) the many factors including potentially uses of design professionals required in the excerpt above. In our respectful submission, the subdivision application process must be concluded before an application for rezoning can be made and considered.

The current application for rezoning with the particular purpose of permitting semi-detached dwellings has this backwards. Each step in the process has a purpose. The application should not start with the



notion that a particular type of development is desired and then work backward to arrive at the necessary rezoning and only then to rubber stamp the subdivision of land required for the already approved rezoning for the desired development application. This application is irregular and should not be permitted to proceed. It should be denied by the City as premature. If it is considered and granted by the City, in our respectful submission it will needlessly predispose the City to granting the subdivision application without objective consideration in accordance with its own rules. This would be a fatal flaw.

If the Applicant wishes to proceed, he should start at the beginning. He should submit a subdivision application for the required analysis in order to find out if there is a regulatory basis for assembling for development purposes the tiny original 22 Shaw Street property (see Schedule "B" and the fenced area of the survey Plan attached to the Deed of Conveyance in Schedule "C") and the roughly similar sized portion of the backyard of 67 Warbury comprising the remainder of the survey Plan attached to Schedule "C".

RESPECTFULLY SUBMITTED,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



**SCHEDULE "A"**





**SCHEDULE "B"**





**SCHEDULE "C" - Page 1**

**THIS DEED OF CONVEYANCE** made this 19 day of February, 2021, in the City of St. John's, Newfoundland and Labrador,

**BETWEEN:** [REDACTED] of the City of St. John's, in the Province of Newfoundland and Labrador,  
(hereinafter called the "Vendor")

OF THE FIRST PART

**AND:** [REDACTED] the City of St. John's, in the Province of Newfoundland and Labrador,  
(hereinafter called the "Purchaser")

OF THE SECOND PART

**WHEREAS** the Vendor is the sole owner of the hereinafter described property and he has agreed to sell the property to the Purchaser for the consideration hereinafter appearing.

**NOW THIS INDENTURE WITNESSETH THAT** for and in consideration of the sum of Eighty Thousand Dollars (\$80,000.00) paid by the Purchaser to the Vendor on or before execution of these presents (the receipt whereof is hereby acknowledged by the Vendor), the Vendor, as beneficial owner, hereby sells, assigns, transfers and conveys unto the Purchaser, **ALL THAT** piece or parcel of land municipally known as Civic 22 Shaw Street, in the City of St. John's, in the Province of Newfoundland and Labrador, which property is more particularly described in the Schedule "A" attached hereto (which Schedule "A" forms part and parcel of these presents) **TOGETHER WITH** all buildings and erections thereon **TO HOLD** the same unto the Purchaser, absolutely and forever.



**DESCRIPTION  
CIVIC NO. 22  
SHAW STREET**

**ALL THAT** piece or parcel of land situate and being on the North side of Shaw Street, in the City of St. John's, in the Province of Newfoundland & Labrador, Canada, bounded and abutted as follows, that is to say: Beginning at a point, the said point having T.M. Grid Co-ordinates (NAD 83) of N 5,267,545.863 m and E 325,502.438 m with reference to Monument No. 80G2226 with Co-ordinates of N 5,267,595.736 m and E 325,209.422 m;

**THENCE** running along the Northern limits of Shaw Street along the arc of a curve having a chord bearing and distance of North eighty one degrees zero seven minutes forty five seconds West fifteen decimal one four one metres and a radius of 298.630 metres;

**THENCE** turning and running by land of Susan Elizabeth Crocker North forty four degrees forty one minutes zero seconds West twelve decimal two one three metres;

**THENCE** turning and running by land of Craig Matthew Ivany & Roger Conway Ivany and Gerald Tulk North forty one degrees fifty one minutes zero seconds East twenty two decimal two six six metres;

**THENCE** turning and running by land of Eric & Collette Prior South fifty one degrees sixteen minutes forty nine seconds East twenty one decimal eight eight one metres;

**THENCE** turning and running by land of Donna & Bradford Wicks South thirty seven degrees fifty four minutes twenty seconds West zero decimal seven two three metres; **THENCE** South thirty degrees forty four minutes zero seconds West fifteen decimal five two seven metres more or less, to the point of beginning and containing in all an area of 506.5 sq. metres as more particularly described on the plan hereto annexed.

