

**COMMISSIONER'S REPORT ON THE  
Envision St. John's Municipal Plan, 2021  
and  
Envision St. John's Development Regulations, 2021**

**Prepared by:**

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Commissioner**

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# 1.0 Introduction

At the Regular Meeting of the St. John’s Municipal Council (“Council”) held on May 3, 2021, I was appointed as the Commissioner to conduct a public hearing and prepare a report with recommendations with respect to Envision St. John’s - the Municipal Plan and Development Regulations (April 2021).

It is important to state that the Envision St. John’s Municipal Plan (‘Envision Municipal Plan’) and Envision St. John’s Development Regulations (Envision Development Regulations) must conform to the St. John’s Urban Region Regional Plan (SJURRP), which was adopted by the Province in 1976. This Plan applies to all land in the St. John’s Urban Region, which is essentially the Northeast Avalon Peninsula. The SJURRP is the Province’s principal document for determining land use and development in the Urban Region. It distinguishes between urban and rural areas, and provides protection for the Urban Region’s agricultural area, resource areas and designated scenic roads. It is the framework within which municipal plans are prepared by municipalities on the Northeast Avalon.<sup>1</sup>

My appointment as Commissioner was made by Council under the authority of Section 19 of the *Urban and Rural Planning Act, 2000*, with the accompanying duties established in Section 21(2) and 22(1) which note that the Commissioner is to “[...] hear objections and representations orally or in writing [...]” and, subsequently, to submit a written report on the public hearing including recommendations arising from the hearing.

The public hearing on Envision St. John’s was scheduled for 7 p.m. on Wednesday, June 9, 2021. Within the context of the ongoing pandemic restrictions, this was an online session, held via Zoom. Prior to this date, and as required by legislation, the hearing was advertised in the May 8, 15, 22, 29 and June 5 editions of The Telegram. Additionally, the amendments were publicized on the City of St. John’s website (<http://www.stjohns.ca/public-notice/public-hearing-envision-st-johns-municipal-plan-and-development-regulations>) and via social media, and an email was sent to the Engage! St. John’s subscribers. Given this hearing was in relation to an issue of relevance to the entire city, notices were not sent out to a specific area or neighbourhood, as is the usual practice in relation to a hearing for a specific Municipal Plan amendment.

The public hearing was convened online on Wednesday, June 9, 2021, at 7 p.m. There were about 23 interested persons in attendance, as well as Councillor Maggie Burton, in her role as lead Council member for planning and development, four City staff, and Your Commissioner. Assistance at the meeting was provided to Your Commissioner by the following City staff:

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<sup>1</sup> City of St. John’s. St. John’s Municipal Plan (June 2007). Section I -1.4 Relation to Other Levels of Planning. Pg. 1-4.

- Department of Planning, Engineering and Regulatory Services
  - Ken O'Brien, MCIP - Chief Municipal Planner
  - Lindsay Lyghtle Brushett, MCIP – Supervisor, Planning and Development
  - Ann-Marie Cashin, MCIP - Planner III, Urban Design & Heritage
  
- Legal Department
  - Linda Bishop – Senior Legal Counsel

Prior to this hearing, eight written submissions were received. These submissions are referenced in this report under the section “Written Submissions Received in Advance of the Hearing” (see Section 3.0) and the full text of each submission is found in Appendix “A”.

## **1.1 The Issue**

The issue for Your Commissioner and the topic for the hearing was Envision St. John’s (April 2021) – the Municipal Plan and Development Regulations. The intent of the hearing was to receive any comments from the hearing as to concerns about the Envision Plan and Development Regulations and/or changes that members of the general public feel are still required to the Envision Plan and/or Development Regulations at this end stage of the lengthy review process leading to the adoption of Envision St. John’s.

The Envision Municipal Plan is Council’s policy document for existing and future land use and development. As detailed in Chapter 1: ‘Introduction’ of the Envision Municipal Plan:

Envision St. John’s Municipal Plan is the City’s principal planning document. The Municipal Plan sets out a vision for the City that reflects input gathered from extensive public consultations. Goals, strategic objectives, and policies support the vision and will help guide the City’s growth and development over the next decade.

