

# ST. JOHN'S

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## Regular Meeting - City Council Agenda

December 20, 2021

3:00 p.m.

4th Floor City Hall

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# **ST. JOHN'S**

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

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

**December 13, 2021, 3:00 p.m.**

**Present:**

- Mayor Danny Breen
- Deputy Mayor Sheilagh O'Leary
- Councillor Maggie Burton
- Councillor Ron Ellsworth
- Councillor Sandy Hickman
- Councillor Debbie Hanlon
- Councillor Jill Bruce
- Councillor Ophelia Ravencroft
- Councillor Jamie Korab
- Councillor Ian Froude
- Councillor Carl Ridgeley

**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
- Ken O'Brien, Chief Municipal Planner
- Karen Chafe, City Clerk
- Kelly Maguire, Public Relations & Marketing Officer
- Jennifer Squires, Legislative Assistant

**Others:**

- Ashley Burke, Clean St. John's

### **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 **Clean St. John's - Golden Broom Awards**

Ashley Burke, Chair of Clean St. John's, and Councillor Bruce presented the Clean St. John's Awards to the following recipients:

- Residential Award - Dr. ET Tjan
- Community Award - Girl Guides of NL (Brandi O'Keefe)
- Individual Award - Maddie Budgell
- Community Award - Avalon Ponds Cleanup (Lou Hynes)

3. **APPROVAL OF THE AGENDA**

3.1 **Adoption of Agenda**

SJMC-R-2021-12-13/587

**Moved By** Councillor Ravencroft

**Seconded By** Councillor Froude

That the Agenda be adopted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

4. **ADOPTION OF THE MINUTES**

4.1 **Adoption of Minutes - December 6, 2021**

SJMC-R-2021-12-13/588

**Moved By** Councillor Hanlon

**Seconded By** Deputy Mayor O'Leary

That the minutes of December 6, 2021, be adopted as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**5. 2022 BUDGET PRESENTATION**

Councillor Ellsworth presented the 2022 Budget, balanced at \$ \$319,603,486. Full details of the budget can be found here: [2022 Budget](#).

Members of Council voiced their support of the budget, highlighting additional funding for sidewalk snow clearing, public transportation, and paratransit services. Councillor Ridgeley, stating that he would support the budget, spoke on his concerns with the current tax system, noting that taxing residents on the value of their home does not accurately reflect the situation those living inside the home. As properties increase in value, the homeowner's taxes increase, and this does not reflect the homeowner's ability to pay the increase. He would prefer to see a system based on an individual's ability to pay their taxes as opposed to the value of their home. Both the Mayor and Councillor Ridgeley agreed that additional engagement at the Provincial level may be required to make changes to the current regressive system and to find a way to lessen the reliance on property taxes for municipalities as the main source of income.

SJMC-R-2021-12-13/589

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Burton

That Council adopt the 2022 Budget in the balanced position of \$319,603,486, as presented, along with the attached resolutions:

- 2022 Accommodation Tax Resolution
- 2022 Downtown St. John's Business Improvement Area Levy
- 2022 Interest Rate Tax Resolution
- 2022 Property Tax Rate Resolution - Commercial Properties
- 2022 Property Tax Rate Resolution - Residential Properties

- 2022 25% Property Tax Reduction for Senior Citizens Resolution
- 2022 Business Tax Rate on Utilities Resolution
- 2022 Water by Meter Resolution
- 2022 Water Tax Resolution

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**6. BUSINESS ARISING FROM THE MINUTES**

**6.1 Heritage Designation By-Law - 265 Lemarchant Road**

Heritage Designation By-Law - 265 Lemarchant Road

**1. 265 LeMarchant Road, Heritage Designation**

SJMC-R-2021-12-13/590

**Moved By** Councillor Burton

**Seconded By** Deputy Mayor O'Leary

That Council approve the heritage designation of 265 LeMarchant Road and direct the Legal Department to amend Schedule C (Heritage Buildings) of the Heritage By-Law for Council's consideration.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**7. DEVELOPMENT APPLICATIONS**

**7.1 Request to Set Zone Standards for an Industrial General (IG) Lot (Subdivide Only) – 240 Danny Drive – SUB2100061**

Councillor Korab informed Council that Staff are investigating the possibility of assigning standards for zones for similar applications. If zone standards are set, applications would no longer require Council's approval to proceed with development.

SJMC-R-2021-12-13/591

**Moved By** Councillor Korab

**Seconded By** Councillor Hanlon

That Council approve the proposed Zone Standards for Lot Area and Lot Frontage in the Industrial General (IG) Zone at 240 Danny Drive.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**8. RATIFICATION OF EPOLLS**

**9. COMMITTEE REPORTS**

**9.1 Committee of the Whole Report - December 1, 2021**

**1. Proposed Renaming of Entrance to St. Pats Ballpark**

SJMC-R-2021-12-13/592

**Moved By** Councillor Hickman

**Seconded By** Deputy Mayor O'Leary

That Council approve the request from St. John's Amateur Baseball to name the road entrance to St. Pat's Ballpark as "Gordon Breen Way".

**MOTION CARRIED**

**2. 27 New Gower Street, Exterior Renovations and Extension**

SJMC-R-2021-12-13/593

**Moved By** Councillor Burton

**Seconded By** Councillor Ravencroft

That Council approve the proposed renovations and extension at 27 New Gower Street, as proposed on the drawings dated November 15, 2021, subject to the following:

- pergola being painted steel with wood as a secondary material;
- black tile being natural black granite stone tile; and
- requiring screening for any HVAC rooftop equipment.

**MOTION CARRIED**

**3. Youth Engagement Strategy Update**

SJMC-R-2021-12-13/594

**Moved By** Councillor Burton

**Seconded By** Deputy Mayor O'Leary

That Council approve the creation of the Youth Engagement Working Group and direct staff to undertake the recruitment process.

**MOTION CARRIED**

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

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

**11.1 Building Permits List**

**12. REQUISITIONS, PAYROLLS AND ACCOUNTS**

**12.1 Weekly Payment Vouchers Week Ending December 8, 2021**

SJMC-R-2021-12-13/595

**Moved By** Councillor Ellsworth

**Seconded By** Councillor Bruce

That the weekly payment vouchers for the week ending December 8, 2021, in the amount of \$7,644,875.04 be approved as presented.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**13. TENDERS/RFPS**

**13.1 2021170 - Household Hazardous Waste Operational Services - Robin Hood Bay Waste Management Facility**

SJMC-R-2021-12-13/596

**Moved By** Councillor Hickman

**Seconded By** Councillor Hanlon

That Council approve for award this open call to the lowest bidder meeting specifications, Revolution Environmental Solutions LP, for \$677,605.56 (HST included) as per the Public Procurement Act.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**13.2 2021187 – Supply and Delivery of Water Treatment Chemicals (Windsor Lake (WTP))**

SJMC-R-2021-12-13/597

**Moved By** Councillor Hickman

**Seconded By** Councillor Burton

That Council approve for award open call 2021187 – Supply and Delivery of Water Treatment Chemicals (Windsor Lake WTP) to the lowest bidder meeting specification for each line item, as per the Public Procurement Act:

Rockwater Professional Products, Line 1 \$68,162.50 (HST excluded)

Brenntag Canada Inc. Line 2 \$210,000.00, Line 3 \$39,500.00, Line 4 \$76,000.00 (HST excluded).

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**14. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS**

**15. OTHER BUSINESS**

**15.1 Sale of City Land Adjacent to 11 Beech Place**

SJMC-R-2021-12-13/598

**Moved By** Councillor Froude

**Seconded By** Deputy Mayor O'Leary

That Council approve the sale of City land adjacent to 11 Beech Place, as shown in red on the diagram below.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**15.2 120 Barnes Road, Adoption, REZ2100004 (Updated)**

SJMC-R-2021-12-13/599

**Moved By** Councillor Froude

**Seconded By** Councillor Burton

That Council adopt St. John's Development Regulations Amendment Number 2, 2021, which will reduce the minimum Rear Yard of residential dwellings (Single Detached Dwelling, Duplex, Semi-detached Dwelling, Townhouse, Apartment Building and Tiny Home Dwelling) in the Residential Downtown (RD) Zone from 6.0 metres to 3.5 metres.



For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**15.3 350 Kenmount Road and 9 Kiwanis Street, Adoption, MPA2000011**

SJMC-R-2021-12-13/600

**Moved By** Councillor Froude

**Seconded By** Councillor Ellsworth

That Council adopt the attached resolutions for St. John's Municipal Plan Amendment Number 5, 2021 and St. John's Development Regulations Amendment Number 7, 2021, and appoint Mr. Cliff Johnston, MCIP, a member of the City's commissioner list, to conduct a virtual public hearing on the proposed municipal amendments. He will also conduct a simultaneous hearing for the Regional Plan amendments. The proposed date for the hearing is Wednesday, January 12, 2022, at 7 p.m. via Zoom.

For (11): Mayor Breen, Deputy Mayor O'Leary, Councillor Burton, Councillor Ellsworth, Councillor Hickman, Councillor Hanlon, Councillor Bruce, Councillor Ravencroft, Councillor Korab, Councillor Froude, and Councillor Ridgeley

**MOTION CARRIED (11 to 0)**

**16. ACTION ITEMS RAISED BY COUNCIL**

**16.1 Public Procurement Act**

The Deputy Mayor asked Staff to provide additional information to Council on the Public Procurement Act, specifically on the selection of companies for larger projects. She would like a clearer understanding of the process from the perspective of supporting local businesses and workers.

**16.2 Attendant Pass Link**

Councillor Hanlon advised Staff that the link for [Attendant Pass Applications](#) was not working on the City's website. This pass is available to any person with a disability that would like to participate in an activity with the support of an attendant. Staff will investigate and update the website as required.

**17. ADJOURNMENT**

There being no further business, the meeting adjourned at 4:31 p.m.

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MAYOR

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CITY CLERK

# DECISION/DIRECTION NOTE

**Title:** Notices Published – 5 Boland Street - DEV2100172

**Date Prepared:** December 15, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Jamie Korab, Development

**Ward:** Ward 5

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**Decision/Direction Required:** A Discretionary Use application has been submitted for a Home Occupation at 5 Boland Street.

**Discussion – Background and Current Status:** The proposed Home Occupation is for a Retail Use which involves the pick-up of retail items purchased online through a buy and sell group. The floor area for the business administration and storage area is 5m<sup>2</sup> which is in the basement of the Dwelling. The business will operate 7 days a week from 9:00a.m. to 9:00p.m. Pickup will occur at various times throughout the day, with a maximum of 20 people scheduled per day. There are 2 employees who reside in the Dwelling and on-site parking is provided. The proposed application site is in the Residential 1 (R1) Zone.

Three submissions were received. Two of the submissions expressed concern regarding traffic speed and an increase in vehicles due to the business. The Traffic Division reviewed the information and based on the location of 5 Boland Street on a corner Lot, they believe there is enough on-street parking and are not expecting any traffic issues. This street has been previously studied for Traffic calming and the result was that it was not required. As per the city's procedures, the Traffic Division will reinvestigate after a time to reevaluate.

**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 Envision Development Regulations Residential 1 (R1) Zone, Section 4.8 Public Consultation and Section 6.18 Home Occupation.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Engagement and Communications Considerations: Public advertisement in accordance with Section 4.8 Public Consultation of the St. John's Envision 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 twice 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.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council approve the application for a Home Occupation for a Retail Use at 5 Boland Street.

**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 - 5 Boland Street.docx
Attachments:	
Final Approval Date:	Dec 14, 2021

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

**Lindsay Lyghtle Brushett - Dec 14, 2021 - 11:33 AM**

**Jason Sinyard - Dec 14, 2021 - 2:42 PM**

**Karen Chafe**

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**From:** [REDACTED]  
**Sent:** Tuesday, December 7, 2021 3:14 PM  
**To:** CityClerk  
**Subject:** (EXT) 5 Boland St

[REDACTED]

I have received a letter concerning the proposed Home Occupation for 5 Boland St which is located [REDACTED] I don't have a problem with this as it does not impact me at all.

**Karen Chafe**

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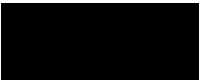
**From:** [REDACTED]  
**Sent:** Friday, December 3, 2021 8:25 AM  
**To:** CityClerk  
**Cc:** Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Tracy-Lynn Goosney; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Planning  
**Subject:** Re: (EXT) 5 Boland Street, application for retail use

Thankyou, I've made complaints about speeding and traffic using the 311 app and by email previously. To elaborate on my issues with this application, this location is on a semi blind turn. In the last 3-5 years I've witnessed many near misses as vechiles taking the turn cheat by going into the oncoming lane. The posted limit of 50km/ hr is too fast for this area but I have been told by the former Council member for this area that it was okay and that speeding is a police issue. After police posting a radar station for a month 2-3 years ago, the police department did acknowledge that there were some cars travelling in excess of 50km/hr.

Adding a business in this area will add to this traffic issue as businesses only get created to be successful and this will add more vehicle flow. I've seen these businesses in other locations and the parked car and arriving/departing traffic is chaotic. There are lots of young kids in this area that ride bikes and walk and it will add to the issues of being a busy street. It's one thing to have a busy street with those that live in the area because they get use to kids playing and most change their driving habits but having people doing pickups unfamiliar with the area will add to my concerns.

I recommend someone from the city park on the street outside this location on a sunny Saturday afternoon for a few hours when most will be picking up from this location and observe the traffic flow. I know the hours in the application is 9am-9pm 7 days a week but I think anyone with knowledge of these businesses know that most traffic will be between 5pm- 9pm M-F and on weekends. Observe the traffic flow and I think you will quickly see that this area doesn't need any more issues with traffic.

Thank you  
[REDACTED]



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**From:** Karen Chafe <kchafe@stjohns.ca> on behalf of CityClerk <cityclerk@stjohns.ca>

**Sent:** Tuesday, November 30, 2021 9:23:14 AM

**To:**  CityClerk <cityclerk@stjohns.ca>

**Cc:** Andrea Roberts <aroberts@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Ashley Murray <amurray@stjohns.ca>; Tracy-Lynn Goosney <tgoosney@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>; Ken O'Brien <kobrien@stjohns.ca>; Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>; Planning <planning@stjohns.ca>

**Subject:** RE: (EXT) 5 Boland Street, application for retail use

Good Morning:

Thank you for your email. This confirms receipt. I have cc'd staff with the Planning, Engineering and Regulatory Services Dept. for their information. Members of Council will receive copies of all responses received prior to the matter being referred to the Regular Meeting of Council on December 20<sup>th</sup>.

Karen Chafe  
City Clerk


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**From** 

**Sent:** Monday, November 29, 2021 4:15 PM

**To:** CityClerk <cityclerk@stjohns.ca>

**Subject:** (EXT) 5 Boland Street, application for retail use

Hello, I am emailing in regards to a notice I received for 5 Boland Street and a retail in-house application. We have had issues with vehicle speeding on Boland street with the traffic currently using the street that has gone reported to the city and ignored over the last 3 years. I do have an issue with this application because of the increased traffic it will cause in the area which 

Thank You



Sent from [Mail](#) for Windows

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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.



# DECISION/DIRECTION NOTE

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**Title:** Proposed Residential Deck in the Floodplain Buffer – 24B Empire Avenue - DEV2100124

**Date Prepared:** December 15, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Jamie Korab, Development

**Ward:** Ward 4

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## **Decision/Direction Required:**

To seek approval to construct a residential deck in the Floodplain Buffer at 24B Empire Avenue.

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

An application was submitted to construct a 49.3m<sup>2</sup> residential deck in the Floodplain Buffer at 24B Empire Avenue. As per Section 4.10(4) of the Envision Development Regulations, Council may permit the development of a residential deck within the Floodplain Buffer. As per Section 4.10(6), consultation with the Environmental and Sustainability Experts Panel (ESEP) is not required for a residential deck.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: Not Applicable.
2. Partners or Other Stakeholders: Not Applicable.
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 Envision Development Regulations Section 4.10(4) and 4.10 (6) Waterways, Wetlands, Ponds or Lakes.
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 construction of a residential deck in the Floodplain Buffer at 24B Empire Avenue.

**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 - Proposed Deck in the Flood Plain Buffer – 24B Empire Avenue - DEV2100124.docx
Attachments:	- 24B EMPIRE AVENUE.pdf
Final Approval Date:	Dec 15, 2021

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

**Lindsay Lyghtle Brushett - Dec 15, 2021 - 11:04 AM**

**Jason Sinyard - Dec 15, 2021 - 2:35 PM**





**SUBJECT PROPERTY**

15m Wetland Buffer  
15m Floodplain Buffer

KING'S BRIDGE RD

EMPIRE AVE

CIRCULAR RD

24 B

24

37

35

22

26

28

R1 33

31

22

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



# DECISION/DIRECTION NOTE

**Title:** Notices Published – 83 Wabush Place - DEV2100175

**Date Prepared:** December 14, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Jamie Korab, Development

**Ward:** Ward 3

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**Decision/Direction Required:** A Discretionary Use application has been submitted for a Home Occupation at 83 Wabush Place.

**Discussion – Background and Current Status:** The proposed Home Occupation involves the baking of traditional and specialty goods. The business will have a floor area of 12.8 m<sup>2</sup> and utilize the existing kitchen, operating daily from 9:00a.m. to 8:00pm. Most orders will be delivered offsite on Wednesday, Friday and Saturday, while the occasional custom order will be picked up at the Dwelling as required, with a maximum of 2 per day. The applicant is the sole employee. No onsite parking is provided. The proposed application site is zoned Residential 1 (R1).

Two submissions were received. Complaints addressed allowing a commercial business in a residential neighbourhood, along with the negative spinoff effects it would create and extra traffic congestion.

With regards to allowing a commercial business in a residential area, a Home Occupation is a Discretionary Use which is subject to Council's approval. If approved a Development Agreement is required, which outlines the conditions for the business. Should they wish to expand or change conditions of their approval, a new application would be required, along with public notification and Council approval. Traffic issues are not anticipated as the applicant has proposed a maximum of 2 pickups per day, with majority of the orders being delivered offsite. Under Section 8 of the Envision Development Regulations no parking is required for a Home Occupation where on-street parking is available. In this case on-street parking is available on both sides of the street.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.

# ST. JOHN'S

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 Envision Development Regulations Residential 1 (R1) Zone, Section 4.8 Public Consultation, Section 6.18 Home Occupations, and Section 8.3 Parking Standards.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Public Consultation in accordance with Section 4.8 of the St. John's Envision 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 twice in The Telegram newspaper 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.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council approve the application for Home Occupation for the baking of traditional and specialty goods at 83 Wabush Place.

**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 - 83 Wabush Place .docx
Attachments:	- DEV2100175-83 WABUSH PLACE.pdf
Final Approval Date:	Dec 14, 2021

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

**Lindsay Lyghtle Brushett - Dec 14, 2021 - 3:18 PM**

**Jason Sinyard - Dec 14, 2021 - 3:35 PM**





23

34

32

R1 30

28

26

SUBJECT PROPERTY

WABUSH PL

89

87

85

83

81

79

77

75

R1

39

41

43

45

47

49

35

37

33

26

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

CITY OF ST. JOHN'S



## Karen Chafe

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**From:** [REDACTED]  
**Sent:** Wednesday, December 1, 2021 11:16 AM  
**To:** CityClerk  
**Subject:** (EXT) 83 Wabush Place, Application

I have received your letter notifying of an application by the current home occupant to start a baking business at the address. I am the home owner of [REDACTED] I have concerns of this application. Some of which will include extra traffic in the area, hinderance of parking, as well as the beginning of commercialized business in a residential zoned area. This is not the first application in the area. Some years ago had an application in the area to start a dance studio, which was denied. When our properties on [REDACTED] [REDACTED] were purchased in [REDACTED] in my case it was purchased because of the quiet area, no traffic. If this business was intended to not create traffic in the area not to mention people coming and going that do not belong to the neighbourhood why was an application even brought. The fear is stating this as their intent but once approved there is nothing that can be done about the issues that come along with a commercial business being operated. Wabush Place is an area with a very high number of small children, I'm sure these parents will feel the same as I do. This is a request that the application not be granted in my neighbourhood. There are lots of vacant business spaces around to rent to start a bakery.

Thank you for your attention in this matter.

[REDACTED]

This message may contain confidential information and is intended only for the named recipient. Please do not forward this message to any other party or distribute it in any manner without prior approval of the sender. If you have received this message in error, telephone or email the sender immediately and delete this message and any attachment from your system.

For environmental concerns, please print this email only if necessary.

Ce message est à l'usage exclusif de son destinataire et peut contenir des renseignements confidentiels. Ne le transmettez à personne, de quelque façon que ce soit, sans l'autorisation de son expéditeur. Si vous avez reçu ce message par erreur, communiquez immédiatement avec l'expéditeur et supprimez le message ainsi que toutes pièces jointes de votre ordinateur.

**Karen Chafe**

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**From:** [REDACTED]  
**Sent:** Tuesday, December 14, 2021 10:19 AM  
**To:** CityClerk  
**Subject:** (EXT) 83 Wabush Place Discretionary use notice

Attn: Office of the City Clerk;

In response to your notice of discretionary use involving the baking and sale of goods including pickup and delivery of same from 83 Wabush Place I would like to offer our comments and concerns.

We appreciate the quiet residence existence that we enjoy and are concerned with the potential disturbance of it that may come with increased traffic and parking interruption.

As well our [REDACTED]

We are also concerned with the uncertainty of potential excess garbage, smell or rodent population increase.

My name is [REDACTED]. My wife [REDACTED] and I live at [REDACTED] and do not support this discretionary use.

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

Dec 06 2021

Office of City Clerk

This is concerning A Application  
For a Home Occupation At 83 Wharf P.  
St. John's

My Opinion & Concerns Are

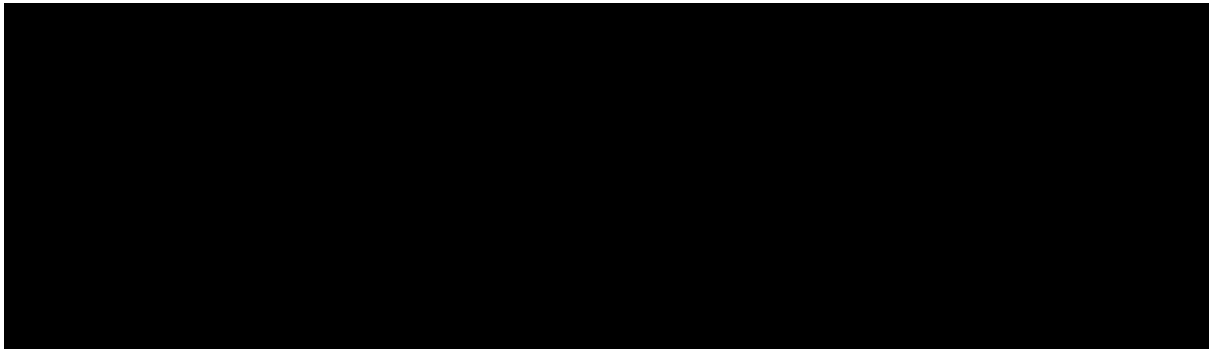
This Area is Zoned Residential & Should  
Remain THAT way.

People Spend Hundreds of  
Thousands of Dollars to Buy a Home  
in a Residential Area For their Families  
& Don't Expect to wake up the next  
Day & find a commercial Business  
next or close to them.

Approving One Business ONLY  
Open the Gates For more Applications

City Shouldn't even. being taken  
Applications For this or any other  
Business

There are plenty of commercial,  
Places to Rent in this City



# DECISION/DIRECTION NOTE

**Title:** Proposed Driveway Extension – 2 Barrows Road – DEV2100117

**Date Prepared:** December 16, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Jamie Korab, Development

**Ward:** Ward 2

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## **Decision/Direction Required:**

To defer an application for a driveway extension at 2 Barrows Road, due to its location in the wetland and buffer.

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

An application was submitted in July 2018 to allow for a driveway at 2 Barrows Road. This application was approved as the driveway location did not impact the Wetland Study Area. As development commenced, a stop work order was issued as the limits of work went beyond the approved area; the driveway was not to provide access to the back or rear of the property.

On July 5, 2021, a new application was submitted for the extension of a driveway at the rear of the property at 2 Barrows Road. The location of the proposed driveway is in an area currently identified as a protected wetland and associated buffer (see location map). The property is within the area which is the subject of the 2021 Wetlands Study – Phase 2, therefore any development in the study area would be premature until the study is completed.

The application was originally deferred by staff due to Council undertaking the 2021 Wetlands Study – Phase 2; where Council directed a planning study be undertaken that application was deferred as premature development until completion of the study under the St. John's Development Regulations Section 5.1.3(4) Planning Studies – Deferral of Applications. This decision was appealed by the applicant and on August 30, 2021, the St. John's Local Board of Appeal heard the appeal, which they later granted. The Appeal Board highlighted that despite Council having approved the study of all wetlands within the City, without a specific direction from Council to defer applications that impact that area, staff could not defer on that basis. The Appeal Board made it clear that their decision was not to approve the Development applied for, but to allow for the application to be resubmitted and reviewed.

The application was then referred to Council on September 13, 2021, with a recommendation for Council to defer the application subject to Section 5.1.3(4) Planning Studies – Deferral of Applications, which states "Council may defer decisions on development applications and/or applications for an amendment to these Regulations within a specified area where Council has directed that a planning study or other similar study, pertaining to the future use and development of the specified area be undertaken". Council approved the deferral of the

# ST. JOHN'S

application. The Applicant was advised of Council's deferral of their application until the study is completed.

At a Council meeting on October 4, 2021, Council further deferred all planning and development applications located within a wetland buffer as delineated within the larger Wetland Study Area until Phase 2 has been completed, unless circumstances require an exception be provided at the discretion of Council.

The decision of Council pertaining to 2 Barrows Road was appealed and on October 27, 2021, the St. John's Local Board of Appeal heard the appeal, which was later granted (see attached "Decision of the St. John's Local Board of Appeal Re: 2 Barrows Road Virtual Hearing Date: October 27, 2021). The Board's decision references Council's discretionary power under Section 5.1.3(4) and that Council failed to discuss and provide reason for the deferral of the application and must take into account all relevant factors and not fetter its discretion.

The Appeal Board also noted that the broad deferral from Council for the Wetland Study Area, did not speak retroactively to applications received previously.

Also, the decision of the Appeal Board references Section 3.2.2 (10) of the City's Development Regulations (1994), which allows the Board to impose conditions which they consider appropriate in the circumstances and may direct Council to carry out its decision. Therefore, the Appeal Board imposes the following conditions:

- Prior to the appellants' application being placed back on the City Council's agenda the members of City Council shall be given copies of this decision of the Appeal Board and also the August 30, 2021, decision of the Appeal Board.
- Prior to the appellants' application being placed back on the City Council's agenda City officials shall prepare a memorandum setting out the appellants' allegations and responding to those allegations (for example but not limited to - the appellants allege that other landowners, whose property is within the same wetland area as the applicants' property, have been granted permits for development without any deferrals. It should be possible for City officials to check this out and bring the information to City Council).
- When the appellants' application comes before City Council there shall be a discussion by the members of City Council such that the appellants' application is given a fair consideration of all relevant facts and City Council are mindful of not fettering their discretion.

The Board has highlighted that it has concerns that Council was not made aware of the specific allegations made by the Appellant, and that Council had incorrectly determined that there could be no debate on the issue of Deferral.

During the Council meeting on September 13, 2021, the application to defer under the Development Regulations was mistaken and processed as a deferral in procedure. A deferral in procedure follows the Rules of Procedure By-Law, which references the second edition of

Kerr & King "Procedures for Meetings and Organizations" and defers without discussion of Council. This is for items to be removed from a current agenda of Council and set for a future agenda of Council. A deferral under the Development Regulations requires that Council exercise unfettered discretion under powers so prescribed by the Regulations. Debate and the reasons for approving such a deferral need to be expressed as outlined in Section 5.2.5 which requires "Council, when refusing a permit or attaching conditions to a permit, state the reasons in terms of the criteria used in exercising discretionary powers as provided in Section 5.1.3". As ordered by the Board, the Application for the extension of a driveway at the rear of the property at 2 Barrows Road is referred to Council for consideration and a decision.

Copies of both Appeal Board decisions have been provided to Council. Regarding the appellant's allegations (Grounds for Appeal within the Decision of the St. John's Board of Appeal attachment), the following reasons were provided and are paraphrased below:

1. Other adjacent property owners, whose properties included portions of the wetlands, had received approval for development applications with no restrictions.

This allegation is incorrect. While properties in the vicinity had applied for and received development approval (Civic 56 Quidi Vidi Village Road was referenced) staff determined and confirmed that the development approved by the City was situated outside the wetland and associated buffer. If the Appellant's application only dealt with portions of their property not impacted by the delineated wetland and buffer, then staff would have reviewed the application in accordance with the Development Regulations. It is worth mentioning that even if Development was permitted, there would be significant hurdles in capturing and mitigating onsite water. There is a possibility that the end result of the wetland study is that portions of the property will be protected from Development.

2. Discrimination by City.

This allegation is incorrect, and a serious allegation to be made against staff. Staff have been in ongoing discussions with the Property Owners and their representative for some time regarding this property. Intertwined with their argument of wishing to develop their property, despite the delineation of a wetland, is a continued assertion that the City has created the wetland (an allegation that the City is reviewing separate and apart from this application). City staff are of the position that the deferral originally provided, and subsequently provided from Council, were undertaken in good faith attempting to properly apply the City's Development Regulations. While deferral is not what the Appellants wished to receive, it does not support a claim of discrimination. In further support of this position, Council has effected a city-wide deferral for the entirety of the study area, not just specific to 2 Barrows Road. The Appellants are being treated equally.

3. Lack of fairness in City Council's decision-making process.

Council's Directive and recent direction to defer was established on a city-wide basis, not specific to any one site. Council is treating all properties within the wetland study area equally. While the Applicant's specific property was not discussed at Council, neither were

any other applications that are deferred for the wetland area. The Applicant also continues to be confused between the wetland study area and established floodplains, as they continue to reference Winter Avenue as an example of how they have been treated differently/unfairly.

4. Negligence by City leading to damage to 2 Barrows Road.

The Applicant continues to assert that the City has directed water on their property. The City is currently undertaking a review of the history or the source of water, but at this time admits no liability. The City's position is that this has been the natural low point for the area, and water has always flowed to this property. At the time Regiment Road was built, infrastructure was built to capture water from that development and direct it towards Quidi Vidi Lake, which may have actually decreased water reaching the Applicant's property.

5. Conflict of Interest by City officials as a result of ongoing disputes between City and Appellants related to alleged damage to property.

The Applicant seems to suggest that because they are claiming the City is responsible for their property being wet, that City staff are in a conflict of interest in application of the Development Regulations and Council Directives. Again, the Applicant appears to remain confused. Council has issued a city-wide deferral for areas impacted by the wetland study, not specific to the Applicant's Property. The Applicant is actually asking to be treated differently.

In summary, these allegations are incorrect as all applications which the appellant references were processed in line with the City's Development Regulations and no development was permitted to occur within the wetland or buffer area. Some of those applications referenced dealt with a floodplain and not a wetland (examples of Winter Avenue and Fourth Pond Road) – specific circumstances to the individual application.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Not applicable.
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 5.1.3(4) Deferral of Applications. Ongoing claim of City liability for Applicant's Property being wet.
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 defer the proposed driveway extension at 2 Barrows Road until such time as the 2021 Wetland Study – Phase 2 had been completed, subject to Section 5.1.3(4) Deferral of Applications under the St. John's Development Regulations (1994).

**Prepared by:**

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

**Approved by:**

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



**Report Approval Details**

Document Title:	Proposed Driveway Extension - 2 Barrows Road - DEV2100117.docx
Attachments:	- Decision 2 Barrows Road October 27 2021_redacted.pdf - 2 BARROWS ROAD WETLANDS.pdf
Final Approval Date:	Dec 16, 2021

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

**Lindsay Lyghtle Brushett - Dec 16, 2021 - 9:15 AM**

**Jason Sinyard - Dec 16, 2021 - 11:26 AM**

## **Decision of the St. John's Local Board of Appeal**

### **Re: 2 Barrows Road**

**Virtual Hearing Date: October 27, 2021**

### **SUBJECT OF THE APPEAL**

An appeal submitted to the St. John's Local Board of Appeal by [REDACTED] against a decision of the St. John's City Council made on September 13, 2021 deferring processing of an application for development pursuant to Section 5.1.3(4) of St. John's Development Regulations.

### **ATTENDEES**

**In attendance:** Nick Summers - Chair  
Renee Dyer – Member  
Bruce Blackwood - Member  
Christine Carter – Recording Secretary

**Regrets:** Cliff Johnston - Member  
Janet Bradshaw – Member

**Appellant:** [REDACTED]

**City of St. John's:** Andrew Woodland – Legal Counsel  
Rob Schamper – Legal Counsel  
Ken O'Brien - Chief Municipal Planner  
Lindsay Lyghtle Brushett – Supervisor Planning and Development  
Karen Chafe - City Clerk

**Others:** [REDACTED]

### **INTRODUCTION**

The Chair welcomed those present to the virtual appeal hearing and proceeded to explain the role and authority of the St. John's Local Board of Appeal ("**the Appeal Board**") under the provisions of the Urban and Rural Planning Act, 2000 ("**the Act**").

He advised that the members of the Appeal Board are neither City staff nor members of City Council. The Appeal Board has been appointed by City Council to hear appeals

against decisions made by Council and authorized City staff that was made under the St. John's Development Regulations. The City Council and City staff is bound to carry out the decision of the Appeal Board on appeals the Board hears and the Board's decision is binding on all parties.

The Chair also advised that this appeal hearing is being recorded by the Recording Secretary and no other recording of the hearing should be made.

He confirmed that those present have received the information package prepared by the City in preparation for this hearing.

### **SUMMARY OF APPLICATION PROCESS**

On July 5, 2021, [REDACTED] made application to the Planning & Regulatory Services Division of the City to extend an existing gravel driveway at the side of 2 Barrows Road into the back of the same property.

After reviewing the application, City officials found that (1) the portion of the 2 Barrows Road property which the Appellants wished to develop fell within a wetland and/or the buffer of that wetland; and (2) there is an ongoing study of the said wetland (the 2021 Wetlands Study – Phase 2). In light of this information the City concluded that Section 5.1.3(4) of St. John's Development Regulations applied and the Appellants were informed by letter dated July 16, 2021 that the application to develop 2 Barrows Road was premature. The Appellants were advised to re-apply after the completion of the Wetlands Study in late 2022.

On August 30, 2021 the Appeal Board heard the said appeal and granted the appeal on the grounds that City officials lacked the authority under Section 5.1.3(4) of St. John's Development Regulations to defer an application. Only the City Council had such authority. The matter was sent back to the City for processing of the appellants' original application. The Appeal Board's decision contained a number of comments about what factors should be considered in making a discretionary decision such as one under Section 5.1.3(4) of St. John's Development Regulations, even if that decision was being made by City Council. Subsequently, on September 13, 2021 the City Council passed a motion, under Section 5.1.3(4) of St. John's Development Regulations, deferring the appellants' application for development. It is this decision of City Council which is now being appealed and which is the subject of today's hearing.

### **NATURE OF THE APPEAL**

On September 27, 2021, the Office of The City Clerk, in its capacity as Secretary to the Board of Appeal, received from [REDACTED] an appeal regarding the City's decision to defer their application to develop the land at 2 Barrows Road.

## **GROUND OF APPEAL**

The Appellant cited various reasons as Grounds for Appeal. Some points are paraphrased below, however, the complete document is attached with the Appeal Form.

1. Other adjacent property owners, whose properties included portions of the wetlands, had received approval for development applications with no restrictions;
2. Discrimination by City;
3. Lack of fairness in City Council's decision making process;
4. Negligence by City leading to damage to 2 Barrows Road; and
5. Conflict of Interest by City officials as a result of ongoing disputes between City and Appellants related to alleged damage to property.

## **Appeal Hearing October 27, 2021**

After making the opening remarks set out above, the Appeal Board heard submissions from the appellants and the City. [REDACTED] spoke on behalf of the appellants. He reviewed some of the history of the interaction of the appellants and the City over the last several years and he submitted that the treatment that the appellants received from the City was evidence of a bias against them and therefore a reason to believe that the current decision was made unfairly. In submissions from the City's solicitor, those allegations were denied. It was further submitted that the issue before the Appeal Board was moot as City Council had passed a motion on October 4, 2021 requiring that any application for development of land which is within a designated wetland area be deferred until the 2021 Wetlands Delineation Study, Phase 1 is completed. After some questions from members of the Appeal Board it was learned that there are over 1,000 such wetland areas within the City boundaries and the new policy applies to all of them. City Officials, present at the hearing, indicated that there would be a process by which an applicant for development in such an area could seek an exemption from the blanket deferral. It was suggested that the appellants could make such an application.

Members of the Appeal Board also questioned the City's solicitor and City officials on the process by which the issue of a deferral of the appellants' application was presented to the City Council. In particular, the Appeal Board members asked if the City Council members had been given a copy of the Appeal Board's decision of August 30, 2021 and if City Council members had been briefed on the concerns raised in that decision with regard to issues of fairness and fettering of discretion. The answer from the City's solicitor and City officials was that no such material was given to the City Council members.

The members of the Appeal Board had been provided with a video of the City Council's handling of the appellants' application. In that video it can be seen that there was no

debate of the motion to defer the appellants' application. When one councilor asked for such a debate the Mayor stated that no debate was allowed on issues of deferral. The City's solicitor was asked by the Appeal Board where a rule against debate on deferrals could be found. The City's solicitor replied that he believed it was in Robert's Rules of Order. He acknowledged that he was unaware of any legislation or City policy which contained such a restriction on such debate.

### **Decision**

Appeal granted.

Section 5.1.3(4) grants a discretionary power to defer an application for development. It is clear law that, when a decision maker is considering using its discretion, the decision maker must take into account all relevant factors and not fetter its discretion.

*"Discretion must be exercised on an individual basis. While decision makers may take into account guidelines, general policies and rules, or try to decide similar cases in a like manner, a decision maker cannot fetter its discretion in such a way that it mechanically or blindly makes the determination without analyzing the particulars of the case and the relevant criteria."* **Legal Limits on the Exercise of Discretion; Guy Regimbald; Canadian Institute: Advanced Administrative Law & Practice – 16<sup>th</sup> Edition 2014**

*"An authority can fail to give its mind to a case, and thus fail to exercise its discretion lawfully, by blindly following a policy laid down in advance. It is a fundamental rule for the exercise of discretionary power that discretion must be brought to bear in every case: each one must be considered on its own merits and decided as the public interest requires at the time."* **Wade & Forsyth; Administrative Law, 10<sup>th</sup> Edition, Oxford University Press, 2009**

The Supreme Court of Canada has also made rulings which support the position that discretionary decisions cannot be arbitrary or blind to individual factors See Canada v Mavi, [2011] S.C.J. No.30 and Maple Lodge Farms Ltd. V Canada [1982] 2 S.C.R. 2.

In the Appellants' original application on July 5, 2021 they include paragraphs listing a number of adjacent properties which the Appellants state have received permission for development despite also being in the wetland area. In their appeal submissions the Appellants also raise issues related to discrimination, conflict of interest and bias by the City. Obviously, the Appeal Board cannot make any finding as to the relevance or truth of these allegations without receiving evidence from all parties. However, a reading of the letter of September 16, 2021 from the City to the Appellants would, on its face, seem to be blindly following a policy laid down in advance without analyzing the particulars of the case and the relevant criteria. The above-mentioned video of the City

Council meeting shows no discussion or debate of the particulars of the appellants' application.

The Appeal Board would have wanted to hear evidence sufficient to make a determination as to whether or not the process by which the City reached its decision in this matter met the required duty of fairness which is a fundamental aspect of Administrative Law. Given the facts and allegations asserted by the appellants there is a need for the City to show that its process is transparent and that each relevant factor in this case has been considered and given the appropriate weight. The letter of September 16, 2021 and the City Council meeting video fail to do this.

The failure of City Council to debate the appellants' application before making a decision to defer the application is also of concern to the Appeal Board. Given that there is no legislative or policy grounds for the declaration by the Mayor that there can be no debate on deferrals there was a failure by City Council to bring fairness to their decision and/or to consider whether they were fettering their discretion. Robert's Rules of Order are only guidelines for having an orderly meeting. They cannot be used to avoid a responsibility to follow legislation or common law principles.

Therefore the appeal in this matter is granted and the application for development of 2 Barrows Road is sent back to the City for processing.