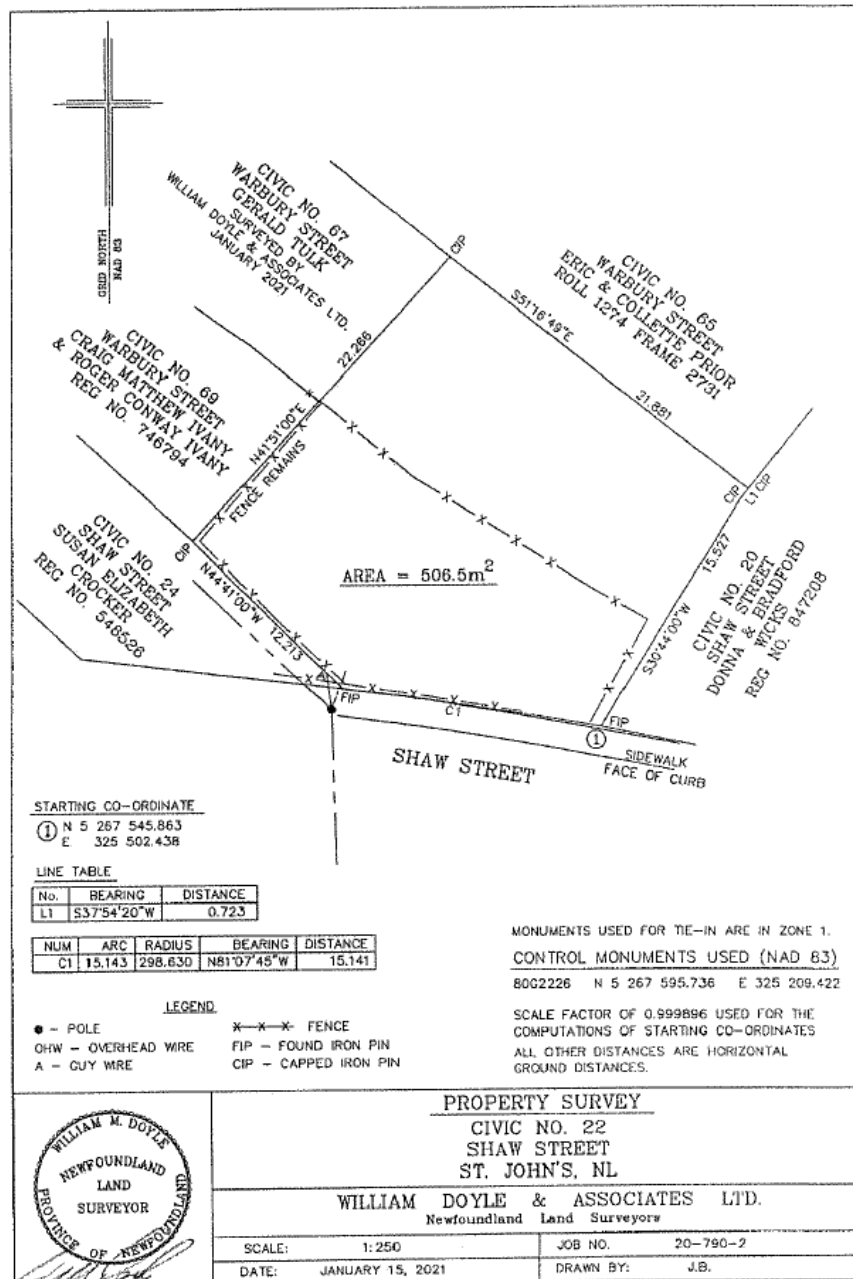
ALL bearings are referred to Grid North.