Development in the City was first guided by a Zoning By-Law adopted in 1955, followed by the City’s first Municipal Plan that was approved under the Urban and Rural Planning Act in 1984. Since that time, the Municipal Plan has undergone several reviews, most recently in 2003, and has been subject to numerous amendments since its adoption. Envision St. John’s, prepared as a result of a comprehensive review, will replace the current St. John’s Municipal Plan (2003).

The Envision Development Regulations provide the framework of development standards under which the Plan’s land use policies are implemented.

## 2.0 Background

### 2.1 Public Engagement for the Review of the Municipal Plan and Development Regulations

The process leading to the hearing began in 2012 when the City of St. John's initiated the review process of the St. John's Municipal Plan (2003) and simultaneous review of the St. John's Development Regulations (1994) as the Plan evolved. As detailed in the Envision Municipal Plan, there were multiple opportunities for the continuum of stakeholders to input into the review process:

#### **Section 1.2: Plan Review Process**

In 2012, Envision St. John's was introduced to the general public, through a year-long intensive, public engagement process designed to bring together various stakeholders from the community to create a unified vision for the city's future.

The public engagement process included the following components:

- **Municipal Plan Review Advisory Group:** established to guide the municipal plan review process. The committee was comprised of 7 representatives from stakeholder organizations, 2 members of the general public, a member of Council who chaired the group, and supported by staff from the Department of Planning, Engineering and Regulatory Services.
- A city-wide brochure was mailed to St. John's residents, outlining the Municipal Plan review process and invited them to attend ward meetings and open houses, and encouraged written submissions.
- A background discussion document was prepared to provide information about the city, its changes, challenges and opportunities to provide a context for public discussion.
- Press releases and public notices were placed in The Telegram and posted on the City's website to advertise meetings and invite citizen input.
- **Public Forums and Meetings:**
  - Two city-wide forums were held: The Mayor's Symposium was the kick-off event for the municipal plan review process and the downtown forum. Both were open to the general public and drew about 100 participants each. The forums provided citizens with an opportunity to comment on a future vision for the city, express opinions and concerns around issues pertaining to future development and provide input regarding future growth within the city and the downtown.

- Forums were held on the topics of Affordable Housing, Heritage, and the Environment. Attendance was by invitation and brought together key organizations and agencies to discuss future goals, objectives and policies.
- Open houses followed by a public meeting were held in each Ward. The open house provided citizens with an opportunity to speak one-on-one with City staff, while the public meetings provided a more structured opportunity for the transfer of information.
- Public meetings were held with two neighbourhood organizations: The Narrows and Georgetstown. These meetings included discussion about neighbourhood concerns and future steps towards the creation of Secondary Plans for the neighbourhoods.
- Facebook was used during the summer of 2012 to engage a wider audience outside the public meetings. Weekly polling and discussion questions were posted to discuss key planning topics and city growth.
- Organizations and agencies were invited to meet with City Council and staff, providing an opportunity to comment on issues concerning future growth and development.
- Referrals were sent to City departments, neighbouring municipalities and Provincial government agencies for comment regarding the City's municipal plan review.
- Staff compiled public input and prepared a Draft Plan for the consideration of Council and the public in 2014. This was updated in 2017.

Additionally, as detailed in correspondence cited in Section 2.2. herein, the Envision Plan was updated for adoption-in-principle in March 2019 and further updated for formal adoption in April 2021.

## **2.2 Recent, Relevant Correspondence and Activity**

The following provides an overview of the most recent relevant correspondence and activity relating to the review of the St. John's Municipal Plan and St. John's Development Regulations and leading to the Envision St. John's - Municipal Plan and Development Regulations.

*Correspondence to Ken O'Brien, MCIP, Chief Municipal Planner, Planning, Engineering and Regulatory Services, City of St. John's from Kim Blanchard, MCIP, Senior Planner, Local Governance and Land Use Planning Division, Government of Newfoundland and Labrador – February 26, 2021*

This correspondence was in reply to a request from the Chief Municipal Planner seeking provincial review and release of Envision St. John's - Municipal Plan and Development Regulations, which had been adopted-in-principle by Council. It was stated that, in keeping with

the requirements of Section 15 of the Urban and Rural Planning Act, 2000, the above-noted documents had been reviewed against provincial and other government agency interests. The aforementioned documents were noted to be released, subject to four general points highlighted in the correspondence and detailed comments provided in a separate document. This correspondence specifically stated that while these detailed comments were provided by the Department, some changes identified would be considered mandatory for compliance, while others were provided as recommendations but not mandatory.

