

[REDACTED]
St. John's, Newfoundland
[REDACTED]

Councillor Sandy Hickman
City Hall
St. John's

Dear Sandy,

There is an admirable intent in the new Municipal Plan to foster preservation of the City's Heritage Area but we need to ensure that it is not undercut by a permissiveness of specific policies in the Plan. (Please note that references in this letter to the Plan are to chapter and page (2.3) not to the sections.)

The Plan speaks of "the City's intent to implement policies that maintain the essential character of the neighbourhood, while allowing appropriate growth and development" (2.3) and of the importance of preserving the historic character of the downtown and the contribution that it makes to the local economy through tourism and the arts" (2.5). It asserts that "The city's Heritage Area (including the Ecclesiastical District...) will continue to be protected under the new St. John's Heritage By-law. Residential districts in the downtown will be preserved to retain the blocks of row housing, streetscapes, laneways and public spaces that are unique to the city" (2.6). To that end, one of the strategic objectives would be to "Limit impacts to established neighbourhoods, heritage districts and employment areas" (4.2) requiring "attention to urban design ... so that development can be achieved in a manner that enhances and adds value to the character of existing neighbourhoods" (4.3-4).

Some of the rationale for this is given in Chapter 4: "Historic districts enhance our perspective, understanding and awareness of the past, and contribute to our sense of identity and pride. Preservation of historic districts provides tremendous economic benefits, stimulating commercial activity through increased tourism activity and spending" (4.7). But this essentially economic rationale is only part of the contribution that preservation makes to the city. We also need to take into account the importance of preservation to the form and fabric of the town which includes the provision of housing, the sense of neighbourhood and, ultimately, the stability of society – the foundations of a strong and healthy urban environment.

To build these foundations we need a plan that will move from intent to action; that will provide the specifics for preservation. We also need a City Council that will insist on adherence to the plan.

While the Heritage Design Standards do address the material texture of the landscape with regard to such matters as roof and window form as well as decorative detail, the problems for the Heritage Area most often arise in the matter of major new developments whose bulk and height threaten to overwhelm the smaller scale of neighbourhoods.

This makes it important that clear direction be given – that the four-storey limit (frequently referred to in the Plan) be mandated. Permissive provisions (such as that at 6.6.d "allowing some additional height" in the east downtown) should be removed from the Plan. There are, at the moment, at least two proposals under review at City Hall which violate this limit and need to be removed from the agenda. Requiring a consistency with the existing civic forms is crucial not only to the sense of the townscape but also to its vitality. If its human scale and sense of continuity is dwarfed it becomes merely a museum piece not a living, contributing feature of the city.

And this is no idle threat. We saw the consequences of abandoning heritage principles forty years ago. In the early 1980s, when the St. John's Heritage Foundation (SJHF) was having a remarkable impact upon what was then a decayed residential downtown, the whole process of preservation all but came to halt with the construction of the high-rise TD Building. The provincial government of the time, formerly strong supporters of the Heritage Area, ceased funding SJHF and it subsequently folded. Paul Johnson's proposal to move preservation from the residential area into the commercial area with his New Downtown was aborted. Heritage work in the city was essentially stopped for about fifteen years. We do not want a repeat of this in an age when so many other forces threaten the survival of our society and our economy.

Sincerely,



Jennifer Squires

From: Engage
Sent: Thursday, April 8, 2021 11:45 AM
To: Ann-Marie Cashin
Subject: FW: (EXT) NEW Heritage By-Law

Ann-Marie, I am going to send you any emails that come in. Can you keep an excel file of them including the email address of the sender so that we can follow up with people once the what we heard is ready.

Thanks

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From: [REDACTED]
Sent: Thursday, April 8, 2021 11:04 AM
To: Engage <engage@stjohns.ca>
Subject: (EXT) NEW Heritage By-Law

Hi,

The Grand Concourse walking trails should be considered a Heritage Area so they're not paved over and ruined.

Thanks,

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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Karen Chafe

From: [REDACTED]
Sent: Wednesday, June 9, 2021 7:03 PM
To: CityClerk
Subject: (EXT) not sure where to send this! thx

Hi,

I think today may be the last day for submissions on protecting the Battery from looking like Quidi Vidi? I know the local government is aware of much of what I outline below; however I think it is worth reiterating given how heartbreaking it would be to see the Battery developed further in a manner inconsistent with the size and style of the historic structures.

Introduction

I am currently a realtor (and work on a number of development issues) but have also been a lawyer for 30 years and still practice a bit (and did some work in St. John's for Transport Canada and spent 20 years working on a waterfront project in Vancouver-The Pacific Place Remediation Project and development). I am an environmental lawyer and land use and environmental issues often intersect so I have more than a passing knowledge of the ability to protect areas such as this. IF there is more time, I will do a more detailed presentation but since i just heard it was today, here are my main points.

I am from BC but my family is from NL. Placentia/Argentia. I own a home at [REDACTED].

When I decided to buy in the Battery, it was really the only place I was interested in even though I have tons of cousins in other areas of the Province. It is an unbelievably amazing place. I used to travel all over the world for work and over the 20+ years of visiting dozens of cities, I have yet to see a place as magical as the Battery.

Urgent need to protect the Battery

The Battery is really a gem. Not just to people who live there but also to those of us who come from away. It is a cultural, natural, historic, aesthetic AND ECONOMIC jewel that is of value to the entire province of NL and it's citizens. There are many, simple, legal ways to ensure that the character of the area is protected-similar protections are in place in other parts of the country and the world. It makes no sense to allow the ridiculous situation in QV to happen when there is so much to lose. The Battery is often the first thing people see of the province (ie. those on cruise ships) and the only historic place people may have time to visit while in St. John's. Obviously it's beauty and historic value are well recognized given the extent to which photos of the area are seen in tourism ads and media across the country and I suspect around the world. I have not had time to research it but am wondering if the Battery can be protected with some federal assistance under the Historic Places Canada program?

Protection is urgent because of course once the damage is done it cannot be undone...there is no putting the ketchup back in the bottle and the impact of failing to protect would be horrifying.

The "Rights" of landowners

I know some people think they have a "Right" to do what they want on their land...obviously that is not correct and there are many legal ways the local government can restrict what can be built. In some areas, the style and colour of homes are restricted-and the size and height is a lot easier to limit than colour! If it would help ensure the area is protected, I would be willing to assist to the extent I can in pulling together info on what has been done in other areas. I am also pretty sure the Federation of Canadian Municipalities and other such bodies could provide models from other parts of the country.

If people want to build big homes, or ones which do not suit the area, there are other, less culturally significant areas in the City where this can be accomplished. The Battery is NOT the place for monster houses, like those

in Quidi Vidi (yes I keep harping on QV but I almost cried when I saw that. Those big homes are SOOOO out of place there and I cannot imagine what people think when they see them. I am sure many are heartbroken, as was I). Huge homes in these historic areas completely destroy the historic, cultural, aesthetic and likely natural elements of the area. Tourism is a big thing and preservation of these areas, especially those near the City, must be made a priority.

The Obligations of Government

The local government has an obligation to protect the above stated values for the benefit of all citizens. The Province should also be involved in this protection.

The proposed measures outlined on the Zoom call may be a start. However, based on what I heard on the Zoom call the other night, it doesn't sound like they will go far enough.

What needs to be done

In order to protect the above stated values, there needs to be legal limitations to ensure:

-small lot sizes are maintained...of course there are some bigger parcels of land going up the hill, such as on Outer Battery Road, but those are not buildable. The amalgamation of lots to great larger buildable parcels should not be allowed if the character and charm of the area is to be maintained

-small homes are part of the history and culture and they serve to protect the natural amenities and views as well

-restrictions on home sizes are very common and easy to implement; this is also true of heights. I live in a small waterfront community which has very limiting restrictions on home sizes, heights (to protect the "feel" of the area as well as views), etc. These things are well suited to the Battery.

An example out of the *City of Vancouver's Heritage By law* (and trust me we have NOWHERE NEAR the heritage to protect that the Battery has):

No person shall: (a) demolish, or permit, suffer or allow the demolition of a building, structure or feature that is in a heritage conservation area or a building, structure or feature that is protected heritage property; (b) construct, or permit, suffer or allow the construction of a building or structure that is in a heritage conservation area, or is in or on protected heritage property; or (c) alter, or permit, suffer or allow the alteration of a building or structure in a heritage conservation area or of a building, structure or feature that is protected heritage property, without having first obtained a heritage alteration permit for the demolition, construction or alteration, in accordance with the Heritage Procedure By-law.

The powers under the Heritage Bylaw are VERY strict, the governing body can impose very tight control over what is done and it can take people forever to get something changed on a protected property. In Vancouver's case, it can be a little bit extreme but in the Battery, that may be what's needed.

To address the urgency of the issue

I think one possible measure to urgently protect now while this is being dealt with would be a moratorium on the amalgamation of land to allow for larger structures. This type of moratorium is doable....and it would give the City more time to make sure it has solid legal protections in place. A moratorium was brought in in BC to deal with a somewhat similar issue and it gave the relevant government departments a lot more time to get organized and bring appropriate laws and policies into place.

Summary

People have a right to buy property where they like....but they do not have a right to do what they want once they own that property. If people choose to buy in the Battery, they need to be aware of the need to respect it's heritage for the benefit of all those who live in the city, the Province of NL, and the country of Canada....if they are not happy with

restrictions to protect the area, they can buy elsewhere. Laws need to be put in place to ensure the needed protections exist as soon as possible.

Sorry this is not a well written submission...under a time crunch.
Happy to discuss.

thx

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Stacey M. Corbett

From: CityClerk
Sent: Tuesday, July 13, 2021 11:28 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Proposed development regulation changes

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Monday, July 12, 2021 11:04 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Proposed development regulation changes

To City Council of St. John's, Premier Furey, Minister and MHA John Abbott and Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the Heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and new proposed development regulations, the exemptions for new builds and extensions will make it much easier for developers to make it possible to scale up development well past our existing heritage structures in the downtown. Furthermore, Council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

Precedent-setting 10 story buildings in our most important Heritage Area 1 of the downtown.

Heritage buildings being torn down to allow modern architecture in all our heritage districts.

Allowing modern style infill in heritage district without public consultation and exempted from heritage design guidelines.

Modern architecture to be allowed above the current 4th story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision Plan, Heritage Bylaws and new Development Regulations. Time to provide the public with the information that would allow them to engage in informed conversation. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth.

To the Province: we are asking that the Province's required registration of the Plan and Development Regulations be held over until after the September municipal election. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

To the City and Province: The future of our downtown and harbour is important to our whole province: to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's not give away our best assets. Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

[Redacted signature block]

Sincerely,

[Redacted name]

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Jennifer Squires

From: Karen Chafe
Sent: Thursday, July 15, 2021 9:17 AM
To: Jennifer Squires
Subject: FW: (EXT) Let's have well considered heritage design in St John's heritage area

From: CityClerk <cityclerk@stjohns.ca>
Sent: Tuesday, July 13, 2021 11:25 AM
To: [REDACTED] CityClerk <cityclerk@stjohns.ca>; premier@gov.nl.ca; mapa-minister@gov.nl.ca; vglynn@gov.nl.ca; tedlomond@gov.nl.ca; TCARMinister@gov.nl.ca; SSDMinister@gov.nl.ca
Cc: Andrea Roberts <aroberts@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Ashley Murray <amurray@stjohns.ca>; Dave Wadden <dwadden@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>; Karen Chafe <kchafe@stjohns.ca>; Ken O'Brien <kobrien@stjohns.ca>; Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>; Planning <planning@stjohns.ca>
Subject: RE: (EXT) Let's have well considered heritage design in St John's heritage area

Good Morning:

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

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Sunday, July 11, 2021 5:39 PM
To: CityClerk <cityclerk@stjohns.ca>; premier@gov.nl.ca; mapa-minister@gov.nl.ca; vglynn@gov.nl.ca; tedlomond@gov.nl.ca; TCARMinister@gov.nl.ca; SSDMinister@gov.nl.ca
Subject: (EXT) Let's have well considered heritage design in St John's heritage area

Proposed changes to Heritage by-laws for new Development through Envision St John's.

To City Council of St. John's, Premier Furey, Minister and MHA John Abbott and Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the Heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and new proposed development regulations, the **exemptions for new builds and extensions** will make it much easier for developers to make it possible to **scale up development well past our existing heritage structures** in the downtown. Furthermore, Council would give itself the right to give **discretionary site-specific exemptions**, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

- **Precedent-setting 10 story buildings** in our most important Heritage Area 1 of the downtown.
- Heritage buildings being **torn down** to allow modern architecture in all our heritage districts.
- Allowing modern style infill in heritage district **without public consultation** and **exempted** from heritage design guidelines.

- Modern architecture to be allowed *above* the current 4th story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision Plan, Heritage Bylaws and new Development Regulations. Time to provide the public with the information that would allow them to engage in informed conversation. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth.

To the Province: we are asking that the Province's required registration of the Plan and Development Regulations be held over **until after the September municipal election**. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, **and all citizens and visitors alike**. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

To the City and Province: The future of our downtown and harbour is important to our whole province: to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's not give away our best assets. Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.



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July 9, 2021

Dear All,

Having travelled the world and seen so many beautiful places that have maintained their heritage despite the temptation of development, I feel the urgency to add my name to the growing list of those concerned about proposed changes to the by-laws for development in the Heritage core of our unique historic city. I am MOST concerned that this is being rushed through without adequate consultation of the public. There needs to be more engagement and I worry there is a hidden agenda within the city council that is pushing for this to go through without the necessary consultation and checks and balances.

Proposed changes to Heritage by-laws for new Development through Envision St John's.

To City Council of St. John's, Premier Furey, Minister and MHA John Abbott and Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

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We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth. We need to preserve our unique vistas and continue to be the unique destination enjoyed by visitors and locals alike.

To the Province: we are asking that the Province's required registration of the Plan and Development Regulations be held over **until after the September municipal election**. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, **and all citizens and visitors alike**. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

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Let's ensure that we protect our most valuable assets for now and for generations to come.

[REDACTED]

Karen Chafe

From: [REDACTED]
Sent: Thursday, June 10, 2021 6:12 AM
To: CityClerk
Cc: Ken O'Brien; Ann-Marie Cashin; Maggie Burton
Subject: (EXT) Development Regulations information for [REDACTED]

[REDACTED]

The proposed (High Density) *Institutional Downtown Zone* for the Churches of the Ecclesiastical District with a 23 meter height capability is unnecessary.

None of the interiors of the church buildings are more than 4 storeys or 32 feet in height. The proposed high density 23 meter or 72 foot height or 7 storey capability is unnecessary and completely out of proportion to these significant architectural masterpieces, built by some of the worlds great architects of their day.

I therefore strongly request a lower density Zone for this District be applied or developed.

Perhaps a site specific zone for the entire district with a maximum allowable development height of less than 32 feet should be considered to ensure any new development does not overwhelm the aesthetic and historical and architectural value of the city's most important historic architectural buildings. Such a rep-profiled height would also protect the church district's function as a operating and living historic center of spirituality, state ceremony as well as its social, educational functions, including its role to protect 6 very historically and culturally important cemeteries.

It is a unique operating historical district needing a development zone that is more creative than the proposed institutional downtown zone for its churches. Three of the churches have requested their own stand alone development zone and this is obviously not being acted upon. A promised management plan for the district sometime down the road is too little and too late.

Such a zone will also be important to secure in the future a world heritage designation for some or all of the properties in the District including the properties outlined as being part of the national designation of the Historic Sites and Monuments Board of Canada (HSMB) and as the Envision Plan states it will protect the Ecclesiastical District as per these HSMB boundaries.

The proposed Institutional Downtown zone is also clearly disrespectful of the requests made by both the Federal and Provincial governments to have the City apply "standards and guidelines for the conservation of historic places in canada" to decisions associated with the District.

Also participants at the consultation last night were not aware or prepared to discuss the new development regulations for the city. This new set of regulations will have more of an impact on the city than the proposed Envision Plan and the proposed new heritage by laws combined.

Citizens need more information and more time to determine how these zones will or will not compliment the policy direction on the envision plan and how these zones will impact their daily and future lives.

For the Ecclesiastical District as a whole it needs its own development zone and all its associated zones should be constrained to low density zones only.

Thank you for your consideration of these recommendations.

Working Notes. - Envision and the Heritage By Laws

The Envision Plan seems **to have set the right tone** for the protection of our heritage districts and heritage resources in its statements such as:

Section 4.5 our history and heritage are part of the early settlement of NA, meaning our heritage is not just of local or provincial interest but of national and international interest.

Section 4.6, etc StatesHistoric resources are a fragile gift from last generations and they are not renewable resource. The city will protect and enhance the city's cultural and heritage resources for cultural success and the growth of our tourism industries. Heritage areas, including the EDNHS, will continue to be protected under the HBL. We will retain our heritage streetscape as built by our ancestors

I therefore ask the City's Planning Department therefore how exactly do they plan to protect the EDNHS and our other heritage areas, as stated in their new policy Envision Plan.

Commissioner, before any sign off of the EP the mayor and councillors need to be informed that new HBL **will not protect the heritage of the city or its heritage areas as stated they will do in the Envision Plan.**

So this statement in the Envision Plan is misleading to the public.

My recommendations to you on his matter,,,,,, comes as having been a heritage professional, making and implementing heritage policy at the provincial and federal levels and working at the municipal and community, provincial, and federal levels to help both protect and develop, for economic purposes, heritage resources and heritage areas for over 30 years.

I know what heritage tools work and do not work.

I know they current proposed heritage by laws are just inadequate and they will not protect the cities heritage for all the benefits it bestows and can continue to bestow for its owners and the City.

If the city adopts the proposed HBL as a tool to help them implement the envision-plan's heritage protection policy commitments then.....

1. The city will **not be adopting** the best heritage protection standards and practices in Canada or the US.

2. Actually I would consider these proposed HBL as 3rd class heritage by laws. In fact places like Russia have better heritage standards as do most Canadian and European cities of history and culture.

3. Also HBL as proposed do not meet the "Canadian Federation Standard" for the protection of a historic place and especially where we are a historic capital city, and where our heritage resources and places are non renewable and are important for provincial, national and international tourism economies.

4. More troubling is that both the provincial and federal governments have asked the city to adopt the best standards for the protection of heritage resources and places.

City staff are refusing to do this as they want to introduce tall buildings development and modern design into our heritage areas,

Since there is a discrepancy between city's understanding of what protection means I went to the dictionary to see how it is defined.

"Protection is an act for a place, resource natural or cultural or a person

Where vulnerability exists.... Protection is the act of actual protecting,

Shielding from harm,

Safeguarding against, and

Not being expose to threat."

The city's Heritage BY laws do-not pass this test.

By introducing **intruding modern and tall buildings** the city will be altering for all time the visual historic integrity of those places as built by our ancestors.

They are also putting in jeopardy the structural integrity of adjacent buildings and will be destroying the heritage character and structural integrity of places with allowing modern top hats on historic buildings.

Therefore the Envision Plan should restrain the proposed heritage by laws by stating they will not allow tall buildings or incompatible modern designed buildings in the heritage districts.

Working Notes Envision Plan and the Development Regulations

As the development regulations now stand they are not an effective implementation tool for implementation of the heritage protection policy commitments now embedded in the Envision Plan

In order for them to be an effective tool to implement the heritage protection policies in the Envision Plan there constraint must be identified in the Envision Plan

If not then like the proposed heritage by laws this Council and future Councils will be ambushed from being able to achieve the heritage protection objectives now offered in the Envision Plan.

What I am specifically referring to is that the Development Regulations must only allow low density development zones in heritage areas including the Ecclesiastical District.

We or the Kirk, Gower and the Basilica have been told by the Mayor and others that we are confused about the intersection between the Envision Plan, the Development Regulations and the HB Laws.

As heritage professionals we are not one bit confused.

We have direct evidence of the need for this development regulations to be constrained

We only have to look to the last 24 months, with the Envision Plan being approved in principle, where we have seen....

City staff not being restrained or cautious when they have recommended to property owners the following zoning change and changes to places of significant historical value.

They make these zoning recommendations to property owners without any consultation with the heritage community. What advice they get from or take from the BHEP, I cannot speak to this matter.

For example.

City recommended **rezoning a cemetery zone** to a development zone to allow for a new building. This cemetery is one of the oldest and most historically significant and historical cultural landscapes of international importance in Canada.

There was no restraint in this zoning matter when city staff recommended this zoning change.

The best heritage standards say you should not now or ever build in a sacred heritage place especially when you have a graveyard with no headstones, which was the practise in the 1700s and where we have no records for at least the first 50 years of its use as a colonial burial ground graveyard.

On this matter Staff were certainly in breach of the approved in principle envision plan policy to protect on heritage properties on this zoning matter.

Neither was there any consideration that the open space land associated with the probed parish hall condo development that was a historic cultural landscape when city hall quickly recommended going from a 200 year old public open space within the EDNHS of Canada to a high density mixed commercial zone.