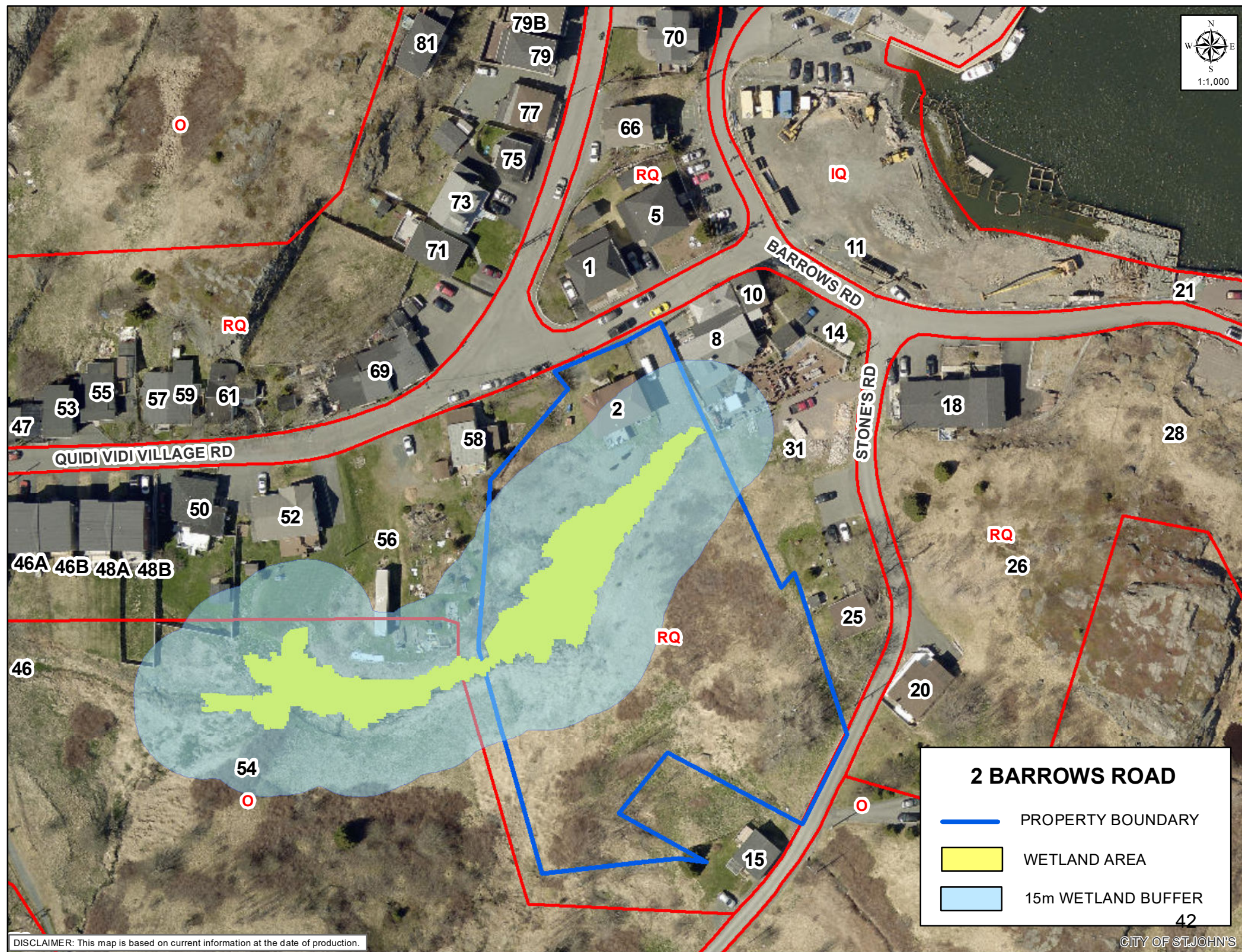
It should be noted, for the sake of the Appellants, that this decision does not mean that they have approval to make the development for which they applied. The Appeal Board does not have the authority to make such a decision. The Board's role is only to decide if a decision made by the City follows the rules and regulations set out in statute and common law.

Before concluding it should be noted that the Appeal Board cannot consider the City's argument that this appeal is moot because of the motion passed by City Council on October 4, 2021 – three weeks after the decision to defer. The Appeal Board must consider a decision under appeal as of the date it was made. A subsequent amendment to the law is outside the evidence which can be considered and the Appeal Board cannot speculate on what may happen when this matter goes back to City Council for further consideration.

Section 3.2.2 (10) of the City's Development Regulations states that in determining an appeal the Appeal Board may impose conditions that the Appeal Board considers appropriate in the circumstances and may direct City Council to carry out its decision. In line with that Section, the Appeal Board imposes the following conditions that:

- Prior to the appellants' application being placed back on the City Council's agenda the members of City Council shall be given copies of this decision of the Appeal Board and also the August 30, 2021 decision of the Appeal Board;
- Prior to the appellants' application being placed back on the City Council's agenda City officials shall prepare a memorandum setting out the appellants' allegations and responding to those allegations (for example but not limited to - the appellants allege that other landowners, whose property is within the same wetland area as the applicants' property, have been granted permits for development without any deferrals. It should be possible for City officials to check this out and bring the information to City Council).
- When the appellants' application comes before City Council there shall be a discussion by the members of City Council such that the appellants' application is given a fair consideration of all relevant facts and City Council are mindful of not fettering their discretion.





## 2 BARROWS ROAD

- PROPERTY BOUNDARY
- WETLAND AREA
- 15m WETLAND BUFFER



# ST. JOHN'S

## Report of Audit and Accountability Standing Committee

December 15, 2021

11:30 a.m.

Virtual

Present: Mayor Danny Breen  
Councillor Jill Bruce  
Kevin Breen, City Manager  
Derek Coffey, Deputy City Manager of Finance and Administration  
Sean Janes, City Internal Auditor  
Sean McGrath, Senior Internal Auditor  
Jennifer Squires, Legislative Assistant

Others: Judy Tobin, Manager, Housing

### 1. **Non-Profit Housing - Assignment #16-01**

Staff are recommending the closure and removal of the Non-Profit Housing audit report from the Internal Audit follow up list. It is regular practice for a report to be removed from the list after five years. 89% of the recommendations have been implemented, and while there are 4 outstanding recommendations, management have developed an implementation plan for these outstanding items to ensure compliance with the report.

#### Recommendation

**Moved By** Danny Breen

**Seconded By** Jill Bruce

That Council approve the removal of the Non-Profit Housing audit report from the Office of the City Internal Auditor's follow-up list.

**MOTION CARRIED**

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CHAIR, BOYD CHISLET

# DECISION/DIRECTION NOTE

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**Title:** Non-Profit Housing - Assignment #16-01

**Date Prepared:** December 1, 2021

**Report To:** Audit Committee

**Councillor and Role:** Jill Bruce, Audit & Accountability Standing Committee

**Ward:** N/A

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## **Decision/Direction Required:**

To approve the removal of the Non-Profit Housing audit report (Assignment #16-01) from Internal Audit's follow-up list.

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

Current practice of the Office of the City Internal Auditor is to remove a report from the follow-up list after five years. The reasons for this practice are:

- changes occurring in an area over five years (i.e. new management, systems, processes, etc.) can make recommendations outdated
- perceived lack of importance of recommendations that are not acted upon over such a long period
- lack of resources available to internal audit that could be better spent in other areas

Management indicates the recommendations made in the Non-Profit Housing audit report are now substantially implemented (i.e. 89%). Four recommendations remain outstanding, and management have provided action plans for their implementation. To ensure audit resources are optimally utilized it is now recommended to remove this report from the follow-up list.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions/Adopted Plans: N/A
4. Legal or Policy Implications: N/A

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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: The possibility exists that the pending recommendations will not be implemented, and the corresponding issues/risks identified will not be mitigated.

**Recommendation:**

That Council approve the removal of the Non-Profit Housing audit report from the Office of the City Internal Auditor's follow-up list.

**Prepared by:** Sean Janes, City Internal Auditor

**Approved by:** Sean Janes, City Internal Auditor

**Report Approval Details**

Document Title:	Non-Profit Housing Audit.docx
Attachments:	
Final Approval Date:	Dec 10, 2021

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

**Kevin Breen - Dec 10, 2021 - 11:35 AM**

# ST. JOHN'S

## Report of Committee of the Whole - City Council Council Chambers, 4th Floor, City Hall

**December 15, 2021, 9:30 a.m.**

Present:	<p>Mayor Danny Breen Deputy Mayor Sheilagh O'Leary Councillor Maggie Burton Councillor Ron Ellsworth Councillor Sandy Hickman Councillor Debbie Hanlon Councillor Jill Bruce Councillor Jamie Korab Councillor Ian Froude Councillor Carl Ridgeley</p>
Regrets:	<p>Councillor Ophelia Ravencroft</p>
Staff:	<p>Kevin Breen, City Manager Derek Coffey, Deputy City Manager of Finance &amp; Administration Tanya Haywood, Deputy City Manager of Community Services Jason Sinyard, Deputy City Manager of Planning, Engineering &amp; Regulatory Services Cheryl Mullett, City Solicitor Ken O'Brien, Chief Municipal Planner Karen Chafe, City Clerk Jennifer Squires, Legislative Assistant Christine Carter, Legislative Assistant</p>
Others	<p>Kelly McGuire, Communications &amp; Public Relations Officer - Office of the City Manager Brian Head, Manager of Parks &amp; Open Spaces - Public Works Steve Fagan, Supervisor, Traffic Analysis - Planning, Engineering &amp; Regulatory Services Afaf Al-Azzawi, Manager, Transportation Engineering - Planning, Engineering &amp; Regulatory Services</p>

**1. Presentation by Seniors Advisory Committee re: Age-Friendly Cities Initiative - Age-Friendly Cities**

Ms. Sharon Callahan, Chair of the Senior's Advisory Committee for the City of St. John's presented to Council on the initiative to have the City of St. John's designated as an Age-Friendly City through the World Health Organization.

Ms. Callahan highlighted for Council:

- What is an age-friendly Community?
- What is an age-friendly World?
- The World Health Organization's domains to becoming an age-friendly
- The benefits of the City of St. John's in joining the World Health Organization Global Network
- The benefits of membership of the World Health Organization Global Network
- The progress to date by the local sub-committee and their recommendations
- The next steps required to apply for the recognition of the City of St. John's as an Age-Friendly City through the World Health Organization.

During the discussion after the presentation, the importance of connections between citizens and youth was noted.

It was agreed that City Staff could bring forward information on the current intergenerational programs for Council to discuss at a future meeting.

Recommendation

**Moved By** Councillor Hanlon

**Seconded By** Deputy Mayor O'Leary

That Council approve the request from the Seniors Advisory Committee to obtain a letter of commitment from Mayor Danny Breen and to apply to be recognized as an Age-Friendly City through the World Health Organization.

**MOTION CARRIED**

**2. Windsor Lake Water Treatment Plant Equipment Reserve Fund Supply and Install of Ultraviolet Light (UV) Reactors**

Recommendation

**Moved By** Councillor Hickman

**Seconded By** Councillor Ellsworth

That Council make funding available through the Windsor Lake Equipment Reserve Fund to support the purchase and installment of three (3) UV reactors for the Windsor Lake WTP.

**MOTION CARRIED**

**3. 275 Elizabeth Avenue, MPA2000013**

Councillor Froude presented the Decision Note to Council to consider rezoning 275 Elizabeth Avenue from the Residential 1 (R1) Zone to the Apartment 1 (A1) Zone to allow the development of seven small 3-storey Apartment Buildings.

Councillor Froude advised Council that he was unable to support this motion as it is presented and asked that a decision be deferred to allow Staff the opportunity to receive more information from the developer on the proposal.

Some Council members expressed their concern with the access area on Elizabeth Avenue, the lack of green space being maintained and the density and lack of parking in the drawings presented.

Deputy City Manager of Planning, Engineering and Regulatory Services asked what specifically needs to be addressed with the developer before bringing this back to Council, and the Mayor responded that in particular the density and size of the development on the site.

Council agreed to defer the motion and asked Staff to meet and discuss the concerns expressed by Council with the developer, to get more information prior to considering an amendment.

Recommendation

**Moved By** Councillor Froude

**Seconded By** Councillor Ellsworth

That the matter be referred back to Staff and the developer for further information prior to considering an amendment to the Envision St. John's Development Regulations to rezone land at 275 Elizabeth Avenue from the Residential 1 (R1) Zone to the Apartment 1 (A1) Zone to allow a multi-building Apartment Building development.

**MOTION CARRIED**

**4. 670 Kenmount Road, REZ2100003**

Recommendation

**Moved By** Councillor Froude

**Seconded By** Councillor Burton

That Council consider rezoning a portion of the property at 670 Kenmount Road from the Residential 1 (R2) Zone to the Residential Reduced Lot (RRL) Zone to allow a 60-lot residential development. and that the application be advertised and referred to a virtual public meeting chaired by an independent facilitator.

Further, that the application be referred to the Environment and Sustainability Experts Panel for review and comment on the proposed exemption from wetland deferral.

**MOTION CARRIED**

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Mayor



# DECISION/DIRECTION NOTE

**Title:** Age-Friendly Cities

**Date Prepared:** December 8, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Debbie Hanlon, Inclusion

**Ward:** N/A

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**Decision/Direction Required:** To obtain approval from City Council to start the application process to be recognized as an Age-Friendly City through the World Health Organization.

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

### **What is an Age Friendly Community, and Why Become Age Friendly?**

We live in an aging community and statistics show that Canada's senior population is growing. Therefore, it is crucial that we support the health and well-being of older Canadians. This allows for older adults to live healthy and active lives and stay involved in their communities

In age-friendly communities, policies, services and structures are designed to help seniors remain active and ensure the community supports seniors in living safely, staying healthy and staying involved in their community.

### **An age-friendly community:**

- recognizes that seniors have a wide range of skills and abilities;
- understands and meets the age-related needs of seniors;
- respects the decisions and lifestyle choices of seniors;
- protects those seniors who are vulnerable;
- recognizes that seniors have a lot to offer their community; and
- recognizes how important it is to include seniors in all areas of community life

In 2019, the Seniors Advisory Committee formed an Age-Friendly Cities sub-committee. The sub-committee, comprised of members Robyn Dobbin, Devonnie Ryan, Sharron Challahan, Ruby Constantine, Glenda Reid, Gordan Kirby, Neil Hamilton and staff Christine Fitzgerald, were tasked with reviewing the eight key domain checklists used by the World Health Organization as a standard to qualify as an "Age-Friendly City."

The World Health Organization (WHO) Global Network for Age-friendly Cities and Communities was established in 2010. Their goal is to connect cities, communities and organizations with the mutual vision of making their community a place to grow old and participate successfully. Ideally this results in adopting policies and offering services that

# ST. JOHN'S

provide an opportunity for older adults to participate fully in their community and promotes healthy and active ageing.

Membership to the Network is not an accreditation for age-friendliness. Rather, it reflects a cities' commitment to listen to the needs of their ageing population, assess and monitor their age-friendliness and work collaboratively with older people, across sectors to create age-friendly physical and social environments. (<https://extranet.who.int/agefriendlyworld/who-network/>)

The checklists includes eight key domains to becoming age-friendly. The sub-committee, through the support and involvement of City employees in many departments, have reviewed each domain checklist to help formulate key recommendations.

1. **Outdoor Spaces and Buildings-** reviewed by Brian Head- Manager of Parks & Open Spaces and Leslie O'Brien- Manager of City Buildings.
2. **Transportation:** reviewed by Judy Powell- Metrobus and Lalita Thakali-Transportation Systems Engineer
3. **Housing:** reviewed by Judy Tobin- Manager of Housing.
4. **Social Participation:** reviewed by Recreation staff including Community Services Social Worker
5. **Respect and Social inclusion:** reviewed by Recreation staff including Community Services Social Worker
6. **Civic participation and Employment:** reviewed by Bonnie Perry- Human Resources Advisor
7. **Communication and Information:** reviewed by Shelley Pardy- Communications & PR Officer
8. **Community Support and Health Services:** reviewed by Recreation staff including Community Services Social Worker

Below are recommendations the committee would like to bring forward as part of the City's approval

- **Development of Age-Friendly Policy** - To develop an age-friendly policy to help guide city decision making.
- **Improved Communication** - To assess and determine best practices with regards to communication with the senior population in the City. This could include increased signage in public and open spaces, increased awareness of the Calendar of Events, e-updates, and recreational programming.
- **Intergenerational Programming** - Our goal is to bridge the gap between children, youth, and seniors by offering more opportunities for intergenerational activities within our City.
- **Housing** - The demand for affordable housing for the older adult population is rising. With the continued work from the City's Housing Division, the intention is to ensure that this division communicates and disseminates information pertaining to housing and the Affordable Housing Strategy to all residents.
- **Voice of Seniors** - As outlined in the Seniors Advisory Committee terms of reference, we are committed to providing increased opportunities for committee members to participate in relevant forums, engagement sessions and workshops. Furthermore, the

committee with guidance from City staff will continue to seek opportunities to engage with seniors on civic matters that enhance healthy aging within our City.

- **Diverse Representation** - To ensure that diverse populations within our City are represented in the overall Age-Friendly planning. This may include a review of the Seniors Advisory Committee terms of reference to ensure diverse population and organizations are being represented.

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

1. Budget/Financial Implications: TBD
2. Partners or Other Stakeholders: TBD
3. Alignment with Strategic Directions/Adopted Plans:
  - A sustainable City- A City that is sustainable today and for future generations; economically, environmentally and financially
  - A City That Moves- A city that builds a balanced transportation network to get people and goods where they want to go safely
  - A Connected City- A city where people feel connected, have a sense of belonging, and are actively engaged in community life
  - An Effective City- A City that performs effectively and delivers results
4. Legal or Policy Implications: N/A
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: TBD
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 request from the Seniors Advisory Committee to obtain a letter of commitment from Mayor Danny Breen and to apply to be recognized as an Age-Friendly City through the World Health Organization.

**Prepared by: Robin Dobbin, Community Services Coordinator**

**Approved by: Karen Sherriffs, Manager, Community Development**

**Report Approval Details**

Document Title:	Age-Friendly Cities- World health Organization Membership.docx
Attachments:	- Age Friendly Cities.pptx
Final Approval Date:	Dec 9, 2021

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

**Karen Sherriffs - Dec 9, 2021 - 12:53 PM**

**Tanya Haywood - Dec 9, 2021 - 5:01 PM**

# Age Friendly Cities



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# What is an Age Friendly Community?

An age-friendly community:

- RECOGNIZES citizens for their skills and abilities;
- UNDERSTANDS and meets the needs of citizens;
- RESPECTS the decisions and lifestyle choices of citizens;
- PROTECTS those who are vulnerable;
- RECOGNIZES citizens for their contributions
- RECOGNIZES the importance of INCLUSION

Government of Canada, 2016

# World Health Organization (WHO) and Age Friendly World

- The WHO identify age friendly as **fostering healthy and active ageing**
- **Age-Friendly World** creates a place for people and organizations all over the world to share what they know and learn from others.
- Age friendly environments allow people to:
  - age safely;
  - be free from poverty;
  - continue to develop personally;
  - contribute to their communities while retaining autonomy, health and dignity

Age Friendly World, 2021

# WHO Domains to Becoming Age Friendly

- Developed in 2006 where cities from around the world came together and gathered information
- Created the Global Age-Friendly Cities Project



# WHO Domains to Becoming Age Friendly

1. Outdoor spaces and buildings
2. Transportation
3. Housing
4. Social participation
5. Respect and social inclusion
6. Civic participation and employment
7. Communication and information
8. Community support and health services

# Why join the WHO Global Network?

- City profile will be listed on the WHO Age-Friendly World webpage
- Increases the visibility and showcase the work being completed by the City of St. John's
- Provides connections to cities and communities worldwide with a focus on age-friendly
- Membership will signal a commitment by the City to share experiences, achievements and lessons learned with other cities and communities.

# Benefits of Membership

- Access to information sharing and support from a global community
- Recognition, visibility and promotion
- Opportunities for collaboration
- No membership cost
- St John's would be a leader in age-friendly WHO membership in the province

# Progress to Date

- An Age-Friendly sub-committee was formed from members of the Seniors Advisory Committee
- Sub committee assessed the 8 age-friendly domains through engagement of City of St. John's staff from various departments and division i.e. Housing , Parks, Human Resources etc.
- Identified 6 key recommendations
- Regular information notes and updates are provided during Seniors Advisory Committee meetings to ensure members and council are updated on this initiative.

# Recommendations

- Development of age-friendly policy
- Improved Communication
- Intergenerational Programming
- Housing
- Voice of Seniors
- Diverse Representation

# Next Steps

- Letter of support from Mayor Breen to the WHO identifying commitment and endorsement from the City to be an age-friendly city.
- Staff and committee will work with Engage St John's on any public engagement required to meet recommendation outcomes.
- Review of how Age-Friendly Cities supports and integrates with the Healthy City Strategy
- Submit application for membership to WHO Global Network for Age-friendly Cities and Communities

# Decision for Council

- To support and affirm the continuation of the process to apply to the World Health Organization for the membership of the City of St. John's as an Age-Friendly City

# Thank You



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# DECISION/DIRECTION NOTE

**Title:** Windsor Lake Water Treatment Plant Equipment Reserve Fund Supply and Install of Ultraviolet Light (UV) Reactors

**Date Prepared:** November 29, 2021

**Report To:** Committee of the Whole

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

**Ward:** N/A

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## Decision/Direction Required:

To seek a decision on proceeding with a purchase from the Equipment Reserve Fund to replace the existing UV #1, #2 & #3 reactors at the Windsor Lake Water Treatment Plant (WL WTP).

## Discussion – Background and Current Status:

The WL WTP Equipment Reserve Fund is being requested to be used for the purchase of three (3) new UV reactors and required auxiliary electrical equipment. The existing UV reactors were commissioned in 2007 and are approaching the end of their anticipated life cycle. Recent operational issues with the existing UV reactors have also warranted their replacement.

The total estimated cost to replace the UV reactors, including the cost of the equipment, decommissioning the current systems, installation of the new systems and integration into the industrial control system is approximately \$1,000,000.00.

## Key Considerations/Implications:

1. Budget/Financial Implications:  
Sufficient funding has been identified through the Reserve Fund to support this purchase. The current balance of the Windsor Lake WTP Capital Reserve (0000-36889) is \$1,313,701.18.
2. Partners or Other Stakeholders:  
N/A
3. Alignment with Strategic Directions/Adopted Plans:  
Strategic Plan 2019-2029 Goal: *A Sustainable City*  
Development of an Equipment Reserve Fund at the WL WTP provides the ability to replace critical equipment in a timely and budgeted manner, avoiding unplanned maintenance and unexpected costs.

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:  
The estimated timeframe of delivery for the replacement UV reactors is approximately 18 to 22 weeks from receipt of written purchase order.
9. Information Technology Implications:  
N/A
10. Other Implications:  
N/A

**Recommendation:**

That Council make funding available through the Windsor Lake Equipment Reserve Fund to support the purchase and installment of three (3) UV reactors for the Windsor Lake WTP.

**Prepared by:** Shawn Haye, Manager – Water Treatment

**Approved by:** Andrew Niblock, Director – Environmental Services

**Report Approval Details**

Document Title:	Windsor Lake Water Treatment Plant Equipment Reserve Fund Replacement of UV Reactors.docx
Attachments:	
Final Approval Date:	Nov 30, 2021

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

**Andrew Niblock - Nov 30, 2021 - 9:45 AM**

**Lynnann Winsor - Nov 30, 2021 - 12:28 PM**

# DECISION/DIRECTION NOTE

**Title:** 275 Elizabeth Avenue, MPA2000013

**Date Prepared:** December 3, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Ian Froude, Planning

**Ward:** Ward 4

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## **Decision/Direction Required:**

To consider rezoning 275 Elizabeth Avenue from the Residential 1 (R1) Zone to the Apartment 1 (A1) Zone to allow the development of seven small 3-storey Apartment Buildings.

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

The City has received an application from RTO Capital Inc. to develop multiple buildings for residential occupancy. The applicant is proposing seven small Apartment Buildings that would each contain between 8 and 11 units and be advertised as student residences. The property is an L-shaped lot that has frontage on Elizabeth Avenue, but also extends behind the properties 277 to 283 Elizabeth Avenue, 2 to 14 Guy Street, and 11 and 13 Kirke Place.

The subject property is currently zoned Residential 1 (R1) where Apartment Buildings are not allowed. A rezoning to the Apartment 1 (A1) Zone would be required to accommodate the proposed development. The property is designated Residential under the St. John's Municipal Plan, so a Municipal Plan amendment is not required.

As per Section 4.9(2)(a), a land use report (LUR) is required for all applications for a Development Regulations amendment. Should Council wish to consider the amendment, draft LUR terms of reference are attached for approval. Information on the initial site plan was limited and a full staff review has not been completed to date to determine if the development complies with City policies and regulations. For example, it does not appear from the site plan that the landscape requirement will be met – this would need to be rectified by more detailed information and a landscape plan. Elements such as a landscape plan, shadow analysis, traffic study and site servicing plan are required in the LUR. Once more information is submitted in the LUR, a full staff review will be completed and revisions to the initial site plan will be required. The development will need to meet all City policies and regulations and therefore the site plan and lot layout may change.

From Policy 8.4 of the Envision Municipal Plan, neighbourhoods change over time, and these transitions create well-defined neighbourhoods and a varied housing stock. The challenge is to ensure the stability of developed neighbourhoods while recognizing that they evolve to meet changes in the local population. Accommodating change within neighbourhoods as they evolve requires detailed planning and collaboration with local residents. The City's goal is to ensure

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that residential neighbourhoods are inclusive and support people of differing ages, abilities and socio-economic groups. This requires a variety of housing options, public amenities and transportation infrastructure, capable of change as neighbourhoods mature.

The addition of Apartment Buildings to this neighbourhood would be a significant change. St. John's has a shortage of rental properties and the proposed development would provide additional housing options. More information in the LUR is needed to determine if this is an appropriate location for such a development.

Policy 8.4(6) states that Apartment Zones shall be permitted within the Residential District outside of Planning Area 1 (Downtown). Their location should be compatible with surrounding uses, ensuring that overall size and scale is sensitive to the surrounding residential neighbourhood. For infill development, the LUR includes a requirement for consultation with the adjacent properties prior to submission of the report, and a statement on how the development addresses any comments or concerns from the initial consultation. The City has not specified the type of consultation required. It may be a notice to residents, door-knocking, a neighbourhood meeting, or other ideas the applicant may have.

It is recommended that Council consider the amendment and set the terms of reference for a land use report. Once the report has been submitted and it meets Council's terms of reference, it is recommended to refer the application to a public meeting chaired by an independent facilitator.

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

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbour residents and property owners; Memorial University of Newfoundland and Labrador.
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 Envision St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Following acceptance of a land use report, a public meeting will be set and advertised as per Section 4.8 of the Envision Development Regulations.
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 consider an amendment to the Envision St. John's Development Regulations to rezone land at 275 Elizabeth Avenue from the Residential 1 (R1) Zone to the Apartment 1 (A1) Zone to allow a multi-building Apartment Building development and approve the attached draft terms of reference for a land use report (LUR) to consider Apartment Buildings at this location.

Further, upon receiving a satisfactory land use report, that Council refer the application to a virtual public meeting chaired by an independent facilitator for public input and feedback.

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

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

**Report Approval Details**

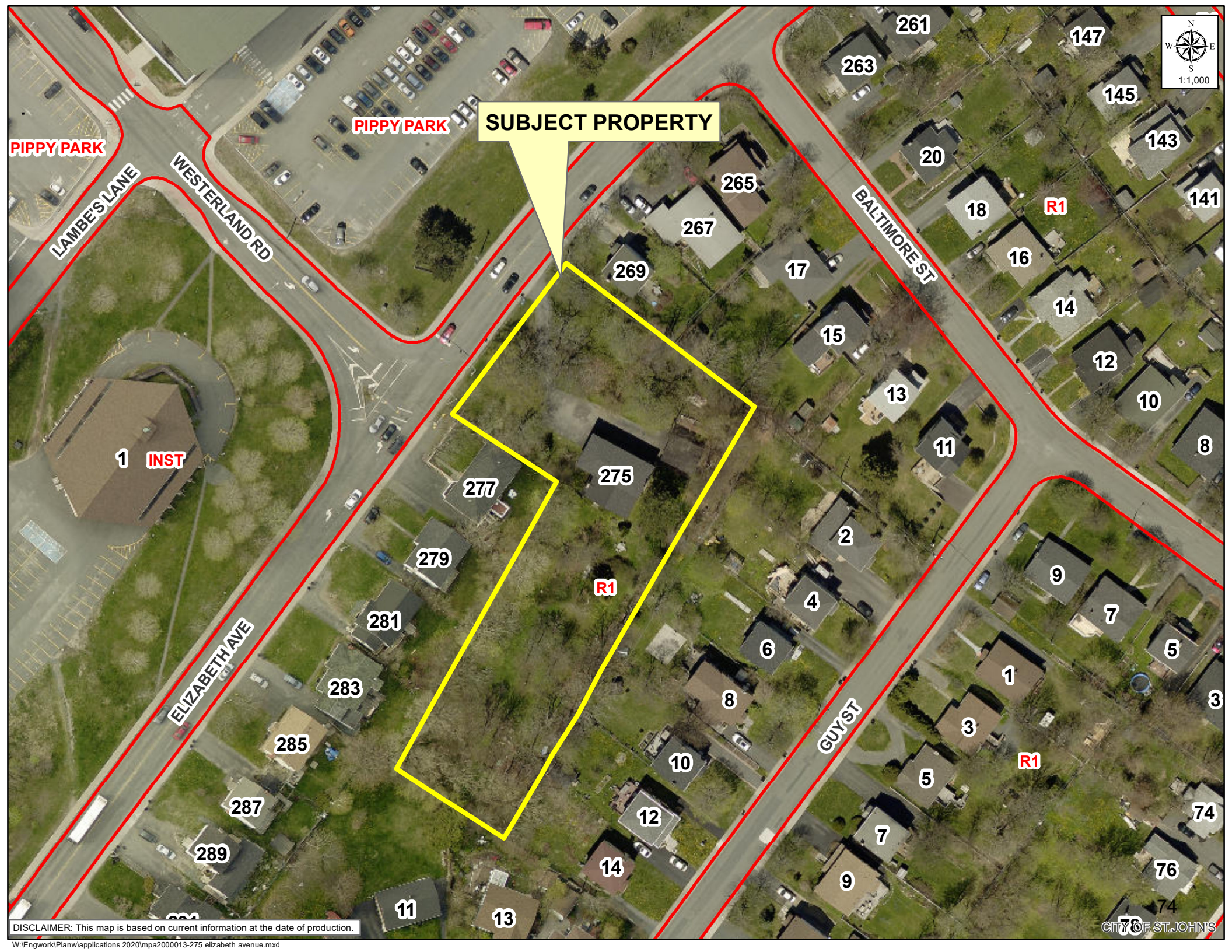
Document Title:	275 Elizabeth Avenue - MPA2000013.docx
Attachments:	
Final Approval Date:	Dec 9, 2021

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

**Ken O'Brien - Dec 9, 2021 - 11:21 AM**

**Jason Sinyard - Dec 9, 2021 - 12:09 PM**





## SUBJECT PROPERTY

## PIPPY PARK

## PIPPY PARK

**BALTIMORE ST**

**GUY ST**

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

CITY OF ST. JOHN'S

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**TERMS OF REFERENCE  
LAND USE REPORT (LUR)  
APPLICATION FOR MULTIPLE APARTMENT BUILDINGS AT  
275 ELIZABETH AVENUE  
PROPONENT: RTO CAPITAL INC.  
DECEMBER 2021**

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The proponent shall identify significant impacts and, where appropriate, also identify measures to mitigate impacts on land uses adjoining the subject property. All information is to be submitted under one report in a form that can be reproduced for public information and review. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (include an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Land Use Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

**A. Public Consultation**

- Prior to submitting a first draft of the Land Use Report to the City for review, the applicant must consult with adjacent property owners. The Land Use Report must include a section which discusses feedback and/or concerns from the neighbourhood and how the proposed design addresses the concerns.

**B. Building Use**

- Identify the size of the proposed building by:
  - Number of units in each building;
  - Dwelling size (number of bedrooms) of each unit;
  - Gross Floor Area; and
  - Lot Coverage
- Identify all proposed uses/occupancies within the building by their respective floor area.

**C. Elevation & Building Materials**

- Provide elevations of the proposed buildings.
- Identify the finish and colour of exterior building materials.

**D. Building Height & Location**

- Identify graphically the exact location with a dimensioned civil site plan:
  - Lot frontage;
  - Location of the proposed building in relation to neighbouring buildings;
  - Proximity of the building to property lines and identify setbacks;
  - Identify any setbacks of higher storeys from lower storeys (if applicable);
  - Identify any encroachment over property lines (if applicable);
  - Identify the height of the building in metres;
  - Information on the proposed construction of patios/balconies (if applicable);
  - Potential shadowing/loss of sunlight on adjacent public and private properties, including sidewalks; and
  - Identify any rooftop structures.
- Provide a Legal Survey of the property.
- Provide street scape views/renderings of the proposed building from

Elizabeth Avenue (along the frontage of the property).

**E. Exterior Equipment and Lighting**

- Identify the location and type of exterior lighting to be utilized. Identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.
- Identify the location and type of any exterior HVAC equipment to be used to service the proposed building and identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.

**F. Landscaping & Buffering**

- Identify with a landscaping plan, details of site landscaping (hard and soft), including percent of lot to be landscaped.
- Identify the location and proposed methods of screening of any electrical transformers and refuse containers to be used at the site.

**G. Snow Clearing/Snow Storage**

- The parking lot curb shall be set back a minimum of 6 meters from the property line. This must be dimensioned on the site plan
- Provide information on any snow clearing/snow removal operations. Onsite snow storage areas must be indicated. Areas must be outlined showing City snow storage on the site within the 6-meter setback from public streets. The proponent will not be able to store snow in these areas.

**H. Traffic**

- The Applicant must provide a traffic assessment report indicating the number of peak hour vehicular trips to be generated by the proposed development, its impacts on the existing roadways, and recommendations for improvements to maintain smooth and safe traffic operation.

**I. Off-street Parking and Site Access**

- Identify the number, location, and size of off-street parking spaces to be provided, including visitor parking and accessible parking spaces.
- A Parking Report may be required if the applicant wishes to provide a different number of parking spaces other than that required by the Development Regulations.
- Identify the number and location of bicycle parking to be provided.
- Identify if there will be onsite carshare, taxi, pick-up/drop-off, or other vehicle space.
- Identify how vehicle circulation will be managed during move-in move-out periods, particularly for the fire department vehicle/apparatus.
- Identify the location of all access and egress points, including pedestrian access.
- Design of the Access and parking lot should be supported by swept path analysis/drawings and should provide unobstructed sightlines.
- Access points must have continuous commercial grade sidewalk across all

entrances / exits.

- All curb radii shall be labelled, and parking lot and access dimensions provided.
- Indicate how garbage will be handled onsite. The location of any exterior bins must be indicated and access to the bins must be provided. Outside waste containers, if on site, shall be located a minimum of 7.6 meters from structures. These containers shall be of metal construction and shall also be equipped with a lid locking device to make it inaccessible to unauthorized persons at all times. Plastic lids are acceptable unless otherwise directed by the SJRFD. All bins must be placed on a concrete pad and enclosed. If the 7.6 meter requirement cannot be met, the location of the outside waste container and lid material shall be approved by the SJRFD.
- A turnaround is required for any dead-end portion of the access route more than 90 m long. At the end of the parking lot we would prefer that a 15m turning radius be provided but a hammerhead may be acceptable as well.
- Van sized accessible stall(s) must be provided. These stalls require both rear and side hatching. Accessible stalls shall be dimensioned on the site plan.

#### **J. Municipal Services**

- Provide a preliminary site servicing plan.
- Identify points of connection to existing sanitary sewer, storm sewer and water system. The location of all existing sewers must be shown along with any existing or proposed easements.
- Identify if the building will be sprinklered or not, and location of the nearest hydrant and siamese connections.
- Provide the proposed sanitary generation rates.
- The proposed development will be required to comply with the City's stormwater detention policy. Provide preliminary information on how onsite stormwater detention will be managed.

#### **K. Public Transit**

- Consult with St. John's Metrobus (St. John's Transportation Commission) regarding public transit infrastructure requirements.

#### **L. Construction Timeframe**

- Indicate any phasing of the project and approximate timelines for beginning and completion of each phase or overall project.
- Indicate on a site plan any designated areas for equipment and materials during the construction period.

# DECISION/DIRECTION NOTE

**Title:** 670 Kenmount Road, REZ2100003

**Date Prepared:** December 8, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Ian Froude, Planning

**Ward:** Ward 4

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## **Decision/Direction Required:**

To consider rezoning a portion of the land at 670 Kenmount Road from the Residential 2 (R2) Zone to the Residential Reduced Lot (RRL) Zone for a 60-lot residential development.

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

The City has received an application from 75579 Newfoundland and Labrador Inc. to rezone a portion of the land at 670 Kenmount Road from the Residential 2 (R2) Zone to the Residential Reduced Lot (RRL) Zone to accommodate a 60-lot development. The subject property is designated Residential under the Envision St. John's Municipal Plan, so a municipal plan amendment is not required.

Under the previous St. John's Development Regulations, this land was rezoned in 2015 from the Residential Kenmount (RK) Zone to the Residential Medium Density (R2) Zone to accommodate a 110-unit semi-detached dwelling development. Under the new Envision Development Regulations, the zone is now called Residential 2 (R2). After the rezoning, the land was cleared and grubbed to prepare for the development. However, the developer is now asking for a rezoning to RRL because they wish to aim for smaller single detached dwellings rather than semi-detached ones. The housing form permitted by the RRL Zone is single detached dwellings on smaller lots.

The subject property is located along the western end of the Kenmount Terrace neighbourhood and is adjacent to areas zones Residential 1 (R1) along the east, and Open Space (O) and Comprehensive Development Area 9 (CDA-9) along the west and north. The O Zone overlays the Ken Brook floodplain and buffer as well as a wetland and buffer.

The wetland was mapped under the City's 2019 Wetlands Delineation Study, Phase 1. At its regular meeting of October 4, 2021, Council voted to defer all planning and development applications on sites located within a wetland buffer delineated by the 2019 Wetlands Study, Phase 1, until the 2021 Wetlands Study Phase 2A is completed and implemented. At that time, staff noted that there are several exceptions to deferral, where development has already been approved, considered or undertaken within a wetland buffer before the buffers were mapped in 2019. The present application is a case where part of the wetland buffer was cleared and no longer exists in its natural state. This was done before 2019 and the applicant was given a

# ST. JOHN'S

valid permit by the City for the work. Should Council decide to consider the present rezoning, it is recommended that Council consider exempting the development from the wetland deferral and that the application be forwarded to the City's Environment and Sustainability Experts Panel for review and comment.

Section 4.9(2)(a) of the Development Regulations requires a land use report (LUR) for all applications to amend the Development Regulations. However, Section 4.9(3) states that, where a land use report is required, but in the opinion of Council the scale or circumstances of the proposed development does not merit an LUR, Council may accept a staff report instead of an LUR. In this case, where the land is already zoned for residential development and the applicant is only asking to change the type of housing, it is recommended to accept the staff report in lieu of the LUR.

In addition to the rezoning, the applicant has recently requested that Council amend the RRL Zone to increase the allowable driveway width. At the time when this zone was created, given the narrow frontage permitted, we limited the driveway width to a single car width (3.6 metres) to ensure that there was enough available land for snow storage. As the City is moving away from snow cone calculations toward comprehensive snow storage plans (looking at snow storage for an entire street, not only storage on individual lots), the applicant has argued that driveway widths don't need to be regulated. They have asked that for wider lots where snow storage can be accommodated, a two-car driveway should be permitted. Should Council decide to consider the present amendment, staff will evaluate this request further and bring a recommendation back to Council following public consultation.

If Council decides to consider this amendment, it is recommended to set a public meeting and advertise the amendment for public review and comment.

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

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbour 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: Text and map amendments to the Envision St. John's Development Regulations would be required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Public consultation as per Section 4.8 of the Envision Development Regulations.
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 consider rezoning a portion of the property at 670 Kenmount Road from the Residential 1 (R2) Zone to the Residential Reduced Lot (RRL) Zone to allow a 60-lot residential development. and that the application be advertised and referred to a virtual public meeting chaired by an independent facilitator.

Further, that the application be referred to the Environment and Sustainability Experts Panel for review and comment on the proposed exemption from wetland deferral.