*Decision/Direction Note prepared for the Regular Meeting of Council by Ken O'Brien, MCIP, Chief Municipal Planner, in relation to adoption of Envision St. John's Municipal Plan and Development Regulations – dated April 2021*

This correspondence overviewed the background for and current status on the evolving Envision Municipal Plan and Regulations to the date of the correspondence. It explained that the Draft Envision Municipal Plan was first published for public review in 2014, edited in 2017 and updated for adoption-in-principle on March 4, 2019; it further stated that the Envision Development Regulations followed a similar timeline.

It was noted that following adoption-in-principle, additional changes were made to the Envision Municipal Plan and Regulations and these are now shown in yellow in the documents.

In terms of the review by the provincial government, it was noted in a December 9, 2020, update (attached to the April 28, 2021, correspondence) that:

In August 2019, the Province provided a report on its internal referrals from ILUC, the Interdepartmental Land Use Committee. The ILUC report contains recommendations and comments from various government departments. Since then, City staff have been following up with various departments to seek more information, or clarification, or maps. That work concluded recently.

In February 2020, City staff and provincial staff met to review the work to date, progress on the ILUC report, and required map work. City staff have updated all required maps to ensure that the maps are supported by underlying Municipal Plan policies, that the future Land Use Map and the Zoning Map correspond to one another without variation, and that there are no slivers or other artifacts left over from the digital map-making process.

The versions of the draft Envision Municipal Plan and Development Regulations attached to this report on proposed updates include changes to the texts of the two documents, highlighted in yellow, and changes to the various maps associated with each document. The changes are in line with the ILUC report so far as the City agrees with the various provincial recommendations and comments. In cases where the City does not agree with a recommendation or comment in the ILUC report, no changes have been made to

Envision. Further, it was highlighted that any changes in line with provincial requirements since the provincial release are shown highlighted in blue.

It was explained that, for some provincial recommendations, City staff had set out why changes were not made, and a lengthy attachment provided this information. It was highlighted that the differences in approach were made with due consideration and would not impact the progress of Envision St. John's.

The April 28<sup>th</sup> correspondence also included a note on the new Heritage By-Law:

The Envision Municipal Plan continues the City's policies on heritage and its ongoing protection and future use. Many of the standards and regulations in the current St. John's Development Regulations are being transferred to the new Heritage By-Law. This has been referred for public review and comment. The Heritage By-Law will be considered for adoption by Council at the same regular meeting (later this year) when Council considers approval of Envision St. John's. Thus, there will be no gap in heritage protection between the end of the current Development Regulations and the start of the new Heritage By-Law.

### **3.0 Written Submissions Received In Advance Of The Hearing**

As highlighted earlier, eight written submissions (emails/letters) were received in advance of the hearing. The following provides an overview of a number of key issues raised in these submissions. As previously referenced, the full text of these submissions is provided in Appendix "A".

#### **3.1 The East Coast Trail**

One of the submissions was from the East Coast Trail Association (ECTA). This correspondence congratulated Council on completion of the new Envision Municipal Plan and Development Regulations, 2021, in particular for the commitment to the East Coast Trail. This correspondence highlighted that, "for the East Coast Trail the plan signals a very positive step forward in our efforts to work with the City toward sustainability of this valuable recreational and tourism asset." In terms of issues they consider unresolved to date, the correspondence states:

→ The ECTA is disappointed that the Plan does not specify a minimum buffer size for the Trail corridor; however, they will continue to advocate for adequate protective buffers and work with the City to develop appropriate standards and guidelines for buffers along the various sections of the Trail within the City's boundaries, especially where the Trail passes over Crown land.



- They are wondering about the status of the plans to rezone Planning Area 13 (Freshwater Bay Industrial Lands), which encompasses a large piece of property donated to the Nature Conservancy of Canada.
- The ECTA Deadman’s Bay Path (Fort Amherst to Blackhead) runs though Crown Lands on the top of Southside Hills. The ECTA is very interested in being part of discussions on potential future development plans for this area.
- The ECTA is interested to pursue an MOU with the City to further support protection of the Trail once Envision St. John’s takes effect.