Date: January 15, 2021

Job No. 20-790-2



**SCHEDULE "C" - Page 3**





**SCHEDULE "D"**





## SCHEDULE "E" - Page 1



22 Shaw Street (Left) and 20 Shaw Street (Right) – 2019



22 Shaw Street (Right) and 24 Shaw Street (Left) – 2009



24 Shaw Street 2019





28 Shaw Street - 2019

**SCHEDULE "E" – Page 2**



21 Shaw Street (Left) and 23 Shaw Street(Right) - 2019



19 Shaw Street (Left) – 2019



15 Shaw Street (Right) and 1 Davidson Place(Left) - 2019



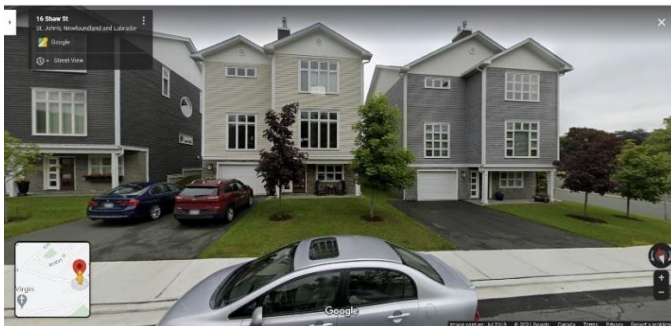
### **SCHEDULE "E" – Page 3**



9 Davidson Place (Left) 10 Davidson Place (Center) 11 Davidson Place (Right) – 2020



7 Davidson Place (Left) 8 Davidson Place (Right) – 2020



16 Shaw Street (Left) and 14 Shaw Street (Right) - 2019



20 Shaw Street (Left) and 18 Shaw Street (Right) – 2019



**SCHEDULE "F"**



Border Trees between 20 and 22 Shaw Street



Trees Behind 22 Shaw Street



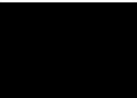
Trees on 24 Shaw Street next to 22 Shaw Property Line



## **SCHEDULE "G"**



April 10, 2021



Mr. [REDACTED]

Thank you for contacting me and conveying your concern and care for the trees in your neighbourhood, expressly, the trees on your property, and adjacent properties that may be affected by development.

Understanding how injury may occur to trees during construction is essential to long-term tree health, thoughtful consideration and tree management will support environmental benefits and beautification that trees provide to our neighbourhoods. Locating and determining significant trees to be retained as landscape assets and identifying trees that may be impacted on neighbouring properties and designating Tree Protection Zones/Critical Root Zones is an essential step in pre-construction. Using best retention standards, in partnership with local municipal development bylaw should be integrated into building design, footprint and execution of the project. Clearance pruning is performed prior to construction to reduce risk of stem or branch injury by machinery, work crews and provide adequate room for operators, material deliveries and trades to undertake their duties.

Established root systems and soil biology are critical to tree health, roots store energy, anchor the tree, absorb water, nutrients and minerals which are distributed throughout the tree. A sensitive and unique relationship exist between soil micro-organisms, fungi, oxygen and the tree roots. It is essential a Tree Protection Zone of fixed-temporary fencing is erected beyond the drip line of the tree, guarding the roots from physical injury by severing, and the established soil ecosystem from pollutants, and soil compaction caused by materials staging, foot and vehicle traffic.

Grade change or piling greater than 15cm should be avoided, or, soil will require retaining beyond the tree protection zone. A smooth non-toothed bucket must be used while excavating near a root zone and in a radial direction, not across the roots. Roots larger than 15cm in diameter should not be severed, where roots lesser than 15cm are severed they must be pruned by hand, with sanitized tools, depending on species and if exposed, covered with fabric or burlap and kept moist.

In our urban forest trees can absorb hundreds of liters of water per day, reducing loads to our water table, storm and sewer infrastructure, minimizing erosion to banks and drainages. By providing shade and a wind break trees lower heating and cooling costs, trees clean our air, are habitat for wildlife and where established trees exist, property values are higher, crime is reduced, traffic moves slower, and neighbourhoods are generally more desirable and experience more recreational activity by residents.