The only restraint to date we have seen on this proposed re Zoning and approval in principle to allow modern development on the historic district is to go to **high density** apartment zone.

All of this has happened while the city has approved In principle the envision plan

Council must be honest with the public if they will not be protecting the city's heritage areas as stated they will do so in the Envision Plan or they need to state in this plan they will restrain Development Regulations for our Heritage Areas.

Jennifer Squires

From: [REDACTED]
Sent: Wednesday, May 19, 2021 7:01 PM
To: Ken O'Brien; Ann-Marie Cashin; Shawn Skinner; Maggie Burton
Cc: CityClerk; [REDACTED]
Subject: (EXT) Further Comments on the Proposed Heritage By Laws - Development Zones.

Ken and Anne Marie:

Please find my comments relating to the need for the Ecclesiastical District to have its own Development Zone in the City of St. John's and recognized in the proposed new Heritage By Laws.

DEVELOPMENT ZONE

The new draft by laws do not reference the fact that the Ecclesiastical District should be a stand alone zone in the Downtown.

We ask the City to therefore create a stand alone Development Zone in their draft By Laws for the Ecclesiastical District and that the proposed laws also outline and reference the following information:

- The type of distinct Ecclesiastical architecture found in the district and its national and international importance and that it needs to be protected along with its historic prominence in the landscape.
- That all view planes of the District need to be protected.
- That the scale and density of development that is allowed is identified.
- That new development must be visually complimentary and subordinate to the existing heritage structures.
- The complimentary architectural styles that are required in the District for new development.
- The recognition that historic cultural landscapes and archaeological resources (ie burial grounds, graveyards), stone walls historic vegetation, world class art features such as the district's stained glass collections, monuments, fencing, pathways, lane ways, parking areas and roadways also exist within the District and need to be protected.
- That the Zone recognize the requirements for the churches to operate and provide their 7 day a week programming including adequate parking and sidewalk snow clearing and their necessary tourism support infrastructure and their role in cultural and arts programming, film industry and their role in state occasions.
- Given the above the **full** Standards and Guidelines for decision making about the District should be required under the new suggested by laws. This is critical as the By Laws also state that "members must uphold Federal Provincial and Municipal laws and policies " and "staff must ensure the BHE Panel is well informed.
- That the BHEP be required to apply these Standards for the District.
- That you recognize that these standards must be applied for the District if we are to be successful with a World Heritage application.
- That the City also needs to consult with other heritage experts and historians, in particular Parks Canada, on all matters to do with buildings, its historic landscape and its presentation as a district designated of national historical significance and as an aspiring World Heritage Site.
- That management plan will be prepared by the City for the District based on a terms of reference that includes input from Parks Canada and approved by the Churches that will be an integral part of a world heritage application done in partnership between the Churches and the City of St. John's.

Thank you
[REDACTED]

Sent from my iPad

LETTER



A view of downtown St. John's from Signal Hill. SALTWIRE NETWORK FILE PHOTO

More time needed to discuss new development rules for St John's

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the exemptions for new builds and extensions will make it much easier for developers to scale up development well past our existing heritage structures in the downtown.

Furthermore, council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for en-

suring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

- Precedent-setting 10-storey buildings in our most important Heritage Area 1;
- Heritage buildings being torn down to allow modern architecture in all our heritage districts;
- Allowing modern infill in heritage districts without public consultation (which should require consultation and heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.)
- Modern architecture to be allowed above the current four-story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully request-

ing more time. Time to consider all the aspects of the City of St. John's Envision plan, heritage bylaws and new development regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful city.

The Envision plan makes some steps to protect heritage areas — but it has no teeth.

To the province: we are asking that the province's required registration of the plan and development regulations be held over until after the September municipal election. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the city: please consider the impact this will have on our cultural sectors — our

film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the municipal election. Listen to your citizens and interest groups. Speak with us.

To the city and province: The future of our downtown and harbour is important to our whole province — to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in

the next three weeks we can develop town and harb that maximize and livability.

Let's ensure our most valuable now and for generations to come.

Mary Walsh (inclusion ad date city elec Mellin (archi Morris, Ann t Louise Moyes John and Ma Calla Lachan bourhood Da Melanie Cain Nova Yoga), J Rizzo (lawyer member City Committee), Lawrence St. John's

Proposed changes to Heritage by-laws for new Development through Envision St John's.

To City Council of St. John's, Premier Furey, Minister John Abbott, Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the Heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the **exemptions for new builds and extensions** will make it much easier for developers **to scale up development well past our existing heritage structures** in the downtown. Furthermore, Council would give itself the right to give **discretionary site-specific exemptions**, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

- **Precedent-setting 10 story buildings** in our most important Heritage Area 1
- Heritage buildings being **torn down** to allow modern architecture in all our heritage districts.
- Allowing modern infill in heritage district **without public consultation** (SHOULD require consultation + heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.)
- Modern architecture to be allowed *above* the current 4th story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision Plan, Heritage Bylaws and new Development Regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth.

To the Province: we are asking that the Province's required registration of the Plan and Development Regulations be held over **until after the September municipal election**. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, **and all citizens and visitors alike**. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

To the City and Province: The future of our downtown and harbour is important to our whole province: to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

Sincerely,

[Redacted signature]

[Redacted address]

[Redacted contact info]

Re: Heritage By-Law

Submitted by: [REDACTED], Heritage Planner in response to request for public input

Introduction

I would like to speak to the overall approach to planning and development within the city's heritage areas and its management of interventions to heritage structures outside the designated heritage areas. In summary I am recommending the adoption of The Standards and Guidelines for the Conservation of Historic Places in Canada as the official standards and guidelines for planning, stewardship and conservation of heritage resources within the City of St. John's.

Comments

The unique character of the city of St. John's stems from its long and colourful history, its unique collection of well-preserved heritage buildings, its cultural landscape, topography, streetscapes, cultural landscapes, seascapes natural features, etc. which together contribute to an irreplaceable sense of place for those who live here, those that come back and those who visit. The city's heritage resources not only reflect and symbolize the permanence and stability of our city, but also contribute to them going forward. It is for these reasons that our heritage needs to be not only conserved, but also adapted for new uses that fulfill the needs of our communities and allow for new development to keep pace with our changing social and economic needs.

The Standards and Guidelines for the Conservation of Historic Places in Canada is a framework for making decisions about which features of an historic place should be maintained to conserve its heritage value, and which can be altered. It provides guidance for new development to take place in ways that do not diminish the heritage value of a particular site or area by identifying and retaining the specific features and elements that contribute to heritage character. It enables decision makers, to manage change within heritage areas to ensure that new construction is appropriate and that valued aspects are preserved.

Anyone making decisions about a heritage place should have an understanding of its heritage value and use its character defining elements as a starting point. For many of the city's historic places these have already been defined. Places within the city formally recognized by the Government of Canada, the Province of Newfoundland and Labrador and the City of St. John's are included in the Canadian Register of Historic Places (www.historicplaces.ca). These sites possess a value statement (called a Statement of Significance) that lists the character defining elements that should be retained to preserve heritage value. This register is one of the tools developed through the Historic Places Initiative. A key objective of the Historic Places Initiative is to engage and support municipalities in heritage conservation programs and activities.

The Standards and Guidelines were developed in collaboration with provinces and territories and has been adopted many cities across Canada (e.g. Cities of Ottawa, Toronto and Victoria). They were designed to meet international standards for heritage conservation. Adopting the Standards and Guidelines will ensure consistent and transparent decision making for the heritage advisory committee, council, developers and staff. In addition, the adoption of the Standards and Guidelines does not preclude or replace design standards recommended by city planning staff in the heritage bylaw for specific areas or issues, but can form the basis for their development. Their adoption will alleviate the concerns of heritage groups and owners of property in heritage areas by ensuring the values associated with their properties are retained in planning and development decisions.

Going Forward

The City of St. John's should adopt the Standards and Guidelines for the Conservation of Historic Places in Canada as the official standards and guidelines for planning in heritage areas.

City staff, members of the Heritage Advisory Committee and interested councillors and stakeholders should be provided with training on the use of the Standards and Guidelines. Such training is available by request to Parks Canada's Historic Places Initiative

The City of St. John's should formally recognize the designations of heritage places by other levels of government within its jurisdiction

Statements of Significance should be developed for each of the city's existing and proposed heritage areas to ensure continuity in decision making.

Mayor Breen and Councillors,

I have some concerns regarding the Building Heritage Experts Panel

BHEP:

This panel has huge responsibilities and mandate, in fact these all take 8 -9 pages of Draft Heritage By-Law ,Schedule A to describe their role, or job description we might say.

COMPOSITION

Seven members: architect, contractor, planner, landscape architect, historian (or archival expert, historic preservationist). As this is the most important committee of council re the Heritage well being of St. John's, only the very best in their field should be appointed, therefore membership is a critical factor in this By-Law.

-Panel needs stronger Heritage experts, historian alone is not enough. In fact the historian should be an expert in NL history

-The architect, for example should have experience in restoration/renovation of NL heritage buildings and Districts, plus knowledge of Standards and Guidelines for development of such properties. All members should exhibit similar experience and knowledge.

-There are many career heritage professionals living in our community, its time they played a role in composition of Panel.

Also maybe it is time to add a member from general public who can represent the interests of residents who live in designated Heritage Area's.

Qualifications of Experts should be of the highest caliber, chosen for merit rather than "who you know category. "

Wider advertising needed to attract experts. There are many such experts in our Community, it is the responsibility of Council to seek them out.

These suggestions might strengthen the effectiveness of the Panel elevating there role in the decision making process.

CONDUCT OF MEMBERS:

Note: "members must uphold Federal Provincial and Municipal laws and policies " and "staff must ensure Panel is well informed ". (Direct quote from By-Law.)

What guarantee is there that members receive ALL relevant information.?

Question: (1)

For example re the Parish Hall development proposal, was the panel provided with copies of the Federal Policy on S&G for development in a NHS, were they provided with copies of the SJs ED ,NHS document by the HSMBC outlining why they chose to designate this District because of its uniqueness in the Canadian landscape.? (Maybe they were, I couldn't find it in their Minutes)

Question ;(2) Did staff fulfill their obligation to “ensure Panel is well informed”. This is important as the Panel is only as effective/ useful as the data they assess. panel must be given full disclosure to effectively just an application.

PUBLIC RESPONSIBILITY

It is noted that Panel can strike sub-committees for special issues, to include members of public, or organizational representatives, to better inform their decision -making when deemed necessary. Who makes this decision and what is process for Public to communicate within the Panel?

How often were members of the public engaged to make presentations to the Panel. We know Developers have this privilege all the time. Representatives of the ED were denied such a privilege to make their case known.

NOTE

- “Panel must review the new draft By -Law “. Where is their report and when will it be available to public.

- Council has the authority to “designate OR REVOKE a designation of a Heritage Area or Heritage Building, “. So it appears that decisions of Panel can be ignored or rejected by Council .

- Has Staff interviewed Panel members both past and present, to see what their views may be as to how we may re-create this heritage advisory committee to be the best in Atlantic Canada and serve as a model for other jurisdictions.

OTHER CONCERNS.

Schedule D -Design Standards:

Residential & Non -Residential Areas

- New changes just added to By-law include roof top decks allowed in H.A.1 under some conditions.....what conditions, what regulations. Who decides ?? Council agreed to no roof top decks about a dozen or more years ago. Why now?

- Most grievous of course is quietly camouflaged in the last page of by-law which allows buildings exceeding 18 m in height TO BE CONSIDERED by Council.

IN CLOSING

This draft by law weakens rather than adds to the protection and stability in our Heritage Designated Areas.

The Decision Note dated March22/21 States:

“Council will maintain the ability to exempt the owner of a new building from Heritage guide line standards. In other words the power lies with Mayor and Councillors, they can make their own decision and ignor the Advice of the BHEP or even their own Heritage by-law and established regulations.

I would therefore implore you to go back to the drawing board, engage in a more productive public process post-covid. After all , whats the rush, its more important to get this file righ. So very much hangs in the balance.

██████████

Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:34 AM
To: [REDACTED] CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Envision St. John's Municipal Plan and Development Regulations

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Sunday, June 6, 2021 3:28 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Envision St. John's Municipal Plan and Development Regulations

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and senior arts administrator/consultant whose work contributes to the social and economic well being of St. John's and it's citizens I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to

existing buildings in heritage areas as to how they can “blend in with the surrounding buildings and neighbourhoods”. And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Judging by the poor participation in it to date, the City’s public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John’s Municipal Plan and Development Regulations on Wednesday June 9.

Respectfully yours,

[Redacted signature]

[Redacted contact information]

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Karen Chafe

From: CityClerk
Sent: Wednesday, June 2, 2021 12:10 PM
To: Karen Chafe
Subject: FW: (EXT) Heritage Bylaw comments

Elaine Henley
City Clerk
709-576-8202

From: Ann-Marie Cashin <acashin@stjohns.ca>
Sent: Tuesday, June 1, 2021 4:44 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: FW: (EXT) Heritage Bylaw comments

From: Engage <engage@stjohns.ca>
Sent: Thursday, April 8, 2021 11:46 AM
To: Ann-Marie Cashin <acashin@stjohns.ca>
Subject: FW: (EXT) Heritage Bylaw comments

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From: [REDACTED]
Sent: Thursday, April 8, 2021 10:24 AM
To: Engage <engage@stjohns.ca>
Subject: (EXT) Heritage Bylaw comments

Section 5 (1), (2) designation or revocation of heritage designation. By itself, this appears to give council authority to designate or revoke without reference to the Committee or the general public.

Perhaps you need to add "subject to requirements for heritage reports and Committee input as outlined in Section 8 etc." Or words to that effect.

Section 6. inspector

There seems to be no requirement for the inspector to consult with the Committee or to even review other documents.

Section 8.3

If staff undertake a report they should follow same guidelines as prescribed for Heritage Report

Section 10.3

Seems to allow an owner to put up a new building and subsequently seek exemption. Should seek approval first rather than forgiveness.

Committee Membership.

Consider requiring an engineer on the Committee to help identify potential structural or infrastructure conflicts.

Thanks,

[Redacted signature]

[Redacted contact information]

[Sent from Rogers Yahoo Mail on Android](#)

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.

Presentation on the Proposed Heritage By-Law for the City of St. John's

May 10, 2021



I am pleased with the reinstatement of the Heritage by-law under the authority of the City Act and the intent to provide a more secure foundation for heritage protection. It will also provide easier access to heritage regulation for citizens, owners of heritage property and potential developers. I am also pleased that the Battery and other important areas outside of the downtown is being recognized as unique heritage districts.

Throughout the new Municipal Plan Document, "Envision St. Johns", there are strong statements regarding the importance of protecting the unique cultural landscapes, heritage districts and built heritage of our City.

Unfortunately, the draft heritage By-law has serious weaknesses which undermine the vision and commitments embodied in the Envision St. John's Municipal Plan document.

Comments on the Heritage By-law

The by-law as written has serious loopholes that weaken the clarity of intent and the consistent application of the regulations.

The By-law would be strengthened in its intent to provide a more secure foundation for heritage protection by:

The adoption of the National Standards and Guidelines for Heritage Conservation.

Reducing the discretionary application of the by-law and by amending the following sections by substituting the word may for shall.

- Section 3(1). Shall establish a Heritage Advisory Committee

Section 6. Applications Made Under other by-Laws and Regulations.

- 6(B) "where the application does not meet the guidelines for development in heritage areas the inspector shall refer the application to the Heritage Advisory Committee.

- Section 7: the inspector shall impose such conditions as may be necessary to fulfill the requirements of this By-law.

Applications identified under Section 8 (2) HERITAGE REPORTS.

- Add New buildings and extension's to existing buildings as section 8(c)
- Renumber current Section 8 (c) as Section 8 (d)

Heritage reports are required under the by-law for applications deemed to have an impact on a heritage building, neighbourhood or district.

Construction of new buildings in heritage areas has a major impact on the integrity and the special ambiance and attraction of designated heritage areas. Therefore it is important that applications for new building not be exempted for the requirements for a heritage impact report.

Comments on the Discussion Direction Notes. P3

RE the proposed new design standards for existing and new developments.

The following is a statement from the document

“With the proposed new standards, new developments will be required to “blend in with the existing neighbourhood and surrounding buildings.”

This encourages the protection of the cultural landscape and sense of time and place that create the special ambiance of designated heritage areas.

An accepted best practice for heritage area conservation is the control of height and density. This is why a 18m or 4 story height with a FAR of 3 was established as a guideline when the heritage areas in St. John's were first established . Other areas in the West of the downtown core town core were designated for higher density developments. The Municipal Plan identifies the area West of Adelaide Street as most appropriate for High Rise Development but allows for increased height and bulk in areas to the East where high rise developments have the greatest impact on the heritage character of the area. This is a serious loophole

which could have a very damaging impact on this important designated historic district.

The current by-law is silent on control of new development. The design standards which are detailed and strict for existing heritage buildings, allow for virtually blanket exemptions new development. I was given to understand that only the “appearance” of a building is controlled by the heritage by-law and the height and density is controlled by development regulations. That appears to me to be a serious disconnect between the municipal plan and the regulations. Restrictions need to be put in place to control high rise development in the area East of Adelaide given the major impact of tall, high density development heritage districts, particularly given the unique topography of the area.

I have 2 major overall concerns. With the by-law and design guidelines for new developments.

There is a lack of recognition in the by-law and design guidelines of the importance of the cultural landscape of the designated heritage areas. This landscape provides the essential context for the buildings and the visual evidence of the history of the settlement story of St. John’s. Each of the City’s designated Heritage Districts has its unique character and relevance.

It is essential that a statement of significance for each of the heritage district and the identification of the character for each heritage area be prepared and adopted by Council. This will provide clarity on the rationale for heritage protection and hopefully reduce conflict over the introduction of new building in heritage areas.

The exemptions for new buildings and extensions to existing buildings in the by-law proposed new design standards as outlined in the Decision Direction Notes is not in keeping with the statement concerning heritage protection in the municipal plan.

Exemption #1 “For taller buildings, the area from the ground to 18 m (approximately 4 stories), the base or podium of the building is most visible at street level. There will be flexibility to relax the standards above 18 m where the building is required to step back. This keeps a traditional street scape while allowing modern designs above the 4th story.”

The example of a top hat development from Charlottetown rivals Atlantic Place ugliness and is on a level area totally different from St. John's.

2. Exemption for owners of a new buildings

“Council will maintain the ability to exempt the owner of a new building from the Heritage design standards. “

3. Exemption from Public consultation.

Staff are recommending mandatory public consultation for certain applications involving heritage building and heritage areas. The listed applications requiring mandatory public consultation do not include new buildings or extension to existing buildings in heritage areas.

Recommendations:

Retain the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighbourhood.

Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultation and heritage reports.

Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can “ blend in with the surrounding buildings and neighbourhoods”.

Predetermine in which area of planning area 1 intensification may occur and under what circumstance.

Rational for Recommendations

The topography of historic St. John's steep. As the historic old City rises from the Harbour to the upper boundaries of heritage Area 1, the grade differentials are considerable. This makes the profile of new taller buildings a much more intrusive element on the traditional cultural landscape and seriously alters the historic

views both from the harbor to the North and from the higher level of Heritage Area 1 to the Harbour.

St. John's is a windy City and subject to freeze thaw cycles. The impact of taller buildings on wind and icing conditions should be taken into consideration in a heritage report for all new buildings and extensions to existing buildings. This is a public safety consideration.

The exemption for new buildings will undermine the investment in the conservation or adaptive reuse of existing buildings. It can also encourage demolition by neglect of historic properties as we have seen in the past.

The exemptions provide an incentive for redevelopment in designated heritage areas because increasing the height and density to accommodate taller new buildings will require an up zoning of the site which will give the owner /developer a significant benefit in increasing the value of the land.

The proposed new Heritage by-law and design guidelines require very detailed compliance with heritage design standards for existing buildings. The exemption for new taller buildings is therefore unfair to owners and investors who comply with the heritage design guidelines. It will undermine confidence that there will be fair and consistent application of the heritage regulations to protect their investment.

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

THOUGHTS ON INTENSIFICATION.

Intensification is often used as a rationale for increasing urban density in heritage areas. The density argument is not without merit taken in the larger context of the City as a whole.

However, I would like to point out that the historic downtown is already the most densely populated area in the City by far. It also has narrow streets and sidewalks, limited open spaces, difficulty with snow storage and snow clearing, and parking. On the positive side It is already a wonderful mixed use area with an

eclectic population. Its streets and laneways are among the most walkable and interesting areas in the City. Of all the areas in the city, historic St. John's comes closest in definition to what a livable vibrant city should be.

Intensification requires very careful long- range planning and doesn't always work well in established older areas. The insertion of high- density development in established areas will cause disruption to the neighbourhood and possible damage to adjacent properties.