**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:	670 Kenmount Road, REZ2100003.docx
Attachments:	
Final Approval Date:	Dec 9, 2021

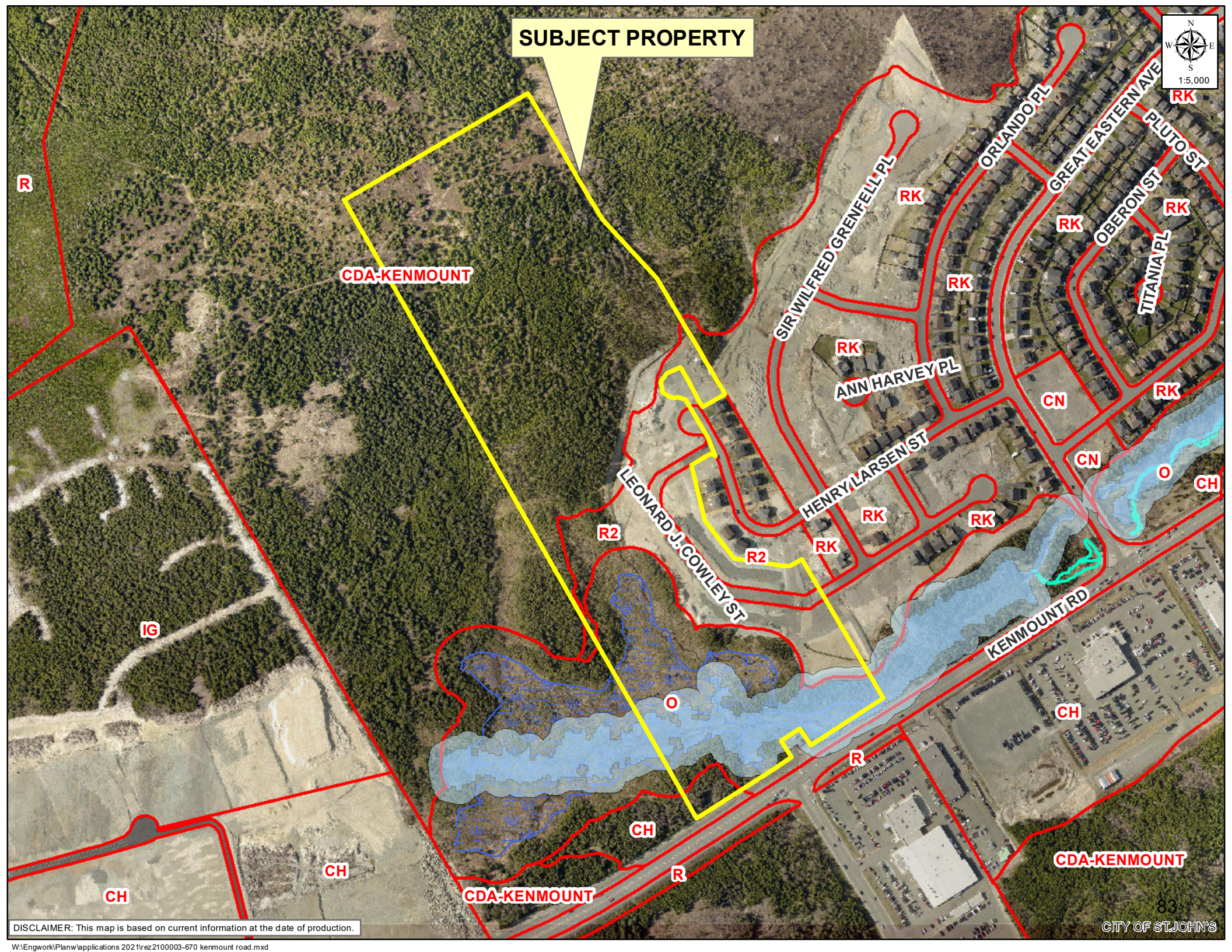
This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Dec 9, 2021 - 10:41 AM**

**Jason Sinyard - Dec 9, 2021 - 10:55 AM**



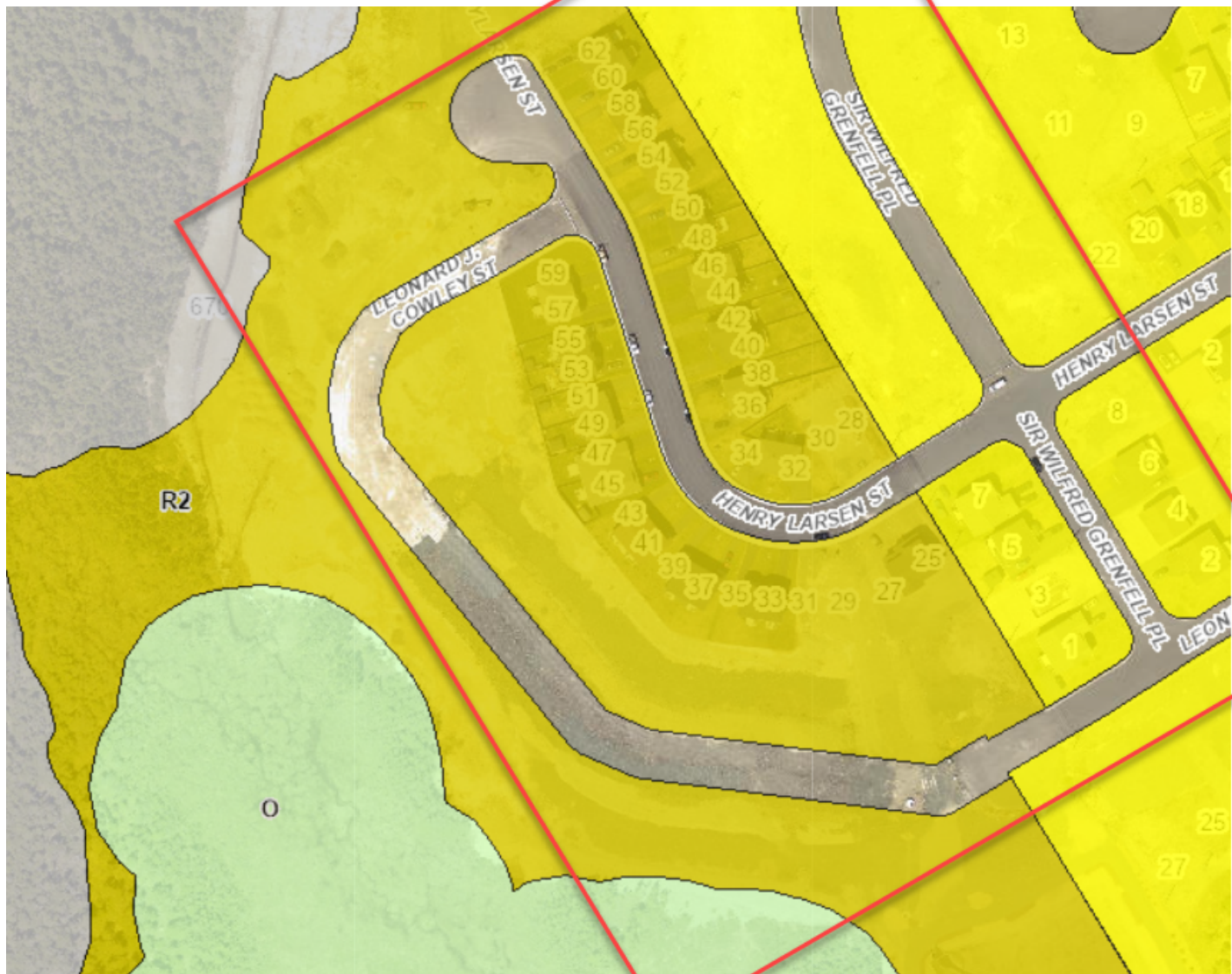
**SUBJECT PROPERTY**



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



## Area of proposed rezoning

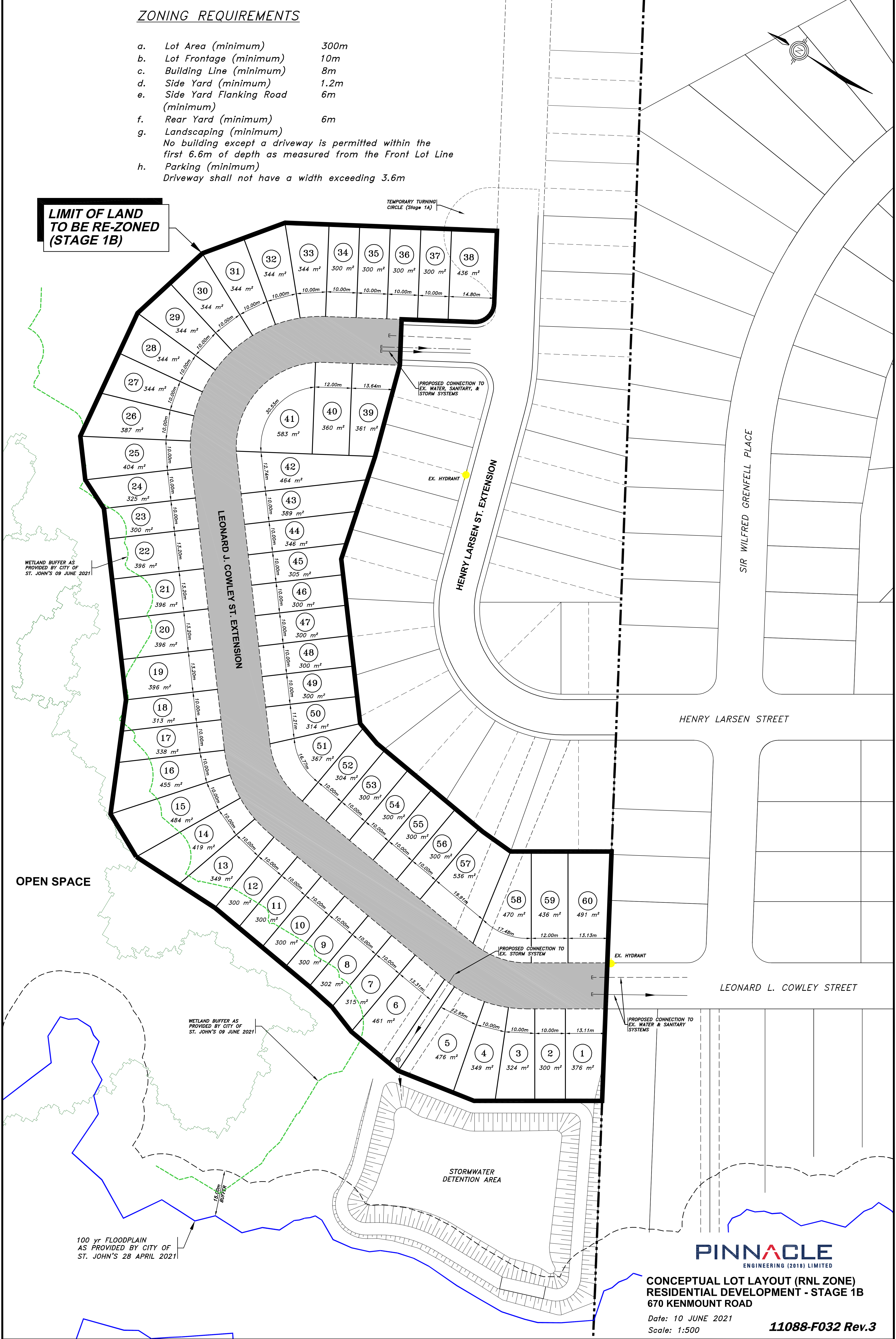




ZONING REQUIREMENTS

- a. Lot Area (minimum) 300m
- b. Lot Frontage (minimum) 10m
- c. Building Line (minimum) 8m
- d. Side Yard (minimum) 1.2m
- e. Side Yard Flanking Road (minimum) 6m
- f. Rear Yard (minimum) 6m
- g. Landscaping (minimum)  
No building except a driveway is permitted within the first 6.6m of depth as measured from the Front Lot Line
- h. Parking (minimum)  
Driveway shall not have a width exceeding 3.6m

LIMIT OF LAND  
TO BE RE-ZONED  
(STAGE 1B)



PINNACLE  
ENGINEERING (2018) LIMITED

CONCEPTUAL LOT LAYOUT (RNL ZONE)  
RESIDENTIAL DEVELOPMENT - STAGE 1B  
670 KENMOUNT ROAD

Date: 10 JUNE 2021  
Scale: 1:500

11088-F032 Rev.3



ZONING REQUIREMENTS

- a. Lot Area (minimum) 300m
- b. Lot Frontage (minimum) 10m
- c. Building Line (minimum) 8m
- d. Side Yard (minimum) 1.2m
- e. Side Yard Flanking Road (minimum) 6m
- f. Rear Yard (minimum) 6m
- g. Landscaping (minimum)  
No building except a driveway is permitted within the first 6.6m of depth as measured from the Front Lot Line
- h. Parking (minimum)  
Driveway shall not have a width exceeding 3.6m

- = 3.30 meter radius
- = 3.09 meter radius
- = 3.60 meter radius
- = 3.90 meter radius

LIMIT OF LAND  
TO BE RE-ZONED  
(STAGE 1B)

TEMPORARY TURNING  
CIRCLE (Stage 1A)

LEONARD J. COWLEY ST. EXTENSION

HENRY LARSEN ST. EXTENSION

SIR WILFRED GRENFELL PLACE

HENRY LARSEN STREET

LEONARD L. COWLEY STREET

WETLAND BUFFER AS  
PROVIDED BY CITY OF  
ST. JOHN'S 09 JUNE 2021

ALL LOT LINES AND PROPOSED  
DWELLINGS ARE CONCEPTUAL  
AND SUBJECT TO FINAL  
DEVELOPMENT APPROVAL.

OPEN SPACE

WETLAND BUFFER AS  
PROVIDED BY CITY OF  
ST. JOHN'S 09 JUNE 2021

100 yr FLOODPLAIN  
AS PROVIDED BY CITY OF  
ST. JOHN'S 28 APRIL 2021

15.00m  
BUFFER

STORMWATER  
DETENTION AREA

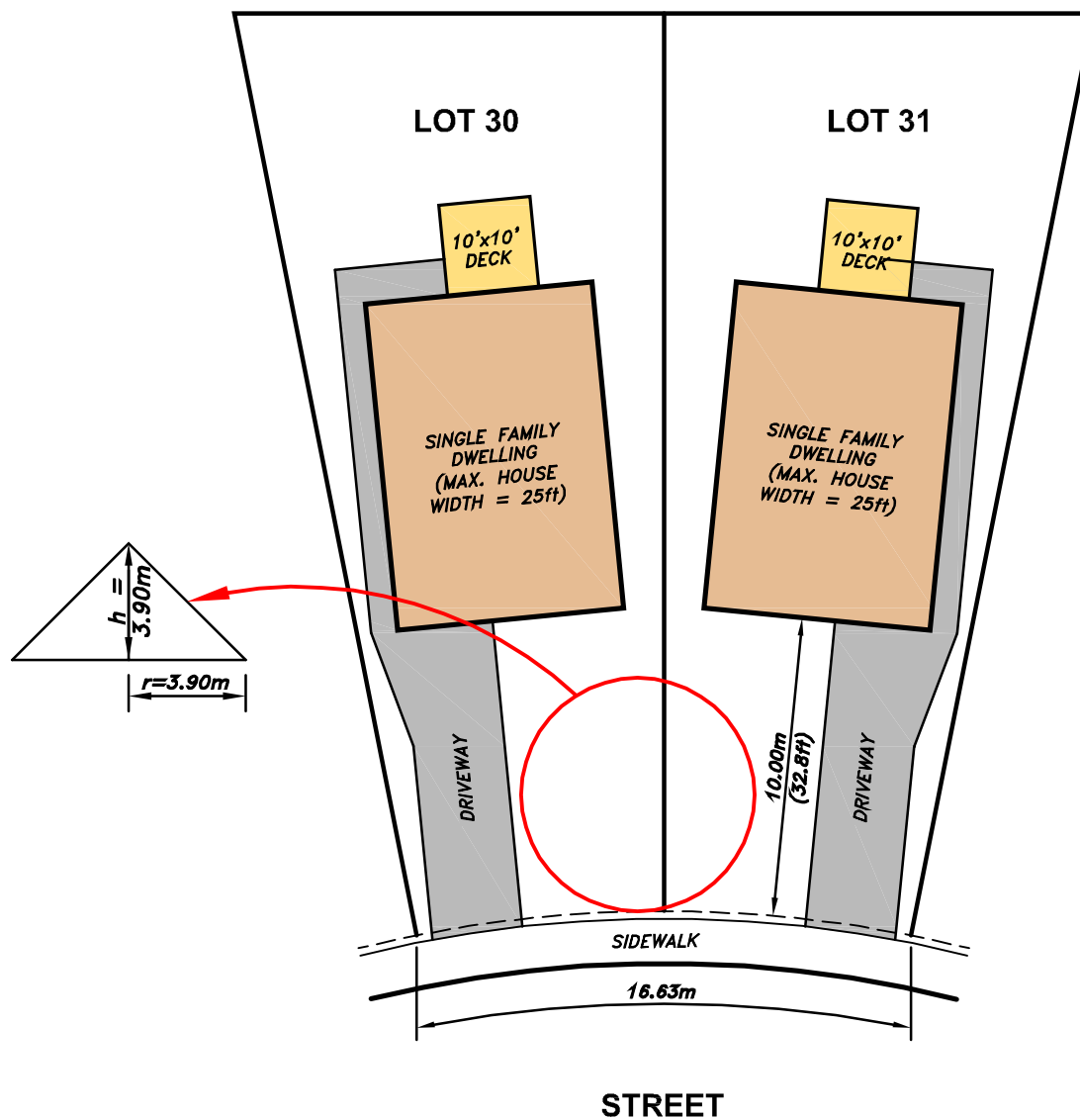
PINNACLE  
ENGINEERING (2018) LIMITED

CONCEPTUAL LOT LAYOUT (RNL ZONE)  
RESIDENTIAL DEVELOPMENT - STAGE 1B  
670 KENMOUNT ROAD

Date: 28 OCTOBER 2021  
Scale: 1:500

11088-F037





$$V_{\text{cone}} = \frac{\pi r^2 h}{3}$$

$r$  = half the width of landscaped front yard

$h$  = height assumption

$L$  = length of street that snow has to be deposited onto landscaped front yard

$$V_{\text{cone}} = \frac{\pi (3.90)^2 (3.90)}{3}$$

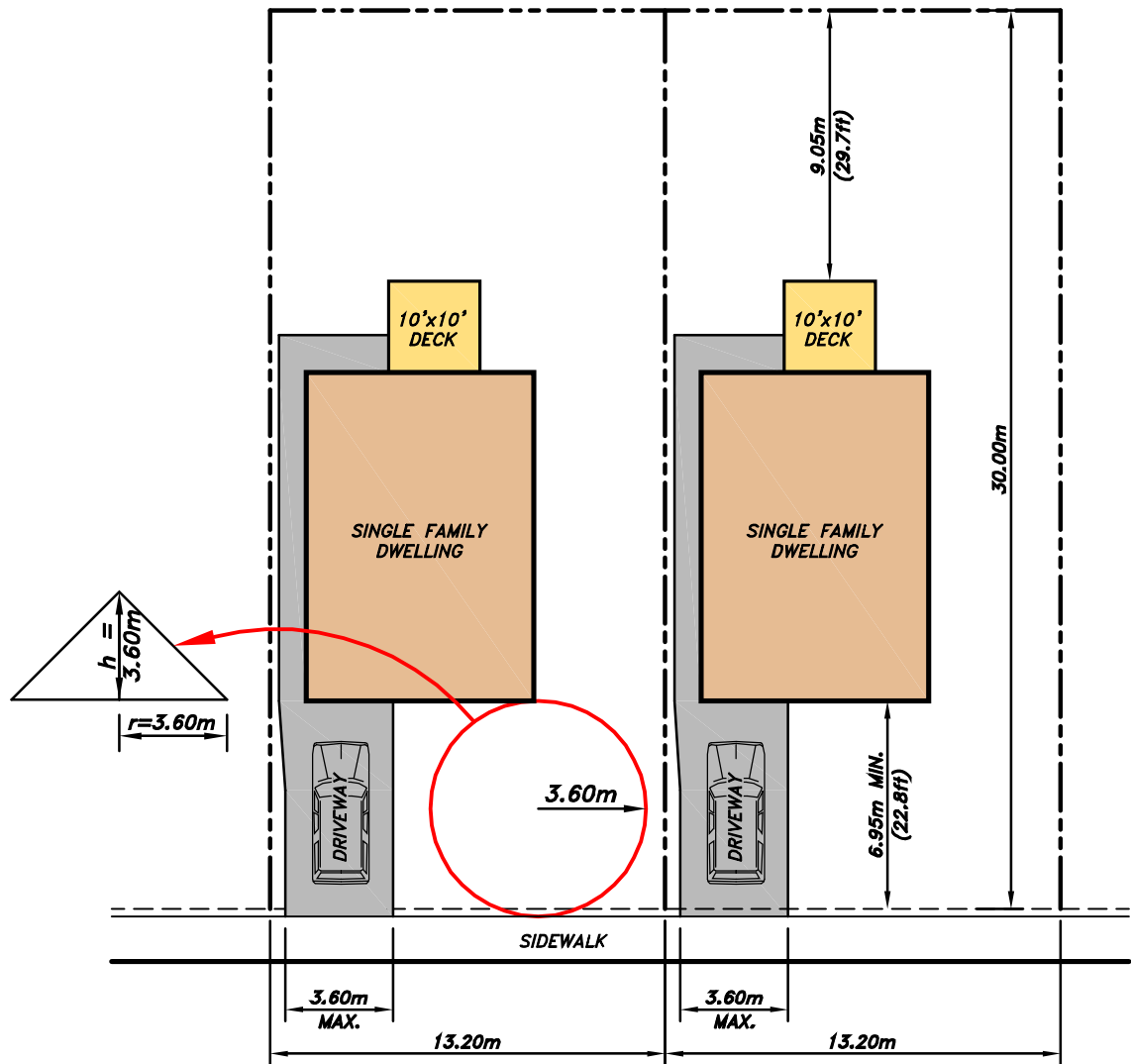
$$V_{\text{cone}} = 3.73 \text{ m}^3/\text{m}$$

## SNOW STORAGE (LOTS 30 & 31) RESIDENTIAL NARROW BUILDING LOT

Date: 28 OCTOBER 2021

Scale: 1:250

FIGURE 4 87



$$V_{\text{cone}} = \frac{\pi r^2 h}{3}$$

STREET

$r$  = half the width of landscaped front yard

$h$  = height assumption

$L$  = length of street that snow has to be deposited onto landscaped front yard

$$V_{\text{cone}} = \frac{\pi (3.60)^2 (3.60)}{3 \cdot 13.20}$$

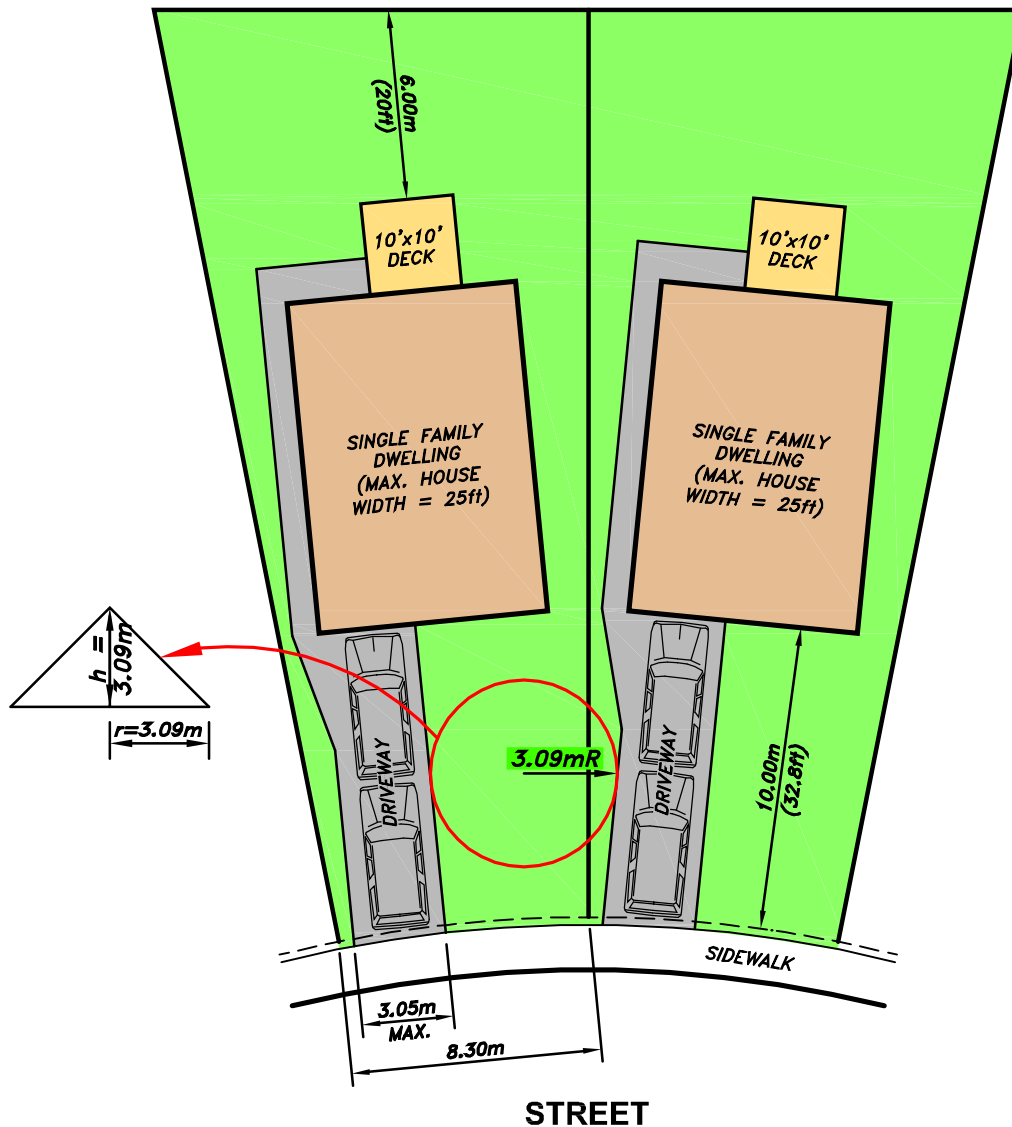
$$V_{\text{cone}} = 3.70 \text{ m}^3/\text{m}$$

## SNOW STORAGE RESIDENTIAL NARROW BUILDING LOT

Date: 27 OCTOBER 2021

Scale: 1:250

FIGURE 3 88



$$V_{\text{cone}} = \frac{\pi r^2 h}{3}$$

$r$  = half the width of landscaped front yard

$h$  = height assumption

$L$  = length of street that snow has to be deposited onto landscaped front yard

$$V_{\text{cone}} = \frac{\pi (3.09)^2 (3.09)}{3} \times 8.30$$

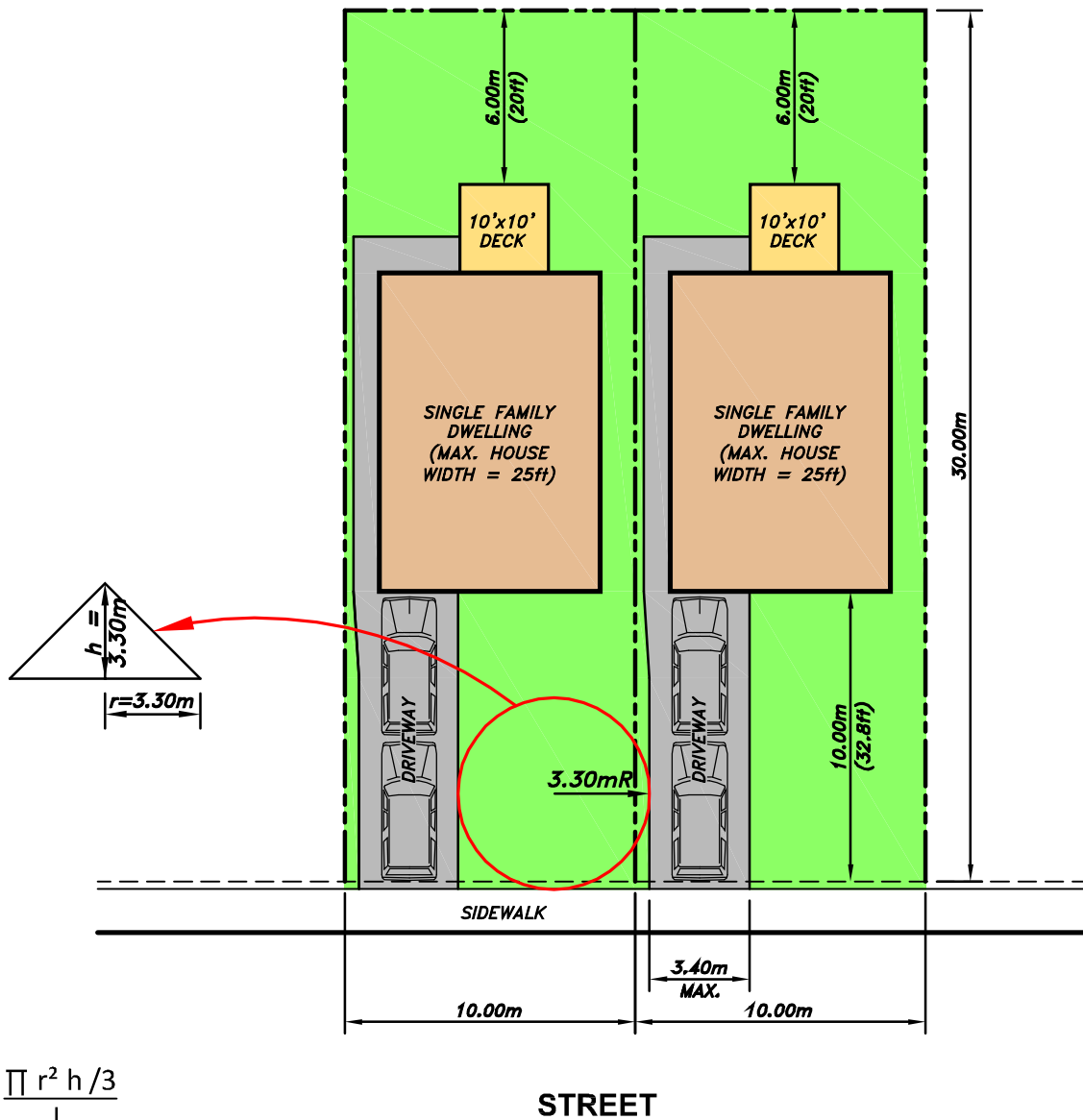
$$V_{\text{cone}} = 3.72 \text{ m}^3/\text{m}$$

## SNOW STORAGE RESIDENTIAL NARROW BUILDING LOT

Date: 27 APRIL 2021

Scale: 1:250

FIGURE 2 89



$$V_{\text{cone}} = \frac{\pi r^2 h}{3}$$

STREET

$r$  = half the width of landscaped front yard

$h$  = height assumption

$L$  = length of street that snow has to be deposited onto landscaped front yard

$$V_{\text{cone}} = \frac{\pi (3.30)^2 (3.30)}{3}$$

$$V_{\text{cone}} = 3.76 \text{ m}^3/\text{m}$$

## SNOW STORAGE RESIDENTIAL NARROW BUILDING LOT

Date: 27 APRIL 2021

Scale: 1:250

FIGURE 1 90



**Development Permits List**  
**For the Period of December 9 to December 15, 2021**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Fairview Investments Limited	Temporary Bulb	Duke Street	4	<b>Approved</b>	21-12-09
COM	Northbrook Construction Limited	Connecting to City Services	278 Kenmount Road	4	<b>Approved</b>	21-12-09

<p><b>*</b></p> <p><b>Code Classification:</b></p> <p>RES - Residential      INST - Institutional</p> <p>COM - Commercial      IND - Industrial</p> <p>AG - Agriculture</p> <p>OT - Other</p>	
<b>**</b>	<p>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.</p>

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

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## Building Permits List

### Council's December 20, 2021 Regular Meeting

Permits Issued: 2021/12/09 to 2021/12/15

#### **Class: Residential**

1 Campbell Ave	Renovations	Office
10 Mount Royal Ave	Fence	Fence
116 Gisborne Pl	Renovations	Condominium
125 Groves Rd	Change of Occupancy	Subsidiary Apartment
13 Ballylee Cres	New Construction	Single Detached Dwelling
23 Simms St	Deck	Patio Deck
28 Woodwynd St	Fence	Fence
30 Gallipoli St	New Construction	Single Detached Dwelling
31 Frampton Ave	New Construction	Single Detached Dwelling
33 Gairlock St	Accessory Building	Accessory Building
36 Cornwall Cres	Renovations	Single Detached w/ apt.
41 Torbay Rd	Accessory Building	Accessory Building
413 Elizabeth Ave	Change of Occupancy/Renovations	Single Detached Dwelling
43 Great Southern Dr	Renovations	Semi Detached Dwelling
5 Germondale Pl	Fence	Fence
57 Maurice Putt Cres	New Construction	Single Detached w/ apt.
57 Patrick St	Deck	Patio Deck
62 Brazil St	Renovations	Townhousing
63 Bay Bulls Rd	Accessory Building	Accessory Building
639 Torbay Rd	Site Work	Driveway
74 Newfoundland Dr	Deck	Patio Deck

This Week: \$1,199,477.62

#### **Class: Commercial**

179 Water St (Rear)	Renovations	Retail Store
18 Argyle St	Change of Occupancy	Office
18 International Pl	Site Work	Communications Use
2 Hunt's Lane	Accessory Building	Accessory Building
240 Waterford Bridge Rd	Change of Occupancy/Renovations	Office
25 Hebron Way	Change of Occupancy	Retail Store

40 O'leary Ave	Change of Occupancy	Retail Store
430 Topsail Rd	Sign	Retail Store
585 Torbay Rd	Change of Occupancy/Renovations	Restaurant
673 Topsail Rd	Sign	Mixed Use

This Week: \$176,000.00

**Class: Government/Institutional**

This Week: \$0.00

**Class: Industrial**

This Week: \$0.00

**Class: Demolition**

21 Crocker's Rd	Demolition	Single Detached Dwelling
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This Week: \$20,000.00

**This Week's Total: \$1,395,477.62**

Repair Permits Issued 2021/12/09 to 2021/12/15: \$0.00

1353 Blackhead Rd	Rejection letter complete signed by Randy Carew, uploaded to, event created in govern. sent via regular mail to applicant (1353 Blackhead Road A1C 5H2). appeal form attached
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9 Picea Lane	Rejection letter sent December 13, 2021 via regular mail to applicant (9 Picea Lane A1B 4S3) attached appeal form
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YEAR TO DATE COMPARISONS			
December 20, 2021			
TYPE	2020	2021	% VARIANCE (+/-)
Residential	\$49,646,804.87	\$62,662,476.08	26
Commercial	\$137,001,409.05	\$120,189,520.82	-12
Government/Institutional	\$804,490.10	\$34,894,428.00	4237
Industrial	\$3,000.00	\$4,164,500.00	138717
Repairs	\$3,403,653.90	\$4,766,337.57	40
<b>TOTAL</b>	<b>\$190,859,357.92</b>	<b>\$226,677,262.47</b>	19
Housing Units (1 & 2 Family Dwelling)	156	189	

Respectfully Submitted,

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

# MEMORANDUM

## **Weekly Payment Vouchers For The Week Ending December 15, 2021**

### **Payroll**

<b>Public Works</b>	<b>\$ 553,988.07</b>
<b>Bi-Weekly Casual</b>	<b>\$ 33,741.43</b>
<b>Accounts Payable</b>	<b>\$ 3,239,812.71</b>

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

**Total: \$ 3,827,542.21**

# ST. JOHN'S

DEPARTMENT OF FINANCE

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

# DEPARTMENTAL APPROVAL REQUEST/RFP

**Commodity/Bid #:** 2021171 – Wildlife Management Services – Robin Hood Bay  
**Date Prepared:** Wednesday, December 15, 2021  
**Report To:** Regular Meeting  
**Councillor and Role:** Councillor Sandy Hickman, Public Works  
**Ward:** N/A

**Department:** Public Works – Waste and Recycling  
**Quotes Obtained By:** Sherry Kieley  
**Budget Code:** 4331-52100  
**Source of Funding:** Operating

**Purpose:**

To control seagull activity at Robin Hood Bay landfill. Due to proximity of the landfill to St. John's International Airport and the risks associated with aircrafts striking birds, a management program is required. This is a continuation of a program that has been in place since 2013.

**Proposals Submitted By:**

Vendor Name
Orkin Canada
Rentokil Pest Control Canada Limited

**Expected Value:** ☒ Value shown is an estimate only for a 2 year period. The City does not guarantee to buy specific quantities or dollar value.

**Contract Duration:** Two years (2022 and 2023) with potential for one year extension

**Recommendation:**

That Council approve award to the bidder who obtained the highest score in the RFP evaluation, Rentokil Pest Control Canada Limited in the amount of \$409,944 + HST

**Attachments:** N/A

# ST. JOHN'S

### Report Approval Details

Document Title:	RFP 2021171 - Wildlife Management Services - Robin Hood Bay.docx
Attachments:	
Final Approval Date:	Dec 16, 2021

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

**Andrew Niblock - Dec 16, 2021 - 8:23 AM**

**Lynnann Winsor - Dec 16, 2021 - 11:30 AM**



# DECISION/DIRECTION NOTE

**Title:** 5 and 7 Little Street, Adoption, MPA2000003

**Date Prepared:** December 3, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Ian Froude, Planning

**Ward:** Ward 4

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## **Decision/Direction Required:**

That Council adopt the attached resolution for St. John's Development Regulations Amendment 5, 2021, to rezone land from the Residential 2 (R2) Zone to the Apartment 2 (A2) Zone for a Personal Care Home.

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

The City has received an application from Lat 49, on behalf of Nevada Properties Inc., for a Personal Care Home at 5 and 7 Little Street. The properties are currently zoned Residential 2 (R2) in which Personal Care Home is a Discretionary Use. Staff have recommend rezoning to the Apartment 2 (A2) Zone due to the building height proposed. The two properties will be required to be consolidated prior to development and the buildings located on the properties will be demolished should the application proceed.

The NL Department of Municipal and Provincial Affairs has set new submission standards for amendments. Before now, City staff put background information in the decision note, and the amendment only contained the resolutions. The new submission standards require us to include the background information in the body of the amendment.

To reduce duplication, we have not put the background info in the decision note like we used to do. See the amendment for a full description.

## Changes to Proposed Zone Since Initial Application

When this application was initially brought to Council, staff had suggested that the Apartment 1 (A1) Zone would be appropriate for the development because the applicant was proposing a 3-storey building. However, once more detailed plans were prepared in the Land Use Assessment Report (LUAR), it was recognized that the building height changes from the front to the rear of the building due to a change in grading on the site. At the front entrance, the building measures 15.46 metres (4 storeys), and then only 11.5 metres (3 storeys) at the rear. As demonstrated in the east and west elevations in the LUAR, majority of the building is 3 storeys, while the building height varies. The maximum building height in the A1 Zone is 12 metres, and therefore staff are now recommending the Apartment 2 (A2) Zone to accommodate the building height. While much of the building meets the A1 standard, building

# ST. JOHN'S

height is taken from the front of the building and therefore the A2 Zone is needed to accommodate the development.

Please note, the maximum building height in the A2 Zone is 24 metres. If the lot is rezoned, a 24-metre building could be permitted. However, the applicant has indicated that they have no intentions the develop a larger building and wish to develop the Personal Care Home as proposed. If the amendment proceeds, Section 4.5.2(2) of the Development Regulations requires the applicant enter into a Development Agreement where a Land Use Report has been required.

#### Public Consultation

A virtual public meeting was held on November 24, 2021 and there was one attendee. Minutes from the meetings are attached. Additional correspondence was received by the City Clerk's Office and is attached for Council's review. Generally, concerns were raised about the potential of flooding, building height, pest control, increase in traffic and parking, decrease in property values, and increase in noise levels and light pollution.

All new developments are required to meet the City's Stormwater Detention Policy to ensure that there is no increase in flooding. Also, at the development stage a pest control plan is required.

With respect to the building height and shadowing, there will be some shadowing on the rear yard of the properties along Graves Street. The applicant has provided additional shadow analysis for Council's review. The building will create morning shadowing, but by noon and evening, the shadows will move to the applicant's property. With respect to increase in traffic, Personal Care Homes generally have very low traffic and the number of parking spaces provided meet our requirements for that type of use. The applicant has addressed the light fixtures in the LUAR and states "where the building is close to side or rear yards of the adjacent residential properties, lighting will be minimal and installed at the lowest possible elevation to avoid light-spill from the Nevada development onto neighbouring properties."

While there will be some impacts on the adjacent properties along Graves Street, in particular morning shadowing during the spring and summer, the applicant has made efforts to reduce the impacts where possible.

#### Concerns about Public Notice

During the public consultation, concerns were raised that notices were not received and that the City should send electronic notices. Staff have confirmed that notices were placed in the mail on November 3, 2021, about 3 weeks prior to the public meeting. This is the standard timeframe used when advertising a public meeting. In addition to the mail out, the City does also publicize public meetings on the City's mail out, on social media and through an email to anyone signed up to receive public notices from the City.

As this LUAR was initiated under the previous Development Regulations, a requirement for initial neighbourhood consultation did not form part of the LUAR Terms of Reference.