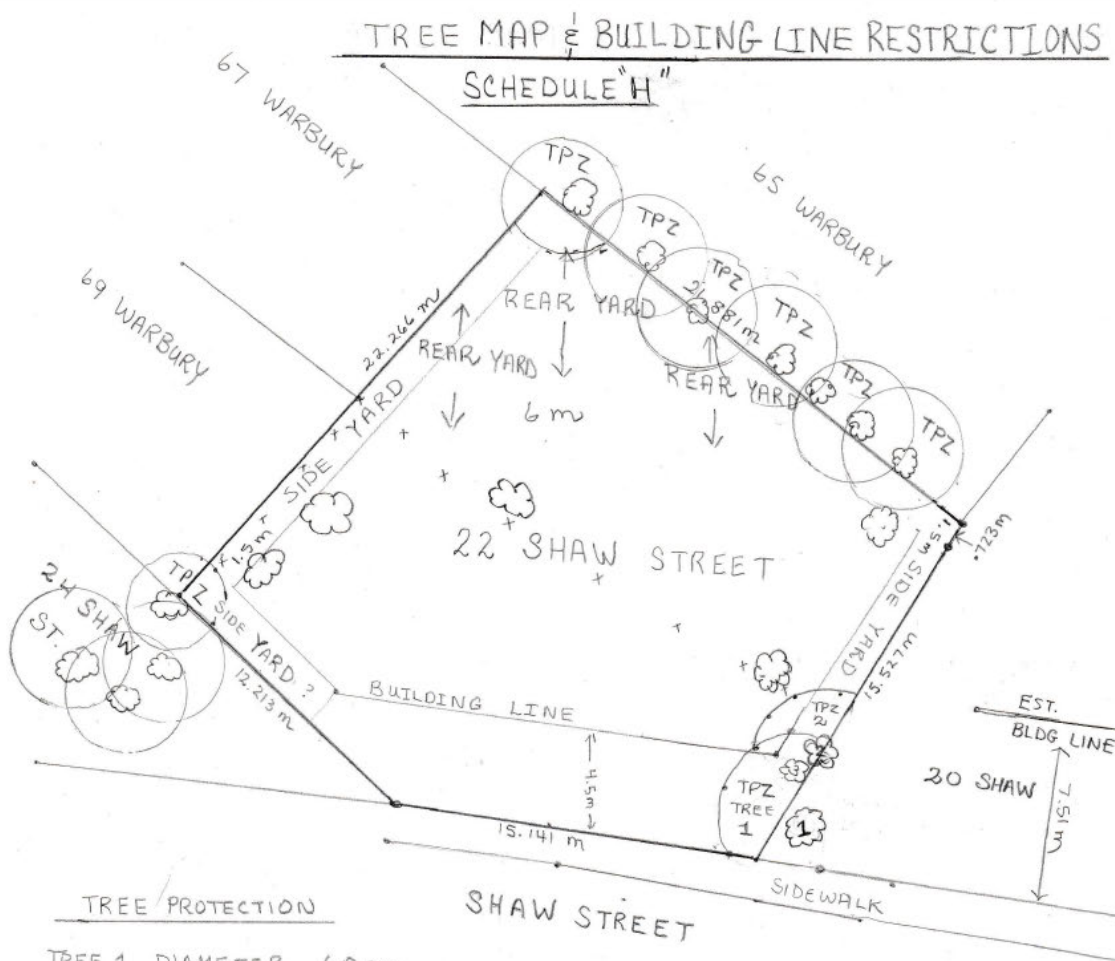
Ryan Painter

Old Earth Arborists

Old Earth Arborists [REDACTED] | St. John's, NL | [REDACTED] [info@oldearth.ca](mailto:info@oldearth.ca)



## SCHEDULE "H"



## TREE PROTECTION

TREE 1 DIAMETER 60 cm

TREE 1 TP2 - 360 cmv 3.6 mv

TREE 2 TPZ 2.4 m (minimum)

SCALE 1: 219

- ☁ - Trees (placements of trees)  
(are estimates only)

x - fence

TPZ - Tree Protection Zone

### R3 DEVELOPMENT REGULATIONS

BUILDING LINE 4.5 m.

SIDE YARDS TWO of 1.5m.

REAR YARDS 6 m



**OBJECTION TO APPLICATION TO CITY BY DEVELOPER FOR A SEMI-DETACHED HOUSING DEVELOPMENT (TWO HOUSES) REQUIRING BOTH:**

- i. REZONING PROPERTY FROM SPECIAL (RA) ZONE TO THE RESIDENTIAL HIGH-DENSITY ZONE AND;
- ii. RECONFIGURATION OF 22 SHAW STREET AND PART OF REAR YARD OF 67 WARBURY STREET.

Our arguments against the above application are as follows:

- I. The proposed development is not in keeping with the neighbourhood character and quality as a required by the Municipal Plan.
- II. The proposed development will be actively harmful to community interest in the existing and mature desirable Urban Forest in the immediate area and should be protected pursuant to the Tree Protection Policy of the City's progressive urban Forest Management Plan.
- III. The proposed development will negatively impact already significant storm water runoff from Shaw Street during winter melts and rainstorms by preventing or impeding water flow into the old river or stream bed. This will have the added impact of tending to dry the wet and marshy former stream bed from which the trees mentioned above draw some water.
- IV. The proposed development will potentially impact both snow clearing and parking on a very busy street designated for emergency use and frequently used for large truck traffic (and the City itself during salt season).