In closing, I would ask the City Council to eliminate the exemptions and incentives for redevelopment inherent in the proposed Heritage by-law and the design standards for new development in heritage areas. There will be new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. New developments should follow established guidelines and process. The exemptions outlined encourage new development over heritage conservation and adaptive reuse of buildings. These exemptions will undermine and gradually erode the cultural landscape and sense of time and place which are the essence of a well-protected and maintained heritage district.

Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:35 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Heritage of our unique city must be preserved and protected.

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Sunday, June 6, 2021 6:06 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Heritage of our unique city must be preserved and protected.

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and as a current homeowner, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them. There has already been so much lost..and building allowed that in no way belong in a historic district, Atlantic Place being the best example. People come to St. John's because of the images of our beautiful historic colourful downtown and it's unique perspectives. We cannot afford to lose anymore!

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

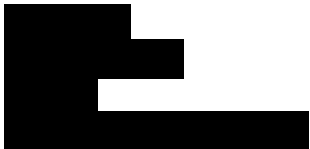
Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated.

Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be adding my voice to a petition to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Respectfully yours,

A large black rectangular redaction box covering the signature area.

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June 3, 2021

First Light St. John's Friendship Centre submits this response in relation to the call for feedback on the proposed amendments to the City of St. John's Heritage By-Law. While we commend the city for the work it has done to protect built heritage, we are disappointed with an apparent lack of consideration for how the proposed amendments fail to examine heritage in a broader context. Cultural heritage is more than celebrating and protecting built heritage: It is all aspects of a community's past and present that it considers valuable and desires to share with future generations. We feel strongly that the City of St. John's has a responsibility to consider a broader definition of heritage before adopting a revised version of the existing by-law.

In September 2020 the City of St. John's committed to making Indigenization and anti-racism priorities with respect to its governance, municipal services, and infrastructure in addition to recognizing the many contributions that Indigenous people made and continue to make in this city. The proposed amendments present an opportunity to consider heritage under a broader lens, including but not limited to street names, monuments, parks and green spaces while ensuring that colonial values and meanings are not favoured over Indigenous Cultural Heritage.

Without mechanisms which allow Indigenous people to be the creators, owners, interpreters and protectors of their own heritage, we limit sharing and risk the exclusions of Indigenous histories in both the built and living heritage of our city. The proposed revisions to the Heritage By-Law do nothing by way of developing mechanisms which safeguard Indigenous Cultural Heritage as living heritage, nor does it protect or recognize this living heritage as vital to the future. In many instances, past iterations of the heritage by-law have failed to ensure the commemoration of cultural materials, places and histories in a manner that is accurate or respectful, resulting in a mistrust and inequality between Indigenous Peoples and the City of St. John's.

First Light recognizes that the enhancement of the heritage by-law to include Indigenous Cultural Heritage will require the full and equal participation of Indigenous and non-Indigenous groups. Appropriate funding and training support for Indigenous and non-Indigenous partners will be instrumental to ensure the successful implementation of a by-law which appropriately reflects the truest heritage of the City of St. John's.

In Friendship,

Stacey Howse
Executive Director

Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:37 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Intersection of Envision Plan and Proposed Heritage By-Laws

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Monday, June 7, 2021 6:24 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Intersection of Envision Plan and Proposed Heritage By-Laws

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and publisher/writer who produces works about our wonderful city, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the **exemptions for new builds and extensions** will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for **site specific zoning** would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word “MAY” should become SHALL, i.e., Currently the ENVISION plan states that the City “MAY” establish a Heritage Advisory Committee (section 3.1) and “where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee” (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can “blend in with the surrounding buildings and neighbourhoods”. And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, to disappear.

Any clarifications you may have on the above points would be appreciated.

Judging by the poor participation in it to date, the City’s public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Respectfully yours,



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Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:35 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Intersection of Envision Plan and Heritage By-Laws

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Sunday, June 6, 2021 3:53 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Intersection of Envision Plan and Heritage By-Laws

Dear City Council,

I am concerned about the plans you are hurriedly rushing through with respect to the exemptions regarding new builds in heritage areas. You are yourselves aware of your actions in voting forward the site specific zoning for the proposed Parish Lane development. Councillor Burton brought this option forward, the ward 2 councillor opposed it and it was voted forward by all but one. Now council wants the power to exempt heritage by-laws within site specific zones! This reeks of hubris and bureaucracy supporting the wealthy and ignoring citizens. As a long-time resident of the downtown area, I oppose council being given additional powers with respect to bypassing heritage regulations. I will be in attendance at the June 9th meeting public hearing and will raise these issues then.

Thank you,
[REDACTED]

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Ann-Marie Cashin

From: [REDACTED]
Sent: Sunday, June 6, 2021 5:36 PM
To: Mayor
Cc: Sheilagh O'Leary; Deanne Stapleton; Shawn Skinner; Jamie Korab; Ian Froude; Wally Collins; Maggie Burton; Sandy Hickman; Debbie Hanlon; [REDACTED]
Subject: (EXT) Heritage By-Law/Envision Plan

Your Worship the Mayor, Deputy Mayor and Councillors,

As long-time residents of downtown St. John's and musicians/filmmakers who makes works about our wonderful city, we are writing to express our concerns about the proposed Heritage By-Law/ Envision Plan.

From what [REDACTED] and I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions.

Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown.

We do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

We look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

We hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc.

But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) may refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector may impose such conditions as may be necessary to fulfill the requirements of this By-law.

We request that City Council a) eliminate the exemptions inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can

be built on higher levels, as many Nordic towns do. b) Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can “blend in with the surrounding buildings and neighbourhoods”. And c) Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated.

Judging by the poor participation in it to date, the City’s public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. We therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

We will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Sincerely,

[Redacted signature]

--

[Redacted contact information]

[Redacted contact information]

Ann-Marie Cashin

From: [REDACTED]
Sent: Friday, June 4, 2021 10:07 PM
To: Ann-Marie Cashin
Cc: [REDACTED]
Subject: (EXT) Heritage By-Law draft response

Ann-Marie: I have just finished reading the Draft Heritage By-law and was about to submit through engage@stjohns.ca only to find it has closed. However, it is still Friday June 04, 2021 so I am writing directly. My wife and I own a designated Heritage Building and have read the draft word for word, especially the section about residential buildings. As owners, we found this to be both useful and constructive, especially for anyone considering the seemingly endless maintenance of buildings about which one might say "they don't make them like they used to". Here I refer to obtaining matching materials etc. and taking into consideration that some products/materials available now are better than those of the past and some do not meet the old standards or are very difficult to obtain. Therefore, the descriptions of what to strive for, and what will be expected, is really essential. Having said this, I want to thank City Hall for the letter inviting us to review the draft. I have printed a copy to put in a readily available binder.

--

Sincerely:
[REDACTED]

Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:37 AM
To: [REDACTED] CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Objection to proposed new Heritage By-Laws

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Monday, June 7, 2021 12:17 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Objection to proposed new Heritage By-Laws

Dear City of St. John's,

We are writing to object to the proposed new Heritage By-Laws. In a time of economic crisis, one of the province's greatest strengths is its beauty. If we compare St. John's to other provincial capitals or cities of similar size, few have the same draw. The appeal of St. John's comes from its unique historic architecture and layout and the many preserved areas and buildings. It is a similar appeal to many old Italian towns that attract visitors from around the world for the same reasons. The proposed Heritage By-Laws would threaten the historic appearance and charm of our capital.

The proposed Heritage By-Laws would directly contradict the well-meaning goals of the new Envision St. John's plan which clearly states, "The key is to manage growth in a sustainable manner while maintaining the character of St. John's." With many available exemptions and weak enforcement, the By-Laws would provide an easy path for developers to get around existing heritage requirements.

The following elements are particularly problematic:

- For existing taller buildings there will be flexibility to relax the standards above the 4th floor
- New buildings would be exempt from heritage design standards
- New buildings and extensions would be exempt from public consultation

We urge you to consider eliminating the exemptions and incentives for redevelopment in the Heritage By-Laws as well as adding requirements for new development to blend in with existing buildings and streetscapes to support the existing appeal and beauty of this city. In particular, we ask that you consider retaining the existing height limitations for new buildings in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and neighbourhoods.

Please consider the dramatic effect that the Heritage By-Laws as currently proposed would have on the appearance and appeal of our city. While new development may increase tax dollars for the city in the short term, the financial damage caused by long-term effects on the attraction of St. John's to both residents and visitors will by far outweigh these short-term gains.

Sincerely,

A large black rectangular redaction box covering the signature area.

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Karen Chafe

From: CityClerk
Sent: Wednesday, June 2, 2021 12:11 PM
To: Karen Chafe
Subject: FW: (EXT) Draft Heritage Bylaw

Elaine Henley
City Clerk
709-576-8202

From: Ann-Marie Cashin <acashin@stjohns.ca>
Sent: Tuesday, June 1, 2021 4:48 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: FW: (EXT) Draft Heritage Bylaw

This one has responses from staff as well. I can send the original email if needed.

From: [REDACTED]
Sent: Sunday, May 16, 2021 5:37 PM
To: Ann-Marie Cashin <acashin@stjohns.ca>
Cc: Ken O'Brien <kobrien@stjohns.ca>; Engage <engage@stjohns.ca>
Subject: Re: (EXT) Draft Heritage Bylaw

Hello Ann-Marie,

Thank you for responding to my lengthy inquiry. I would like to make a final commentary on a few of the remarks in my original email below to reinforce the importance of these items for inclusion.

Kind regards,

[REDACTED]

On May 13, 2021, at 2:52 PM, Ann-Marie Cashin <acashin@stjohns.ca> wrote:

Good afternoon [REDACTED],

Sorry for the delay in getting a response to you. I have responded to your question in red below. If you have any further questions, please let me know.

Thank you,
Ann-Marie

Ann-Marie Cashin, MCIP - Planner III - Urban Design & Heritage

City of St. John's - Planning, Engineering and Regulatory Services
Phone: 709-570-2041 Fax: 709-576-2340
Email: acashin@stjohns.ca
John J. Murphy Building (City Hall Annex), 4th floor
Mail: PO Box 908, St. John's, NL, Canada A1C 5M2

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

From: Engage <engage@stjohns.ca>
Sent: Thursday, April 29, 2021 2:43 PM
To: Ann-Marie Cashin <acashin@stjohns.ca>
Subject: FW: (EXT) Draft Heritage Bylaw

AM, feel free to reply directly and copy engage@stjohns.ca

Thanks

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

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

From: [REDACTED]
Sent: Thursday, April 29, 2021 2:13 PM
To: Engage <engage@stjohns.ca>
Cc: Maggie Burton <mburton@stjohns.ca>; Maggie Burton [REDACTED]
Subject: (EXT) Draft Heritage Bylaw

Hello,

I would like to ask the following questions pertaining to the heritage bylaw:

1) Is the enactment of the heritage bylaw contingent on the new Municipal Plan being approved and adopted by the Province and City Council? How are the two documents integrated? **No they are not contingent on each other and the Heritage By-Law will go through its own approval process but we're timing them together so that there is no gap in heritage standards.**

Understood.

2) Will the City of St. John's adopt the National Standards and Guidelines for the conservation of historic places in Canada? **No, not at this time.**

I believe the inclusion of these National Standards as a common reference point on heritage preservation would be very beneficial to our community as they prescribe proven approaches to heritage preservation in the Canadian context. Can these be considered for your agenda to be recognized and included?

3) My understanding from a recent NLHF (Newfoundland and Labrador Heritage Foundation) study that over 50% of significant heritage structures had been lost in downtown St. John's over the last few decades. Will this bylaw prevent the continuation of this trend and ensure preservation of our built heritage? **That is its aim but it's possible that buildings may still be lost over time.**

Understood, but we have to ensure that the new bylaw will help to mitigate this the slow destruction of heritage properties for the future.

4) Will the City look to expanding heritage areas and adding new ones under this new bylaw where they are warranted ie. Circular Road, Winter Avenue, Waterford Bridge Road, Rennie's Mill Road, the Battery etc.? **Possibly. That was recommending in the Downtown Strategy 2001 and the 2006 PHB Report. Some of those areas are already in a Heritage Area. (Circular Road, Rennie's Mill Road, the Battery). We have created a new Heritage Area 4 for the Battery.**

Once the new bylaw is adopted, I would recommend that the City consider further expansion of heritage areas, there are parts of Churchill Square that I'm sure could warrant such a designation to preserve the mid century era, further to my previous suggestions. Can you please commit to reviewing this for the future?

5) How will the City ensure sensitive development adjacent historic areas ie. the current Bank of Montreal development adjacent Canada's first National Historic District on Water Street, Atlantic Place Hotel etc. **We have new standards for new developments. This did not exist in the current Development Regulations Heritage Area Standards. See page 26 of Schedule D.**

I hope that the proposed regulations are substantial to mitigate this serious issue in the future. Even when we consider Canada's first National Historic District, the lack of sensitive development in the George Street area is shocking. Please ensure we have strong regulations to address this concern.

6) Will this draft heritage bylaw prevent inappropriate demolitions, street closures and poorly designed new developments from reoccurring ie. Dobbin Property, the Battery; Richmond Cottage poor enforcement, Jackman Property, Winter Avenue; Bryn Mawr, Portugal Cove Road (demolition by neglect); The Jag Hotel addition and street closure; Salvation Army, George Street? Will this bylaw prevent the merging of several properties to create large developments that do not respect the existing massing and scale of heritage neighbourhoods? **Lot size, building height and building size are regulated under the Municipal Plan and Development Regulations. There are policies in the Municipal Plan to ensure pedestrian-friendly street frontages, as well as maintain and promote existing pedestrian laneways and paths in the downtown. A property owner is always free to apply for demolition. If there are heritage aspects then we would work with property owners to preserve buildings.**

Our unique street and laneway patterns in St. John's provide the special context for our built heritage to remain one of a kind in Canada. I believe that the spaces between our heritage properties are as important as the buildings themselves. Strong protection for this infrastructure is critical in our overall heritage preservation strategy.

There are far too many examples where developers or single residents have been allowed to take possession (either with or without permission) of a street or laneway for their own benefit and at the expense of the general public. The results typically dilute the continuity of our heritage.

7) with this new draft heritage bylaw will the City enforce a standard set of development application requirements ie. architectural renderings of a standard appearance and quality etc. necessary for the public and council to fully comprehend the proposed project and its impact? **The standards for a development application are set out in the Development Regulations.**

Clear and concise standards are critical in the City's and Public's evaluation of proposed developments. When developers are prepared to invest in multi million dollar projects, this requirement is not out of line.

Standardized requirements will create a level playing field for proponents and help to reduce confusion. Clarity will hopefully help to portray a proponent's development intention in an understandable visual presentation.

8) Will the City undertake to strengthen the view plane guidelines to and from the harbour as part of this heritage bylaw change? **The Municipal Plan sets out policies on building height with the intent to retain the historic character of the downtown, as well as views of the Narrows, Signal Hill and the Harbour from various public vantage points**

I believe our current view plane policies are lacking and need to be more comprehensive than the three that you identify. As a result, there are wide gaps due to a lack of coverage and this needs to be strengthened through further analysis.

9) Will this draft heritage bylaw safeguard against Council from making any discretionary decisions regarding heritage buildings or areas that contravene the bylaw? **Section 10 (3) of the Heritage By-Law gives Council the authority to exempt the owner of a newly constructed building from the Heritage Design Standards.**

Obviously there will be instances when new construction occurs in a heritage area, but this explanation sounds very gray and contradictory to the essence of a heritage bylaw. Why would we give Council that discretion!

10) Will this bylaw protect and preserve historic street patterns from being closed or changed ie. Gower Street United Church intersection within the National Ecclesiastical Historic District and potentially at Rawlins Cross in future? **Not necessarily. It doesn't at this point but the By-Law does give authority to set standards for areas and street could be included if it was determined street patterns should be protected.**

Again, street and laneway patterns themselves constitute an integral part of our heritage areas and deserve to be preserved. Can we please make this recommendation?

Thank you for your consideration.

Kind regards,



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Heritage NL

14 May 2021

City of St. John's
P.O. Box 908
St. John's NL A1C 5M2

Re: Heritage By-Law Review

To Mayor Breen, Deputy Mayor O'Leary, and all Councillors,

Heritage NL (HNL) thanks the City of St. John's for its invitation to comment on its new Heritage By-Law. HNL staff reviewed the By-Law and drafted recommendations which were discussed with legal council and planning staff from the City. The full recommendations are included as an appendix to this letter, however we wish to highlight several points we believe to be critical for the success of the City's heritage program:

1. **HNL recommends that the City of St. John's adopt in its Heritage By-Law the *Standards and Guidelines for the Conservation of Historic Places in Canada*.** The *Standards and Guidelines* are a pan-Canadian framework for decision-making with respect to heritage places. They are developed by Parks Canada in consultation with the provinces and territories. In a review of municipal heritage programs we found St. John's to be one of just two sample Canadian cities not to adopt the *Standards and Guidelines* in any way. The City currently lacks a theoretical basis for decision-making and definitions for many of the ideas expressed in its heritage standards. We therefore see this recommendation as a starting point. It is important to note that the *Standards and Guidelines* are not prescriptive and would place no additional requirements on property owners.
2. The City is enabled to designate a wide variety of historic sites and *Envision St. John's* includes reference to "Heritage Districts" and "Ceremonial Buildings and Sites." Many local municipalities already recognize unbuilt sites of historical and cultural significance. Given increasing foci on sites of intangible value and histories for which buildings have been lost, **HNL recommends broadening the City's designation program to include structures, lands, and areas of significance.**

3. Much of the By-Law's effectiveness hinges on the skillset of those enforcing it and to our knowledge the City no longer specifically designates heritage building inspectors. **We therefore recommend ongoing, proactive heritage training for all staff responsible for enforcing the provisions of the By-Law.** HNL would be happy to work with the City to facilitate this training.
4. The Ecclesiastical District has been the site of some debate in recent years. It is currently recognized both nationally, as a National Historic Site, and municipally, through recognition in the municipal plan. We note, however, that recognition of the district is absent from both *Envision* and the By-Law. Given the City's recent diligence it is clear the City recognizes the value of the district. **We therefore recommend that the City reaffirm its recognition of the District in the By-Law and work with property owners within the district to formulate both a management plan and additional protective measures going forward. Further, we recommend that consideration be given to including all National Heritage Districts in the By-law and developing management plans and additional protective measures.**
5. It is consistently demonstrated that research and public consultation are most effective when they occur early. The requirement for Heritage Reports and public consultation are welcome initiatives however it is critical that their products be available as early in the development process as possible. **We therefore recommend that they be required at the development application stage such that they feed into design development and subsequent reporting requirements. We additionally recommend exploring incentive options for proponents who go above and beyond in their engagement efforts.**

We would once again like to thank the City of St. John's for this opportunity. We would additionally like to offer our support in further developing the By-Law or strengthening your heritage program more broadly.

Sincerely,

Jerry Dick
Executive Director

Protecting, promoting and preserving Newfoundland and Labrador's built and intangible heritage.

Mail: P.O. Box 5171, St. John's, NL, Canada A1C 5V5 • Telephone: 709.739.1892 • Fax: 709.739.5413 • Toll Free: 1.888.739.1892
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Appendix A
Detailed recommendations presented to the City of St. John's
with respect to its Heritage By-Law (2021)

- A. Heritage NL houses the Provincial Register of Historic Places (PRHP) and is responsible for synchronizing designations in the province with the National Register of Historic Places (NRHP). In practice, the City has typically forwarded new Municipal Heritage Site/Heritage Building designations to Heritage NL for inclusion in both registers. **Heritage NL recommends formalizing this process by requiring new designations be forwarded to the Provincial Registrar for synchronization with provincial and national registries.**
- B. The City is enabled by the City of St. John's Act under 355 (1) to "designate buildings, structures, lands or areas in whole or in part, as heritage buildings, structures, lands or areas," however the Heritage By-Law defines only Buildings and Areas. Meanwhile many aspects of St. John's history are represented only by sites or remnants rather than surviving buildings. **Heritage NL recommends broadening the types of permissible municipal designation under the By-Law by including and defining heritage structures and lands. Also see recommendation "K."**
- C. Under 2(e) of the By-Law, Inspector is defined as "any person authorized by Council to administer and enforce [the] By-Law," however it would be appropriate to explicitly designate at least one role to serve as Inspector. For reference the City of Toronto designates specific positions as inspectors including their Manager of Heritage Preservation Services, Heritage Co-ordinators, Preservation Officers, and Preservation Assistants. **Heritage NL recommends designating one or more identifiable staff positions as Inspector(s) under the By-Law or specifying areas of expertise for staff responsible for interpreting or using discretion with respect to the By-Law.**
- D. Much of the By-Law's effectiveness hinges on the individuals administering or enforcing it and their specific knowledge of heritage architecture and construction. It is therefore crucial that existing staff be trained in the concepts governed by the By-Law or that appropriately qualified individuals be hired. **Heritage NL recommends instituting an orientation and ongoing training for all staff tasked with administering the By-Law.** Heritage NL staff would be happy to coordinate with the City on training opportunities.
- E. Heritage Reports are a welcome addition to the City of St. John's heritage program. That said, a report will be most effective early in the planning/development process so that findings may be considered and incorporated into conceptual and schematic designs.