Next Steps

Should Council adopt the amendment, the documents will be forwarded to the NL Department of Municipal and Provincial Affairs for registration. There is no Municipal Plan amendment, therefore no commissioner's public hearing is 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 5, 2021, which will rezone property at 5 & 7 Little Street from the Residential 2 (R2) Zone to the Apartment 2 (A2) Zone. Further, that Council adopt the land use assessment report for 5 & 7 Little Street, dated October 21, 2021

**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:	5 and 7 Little Street, Adoption, MPA2000003.docx
Attachments:	<ul style="list-style-type: none"><li>- 5 and 7 Little Street - Adoption Attachments.pdf</li><li>- Little Street Development LUAR - October 21 2021 Update (reduced size).pdf</li><li>- Public Meeting Notes - 5 and 7 Little Street.docx</li><li>- 5 and 7 Little Street - Redacted Submissions .pdf</li></ul>
Final Approval Date:	Dec 8, 2021

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

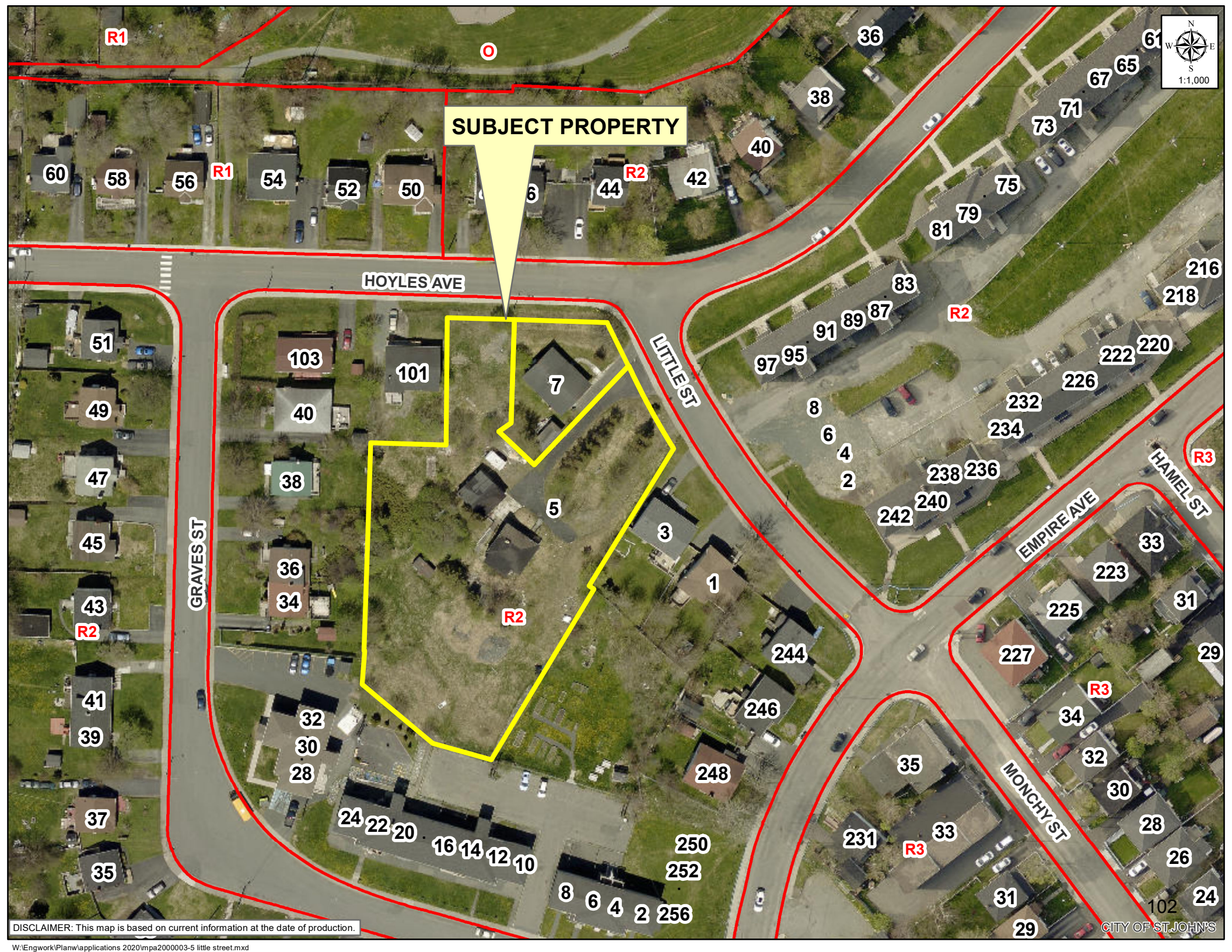
**Ken O'Brien - Dec 8, 2021 - 2:44 PM**

**Jason Sinyard - Dec 8, 2021 - 3:24 PM**





**SUBJECT PROPERTY**



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



# **City of St. John's Development Regulations, 2021**

## **St. John's Development Regulations Amendment Number 5, 2021**

**Residential 2 (R2) Land Use Zone to  
Apartment 2 (A2) Land Use Zone  
for a Personal Care Home  
5 & 7 Little Street**

**December 2021**



**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**CITY OF ST. JOHN'S Development Regulations, 2021**

**Amendment Number 5, 2021**

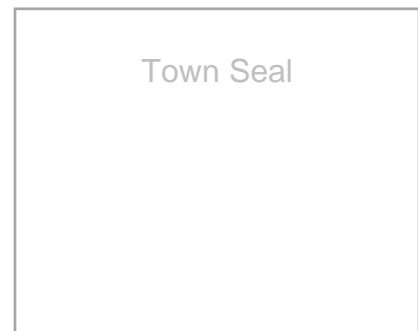
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the City of St. John's Development Regulations Amendment Number 5, 2021.

Adopted by the City Council of St. John's on the 13th day of December, 2021.

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

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

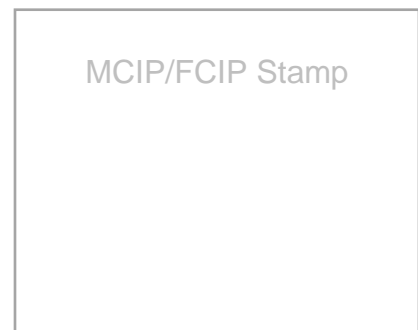
Clerk: \_\_\_\_\_



**Canadian Institute of Planners Certification**

I certify that the attached City of St. John's Development Regulations Amendment Number 5, 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 Amendment Number 5, 2021**

#### **BACKGROUND AND PURPOSE**

The City of St. John's wishes to allow the development of a Personal Care Home at 5 & 7 Little Street. The two properties will be required to be consolidated prior to development and the buildings located on the properties will be demolished should the application proceed.

The properties are currently zoned Residential 2 (R2) in which Personal Care Home is a Discretionary Use, however a rezoning is required due to the height of the proposed building. The maximum building height for a Personal Care Home in the R2 Zone is 10 metres and the applicant's proposed building ranges from 15.46 metres to 11.5 metres due to the slope of the site. Staff have recommended the Apartment 2 (A2) Zone in which Personal Care Home is a Permitted Use and allows a maximum building height of 24 metres.

The proposed development will house approximately 100 residents, include approximately 76 suites, and will have on-site amenities such as a commercial kitchen, dining area, multipurpose room, chapel, beauty salon and a conservatory and roof garden.

The subject properties have a total area of 4,747 square metres and have access along both Hoyles Avenue and Little Street. Due to the sloped nature of the site, the applicants have designed the main entrance off Hoyles Avenue. The adjacent properties are zoned R2, however within the larger neighbourhood there is a mix of zoning which includes Residential 1 (R1), Residential 3 (R3), trails and parks within the Open Space (O) Zone and areas of local commercial. The surrounding housing includes a mix of single-detached dwellings, semi-detached dwellings and townhouses, as well as the Rabbittown Community Centre.

#### **CHANGES TO THE LAND USE DISTRICT**

This application was initially brought to Council under the previous Municipal Plan and Development Regulations. At that time a Municipal Plan Amendment would have been required in order to consider an apartment zone. However, on November 5, 2021, the new Envision St. John's Municipal Plan and Development Regulations came into effect, superseding the previous documents, and the new Future Land Use map has designated all residential uses whether lower density Single Detached Dwellings, or higher density Apartment Buildings under the Residential Land Use District. Therefore, a Municipal Plan Amendment is no longer required under the Envision St. John's Municipal Plan and Development Regulations.

## **ANALYSIS**

Policy 4.2 of the St. John's Municipal Plan recognizes that seniors are the fastest growing age group within St. John's. In response to our ageing population, it is important to recognize the need to make communities more age friendly. Age-friendly communities provide services and facilities for people of all ages, creating an inclusive and accessible environment that provides opportunities for health, participation and security in order to enhance quality of life. As such Policy 4.2(3) recommends accommodating Personal Care Homes in appropriate residential and mixed-use areas to make neighbourhoods more age-friendly and to allow seniors the ability to "age in place". The proposed development meets this policy by proposing a Personal Care Home within an existing neighbourhood to provide an option for residents in that neighbourhood to age in place.

Concerns have been raised by property owners along Graves Street regarding the shadowing from the proposed building on their rear yard. From the shadow analysis, the properties will receive shadowing in the morning (prior to 12 p.m.) during the spring and summer. By 12 p.m., the shadow will be moved off their lot. Generally, the building has been designed to allow majority of the afternoon and evening shadowing to occur on the applicant's property.

Due to the slope of the property, the building measures 15.46 metres at the entrance, but is reduced to 11.5 metres at the rear of the building. The west elevation is located alongside 34, 36 and 38 Graves Street. Under the R2 Zone, a Personal Care Home could be permitted a 10 metre building height. As this rezoning would increase the permissible building height, Council must consider 6.4(1)(i) of the Municipal Plan which states it is recognized that proposals for buildings that exceed the existing zone height may be received for development. In considering such proposals, Council shall take into account whether the building and the proposed use advances the goals and objectives of this Plan and contributes positively to the surroundings.

Should Council wish to advance the goal of making neighbourhoods more age-friendly, it is recommended to rezone this property to the A2 Zone for the purpose of a Personal Care Home.

## **PUBLIC CONSULTATION**

A virtual public meeting was set for November 24, 2021, at 7pm via Zoom. The proposed amendment and public meeting were advertised on three occasions in The Telegram newspaper on November 6, November 13 and November 20, 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. Minutes from the public meetings and submissions received can be found in the December 13, 2021, Regular Council Meeting agenda package.

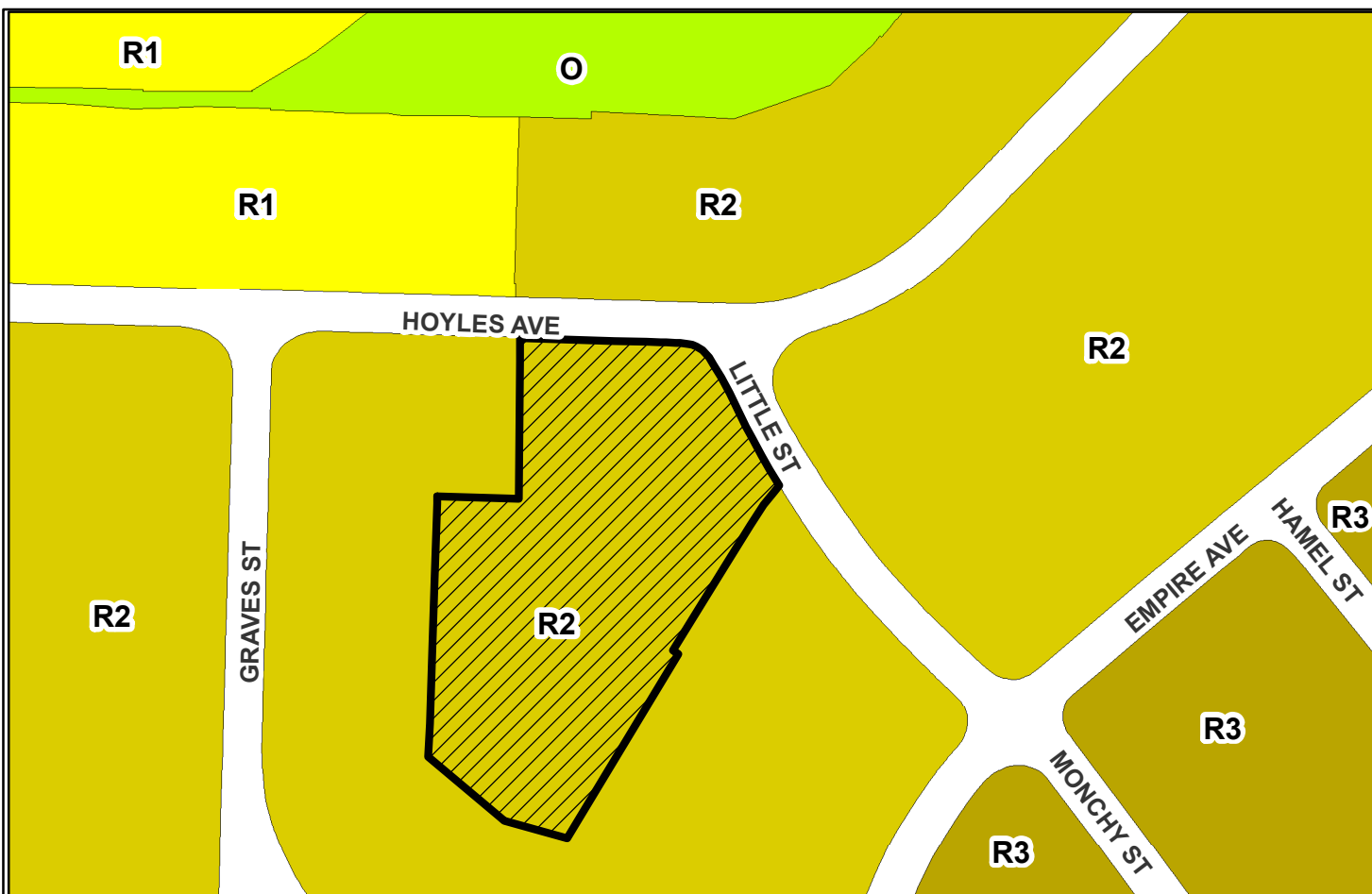
**ST. JOHN'S URBAN REGION REGIONAL PLAN**

The proposed amendment is in line with the St. John's Urban Region Regional Plan. The subject property is within the Urban Development designation of the Regional Plan. An amendment to the St. John's Urban Region Regional Plan is not required to rezone this property to the Apartment 2 (A2) Zone.

**ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 5, 2021**

The City of St. John's Development Regulations, 2021 is amended by:

**Rezoning land at 5 & 7 Little Street [Parcel ID# 48297 & 178] from the Residential 2 (R2) Zone to the Apartment 2 (A2) Zone as shown on City of St. John's Zoning Map attached.**

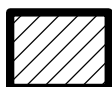


# **CITY OF ST. JOHN'S DEVELOPMENT REGULATIONS Amendment No. 5, 2021**

[City of St. John's Zoning Map]

2021 12 02 Scale: 1:1500  
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 2 (R2) LAND USE ZONE TO  
APARTMENT 2 (A2) LAND USE ZONE

**5-7 LITTLE STREET  
Parcel ID 48297 & 178**

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

\_\_\_\_\_  
Mayor

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

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

Provincial Registration

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# LAND USE ASSESSMENT REPORT

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APPLICATION TO REZONE  
5-7 LITTLE STREET

October 21, 2021

**Nevida Properties Inc.**

15 Douglas Street

St. John's, NL

A1H 0J8

contact: Roozbeh (Roy) Kamyar

e: roy@nevida.net

**CONSULTANTS:**

**Architectural**



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A1E 1B5

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**Civil Engineering**



37 Hallett Cres.  
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A1B 4C4

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## INTRODUCTION

Nevada Properties is proposing a new development for the property located at 5-7 Little Street. The new building will be a personal care home featuring a mix of single and double rooms to accommodate approximately 100 residents.

The existing property is within the R2 (Residential Medium Density) Zone and the proposition is to rezone this property as A2 (Apartment 2) Zone to allow construction of a new 4 storey personal care home.

This Land Use Assessment Report (LUAR) is submitted by LAT49 Architecture Inc on behalf of Nevada Properties Ltd. for the development of 5-7 Little Street.



A | BUILDING USE

A new personal care home is being proposed for the property of 5-7 Little Street and will be a total of three storeys in height. Due to the substantial grade change on this property, the basement level will be at grade for the elevation facing Hoyles Avenue only, and will be the main point of entry to the building. The basement level will feature amenity spaces for residents, including a large lobby area, multipurpose room, chapel and private dining room. The commercial-grade kitchen, and utility spaces (such as laundry facilities) will also be located on the basement level.

Levels 1, 2, and 3 will contain all of the resident suites plus additional amenity and dining space dedicated to the residents on that level. Each floor will include private bathing rooms, resident laundry rooms, housekeeping and storage rooms and staff facilities. There will be 76 suites, either single or double occupancy, to accommodate up to 100 residents.

A conservatory space connected to an outdoor roof garden is located on Level 3 facing the southwest corner of the property, to maximize sun exposure.

The current area of the property at 5-7 Little Street is approximately 4,558 square meters. Nevada Properties intend to purchase the strip of land between their existing boundary and the sidewalks on Little Street and Hoyles Avenue, currently City of St. John's owned property. This would add 189 square meters of landscaped area to the development, for a total of 4,747 square meters.

The total area (including all area bounded by the exterior walls) per floor is the following:

Floor	Area
Basement	765 m <sup>2</sup>
Level 1	1,419 m <sup>2</sup>
Level 2	1,419 m <sup>2</sup>
Level 3	1,350 m <sup>2</sup> + 72 m <sup>2</sup> deck
TOTAL	4,953 m <sup>2</sup> + 72 m <sup>2</sup> deck

Lot coverage is defined in the Envision Development Regulations as "the combined area of all Buildings on a Lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the Lot." Though the City considers the first storey to be the basement level (main entrance), the National Building Code of Canada defines the first storey as "the uppermost storey having its floor level not more than 2 m above grade." Since the established grade is not at the basement level, the NBCC definition is being used to determine the Lot Coverage.

Lot coverage is 29.9 per cent (1,419 m<sup>2</sup> ÷ 4,747 m<sup>2</sup>) of the current site area, including the previously mentioned "to be purchased" property.

The Gross Floor Area (GFA) of the building, as defined in the City of St. John's Development Regulations (less parking and common amenity space), is 4,303 square meters and the Floor Area Ratio (FAR) is 0.91 with the total site area.

The following table breaks out the gross areas of the proposed uses by floor.

*Amenity* space includes the lobby, lounges, multipurpose room, chapel, beauty salon, resident dining areas and the conservatory and roof garden. *Service* spaces include the commercial kitchen and associated support area, server space per floor, laundry and housekeeping services. *Utility* spaces include all storage rooms and any space required for building services. All other remaining area is classified as *Circulation* space.

	Amenity	Suites	Service	Utility	Circulation
Basement	174 m <sup>2</sup>	-	170 m <sup>2</sup>	174 m <sup>2</sup>	259 m <sup>2</sup>
Level 1	142 m <sup>2</sup>	859 m <sup>2</sup>	20 m <sup>2</sup>	8 m <sup>2</sup>	389 m <sup>2</sup>
Level 2	142 m <sup>2</sup>	859 m <sup>2</sup>	20 m <sup>2</sup>	8 m <sup>2</sup>	389 m <sup>2</sup>
Level 3	330 m <sup>2</sup>	706 m <sup>2</sup>	18 m <sup>2</sup>	19 m <sup>2</sup>	345 m <sup>2</sup>
Totals	788 m <sup>2</sup>	2,424 m <sup>2</sup>	228 m <sup>2</sup>	209 m <sup>2</sup>	1,382 m <sup>2</sup>

## B | ELEVATIONS & BUILDING MATERIALS

The proposed exterior materials for the building are charcoal-coloured masonry, accented with a wood-finish panel that is predominately located at the basement level — when above grade — and at featured window bays on several elevations. The exterior walls at the basement level are inset approximately 1.2 meters from the levels above on the elevation facing Hoyles Avenue to help reduce the size of the building footprint at grade. Similarly, along the elevation facing Little Street, the basement is inset 0.5 meters. The main entrance to the building is on the elevation facing Hoyles Avenue, at the basement level.

There is a mixture of punched windows and curtain wall glazing throughout the building with the majority of the curtain wall glazing along the basement level facing the main entry to the property along Hoyles Avenue and at featured window bays. At the southwest corner on Level 3, there is an exterior roof garden connected to an interior glazed conservatory space for resident use. The lower level of the building features accent lighting that doubles as security lighting along the main walkways and entries of the building.

Refer to Appendix 7 for elevations and Appendix 10 for building renderings.

## C | BUILDING HEIGHT & LOCATION

The average grade around the perimeter of the building is 61.4 meters above sea level. This was calculated by averaging the building perimeter elevation points as indicated on drawing C3 Proposed Grading Plan (refer to Appendix 4).

The height of the proposed building is three storeys, approximately 11.5 meters above the established grade to the top of the roof on the majority of three sides. However, due to the substantial grade change of nine meters across the site, the building is considered four storeys at a portion of the north elevation facing Hoyles Avenue. From basement-level grade to the top of the roof at this location is 15.46 meters. The main entry is under a canopy at this level, facing Hoyles. Floor to floor heights are currently set at 3.96 meters for the basement to level 1 and 3.6 meters per floor for levels 2 and 3.

The steeply changing grade of the site was the driving factor behind the layout of the building. The main residential storey (level 1) is placed just one meter above the established grade and in-line with the nearby houses on Little Street. Locating the entry and main lobby at the basement level avoids a blank concrete wall facing Hoyles Avenue, which would have been the result if the entrance

level had been at the average grade. The mass of the building sits comfortably into the site. In fact, due to the surrounding elevation changes, the proposed building is approximately the same height as the Rabbittown Community Centre and row housing on Graves Street adjacent to the rear of the property, though it is one storey taller.

The new building will be closely placed along the side yard and rear yard setback lines on the west and south portions of the property, but it does not encroach over any required setback. The building is setback 33.3 meters from the front property line along Hoyles Avenue and 4.5 meters along the property line at the rear of 101 Hoyles Avenue. On the west boundary, the building is set back 4.00 meters at its closest, increasing to 5.21 meters toward the southwest corner. A retaining wall must be placed along this property line to allow for an even slope at the access road. Along the rear of the property, the building is 6.06 meters from the boundary and 8.90 meters back from the property line closest to Little Street.

All personal care homes are required to be sprinklered. The National Building Code requires a hydrant to be within 45 meters of the building's fire department connection. This distance is achievable using the existing hydrant located at the corner of Little and Hoyles.

Refer to Appendices 4 and 6 for site and landscape plans and Appendix 10 for exterior views.

As illustrated in the shadow study, the main impact of shadows cast on existing buildings is during the morning hours of the winter months of the year. There will be some shadowing along the residential property at 101 Hoyles Avenue and the rear yards of the properties along Graves Street. However, outside of the winter months, there is minimal impact from shadows on neighbouring properties.

Refer to Appendix 8 for the shadow studies taken at the Winter Solstice, Spring Equinox, Summer Solstice and Fall Equinox.

## D | EXTERIOR EQUIPMENT & LIGHTING

At this stage of the design process the mechanical systems are not finalized, but the intention is to provide electric heating with a limited amount of roof-top HRV units to meet ventilation requirements. Typically these units are approximately 1.2 meters tall x 1.5 to 1.8 meters square in plan. It is

anticipated that a maximum of four units would be required for this facility. These units are not generally considered to be obtrusive, but an added benefit to the roof-top location is that they will be above the closest adjacent housing and thus any noise will have much less impact than if they were mounted closer to the ground.

The photograph on the right shows a similar type of units on a recently completed personal care home in St. John's. They are not noticeable from ground level.

There is a possibility that an emergency generator, for use during power outages, will be installed at the site. The proposed location is toward the back of the site near the transformer and well away



Rooftop units on a Personal Care home in Airport Heights

from most houses. The exact proposed location is illustrated on the site plan in Appendix 4.

With regard to lighting, this development will have full cut-off lighting mounted on, or integrated into, the building facade as well as limited pathway and parking lot lighting for safety and security. Where the building is close to side or rear yards of the adjacent residential properties, lighting will be minimal and installed at the lowest possible elevation to avoid light-spill from the Nevada development onto neighbouring properties.



Typical pole-mounted lighting



Typical building-mounted lighting



Pole-mounted fixture



Building-mounted fixture

Light standards will be located at the boundary with Little Street and Hoyles Avenue to illuminate the parking area. There are no houses close to these fixtures and, since they face inward, they will have less impact on the surrounding area than the typical street lights that are found throughout the neighbourhood.

## E | LANDSCAPING & BUFFERING

When the City-owned verge area is purchased and incorporated (as discussed in Section A), the total site area will be approximately 4,747 square meters. We are able to provide soft landscaping for 32.1 per cent of the site area, or 1,525 square meters. The Apartment 2 (A2) Zone requires a minimum 30 per cent landscaping, or 1,424 square meters.

The proposed building is set further back from both Hoyles Avenue and Little Street than the adjacent housing, which creates space for soft landscaping elements such as the planting of trees along the streets (to be spaced at eight meter intervals), and along any pathways leading to the building. At the rear of the property where the grade increases to its highest elevation, a grouping of larger trees will be planted to buffer the building from existing residential properties along Graves Street.

There are mature trees currently located on the site, most lining the driveway to the existing residence at 5 Little Street and a couple along Hoyles Avenue at 7 Little. Unfortunately, it will not be possible

to retain any of the trees toward the interior of the property, but it may be possible to save the two on Hoyles. This will be determined as the design progresses and any measures required to mitigate damage to these trees will be submitted to the City for review and approval at the permitting phase. Planters will be placed near the main entrance to the building and in the space between the building and the lane to the rear parking, a planted area featuring shrubbery, flowers and accent boulders will be designed. As previously noted, one of the main features of this building is the conservatory and greenhouse space on Level 3. This was designed with the local climate in mind - the intention is to create a landscaped and garden area for residents that could be enjoyed year round. An exterior roof garden can be accessed off of this space so that residents can enjoy an exterior upper garden during the summer months.

A refuse container will be located on the site at the rear of the parking area. Any refuse or garbage from the building will be appropriately dealt with on the basement level with interior collection and storage. The garbage will then be removed via the service exit and placed in the refuse bin. The refuse bin will be covered and located in a fenced enclosure.

Any other exterior infrastructure, including a pad-mounted transformer and, potentially, a generator, will also be fenced or screened with planting as much as possible. The transformer location illustrated on the attached drawings is preliminary and will be finalized during detailed design in discussion with NF Power.

Refer to Appendix 6 for the Landscape Plan .

## F | SNOW CLEARING / SNOW STORAGE

There is at least a six meter buffer between the back of the sidewalks on Little and Hoyles and the parking lot curb for city snow storage. As previously mentioned, it is the intention to plant trees within this area, however if the buffer space is required for City snow clearing and storage operations, arrangements will need to be made with the City to define other locations on the property for tree planting.

For snow clearing on site, the developer would hire a snow clearing service to push the snow to the various landscaped areas across the site and will have it removed as necessary. Due to the grade changes and overall shape of the property, there is not an abundance of space for snow storage on site and removal is expected to be frequent.

See Appendix 4 for the site plan showing proposed snow storage locations.

## G | OFF-STREET PARKING AND SITE ACCESS

The off-street parking requirement for a personal care home in the current development regulations (8.3 Parking Standards, Envision St. John's Development Regulations) is one parking stall for every five dwelling units as a minimum, and one parking stall for every two dwelling units as a maximum. The following table is a breakdown of the minimum and maximum number of parking stalls required, based on the current number of dwelling units:

	Total # of Suites	Calculation factor	Total Parking Req.
Minimum	76	1 per 5 suites	16
Maximum	76	1 per 2 suites	38



As illustrated on the site plan in Appendix 6, there are 23 regular, two accessible and one accessible van stall in the parking lot, for a total of 26 spaces.

The design vehicle used for the swept path analysis for garbage collection is based on a scenario where the dumpster gets replaced each time it needs to be emptied. The truck brings an empty unit and replaces it with the full unit during collection days. The design vehicle for this type of service is smaller than the load over the front type collection truck, similar to those used by GFL for commercial collection services.

## H | MUNICIPAL SERVICES

### Sanitary Rate Generated

There is an existing sanitary sewer along Hoyles Avenue which is available for connection. At this stage of the design, a conservative estimate of the sanitary flow rate by our civil engineers, Nova Consultants, based on the estimated number of fixture units is approximately 13 liters per second. However, as the design progresses, this rate will be finalized by the project's mechanical engineering consultant. We anticipate that this number will be lower, once the design is finalized.

The sanitary rate is indicated on the attached Appendix 11.

### Storm Water Management and Detention

All runoff will be captured on site and conveyed to the storm water management system. No surface run-off will be directed to adjacent properties or into the streets. The catchment area includes the rear yards of numbers 3 and 4 Little Street, 244, 246, 248 Empire Avenue, and the undeveloped rear lot bounded by the properties mentioned, lying generally east of the proposed development.

A storm water detention system comprised of manifolded, large diameter HDPE pipe and equipped with a flow control device will be used to manage the rate of discharge so it will not exceed the pre-development storm water generation rates. This would then be released into the City's municipal storm water system under Hoyles Avenue.

The storm water detention system will be designed to accommodate a 100-year rainfall event as described in the City's Stormwater Detention Policy.

### Water Service

The property will be serviced by the City of St. John's water supply system. An existing water main is located in Little Street along the eastern boundary of the property. This water main is available for connection to provide both the domestic and sprinkler supply water service to the proposed building. Due to the proximity of an existing hydrant at the corner of Little and Hoyles, a private hydrant will not be required.

The design of the water service will meet all City requirements for new construction.



## I | PUBLIC TRANSIT

LAT49 Architecture contacted Keith Woodfine, Transit Planner at Metrobus, to inquire about any public transit infrastructure requirements for this development and after reviewing the location Metrobus does not feel there is any further transit infrastructure required. Please refer to Appendix 9 for a copy of our email correspondence.

## J | CONSTRUCTION TIMEFRAME

The construction timeframe for this project is anticipated to be approximately 20-22 months in length following approvals and permits, a process anticipated to take up to six months. Worker parking will be provided on site, either in the lower parking area or upper parking area depending on necessary space for material laydown and storage during construction.

Workers will be able to park in the noted parking areas on site or, if construction on those areas is ongoing, workers will park in nearby parking locations only as approved by the City of St. John's.

## APPENDIX 1 | TERMS OF REFERENCE

**TERMS OF REFERENCE  
LAND USE ASSESSMENT REPORT (LUAR)  
APPLICATION FOR A PERSONAL CARE HOME AT  
5 AND 7 LITTLE STREET  
PROPONENT: LAT 49 AND NEVIDA PROPERTIES INC.  
UPDATED DECEMBER 14, 2020**

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The proponent shall identify significant impacts and, where appropriate, also identify measures to mitigate impacts on land uses adjoining the subject property. All information is to be submitted under one report in a form that can be reproduced for public information and review. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (include an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Land Use Assessment Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

**A. Building Use.**

- Identify the size of the proposed building by:
  - Gross Floor Area, and
  - Floor Area Ratio (FAR).
- Identify all proposed uses/occupancies within the building by their respective floor area.

**B. Elevation & Building Materials**

- Provide elevations of the proposed building.
- Identify the finish and colour of exterior building materials.

**C. Building Height & Location**

- Identify graphically the exact location with a dimensioned civil site plan:
  - Location of the proposed building in relation to neighbouring buildings;
  - Proximity of the building to property lines and identify setbacks;
  - Identify any stepbacks of higher storeys from lower storeys (if applicable);
  - Identify any encroachment over property lines;
  - Identify the height of the building;
  - Information on the proposed construction of patios/balconies (if applicable);
  - Potential shadowing/loss of sunlight on adjacent public and private properties, including sidewalks;
  - Identify any rooftop structures; and
  - Identify if the building will be sprinklered or not, and location of the nearest hydrant.
- Provide street scape views/renderings of the proposed building from the following locations:
  - Along the property frontage at Hoyles Avenue;
  - Along the property frontage at Little Street.
- Provide a Legal Survey of the property showing the consolidated lots.

**D. Exterior Equipment and Lighting**

- Identify the location and type of exterior lighting to be utilized. Identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.

- Identify the location and type of any exterior HVAC equipment to be used to service the proposed building and identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.

**E. Landscaping & Buffering**

- Identify with a landscaping plan, details of site landscaping (hard and soft).
- Identify the location and proposed methods of screening of any electrical transformers and refuse containers to be used at the site.

**F. Snow Clearing/Snow Storage**

- Provide information on any snow clearing/snow removal operations.

**G. Off-street Parking and Site Access**

- Identify the number and location of off-street parking spaces to be provided, including accessible parking spaces.
- Identify the number and location of bicycle parking to be provided.
- Provide a dimensioned and scaled plan of parking structure lot, including circulation details.
- Identify the location of all access and egress points, including pedestrian access.

**H. Municipal Services**

- Provide a preliminary site servicing plan.
- Identify points of connection to the City's sanitary sewer, storm sewer and water system.
- Provide the sanitary rate generated by the proposed development.
- The proposed development will be required to comply with the City's stormwater detention policy. Provide information on how onsite stormwater detention will be managed.

**I. Public Transit**

- Consult with St. John's Metrobus (St. John's Transportation Commission) regarding public transit infrastructure requirements.

**J. Construction Timeframe**

- Indicate any phasing of the project and approximate timelines for beginning and completion of each phase or overall project.
- Indicate on a site plan any designated areas for equipment and materials during the construction period.

## APPENDIX 2 | SURVEY



**M. R. DUFFETT & ASSOCIATES LTD.**  
NEWFOUNDLAND LAND SURVEYORS

2 Aspen Place  
St. John's, NF., Canada  
A1A 4S1  
Bus : (709) 739-5555  
Fax : (709) 739-5575



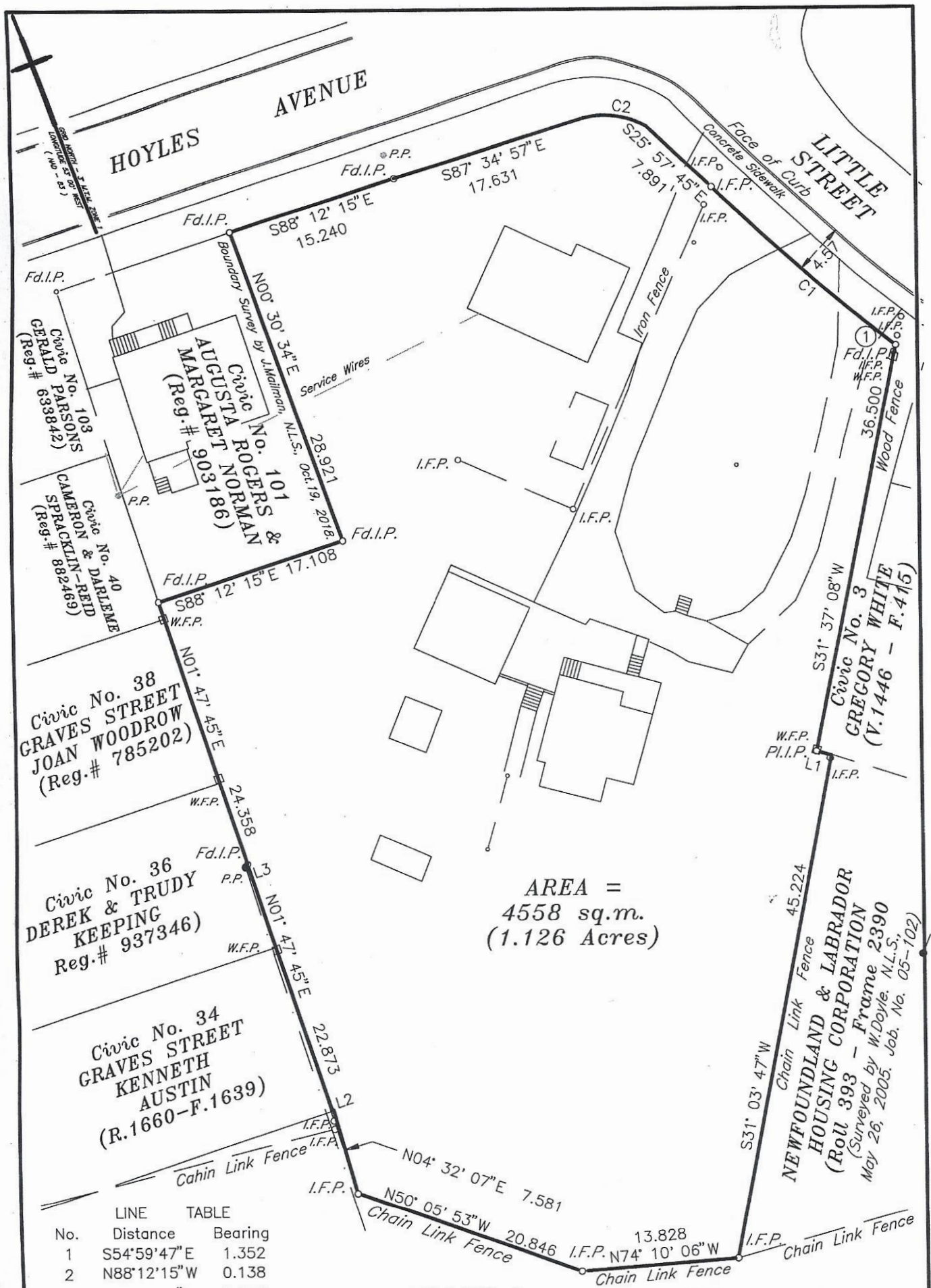
**DESCRIPTION**  
**ROOZBEH KAMYAR**  
**CIVIC NO. 5 LITTLE STREET - ST. JOHN'S, NL.**

All that piece or parcel of land situate and being on the west side of Little Street, in the City of St. John's, in the Province of Newfoundland & Labrador, Canada, and being bounded and abutted as follows: that is to say; beginning at a point on the said west side of Little Street, said point having co-ordinates of N 5 269 616.488 metres and E 325 017.846 metres of the Modified Three Degree Transverse Mercator Projection (NAD83) for the Province of Newfoundland & Labrador, Canada, thence running by land of Gregory White (Volume 1446 - Folio 415) south thirty-one degrees thirty-seven minutes zero eight seconds west thirty-six decimal five zero zero (36.500) metres; thence south fifty-four degrees fifty-nine minutes forty-seven seconds east one decimal three five two (1.352) metres; thence turning and running by land of Newfoundland & Labrador Housing Corporation south thirty-one degrees zero three minutes forty-seven seconds west forty-five decimal two two four (45.224) metres; thence north seventy-four degrees ten minutes zero six seconds west thirteen decimal eight two eight (13.828) metres; thence north fifty degrees zero five minutes fifty-three seconds west twenty decimal eight four six (20.846) metres; thence north zero four degrees thirty-two minutes zero seven seconds east seven decimal five eight one (7.581) metres; thence north eighty-eight degrees twelve minutes fifteen seconds west zero decimal one three eight (0.138) metres; thence turning and running by land of Kenneth Austin (Roll 1660 - Frame 1639) and by land of Derek & Trudy Keeping (Reg.# 937346) north zero one degrees forty-seven minutes forty-five seconds east twenty-two decimal eight seven three (22.873) metres; thence turning and running by land of Derek & Trudy Keeping (Reg.# 937346) south eighty-eight degrees thirty-four minutes fifty-nine seconds east zero decimal zero one eight (0.018) metres; thence turning and running by land of Derek & Trudy Keeping (Reg.# 937346), by land of Joan Woodrow (Reg.# 785202) and by land Cameron & Darlene Spracklin-Reid (Reg.# 882469) north zero one degrees forty-seven minutes forty-five seconds east twenty-four decimal three five eight (24.358) metres; thence turning and running by land of Augusta Rogers & Margaret Norman (Reg.# 903186) south eighty-eight degrees twelve minutes fifteen seconds east seventeen decimal one zero eight (17.108) metres; thence north zero zero degrees thirty minutes thirty-four seconds east twenty-eight decimal nine two one (28.921) metres; thence turning and running along the south side of Hoyles Avenue south eighty-eight degrees twelve minutes fifteen seconds east fifteen decimal two four zero (15.240) metres; thence south eighty-seven degrees thirty-four minutes fifty-seven seconds east seventeen decimal six three one (17.631) metres; thence turning and running along the arc of a curve of radius seven decimal five zero zero (7.500) metres, a



distance of five decimal six three two (5.632) metres (chord bearing and distance south sixty-one degrees fifty-four minutes twenty-seven seconds east five decimal five zero zero (5.500) metres) to the aforementioned west side of Little Street; thence turning and running along the said west side of Little Street south twenty-five degrees fifty-seven minutes forty-five seconds east seven decimal eight nine one (7.891) metres; thence along the arc of a curve of radius one hundred seventy decimal zero zero zero (170.000) metres, a distance of twenty-one decimal three nine three (21.393) metres (chord bearing and distance south twenty-eight degrees twenty-seven minutes fifteen seconds east twenty-one decimal three seven nine (21.379) metres), more or less to the point of beginning and containing an area of four thousand five hundred fifty-eight (4558) Square Metres. Which land is more particularly shown on Plan No. 9747-493-20, dated March 12, 2021, hereto attached. All bearings being referred to the above projection.





