

**Virtual Public Meeting using Microsoft Teams
Public Meeting – Heritage By-Law
Wednesday, April 28, 2021**

Present: **Facilitator**
Marie Ryan

City of St. John's
Ann-Marie Cashin, Planner III, Urban Design & Heritage
Linda Bishop, Legal Counsel Senior
Karen Chafe, Supervisor, Office of the City Clerk
Jennifer Squires, Legislative Assistant

There were approximately 25 people in attendance.

CALL TO ORDER AND BACKGROUND PRESENTATIONS

Marie Ryan, Chairperson and Facilitator, called the meeting to order at 7 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 had an opportunity to do 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. The City Planner provided the following background and current status of the application as follows:

Background and Current Status

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 informs Council and the public on heritage impacts before Council makes a decision on an application.

The City is holding public meetings for feedback on the Heritage By-Law and to make Heritage more transparent. Submissions can be accepted until May 21, 2021 and feedback will be brought to Council for consideration.

COMMENTS FROM PARTICIPANTS

COMMENTS	
Speaker #	Commentary
1.	Participant felt that the project is admirable but is missing a key piece on Heritage Areas. There is nothing in the draft about development in the overall area and no incentive to ensure that development is in the character of the Area. The By-Law needs to be broader, not only looking at buildings but the overall area. There is no incentive or way to bring that together and that is a major flaw.

2.	Commenter applauded the review of Heritage guidelines . They asked that guidelines apply to the whole building and to avoid “top-hat” developments. Felt that if the City is going to have Heritage Guidelines they should apply to the whole building as well as the whole Area.
3.	Speaker was pleased with the new Heritage Area in the Battery and the inclusion of commercial properties. They think that the By-Law needs focus on the 360 degrees around the building, particularly with the slope of St. John’s. The Speaker is concerned that the use of consultants for Heritage Reports may end up providing misinformation and turning people away from Heritage Properties.
4.	Speaker was glad to see the Heritage By-law as an entity brought back under City Act. Their main concerns with the By-Law and design guidelines were exemptions for tall buildings and new buildings. New buildings should require a Heritage Report to determine their impact on the surrounding neighbourhood, Heritage Buildings and districts. With the steep slope and grade differentials in St. John’s, the exemption for tall buildings will not work. Speaker does not think that council should be able to exempt owners of new buildings from public consultation and that there should be mandatory public consultations for existing buildings in Heritage Areas.
5.	Participant informed attendees that churches in the Ecclesiastical District are seeking World Heritage status. They have been in consultation with Parks Canada who state that it is mandatory for everyone to respect and adopt standards and guidelines for the conservation of historic places in Canada. They are asking that in the Heritage By-Law there be a formal recognition of these standards and guidelines especially in Area 1 and the Ecclesiastical District. To obtain World Heritage status, the level of protection needs to meet UNESCO standards.
6.	The Commenter notes that there are no statements of significance or description as to why Heritage Areas are special and important. They felt that there should be a description for each Heritage Area and a statement of significance. These things can be used as tools and will help people make decisions about changes they are making to Heritage Buildings.
7.	The Speaker’s main concern is with Section 8(3) under Heritage Reports. They stated that this allows Council to override and ignore the advice of experts and involve only their own staff. The Speaker believes that this is an unprecedented grant of power and authority. They think that the wording in Section 8(3) is too broad, and that if elected officials reject a Heritage Report they must provide their reasons for doing so and request an additional Report to address their concerns. Section 8(3) should be amended to reflect this. The City Planner clarified Section 8(3), explaining that the intent was not for staff to go against a Heritage Report but rather to address things that were small in nature so the homeowner would not have to do a full

	report. The Facilitator recommended that Staff revisit the Section to clarify its intent and that it will be important for participants to review the “What We Heard” document when it comes out.
8.	Participant stated that it was important to clarify the rules of the game in Heritage Areas, so it is clear what the expectations are for new builds, redevelopments, and renovations as well as what the limitations are. Concern was expressed about the potential to manipulate loopholes to undermine the process. The City needs to clarify the game and close these loopholes.
9.	Participant felt the Battery is a Heritage Area not only for those who live there but for the whole City. There needs to be consultation and representation from the whole City when discussing Heritage Areas, not just those who live there.
10.	Speaker wanted to share their experience of living in Historic Districts outside of Newfoundland. They previously owned a business in a Historic Area. To get approval on any renovation they would first sit before a Historic Board, which was made up of Councillors, architects and residents, usually with some specialty. They could not get a building permit without Historic Board approval. One of the Areas used a pattern book or reference guide for development within historical districts to ensure architectural compatibility within each period. Even brand-new buildings had the feel of that significant time period. The Speaker felt It was a good compromise; architects could put their own twist on same style.
11.	Participant questioned how existing legislation will intersect with the Heritage By-Law and which one takes precedence over the other. The conflict is confusing and there needs to be a hierarchy of precedent where the By-Law as part of the City Act takes precedent over other policies.
12.	Speaker was concerned about densification and the City using it as a rationale to allow incompatible buildings that conflict with the existing Heritage ambiance. They felt that the loophole for taller buildings makes a mockery of the stated intent of the By-Law and that the best practice for conservation in Heritage Districts is to control height and density. They asked Council to eliminate exemptions and incentives for redevelopment inherent in the proposed Heritage By-Law and design guidelines for new developments. Clear and consistent regulations are required to avoid confusion for everybody.
13.	The participant agreed with a previous speaker that heritage belongs to all citizens and not just the people living in the neighborhood. Also noted that one of the benefits of referencing a theme to a date, is buildings can extend past the height limit, but still reflect historical architecture.
14.	Speaker stated that one of the best things to come out of the By-Law is that the City is recognizing The Battery as an exclusive Heritage District and feels that it is a jewel in our Heritage crown. They