**WE THE UNDERSIGNED OBJECT TO THE APPLICATION TO CITY BY DEVELOPER AS STATED ABOVE.**

NAME (printed)	Address	Signature
BRIAN C. WALSH	[REDACTED]	Brian C. Walsh
C. Robert Lucas	[REDACTED]	C. Robert Lucas
DAVID TAYLOR	[REDACTED]	David Taylor
Scott Norman	[REDACTED]	Scott Norman
Dorothy Jenkins	[REDACTED]	Dorothy Jenkins
LINDA EBBARY	[REDACTED]	L. Ebbary
BARRY OLIVER	[REDACTED]	Barry Oliver
NELLIE NORMORE	[REDACTED]	N. Normore
GEORGIE ANDREWS	[REDACTED]	Georgie Andrews

OVER →



**OBJECTION TO APPLICATION TO CITY BY DEVELOPER FOR A SEMI-DETACHED HOUSING DEVELOPMENT (TWO HOUSES) REQUIRING BOTH:**

- i. **REZONING PROPERTY FROM SPECIAL (RA) ZONE TO THE RESIDENTIAL HIGH-DENSITY ZONE AND;**
- ii. **RECONFIGURATION OF 22 SHAW STREET AND PART OF REAR YARD OF 67 Warbury Street.**

Our arguments against the above application are as follows:

- I. The proposed development is not in keeping with the neighbourhood character and quality as a required by the Municipal Plan.
- II. The proposed development will be actively harmful to community interest in the existing and mature desirable Urban Forest in the immediate area and should be protected pursuant to the Tree Protection Policy of the City's progressive urban Forest Management Plan.
- III. The proposed development will negatively impact already significant storm water runoff from Shaw Street during winter melts and rainstorms by preventing or impeding water flow into the old river or stream bed. This will have the added impact of tending to dry the wet and marshy former stream bed from which the trees mentioned above draw some water.
- IV. The proposed development will potentially impact both snow clearing and parking on a very busy street designated for emergency use and frequently used for large truck traffic (and the City itself during salt season).

**WE THE UNDERSIGNED OBJECT TO THE APPLICATION TO CITY BY DEVELOPER AS STATED ABOVE.**

NAME (printed)	Address	Signature
Denise Maher	[REDACTED]	Denise Maher
Karen Moores	[REDACTED]	Karen Moores



## Karen Chafe

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**From:** CityClerk  
**Sent:** Monday, April 12, 2021 4:02 PM  
**To:** [REDACTED] CityClerk; Sheilagh O'Leary; Jamie Korab; Debbie Hanlon  
**Cc:** Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning  
**Subject:** RE: (EXT) Application for 22 Shaw St Rezoning,  
**Attachments:** Executive Summary - 22 Shaw Street.pdf

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached by Council on this application.

Elaine Henley  
City Clerk  
709-576-8202

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**From:** [REDACTED]  
**Sent:** Monday, April 12, 2021 2:22 PM  
**To:** CityClerk <cityclerk@stjohns.ca>; Sheilagh O'Leary <soleary@stjohns.ca>; Jamie Korab <jkorab@stjohns.ca>; Debbie Hanlon <dhanlon@stjohns.ca>  
**Subject:** (EXT) Application for 22 Shaw St Rezoning,

Dear City clerk

This email serves as confirmation that I agree with our neighbors position objecting to the Rezoning Application for 22 Shaw Street. The executive summary of said objection is attached.

Sincerely  
[REDACTED]

**Disclaimer:** This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.



**OBJECTION TO APPLICATION TO CITY BY DEVELOPER FOR A SEMI-DETACHED HOUSING DEVELOPMENT (TWO HOUSES) REQUIRING BOTH:**

- i. REZONING PROPERTY FROM SPECIAL (RA) ZONE TO THE RESIDENTIAL HIGH-DENSITY ZONE AND;**
- ii. RECONFIGURATION OF 22 SHAW STREET AND PART OF REAR YARD OF 67 WARBURY STREET.**