### **3.2 Protection of Agricultural Areas**

One of the submissions referenced that there should be ‘urban containment barriers’ for farmland to facilitate farm to table food and protect agricultural land from residential encroachment.

### **3.3 Micro Units**

A submission was received from a community-based organization concerned about the limitation on the number of micro units which could be built on any one lot. As detailed in their submission, they have a reputable history of providing supportive and affordable housing in St. John’s, having about 80 current units, and looking to expand to about 100 in the coming few years. Their issue, as presented in their submission is:

*[We] purchased a property on [name of street] with the intention of redeveloping it into 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.*

### **3.4 The Battery Area**

Several concerns were raised in relation to protection of the Battery and its current array of small-scale housing, given its importance to its residents, heritage and tourism. It was stated that there should be more restrictions on what can be built in this area in relation to height and scale, small lots should be maintained, and there should be a moratorium on land amalgamation to facilitate larger homes. The intention should be to protect the Battery’s cultural, heritage and historic nature.

It also was stated that the proposed Heritage Area 4 should include Walsh’s Square and Signal Hill Road, as these were part of the Footprint and Height Control Overlay for the

Battery Development Area. It was felt that 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.

### **3.5 Easements and Walkways**

One of the submissions spoke to the importance of retaining easements for public walkways in areas where these have been planned, especially as clearly depicted on subdivision plans. It was noted that these walkways are important for neighborhoods.

### **3.6 Heritage**

Two of the submissions supported the development of the Heritage By-Law. One of these submissions further noted that having the By-Law under the authority of the City of St. John's Act is beneficial and supports heritage protection and, also, referenced that there are strong statements in the Envision Municipal Plan regarding protection of the unique cultural landscapes, heritage districts and built heritage of the city.

However, these two submissions, and many of the other submissions, primarily provided comments and raised concerns about the removal of the heritage-related standards from the previous St. John's Development Regulations and incorporation into the new Heritage By-Law. The following presents a summary of the most prevalent comments and concerns.

Many of those who submitted comments disagreed with the following actions:

- Council will have the right to exempt the owner of a newly constructed building from the Heritage Design Standards (Reference: Section 10(3) in the Heritage By-Law).
- There will be flexibility to relax heritage standards above 18m where the building is required to step back (Reference: Decision Note to Committee of the Whole, March 22, 2021).
- Public consultation should be required when there are applications for new buildings and extensions to existing buildings in the Heritage Areas (Reference: Section 11(1) in the Heritage By-Law).
- A Heritage Report should be required when there are applications for new buildings and extensions to existing buildings (Reference: Section 8(2) in the Heritage By-Law).
- Council should retain the existing 18m height limit for new buildings in the Heritage Areas (Reference - Commercial Downtown Mixed 2 (CDM2) Zone in the Envision Development Regulations).

Other comments included that there should be a focus on predetermining in which Heritage Planning Areas intensification may occur and under what circumstances, and the language in the Heritage By-Law should be less discretionary, e.g., the word “may” should be replaced by the word “shall”.

Additionally, it was felt that 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.

## **4.0 THE HEARING**

Your Commissioner explained the intent of the hearing to those participating and spoke to the process to be undertaken during the course of same, i.e. presentation of the application by City staff and presentation by/questions from anyone in attendance who desired to discuss the Envision Municipal Plan and Development Regulations and any amendments/changes which they felt might still be needed.

Your Commissioner explained to those in attendance what was within her purview to consider and requested that they be respectful in their comments during the hearing.

### **4.1 Overview of the Application**

Ken O’Brien, MCIP, Chief Municipal Planner, provided a comprehensive PowerPoint presentation overviewing key milestones in the Municipal Plan review and development process and then highlighted key aspects of the Envision Municipal Plan and Development Regulations. The introductory slides overviewed the five key theme areas around which the Plan is designed: environmental systems, a strong economy, transportation and infrastructure, healthy neighbourhoods and urban design. Each theme area has a set of goals, objectives and policies that support the City’s overall vision and guided the creation of the Envision Development Regulations.