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Heritage NL recommends adding a Heritage Report as a requirement of a complete development application such that it is available during the design process and feeds into the development of any Land Use Assessment Report. This will likely require a minor amendment to the soon-to-be-adopted Envision St. John's Development Regulations.

- F. Under Heritage Reports 8(2) several cases are specified where Heritage Reports shall be required. **Heritage NL recommends adding additional cases: 1) an application for a new development within a Heritage Area, and 2) an application for a new development adjacent to a Heritage Area or Heritage Building, Structure, or Land.**
- G. The St. John's Development Regulations under 5.3 sets out minimum application requirements for development applications which may be expanded under the terms of reference of a Land Use Assessment Report. **Likewise, Heritage NL recommends setting minimum standards for Heritage Reports under 8(4) of the By-Law including, but not limited to, site analysis, site/building history, and consideration of impacts on neighbouring properties and streetscapes. Heritage NL additionally recommends setting minimum qualifications for consultants completing Heritage Reports.** The sample document provided by the City from the City of Waterloo provides a good template.
- H. In a jurisdictional scan Heritage NL staff found that St. John's is one of only two out of 14 municipalities surveyed not to adopt the *Standards and Guidelines for the Conservation of Historic Places in Canada* either whole or in part. While some language of the By-Law and Heritage Design Standards references the *Standards and Guidelines*, usage is inconsistent. Heritage NL believes such a framework is necessary to guide action under the proposed By-Law as well as heritage policy more generally. **Heritage NL strongly recommends the adoption of Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* as a theoretical framework and for evaluating development, financial incentive, and related applications.**
- I. Under Public Consultation 11(1) several cases are given where public consultations shall be required. **Heritage NL recommends adding additional cases: new developments in/adjacent Heritage Areas and on/adjacent properties containing Heritage Buildings, Structures, or Lands, and substantial alteration of existing Heritage Buildings, Structures, or Lands.**
- J. Quality, early public engagement ensures that the public has a meaningful opportunity to shape a development proposal in a heritage area rather than merely react to a

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fully-developed development concept. **Heritage NL recommends that required consultations be mandated during early stages of design development, i.e. prior to the development of detailed Land Use Assessment Reports.**

- K. Section 4.7 (Heritage) of the *Envision St. John's Municipal Plan* sets out the “following items [which] are used to set up the framework for the new St. John's Heritage Bylaw” including: “consult with and seek the advice of the Built Heritage Experts Panel on [...] the recognition of Heritage Districts as well as Ceremonial Buildings and Sites (3);” and “continue to recognize special places within Heritage Areas by designating them as Historic Districts through the City's Heritage By-law (11).” However Heritage NL notes that language regarding Heritage Districts and Ceremonial Buildings and Sites is absent from the By-Law. Consideration should be given to describing these designations as Commemorative rather than Ceremonial which has specific connotations. Additionally language recognizing the Ecclesiastical District is missing from the By-Law and has been removed from the new Municipal Plan. **Heritage NL recommends aligning the Heritage By-Law with the new Municipal Plan by including and defining the designation of Heritage Districts and Ceremonial (or Commemorative) Buildings and Sites. Heritage NL recommends adding language specifically recognizing the Ecclesiastical District first recognized in 2005 and currently designated under 7.2.3 of the current Municipal Plan.**
- L. It is additionally noted under the above section that the City is to “maintain a list of Heritage Buildings, Heritage Areas, Heritage Districts as well as Ceremonial Buildings and Sites that have historic and/or architectural significance” however such a list is absent from the By-Law. **Heritage NL recommends maintaining a list of above-noted properties as well as properties of interest identified through past work and ongoing research.**
- M. The Heritage Design Standards include language that is undefined but which could be defined using concepts from the *Standards and Guidelines* (see recommendation “H”). **Heritage NL recommends defining terms including “compatible,” “replicate,” “specialty,” and “character defining elements” using language based in conservation theory and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.**
- N. Under the standards for Designated Heritage Buildings reference is made to “the building's architectural style,” a general term, while individual buildings are generally designated, in part, for specific architectural characteristics or “character-defining elements.” Work in these cases should not be based on a broad style, like Second Empire

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as this could lead to a homogenizing effect on historic buildings in the city. Rather they should be based on existing and historic features of the building in question through appropriate documentation and research. **In all cases Heritage NL recommends amending language to reflect the specific architectural characteristics of a building rather than general characteristics of period/style.**

- O. Windows and doors are significant character-defining elements of buildings and special attention should be paid to their characteristics. Wood and metal windows and doors have characteristics difficult, and sometimes impossible, to replicate using modern materials (e.g. vinyl or aluminum). **Heritage NL recommends requiring retention of existing (typically wood) windows and doors for Designated Heritage Buildings and encouraging reinstatement of original window and door forms/materials where sufficient evidence exists for their construction.**
- P. Metal roofing materials are prohibited for Designated Heritage Buildings under the Heritage Design Standards, however metal, such as copper and lead, is an original material on some roofs, particularly porches and conservatories. **Heritage NL recommends amending this ban to reflect potential acceptable uses of metal roofing.**
- Q. While Heritage NL commends the City's recognition of solar panels as an acceptable addition in some contexts, in some cases visible roof slopes may be the only appropriate locations for solar energy capture. **Heritage NL recommends amending this prohibition to allow panels on publicly visible roof slopes where they are appropriately detailed and installed in a way that respects architectural values.**
- R. Regulation of garage doors in Heritage Areas is an improvement over the previous Standards however garage doors on the street are not appropriate additions to historic streetscapes. The character of many streetscapes is defined, in part, by the feeling of life on the street created by ground-level windows and doors. They may additionally serve to reduce historic density and interfere with the pedestrian experience in Heritage Areas. **Heritage NL recommends prohibiting garages/garage doors on the street.**
- S. Under Heritage Area 4 mansard roofs and steep slopes are prohibited on the Battery, however mansard roofs and steep slope roofs are historically found in this neighbourhood and may still be observed today. Asymmetrical gables may more appropriately be prohibited. **Heritage NL recommends removing this prohibition but evaluating the use of these roof forms carefully to ensure they are properly proportioned and detailed.**

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- T. Accessory buildings “compatible” with historic buildings and materials are required to “replicate” the building’s period and style. **As with new buildings Heritage HL recommends aligning this language with the *Standards and Guidelines* which emphasize compatibility, subordination, and distinguishability.**
- U. Under New Buildings in Heritage Areas point 9 states that “on sites where buildings previously existed, there may be opportunities to replicate the former building. This may be possible if there is documentary evidence of the development, such as photographs, maps, surveys, and historic design and construction drawings.” Reconstruction is increasingly unacceptable as a means of conservation. Modern building materials and trades generally render reconstruction as mere facsimile and sufficient documentation rarely exists for such projects. **Heritage NL recommends removing this provision and entertaining reconstruction proposals on a rare, case-by-case basis and only where a compelling case and credible plan can be made such as in the case of reinstating well-documented building components that were removed.**

Appendix A - Template for Voluntary Early Public Engagement Process for New Development within Heritage Areas or for Heritage Structures

Good, early public engagement can support better development within heritage areas or on historic properties, particularly for large, high profile projects which will significantly impact a neighbourhood. It will allow development proponents and their designers to: understand community sentiments about their neighbourhood and what is important; articulate community needs; generate ideas for accommodating new structures in a sympathetic way; and build better public buy-in. Once a development proponent has submitted their proposal to the city, they generally have a lot of time and energy invested and may be resistant to making changes. The public can only react, generally with little ability to shape the final project. An incentivized, early voluntary public engagement process, undertaken by the developer, could allow the public and stakeholders to influence the design in a meaningful way. The results of the public engagement process would form part of the development application which would allow the city to determine the degree to which any proposal considered public feedback. The process undertaken for the Parish Lane proposal, while it occurred after submission to city hall, used a number of different tools, each of which built on the other:

1. **Community survey** to identify concerns; community values about a neighbourhood/site; potential community amenities; preferences for certain types of development and densities. These can be conducted online, through the mail, or in-person.
2. **Focus Group Session(s)** with key stakeholders (e.g., residents, public interest groups, heritage experts, design/development professionals) to present and discuss the results of the community survey and to explore solutions for addressing developer's ideas/needs, community concerns, and preferences
3. A **Design Charette** to allow stakeholders and interested members of the public, along with planning and design professionals, to begin to explore on paper options for developing a particular site within a heritage area considering such things as massing, height, protection of views and open areas, parking, circulation, and materials and architectural language that respect the heritage character of a site or neighbourhood.

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An internationally recognized, historical, old port city in which residents, businesses and visitors are welcome;

- Desirable residential neighbourhoods, with fully rehabilitated housing stock, looking as attractive as its original builders intended;

- An unforgettable commercial core featuring authentic, traditional buildings, well conserved and rehabilitated, which create a highly competitive retail sector along Water and Duckworth Streets;

...

Low-rise buildings which do not obstruct the irreplaceable views of the Harbour;

A revitalized, pedestrian-friendly harbour front (!!!)

*.... this vision is still valid and the downtown is recognized as a significant defining feature of the city in regards to built heritage, unique residential neighbourhoods, culture, the arts, tourism, and a centre for employment and commerce (**Envision Plan 6. 3... Development in the Downtown**)*

The Harbour as described by the Envision Plan is our collective heritage: whether it is protected or decimated is under the control of the Council.

I have divided my comments into more overarching concerns followed by comments on issues specific to some clauses. While I appreciate the by-law applies to all heritage areas, my greatest concern is for Heritage Areas 1 and 2 and particular those “under the hill” including the ecclesiastical district. I live in a Heritage Area 3 neighbourhood. These areas are under less development pressure and fortunately the little houses will not support construction beyond one storey on top of the existing structure.

Why the Rush?

Why is Council rushing to do this? The Decision Note that went to the Committee of the Whole was dated March 22, 2021. By April 27, 2021, just a few days over a month later, the Public Meeting on the by-law was over. This is not a decision about the placement of a corner store or even a development in a Heritage Area. It is a substantial piece of legislation which will influence the City, its people, and its industry for years if not decades. I would think that time for reflection and discussion should be undertaken. The Envision Plan has been in development since 2014. Why was this by-law not considered at some point along the way and not left until the Envision Plan was in its penultimate approval phase. I am sure with a will, the Heritage By-law can continue for a while under the Rural Urban Planning Act with a transfer later or perhaps it could be transferred unaltered now and update it later.

Historic Cultural Landscape

As the Envision Plan (above) indicates the hillsides of the City leading down to the harbour, the view of the harbour at least from the “higher levels” are as much a part of our heritage as the low-rise commercial and residential buildings clustered around the ecclesiastical district and do not obstruct the view, and access to the Harbour itself.

The Harbour from the waterfront up to and including the Ecclesiastical District in St. John’s, is its cultural landscape. Geographically this landscape is a tiny portion of the City, but it speaks, as no other portion does, to history and culture of a province that was once an important country in the international trade system. It is as important to the City and the Province as the Parliament District in Ottawa or the Ramparts of Old Quebec City. It deserves as much protection. It is the heritage of all its citizens: once destroyed it will be gone forever.

While the draft by-law provides extensive detail on the individual buildings, it does not secure this landscape in any way and in ways is leading to its devastation. Individual home owners are expected to comply exactly with the design standards and to my experience do so willingly; in part because of their commitment to the neighbourhoods.

Yesterday's Cities (*Dense cities are not healthy cities*)

While planners hold that denser cities are more sustainable (I would argue that that is more a result of civic policies than density per se) they certainly are not healthy, as this pandemic is surely showing. The social indicators of health require a number of things like shelter, security, economic security but nowhere does one see a mention of density in cities. There is no amount of air circulation and cleansing that can counteract the masses of people living in 20 storey buildings, crowded together the streets, parks, green spaces, public transportation etc. In the later part of April, Ontario and BC had active COVID case numbers per capita that were higher than India. I am sure that the balance of "sustainability" and "health" in urban design will be quite different when the next pandemic strikes, which will likely be around 2030 (this has been the 3rd in less than 30 years.) We do not need to plan for yesterday's cities and we in St John's we do not need to increase density in the area that is already the densest; and certainly we do not need to negatively impact our heritage districts and associated industries in the process. Council should be looking to save every bit of green and open space it can.

In a post-pandemic world the Council should work proactively with existing owners in the downtown heritage area to regenerate the older commercial buildings on Water and Duckworth to use the first floor as commercial space and then the upper floors as apartments or use other. The pattern still exists in some buildings on Duckworth. It would add density to the downtown, bring permanent residents there and enhance rather than distract from the built and cultural heritage without impacting the historic landscape. Regenerating a building is greener than building new.

6.4 The Downtown – The Downtown will be treated as two distinct areas: east and west. Adelaide Street will be the boundary for delineating height in the Downtown.

*d. The objective for the east end of Downtown (east of Adelaide Street) is to retain the existing urban form and human scale along the commercial corridors of Duckworth and Water Street, while allowing **some** additional height. (Envision Plan Section 6.4)*

The Envision Plan says that within the commercial corridors there should be room for **some** additional height. I doubt that "some" implies tripling it. A storey perhaps; maybe two. But what is now proposed in the by-law is that as long as you have something that looks vaguely like it fits on the first 3 or 4 stories (18 metres) then "the sky's the limit" as long as the tower portion is stepped back a bit from the building edge. This is fooling no one. The Charlottetown example given in the "Additional Information Note" does not inspire one to think that this would enhance a heritage district or anywhere else. If one wants to get a sense of one of our buildings of that type and how it blends with the heritage landscape, stand on the corner of Water next to the west-end post office and "look way up". Move a block or west and look up again to see if there is really any blend. Is this the look we want to see a lot of in the very small portion of the City covered by the heritage zones? Do these types of buildings "*not obstruct the irreplaceable views of the Harbour*"?

It is quite disappointing and frustrating that while both the Envision Plan and a Decision Note dated (May 16 2019) give some protection to an ever shrinking portion of the old City (that east of Adelaide St/ the downtown boundary) the proposed by-law opens a wide door to building 10 or 12 story buildings in

modern materials and styles simply adding the height to an existing building or making some nod to heritage on the first two storeys. The picture of the Charlottetown building using this concept has to be among the more ugly designs I have seen. It is an excellent example of why these kinds of structures should not be allowed. My read of the by-law in combined with the development regulations, is that we could have a row of these from east to west on Water Street. Not a pretty thought.

The "Additional Information Document" provided states that this podium type of building is permitted under the Parks Canada's Standards and Guidelines document. I will admit that I am not an expert in those guidelines, but it seems to me that they state that new or renovated buildings in historic areas/districts must be complementary to, and subservient to, buildings in the district. A 10 or 12 storey building in a downtown St John's heritage area has nothing to do with the districts and certainly is neither complementary nor subservient to a 3 -4 storey buildings.

By Law Sections

Sections 6 and 7: Applications under other Bylaws or Development Regulations

I would recommend that the wording in these sections be reviewed. At the very least the "mays" should be replaced with "shall's". Documentation will be essential. While there might be some minor issues might exist in heritage areas that can be at the discretion of the inspector, Demolition of Designated Buildings would be beyond the authority of an inspector, I would have thought.

Section 8 Heritage Reports

- a) It would appear that a heritage report is not required to build a new building in a heritage area. Surely this is an oversight
- b) While I think that a heritage report is a fine idea, it will be as useful as the weight assigns to it when the Council makes its final decision. The Report sample provided is impressive and could be used as a model. However, the information will likely reflect the bias of the developer. It is only natural. As a safeguard, I would suggest that Council maintain a list of qualified and acceptable heritage professionals that could be used to do that work. I would encourage Council rotate through the possible authors to assure that the process does not just become a pattern.
- c) (8.3) Like others, I do not think that staff reports should be substituted. Staff should review the reports and provide Council on the completeness of the work.
- d) The minimum requirements listed in this section for the Report are far too "minimum" to inform a discussion on the impact a development in any heritage area.

Section 9 (3) Heritage Design Standards Exemption by Council

Section 9 (3) of the proposed by-law states that Council can exempt newly constructed building in a heritage area from the design standards. This is a bit cavalier is it not? I would think that you either have a regulation or you don't. If some extraordinary reasons such that exist that buildings could not fulfill design criteria, these exemptions should be built into the by-law, so that things just do not become a rolling set of exemptions agreed upon to fit the whim of the day. If somebody does not want to comply with the heritage areas regulations they could build elsewhere. There are other lovely areas in which to build.

Section 11 Public Consultation

A public consultation is not required if a new building is to be built in a heritage area! Surely not!

Schedule A: Section 3.1.1 Pubic Members: Built Heritage Experts Panel Composition

Why did the Council move away from a Heritage Advisory committee? While built heritage is a part of the heritage of the City so are visual/cultural aspects of how the City sits within the coastal hill range and reflects our maritime history. The BHEP has positions for contractors, architects, landscapers, urban planners, one spot for a historian and one for "other with demonstrated experience". I don't want to underplay the work or the dedication of the panel, but I would suggest strongly that a committee advising on "heritage" should at least have equal representation of historians or those who have significant history education/training I their resumes as the other cluster. The less tangible portions of the City's history need equal protection under this by-law.

Comment: I think that a consultation with the historians from "The Rooms" should be mandated in any decisions regarding the heritage areas. The Rooms the provincial responsibility for protecting and promoting our cultural history.

Schedule D: Design Specifications

Garage Doors. I am not a big supporter of garages in the heritage areas anyway. They take away from the public parking on the streets and put some residents at distinct advantage over others. Further it is my experience that when the snow clearing and ploughing gets tough the garages are not used as the shovelling is a nuisance. So not only is the parking gone from general use, but also the owners then park in areas that are needed by those who have to depend on on-street parking.

It is good that specification say "should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space". This will be hard to achieve in that most of the row houses are about 20ft wide if not less. However, they are to be allowed in the heritage areas at all a) the "welcome to my garage look "(see Catherine St) should not be allowed (they look bad enough in more modern areas); neither should the " cave under the first/second floor be accepted. I think that I have noticed a design on Casey Street where the garage is actually under the house at street level but its door is a continuation of the house front and it comes to, or close to, the sidewalk. There is another little row on Fleming St. This at least looks like a modern format of an old form. It is, however, a good example of row of garages in a busy area that now assigns parking to one set of home owners having taken it from the general parking leaving residents on the other side without access to street parking.

Conclusion

The heritage are streetscapes with the view of, and access to the harbour and the ecclesiastical district are the basis of the tourism and related service industry in the City. We have lots of competition. People can see streets of coloured houses in many cities and countries; it is this total landscape and its resulting activity that people come to experience. It is likely this landscape that has drawn residents back to the downtown in the las 30 years. It is this landscape that gives the city its vitality. In a post COVID world tourists and residents will be looking for something different than they have been in the last decades. Guard what we have well.

Thank you for considering my comments.

██████████

██████████

Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:36 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Envision St. John's Municipal Plan and Development Regulations

Good Morning:

This email will replace the previous one.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Sunday, June 6, 2021 10:17 PM
To: CityClerk <cityclerk@stjohns.ca>
Cc: [REDACTED]
Subject: (EXT) Envision St. John's Municipal Plan and Development Regulations

Hello,

I just sent an email to your attention, but have realized that it contained an error. With apologies, may I ask you to substitute the following message and delete my previous email. Many thanks.

[REDACTED]

BY EMAIL - cityclerk@stjohns.ca

June 6, 2021

Office of the City Clerk

City of St. John's

P.O. Box 908

St. John's, NL

A1C 5M2

Re: Envision St. John's Municipal Plan and Development Regulations

My husband and I have lived in St. John's most of our lives. We currently rent and work in Vancouver, but we own a home in St. John's and plan to return there next year for our retirement. Our home is in one of the city's heritage areas; like others, we have chosen to live in this district because of its ambiance and distinctive architectural flavour. We have felt protected by the City's Heritage By-laws, but we are now horrified to learn that the City is actually planning to loosen restrictions for development in the area.

We are particularly concerned about the following changes and deficiencies in the proposed amendment of the Heritage By-laws:

- Exemptions on height restrictions, at the discretion of the Council;
- Exemptions from heritage design standards for new buildings, at the discretion of the Council;
- A general lack of clarity in relation to heritage design standards for new buildings and extensions.

We are also shocked that this initiative is going forward without full and proper public consultation. We suspect that, by far and away, the majority of the actual residents in the Heritage district share our concerns. Quite frankly, this process (or lack of proper process) feels like a betrayal of all the residents (and taxpayers) who have helped to restore and re-invigorate the older part of the city.