LINE No.	Distance	Bearing
1	S54°59'47"E	1.352
2	N88°12'15"W	0.138
3	S88°34'59"E	0.018

**NOTE :**

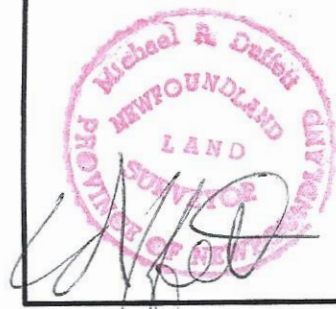
- P.I.P. - Planted Iron Pin
- Fd.I.P. - Found Iron Pin
- I.F.P. - Iron Fence Post
- W.F.P. - Wood Fence Post
- All Distances are Horizontal Ground Distances.
- Coordinates by GPS from Reference Monument : 026233 - N 5 269 556.519  
E 325 051.312
- Scale factor at starting point - 0.999895

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**NEWFOUNDLAND & LABRADOR HOUSING CORPORATION**

No.	Radius	Arc	Chord	Chord Bearing
C1	170.000	21.393	21.379	S28°27'15"E
C2	7.500	5.632	5.500	S61°54'27"E

1 - N 5 269 616.488
E 325 017.846



**M. R. DUFFETT & ASSOCIATES LIMITED**  
Newfoundland Land Surveyors  
St. John's, Newfoundland

Bus : (709) 739-5555

Fax : (709) 739-5575



**PROPERTY SURVEY  
ROOZBEH KAMYAR**

Civic No. 5 LITTLE STREET ST. JOHN'S, NL.

SCALE : 1 : 450

JOB No. : 9747-493-20

DATE : March 12, 2021

SURVEY : M.D. & B.S.





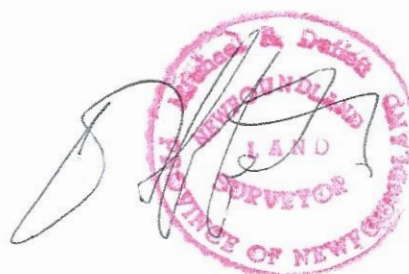
**M. R. DUFFETT & ASSOCIATES LTD.**  
NEWFOUNDLAND LAND SURVEYORS

2 Aspen Place  
St. John's, NF., Canada  
A1A 4S1  
Bus : (709) 739-5555  
Fax : (709) 739-5575

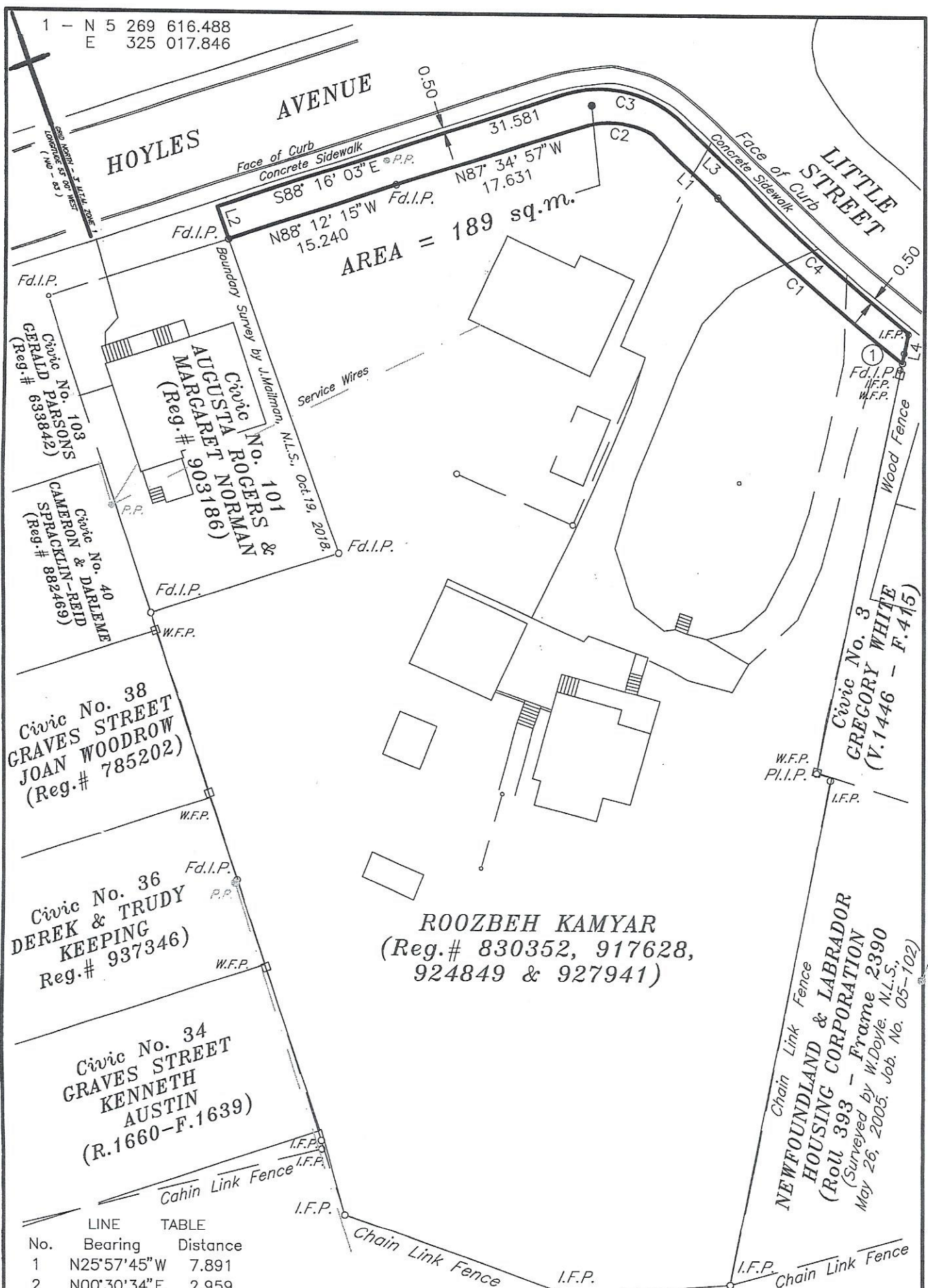


**DESCRIPTION**  
**LAND TO BE ACQUIRED BY**  
**ROOZBEH KAMYAR**  
**FROM**  
**THE CITY OF ST. JOHN'S**  
**CIVIC NO. 5 LITTLE STREET - ST. JOHN'S, NL.**

All that piece or parcel of land situate and being on the west side of Little Street, in the City of St. John's, in the Province of Newfoundland & Labrador, Canada, and being bounded and abutted as follows: that is to say; beginning at a point on the said west side of Little Street, said point having co-ordinates of N 5 269 616.488 metres and E 325 017.846 metres of the Modified Three Degree Transverse Mercator Projection (NAD83) for the Province of Newfoundland & Labrador, Canada, thence running by land of Roozbeh Kamyar (Reg.# 830352, 917628, 924849 & 927941), along the arc of a curve of radius one hundred seventy decimal zero zero zero (170.000) metres, a distance of twenty-one decimal three nine three (21.393) metres (chord bearing and distance north twenty-eight degrees twenty-seven minutes fifteen seconds west twenty-one decimal three seven nine (21.379) metres); thence north twenty-five degrees fifty-seven minutes forty-five seconds west seven decimal eight nine one (7.891) metres; thence along the arc of a curve of radius seven decimal five zero zero (7.500) metres, a distance of five decimal six three two (5.632) metres (chord bearing and distance north sixty-one degrees fifty-four minutes forty-seven seconds west five decimal five zero one (5.501) metres); thence south eighty-seven degrees thirty-four minutes fifty-seven seconds east seventeen decimal six three one (17.631) metres; thence south eighty-eight degrees twelve minutes fifteen seconds east fifteen decimal two four zero (15.240) metres; thence turning and running along the south side of Hoyles Avenue north zero zero degrees thirty minutes thirty-four seconds east two decimal nine five nine (2.959) metres; thence south eighty-eight degrees sixteen minutes zero three seconds east thirty-one decimal five eight one (31.581) metres; thence along the arc of a curve of radius ten decimal two three seven (10.237) metres, a distance of eleven decimal one three two (11.132) metres (chord bearing and distance south fifty-seven degrees zero six minutes fifty-four seconds east ten decimal five nine one (10.591) metres), to the aforementioned west side of Little Street; thence turning and running along the said west side of Little Street south twenty-five degrees fifty-seven minutes forty-five seconds east six decimal seven seven eight (6.778) metres; thence along the arc of a curve of radius one hundred forty-five decimal zero zero zero (145.000) metres, a distance of nineteen decimal nine two five (19.925) metres (chord bearing and distance south twenty-seven degrees forty-three minutes fifty-six seconds east nineteen decimal nine zero nine (19.909) metres); thence south thirty-one degrees thirty-seven minutes zero eight seconds west two decimal six two nine (2.629) metres, more or less to the point of beginning and containing an area of one hundred eighty-nine (189) Square Metres. Which land is more particularly shown on Plan No. 9928-495-21, Dated October 1, 2021, hereto attached. All bearings being referred to the above projection.







LINE		TABLE	
No.	Bearing	Distance	
1	N25°57'45"W	7.891	
2	N00°30'34"E	2.959	
3	S25°57'45"E	6.778	
4	S31°37'08"W	2.629	

NOTE :

- P.I.P. - Planted Iron Pin
- Fd.I.P. - Found Iron Pin
- I.F.P. - Iron Fence Post
- W.F.P. - Wood Fence Post
- All Distances are Horizontal Ground Distances.
- Coordinates by GPS from Reference Monument : 026233 - N 5 269 556.519  
E 325 051.312
- Scale factor at starting point - 0.999895

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NEWFOUNDLAND & LABRADOR HOUSING CORPORATION		TABLE			
No.	Radius	Arc	Chord	Chord	Bearing
C1	170.000	21.393	21.379	N28°27'15"W	
C2	7.500	5.632	5.501	N61°54'47"W	
C3	10.237	11.132	10.591	S57°06'54"E	
C4	145.000	19.925	19.909	S27°43'56"E	

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Newfoundland Land Surveyors  
St. John's , Newfoundland

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**PROPERTY SURVEY – LAND TO BE ACQUIRED BY**  
**ROOZBEH KAMYAR**  
**Civic No. 5      LITTLE STREET      ST. JOHN'S, NL.**

SCALE : 1 : 450	JOB No. : 9928-495-21
DATE : October 1, 2021	SURVEY : M.D. & B.S.

## APPENDIX 3 | CONTEXT PLAN



CONTEXT PLAN  
N.T.S.



## APPENDIX 4 | SITE PLANS



Stamp:

Sub Consultants:

Revisions:

Client:  
**Nevada Properties**

Project:  
**PERSONAL CARE HOME  
NEVADA PROPERTIES INC.**

Location:

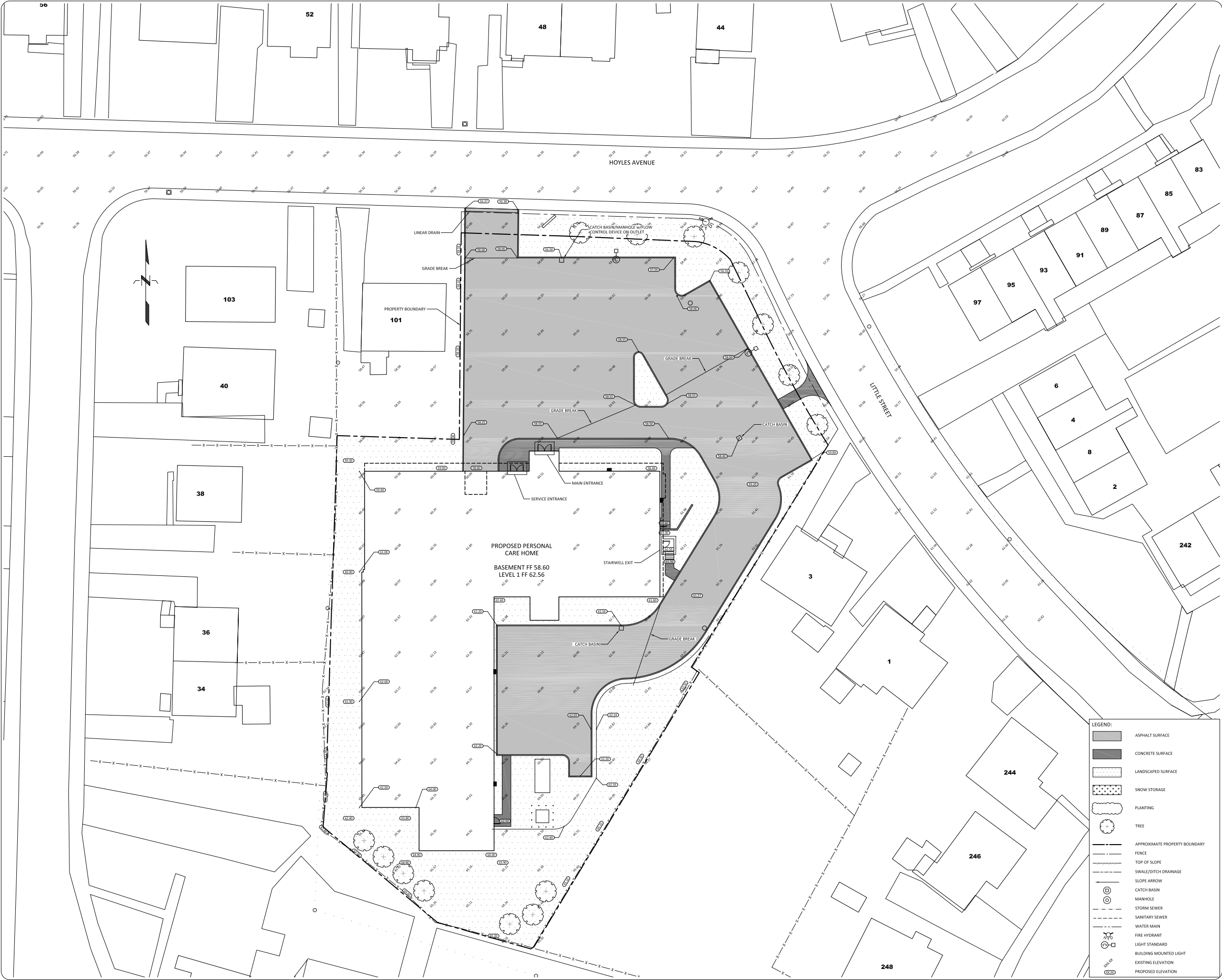
**EXISTING SITE PLAN**

Scale: 1:200  
Date: October 21, 2021  
Drawn By: R. HARRINGTON  
Checked By: -  
Job Number: NCI 076-24

C1

C1





Stamp:

Sub Consultants:

Revisions:

Client:  
**Nevada Properties**

Project:  
**PERSONAL CARE HOME  
NEVADA PROPERTIES INC.**

Location:

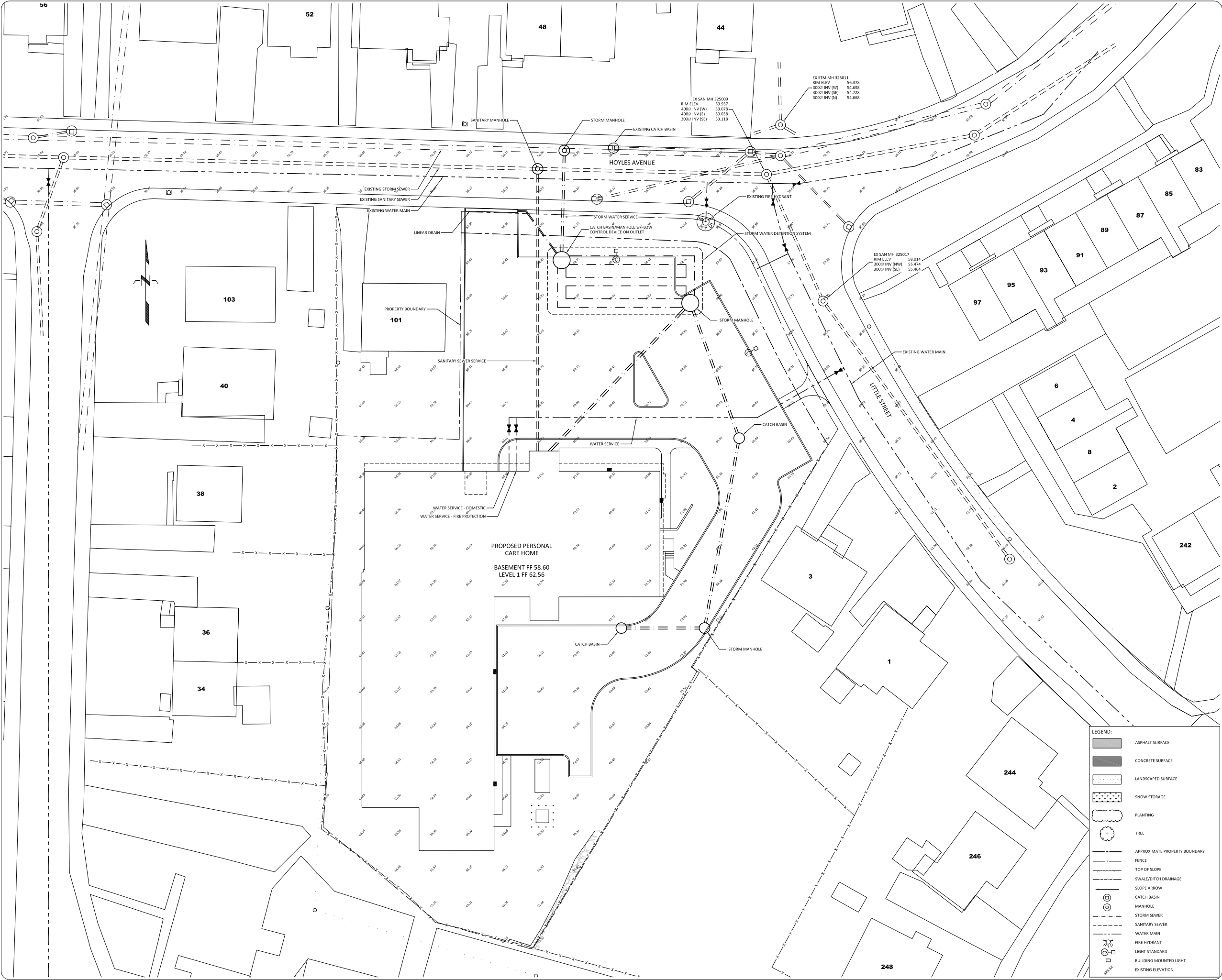
**PROPOSED GRADING PLAN**

Scale: 1:200  
Date: October 21, 2021  
Drawn By: R. HARRINGTON  
Checked By: -  
Job Number: NCI 076-24

C3

## APPENDIX 5 | SITE SERVICING PLAN





Stamp:

Sub Consultants:

Revisions:

Client:  
**Nevada Properties**

Project:  
**PERSONAL CARE HOME  
NEVADA PROPERTIES INC.**

Location:

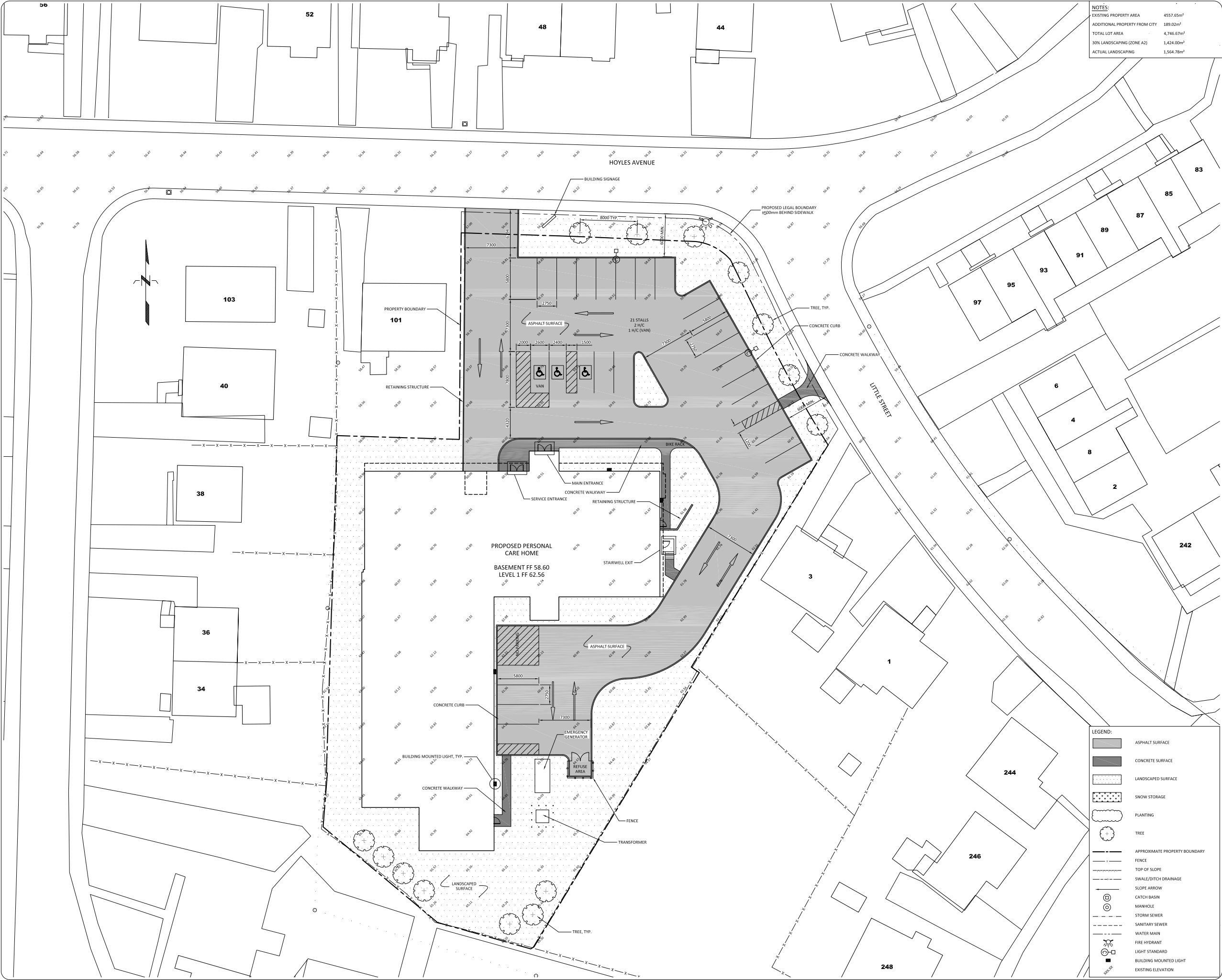
**PROPOSED SERVICING PLAN**

Scale: 1:200  
Date: October 21, 2021  
Drawn By: R. HARRINGTON  
Checked By: -  
Job Number: NCI 076-24

C5



## APPENDIX 6 | LANDSCAPE AND PARKING PLAN



NOTES:

EXISTING PROPERTY AREA	4557.65m <sup>2</sup>
ADDITIONAL PROPERTY FROM CITY	189.02m <sup>2</sup>
TOTAL LOT AREA	4,746.67m <sup>2</sup>
30% LANDSCAPING (ZONE A2)	1,424.00m <sup>2</sup>
ACTUAL LANDSCAPING	1,564.78m <sup>2</sup>



Stamp:

Sub Consultants:



Revisions:

Client:

Nevada Properties

Project:

PERSONAL CARE HOME  
NEVADA PROPERTIES INC.

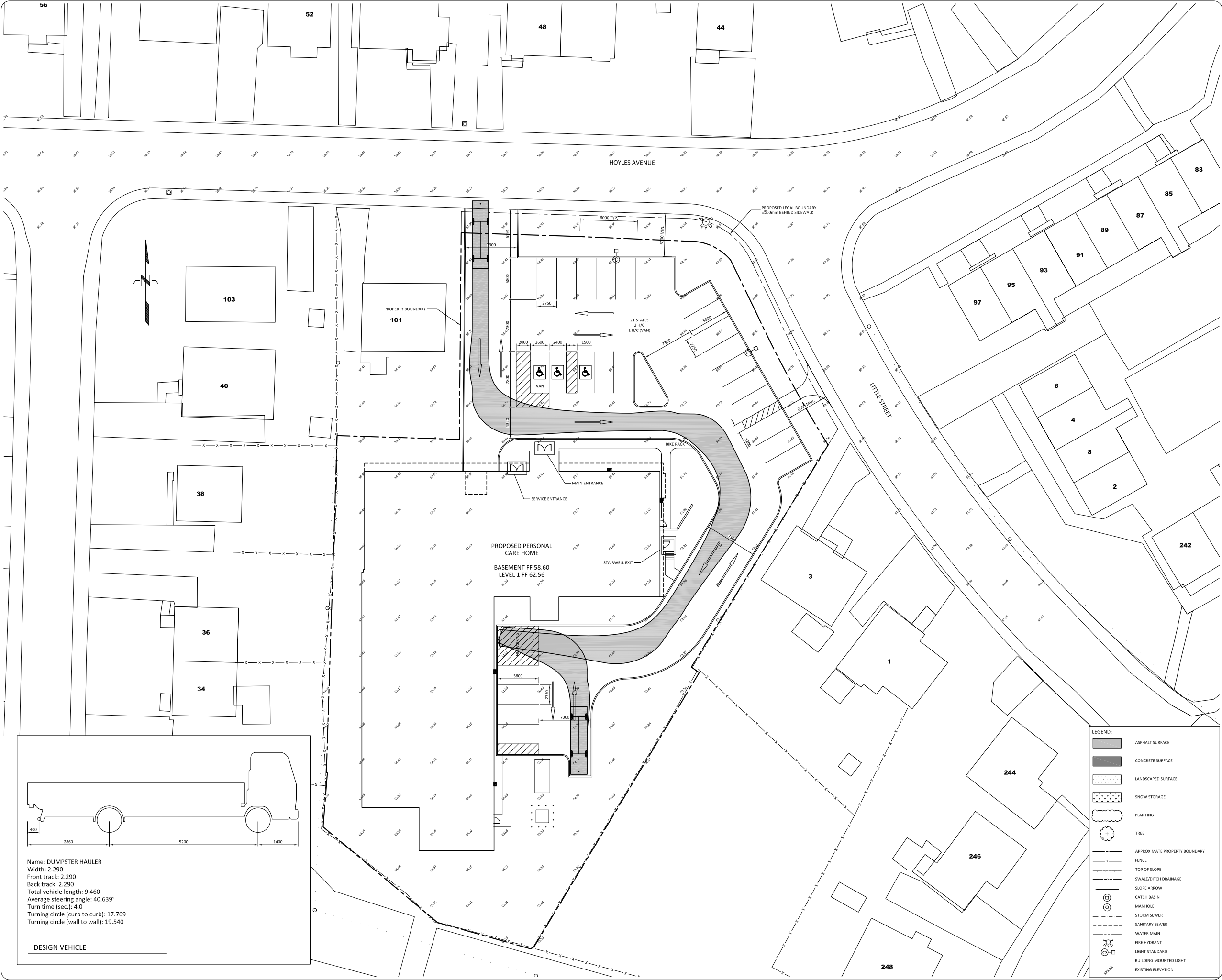
Location:

PROPOSED PARKING  
AND LANDSCAPE PLAN

Scale: 1:200  
Date: October 21, 2021  
Drawn By: R. HARRINGTON  
Checked By: -  
Job Number: NCI 076-24

LEGEND:

	ASPHALT SURFACE
	CONCRETE SURFACE
	LANDSCAPED SURFACE
	SNOW STORAGE
	PLANTING
	TREE
	APPROXIMATE PROPERTY BOUNDARY
	FENCE
	TOP OF SLOPE
	SWALE/DITCH DRAINAGE
	SLOPE ARROW
	CATCH BASIN
	MANHOLE
	STORM SEWER
	SANITARY SEWER
	WATER MAIN
	FIRE HYDRANT
	LIGHT STANDARD
	BUILDING MOUNTED LIGHT
	EXISTING ELEVATION



Stamp:

Sub Consultants:



Revisions:

Client:

Nevada Properties

Project:

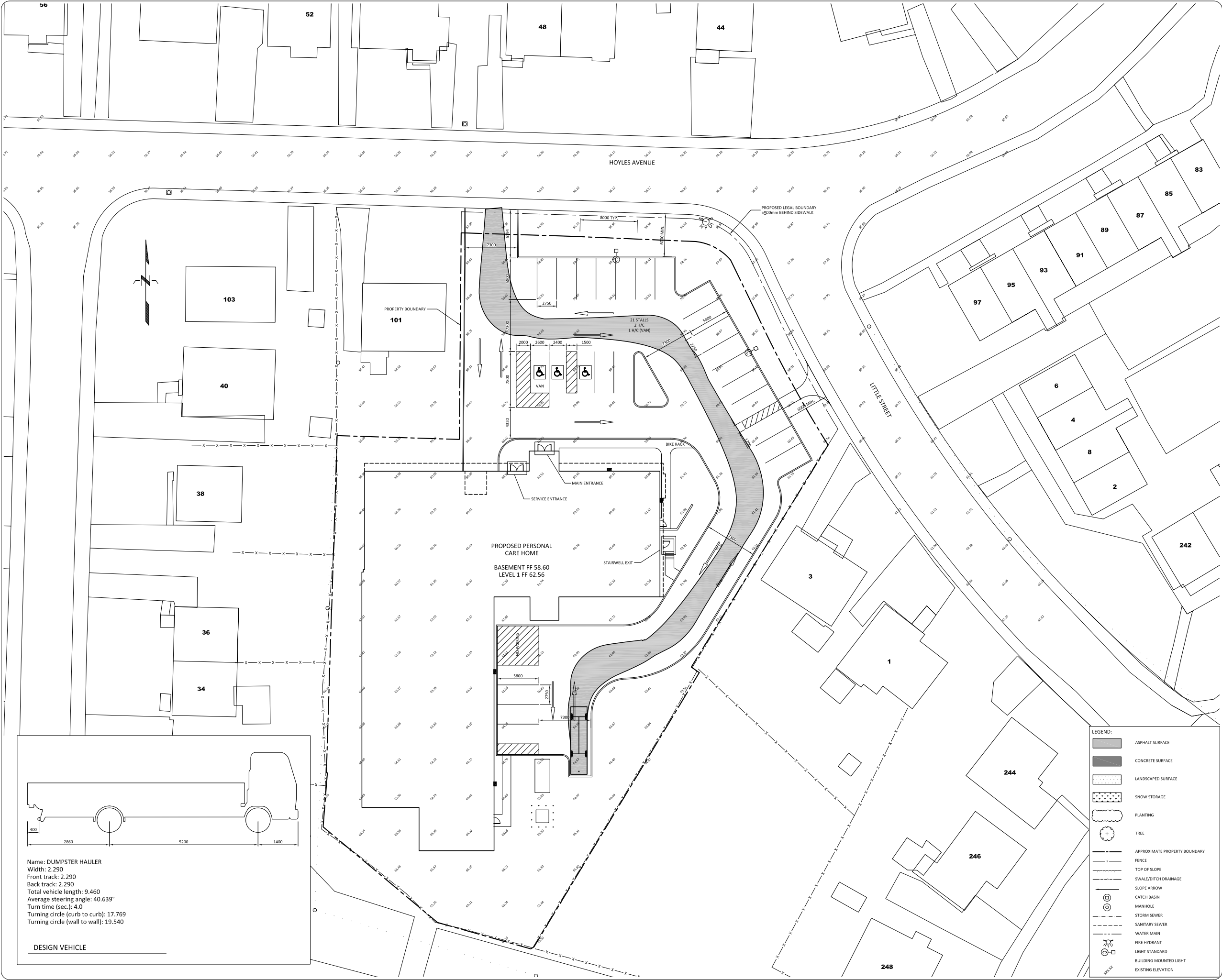
PERSONAL CARE HOME  
NEVADA PROPERTIES INC.

Location:

PROPOSED PARKING PLAN  
AND GARBAGE TRUCK MOVEMENT  
ENTERING SITE

Scale: 1:200  
Date: October 21, 2021  
Drawn By: R. HARRINGTON  
Checked By: -  
Job Number: NCI 076-24

C6



Stamp:

Sub Consultants:

Revisions:

Client:  
**Nevada Properties**

Project:  
**PERSONAL CARE HOME  
NEVADA PROPERTIES INC.**

Location:

**PROPOSED PARKING PLAN  
AND GARBAGE TRUCK MOVEMENT  
LEAVING SITE**

Scale: 1:200  
 Date: October 21, 2021  
 Drawn By: R. HARRINGTON  
 Checked By: -  
 Job Number: NCI 076-24