Further, during the presentation, the framework for the Plan development was outlined:

- A balanced growth strategy
- Open space integration into development
- Intensification areas – mixed use, higher density, additional height, urban renewal
- Infrastructure investment – ‘complete streets’
- Neighbourhood planning – Local Area Plans
- Urban design – human scale, neighbourhood fit, buffering, building height and stepback
- Downtown – development, height, heritage
- Healthy Community Development – universal design, connectivity, walkability

The overview of the Envision Development Regulations was in-depth, identifying the many and varied key changes from the previous Regulations. Those referenced included stepbacks for buildings above 12m and higher where these abut a Residential Zone; the scope of opportunities for affordable residences across Zones including, as an example, micro units in the Residential Downtown (RD) and Apartment Downtown (AD) Zones; and efforts to support food security via increasing access to local food through addition of the use of community gardens across a range of Zones. Of particular interest, were changes in some of the Downtown Zones and the institution of the Heritage By-Law.

The Power-Point presentation is found in Appendix “B”.

## **4.2 Overview of the Submissions**

Your Commissioner referenced that a few submissions had been received from city residents in relation to Envision St. John’s – Municipal Plan and Development Regulations.

## **4.3 Presentations by those in Attendance**

Of note, the evening of the online hearing there were a few participants who had more detailed comments, which they did not feel they could present in-depth during the hearing. Your Commissioner indicated to all of the participants that she would receive follow-up comments from anyone wishing to so submit by end of day on June 10. Arising from this opportunity, four of the online participants submitted additional comments. The information from these submissions built on comments made during the online hearing and, so, are incorporated into this section.

### **Speaker #1**

- Rear yard additions to residential dwellings in the R3 Zones

This speaker wondered if consideration were given to the issue of expansion of houses into rear yards in attached properties in R3 Zones, with particular comments regarding the Signal Hill/Battery area. They noted that given the configuration of many of these houses with elongated backyards, the additions can block views and light. They felt that allowing this type of expansion in these denser residential Zones is providing a suburban overlay to a downtown area.

#### *Response from the Chief Municipal Planner:*

The challenge is understood, and this is an issue which impacts many of the older areas – e.g., Tessier’s Park, Patrick Street. However, homeowners have the legal right under the Zoning to build back.

- Proliferation of Airbnbs / “Ghost” Hotels

This speaker also raised concerns regarding the proliferation of Airbnb properties in existing neighbourhoods. They noted that, in contrast to the standard Bed and Breakfast, Airbnbs do not have on-site residents. The speaker felt that residential dwellings, including row houses, are being purchased by individuals and companies and converted into Airbnbs, which they considered a degradation of a neighbourhood. They wondered if these dwellings could be regulated and enforced under the Envision Development Regulations, as Bed and Breakfasts are.

*Response from the Senior Legal Counsel:*

Airbnbs are definitely a fiscal concern for the City since, if they are effectively tourist accommodations, then we would like to have them taxed as such. This would be a commercial vs a residential tax. The City does not regulate Bed and Breakfasts – they register with Canada Select. However, the City does have zoning for traditional Bed and Breakfasts and hotels, but not for Airbnbs. Airbnbs do not fit within existing definitions and, currently, there is no clarity for a proper definition, as these properties are not registered with a specific association, they do not fit within the Provincial definition of a Tourist Establishment, and while the issue of Airbnbs overlaps with the Residential Tenancies Act, it was not addressed within the recent updated legislation.

Where some municipalities have had success is in working with the mother organization, but this still does not address all of the concerns – e.g., this is not statutory in nature. The City continues its efforts to address the many and varied issues associated with Airbnbs.

- Increased Public Consultation and Engagement

This speaker also referenced the new requirement for a Developer to do public consultation as a step in the Land Use Report (LUR) process. They cited early notification of Zoning changes as welcome, given they felt this currently is a missing step in the notification, assessment and engagement process, with citizens often unaware of potential rezonings and plans for several weeks or months, while the City and Developers are engaged in discussions.