Having lived in Vancouver, we know how quickly a city can become the prey of developers and investors with deep pockets who will not be living in the area. Vancouver's downtown has become a morass of ugly skyscrapers, flyover roads, congested traffic, and noise. The much-celebrated mountain views are no longer available to anyone who isn't living high in the sky, paying exorbitant rents. Surely, this is not what you want for St. John's, which is one of the most picturesque of the older cities in North America. It is this charm, and the way that the downtown is nestled into the harbour and surrounding hills, that residents love and tourists come to see. Please do not create some mini-version of the dreadful, dysfunctional downtown areas of so many other North American cities. Believe us, no number of bike lanes or patches of green space can fix that mess, once you have created it.

We thank you for your attention to our concerns. Hopefully, the City will hold proper public consultations and will actually listen to the people who live in the areas that will be affected.

Sincerely,

[Redacted signature]

Owners of [Redacted], St. John's

[Redacted]

[Redacted]

[Redacted]

[Redacted]

I respectfully acknowledge that SFU is on unceded Coast Salish Territory — the traditional territories of the Squamish (Sḵw̱x̱wú7mesh Úxwumixw), Tseil-Waututh, Musqueam (xʷməθkʷəjəm), and Kwikwetlem First Nations.

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Ann-Marie Cashin

From: Ann-Marie Cashin
Sent: Tuesday, June 1, 2021 4:43 PM
To: CityClerk
Subject: FW: (EXT) Comments and Recommendations for Heritage Reporting and ByLaws

From: Engage <engage@stjohns.ca>
Sent: Thursday, April 8, 2021 11:46 AM
To: Ann-Marie Cashin <acashin@stjohns.ca>
Subject: FW: (EXT) Comments and Recommendations for Heritage Reporting and ByLaws

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From: [REDACTED]
Sent: Thursday, April 8, 2021 11:03 AM
To: Engage <engage@stjohns.ca>
Subject: (EXT) Comments and Recommendations for Heritage Reporting and ByLaws

Good morning,

My name is [REDACTED] and I'm an archaeologist and heritage professional. I'm currently working on my PhD at MUN, and previously worked as a cultural heritage specialist in Ontario. I am pleased to see that St. John's is adopting stronger heritage bylaws and guidelines for the protection of heritage properties. I have included my comments on the new proposed bylaws below.

Regarding Heritage Reports:

A Heritage Report is absolutely necessary before the potential demolition of a heritage property, as well as applications to change the designation of a property, or to undertake major alterations to a designated or potential heritage property. I am pleased to see the City is moving to adopt stronger heritage reporting bylaws, using Ontario's strong heritage reporting requirements as a model as per the example report provided. I also recommend that the City adopt Heritage Documentation Reports (HDR) as a requirement for any approved demolition of any heritage property which has been deemed unable to be repaired or not significant enough to be retained. An HDR records the fabric of the structure in detail, along with the property's history, and this is placed in public archives so that the record of the property is available to the public in perpetuity.

Regarding the proposed Heritage Standards:

Ensuring the public is aware of the designated heritage areas, and the standards associated with renovations of homes and properties within those areas is vital to sustaining the character of the area, and of St. John's as a whole. I had no idea my home is within a Heritage Area (in Ontario, these zones are called Heritage Conservation Districts. Perhaps that

language would be clearer for the public). Additionally, the boundaries of the Heritage Areas are very sporadic and could use re-evaluation for cohesiveness.

Window materials - I believe that whenever possible, original or replica wood frames should be retained, in commercial and residential buildings. Wood frames greatly improve the heritage integrity of a structure, and should be retained at all reasonable cost.

Otherwise, I believe the standards look good, and uphold the stronger bylaws and their requirements to maintain heritage integrity throughout designated properties and heritage areas in town.

Another concern I wanted to bring up is the ability of property owners to neglect a known heritage property until it is no longer worth saving, or able to be saved. Not examples of lack of funds to do so, but wilful neglect of the property, such as the Four Sisters structures. These kinds of cases will lead to the ultimate loss of many important heritage properties in town, and something that we, as heritage professionals, should be working against.

Thank you very much for your time.

[Redacted]

--
[Redacted]

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Karen Chafe

From: CityClerk
Sent: Thursday, May 20, 2021 10:02 AM
To: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: FW: (EXT) Information re Consultation on Heritage By Laws
Attachments: Blank 122.docx

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Wednesday, May 19, 2021 7:02 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Information re Consultation on Heritage By Laws

FYI

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: May 19, 2021 at 8:41:29 AM NDT
To: Ken O'Brien <kobrien@stjohns.ca>, Ann-Marie Cashin <acashin@stjohns.ca>, lindabisnop@stjihns.ca, Shawn Skinner <sskinner@stjohns.ca>, Maggie Burton <mburton@stjohns.ca>
Cc: [REDACTED]
Subject: Thank you and Follow Up Information re Consultation on Heritage By Laws

Ken, Anne Marie, Councillor Skinner and Linda Bishop:

On behalf of our committee thank you for the consultation and your time yesterday.

This morning I am sending along for your consideration information associated with "Heritage Reports", which I fully support.

To protect the visual and historic integrity of our heritage areas I would also like to stress that **Heritage Reports should not be waived under any circumstances**. They should also be required for new builds and include those elements that are outlined in the Lunenburg Manual as John Fitzgerald referenced yesterday.

If heritage planning is done appropriately there should be no requirement for the demolition of our heritage resources. The professional decision making heritage planning process should be followed and

required by the City for all owners and developers doing work in our heritage areas. I have outlined this process in the attached materials.

I have also outlined my recommendations on what should be required for such a Report when all options to save a historic property is exhausted, see attached.

I will also send along to you the US Historic Places Guide that outlines the professional heritage decision making process for historic places in a separate email.

Thank you again

[REDACTED]

Sent from my iPad

Sent from my iPad

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Karen Chafe

From: CityClerk
Sent: Thursday, May 20, 2021 10:02 AM
To: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: FW: (EXT) Design Standards and the proposed Heritage By Laws, Civic Addresses, Intensification, Zoning and World Heritage

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Wednesday, May 19, 2021 8:16 PM
To: Ken O'Brien <kobrien@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Shawn Skinner <:sskinner@stjohns.ca>; Maggie Burton <mburton@stjohns.ca>
Cc: [REDACTED]
[REDACTED] CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Design Standards and the proposed Heritage By Laws, Civic Addresses, Intensification, Zoning and World Heritage

Here are additional comments for the proposed Heritage By Laws

DESIGN STANDARDS

Roof Top Decks

New changes are being proposed in the By-law to allow roof top decks in H.A.1 in residential areas under some conditions as well as in non residential areas.

- Roof top decks, as well as other decks, should not be allowed where they are publicly visible from all points of the compass within the Ecclesiastical District (ED) as these are not historic architectural features and they will impair the visual historic integrity of the District.
- Given the unique steep terrain found in the heritage areas of the downtown and in the Ecclesiastical District decking should not be allowed to be seen publicly from the South as well as from the North, South or West.
- This should not be a problem if appropriate downtown residential zoning is applied to proposed new developments.

Inspectors

What qualifications and training and oversight will Inspectors have for the authority they are being given to make decisions about design standards for HA1. These inspectors should be required to undertake the full 5 day training related to Standards and Guidelines for Historic Places in Canada and the Act should specify when the Inspector **will be required** to consult with the City Planning Department.

Architectural Details for the ED

The proposed Heritage Standards also do not reflect the types of architecture and the architectural details associated with the ED.

- Therefore the types of architecture and the architectural details associated with the ED should be included in these design standards and that style and scale of development should be based on these standards.

Modern Facade Designs and Top Hat and Tall Buildings

Facade designs, may be approved by Council, but they must be compatible and subordinate to adjacent designated heritage building and therefore they must not overpower or detract from the associated character defining elements of adjacent heritage buildings and places.

These design standards go on to reference that pedestrian level new development will allow heritage facades while development above this can be relaxed with modern design allowed above the bottom 4 storeys or 18 meters. Also that the new by laws reference allowing replication of previous heritage buildings.

- Modern design must be defined for the architects., This must include statements that it must be visually compatible to the existing Heritage Architecture and subordinate to the Historic Structures it will sit amongst Modern design, as Architects will define it, is not appropriate under any circumstances for our heritage districts and especially for the Ecclesiastical District.
- The definition of modern architecture must also state that no overhangs or phallic looking designs will be allowed in the district or in their view planes.
- No air rights should be allowed to be given away in our heritage districts or in their view planes. No modern design height **for new construction** should be allowed above 4 storeys in the ED and that low density zoning only should be allowed for new development in the ED.
- Replicating heritage buildings should be encouraged with the use of archival, photographic and oral history information.
- Allowing top hat tall buildings designs on the basis that the streetscape view will be protected may work in a flat landscape in Toronto and where buildings are not in a heritage district, but this approach **will not work in** our terraced landscaped heritage districts.
- Allowing tall building new developments in heritage areas without public input is simply undemocratic and detrimental to citizens and adjacent property owners who have legitimate needs and issues that Council also has a responsibility to address and protect.
- The By Laws should also include a statement that no renovation or new development can harm an adjacent heritage structure or its foundation and proponents will be required to have permission of adjacent owners and apply mitigating measures at the proponents expense to protect adjacent properties when such damage is possible.
- That these design standards also reference that metal roofs, solar panels, green roofs should not be allowed on public visible sides. This may mean you can have metal roof on back but not front? This is rather odd. These new features should not be allowed if they simply visually impact the historic streetscape of the district they are being proposed for.

Civic Addresses in Heritage Areas

New development in the ED should not be allowed to have a civic address on a different street than what the historic address is of the property, where the development is proposed, and where the Main Lobby entrance and Parking Access is located for the development. By doing this you encourage tall building development off of one street by trying to justify a residential height off another street. This is not acceptable in a heritage area as it significantly damages the historic visual integrity of the historic district the new development will sit amongst. This restriction should be included in the new proposed Heritage By Laws.

Intensification and Historic Districts

Soft intensification should be continued to be encouraged for our heritage districts where existing heritage buildings can be turned into condominiums and apartments. When new development is approved it should be done horizontally with appropriate low density downtown residential zoning.

Zoning

The ED should not be exposed to medium or high density zoning when applicants come forward to supersize existing zones such as open space zones found in the ED. This restriction should be outlined in the new proposed by laws. The Heritage by laws should over ride allowing zoning changes and heritage districts should be detached from the Act that authorizes the City's Development Zones. Without this the proposed heritage by laws will be ineffective and cause ongoing grief for the Mayor, Council Members and Adjacent Property Owners.

Site Specific Zones to meet a developers design should also be disallowed in heritage areas including the ED.

World Heritage

The Heritage By Law should reference the fact that some districts in the City may be eligible for a World Heritage designation. In these cases UNESCO's standards and Best Practices for the conservation of these places will be required to be administered by the City to maximize the benefits such a designation would bring to citizens, future generations and the sustainable economy such a designation can create for owners, the City and the Province. The By Laws should reference that such a designation requires the development of a management plan done in partnership with Parks Canada, property owners, associated stakeholders and the City.

Thank you



Sent from my iPad

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Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:38 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Envision Plan

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Monday, June 7, 2021 9:04 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Envision Plan

Mayor and Councillors:

City staff are making a big mistake by attaching the proposed Heritage By Law to your approval of the Envision Plan.

After 9 years of preparation and consultation of the ENVISION Plan with Citizens now is not the time for Council to approve the proposed Heritage By Law that is in direct opposition to your stated long term Envision Plan objectives to protect the City's heritage areas.

The new proposed Heritage By Law by City Staff allow tall out of scale buildings in Heritage Areas and new buildings that are modern in style creating visually incompatible development that will not blend with adjacent heritage architectural styled buildings.

As written these proposed By Law will only benefit developers and architects and particularly those who are not from our City who want to take advantage of our beautiful low profiled symmetric and appropriately scaled heritage areas and turn us into a high rise looking Toronto, Vancouver or a Halifax.

We have great economic returns to the City from heritage infill and adaptive reuse development in our heritage areas. These are sought after areas to live in by residents and are a foundation from our immense tourism and cultural industries economy.

If you approve the new proposed City Staff's Heritage By Laws you will be **significantly altering both** the intent of the new City ENVISION Plan and the integrity of our heritage areas.

Do your job please and protect our heritage and the economic returns it creates for our City and please do not implement this By Law in the Ecclesiastical District National Historic of Canada.

Thank you



Sent from my iPad

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Ann-Marie Cashin

From: [REDACTED]
Sent: Wednesday, June 9, 2021 10:41 AM
To: Ken O'Brien; Maggie Burton; Ann-Marie Cashin; Shawn Skinner
Cc: [REDACTED]
Subject: (EXT) Definition of a Historic District in the Heritage By Laws.

The definition of our Historic District should be defined in the Heritage By Law along with a statement of each Historic District's Historic Value

The municipal statement of historic value for the Ecclesiastical District is a good example of such a statement. Also Districts in the City that are designated of national historical importance already have such statements.

These statements could include information relating to the following character defining features of these districts such as:

- It is an area that tangibly and visually represents historic resources from a specific time and use.
- It is a district that is visually associated with people, social, charity, political, religious, judicial, cultural, military and educational matters, events, industry, economies, historic architecture and buildings, historic cultural landscapes, burial grounds and cemeteries, archaeological sites, lane ways, roadways and paths and their associated historic view planes from a specific time frame.
- As we are in one of the oldest cities in NA we need to recognize in this definition that the historic resources in these districts are both above and below the ground and therefore all their protection is paramount.
- That historic setting associated with historic districts can be seen from many visual viewpoints. Ie the north, the south the west and the east and these historic viewplanes must be protected as people enjoy the views from these places not just from the North as the heritage districts cascade below them but cascade up as well from the South, the harbour and the West and the East.
- That a green heritage corridor be defined as identified for the Ecclesiastical District that includes its beginning visual view, as a prominent historically important institutions, from the harbour, up Duckworth onto Church Hill and Cathedral Street all the way to the and inducing the full a protestant and Catholic nodes.
- That these historic resources and cultural landscapes, setting can be of municipal, provincial and/or federally historic significance, and
- That the City has a responsibility to see to the protection of all historic resources located in the City as they are the front line and custodians of the people's heritage through zoning and its heritage by laws and such statements will assist in this matter.

Sent from my iPad

New Required Report for Heritage Buildings Under Threat

The following steps should,be required from demolition proponents for places, designated of provincial, national as well as municipal historical importance in the City, where the City has **authority over and stewardship** so that best efforts have been made by the proponent before Council is put in a position of having to make a decision about the demolition of an important heritage property in the City. These suggested steps should be embedded in the new Proposed Heritage By Laws.

These steps are necessary because in most cases proponents, including most engineers and architects in the City, **are not heritage development specialists** therefore they should be required to demonstrate they have undertaken the following cascading steps.

1. A demonstration of how the conservation of the building could be undertaken.
2. A demonstration of how the property can be sensitively repaired with sympathetic heritage materials.
3. A demonstration of options for the reuse of the building without alterations or demolition.
4. A demonstration of what adaptive reuse options have been explored for the historic property.
5. A demonstration of how original features could be reinstated.
6. A demonstration they are aware of cost share funding for the above-noted items from various government agencies.

Only if and when the following analysis and steps have been taken should the City entertain a Demolition Report. When considering accepting such a report is the last option I would recommend it include the following information:

- A recording of all the exterior and interior envelope including foundations and any associated cultural landscape features such as fencing, gates, monuments walls or any other cultural landscape features and historic vegetation.
- The name of the architect associated with the building, if appropriate and their significance
- The architectural style associated with the building, historic landscape or historic district
- The name of the builder and his significance
- The name of the craftspeople who contributed to the historic building, historic landscape or historic district and their significance
- The municipal, provincial, national and international historic designations associated with the building, cultural landscape or historic district.

- The history and historical figures associated with the historic building and or the historic landscape, streetscape or district and their local, provincial, national and international importance.
- The historical events of local, provincial, national or international significance associated with a historic building, a historic landscape or a historic district..
- Also the word neighbourhood should be changed to district and the historic landscape should also be added to the historic description of the place.q

Therefore the heritage report should address the anticipated impacts that proposed work will have in the loss of the the heritage value of the building, its historic streetscape and/or historic district and its historic landscape to the future well being of the City.

Karen Chafe

From: CityClerk
Sent: Monday, June 7, 2021 2:43 PM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) New City "Envision St. Johns" and Heritage By-Laws:

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Saturday, June 5, 2021 3:40 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) New City "Envision St. Johns" and Heritage By-Laws:

These new proposed by-laws are going to destroy the "Old City of St. John's". The oldest city will lose all of its beautiful distinctive flavour. Nothing like this should be rushed through the Commission's Hearing ON June 9th. **We should;**

Retain the existing 4 story height limit for new building in heritage areas u
Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultation and heritage reports.

Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Thank you.

[REDACTED]

Sent from my iPad

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Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:33 AM
To: [REDACTED] e [REDACTED]
[REDACTED] Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Intersection of Envision Plan and Proposed Heritage By-Laws

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED] >
Sent: Sunday, June 6, 2021 2:33 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Intersection of Envision Plan and Proposed Heritage By-Laws

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and performing artist/ filmmaker who makes works about our wonderful city, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated.

Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Respectfully yours,

[Redacted signature block]

Recipient of the Canada Council's Victor Martyn Lynch-Staunton Prize
(Innovation in Dance by a mid-career artist) and MANNING Heritage Award

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May 21, 2021

To: Engage St. John's

Re: Draft Heritage By-Law

The Newfoundland and Labrador Historic Trust has reviewed the City of St. John's Draft Heritage By-law and has concerns in four main areas: Heritage Reports, The Inspector, Heritage Areas & Design, and Documentation & Salvage. Successfully rectifying these concerns will improve the preservation of the Built Heritage in the City of St. John's. The incredible built heritage in the city requires far more protection than the three page Draft By-law currently proposes.

Heritage Reports:

What is the required content to have in a Heritage report? What are the required qualifications of the person who is writing the Heritage report? When will the Heritage Report be required to be submitted? Where is the opportunity for heritage professionals and organizations to comment on the submitted Heritage Report to identify possible omissions or errors? In the Heritage By-law, the city needs to delineate the required content and qualifications or the resulting reports may be written with significant omissions or inaccuracies by individuals who are not trained or knowledgeable about heritage conservation and development. The Heritage Reports must be received as early in the development process as possible so that developers can respond and incorporate the content into their LUAR before becoming financially committed to the project and resistant to change. Heritage reports should also be required when additions are made to historic buildings. The NLHT believes that the Heritage by-law must contain information on content, qualification, and time scale so that Heritage Reports will be efficient, accurate and appropriately protect the built heritage of the City.

The Inspector:

The inspector is defined in the draft by-law as "any person authorized by council". What are the qualifications, training, and experience required by the city for this person to become authorized? The Heritage by-law gives a significant amount of power and control to this person. Under section (6) it is up to the inspector whether or not to refer any applications under the development regulations respecting a Heritage Building, a building in a heritage area, or the demolition of a building to the Heritage Advisory Committee. The phrases "unless otherwise approved by the inspector", "as determined by the inspector", "in the opinion of the inspector", and "...a design acceptable to the inspector" appear frequently in Schedule D: Heritage Design Standards. The inspector has the deciding power to approve nearly every design element which may be in contravention to the Design Standards which include windows, doors, trim, roofs, cladding, dormers etc without ever referring to the Heritage Advisory Committee. The inspector must be trained, qualified, and have experience in the heritage field to make

The Newfoundland and Labrador Historic Trust is dedicated to the preservation of the province's buildings and landscapes and their importance to communities.

appropriate decisions to protect the built heritage of the city. An inspector without appropriate training, qualifications, and experience places the protection of heritage and design under this by-law in jeopardy of being undermined.

Heritage Areas & Design:

The addition of the Battery to the Heritage Areas is a welcome step. There are many heritage significant sections of the city that fall outside the current heritage areas. The City of St. John's should consider adding new areas (Churchill Park, etc) and expanding current areas where appropriate to cover gaps. Particular attention should be paid to those streetscapes and buildings which have been identified as intensification areas. The city of St. John's should embark upon establishing a built heritage inventory to identify buildings of architectural and cultural value. Studying, expanding or amending the heritage areas will provide a greater level of protection to the city's built heritage.

The Design Standards in Schedule D also require alterations. The city should revoke the ban on historic mansard and steeply pitched roofs in the battery area and instead ban modern shed roof styles which have lately been approved and constructed. The requirement for corner boards of 15 cm (6 inch) width should also be altered. This requirement is misleading as many existing historic buildings feature corner boards which are far wider. A category for window divisions (mullions, grilles, etc) should be added to the Design Standards. Far too often, windows are being approved despite having divisions of an incorrect architectural style or period. The design standards for harbour facing windows applicable for the Battery is a great improvement but it should be expanded to all heritage areas.

It is also disappointing that the Heritage by-law contains no reference to Park's Canada's publication *The Standards and Guidelines for the Conservation of Historic Places*. This document contains valuable information and guidance that if referenced and utilized can greatly improve upon the quality of heritage preservation in the City. The City of St. John's should consider amending the Heritage areas, correcting Design Standards deficiencies, and referencing *The Standards and Guidelines In the Heritage by-law*.

