

**Virtual Public Meeting using Microsoft Teams  
Public Meeting – Heritage By-Law  
Thursday, April 29, 2021**

**Present:**     **Facilitator**  
Marie Ryan

**City of St. John’s**  
Ann Marie Cashin, Planner III, Urban Design & Heritage  
Maureen Harvey, Legislative Assistant

There were approximately 14 people in attendance.

**CALL TO ORDER AND BACKGROUND PRESENTATIONS**

Marie Ryan, Chairperson and Facilitator, called the meeting to order at 1 pm and outlined the rules for decorum to ensure everyone who wishes to speak has equal opportunity to do so and that such should be done in a respectful manner. Chairperson Ryan noted that people speaking will need to be brief with each person having three minutes.

The process for the virtual meeting was outlined with the following points highlighted:

- Raise hand feature of MS Teams
- Chat room feature of MS Teams
- Three minutes to speak and then offer a second opportunity once everyone who wishes to speak has done so

**PURPOSE OF MEETING**

Ann Marie Cashin, Planner III, Urban Design & Heritage for the City, outlined the purpose of the meeting which was to consider the Draft Heritage By-Law. She provided the following background and current status of the matter as follows:

**Background and Current Status**

The City Planner provided the following background and current status of the matter as outlined and conducted a powerpoint presentation designed to guide the discussion:

During the Envision St. John’s review of the Municipal Plan and Development Regulations, staff recognized that a Heritage By-Law would provide better protection of built heritage. A by-law derives its authority from the City of St. John’s Act, which has

specific provisions for built heritage, whereas the Urban and Rural Planning Act is silent on built heritage. The City Act provides a more secure foundation for heritage protection.

The draft Heritage By-Law is presented for public review and comment. Following public consultation, feedback will be brought back to Council for consideration. The approval of the Heritage By-Law will be coordinated with the approval of Envision St. John's to avoid any gap in heritage regulations.

The City Planner then presented the revised Standards and other changes found within the draft By-Law which included standards for designated Heritage Buildings, new standards for residential buildings, residential garages, non-residential buildings, additions to existing buildings and new developments. Ideally this would result in a blend of new developments incorporating heritage standards. They then went on to describe the new Heritage Area 4 located in the Battery. Staff recommended this new Heritage Area to regulate and maintain traditional building forms facing St. John's harbour. An additional new requirement is that applications to demolish a Heritage Building, to change or revoke the designation of a Heritage Building and any other application as recommended by staff require the submission of a Heritage Report. A Heritage Report addresses the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape. The report would inform Council and the public on heritage impacts before Council makes a decision on an application.

It was noted that this public meeting is being held to obtain feedback on the Heritage By-Law and to make Heritage more transparent. Submissions will be accepted until May 21, 2021 and these minutes, feedback and all written submissions will be brought to Council for consideration.

#### COMMENTS FROM PARTICIPANTS

Speaker 1	Participant questioned the qualifications of the inspector who makes decisions on demolition noting that building inspectors have a different perspective than a heritage planner. It was questioned why heritage reports were required only for designated buildings and not for any building in a heritage area. Staff responded that there are lot of heritage demolition/rebuilds in area 3 so it was not deemed necessary.  It was also asked if Council accepts a staff report in lieu of a heritage report if the same requirements apply. Staff responded that a staff report would not be as detailed as a heritage report.
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	<p>It was also questioned what would happen if the heritage report is felt to be inaccurate/accurate by staff and public consultation dictates otherwise. The Heritage Planner responded .....</p>
2	<p>Participant suggested a simplistic solution for a heritage report – i.e. a list of heritage professionals in the City could use to lead the report for Council.</p> <p>Main concern was that overall the by-law produces a lot of detail but seems to have lost the vision of the Envision Plan. It is not all inclusive of heritage components.</p> <p>A concern was expressed regarding areas 1 and 2 noting that the Bishop’s Cove development has a very large foundation.</p> <p>It was also expressed that item no. 9 in the design standard does not protect a brand-new building from being dropped in.</p> <p>It was stated there is too much latitude given to Council with respect to the non-residential stream of the design standards and more constraint should be exercised.</p>
3.	<p>Participant questioned the accuracy of the current list of heritage buildings and how it is updated. Staff responded that the list identified in the by-law is current and that every few years the City sends out a request to owners of other potential heritage buildings to see if there is an interest in having them designated.</p>
4	<p>Participant noted that the City is using only municipally designated buildings. There are other provincial and federal designations that should be included. The list should expand beyond buildings to include districts. Examples cited were Water Street, Rennie’s Mill Road, and Ecclesiastical District.</p>
5.	<p>City should include a map to identify the location of buildings as the visual appeal and area is equally important.</p>
6.	<p>Participant noted that the one of the strategic objectives in the Envision document is the protection of the Ecclesiastical District. It was asked whether the city is prepared to update the by-law to achieve that provision.</p> <p>Staff noted that recently Council agreed to prepare a management plan for the Ecclesiastical District to which concern was expressed that a management plan is a different level of governance which may not create the protective measures as outlined in the Envision plan.</p>
7.	<p>Participant stated that Kirk is heavily impacted by the development adjacent to it and suggested there should be no consideration for site-</p>