While this speaker welcomes this early requirement for public engagement, they felt that the City should take the first step of early notification and engagement with the community. They thought there were inherent weaknesses with the proposed approach in which the Developer takes the lead on engagement, including that it is going to be impossible for the City to police the approach that each Developer takes, without laying down very specific requirements and timeframes for consultation. Further, it runs the risk of setting up neighbourhood confrontations or early acceptance of what is being proposed without a comprehensive LUR being available at the time of the public engagement.

This speaker noted that, currently, citizens are given very little time to mount a counter case to complex issues and when a Zoning change is considered detrimental to a neighbourhood.

*Response from the Chief Municipal Planner:*

Certain types of applications require a Land Use Report. While under the previous regulatory framework, it was recommended to Developers that they speak to residents, most do not, and they wait until the City's public meeting. Within the context of the current Envision Development Regulations, they will have to engage early on with the residents. If the City is not satisfied with the level of engagement, additional engagement will be required.

**Speaker #2**

▪ Parking

In addition to bicycle parking, this speaker suggested that Council consider parking regulations and areas for motorcycle parking, which many European cities allow.

▪ Heritage

This speaker was in agreement with the concerns raised by others in relation to a lack of vision for the Heritage Areas. Following a review of the Envision Municipal Plan, they expressed concern about the protection of buildings in the Heritage Areas and of the entire historic cultural landscape that is "the Downtown".

The speaker raised a few main points drawn from specific sections of the Envision Municipal Plan:

- Balancing retention of built heritage with new development is a challenge (Reference: Section 4.7, pg. 4-7).
- Establishing urban design guidelines to help facilitate new developments through the City's Heritage By-Law review process (Reference: Section 4.7, pg. 4-8).
- Facilitate redevelopment of vacant sites and building renovation in the downtown to support it as the City's central business [district] (Reference: Section 5 – Strategic Objectives, pg. 5-2).
- Urban design to preserve heritage assets while accommodating new development; develop urban design guideline for intensification areas and the downtown (Reference: Section 6 – Urban Design, pgs. 6-1 and 6-2).

→ Ensure appropriate streetscapes and that tall buildings contribute positively to the city skyline (Reference: Section 6.1 – Built Form, Pg. 6-2).

The speaker felt that these statements identify the degree of development pressure in the Heritage Areas, while the protection to be offered through the new Heritage By-Law is “weak in a number of areas” including wording.

Further, the speaker felt that if powers are being given to Council to allow circumvention of the By-Law, the breadth of Council's authority in the matters should be better defined. The speaker noted that exemptions as set out in the By-Law, together with the practice of considering changes requested in the Heritage Areas, are of concern and could have the potential to substantially alter the downtown Heritage Areas.

### **Speaker #3**

#### ▪ Heritage

This speaker highlighted that while the Envision Municipal Plan has many well-meaning principles in relation to preserving heritage, this is offset by the Heritage By-Law which provides for an avenue for exceptions to and circumvention of the regulations. They felt that the language regarding enforcement is weak with prevalence of the word “may” and that changes to the By-Law are needed to support the goal of preserving the downtown.

#### *Response from the Chief Municipal Planner:*

Exemptions within the current Heritage By-Law address the exterior of buildings and developments, not scale and density, which are addressed within the Development Regulations. Additionally, any changes of height within a Zone would have to be addressed via a public process.

#### *Response from the Senior Legal Counsel:*

Heritage is not referenced in the Province's Urban and Rural Planning Act; rather, this issue comes under the City of St. John's Act. The section in the Act which refers to heritage is older. The Act is under review, and the section speaking to heritage is one which has been identified to be strengthened. Further, the use of the word ‘may’ is from provincial legislation and standard in this type of document.

The speaker further commented that the concept of setbacks [‘stepbacks’] on buildings would be amenable for street views but does not consider those living behind the buildings.

#### **Speaker #4**

- Renderings for developments

This speaker highlighted that when a proposed development is presented for viewing, we are provided a two-dimensional vertical rendering. They wondered if it were possible to consider Developers providing three-dimensional renderings, as this would better inform how it impacts site lines, in particular in relation to built and natural heritage. As well, it would be easier to assess the impact of building setbacks [‘stepbacks’] in three dimensions.