C7

## APPENDIX 7 | BUILDING ELEVATIONS





1  
A-401

## East Elevation

1 : 175



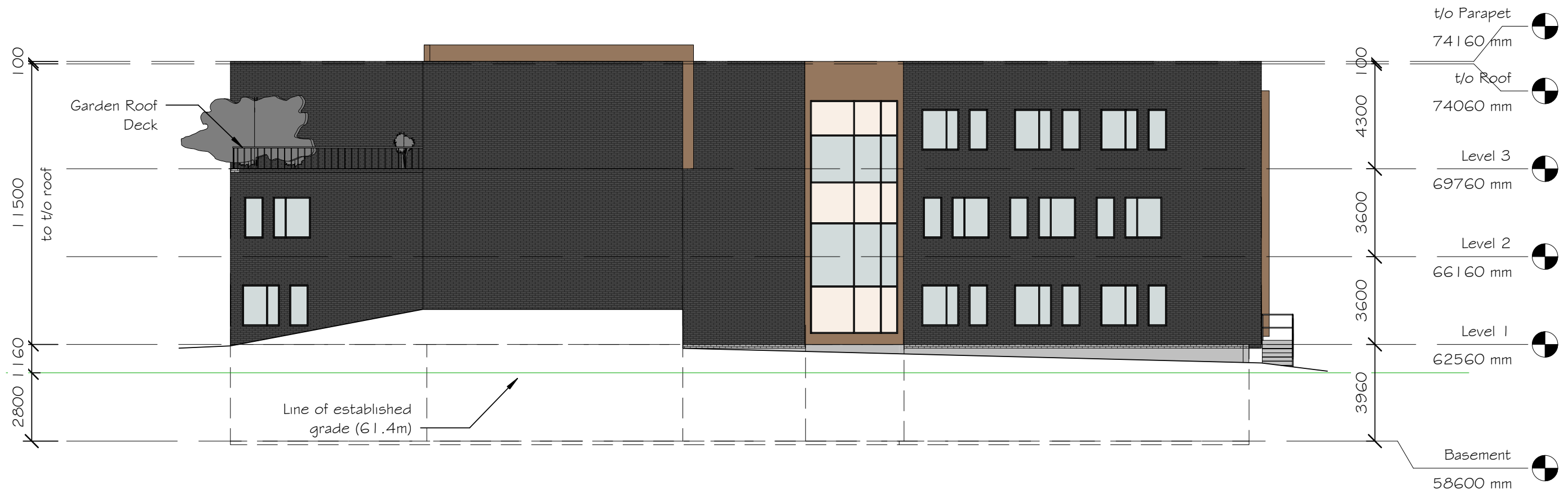
1 North Elevation  
A-402 1 : 175



1  
A-404

West Elevation

1 : 175

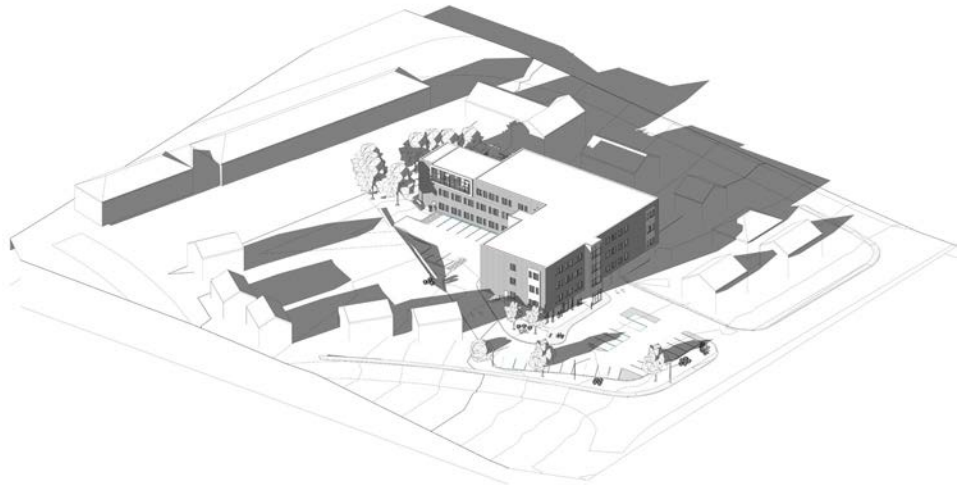


1  
A-403  
South Elevation  
1 : 175

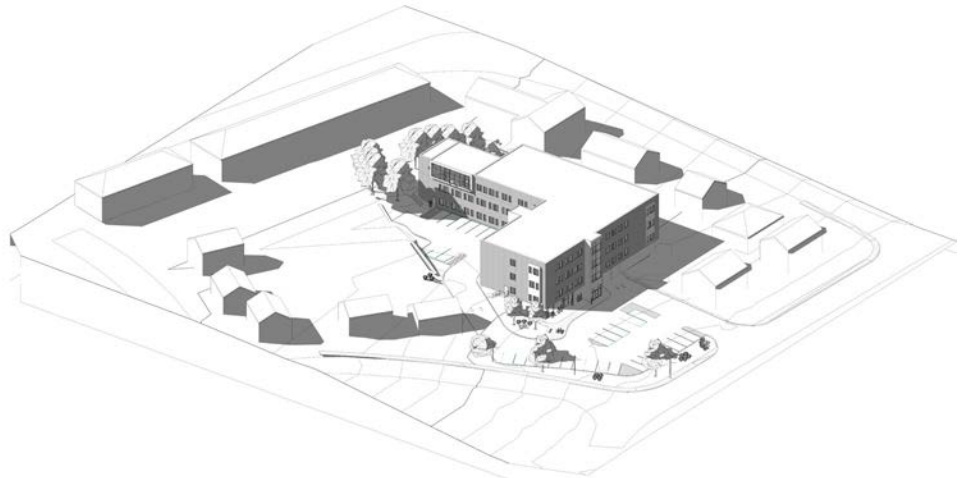
## APPENDIX 8 | SHADOW STUDY

March 22

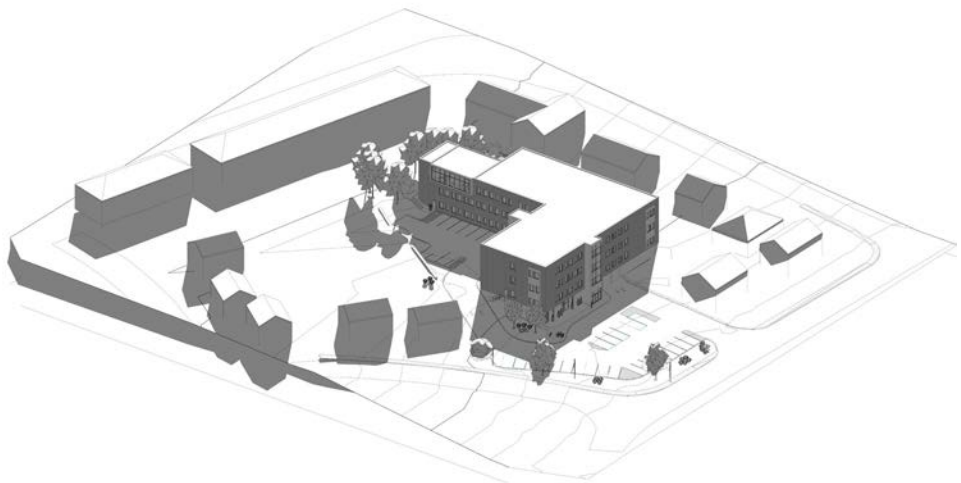
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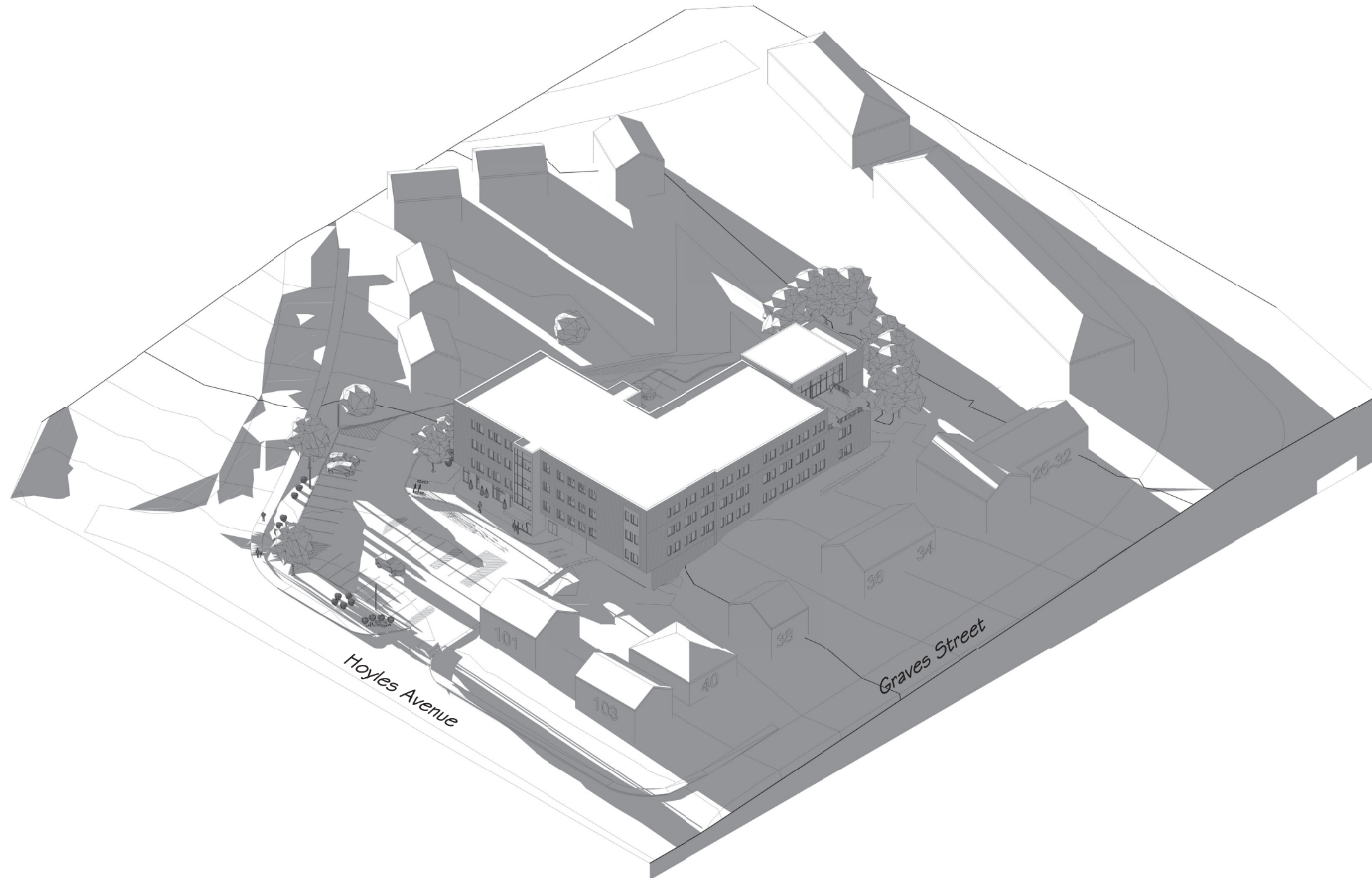
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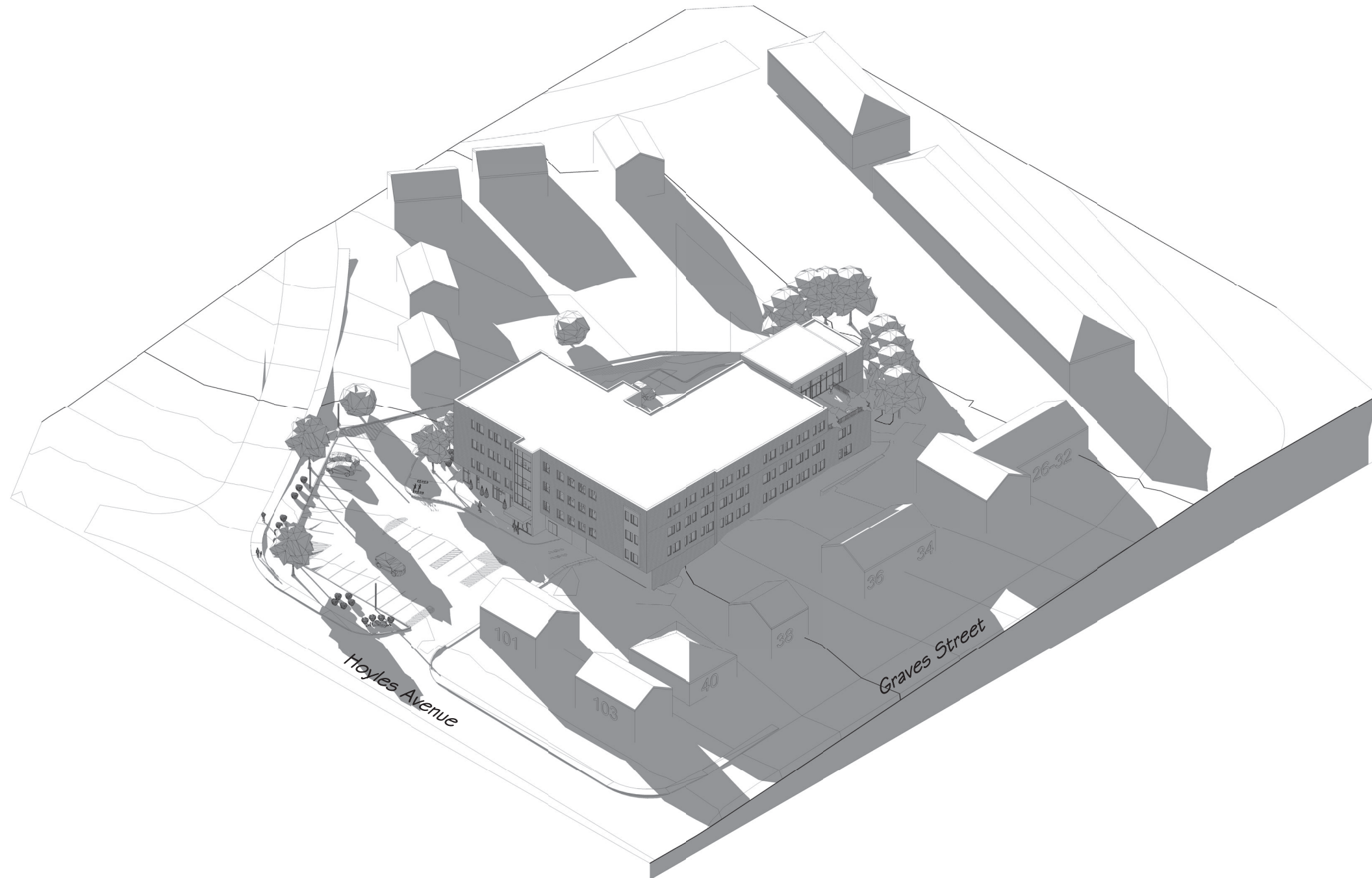


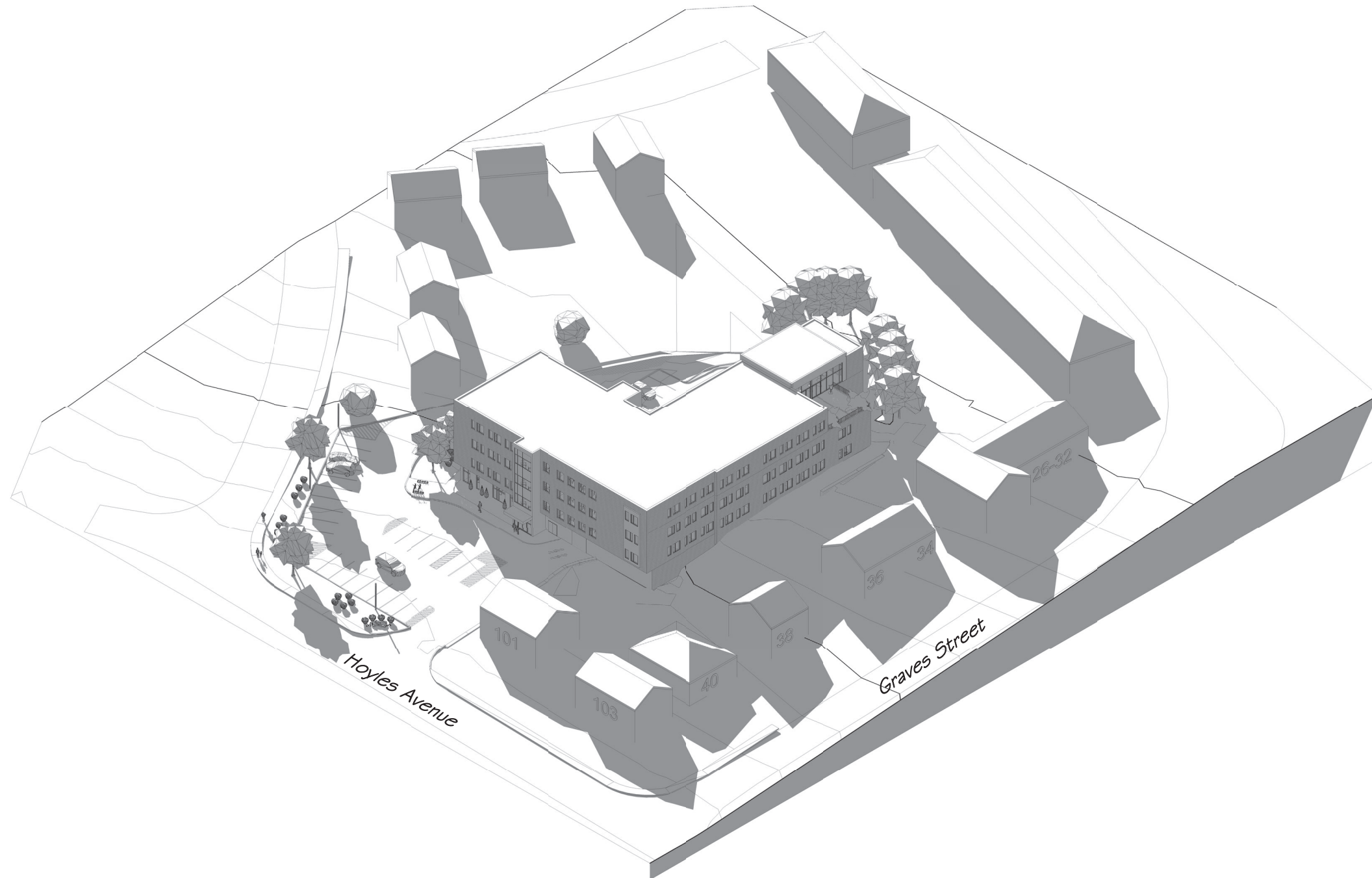
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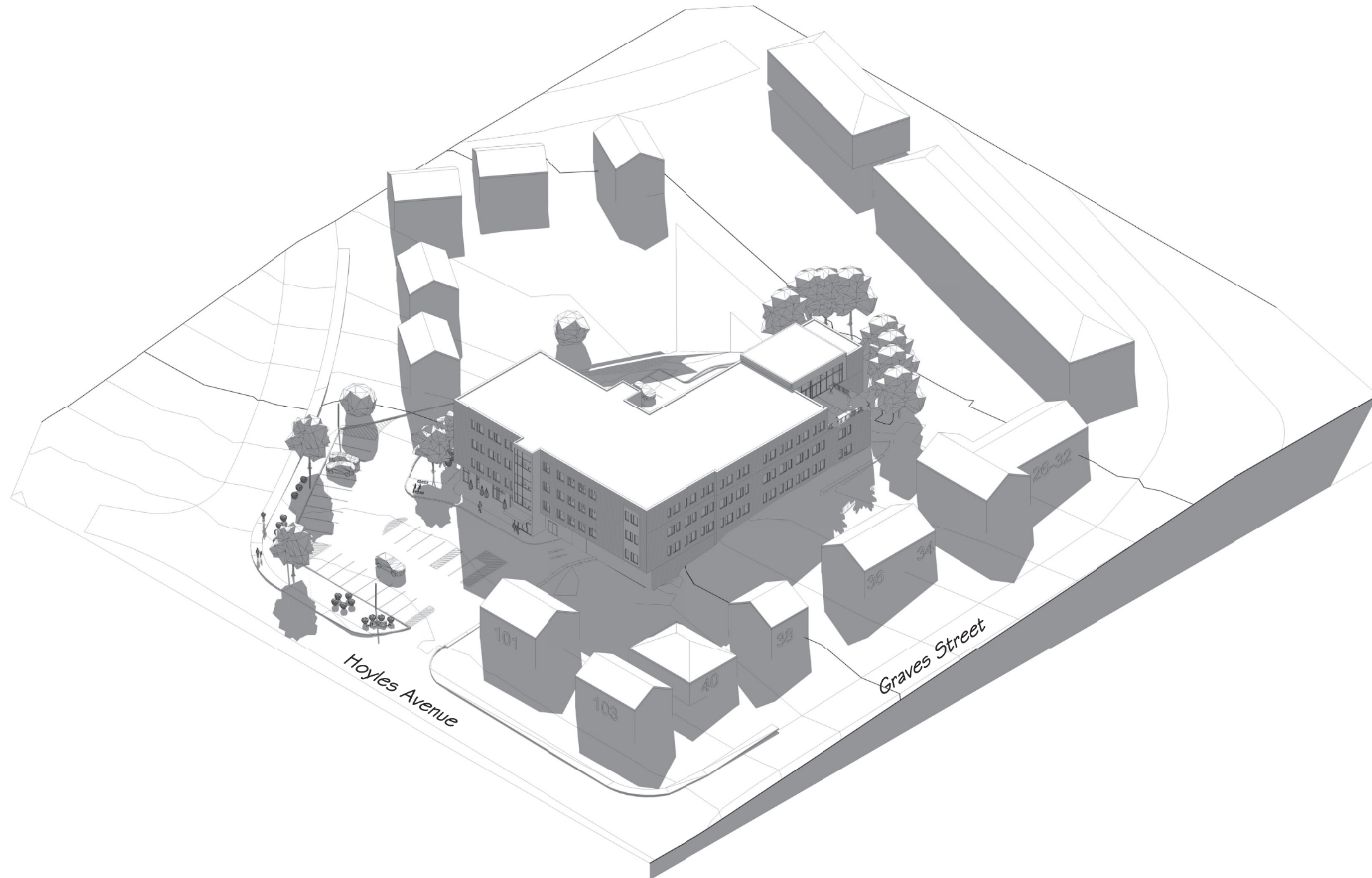




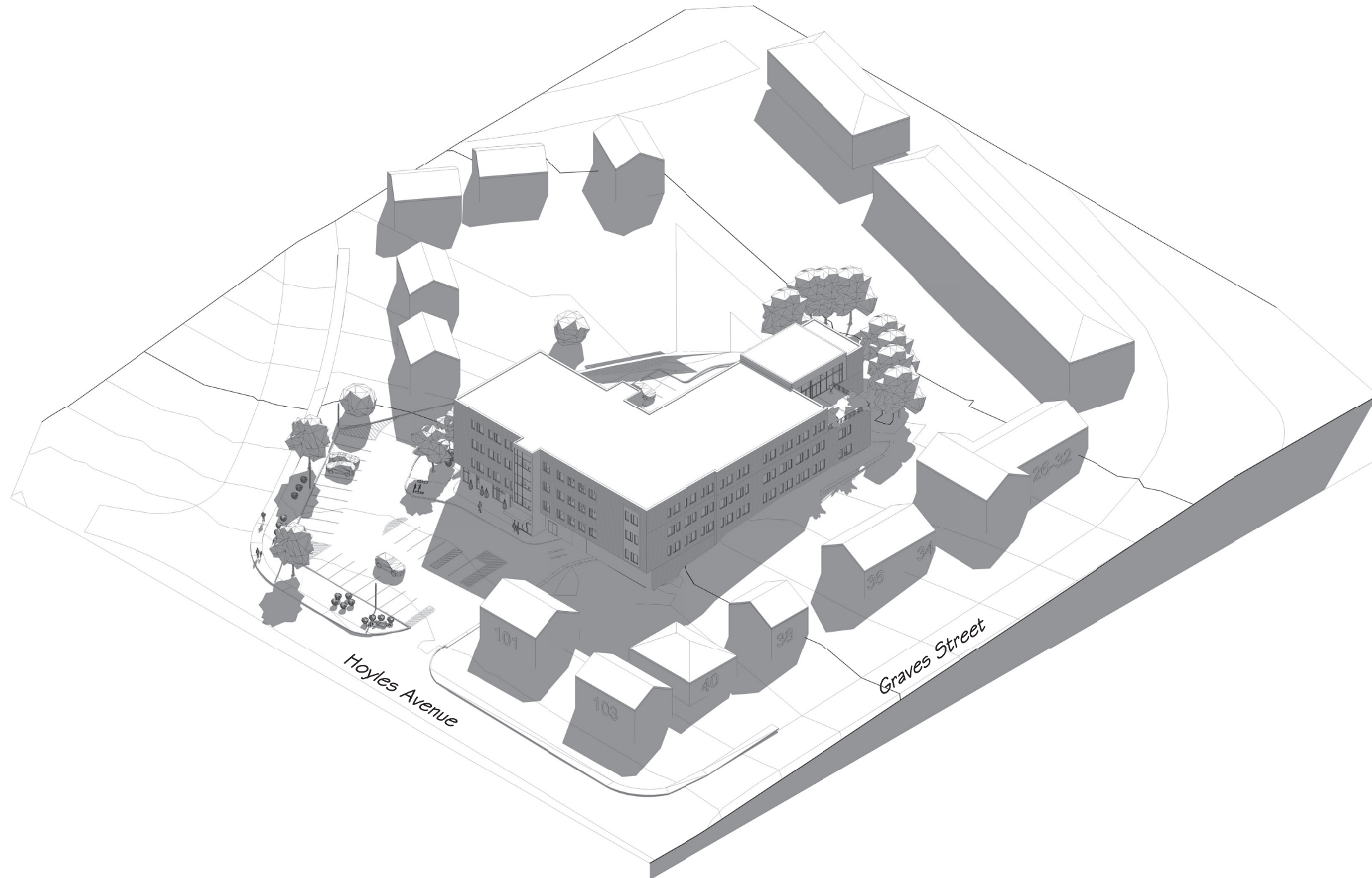


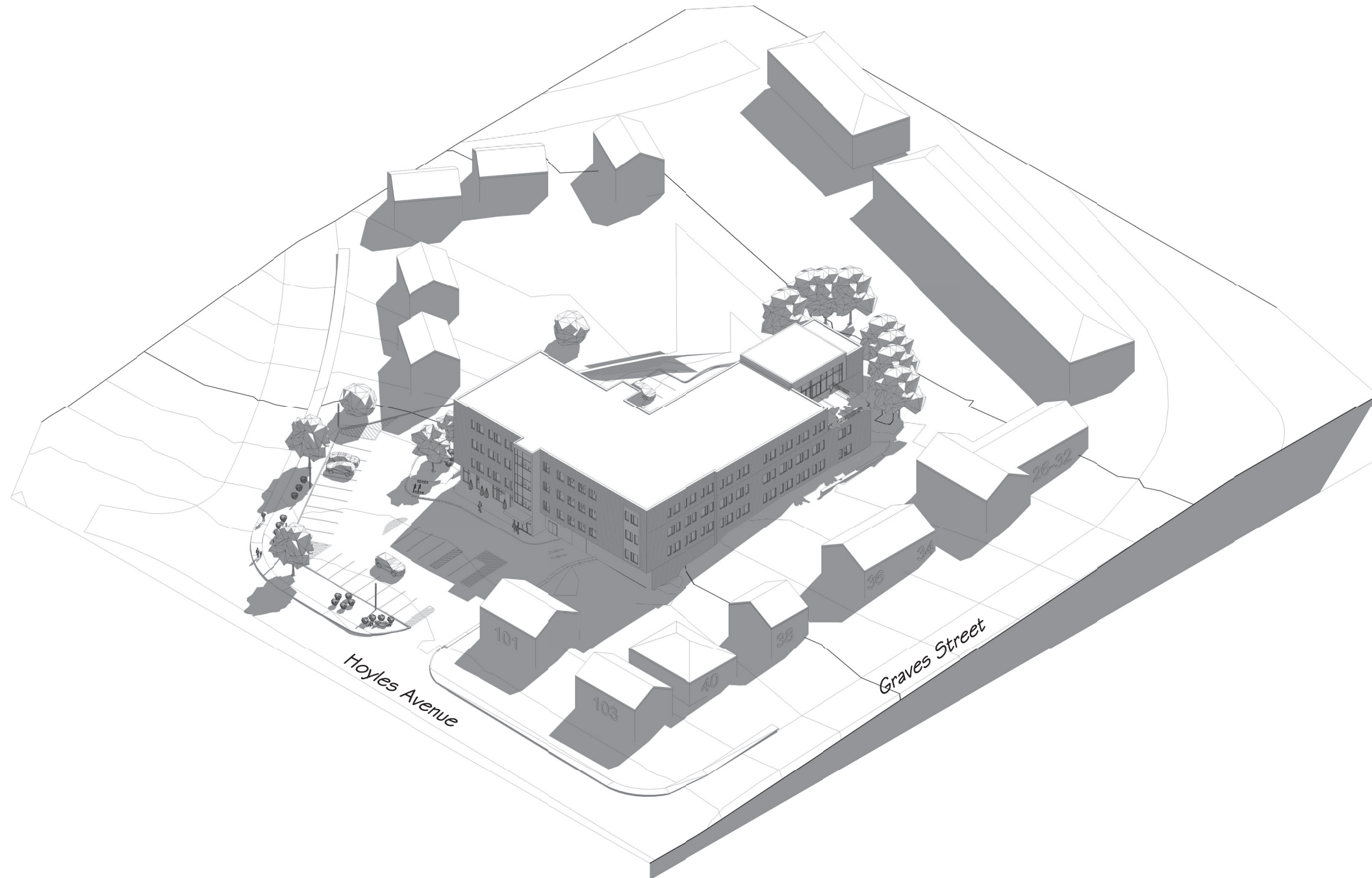








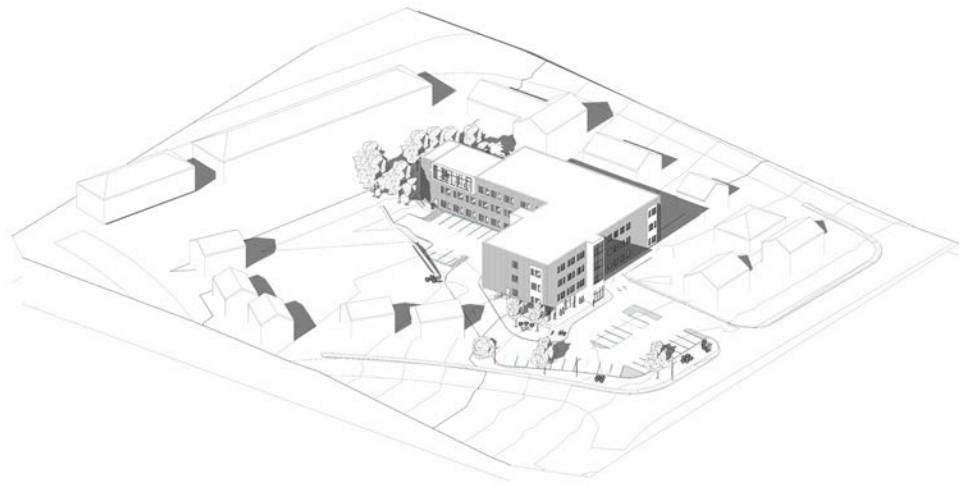




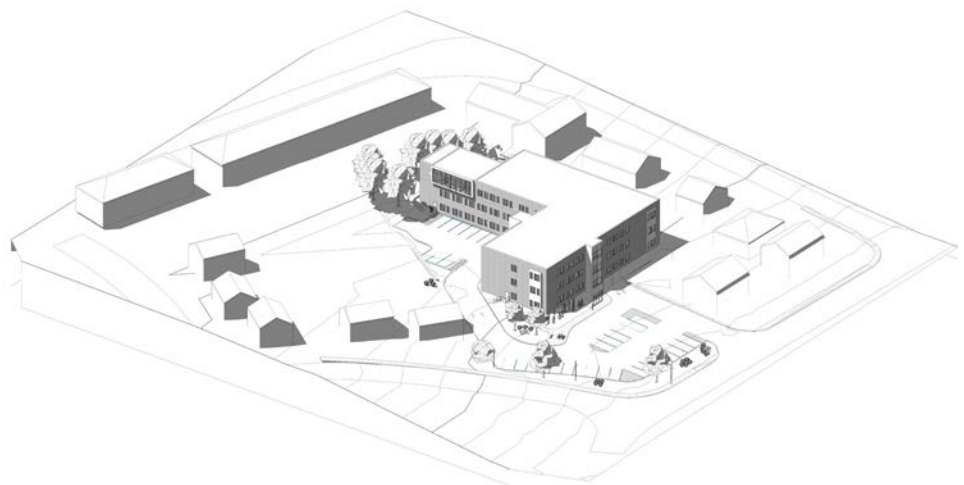


June 21

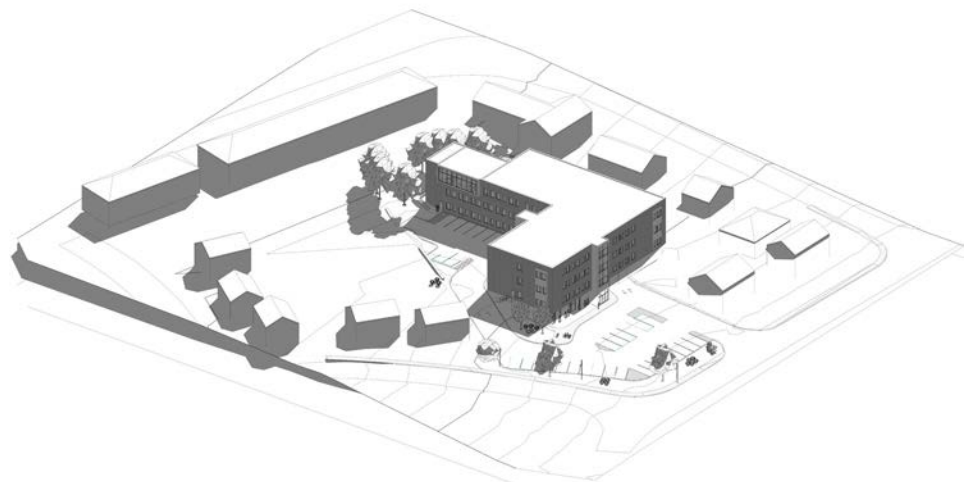
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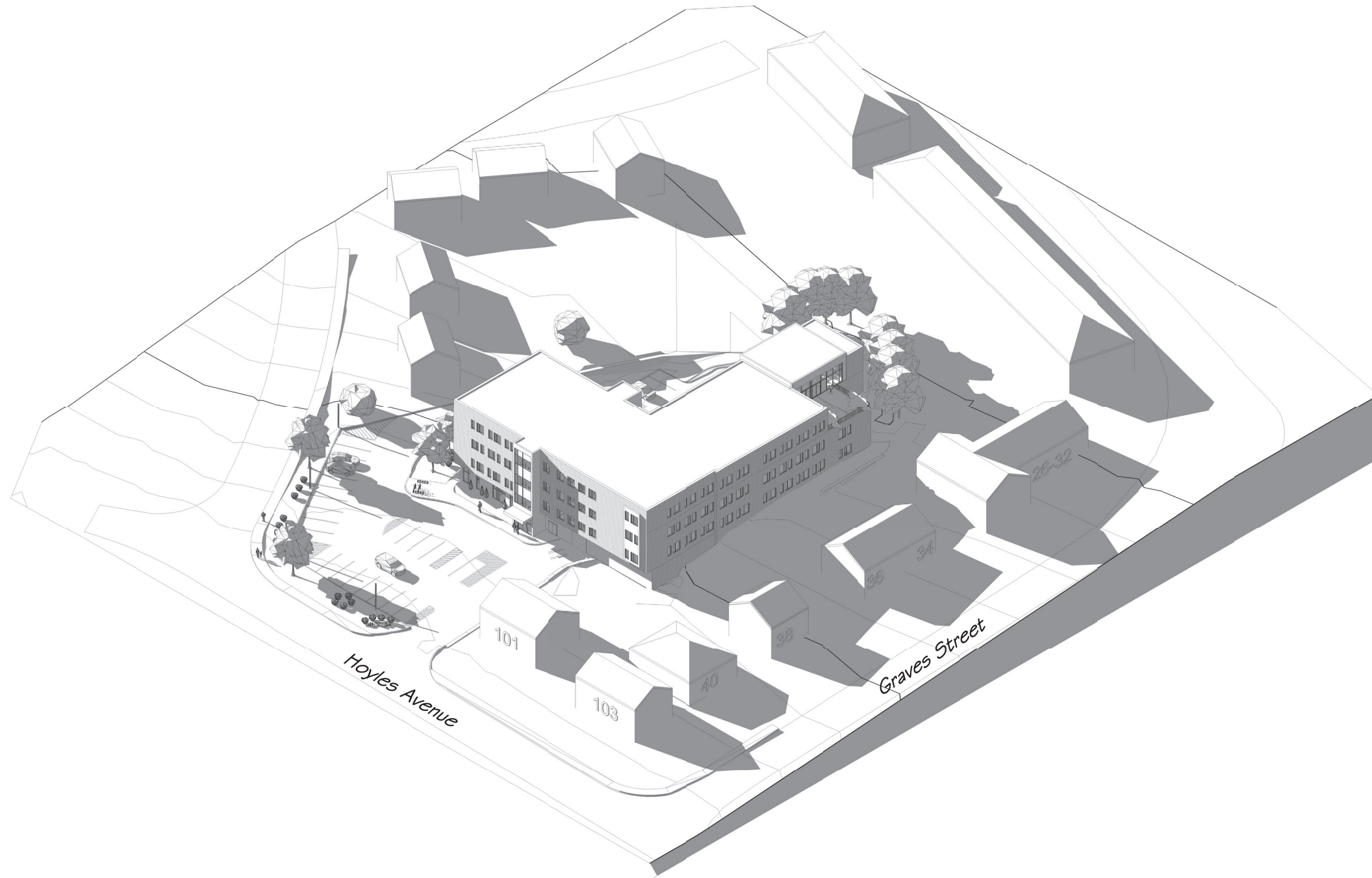


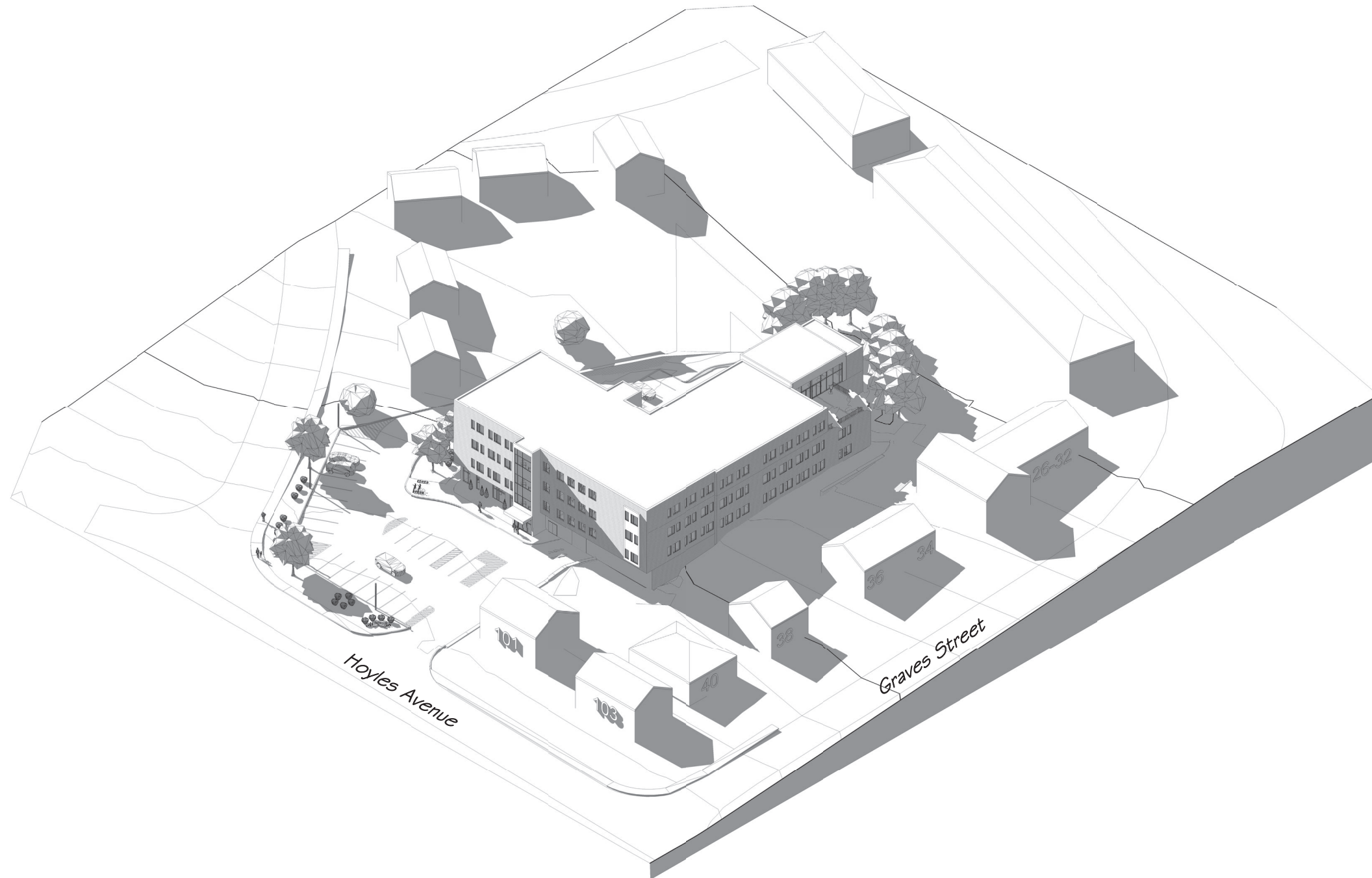
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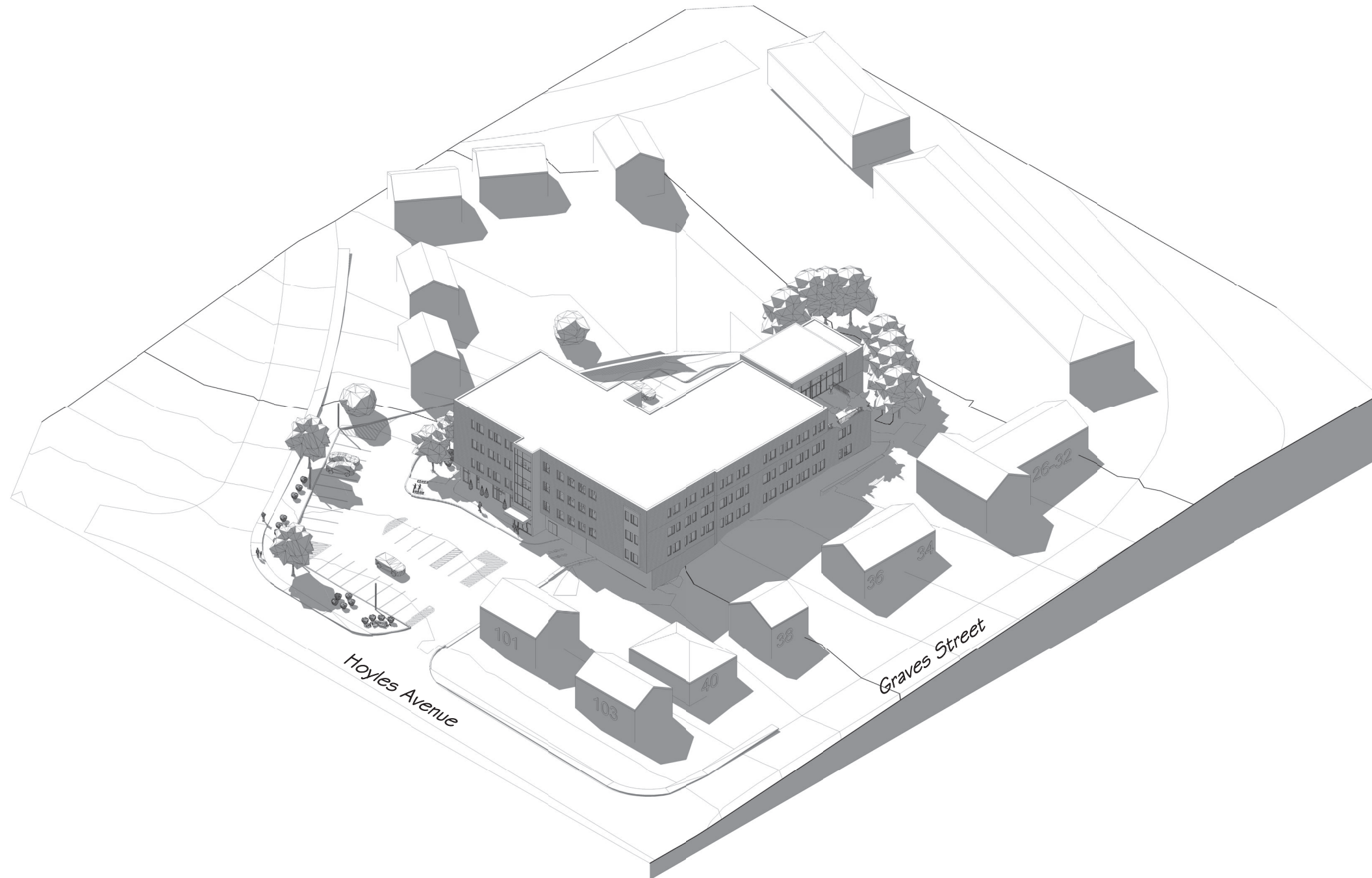


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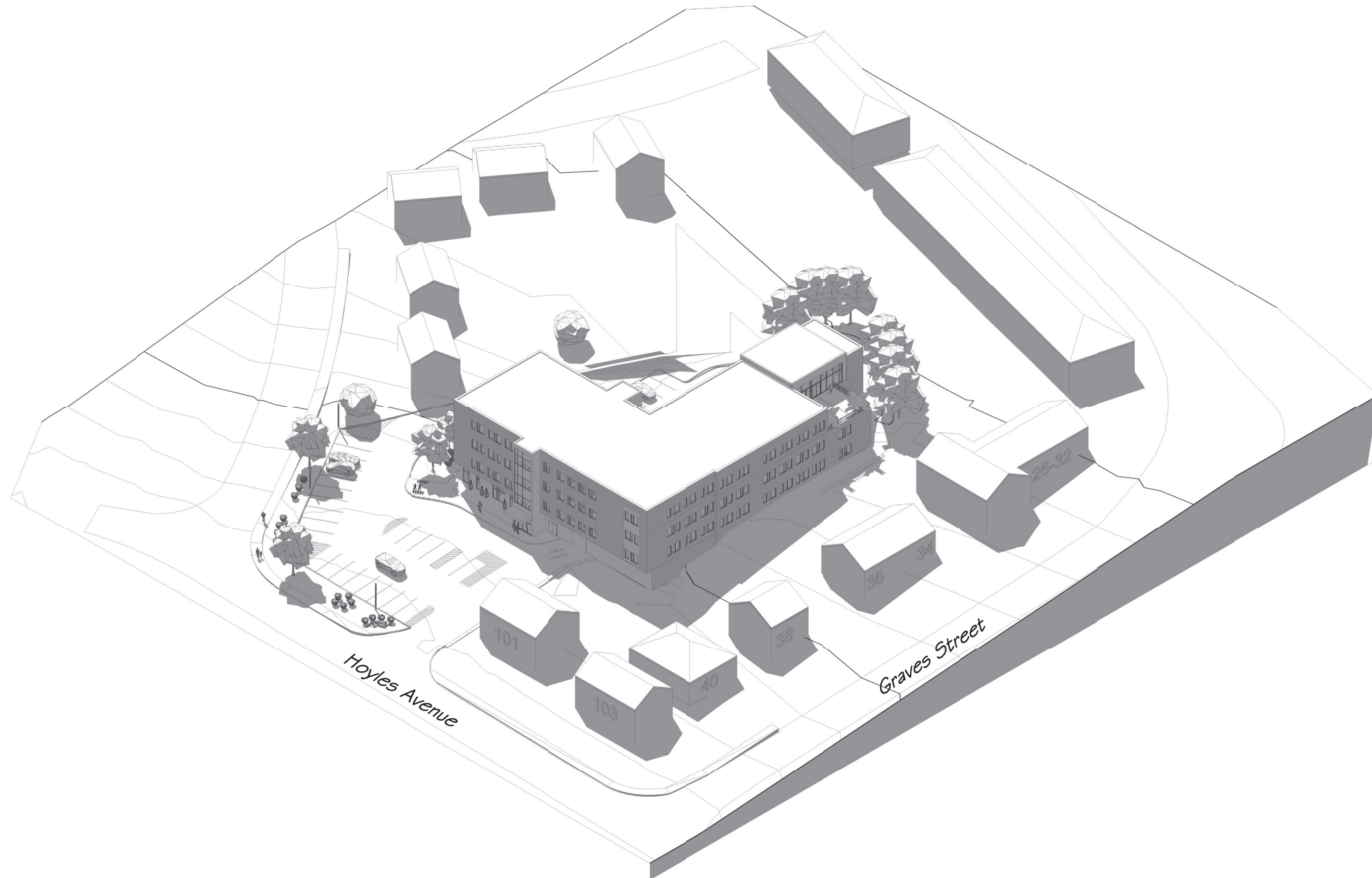