	specific zoning. Participant also expressed opposition to taller buildings, such as the one proposed on Queen's Road.
9.	Participant questioned the process for demolition i.e. is it only allowed in Heritage Area 1. Staff responded that currently demolition only provides for designated buildings. Non-heritage buildings are processed differently. It was stressed there is a need for heritage professionals to undertake surveys before Council tolerates a request for demolition.
10.	<p>Recognizing the history of the Shaw Street property, participant stated structures should not be permitted to get run down to a state of dereliction. It was suggested that the City consider the age of a property to be a factor in designation. i.e. maybe any structure that is over 80 years old.</p> <p>Participant also suggested the need to have more qualified individuals on the Built Heritage Experts Panel i.e. those who have a view of the cultural landscape.</p>
11.	<p>Participant questioned how the by-law is going to address zoning. Staff responded that the by-law is governed by the City of St. John's Act whereas zoning is governed by the Development Regulations. Building size is regulated in the zone. East of Adelaide Street can have buildings that are four storey whereas west of Adelaide they can be higher. The zoning regulates size whereas the by-law addresses design. The participant alleged that in the case of the development at ????? the developer took advantage of an open space or low density and was purportedly advised by City Staff that a LUAR may facilitate a high-density building.</p> <p>Participant suggested that such manipulation of the Development Regulations should not be permitted and as such there is a need to ensure the necessary changes are incorporated.</p>
12.	<p>Participant alleged that the focus of the City has shifted from heritage conservation to heritage preservation of properties and there is a disconnect or gap between the Development Regulations and the proposed by-law. She claimed there is little indication that cultural landscape is identified in the by-law (regulatory document) and is top priority to which staff responded this is not so.</p> <p>It was asked if the heritage report is prepared by inspectors or planning staff to which a response was given that it would not be included as part of the building permit process. Staff noted that the Chief Municipal Planner, the Heritage Planner and the Technical Advisor meets weekly to review heritage files.</p> <p>Participant stated that one of the best ways to protect and preserve heritage was to restrict density and height which appears to have gone by the wayside.</p>

	It was stated that if the City permits the placement of high-density buildings it will eventually erode heritage districts which is contrary to the wholistic intent of heritage.
13.	Participant asserted that building height needs to be harmonious with the area and this should be a primary consideration. He stated the municipal plan is about building scale and type being harmonious and complimentary to each other. Such consideration should override any count of storeys in a building.
14.	Participant is concerned about the by-law permitting roof-top decks in heritage areas.
15.	Participant asserted that the BHEP currently has no, and in future will have NO (as currently envisioned) historians - professional historians, or even archivists. He stated these are absolutely necessary and critical to have on the BHEP because one of the things they bring to the table is having read all the relevant historical literature.  Cultural Landscapes are more than formal or informal laneways and should be written into the by-law.

**CONCLUDING REMARKS**

Ms. Ryan thanked all participants for their feedback and the respectful manner in which they conducted themselves in the meeting.

It was reiterated that written submissions will be received up until May 21, 2021 following which time the minutes of the two public meetings and the submissions will be forwarded to Council for consideration.

**ADJOURNMENT**

The meeting adjourned at 2:07 pm

Marie Ryan  
Chairperson/Facilitator