Documentation & Salvage:

Too often are buildings demolished or extensively renovated with no regard to their historic significance. The city of St. John's should add a requirement to the Heritage By-law for historic buildings to be documented before they are demolished or significantly altered through extensive renovation. Such documentation can include photographs or even laser scans and could be held at the city Archives for future homeowners and researchers to avail of so that architectural, cultural, and built heritage is not lost forever. Documenting an historic building and acknowledging its cultural, architectural, environmental, and material value can lead to salvaging of valuable materials before it is sent to the landfill. The Heritage By-law should have provision to require documentation of Heritage buildings, and any buildings in the Heritage areas as identified by a competent, trained, and qualified individual. The Heritage by-law should require or encourage the salvage and reuse of historic material from such buildings. Such salvage and deconstruction by-laws already exist in other municipalities such as Victoria BC: <https://www.victoria.ca/EN/meta/news/news-archives/2021-news/city-of-victoria-moves-to-reduce-construction-waste.html>

The Newfoundland and Labrador Historic Trust is dedicated to the preservation of the province's buildings and landscapes and their importance to communities.

We thank you for the opportunity to comment on the Draft Heritage By-Law and would like to engage with you further to ensure that the built environment in the City of St. John's is sufficiently preserved, protected, and appreciated. We feel that significant changes to the By-Law in the areas of Heritage Reports, The Inspector, Heritage Areas & Design, and Documentation & Salvage are required.

The Board of Directors,

Newfoundland and Labrador Historic Trust

The Newfoundland and Labrador Historic Trust is dedicated to the preservation of the province's buildings and landscapes and their importance to communities.

**PO Box 2403, St. John's, Newfoundland and Labrador, Canada, A1C 6E7
coordinator@historictrust.ca
www.historictrust.ca**

Karen Chafe

From: CityClerk
Sent: Tuesday, May 25, 2021 9:57 AM
To: [REDACTED] CityClerk; [REDACTED] Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Re: Draft Heritage By-Law

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Friday, May 21, 2021 9:37 PM
To: CityClerk <cityclerk@stjohns.ca>; [REDACTED]
[REDACTED]
Subject: (EXT) Re:

Ms Elaine Henley,
City Clerk,
St John's.

Ms Henley:

Would you be good enough, please, to pass this message to the Mayor and any others who should see it.

COMMENT RE DRAFT HERITAGE BY-LAW:

The 18 May discussion between Council officials and representatives of the Basilica, Gower Street, and the Kirk resulted in a revelation about the origin of s.8(3) of the draft Heritage By-Law. This came about during my discussion with Mr O'Brien about the sub-section.

Section 8 is described in the draft as being about HERITAGE REPORTS. Subsection 8(2)(c) stipulates that "Council shall [mandatory] require a Heritage Report for "...any other application in respect of which the Inspector has recommended that a Heritage Report be prepared". The draft Subsection 8(3), in full, then goes on to say that "Notwithstanding subsection (2), where in the opinion of Council it is appropriate to do so, Council may accept a staff report in lieu of the Heritage Report".

To put the matter bluntly but accurately, ss 8(3) neutered ss 8(2). It renders it both meaningless and a sham. Councillors are not even obliged to state reasons for rejecting a Heritage Report, much less required to remit the issues to the Panel and ask its members to review their advice in light of Council's stated reasons.

The draft contains no definition of an "Heritage Report", but does speak in s.2 of Schedule A (entitled PURPOSE) of "a Built Heritage Experts Panel", which is described as being a source of "expertise, opinion and perspective about built heritage, its protection and designation in the City of St John's". This description is amplified in S. 2 . It is both logical and reasonable to assume that the Panel's advice is a Heritage Report.

The Chief Municipal Planner, Ken O'Brien, and a number of his colleagues met virtually with representatives of the Basilica, Gower Street, and the Kirk on Tuesday morning. I took part as a member of Gower's group. I asked Mr O'Brien about Section 8 of the draft By-Law. I asked him to explain the rationale behind ss 8(3). His response was that "the Council asked that it be in the draft". When I pressed for a fuller explanation -- along the lines "who asked and what reason did they give?", his answer was that the issue was raised, discussed, and decided in a private and confidential meeting of the Councillors, and he was not permitted to make public any information about its proceedings.

At the very least, the Council must both explain and justify its approach to this issue. There is no reason why Council must accept the advice tendered to it by staff or the citizens of St John's. But there's neither an acceptable explanation nor sound reason - as far as we know - for adopting the By-Law in its present form.

Respectfully submitted.

[REDACTED]

|



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Karen Chafe

From: CityClerk
Sent: Tuesday, June 8, 2021 9:44 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Comments: Heritage By Law And Envision St. John's Municipal Plan and Development Regulations 2021

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Monday, June 7, 2021 9:38 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Comments: Heritage By Law And Envision St. John's Municipal Plan and Development Regulations 2021

Submission:

I am writing with comments on the Envision St. John's Municipal Plan and Development Regulations and the proposed Heritage by-law. I am registered to attend the Public Hearing on June 9th.

We have some specific comments regarding the Development Regulations and the proposed Heritage By-Law. They are as follows:

- First, we support the development and inclusion of a Heritage by-law. We however see some weaknesses/oversights that need to be addressed.
- The proposed Heritage by-law should not exempt a proposed new building from the requirement of a heritage impact report. New buildings in heritage areas can have a profound and lasting impact on the physical, social and cultural significance of a neighbourhood in a heritage area. It would be wholly reasonable to require that a proposed new building has a heritage impact report. Exempting new buildings can undermine the whole purpose of the Heritage By-Law which is to effectively manage and balance heritage interests and the scale and shape of new development so that the physical and cultural significance of a heritage area is given due consideration before developments are allowed to proceed. It allows for upfront assessment of impact so that mitigations can be sought/proposed and neighbourhoods impacted are aware of new building proposals before development is approved.
- One of the ongoing issues in the Signal Hill /Battery area (Heritage Area 3 and proposed Heritage Area 4) has been new developers seeking to re-zone land for new development that does not fit with the neighbourhood scale and the slope/grades in the area. While new development proposals are looked as development issues only - they intersects with the Heritage by-law as well. We argue that restrictions need to be put in place to control new building development to protect the small scale housing that lines the streets of areas like Signal Hill/Battery area. We note that slope/grade of existing lots is a consideration applied to homeowners seeking to build or expand an existing property in the

proposed Heritage Area 4 for the Battery area. It should therefore be a requirement for new building development in the area. Stricter measures on height and scale need to be part of Heritage Areas - so that new developments do not undermine the unique physical and cultural landscapes of the designated heritage areas.

- The Proposed Heritage Area 4 does not currently include Walsh's Square and Signal Hill Road. Signal Hill Road and Walsh's Square were part of the Footprint and Height Control Overlay for the Battery Development Area - Appendix A in the Development Regulations. These streets have been considered part of the Battery in studies undertaken by the City. The size and scale of houses in the area and the shape of lots (with steep slopes/grades and irregular lot sizes) fit with the other Battery area houses. Residents in the Area feel it should be part of the new Heritage Area 4 - and not carved off from an area it was always considered part of. We sit on the same sloped land mass - and have the same unique challenges and potential impacts to public views as do the streets above us - Cabot Ave - and and the street below us - Battery Road.


(Signal Hill Neighbourhood Association)

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Ann-Marie Cashin

From: Elaine Henley
Sent: Thursday, June 3, 2021 9:13 AM
To: [REDACTED] Planning; CouncilGroup; Janet Adams; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett
Subject: RE: (EXT) Municipal Plan and Development Regulations, 2021

Good Morning:

We thank you for your feedback and advise that all submissions shall be considered by Council.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Thursday, June 3, 2021 9:10 AM
To: Planning <planning@stjohns.ca>; CouncilGroup <councilgroup@stjohns.ca>; Janet Adams <jadams@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Municipal Plan and Development Regulations, 2021

please **reword** the following- it will inevitably cause issues - furthermore it raises the question; why are there standards if it is publicly worded that they can be relaxed?

Exemption #1 "There will be flexibility to relax the standards above 18 m."

please **delete** the following - no exemptions should be allowed - regulations that allow for exemptions are simply guidelines and therefore why bother having the standards if they are going to be able to be exempted at any time?

2. Exemption for owners of a new buildings "Council will maintain the ability to **exempt the owner of a new building from the Heritage design standards.** "(which includes HEIGHT)

and this last one is **offensive** and means that the city is trying to step away from public consultation - this should be **reworded** to say that **all new buildings and extensions to existing buildings that impact any street-level view or height, scale or mass, will be subjected to public consultation as per city policy**

3. Exemption from Public consultations: new buildings or extension to existing buildings in heritage areas.

also generally in the development regulations document

having the **appeals chapter** prior to any other development regulation chapter just sends the sign that the entire process is flawed perhaps move that chapter further back in the document.

please consider

Retaining the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighborhood.

Adding the requirement that existing buildings and new buildings in heritage areas have mandatory public consultation and heritage reports.

Eliminating the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Providing clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance



and what is the section on damages to parking all about? why is the building based solely on parking? 8.6.3
Damage or Destruction of Development

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Peg Burton

From: Elaine Henley
Sent: Friday, June 4, 2021 11:41 AM
To: [REDACTED]
Cc: Sheilagh O'Leary; Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) Heritage by-law

Good Morning [REDACTED]:

We thank you for your feedback and advise that your submission shall be presented to Council for consideration.

Elaine Henley
City Clerk
709-576-8202

From: Sheilagh O'Leary <soleary@stjohns.ca>
Sent: Thursday, June 3, 2021 5:05 PM
To: [REDACTED]
Cc: Elaine Henley <ehenley@stjohns.ca>
Subject: Re: (EXT) Heritage by-law

[REDACTED]

I am presently away however until June 7th and want to thank you for your submission.
I am cc'ing the city clerk to ensure your feedback is documented.
Take care

Kind regards,

Sheilagh O'Leary
Deputy Mayor
City of St. John's
P.O. Box 908
St.John's, NL A1C 5M2
(709)576-8363

From: [REDACTED]
Sent: Tuesday, June 1, 2021 10:58:51 PM
To: Sheilagh O'Leary <soleary@stjohns.ca>
Subject: (EXT) Heritage by-law

Deputy mayor Sheilagh O'Leary,

The Historic downtown St.John's needs to be protected. To date we have already lost a lot of the old building for modern skyscrapers. The St.John's harbour skyline is slowing starting to lose it's Iconic Historic appearance. Every part of the downtown st.john's you should be about to see the iconic narrows, over the past 50 years

many tall building went up starting to block this beautiful view it needs to stop. I believe every Historic building in the downtown st.john's should be repurpost. If the building need to be demolished which I don't agree with, the new building should reflect the old building or historic elements.

Going forward how would this new Heritage by-law effect the New envision plan? Heritage By-Laws, which are strong on exemptions and weak on enforcement, will intersect with the new Envision Plan. Envision has good intentions to protect Heritage buildings etc.

ENVISION St. John's Plan POSITIVES:

- The reinstatement of the Heritage by-law under the authority of the City Act and the intent to provide a more secure foundation for heritage protection.
- Battery and other important areas outside of the downtown are being recognized as unique heritage districts (but shouldn't Walsh's Square and Signal Hill Rd be included?)
- Importance of protecting the unique cultural landscapes, heritage districts and built heritage of our City emphasized (on paper).

The new by-law that is being proposed have serious gaps/loopholes for developer's which need to be addressed. The plan exempts NEW buildings and extensions to existing buildings, including*:

1. For existing taller buildings: there will be flexibility to “relax the standards” above 4th floor (think Atlantic Place Hotel).
2. New Buildings would be exempt from Heritage design standards
3. New Buildings and extensions: EXEMPT from Public consultation.

ALSO:

There is far **too much discretionary application of the by-law:** the word “MAY” should become SHALL, i.e., Currently the ENVISION plan states that the City “MAY” establish a Heritage Advisory Committee (section 3.1) and “where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) may refer the application to the Heritage Advisory Committee” (6B). Section 7: the inspector may impose such conditions as may be necessary to fulfill the requirements of this By-law.

Exemption #1 “For taller buildings, the area from the ground to 18 m (approximately 4 stories), the base or podium of the building is most visible at street level. There will be flexibility to relax the standards above 18 m where the building is required to step back. This keeps a traditional street scape while allowing modern designs above the 4th story.”

2. Exemption for owners of a new buildings

“Council will maintain the ability to exempt the owner of a new building from the Heritage design standards.”

3. Exemption from Public consultations: new buildings or extension to existing buildings in heritage areas.

Retain the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighbourhood.

- Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultation and heritage reports.
- Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.
- Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can “blend in with the surrounding buildings and neighbourhoods”.
- Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

I'm asking that is new by-law should be Reevaluated to reflect the protection of our Historic and iconic downtown, and protect the view of the narrows.

Sincerely,

██████████

[Sent from Yahoo Mail on Android](#)

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Heritage and Archives

Gower Street United Church

St. John's, Newfoundland and Labrador (Founded 1815)

21 May 2021

The Mayor and Council
of the City of St. John's

Via the City Clerk

This is the formal submission of the Gower Street United Church Heritage and Archives Committee, a committee of the official governing Board of the church, commenting on the proposed St. John's Heritage By-Law.

The following summarizes what we understand as serious shortcomings of the proposed by-law text. We also wish by this letter to endorse similar oral comments made during the virtual Public Meetings on 28 and 29 April 2021, during our meeting with City representatives and other members of our Ecclesiastical District Working Group on 18 May 2021, and the members' subsequent written submissions.

Our principal concerns with the by-law as proposed include the following issues.

1. It considers City-designated heritage structures only, and not those with National or other designations wherever they are in the City; there should not be such a distinction if protection is to be effective.
2. The draft is not sufficiently firm about the requirement for Heritage Reports. The present text allows this important requirement to be circumvented and be replaced by a staff report without explaining the conditions for such exceptions. The text also provides unclear and overly authoritative discretion to an inspector for potentially critical heritage decisions. It is also essential for the by-law to specify that full Heritage Reports will be required for new buildings in Heritage Areas, as will referral to the Experts Panel, particularly if the size, style, and density are not consonant with existing structures.
3. Overall, the proposed by-law inadequately addresses the matter of new buildings proposed for Heritage Areas, focusing instead on existing structures. An obtrusive, inappropriate new build affects the value of all the properties near it and the authenticity of the district as a whole.

4. The proposed by-law should thus address effects on the contextual integrity of any alterations and new builds in relation to neighbouring structures and the overall cultural landscape. It should establish means to protect the whole, not just the individual components, of our Heritage Districts. Downtown St. John's is not observed and valued o a height of four storeys only: it is a rising amphitheater from harbour to hilltops, as the images on the City of St. John's website demonstrate.

5. For new builds, the current text also allows for overturning heritage standards for any reason deemed appropriate by a current Council, with no stated restrictions or limits, such as the possibility of allowing a new-build high-rise in the midst of Heritage District 1 (e.g., Section 10.3 and Schedule D). Even accountability through public consultation may be side-stepped at Council's pleasure (11.1). These opt-outs are not appropriate and undermine the purpose of the legislation.

6. We further urge the adoption of the Standards and Guidelines for the Conservation of Historic Places in Canada which was developed in consultation with our Province and endorsed by them. That document provides much better guidance than the proposed by-law and -- unlike the proposed by-law -- is consonant with the world-class heritage standards and stewardship our City deserves.

The built heritage of our city and the integrity of its physical context are important not only to those who live and work here, but to all residents of the City, the Province, Canada and to world heritage because of the city's early and unique position in the story of European exploration and settlement of the Americas. City legislators, planners and this by-law have a duty of care to protect these inheritances so that they can continue to speak to the generations that follow us. Your custodianship must not be the one that falters.

We look forward to commenting further on a revised version of these draft by-laws.

Respectfully submitted by
the Gower Street UC Heritage and Archives Committee

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ann-Marie Cashin

From: [REDACTED]
Sent: Sunday, June 6, 2021 6:16 PM
To: Mayor
Cc: Sheilagh O'Leary; Deanne Stapleton; Shawn Skinner; Jamie Korab; Ian Froude; Wally Collins; Maggie Burton; Sandy Hickman; Debbie Hanlon
Subject: (EXT) Proposed Heritage By-Law/Envision Plan

Your Worship the Mayor, Deputy Mayor and Councillors,

As a long-time resident of St. John's and musician/designer/photographer who makes works about our wonderful city, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions.

Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown.

I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) may refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector may impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) eliminate the exemptions inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. b) Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated. Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Sincerely,



Stella's Circle

Hope Lives Here

June 8, 2021

Engage St. John's - Envision Regulations

VIA: Email mburton@stjohns.ca; kobrien@stjohns.ca; llyghtlebrushett@stjohns.ca

I am writing regarding the new Envision Regulations and specifically regarding the addition of micro units. Stella's Circle has a reputable history of providing supportive and affordable housing in St. John's. We currently operate 79 units of housing with the intention of increasing to 100 units by 2025. In November 2020, Stella's Circle purchased a property on Cabot Street with the intention of redeveloping it in to 5-6 micro units. Each unit is approximately 29 sq. meters with shared laundry on each floor.

Our understanding is that the new Envision Regulations will not permit more than 2 micro units in a property. We feel this is short-sighted. Our history and work shows that tenants like the size of the units as they find it is less for them to maintain. The micro units can be one part of a solution to the housing situation in the City.

Stella's Circle is requesting that the City of St. John's allow community organizations such as Stella's Circle to have more capacity to build micro units as these units also allow for more affordable housing.

Stella's Circle enjoys a good working relationship with representatives from various departments of the City of St. John's. We look forward to working with the City to ensure that housing needs are continued to be considered though the Envision Regulations

Sincerely,



Lisa Browne

CEO

c. Karen Noel, Director of Property and Development

Ann-Marie Cashin

From: [REDACTED]
Sent: Thursday, June 3, 2021 5:57 PM
To: Ann-Marie Cashin
Subject: (EXT) Heritage bylaws

Ann-Marie,

We live in a heritage designated house. There is always lots of up keep and the cost and expertise is hard to find. We had applied for a grant in the past, but did not take it. The reason we have not taken any of the resources is not our lack of need, or the importance to do things correctly with a heritage property. It is because the contract puts a lean on the property, and the lean has to be transferred to a new owner if we ever sell the property. This is a real deterrent. If you want St. John's to keep its heritage houses in proper repair, the support cannot deter current or future ownerships.

[REDACTED]

Sent from my iPhone

Karen Chafe

From: CityClerk
Sent: Wednesday, June 2, 2021 12:11 PM
To: Karen Chafe
Subject: FW: (EXT) Heritage By-Law

Elaine Henley
City Clerk
709-576-8202

From: Ann-Marie Cashin <acashin@stjohns.ca>
Sent: Tuesday, June 1, 2021 4:44 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: FW: (EXT) Heritage By-Law

From: Engage <engage@stjohns.ca>
Sent: Friday, April 9, 2021 11:53 AM
To: Ann-Marie Cashin <acashin@stjohns.ca>
Subject: FW: (EXT) Heritage By-Law

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From: [REDACTED]
Sent: Friday, April 9, 2021 11:20 AM
To: Engage <engage@stjohns.ca>
Subject: (EXT) Heritage By-Law

We live in 2021, not 1921. The installation of green roof systems and solar panels will hopefully become more prominent in the future as the City and the World deal with the negative impacts of pollution and the resulting climate change. Innovation in our City should be encouraged, not restricted by regulation. Particularly, green roof systems are installed on a flat roof and would not be visible from the street. They are particularly effective in reducing stormwater runoff and plants are much nicer to look at than a modified bitumen roof. I believe the wording in the standards should be modified to encourage rather than discourage green roof systems. Solar panels should also be encouraged and the wording in the Standards could be similar to the wording used for heat pumps.

The standards should also include a clause that modern architecture be allowed which respects rather than copies heritage detailing and which can be reviewed on a case basis.

Regards,

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Ann-Marie Cashin

From: [REDACTED]
Sent: Friday, June 4, 2021 5:05 PM
To: Mayor; Sheilagh O'Leary; Deanne Stapleton; Shawn Skinner; Jamie Korab; Ian Froude; Wally Collins; Maggie Burton; Sandy Hickman; Debbie Hanlon
Subject: (EXT) Heritage By-Law

To: Mayor, Deputy Mayor and Councillors, City of St. John's

From: [REDACTED]

Date: June 4, 2021

I would like to express my concern that the proposed Heritage By-Law and its various exemptions will make it easier for developers to contravene rules and restrictions in heritage areas, if they only need get permission of Council to build structures that are out of scale, much too high and out of synch with the look of heritage areas, which are valuable to our culture and the tourism industry.

New developments and add-ons in heritage areas should be required to blend in with existing buildings, scales and streetscapes. Council does not have the right to allow our heritage assets to disappear.

Judging by the poor participation, the City's public engagement process on the Heritage By-Law has been a failure--not surprising, as we are in the middle of a pandemic.