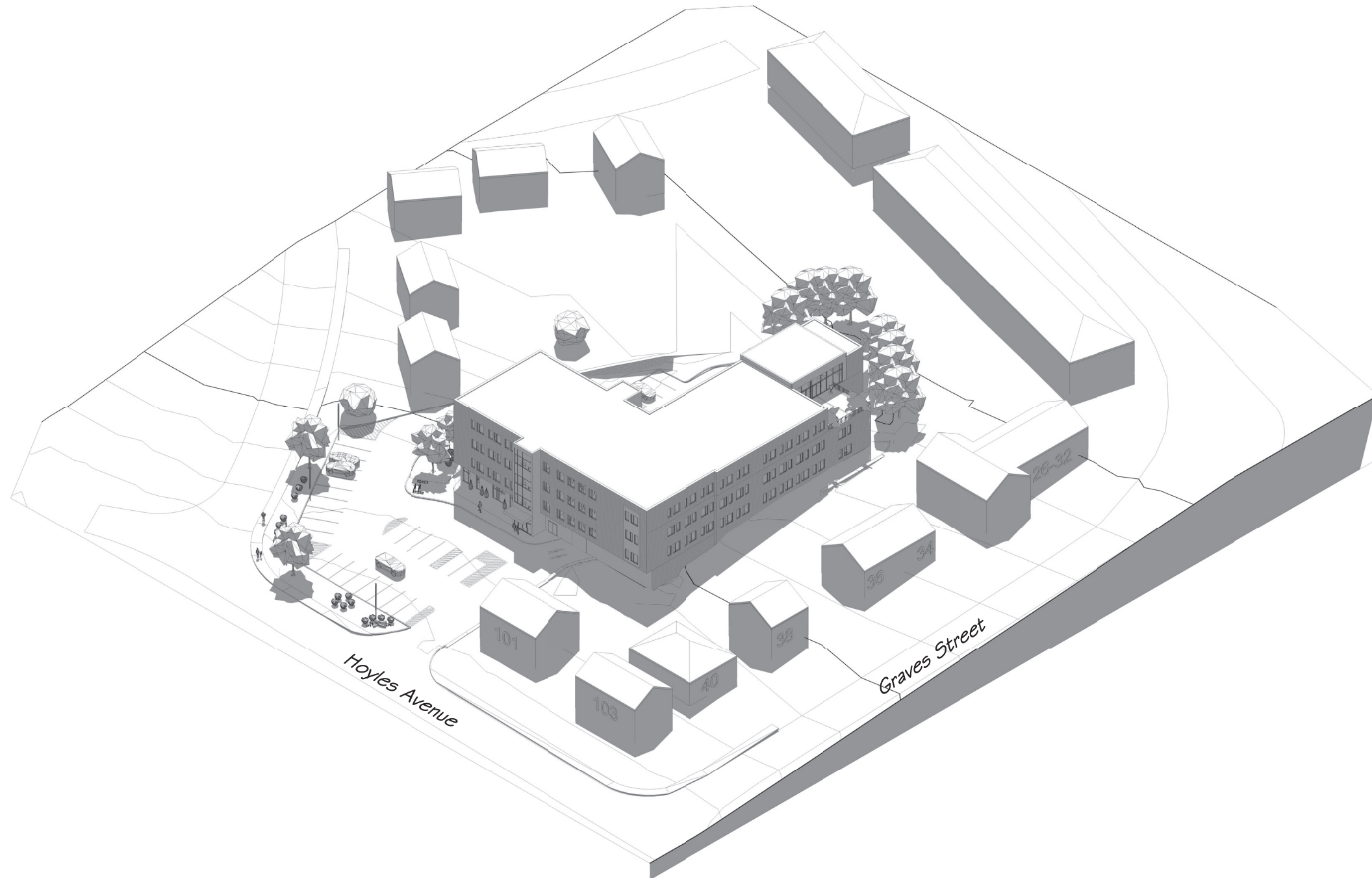




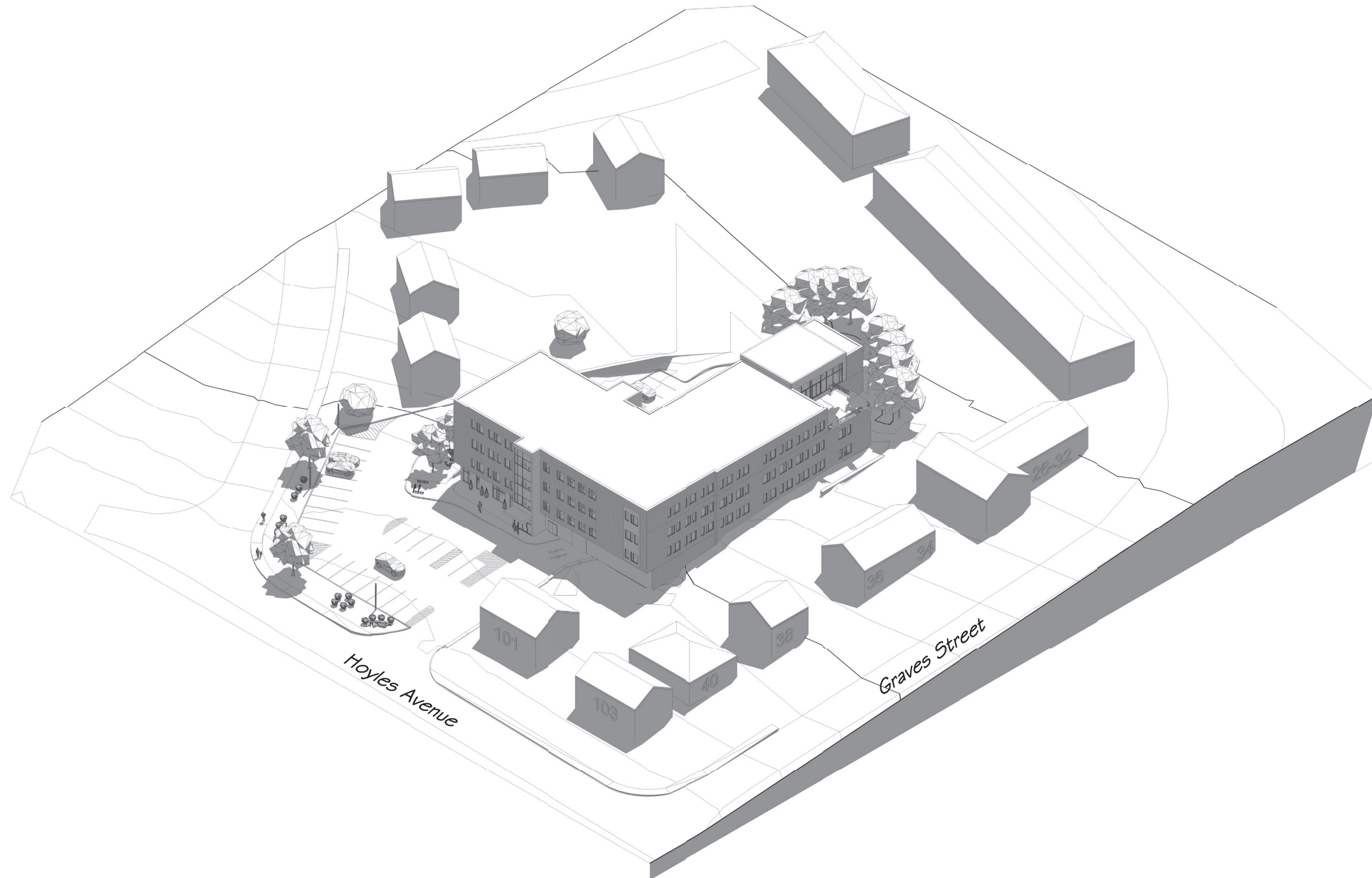






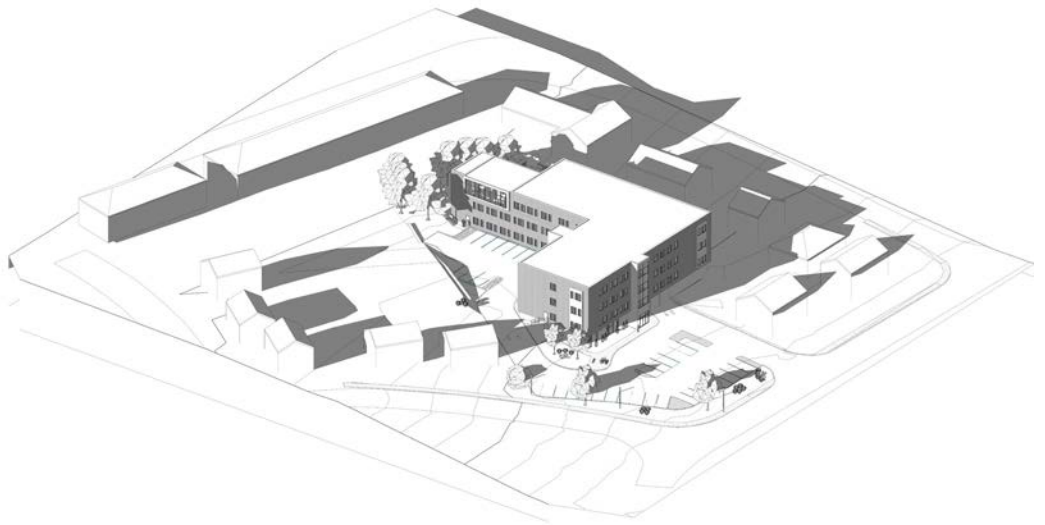




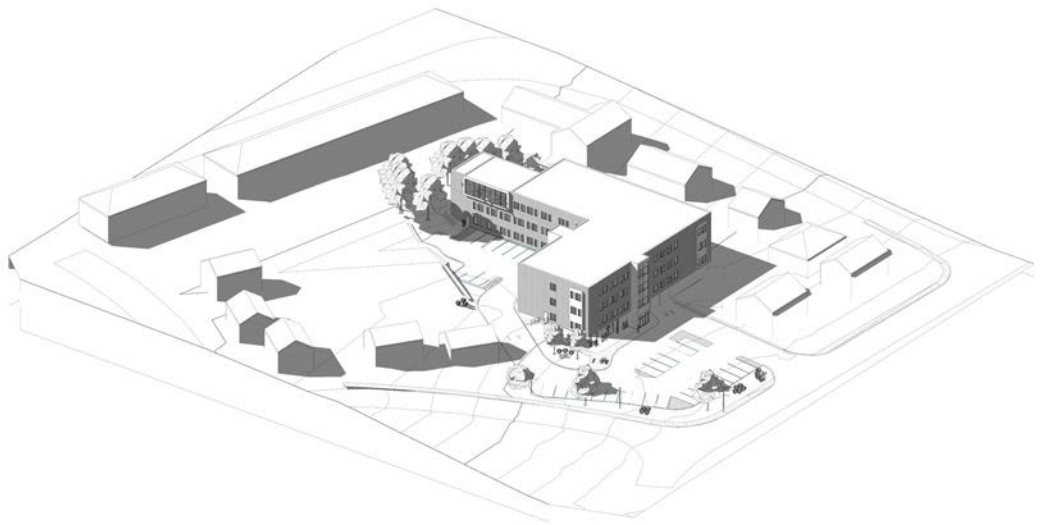


September 22

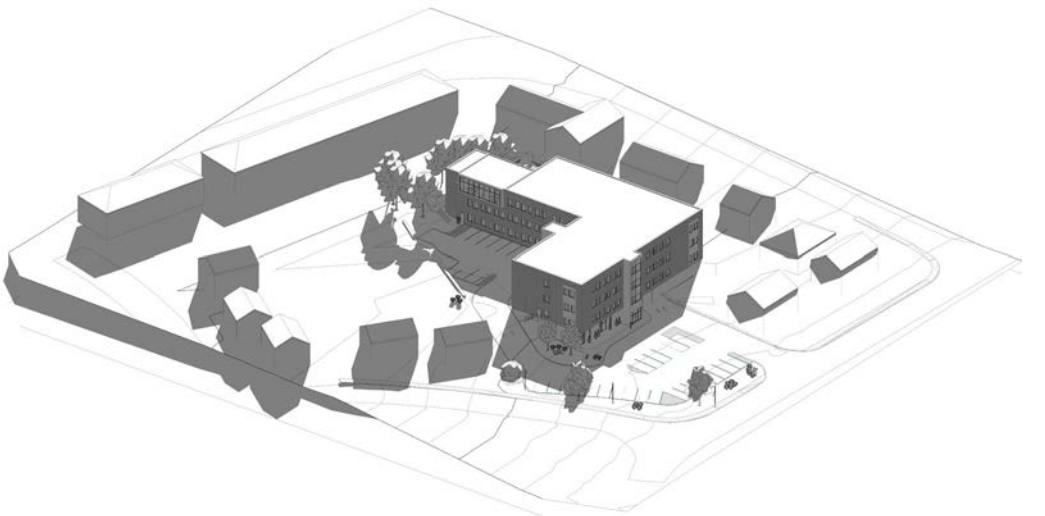
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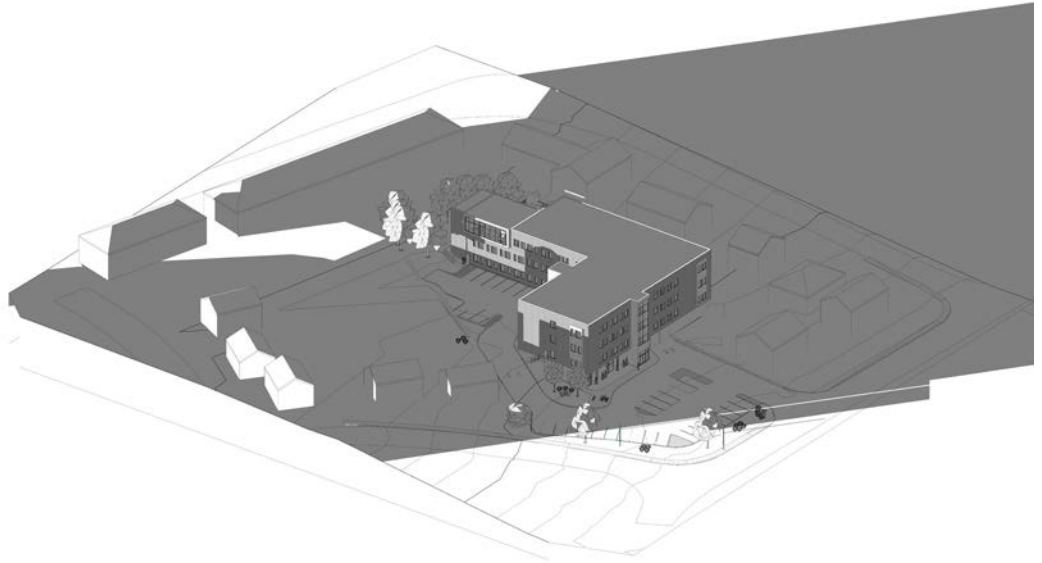


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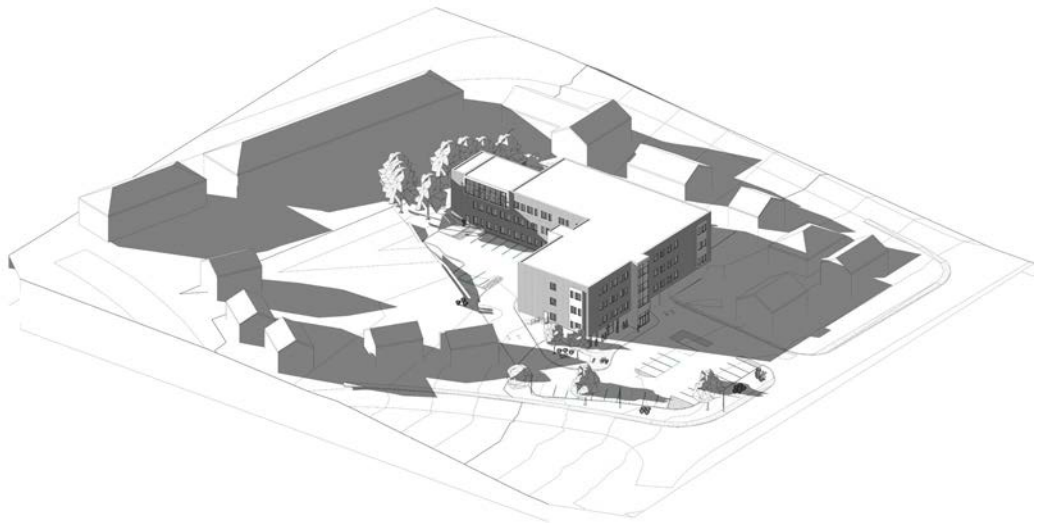


December 22

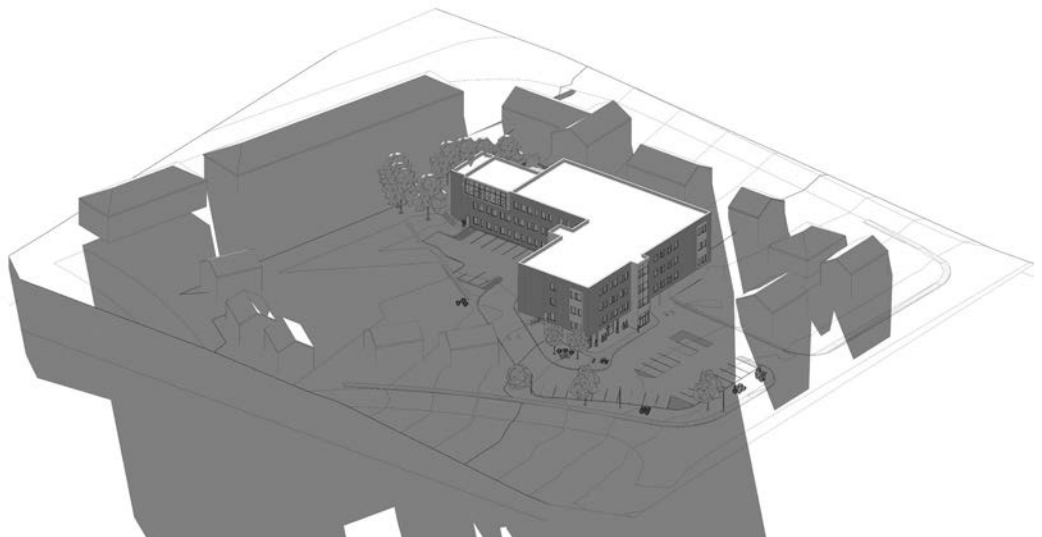
9 am



12 pm



5 pm



## APPENDIX 9 | TRANSIT CORRESPONDENCE

**From:** [Keith Woodfine](#)  
**To:** [Jessica Stanford](#)  
**Subject:** RE: Metrobus Requirements  
**Date:** Thursday, November 5, 2020 11:58:21 AM

---

Thank you for contacting us. I have reviewed the area and the new development will not have a big impact on Metrobus service. We have routes adjacent too but not on this road. The infrastructure on these routes are already fully equipped with shelters and cut ins. We will not require any additional infrastructure.

Thanks again for contacting us.

Keith Woodfine  
Transit Planner  
Metrobus (SJTC)  
keith.woodfine@metrobus.com  
709-570-2071

---

**From:** Jessica Stanford <j.stanford@lat49.ca>  
**Sent:** November-04-20 5:57 PM  
**To:** Keith Woodfine <keith.woodfine@metrobus.com>  
**Subject:** Metrobus Requirements

Hi Keith,

We are working on a new approx. 100 person personal care home development located at 5-7 Little Street in St. John's. As part of this process we are working on a LUAR (Land Use Assessment Report) for the City which asks for any impact that the development may have on current transit.

I've attached both the LUAR and a context map of the site. Public Transit is part of Section I. If you could have a look and decide if there is any impact on transit by this development, that would be great. We would need a statement from Metrobus regarding the public transit infrastructure requirements (if any) in that area.

Thanks for your time.

Jessica

JESSICA STANFORD | ARCHITECT | NLAA MRAIC





## APPENDIX 10 | EXTERIOR PERSPECTIVES





View from Corner of Hoyles Avenue and Little Street





View from Little Street



**Virtual Public Meeting using Microsoft Teams**  
**Public Meeting – 5 & 7 Little Street**  
**Wednesday, November 24, 2021**

**Present:**     **Facilitator**  
                  Glenn Barnes

**City of St. John's**  
                  Ken O'Brien, Chief Municipal Planner  
                  Ann Marie Cashin, Planner III, Urban Design & Heritage  
                  Jennifer Squires, Legislative Assistant

**Proponents**  
                  Roy Kamyar, Owner, Nevada Properties Inc.  
                  Richard Symonds, Architect, Lat49

There were approximately 8 people, including staff, in attendance.

<b>CALL TO ORDER AND BACKGROUND PRESENTATIONS</b>
---

Glenn Barnes, Chairperson and Facilitator, called the meeting to order at 7:01 p.m. and outlined the rules for decorum to ensure everyone who wished to speak had equal opportunity to do so and that such should be done in a respectful manner. First, City Staff would provide background information on the application, then the proponent would have a chance to speak, and then the Chairperson would provide an opportunity for members of the public to ask questions and provide feedback on the proposed development. Chairperson Barnes noted that people speaking will need to be brief with each person having three minutes. The minutes of the meeting would be sent to Council to inform decisions about the development going forward.

The zoom protocols for the virtual meeting were outlined with the following points highlighted:

- Raise hand feature of Zoom
- Chat room feature of Zoom
- Mute and Unmute features of Zoom

<b>PURPOSE OF MEETING</b>
---------------------------

Ann Marie Cashin, Planner III, Urban Design & Heritage for the City, outlined the purpose of the meeting which was to consider an application to rezone 5 & 7 Little Street from the Residential 2 (R2) Zone to the Apartment 2 (A2) Zone to accommodate the proposed development of a Personal Care Home. Personal Care Home is a Permitted Use in the A2 Zone. As the new Envision Municipal Plan and Development Regulations have been adopted, a Municipal Plan amendment is not required. She provided the following background and current status of the application as follow:

## **Background and Current Status**

The City received an application for a 3-storey Personal Care Home on the corner of Hoyles Avenue and Little Street. The proposed development will house 100 residents, and will have on-site amenities such as a commercial kitchen, dining area, multipurpose/amenity space, bathing facilities, and all other necessary facilities as required by the provincial government. The area is largely residential, with some commercial properties located nearby on Freshwater Road. There is a mix of housing types surrounding the proposed location of the facility, including single-detached dwellings, semi-detached dwellings, townhouses, and a community centre. The area is zoned Residential 2 (R2) in which Personal Care Home is a Discretionary Use. The applicant has requested to rezone the properties to the Apartment Low Density (A2) Zone which allows Personal Care Homes as a permitted use. The two properties will be required to be consolidated prior to development and the buildings located on the properties will be demolished should the application proceed.

Development and Engineering Staff have reviewed the application and currently have no concerns, and should rezoning proceed, more detailed designs would be required at the development approval stage. The development aligns with the housing objectives of the Envision Municipal Plan by encouraging a range of housing to create diverse neighbourhoods for all ages, income groups and family types. Personal Care Homes in appropriate residential areas make neighbourhoods more age-friendly and allow seniors the ability to “age in place”.

The applicant is proposing 4 stories at the front of the building, and 3 at the rear, to accommodate the slope of the site. Due to this sloped nature, the applicants have designed the main entrance of the building to be located off Hoyles Avenue. The plan meets all parking and landscaping requirements. A shadow analysis had been undertaken, and while there will be some morning shade that will affect neighbouring properties, afternoon and evening shade will fall within the boundaries of the property.

Staff noted that should the rezoning take place and the development not proceed, any use falling under the A2 zone could be considered for development on the properties, including an apartment building up to 6 stories in height. This would require a new application for development. If the A2 rezoning was approved by Council, the proponent would then enter into a Development Agreement with the City ensuring that the property would be developed as proposed in the Land Use Assessment Report (LUAR). Additional opportunities for consultation will not occur unless Staff are directed to do so by Council.

### **PRESENTATION BY THE DEVELOPER**

Richard Symonds, the architect for the project, provided some additional background on Nevada Properties Inc, a local family owned and operated company with over 15 years of operational experience in the Personal Care Industry. They own and operate several Personal Care Homes throughout the City. All Personal Care Homes in Newfoundland

are regulated by the Province, and the proposed development would have to meet provincial requirements and standards. This would be a quiet operation, with visitors during the daytime, and Staff in the building around the clock. Personal Care Homes are generally quiet at night, and the occupants will mainly be elderly residents, with some younger residents requiring full time assistance.

Additional information was provided on the height and grading of the property, with the proponent noting that they are trying to work with the steep slope of the land at the rear of the property. The building will be set well back from the road, with the closest boundary being with the rear of the properties on Graves Street. They will attempt to keep the current trees on the periphery of the property, but as some are directly in the development area, these will have to be removed. The Chairperson noted that most of this information could be found in the LUAR, and then asked for questions and comments from the Public.

#### **COMMENTS FROM PARTICIPANTS**

<b>COMMENTS</b>	
<b>Speaker #</b>	<b>Commentary</b>
1.	<p>The Speaker asked how the rezoning would affect them as a homeowner in the area, and if it would affect their insurance or property values. Staff and the Chairperson noted that although a study concerning property values in the City has not taken place, research and anecdotal information have shown that new developments generally do not negatively impact property values. The Speaker was advised to check in with their Insurance Provider to determine if the development would affect their home insurance. Staff noted that it would be important to keep insurance values in mind when developing land, as Council would not wish to cause undue financial burden on taxpayers.</p> <p>The Speaker then asked for clarification on the rezoning process, as should a 6-storey development take place, it would cause concern. The City Planner responded that such a development would only occur should the proposed plan not proceed. A new application would have to be received and reviewed before a new development would be considered.</p>

Herein ended the discussion portion of the meeting.

#### **CONCLUDING REMARKS**

The Chairperson thanked those in attendance for their participation. Staff encouraged the public to send along any additional concerns or questions by phone and to send submissions via email for consideration and response.



## **ADJOURNMENT**

The meeting adjourned at 7:30 p.m.

Glenn Barnes  
Chairperson/Facilitator

## Application for 5 and 7 Little Street: Questions

Hello,

I have received the public notice outlining the rezoning application for the land at 5 and 7 Little Street in St. John's.

I am the homeowner of [REDACTED] I have the following questions about the application.

- How would the rezoning of this area from Residential 2 (R2) to Apartment 2 (A2) effect me as a homeowner? (i.e. Would my insurance go up as a result of this change? Would my property values decrease as a result of this change? What are the other effects of 'rezoning'?)
- Where would the building be placed on the lot?
- How high would the building be?
- Would there be a parking lot? If so, for how many vehicles? Where would it be located?
- Would there be any outbuildings or dumpsters on the lot? Where would they be located?
- Would all the existing trees in the area be removed for this?
- If yes to the question above, how would the removal of the trees affect the flooding in the area?
- Would there be an assessment on any of the birds and wildlife that currently occupy these spaces?
- Would the community garden adjacent to the lot be affected by the building? Would it block the light that the garden gets for a significant portion of the day (especially during our limited growing season)?

I also have other questions and concerns about the proposed development. Although the rezoning is for 'Apartment 2 (A2)' this will, in fact, be an institution and a large business rather than the "Apartment" title that the rezoning might give it. Is this in keeping with 'preserving residential neighbourhoods' given that this will be a staffed business?

Additionally, research shows that more often than not, people with intellectual and developmental disabilities end up in 'personal care' homes and other similar facilities rather than living in the community. Would this proposed development be in keeping with current human rights policies, conventions and legislation in place in our city, province and country?

Thank you,

[REDACTED]

## Jennifer Squires

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**From:** Karen Chafe  
**Sent:** Monday, December 6, 2021 10:21 AM  
**To:** Jennifer Squires  
**Subject:** FW: (EXT) 5 & 7 Little Street

For your file

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**From:** Karen Chafe **On Behalf Of** CityClerk  
**Sent:** Monday, December 6, 2021 10:21 AM  
**To:** [REDACTED] CityClerk <cityclerk@stjohns.ca>; Ian Froude <ifroude@stjohns.ca>  
**Cc:** Andrea Roberts <aroberts@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Ashley Murray <amurray@stjohns.ca>; Tracy-Lynn Goosney <tgoosney@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>; Ken O'Brien <kobrien@stjohns.ca>; Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>; Planning <planning@stjohns.ca>  
**Subject:** RE: (EXT) 5 & 7 Little Street

Good Morning:

Thank you for your email. This confirms receipt. I have cc'd staff with the City's Planning, Engineering & Regulatory Services Dept. for their information and/or response to your questions. Members of Council will also receive copies of all submissions received on this matter prior to its referral to a future Regular Meeting.

Karen Chafe  
City Clerk

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**From:** [REDACTED]  
**Sent:** Sunday, December 5, 2021 11:49 PM  
**To:** CityClerk <[cityclerk@stjohns.ca](mailto:cityclerk@stjohns.ca)>; Ian Froude <[ifroude@stjohns.ca](mailto:ifroude@stjohns.ca)>  
**Subject:** (EXT) 5 & 7 Little Street

To whom it may concern,

I am an owner of a property at [REDACTED] On Saturday, Dec 4th, I received a phone call informing me of a proposed development in [REDACTED] I was most grateful for the call, yet it was NOT how I should have learned of this development. As the owner of the property, and the city knowing who owns the property, I was frustrated with the fact that no information was provided to me and my husband by the city on this proposed development.

As I now frantically try and educate myself and understand what is proposed I come to learn that there was a meeting on Nov 24th...a Zoom meeting! Well, I should think that if you are hosting a meeting by way of technology, that a notice using technology as opposed to letters sent to mail boxes of those living on the street would have been fitting.

As a resident of our beautiful city, I am definitely open to improving our city, but I am tired of seeing senior's complexes being constructed. Are we not still in a pandemic? Have we already forgotten about how poorly things were for residents of care homes during the pandemic? Do we really need another in our city? I googled senior care homes and found 22, the number is likely higher if I extended my research beyond merely typing those 3 words in a google search. I

then googled co-housing in St. John's and found nothing. Let's pause and think about that shall we? Let's allow more senior's complexes and have little to no co-housing in our city. The affordability of our city is not great for some, how about we encourage investors who want to bring forth development to our city to bring forth things that will benefit more, give people who are challenged a better chance of making a better life?

To say that I am disappointed with the type of development is one thing, but to see this in-depth proposal and only now, due to a neighbour calling me, and not having been given any opportunity for input is frustrating. I have tried to find information on Nevada Properties and I'm unable to find any information, which leads me to think this may not be a local developer / investor. So let's pause and think about this again. An outsider, who has no vested interest other than financial gain, has a greater voice than the residents of the area as to how our community will grow and take shape.

I am absolutely opposed to this development. I have concerns with:

1. flooding of [REDACTED] The land slopes [REDACTED] and with the land being covered in asphalt and the building itself I have serious concerns with flooding [REDACTED]
2. Devaluing my property. If my home floods, it will devalue my home and have significant cost and harm to me and my family.
3. Four story building. To call it a three story building when for some it is actually a 4 story building, those on Graves street, is wrong. This is ABSOLUTELY not in keeping with the buildings in the area. Homes in the area are 1 and 2 stories. To have a 4 story building tower over our homes, casting shadows and blocking the sun is damaging to our property and well being. If the developer wants a seniors complex, well it should be in keeping with the height of properties within the area. An individual purchasing a lot would not be permitted to build a 4 story home in the area, so why should special allowance be made for an investor?
4. Parking. The parking lot proposed for this building appears to not even have enough space for staff, let alone someone visiting a resident, as such our streets will be lined with cars for those working/visiting the home leaving little space for those that live in the area to have extra space for anyone that may be visiting.
5. Noise levels are sure to increase with increased traffic, ambulances, waste disposal vehicles and the building itself.
6. Light pollution from the parking lot lighting and the building itself.

Could you please advise as to how many people attended your Zoom meeting on this proposed development? If there were very few, I would suggest that it was not due to lack of interest or care in this development, but rather due to lack of awareness and likely the meeting format.

Given the lack of effort to notify owners of this development and the fact that the Zoom meeting date has passed, I would ask that we be given more time to ensure our neighbours are aware of this proposed development and I would ask that we be permitted to attend any forthcoming meetings related to this.

<http://www.stjohns.ca/public-notice/public-meeting-5-7-little-street>

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.

Residents and property owners concerns regarding a **Personal Care Home** by Nevada Properties c/o Roozbeh (Ros) Kamyar at 5&7 Little Street

If you share any of the concerns below, please sign and send your comments to St. Johns City Council by tomorrow, Monday, December 6, 2021. You can scan and email to [cityclerk@stjohns.ca](mailto:cityclerk@stjohns.ca) or sign and return to me. [REDACTED]

Go to [www.stjohns.ca](http://www.stjohns.ca), on the right, look for Notices: See All Notices. 5&7 Little St. Scroll to the bottom to see 3 documents containing lots of detailed plans, drawings and info.

I am concerned about loss of sunlight from shading from a 3 to 4 storey building.	
I am concerned about losing beautiful green space.	
I am concerned about losing my <b>view</b> of beautiful trees, grass and sky.	
I am worried about flooding.	
I am worried about loss of peace and quiet.	
I am concerned about lowered air quality from traffic, loss of green space, emissions from air conditioning systems or other venting systems.	
I am concerned about more traffic in the neighbourhood (70 to 100 residents) from visitors, service vehicles, ambulances.	
I am worried that increased traffic will pose a danger to my children or pets.	
I am worried about noise from vehicles, ambulances and snowploughs.	
I am worried about parking.	
I am concerned about light pollution from big street lights on the parking lot and high building.	
I am concerned about light pollution from windows shining onto my property after dark.	
I am concerned about loss of privacy from people looking down on my garden or into my windows from 3 to 4 stories.	
I am concerned about my home losing its property value.	
Other things I am concerned about: _____	
Name [REDACTED]	Address [REDACTED]
Name [REDACTED]	Address [REDACTED]



*By hand. - Office of the City Clerk*  
St. Johns City Council  
December 6, 2121

**Re: proposed development by Nadia Development at 5&7 Little Street**

Dear Councilors:

As a property owner and resident I have serious concerns about this development as outlined below. I am also attaching statements of concern from some of my neighbours at their request.

I am alarmed about the size of this proposed building and dispute the developer's claim that it, "fits comfortably into the site" (LUAR pg. 4). In fact, the building is too big and especially too high. Directly following is another misleading statement regarding the height of the building: "In fact, due to the surrounding elevation changes, the proposed building is approximately the same height as the Rabbittown Community Centre and row housing on Graves Street adjacent to the rear of the property, though it is one storey taller."

The statement would also be accurate if formulated to read, "The proposed building is one storey taller than the Rabbittown Community Centre and the row housing at the rear of the building, but due to the surrounding elevation changes, it is approximately 3 stories higher than the housing on Hoyles Avenue at the front of the building and 1.5 to 2 stories higher than the houses at the lower end of Graves St."

This is because from the row housing at the top of Graves St., down to the bottom of Graves St., on both sides of the street, and on Hoyles Avenue entirely from Guy St. to Little St. are 1 and 1.5 storey homes. There is not one 2 storey home amongst them. So the proposed building does not fit comfortably into the existing setting but rises well above many neighbouring homes.

In the case of my own property, [REDACTED]

[REDACTED] Additionally, the proposed building will reduce the sun exposure to my property and others by hours each day. Here again, I believe the developers statements regarding shadowing are inaccurate:

On pg. 4 of the LUAR: "There will be some shadowing along the residential property at 101 Hoyles Ave. and the rear yards of properties along Graves St. However, outside of the winter months, there is minimal impact from the shadows on neighbouring properties."

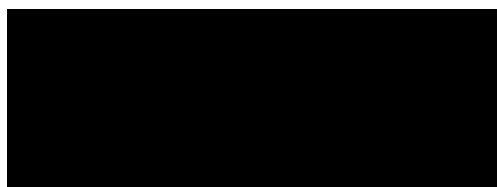
In fact, according to the developers own mapping (Appendix 8), the existing rear yards, and houses themselves, would be shadowed by this building for hours each day during **all** months of the year. The hours of shade are greatly increased in winter, when we need sunshine most. My property's orientation to the sun is its most beautiful aspect and I value it highly. I am really devastated by the prospect of significantly reduced direct sunlight if this project proceeds as is. (It might also be asked, by what standard are the effects of the shadowing minimal?)

**5&7 Little St., Submission from Joan Woodrow, 38 Graves St.**

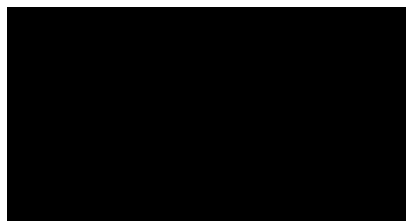
In closing, it must be said that the community has not been successfully engaged by the City in obtaining our input on this development. People around here are not aware of the project, or have it confused with an earlier proposal by the same developer on the same site. I have not met anyone who attended the public online Zoom meeting on November 24th ... some did not receive a notice, some could not access the technology ... a number of homes in the neighbourhood are rented and their owners seem not to have been notified of the proposal. Naturally, the short term tenants would not be invested in the community as they are. As it stands, residents and property owners of this neighbourhood have not had a voice at this table.

Thank you for your consideration. I am hopeful that some changes can yet be made to resolve concerns and achieve a better fit for our community. I welcome any communication about this project.

Yours truly,



Attachments (5)



Residents and property owners concerns regarding a **Personal Care Home** by Nevada Properties c/o Roozbeh (Ros) Kamyar at 5&7 Little Street

If you share any of the concerns below, please sign and send your comments to St. Johns City Council by tomorrow, Monday, December 6, 2021. You can scan and email to [cityclerk@stjohns.ca](mailto:cityclerk@stjohns.ca) or sign and return to me. [REDACTED] Call or drop in my mail box.

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I am concerned about losing beautiful green space.	
I am concerned about losing my <b>view</b> of beautiful trees, grass and sky. ✓	
I am worried about flooding.	
I am worried about loss of peace and quiet. ✓	
I am concerned about lowered air quality from traffic, loss of green space, emissions from air conditioning systems or other venting systems.	
I am concerned about more traffic in the neighbourhood (70 to 100 residents) from visitors, service vehicles, ambulances. ✓	
I am worried that increased traffic will pose a danger to my children or pets.	
I am worried about noise from vehicles, ambulances and snowploughs.	
I am worried about parking.	
I am concerned about light pollution from big street lights on the parking lot and high building. ✓	
I am concerned about light pollution from windows shining onto my property after dark.	
I am concerned about loss of privacy from people looking down on my garden or into my windows from 3 to 4 stories.	
I am concerned about my home losing its property value.	
Other things I am concerned about: is a small area for a big building.	
Name [REDACTED]	Address [REDACTED]
Name [REDACTED]	Address [REDACTED]

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I am worried about loss of peace and quiet.		✓
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I am worried about noise from vehicles, ambulances and snowploughs.		✓
I am worried about parking.		✓
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I am concerned about light pollution from windows shining onto my property after dark.		✓
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I am concerned about my home losing its property value.		✓
Other things I am concerned about:		✓
Name	[Redacted]	Address [Redacted] —
Name	[Redacted]	Address [Redacted] —

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Name [REDACTED]	Address: [REDACTED]
Name [REDACTED]	Address [REDACTED]



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I am concerned about loss of privacy from people looking down on my garden or into my windows from 3 to 4 stories. ✓	
I am concerned about my home losing its property value. ✓	
Other things I am concerned about: <u>Rodents + controll of such.</u>	
Name [REDACTED]	Address [REDACTED]
Name [REDACTED]	Address [REDACTED]

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[REDACTED]  
**Sent:** Monday, December 20, 2021 12:56 AM

**To:** Ian Froude <ifroude@stjohns.ca>; CouncilGroup <councilgroup@stjohns.ca>

**Cc:** CityClerk <cityclerk@stjohns.ca>

**Subject:** (EXT) 5&7 Little Street

To Ian Froude and St. John's City Council

December 20, 2021

Re: Proposed Development 5&7 Little Street

Dear Ian,

Thank you for coming by [REDACTED] to see the perspective of the proposed building from [REDACTED]. I really appreciate you taking the time. I thought about some of the things we talked about and I wanted to respond to some of your comments and suggestions.

To propose building something of that height, right on top of us, is so awful, I can hardly believe that anyone would even think of it, even worse that Council would approve it.