	questioned the extent of expertise on the Built Heritage Experts Panel, asserting it should be stronger in Heritage experts with experience in renovation and restoration of Newfoundland Heritage Buildings. They should also have knowledge in the standards and guidelines for the development of Historic Buildings. In addition, it might be beneficial to add members of the public who live in designated areas to strengthen the effectiveness of the Panel and that Staff must ensure that the Panel is well-informed.
15.	The Speaker had concerns about Schedule C. The map is only showing City designated Heritage Properties. The City's depiction of designated Heritage Areas is much more restrictive than the Provincial and Federal list of designations. They are asking for consistency in designations. Municipal designations should be the same as Provincial designations and Federal designations.
16.	The Commentor wondered if the Heritage By-Laws are doing what they are supposed to be doing and protecting our Heritage. The By-Law seems to allow for a great deal of discretion on the part of City Council. They would like to see less discretion and more clarity in the Heritage By-Law. Clear By-Laws are needed and will be a benefit to all concerned.
17.	The Speaker believes that public consultations are important, as Heritage Areas belong to all of us. Under the current development regulations if there is a new proposal, only people within 150 m of the property are notified and invited to consult. Because Heritage Areas belong to all of us, all stakeholders should be invited, anyone living within a Heritage Area should get a say. There should be guidelines and statements of significance for Heritage Areas. These could encompass features that are not currently included such as cultural landscape features, open spaces, alleyways, and vegetation.
18.	Participant has an issue with Schedule C, stating that the actual Historic Buildings that are represented in this City document are grossly underestimated and underrepresented. It is showing only City Designations, not Provincial or Federal designations. They feel that this is a myopia and a tunnel vision. Schedule C makes no reference to Heritage landscapes and feels it is a very inadequate document. Also concerned with the Built Heritage Experts panel and thinks the Panel would benefit to have someone with a doctorate in Newfoundland and Labrador History. Heritage is more than just buildings it is the landscapes, the laneways, the human interaction, the folklore, the stories and we need a more nuanced understanding.
19.	Speaker does not think that the Heritage By-Laws are strong enough to protect Federal designated sites. They explained that one of the main objectives of the Federal Government's policy on their commemorated sites is that of protection and public presentation. The Federal Government demonstrates this through their Cost Share Program and will provide funding for properties for conservation and to

	help them present their stories. They believe that the City needs to follow Federal and Provincial standards and guidelines. There needs to be a partnership instead of a disconnect between City understanding and Federal intent. The Heritage By-Laws need to reflect this.
20.	Thinks the Built Heritage Experts Panel needs to be “beefed up” with historical experts or that a separate Heritage Experts Panel should be created. They stated that this is about more than Built Heritage and that Heritage Districts are precious and are the property of everyone. More consideration needs to be given to the inclusion of cemeteries in Schedule C. It is important to note that history goes beyond buildings, it is a part of our story.
21.	Supported previous speaker and agreed that it’s not just buildings we have to think about when it comes to Heritage. The City is losing sight of the importance of districts and focusing far too much on individual buildings. You cannot have conservation without context and history.
22.	Does not think it’s helpful when Council has to look at and understand a 600-page document. Whatever the outcome of the process it needs to be simplified.
23.	Noted that cemeteries and cultural landscapes are missing from Schedule C. Feels that these are as important as the church buildings. Stated that we need standards and guidelines created from a Heritage perspective to inform the City’s planning process. These standards and guidelines need to reflect Provincial and Federal legislation and be placed before Council as the highest level of standards.
24.	Heritage is not any one cemetery, landscape or building, it’s the whole thing that tells the story. The new By-Law should advocate for telling our story through a combination of buildings, landscapes, and cemeteries and look at the picture they present together.
25.	Speaker believed that we need to consider the entire neighbourhood when looking at new developments and Heritage Buildings. The whole is greater than sum of the parts and involvement should not be limited to those in a certain distance. The Heritage is not just that of property owner but of the Province and the county and perhaps beyond, any changes should be considered in that kind of a broad context. The assumption should be that all buildings should be preserved, developers should have to prove why a building must be changed and not preserved.
26.	Speaker talked about the enforcement of the By-Law. In their previous experience in other jurisdictions, they would have to follow the plan they had presented to the Historic Board. After renovations, the Historic Board would verify the outline and if it did not match the pattern book and guidelines the work would need to be redone.
27.	Participant believed that there needs to be a standard to ensure that development does not impact the adjacent property. Developers must

	have a mitigation plan including responsibility for monitoring Historic resources. We cannot destroy one resource for another.
28.	Commented that the interaction and interdependence of planning and heritage is critical, and that City Planning is under resourced and understaffed.
29.	Speaker pleaded that as we move toward the acceptance and approval of the By-Law that Council will banish site specific zoning. Site specific zoning is the enemy of long-range planning and Heritage Area preservation.
30.	Participant expressed frustration that they are advocating but no one is listening. Thinks the phrase “Nothing about us without us” is important. Appropriate engagement should take place before making decisions.

Herein ended the discussion portion of the meeting.

CONCLUDING REMARKS

The Facilitator thanked attendees for their participation. The City Planner informed attendees that written submissions would be accepted until May 21, 2021 by email at cityclerk@stjohns.ca or acashin@stjohns.ca. Comments and submissions would be compiled in a “What We Heard” report and presented to Council for consideration.

ADJOURNMENT

The meeting adjourned at 8:54 p.m.

Marie Ryan
 Chairperson/Facilitator