I ask that Council put a hold on any more decisions about the Heritage By-Law until we are out of danger from Covid-19 and more thorough public discussions on these important issues can take place.

Thank you.

Ann-Marie Cashin

From: [REDACTED]
Sent: Friday, June 4, 2021 4:12 PM
To: Mayor; Sheilagh O'Leary; dstapleton@stjohn.ca; Shawn Skinner; Jamie Korab; Wally Collins; Maggie Burton; Sandy Hickman; Debbie Hanlon
Subject: (EXT) Envision St. John's and Heritage by-laws

To the Mayor and all city of St. John's

I am respectfully requesting that City Hall eliminate the exemptions and incentives for redevelopment inherent in the proposed Heritage by-law and the design standards for new development in heritage areas. Any new development should be required to blend in with existing buildings and streetscapes. New development should add to, not erode the ambiance of these special areas.

Our designated heritage areas are well recognized and are a significant asset to our city and the Province. They are important in so many ways to how we identify as Newfoundlanders, increase our civic pride and certainly contribute to tourism and the general economy of our Province. Permitting tall buildings, without public consultation will fundamentally change the visual character of our downtown. We must not allow public developers to be given exemptions and take advantage of public good. Applications for new buildings or additions to buildings must not be exempted from the requirements for a heritage impact report.

Surely our goal should be to protect our cultural landscapes and heritage districts.

Thank you for your attention,
[REDACTED]

Sent from my iPad



June 3, 2021

First Light St. John's Friendship Centre submits this response in relation to the call for feedback on the proposed amendments to the City of St. John's Heritage By-Law. While we commend the city for the work it has done to protect built heritage, we are disappointed with an apparent lack of consideration for how the proposed amendments fail to examine heritage in a broader context. Cultural heritage is more than celebrating and protecting built heritage: It is all aspects of a community's past and present that it considers valuable and desires to share with future generations. We feel strongly that the City of St. John's has a responsibility to consider a broader definition of heritage before adopting a revised version of the existing by-law.

In September 2020 the City of St. John's committed to making Indigenization and anti-racism priorities with respect to its governance, municipal services, and infrastructure in addition to recognizing the many contributions that Indigenous people made and continue to make in this city. The proposed amendments present an opportunity to consider heritage under a broader lens, including but not limited to street names, monuments, parks and green spaces while ensuring that colonial values and meanings are not favoured over Indigenous Cultural Heritage.

Without mechanisms which allow Indigenous people to be the creators, owners, interpreters and protectors of their own heritage, we limit sharing and risk the exclusions of Indigenous histories in both the built and living heritage of our city. The proposed revisions to the Heritage By-Law do nothing by way of developing mechanisms which safeguard Indigenous Cultural Heritage as living heritage, nor does it protect or recognize this living heritage as vital to the future. In many instances, past iterations of the heritage by-law have failed to ensure the commemoration of cultural materials, places and histories in a manner that is accurate or respectful, resulting in a mistrust and inequality between Indigenous Peoples and the City of St. John's.

First Light recognizes that the enhancement of the heritage by-law to include Indigenous Cultural Heritage will require the full and equal participation of Indigenous and non-Indigenous groups. Appropriate funding and training support for Indigenous and non-Indigenous partners will be instrumental to ensure the successful implementation of a by-law which appropriately reflects the truest heritage of the City of St. John's.

In Friendship,

Stacey Howse
Executive Director

Stacey M. Corbett

From: CityClerk
Sent: Tuesday, June 22, 2021 9:39 AM
To: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: FW: (EXT) Response - Heritage By-Law
Attachments: Response to Heritage By-Law.pdf

Elaine Henley
City Clerk
709-576-8202

From: Ken O'Brien <kobrien@stjohns.ca>
Sent: Saturday, June 19, 2021 10:16 PM
To: CityClerk <cityclerk@stjohns.ca>
Cc: Jason Sinyard <jsinyard@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Linda Bishop <lbishop@stjohns.ca>; Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>
Subject: Fwd: (EXT) Response - Heritage By-Law

Elaine, this should be included in the public submissions regarding the Heritage By-Law.

Ken

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's, NL, Canada
Email kobrien@stjohns.ca

From: Ann-Marie Cashin <acashin@stjohns.ca>
Sent: Friday, June 4, 2021 4:14:17 PM
To: Ken O'Brien <kobrien@stjohns.ca>
Subject: FW: (EXT) Response - Heritage By-Law

From: Breannah Tulk <breannah@firstlightnl.ca>
Sent: Friday, June 4, 2021 3:38 PM
To: Ann-Marie Cashin <acashin@stjohns.ca>
Cc: Maggie Burton <mburton@stjohns.ca>; Ian Froude <ifroude@stjohns.ca>; Stacey Howse <stacey@firstlightnl.ca>
Subject: (EXT) Response - Heritage By-Law

Hi Ann-Marie,

Please see attached First Light's response to the new Heritage By-Law. We do not intend to delay progress on the proposed changes, but hope that we can begin a discussion to improve the Heritage By-Law in the future. Have a great weekend!

Breannah Tulk

Director of Business Operations

P: 709.726.5902 | W: firstlightnl.ca
716 Water Street St. John's, NL, A1E 1C1



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Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 17, 2021 1:09 PM
To: [REDACTED]
Cc: Ann-Marie Cashin; Ken O'Brien; Maggie Burton; Jason Sinyard; Jennifer Squires; Planning
Subject: FW: (EXT) Nationally Designated Heritage Districts
Attachments: Historic Site and Monuments Board National Historic District Plaque.jpg; Weekenders Dance BAr, formerly O'Keefe's Grocery, George Street.jpg; National Historic District Plaque Unveiling.jpg; O'Keefe's Grocery Before.jpg; Footwear Supplies.jpg; George Street Plaza and Facade Improvements.jpg; Historic Yellow Belly Corner, Water Street.jpg; O'Dwyer Block Before.jpg; O'Dwyer block Facade After.jpg; Sparky's on George Street, formerly O'Keefe's Grocery.jpg; William's Lane After.jpg; Yellow Belly Corner.jpg

Good Afternoon:

Thank you for your submission. This confirms receipt. Members of Council will receive copies of all submissions prior to any decisions being made on this subject.

Sincerely,

Karen Chafe
City Clerk

From: [REDACTED]
Sent: Tuesday, August 17, 2021 10:56 AM
To: Ken O'Brien <kobrien@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Engage <engage@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Maggie Burton <mburton@stjohns.ca>; Maggie Burton <mmburton.14@gmail.com>
Subject: (EXT) Nationally Designated Heritage Districts

Good Morning All,

I have just read through the Engage St. John's comments of "What We Heard" from the public and I would like you to consider another comment that has been missed in terms of the Heritage Districts registered under the National Historic Sites and Monuments Board of Canada.

As Canada's First Nationally Designated Historic District the area bounded by Harbour Drive to the south, Bishop's Cove/Murray Premises to the west, Beck's Cove/George Street to the east and Duckworth Street to the north has been all but sadly forgotten by the City, since its initiation in 1988.

Since the inception, buildings on George Street have in particular undergone significant modifications that do not reflect the National status of the precinct or any connection to local heritage standards. Property owners have been allowed to develop building additions, massive outdoor decks and consume natural pedestrian laneway connections between Duckworth Street, George Street and Water Streets at will. As such, George Street has been allowed to deteriorate for years seemingly without development control or heritage guidance.

The lasting insult to the heritage integrity to this area was inflicted when Yellow Belly Brewery was given permission to construct an outdoor seating area and deck and removed the National Commemorative plaque for the District. Perhaps we're ashamed to now admit that this area was of some National importance? See attached.

As a single case in point, I include a photo of the building that was O'Keefe's Grocery on George Street that was a fine example of mid-century modern Art Deco style in reinforced concrete construction. Today, this has been unfortunately reclad in clapboard and rebranded as the kitschy O'Leary's Irish Pub.

If we are to claim protection for the Ecclesiastical District, let's try to remember and protect Canada's first National Historic District?

Kind regards,

A large black rectangular redaction box covering the signature area.

Attachments: several photos of historic buildings fro the National District

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**WATER STREET HISTORIC DISTRICT
LE DISTRICT HISTORIQUE DE LA RUE WATER**

Water Street has been the main commercial thoroughfare of St. John's since the 16th century. The mid-19th century buildings and street patterns of this part of the town are rare surviving testimonies to the increasing influence of St. John's merchants in the Newfoundland fisheries and Atlantic commerce during the past century. Enterprising merchants of English, Irish and Scottish ancestry built substantial warehouses and offices such as the Murray Premises and the O'Dwyer Block along the harbour side of Water Street adjacent to the waterfront, while retail merchants catering to the thousands of traders and fishermen who visited St. John's each fishing season lived and worked in combined residential and commercial structures on both sides of the street. As a group, the buildings of the Water Street Historic District are tangible reminders of the commercial and social activities which made St. John's an important port city in 19th century Atlantic trade.

La rue Water est la principale artère commerciale de St. John's depuis le XVII^e siècle. Les bâtiments du milieu du XIX^e siècle et la configuration de ce secteur de la ville sont de rares vestiges de l'influence croissante des marchands de St. John's dans le commerce maritime et les pêcheries de Terre-Neuve au cours de siècle dernier. D'audacieux négociants anglais, irlandais et écossais ont construit des bureaux et des entrepôts imposants du côté de la rue qui donne sur le port, tels les édifices Murray et O'Dwyer, tandis que les marchands se déplaçant le long de la rue de commerçants et de pêcheurs qui débarquaient à St. John's à chaque saison de pêche, avaient établi leurs résidences et leurs commerces sur les deux côtés de la rue. Considérés dans leur ensemble les bâtiments de ce district historique sont des rappels tangibles de l'ancien activité sociale et commerciale qui a fait de St. John's une ville portuaire importante dans le commerce atlantique du XIX^e siècle.

Historic Sites and Monuments Board of Canada.
Commission des lieux et monuments historiques du Canada.
Government of Canada - Gouvernement du Canada



Water Street (north side)
rue Water (côté nord)



Water Street (south side)
rue Water (côté sud)









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August 18, 2021

City of St. John's
P.O. Box 908
St. John's, NL
A1C 5M2

Attention:

Dear Mayor Breen:

The leadership team of the Anglican Cathedral of St. John the Baptist reviewed with interest the *What We Heard* document regarding the City's Proposed Heritage By-Law changes. Unfortunately, we quickly discovered that our perspective was not captured within the document. We understand that in a consultative process such as this, not all concerns will be satisfied in the final outcome. However, we would expect that all views would be covered in a summary of the feedback received during the consultations, which was not the case here. Our original feedback letter is copied below for your review.

The perspectives captured in the *What We Heard* summary reflect the opposing end of the spectrum from the Cathedral leadership team. There are stakeholders who are looking for MORE restrictions and LESS flexibility than what is needed in our opinion. The Cathedral leadership team believes that a balance needs to be struck between preserving our collective heritage of the past and developing what is required for the needs of the present and future. Strict and rigid regulations will restrict the potential of stewards over heritage structures to grow for the future. Does the City want to live in the past to the detriment of what its citizens need today and desire for tomorrow?

We would also like to clarify the Cathedral leadership's stance on the Ecclesiastical District National Historic Site of Canada. While the Cathedral and its surrounding properties are an integral part of the District, the advocacy group "Friends of the Ecclesiastical District" does not

The Anglican Cathedral of
St. John the Baptist
P.O. Box 23112
St. John's NL A1B 4J6

709-726-5677
office@ourcathedral.ca
www.ourcathedral.ca
Facebook/Twitter/Instagram:@anglicathstj

speak on behalf of the Cathedral leadership nor the Anglican Diocese of Eastern Newfoundland and Labrador under the Right Reverend Samuel Rose, Bishop. We are not a part of this group and do not share their approach to historic sites - in fact, their views are often contradictory to ours. We also do not support their desire to seek UNESCO World Heritage status for the District so any reference in the Heritage By-Law to a possible future bid or its speculative requirements would be highly inappropriate.

The *What We Heard* summary certainly includes the opinions of the "Friends of the Ecclesiastical District" and others which we believe would be detrimental to the Cathedral. The one-sided summary does not reflect the opposing views that the Cathedral leadership team submitted below. A key tenet of our perspective is that the Cathedral houses a parish community which values its presence in the City's downtown core and the Cathedral leadership needs the flexibility to adapt to the changing needs of its neighbours. These needs may warrant infrastructure improvements in the future which need to be supported and not prevented by City regulations.

In summary, we hope that all opinions can be analyzed when considering next steps on changes to the Heritage By-Law.

Sincerely;

The Leadership Team- Anglican Cathedral of St. John the Baptist
Roger Whalen, Rector
Angela Morgan, Warden
Gary Sooley, Warden
Gail Hamilton, Treasurer

cc. Council Members

Communication Sent May 21, 2021

To representatives of the City of St. John's regarding the proposed Heritage By-Law:

Protecting the heritage of the City of St. John's and the Province of Newfoundland and Labrador is important. Supporting infrastructure for what our communities need today and are anticipated to need tomorrow is paramount.

We at the Parish of the Anglican Cathedral of St. John the Baptist in downtown St. John's are proud stewards of the heritage properties under our care. There is careful consideration given to every proposed repair and enhancement. However, the reality is that the heritage buildings of old do not always provide the appropriate facilities for the future.

We support clarity and consistency in regulations which we understand is part of the motivation of this new by-law. We also require flexibility and a supportive environment in which to make changes for the future. The City needs to be both a champion of heritage while at the same time working with owners of heritage buildings to ensure the needs of the community are being met through our collective efforts. Provision for this type of collaborative partnership should be explicitly made in the new by-law, to ensure that good decisions are not undermined simply to comply with regulations if it doesn't make sense in context (economic, environmental, societal).

The proposed new building construction adjacent to the Anglican Cathedral building, the proposal for which has since been withdrawn, is an example of where regulations and collaboration should meet. If the Cathedral congregation determines that a new construction is required to meet the needs of both its faith community and the wider neighbourhood, there should be a mechanism to allow for it. Constructing another building of the form of the Cathedral building itself is not practical nor affordable; if the proposal is resurrected at some point in the future, a modern development that would complement the Cathedral building and not detract from it might well be in order. The by-law should allow for such opportunities.

Maintenance and upkeep of heritage buildings is also a point of concern. If the heritage by-law regulations are cost-prohibitive to sustain, is the alternative to allow the heritage building to

crumble? Reasonable accommodations should be built into the by-law to ensure that options for upkeep of heritage buildings are possible in the event that preserving the exact original features is not reasonable. This is particularly relevant for residential dwellings with heritage status, of which the Cathedral Parish administers two (22 Church Hill, 9 Cathedral Street).

The Cathedral leadership wants to be a collaborative and trusted partner of the City in heritage matters. It expects the same of the City in return. The City should ensure that overly restrictive, niche interests are not baked into a by-law to the detriment of those stewards of heritage sites left to suffer the consequences. While we could comment on the minutiae within the by-law, we would prefer to consider the big picture and implore the City to allow for flexibility while still providing the guidance required to preserve our collective treasured heritage for the future, together.

Kind regards,
Angela Morgan
Warden, Anglican Cathedral of St. John the Baptist

Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:03 AM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Planning; Jennifer Squires
Subject: RE: (EXT) Heritage and our bylaws

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe
City Clerk

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

From: [REDACTED]
Sent: Saturday, August 21, 2021 6:59 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Heritage and our bylaws

Dear Council,

I am very concerned about current proposals to bylaws that effectively give council control over the heritage area of St. John's, especially with regard to new developments. Why my concern - you can not forget the mistakes St. John's city councils have made in the past (Atlantic Place, and recently the hotel extension!, Royal Trust and more). The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the exemptions for new builds and extensions will make it much easier for developers to scale up development well past our existing heritage structures in the downtown.

I echo these points recently made in print (The Telegram) by many concerned citizens:

Furthermore, council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:->

- Precedent-setting 10-storey buildings in our most important Heritage Area 1;
- Heritage buildings being torn down to allow modern architecture in all our heritage districts;

- Allowing modern infill in heritage districts without public consultation (which should require consultation and heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.)
- Modern architecture to be allowed above the current four-storey limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision plan, heritage bylaws and new development regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful city.

The Envision plan makes some steps to protect heritage areas — but it has no teeth.

To the city: please consider the impact this will have on our cultural sectors — our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the municipal election. Listen to your citizens and interest groups. Speak with us.

To the city and province: The future of our downtown and harbour is important to our whole province — to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

Let's discuss this and wait until after the vote for such a proposal to the bylaw.

[REDACTED]

[REDACTED]

St. John's

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Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:03 AM
To: [REDACTED]; Jamie Korab; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Jennifer Squires
Subject: RE: (EXT) By-laws

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe
City Clerk

From: [REDACTED]
Sent: Friday, August 20, 2021 8:08 PM
To: Jamie Korab <jkorab@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) By-laws

I want to add my voice to the opposition against council having the right to approve development proposals without regard to sight lines, and other heritage considerations.

This city has to do better in protecting heritage and enhancing the city's status as the oldest city.

Ireland and other european countries market to the world the best of the old with restrictive development laws.

The fencing of St. John's harbor was unnecessary in my opinion and does nothing to enhance our image.

[REDACTED]

Sent from my iPhone

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:17 AM
To: [REDACTED] Maggie Burton; Shawn Skinner; CityClerk; Mayor; Sheilagh O'Leary; Sandy Hickman; Debbie Hanlon
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Planning; Jennifer Squires
Subject: RE: (EXT) heritage by-laws

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe
City Clerk

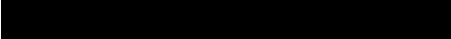
From: [REDACTED]
Sent: Sunday, August 22, 2021 3:57 PM
To: Maggie Burton <mburton@stjohns.ca>; Shawn Skinner <sskinner@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Mayor <mayor@stjohns.ca>; Sheilagh O'Leary <soleary@stjohns.ca>; Sandy Hickman <shickman@stjohns.ca>; Debbie Hanlon <dhanlon@stjohns.ca>
Subject: (EXT) heritage by-laws

Hi,
I live in St. John's, at [REDACTED]

I am worried that the change in by-laws will make it easier for buildings over 4 storeys to be built in heritage areas. I don't really understand how buildings like Atlantic Place, the Royal Trust building, Scotia Bank building or the TD building were all built when I understood that there was a limit to 4 story high building. We have heard about oil companies and others leaving their rental space in some of these buildings and it seems that Atlantic Place is often underutilized. I am unsure how these developments were able to move ahead and I am unsure if they are even needed. Is this about the cache of someone being able to own a view of the harbour by blocking it out from everyone else's view? How do the city or its residents benefit from this? Is it the expectation of high business tax payments that make councils allow such development? or perhaps something more unscrupulous? The half vacated Stavanger area looks like an example of short sighted thinking to me, with the only consideration given to developers' initial profits but not the legacy of what is being built.

I ask that my city counselors consider the long term effects of any development and make regulations and bylaws that preserve the health and wellbeing of our city and residents. I don't believe that giving developers carte blanche is the only way to thrive and do business here. Developers do not have any accountability to the communities where they are doing business and so we require legislation and city governance that looks out for our best interests. I encourage you to cap the height of any new buildings to 4 stories or 18 M in the area roughly bound by Barter's Hill, Lemarchant Road and Kings

bridge Road. I would like to see higher buildings and dense development along Lemarchant Road, for example, and development that allows us to share and preserve our views and built heritage within our community and with future residents of this city.

thanks, 

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Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:15 AM
To: [REDACTED] CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Planning; Jennifer Squires
Subject: RE: (EXT) Proposed changes to the City Bylaws pertaining to development in Historic Districts.

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe
City Clerk

From: [REDACTED]
Sent: Saturday, August 21, 2021 6:02 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Proposed changes to the City Bylaws pertaining to development in Historic Districts.

Good Afternoon

I totally disagree with the proposed changes to the bylaws that govern development in Historic Districts .

I have followed all the pubic Engagement that has occurred re this matter and read, then reread, your document 'What We Heard'

It is hard for me to believe that our City Council could even consider the proposed changes. Did they even read your own document 'What We Heard' ?

I know very few, if any, attended any of the virtual meetings . Do the councillors realize how serious this is?

Before taking any action shouldn't these decision makers be required to attend presentations by some of the stakeholders involved. That way, at the very least, they could make an informed decision. It is a pretty important! After all you are talking about changing the face of our city.

For example how can they allow a loop hole which allows for a 10 story condo to be built on Queens Road in the very heart of The Historic Ecclesiastical District thus impacting the continuity and value of the entire district as whole.

Please reconsider and vow to protect our beautiful historic city rather bow to the demands of ruthless developers who obviously have no value for what makes this city so very special

[REDACTED]
City resident for more than 50 years

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Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 12:26 PM
To: Jennifer Squires
Subject: FW: (EXT) Impacts to Heritage Area 1 - City of St. John's

Jennifer – do you have this one already? If so, disregard.