**EXECUTIVE SUMMARY**

**Our arguments against the above application will be in 5 parts:**

- I. The proposed development is not in keeping with the neighbourhood character and quality as a required by the Municipal Plan.**
- II. The proposed development will be actively harmful to community interest in the existing and mature desirable Urban Forest in the immediate area and should be protected pursuant to the Tree Protection Policy of the City's progressive urban Forest Management Plan.**
- III. The proposed development will negatively impact already significant storm water runoff from Shaw Street during winter melts and rainstorms by preventing or impeding water flow into the old river or stream bed. This will have the added impact of tending to dry the wet and marshy former steam bed from which the trees mentioned above draw some water.**
- IV. The proposed development will potentially impact both snow clearing and parking on a very busy street designated for emergency use and frequently used for large truck traffic (and the City itself during salt season).**

**The Applicant (or his immediate predecessor in title) assembled the property in Schedule "C", and in particular acquired a portion of the backyard of Warbury Street, for the purpose of this development application without obtaining subdivision approval from the City. Without this approved subdivision, the very small size of the existing 22 Shaw Street property ( about half of the 525 square meter assembled property without the addition of 67 Warbury Street), would not be large enough to permit rezoning to R3 for the purpose Semi-Detached dwellings The City must receive and consider and grant an application for the subdivision of 67 Warbury Street in order to add it to the existing 22 Shaw Street before it can entertain a rezoning application for the property as assembled property in Schedule "C". The Rezoning application should follow that application, if successful.**



## Karen Chafe

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**From:** Planning  
**Sent:** Thursday, April 8, 2021 8:30 AM  
**To:** City Clerk  
**Subject:** FW: (EXT) Fwd: 22 Shaw Street

Stacey Corbett  
Administrative Clerk– Planning and Development  
Planning, Engineering & Regulatory Services  
City of St. John's

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**From** [REDACTED]  
**Sent:** Wednesday, April 7, 2021 9:46 PM  
**To:** Planning <planning@stjohns.ca>  
**Subject:** (EXT) Fwd: 22 Shaw Street

Sent from my iPhone

Dear Sir or Madame,

My name is [REDACTED] and my husband and I live at [REDACTED]. We received a letter from the city about the rezoning of 22 Shaw Street. We are preparing our submission about this rezoning and several of our neighbours want to sign on to our submission. Given the current Covid situation, I am not comfortable with going to individuals houses ( and vice versa) to receive their signature and/ or exchange papers so we would like our neighbours to join our submission via email approval. Please advise whether this method is acceptable.

Kindest Regards,

[REDACTED]

**Disclaimer:** This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

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# DECISION/DIRECTION NOTE

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**Title:** Membership for the Affordable Housing Working Group

**Date Prepared:** April 15, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Deputy Mayor Sheilagh O'Leary, Housing

**Ward:** N/A

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## **Decision/Direction Required:**

Approval of Membership for the Affordable Housing Working Group (AHWG) based on the recommendations by lead staff and the Office of the City Clerk.

## **Discussion – Background and Current Status:**

The Affordable Housing Working Group is responsible to provide advice to Council regarding housing system related policies, directives and strategies as well as implementation of the 10-year Affordable Housing Strategy.

Recognizing the resignation of Ayon Shahed in November 2020, a call for interested persons was advertised for a representative from a community sector involved in housing solutions with the deadline for applications being December 4, 2020. A total of eight applications were received.

Through consultation with the City Clerk's Office and the Team Leads (Judy Tobin and Krista Gladney), it was agreed that Sandra Whiffen of Habitat for Humanity Newfoundland and Labrador is the recommended candidate. It is requested that she be appointed in accordance with Section 3.1 of the Terms of Reference.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:  
The City's New Affordable Housing Strategy was built upon public and strategic stakeholder engagement, and the implementation will be guided and shaped by multi-stakeholder partnerships and processes. The above representative will be amongst our key partners moving forward in supporting our affordable housing efforts and shaping our new strategy.
3. Alignment with Strategic Directions/Adopted Plans:
  - a) A Sustainable City
  - b) A Connected City

# ST. JOHN'S



4. Legal or Policy Implications: N/A
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: N/A
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A
10. Other Implications: N/A

**Recommendation:**

That Council appoint Sandra Whiffen of Habitat for Humanity Newfoundland and Labrador to the Affordable Housing Working Group.

**Prepared by:** Karen Chafe, Supervisor Office of the City Clerk

**Approved by:** Elaine Henley, City Clerk