The City needs this kind of housing. I don't see why I nor my neighbours should be expected to sacrifice so much for them to get it. It's not just having to look at a 3 to 4 storey high wall, it's not just loss of greenery, its loss of direct sunlight,

southwesterly exposure. We also are [REDACTED], growing old in our own homes and that sunlight makes an invaluable contribution to our well-being.

Engineering will take care of any risk of flooding. Can anything really be engineered that can replace the roots of so many mature trees - even up to 100 years old - their enormous canopies and root systems and all that grass and meadow? Storm sewers can be overwhelmed and our backyards might yet be turned into swamps.

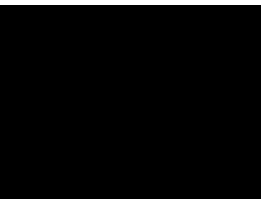
There is lots of parking in this neighbourhood. There are also lots of children going regularly back and forth from the Rabbittown Community Centre to Kelly's Brook Park with their various camps and programs. Teams of runners pass through our neighbourhood regularly; lots of bicyclists do too, no doubt because it's safe, not too much traffic, not too much exhaust.

Could lowering the building a storey be an acceptable compromise? Yes, I think so. It would still be a huge building, I would still have a three storey building at my [REDACTED]! but it *would* reduce the damaging effect of loss of sunlight.

Could a different facade make it more sightly? I think it could. Other cities are greening and here is an image of how they are doing it. This might even be beautiful and would also mitigate the effects of loss of green space.

<http://fytogreen.com.au/loop-roof-vertical-garden/>

Thank you again, Ian, for taking the time. I surely hope the City can guide this proposal towards a development that accommodates the needs of all parties concerned.



**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

**Title:** Sale of City Land at the front and right of 352 Airport Heights Drive

**Date Prepared:** December 14, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Jill Bruce, Ward 1

**Ward:** Ward 1

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## Decision/Direction Required:

Recommendation on the sale of City land at the front and right of 352 Airport Heights Drive, as shown on the attached surveys.

## Discussion – Background and Current Status:

The owner of 352 Airport Heights Drive has approached the City requesting to purchase the land at the front of his property and the land upon which his patio is encroaching. This request was circulated amongst the required City departments with no objections noted. A buffer will be retained of 0.5 meters behind the existing sidewalk for future upgrades.

The City has previously transferred the road reservation in front of properties on Airport Heights Drive for \$1.00 as these were created due to road realignment. The purchase price has been established for the land upon which the patio is encroaching at a rate of \$3.00 per square foot, plus HST and administrative fees. The area in question is 2,487.54 square feet, resulting in a purchase price of \$7,462.62.

## Key Considerations/Implications:

1. Budget/Financial Implications:
  - a. City will received \$7,462.62 for the sale of the land, plus administrative fees.
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions/Adopted Plans:
  - a. An Effective City
4. Legal or Policy Implications:
  - a. Two Deeds of Conveyance wil have to be prepared
5. Privacy Implications: N/A

# ST. JOHN'S

- 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 approve the sale of City land at the front of 352 Airport Heights Drive for \$1.00 and the land to the right for \$3.00 per square foot, as shown in the attached surveys.

**Prepared by:** Linda S. Bishop, Q.C. – Senior Legal Counsel  
**Approved by:** Cheryl Mullett – City Solicitor





**Mitchel S. Burt Surveys Ltd.**  
**NEWFOUNDLAND LAND SURVEYOR**

331A INDIAN MEAL LINE • TORBAY, NL • A1K 1G3  
PHONE: (709) 437 1088 • FAX: (709) 437 1084  
EMAIL: mitchel@akbsurveyors.nf.net

**Land to be acquired from the City of St. John's**

**SCHEDULE "A"**

All that piece or parcel of land situate, lying and being on the northeast side of Airport Heights Drive, in the City of St. John's, in the province of Newfoundland Labrador, Canada and being more particularly described as follows, that is to say:

**BEGINNING** at a point, said point being in the northeastern limit of Airport Heights Drive and having co-ordinates of North 5 274 237.696 metres and East 322 717.353 metres of the modified three degree transverse Mercator projection (Zone 1, NAD 83) for the province of Newfoundland Labrador, Canada:

**THENCE** running by land of Stephen Frenette (Civic No. 352 Airport Heights Drive, Surveyed by Mitchel S. Burt, NLS – December 2021) N 29° 02' 32" E a distance of 48.768 metres;

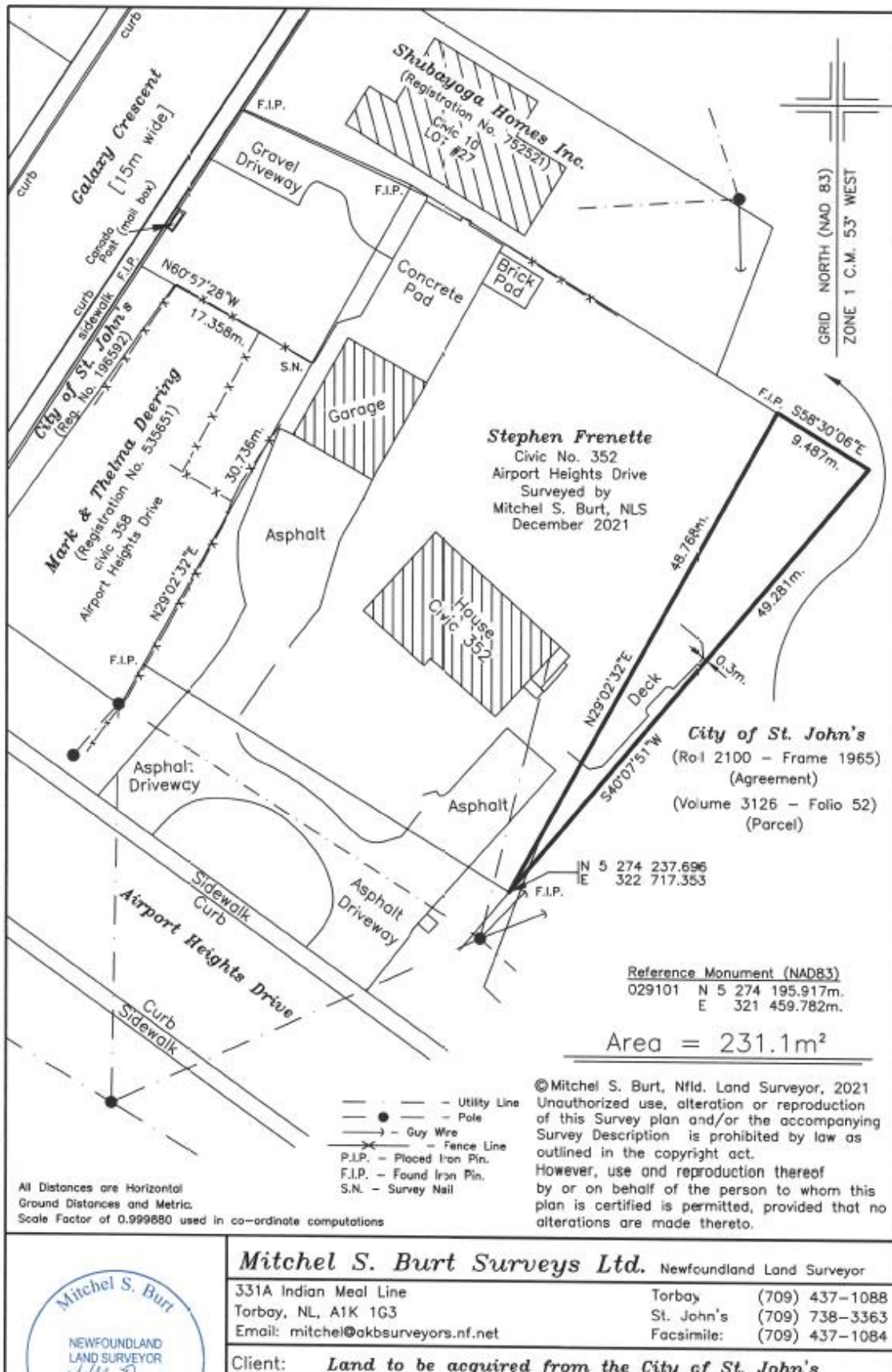
**THENCE** running by land of City of St. John's (Volume 3126 Folio 52, Registry of Deeds for Newfoundland Labrador) S 58° 30' 06" E a distance of 9.487 metres;

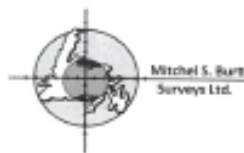
**THENCE** running S 40° 07' 51" W a distance of 49.281 metres, more or less, to the principal **Point of Beginning**.

The above described piece or parcel of land contains an area of 231.1 square metres, more or less, the same being more particularly described and marked on the drawing hereto attached.

All bearings refer to Grid North (NAD 83).







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**Land to be acquired from the City of St. John's**

**SCHEDULE "A"**

All that piece or parcel of land situate, lying and being on the northeast side of Airport Heights Drive, in the City of St. John's, in the province of Newfoundland Labrador, Canada and being more particularly described as follows, that is to say:

**BEGINNING** at a point, said point being in the northeastern limit of Airport Heights Drive and having co-ordinates of North 5 274 226.880 metres and East 322 708.235 metres of the modified three degree transverse Mercator projection (Zone 1, NAD 83) for the province of Newfoundland Labrador, Canada:

**THENCE** running along the aforementioned northeastern limit of Airport Heights Drive N 54° 17' 23" W a distance of 35.585 metres;

**THENCE** running by land of Mark & Thelma Deering (Civic No. 358 Airport Heights Drive, Registration No. 535651, Registry of Deeds for Newfoundland Labrador) N 29° 02' 32" E a distance of 11.383 metres;

**THENCE** running by land of Stephen Frenette (Civic No. 352 Airport Heights Drive, Surveyed by Mitchel S. Burt, NLS – December 2021) S 58° 30' 06" E a distance of 38.100 metres;

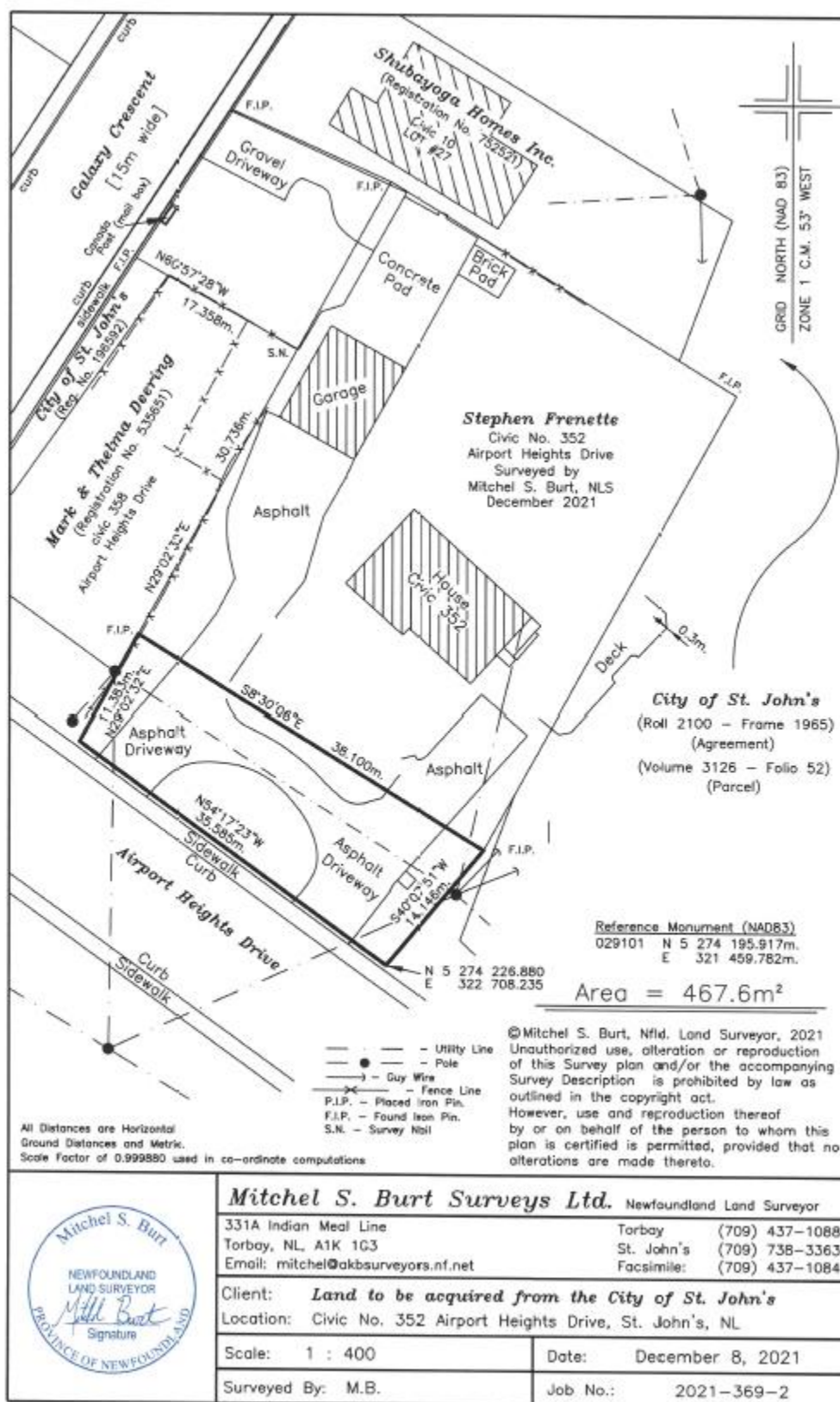
**THENCE** running by land of City of St. John's (Volume 3126 - Folio 52, Registry of Deeds for Newfoundland Labrador) S 40° 07' 51" W a distance of 14.146 metres, more or less, to the principal **Point of Beginning**.

The above described piece or parcel of land contains an area of 467.6 square metres, more or less, the same being more particularly described and marked on the drawing hereto attached.

All bearings refer to Grid North (NAD 83).







**Report Approval Details**

Document Title:	Sale of City Land - 352 Airport Heights Drive.docx
Attachments:	
Final Approval Date:	Dec 14, 2021

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

**Cheryl Mullett - Dec 14, 2021 - 10:48 AM**



# DECISION/DIRECTION NOTE

**Title:** 19 King's Bridge Road, Adoption-in-Principle, MPA2100004

**Date Prepared:** December 3, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Ian Froude, Planning

**Ward:** Ward 2

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## **Decision/Direction Required:**

That Council adopt-in-principle the resolutions for Envision St. John's Municipal Plan Amendment Number 4, 2021 and St. John's Development Regulations Amendment Number 6, 2021.

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

The City has received an application to rezone property at 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone. The existing building was owned by the Anglican Church of Canada and housed offices and a retail store. The building has been sold and the new owner is seeking a rezoning as the building is no longer associated with an institution. A Municipal Plan Amendment would also be required.

The NL Department of Municipal and Provincial Affairs has set new submission standards for amendments. Before now, City staff put background information in the decision note, and the amendment only contained the resolutions. The new submission standards require us to include the background information in the body of the amendment.

To reduce duplication, we have not put the background info in the decision note. See the amendment for a full description and analysis. To summarize, staff are recommending rezoning the subject property from INST to CN.

A virtual public meeting for the proposed amendments was held on December 1, 2021. The proposed amendments and public meeting were advertised three times in *The Telegram* newspaper and posted on the City's website, and a notice was mailed to property owners within 150 metres of the application site. No submissions were received by the City Clerk's Office and there were no attendees at the public meeting.

As per Section 4.9 of the Envision Development Regulations, a Land Use Report (LUR) is required for all applications to amend the Municipal Plan or Development Regulations. Given that this property has contained retail uses in the past and no changes to the existing building are proposed at this time, it is recommended that as per Section 4.9 (3), Council accept this staff report as the Land Use Report. The applicant would be required to meet all City regulations and policies including the Commercial Development Policy at the development

# ST. JOHN'S

and/or building permit stage once the commercial use has been determined. There are approximately 30 parking spaces on the parking lot. The applicant may be required to upgrade the site to meet relevant access, parking, landscaping and any other requirements.

Should Council adopt-in-principle the attached amendments, a copy will be forwarded to the provincial Department of Municipal and Provincial Affairs for review, as required by the Urban and Rural Planning Act.

**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: Map amendments to the Envision St. John's Municipal Plan and Development Regulations will be required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Should the amendments proceed, a commissioner's public hearing will be scheduled following provincial review and release.
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-in-principle the resolutions for Envision St. John's Municipal Plan Amendment 4, 2021 and St. John's Development Regulations Amendment 6, 2021, regarding land at 19 King's Bridge Road.

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

**Report Approval Details**

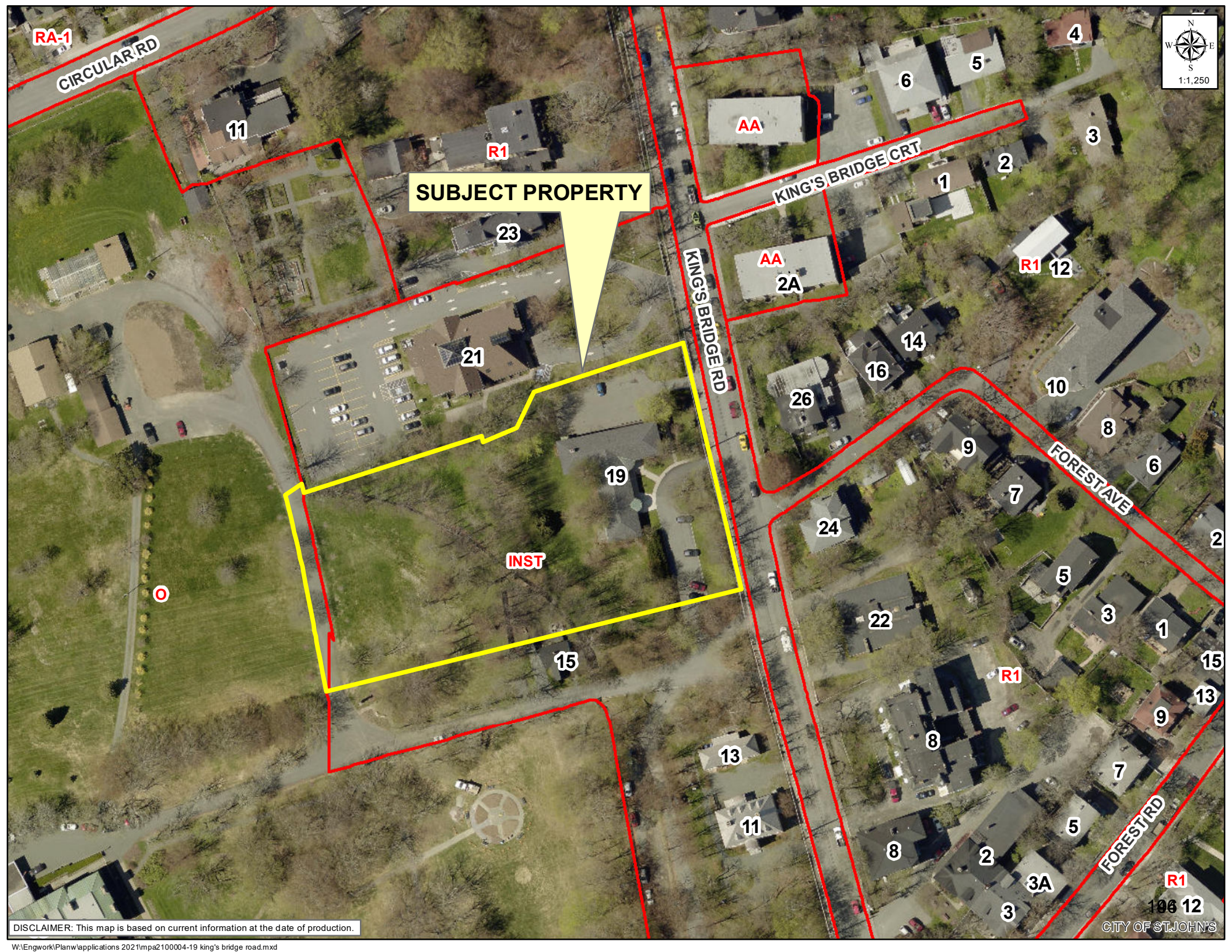
Document Title:	19 King's Bridge Road, Adoption-in-Principle, MPA2100004.docx
Attachments:	- 19 King's Bridge Road - AIP Attachments.pdf
Final Approval Date:	Dec 15, 2021

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

**Ken O'Brien - Dec 15, 2021 - 2:24 PM**

**Jason Sinyard - Dec 15, 2021 - 2:35 PM**





1:1,250

RA-1

CIRCULAR RD

11

R1

SUBJECT PROPERTY

23

21

19

INST

15

AA

KING'S BRIDGE CRT

KING'S BRIDGE RD

AA

2A

6

5

4

3

2

1

R1

12

14

16

26

10

8

6

FOREST AVE

9

7

24

22

5

3

1

R1

8

2

3A

5

7

FOREST RD

R1

106 12

CITY OF ST. JOHN'S

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

W:\Engwork\Planw\applications 2021\mpa2100004-19 king's bridge road.mxd





BOOKS  
GIFTWARE  
CARDS  
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# **City of St. John's Municipal Plan, 2021**

## **St. John's Municipal Plan Amendment Number 4, 2021**

**Institutional Land Use District to  
Commercial Land Use District for Office and Similar Uses  
19 King's Bridge Road**

**December 2021**



**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**ST. JOHN'S Municipal Plan, 2021**

**Amendment Number 4, 2021**

Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the St. John's Municipal Plan Amendment Number 4, 2021.

Adopted by the City Council of St. John's on the \_\_\_\_ day of [Click or tap to enter a date..](#)

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

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

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

Town Seal

**Canadian Institute of Planners Certification**

I certify that the attached St. John's Municipal Plan Amendment Number 4, 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

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

MCIP/FCIP Stamp

**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO APPROVE**

**St. John's Municipal Plan, 2021**

**Amendment Number 4, 2021**

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's:

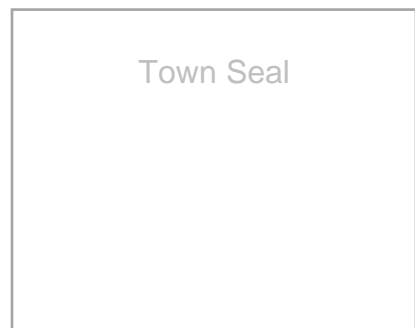
1. Adopted the St. John's Municipal Plan Amendment Number 4, 2021 on the \_\_\_\_ day of Click or tap to enter a date.;
2. Gave notice of the adoption of the St. John's Municipal Plan Amendment Number 4, 2021 by way of an advertisement inserted in the Telegram newspaper on the \_\_\_\_ day of Click or tap to enter a date., on the \_\_\_\_ day of Click or tap to enter a date.;; and
3. Set the \_\_\_\_ day of Click or tap to enter a date. at 7:00 p.m. virtually via Zoom for the holding of a public hearing to consider objections and submissions.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's approves the St. John's Municipal Plan Amendment Number 4, 2021 on the \_\_\_\_ day of Click or tap to enter a date. as \_\_\_\_\_.

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

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

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



## Canadian Institute of Planners Certification

I certify that the attached City of St. John's Municipal Plan Amendment Number 4, 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

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

MCIP/FCIP Stamp

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

### **Municipal Plan Amendment Number 4, 2021**

#### **BACKGROUND AND PURPOSE**

The City wishes to rezone 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone to allow offices and other commercial uses within the existing building. This would require a Municipal Plan Amendment to redesignate the property from the Institutional Land Use District to the Commercial Land Use District.

The existing building was owned by the Anglican Church of Canada and housed offices and a retail store. The building has been sold and the new owner is seeking a rezoning as the building is no longer associated with an institution.

The exact use of the building has not been determined yet, however the owner would like to use the building for business offices, law offices, medical/dental or similar. The CN Zone would be appropriate, as it has both Office and Clinic as Permitted Uses. If the property is rezoned to CN, any use in the CN Zone table could be approved, subject to meeting site standards and Council's approval for Discretionary Uses.

As the exact use has not been determined, a full development and engineering review has not been complete at this stage. Should rezoning proceed, the applicant would be required to meet all City regulations and policies including the Commercial Development Policy. There are approximately 30 parking spaces on the parking lot. The applicant may be required to upgrade the site to meet relevant access, parking, landscaping and any other requirements.

#### **ANAYLSIS**

The Envision St. John's Municipal Plan sets a goal to design complete and interconnected, walkable neighbourhoods with efficient infrastructure, facilities and services, including a range of housing options. In order to design complete neighbourhoods, neighbourhoods must include commercial areas and services within walking distance to existing residential areas. Redesignating 19 King's Bridge Road to the Commercial Land Use District will assist with achieving this goal by allowing commercial uses close to residential neighbourhoods.

The Commercial Land Use District applies to existing and future areas of commercial development within the City. These commercial uses range from small-scale commercial sites serving residential neighbourhoods, to larger regional centres. Policy 8.5.4 states that the City will designate lands for commercial use in appropriate locations along main roadways, at intersections and in the downtown, to ensure an adequate supply of suitable land is available to accommodate a range of commercial activity and support commerce.



19 King's Bridge Road is along a main roadway, previously contained a retail use and is considered to be an appropriate location for other commercial uses. Therefore, it is recommended to redesignate and rezone this property to accommodate an office, clinic or other commercial use.

### **PUBLIC CONSULTATION**

A virtual public meeting for the proposed amendments was held December 1, 2021 via Zoom. The proposed amendments and public meeting were advertised on three occasions in The Telegram newspaper on November 13, November 20 and November 27, 2021. A notice was also mailed to property owners within 150 metres of the application site and posted on the City's website. No submissions were received by the City Clerk's Office and there were also no attendees at the public meeting. A decision was made to at the public meeting to conclude without presentations due to a lack of public attendance.

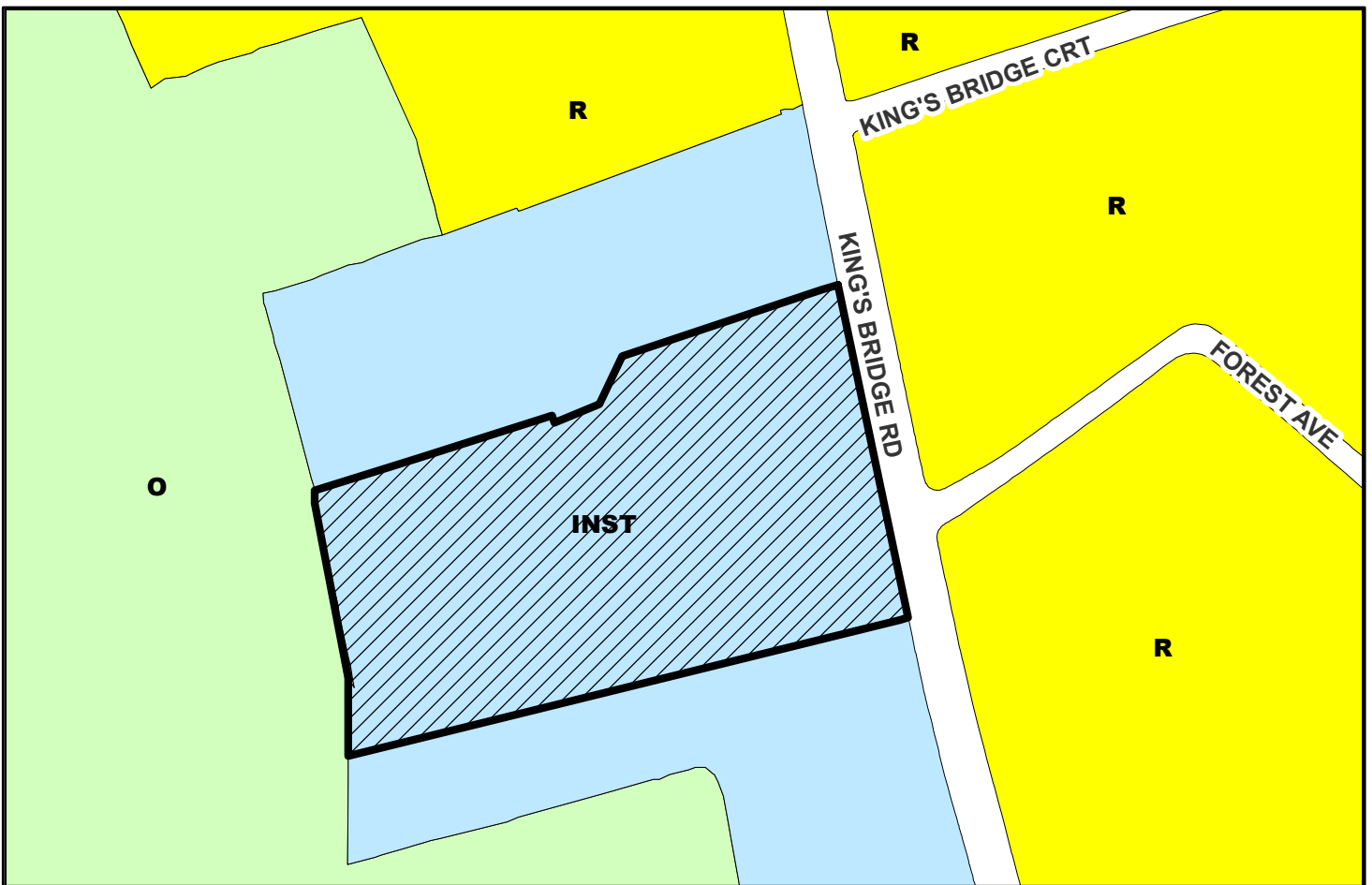
### **ST. JOHN'S URBAN REGION REGIONAL PLAN**

The proposed amendment is in line with the St. John's Urban Region Regional Plan. The subject property is within the Urban Development designation of the Regional Plan. An amendment to the St. John's Urban Region Regional Plan is not required.

### **ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 4, 2021**

The St. John's Municipal Plan is amended by:

**Redesignating land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional Land Use District to the Commercial Land Use District as shown on Future Land Use Map P-1 attached.**

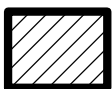


# **CITY OF ST. JOHN'S MUNICIPAL PLAN Amendment No. 4, 2021**

[Future Land Use Map P-1]

2021 12 02 Scale: 1:1500  
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 REDESIGNATED FROM  
INSTITUTIONAL (INST) LAND USE DISTRICT TO  
COMMERCIAL (C) LAND USE DISTRICT

**19 KING'S BRIDGE ROAD  
Parcel ID 12683**

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

\_\_\_\_\_  
Mayor

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

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

Provincial Registration

# **City of St. John's Development Regulations, 2021**

## **St. John's Development Regulations Amendment Number 6, 2021**

### **Institutional (INST) Land Use Zone to Commercial Neighbourhood (CN) Land Use Zone for an Office and Similar Uses 19 King's Bridge Road**

**December 2021**



***URBAN AND RURAL PLANNING ACT, 2000***

**RESOLUTION TO ADOPT**

**ST. JOHN'S Development Regulations, 2021**

**Amendment Number 6, 2021**

Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the St. John's Development Regulations Amendment Number 6, 2021.

Adopted by the City Council of St. John's on the \_\_\_\_ day of [Click or tap to enter a date..](#)

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

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

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

Town Seal

**Canadian Institute of Planners Certification**

I certify that the attached St. John's Development Regulations Amendment Number 6, 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

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

MCIP/FCIP Stamp

**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO APPROVE**

**St. John's Development Regulations, 2021**

**Amendment Number 6, 2021**

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's:

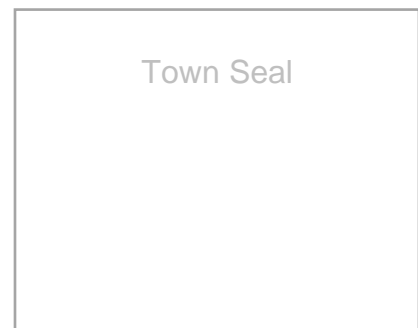
1. Adopted the St. John's Development Regulations Amendment Number 6, 2021 on the \_\_\_\_ day of Click or tap to enter a date.;
2. Gave notice of the adoption of the St. John's Development Regulations Amendment Number 6, 2021 by way of an advertisement inserted in the Telegram newspaper on the \_\_\_\_ day of Click or tap to enter a date., and on the \_\_\_\_ day of Click or tap to enter a date.; and
3. Set the \_\_\_\_ day of Click or tap to enter a date. at 7:00 p.m. virtually via Zoom for the holding of a public hearing to consider objections and submissions.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's approves the St. John's Development Regulations Amendment Number 6, 2021 on the \_\_\_\_ day of Click or tap to enter a date. as \_\_\_\_\_.

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 6, 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

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

MCIP/FCIP Stamp

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

### **Development Regulations Amendment Number 6, 2021**

#### **PURPOSE**

The City wishes to rezone 19 King's Bridge Road from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone to allow offices and other commercial uses within the existing building.

The existing building was owned by the Anglican Church of Canada and housed offices and a retail store. The building has been sold and the new owner is seeking a rezoning as the building is no longer associated with an institution.

This amendment implements St. John's Municipal Plan Amendment 4, 2021, which is being processed concurrently.

#### **PUBLIC CONSULTATION**

A virtual public meeting for the proposed amendments was held December 1, 2021 via Zoom. The proposed amendments and public meeting were advertised on three occasions in The Telegram newspaper on November 13, November 20 and November 27, 2021. A notice was also mailed to property owners within 150 metres of the application site and posted on the City's website. No submissions were received by the City Clerk's Office and there were no attendees at the public meeting.

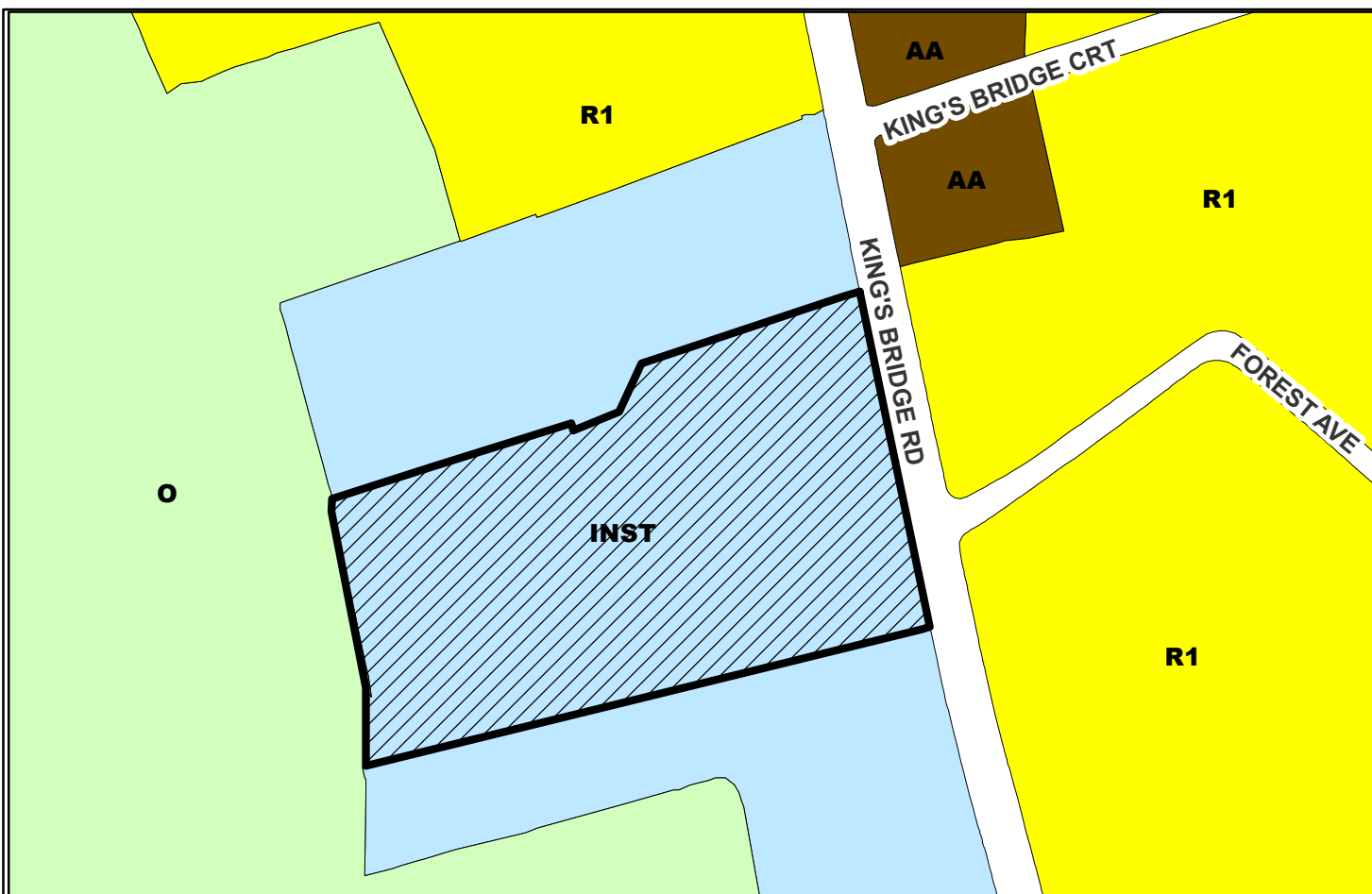
#### **ST. JOHN'S URBAN REGION REGIONAL PLAN**

The proposed amendment is in line with the St. John's Urban Region Regional Plan. The subject property is within the Urban Development designation of the Regional Plan. An amendment to the St. John's Urban Region Regional Plan is not required.

#### **ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 6, 2021**

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

**Rezoning land at 19 King's Bridge Road [Parcel ID# 12683] from the Institutional (INST) Zone to the Commercial Neighbourhood (CN) Zone as shown on City of St. John's Zoning Map attached.**

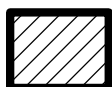


# **CITY OF ST. JOHN'S DEVELOPMENT REGULATIONS Amendment No. 6, 2021**

[City of St. John's Zoning Map]

2021 12 02 Scale: 1:1500  
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  
INSTITUTIONAL (INST) LAND USE ZONE TO  
COMMERCIAL NEIGHBOURHOOD (CN) LAND USE ZONE

**19 KING'S BRIDGE ROAD**  
**Parcel ID 12683**

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

\_\_\_\_\_  
Mayor

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

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

Provincial Registration

# DECISION/DIRECTION NOTE

**Title:** SERC – NYE Fireworks 2021

**Date Prepared:** December 20, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Debbie Hanlon, Special Events Regulatory Committee

**Ward:** Ward 2

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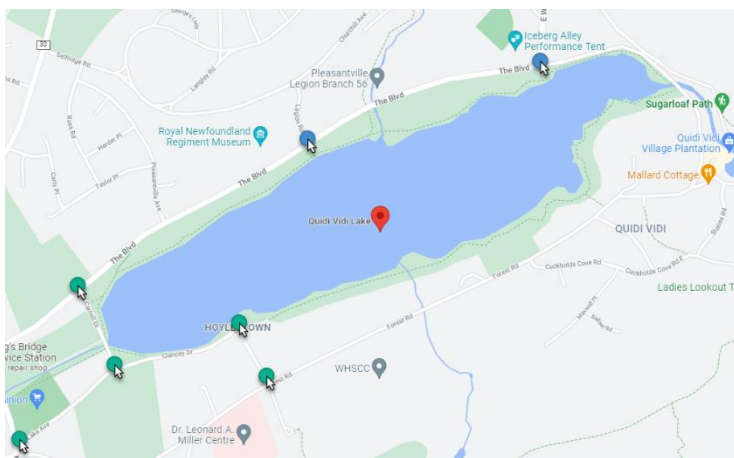
**Decision/Direction Required:** Seeking Council approval of the City of St. John's New Year's Eve Fireworks and associated road closures.

**Discussion – Background and Current Status:** The fireworks will take place at Quidi Vidi Lake on Friday December 31 at 8:00pm (inclement weather back up date of January 1). The requested road closures are recommended by Traffic and Parking Services Division for the safety of participants. Parking Enforcement Officers and hired security will be in place to implement the road closures.

The public gathering event at Carnell Drive will not go ahead due to recent public health measures. The public will be asked to view the fireworks from their vehicle.

The following road closures will come into effect at 6:30pm with the exception of The Boulevard between Legion Road and East White Hills which will be closed at 7:30pm. Road closures associated with the fireworks are as follows:

- The Boulevard, closed 7:30pm - 8:30pm from Legion Road to East White Hills Road
- Lake Avenue, closed at 6:30pm – 8:30pm
- Carnell Drive, closed at 6:30pm – 8:30pm
- Clancey Drive, closed at 6:30pm – 8:30pm
- Lakeview Avenue, closed at 6:30pm – 8:30pm



# ST. JOHN'S

**Key Considerations/Implications:**

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions/Adopted Plans: N/A
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 approve the City of St. John's New Year's Eve fireworks and associated road closures.

**Prepared by:** Christa Norman, Special Projects Coordinator

**Approved by:** Tanya Haywood, Deputy City Manager – Community Services