Karen

From [REDACTED]
Sent: Tuesday, August 24, 2021 12:17 PM
To: JohnAbbott@gov.nl.ca; DerekBennet@gov.nl.ca; DerekBragg@gov.nl.ca; siobhanCoady@gov.nl.ca; HelenConwayOttemheimer@gov.nl.ca; SteveCrocker@gov.nl.ca; bernarddavis@gov.nl.ca; LisaDempster@gov.nl.ca; JamesDinn@gov.nl.ca; PaulDinn@gov.nl.ca; JeffDwyer@gov.nl.ca; LelaEvans@gov.nl.ca; PleamanForsey@gov.nl.ca; AndrewFurey@gov.nl.ca; SherryGambinwaksh@gov.nl.ca; JohnHaggie@gov.nl.ca; JohnHogan@gov.nl.ca; KristaLynnHowell@gov.nl.ca; EJoyce@gov.nl.ca; TOSboune@gov.nl.ca; CraigParady@gov.nl.ca; LloydParrott@gov.nl.ca; AndrewParsons@gov.nl.ca; PamParsons@gov.nl.ca; BarryPetten@gov.nl.ca; PaulPike@gov.nl.ca; SarahStoodley@gov.nl.ca; LucyStoyles@gov.nl.ca; ChrisTibbs@gov.nl.ca; JoedyWall@gov.nl.ca; JamieChippett@gov.nl.ca; BrianWarr@gov.nl.ca; tedlomand@gov.nl.ca; DavidBrazil@gov.nl.ca; PaulLane@gov.nl.ca; ScottReid@gov.nl.ca; GerryByrne@gov.nl.ca; ElvisLoveless@gov.nl.ca; Gillian Skinner <gskinner@gov.nl.ca>; PerryTrimper@gov.nl.ca; TonyWakeham@gov.nl.ca
Cc: Mayor <mayor@stjohns.ca>; Maggie Burton <mburton@stjohns.ca>; Shawn Skinner <sskinner@stjohns.ca>; Ken O'Brien <kobrien@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Sheilagh O'Leary <soleary@stjohns.ca>; dstapelton@stjohns.nl; Jamie Korab <jkorab@stjohns.ca>; Wally Collins <wcollins@stjohns.ca>; Debbie Hanlon <dhanlon@stjohns.ca>; Sandy Hickman <shickman@stjohns.ca>
Subject: (EXT) Impacts to Heritage Area 1 - City of St. John's

Folks:

Yesterday I sent this attached email to some officials at City Hall and the Province. This morning I am widening my distribution of the information.

The City of St. John's will consider new "heritage by laws" for its historic districts this Wed.

As written they will enable tall and modern architecture in some of the most historic places of importance to the Province. The City will **not be** capping Institutional, Commercial and Apartment zones in Heritage Area 1. We know developers are waiting in the wings to get access to these zones. The proposed Parish Lane Condo monstrosity is an example. Maggie Burton implied today on CBC radio that she can't cap height as she can't change the Development Regulations due to Provincial Municipal laws. If this the case you have outdated laws providing direction to Municipalities that need to be updated for a Province that relies on the economy of tourism and cultural industries.

For example what will happen now in St. John's would be akin to to the Town of Bonavista allowing condos to be developed on lands adjacent to the Dungeon or the Cape Bonavista Lighthouse.

These proposed By Law also does not meet provincial or national standards for the protection of historic places for Municipalities. Rather they allow full discretion to Councillors. What is going forward to Council on Wed is laws you would see written in the Dark Ages. The City's claim that Councillors have a right to keep discretion in making decisions

is nothing more than backward and self serving. Laws when written need to apply to all. To build a truly sustainable tourism industry you need laws to make this happen.

For example these By Laws will easily allow a modern tall condo to be constructed adjacent to provincial \$40M world class institution *The Rooms*. They will also be impacting the settings of the collective of important historic places found in the City's Heritage Area 1. This is a District that represents over 400 years of history including the Ecclesiastical District National Historic Site of Canada and other important historic places such as the War Memorial or even possibly Government House, the Colonial Building or Commissariat House and the Court House.

The impacts these new Heritage By Laws will have on our tourism, heritage and cultural industries and economies have not been assessed by the City. Some members of the cultural and tourism communities are expressing concerns. They could also prevent future world heritage applications going forward from the District.

They also most egregiously do not meet the commitments made by the City to the Province in its new City Plan "Envision" to protect the heritage and heritage districts of our most historic Capital City.

I do hope you will consider, act and intervene no matter what political stripe you represent, or what position you hold, as our heritage is a gift from our ancestors and it belongs to everyone.

Thank you
Sincerely and Respectfully

August 22nd, 2021

Mayor Danny Breen and City Hall Officials:

While some at City Hall may be aware of the importance of the historical setting and history found in Heritage Area 1, I wonder if all decision makers have such knowledge.

Most of the District and its institutions predate the establishment of the City of St. John's.

Its institutions, still present today, helped develop and shaped NFLD society.

It historically represents, in its buildings and settings, Nfld as England's first and important colony, England's early military defence systems for its interest in the North Atlantic fishery, our unique and early judicial system and laws and the unique role religions played in the development of our early society. It also clearly represents our early educational and charity institutions. Most powerfully it represents the establishment of the Dominion of Newfoundland, our period of Commission of Government and our becoming a Province of Canada.

The attached article covers just a small part of this immense history embedded in the buildings and setting associated with this precinct., and up to now we all have taken for granted the protection of the historic setting of this unique district.

I therefore thought this attached article may be of interest to City Officials and others as they prepare to make decisions about the proposed Heritage By Laws this week that will significantly change the setting and historical value of Heritage Area 1 for all time. The By Laws intended to protect the District's heritage as actually written enable both modern architecture and modern builds above 18 meters.

If you proceed with the By Law, as written, you will also be enabling the dismantling of this History and its Setting of this District and at the expense of our cultural, heritage and tourism industries.

Thank you for your consideration of this matter as custodians of this immense history for our children and for future generations.



<https://www.heritage.nf.ca/articles/politics/setting-government-house.ph>

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Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:16 AM
To: [REDACTED]; CityClerk
Cc: Ann-Marie Cashin; Andrea Roberts; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Planning; Jennifer Squires
Subject: RE: (EXT) Height rules

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe
City Clerk

From [REDACTED]
Sent: Sunday, August 22, 2021 9:55 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Height rules

Hello

My wife and I live on [REDACTED] and we are both quite worried about future developments in the downtown. We understand some regulatory changes are coming and the result may well be 10 story buildings. This is unacceptable to us and we want to strongly register our opposition. We might as well join the exodus to the suburbs. Perhaps we can be replaced but we pay a lot in taxes and spend a lot of money downtown.

Thank you
[REDACTED]

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LETTER TO COUNCIL

My feelings about the language being used is that it is complicated and confusing. Why? This is in a report that is intended to be understood and reacted to by the general public. Why is there so much ersatz legalese? Why not more plain speaking and less language that is left 'open' to interpretation? When it goes to a vote what 'interpretation' is being voted on? It's great that people are looking closely at what a healthy city means and how 'heritage' relates to that but this looks like a draft not something that is ready for a vote where the citizens know exactly what it is that has been voted on. If people are serious about having community involvement/feedback then it is important that people can see that the outcomes of their involvement are reflected in clear language not language left open to misinterpretation. We've seen this the NL government go through processes of public consultation that turned out to be merely flim flam that would give them cover to do what they had already planned to do. We've all read the government's news statements – After much study extensive public consultation it has been decided.... Of course usually after that we see that the government keeps on doing exactly what it has always been doing namely satisfying the well connected at the expense of the citizenry. Maybe there is pushback because people are confused by the language and this confusion is creating mistrust. What you're saying to me seems contradictory. On the one hand you say it has to be in 'legalese' so that it can be enforceable. On the other hand you say that it is open to interpretation at the discretion of the incoming council. In other words nothing is truly enforceable but exist only at the pleasure of the councilors in power at any given moment in history. It seems like - this way if a group in the community felt that they needed to take the city to court for not abiding by the 'enforceable' by-laws the council could say that the by-law is not enforceable it's open to interpretation and we interpret it this way. This is where the difference between 'may' and shall' come into play. You can see why I'm a bit confused about intentions vis a vis the ability of the public to have their voices heard (and acted upon) since this, I assume, is the point of public consultation unless of course it isn't. Unless it's an exercise in pretense where we all agree that the public consultation and the advice of the heritage committee have legitimate power that will protect our heritage but in fact the public is just an off stage Greek chorus in a piece of political theatre. What we need are strong laws, whether by-laws or otherwise, that protect our heritage and do not depend on the ever changing perspective of successive councils who may regard the interests of developers much more highly than the interests of citizens. The present model of downtown development is antiquated, short-sighted and open to stress under the financial pressures that developers can bring to bear on councilors that the citizens cannot. It's time to lock in the fact that we are a heritage city with heritage law protection. The kind of law that calls a spade a spade and an **addition** in height to a building, whose height is already at the highest regulation height, an illegal act.

Jennifer Squires

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:19 AM
To: [REDACTED]
Cc: Ann-Marie Cashin; Andrea Roberts; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Lindsay Lyghtle Brushett; Planning; Jennifer Squires
Subject: FW: (EXT) Fwd: City Heritage Bylaws: Share this Ad and Write to Have your Voice Heard, by Aug 24th. Time is running out
Attachments: LETTER 1 A1C Arts Coalition July 9 - More time needed to discuss new development rules for St John's SaltWire.pdf; LETTER 2 from CITY - St. John's bylaw designed to protect heritage areas SaltWire.pdf; LETTER 3 Response to CITY Aug 20 Proposed bylaws will harm more than help St. John's heritage areas SaltWire.pdf

From: [REDACTED]
Sent: Monday, August 23, 2021 8:45 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Fwd: City Heritage Bylaws: Share this Ad and Write to Have your Voice Heard, by Aug 24th. Time is running out

please ensure the language of the document does not allow for free and discussed development that will inevitable change the few remaining heritage aspects of our city - buildings greater in density and height and mass are not conducive to our downtown neighbourhoods.

----- Forwarded message -----

From: [REDACTED]
Date: Sun, Aug 22, 2021 at 1:55 PM
Subject: City Heritage Bylaws: Share this Ad and Write to Have your Voice Heard, by Aug 24th. Time is running out
To:



Hi Friends,

The newly formed **A1C Arts Coalition** has created a **30 second animated photo/ad**, a call to action on the City of St. John's proposed Envision Plan and Development Regulations. AS things stand, they will be debated Aug 25 and voted on August 30th.

Your sharing powers would be greatly appreciated - **if possible, please share widely:**

Facebook Link to Ad: <https://www.facebook.com/676106636/videos/634745544179015/>

Dropbox Link: <https://www.dropbox.com/s/60jwnhm91ucue4e/City%20Development%20Bylaws%20Ad.mp4?dl=0>

If passed as it currently is, in Heritage Area 1 (A1C postal code, which includes some of Georgetown, Bannerman, Harvey Rd and Circular Road ++), **we could have 10 story buildings on every corner of Gower, Prescott, and Bond.**

And very little consultation or restrictions for Developers.

More Information

The recently released Engage St. John's Report on "what we heard" from the public on the Envision plan and new Heritage bylaws is interesting and encouraging in what it does mention. Concerning in what doesn't. (*links below*). Basically pressure still needs to be kept on Council to adjust the language in the document.

Quote from The Ecclesiastical District Group (Aug 20, 2021, link below):

*"The argument that the new bylaw strengthens protection by saying council will retain "discretionary decisions" on scale and design (of new builds) is meaningless. Discretionary decisions by this Council have allowed out of scale, inappropriate design development like the proposed **Atlantic Place** (Hotel) Garage extension and **Parish Lane** Condo development."*

City Council is having a Meeting of the whole next Wednesday, August 25 to discuss the Envision plan and development bylaws/Regs. The Public can listen online.

To have your voice heard by August 24th, email: cityclerk@st.johns.ca

Council will be voting on Monday August 30th, at their last regular meeting before the Election writ is dropped. (*links below too*)

Increasing affordable urban living is a good thing. But not anyhow, anywhere. Build higher on the higher levels! We have a beautiful amphitheatre of a City here...

Height, scale, placement, and design matter.

It doesn't look like we will have success with asking Council to delay the vote. But we can try. And sharing this visual could certainly help let them know that eyes are on them.

If we close our eyes on these issues, the City we see when we reopen them could be radically changed, forever.

LINKS and Information

Envision St. John's Municipal Plan and Development Regulations:

<https://www.engagestjohns.ca/draftdevelopmentregulations>

REPORT on Public Feedback on Envision and regs (Aug 12 2021): <https://www.engagestjohns.ca/heritage-bylaw/widgets/61092/documents>

(Click on 1st document)

Committee of the Whole Meeting - Council discusses Public Feedback

Wednesday Aug 25 @ 9:30am (listen online by clicking on meeting in yellow):

<http://www.stjohns.ca/councilmeetings>



Regular Council Meeting - Council Votes on Envision St. John's Plan and Regs

Monday Aug 30 @ 3pm (listen online by clicking on meeting in yellow):

<http://www.stjohns.ca/councilmeetings>

Original Letter from the A1C Arts Coalition (Members welcome!) Telegram July 8 2021:

<https://www.saltwire.com/newfoundland-labrador/opinion/local-perspectives/letter-more-time-needed-to-discuss-new-development-rules-for-st-johns-100609480/>


A1C Art Coalition


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A view of downtown St. John's from Signal Hill.



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The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the exemptions for new

developers to scale up development well past our existing heritage structures in the downtown.

Furthermore, council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:-

- Precedent-setting 10-storey buildings in our most important Heritage Area 1;
- Heritage buildings being torn down to allow modern architecture in all our heritage districts;

• Allowing modern infill in heritage districts without public consultation (which should require consultation and heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.)

current four storey limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision plan, heritage bylaws and new development regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful city.

The Envision plan makes some steps to protect heritage areas — but it has no teeth.

To the province: we are asking that the province's required registration of the plan and development regulations be held over until after the September municipal election. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the city: please consider the impact this will have on our cultural sectors — our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the municipal election. Listen to your citizens and interest groups. Speak with us.

To the city and province: The future of our downtown and harbour is important to our whole province — to our tourism sector and our economy,

decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

Mary Walsh (actor), Eleanor Dawson, Anne Malone (inclusion advocate/candidate city election), Robert Mellin (architect), Sandy Morris, Ann Connors, Louise Moyes, John Doyle John and Magda Moyes, Calla Lachance (Neighbourhood Dance Works), Melanie Caines (owner Nova Yoga), Melanie Del Rizzo (lawyer and former member City Heritage Committee), and Ruth Lawrence.

St. John's

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On July 8, a Letter to the Editor from a group of concerned citizens titled, "More time needed to discuss new development rules for St John's" suggested that the new municipal plan and development regulations, currently awaiting provincial approval, will be to the detriment of heritage preservation in St. John's.

I would like to clarify some misconceptions in the letter and reassure the public that protecting heritage areas is at the core of our new plan.

The biggest and most significant change is the adoption of a new heritage bylaw, which in fact provides more protection for Heritage Areas than are currently in place.

Currently, development in the province is governed by the provincial Urban and Rural Planning Act and, in St. John's, by the St. John's City Act. These documents are silent on heritage preservation.

Related

- [LETTER: Reservations about the St. John's proposed heritage by law](#)
- [LETTER: Keep heritage in mind on the St. John's waterfront](#)
- [LETTER: City of St. John's needs to follow its own heritage rules](#)
- [Letter: Consultations needed on preserving built heritage in St. John's](#)

By creating a new heritage bylaw for the City of St. John's, we are in fact putting into legislation our commitment to heritage.

The new bylaw provides better protection for built heritage, updates our heritage standards and includes some new ideas while maintaining our focus on heritage preservation and protection.

While the co-signatories on the letter clearly express a deep concern for heritage preservation,

plan and regulations give council new discretionary powers to offer “site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown.”

The fact of the matter is that council always had and will continue to have discretionary power – it is a fundamental principle of municipal development that councils can exercise their discretion when it comes to zoning and other matters related to development.

What the new heritage bylaw in fact does is lay out a very specific and stringent process developers must go through in order to consider any development in a heritage area.

For example, a heritage report is a new requirement for applications to demolish a heritage building, change or revoke the designation of a heritage building, and any other application as recommended by the appropriate staff member (termed an “inspector” in the bylaw).

Heritage reports, used widely in other jurisdictions in Canada, help address the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape, informing council and the public on heritage impacts before council makes a decision on an application.

We've also added a requirement for public consultation. Currently, development would only require public notice if an application to council is for a rezoning or a discretionary use. In the new bylaw, an application to demolish a heritage building; amend or revoke a designation, or any other matter where council so directs would now require public notice.

When Envision and the development regulations are approved by the province and the new heritage bylaw is enacted by council, heritage will be better protected than ever before. Where our legislation and regulations were once ambiguous, they will be very clear, making it easier for developers and council to know what the rules are and how to follow them.

The Envision Municipal Plan and new development regulations have been in development for over 10 years; in that time, there have been numerous opportunities for public consultation and many changes have been made based on the feedback gathered.

The co-signatories to the July 8 letter said, "Let's ensure that we protect our most valuable assets

that Envision and the new development regulations, together with a comprehensive heritage bylaw that has already been through a comprehensive public engagement process, is the right path forward.

I encourage anyone with an interest in learning more about the heritage bylaw to visit <https://www.engagestjohns.ca/heritage-bylaw>

Maggie Burton

Councillor at Large, City of St. John's

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We are troubled by the omissions of Coun. Maggie Burton's July 30 letter to the editor about how the proposed heritage bylaws will protect the most valued historic streetscapes of the city. She fails to mention that council can exempt a new building from Heritage Design Standards (Section10-3) in all heritage areas, and can do so without public consultation, (Section11.1).

Burton also does not mention that the bylaws are littered with as many "may" permissive statements as there are "shall" mandatory statements, so there is no real "law" in these proposed Bylaws.

Even the establishment of a Heritage Advisory Committee has been put in the "may" category, (Section 3.1).

Burton also argues that the “new plan and regulations give council no new discretionary powers.”

This statement is incorrect. Burton’s argument that the new bylaw strengthens the protection of our history by saying that council will retain discretionary decisions on scale and design is meaningless. We know most discretionary decisions by this council have allowed out of scale, inappropriate design development like the proposed Atlantic Place Garage extension and Parish Lane Condo development.

Burton also fails to mention that the proposed heritage reports are discretionary (Section 8.3) “staff to recommend to council the ability to waiver the need for one.”

She neglects mentioning that the bylaw will not protect the scale and design of buildings in Heritage Area 1. Schedule D-8, states, “in Heritage Area 1 for buildings that exceed 18 metres in height, portions of the building above 18 metres shall have a greater freedom of material choice and design expression.”

This is new, enabling tall-height, modern-design provision, for a district that contains some of the province’s most historic streetscapes.

She again neglects mentioning that building height caps will not apply, however without them building scale will not be protected. She also fails to

...member and the proposed development regulations allow tall buildings in heritage districts superseding the provisions in the proposed Bylaws, (Section 11. 2). Therefore her claim that the bylaw provides improved protection for heritage buildings and districts is misleading nonsense.

Why are these changes being sought now?

Burton states the new Envision Plan has been “in development for over 10 years.”

Why, then, are bylaws being developed so quickly and promoted so vigorously on the eve of an election? Possibly because a developer proposes to build a very large 10-storey structure — which Council argues is only five stories high — in the very heart of our historic areas?

Burton also fails to defend or even explain the most harmful egregious change — that is the council’s ability to ignore the entire heritage consultation process, (Section 11.1, “ the following shall ... unless Council directs otherwise require public consultation”).

Why does she fail to do so? What is the reason for this?

And why is the change being sought now? We see the new text as nothing more than an attempt to evade any legislated standards.

These proposed bylaw protections for buildings and heritage areas, as currently formulated, are therefore entirely illusory, since council through

protections by simple majority vote, thus allowing exceptions to the heritage design standards, ignoring reference to the Heritage Advisory Committee/Built Heritage Experts Panel, ignoring the panel's advice, and proceeding without public consultations or even a heritage report.

The proposed heritage bylaw permits the exemption of new buildings in heritage areas from firm controls that respect heritage standards and appropriate height limits.

Council is clearly shaping these new bylaws to enable a scale of development that will be at the expense of our sustainable heritage, tourism and cultural industries.

Our heritage streetscapes will simply not retain their sense of time and place if this new Bylaw is allowed to pass.

This would not happen in Lunenburg, Old Quebec City or St. Petersburg, Russia!

Citizens should be alarmed not reassured.

To learn more about the significantly flawed heritage bylaw visit
<https://www.engagestjohns.ca/heritage-bylaw>.

Dr. James Hiller, Robert Pitt, Edward Roberts, Dr. Ann Walsh, Dr. John Fitzgerald, David Baird, Bruce Templeton, Patricia Buchanan, Ruth Canning and Heather MacLellan
St. John's