*Response from the Chief Municipal Planner:*

When we receive a proposal for a larger building, we set out specific requirements for the site and consider which views need to be presented. The idea of presenting three-dimensional views via virtual reality would provide an opportunity to better view the building from different angles and understand its situation on a site. This option is something we want to explore. Having said that, caution has to be exercised in ensuring that any scale models are accurate in terms of size and that such renderings accurately present, for example, the proposed landscaping, as opposed to including landscaping for the sake of a better presentation.

- Heritage

This speaker highlighted that the city is about our history; yet it is concerning to see how development is diminishing the views of the harbour. They stated that it is for these reasons they are concerned when historic considerations are no longer going to be included in the Regulations.

Further to this point, the speaker felt there needs to be more discussion in the Plan on the vision for heritage – both in respect to the built environment and history. They felt that leaving an aesthetic to the discretion of a Developer would diminish the work that has been done over the years by those who are living in and maintaining their residential heritage properties within heritage districts.

*Response from the Senior Legal Counsel:*

As previously referenced, we are beholden to statutes, and heritage is not given any weight in the Urban and Rural Planning Act. Within the City Act, we work within the limited powers that the province has given and we are trying to work as effectively as possible within the framework we have.



## **Speaker #5**

### ▪ Heritage

This speaker provided an overall commentary on Envision St. John's and related concerns about heritage protection and preservation. They felt that while the Envision Municipal Plan sets the right tone for heritage, there should be individual strategies for both culture and heritage – not only a Heritage By-Law. As well, they stated that while the Envision Municipal Plan identifies there will be continued protection of the Heritage Areas under the new By-Law, the current version of the Envision Development Regulations is an ineffective tool for implementation of heritage policy as now embedded in the Envision Municipal Plan.

The speaker stated that the Development Regulations must be more restrictive in relation to the Heritage Areas, including the Ecclesiastical District, and should require more consultation with the heritage community. They said the Plan cannot protect heritage if the Development Regulations are unrestrained in what is allowed within these areas. The speaker referenced two recent examples of rezoning, which they felt were contrary to the approved principles in the Envision Plan regarding protecting heritage properties.

This speaker also felt there should be a specific set of requirements for an LUR, including who should be engaged - both citizens and key stakeholders such as heritage groups, who have knowledge on best practices around development in Heritage Areas and in what time frames.

## **Ecclesiastical District**

Finally, this speaker noted that the proposed Institutional Downtown Zone for the churches of the Ecclesiastical District includes an unnecessary 23-meter height capability, which is completely out of proportion to the existing architectural masterpieces. They felt the churches should be in a lower density and perhaps site-specific Zone for the entire District to recognize its unique historic value. There should be a maximum allowable height of 32ft or less to ensure any new development does not overwhelm the aesthetic, historical and architectural value of the existing buildings, to protect six historic cemeteries and to facilitate the District's function as a living historic center of spirituality and state ceremony, as well as its social and educational functions.

## **Speaker #6**

### ▪ Charging stations

The speaker wondered about the provisions being made for charging electric cars, noting this is an issue for the downtown area.

*Response from the Chief Municipal Planner:*

The City is looking at this issue. There has been an application for a charging station around the centre city. Questions still to be answered include – would there be an overhead line to the station or would it be on the ground; would there need to be reserved parking for these stations?

- Heritage

This speaker stated that heritage reflects our culture, our people and where we are. In their view, the overall approach to heritage planning should be more stratified and policy-based. There should be recognition in the Plan of the other provincial and federal designations.

If there were appropriate standards and guidelines, then there would not be an increased height allowance or setbacks [‘stepbacks’] in the Heritage Areas. Within the current By-Law, new buildings could overwhelm existing buildings.

This speaker also felt that the option for three-dimensional presentation of developments, including the proposed façade, would be helpful.

**Speaker #7**

This speaker noted that the legal enforcement around heritage does not lie in the Envision Municipal Plan, although it can set out a vision. They, too, highlighted the critical nature of heritage to the city – both now and into the future, indicating heritage preservation should be a source of concern for everyone, not only those living in the Heritage Areas. This speaker specifically referenced concerns with setbacks [‘stepbacks’], which they felt should be considered within a cultural context.

**Speaker #8**

This speaker welcomed the development of secondary plans at the neighbourhood level but felt this would be a challenge and ambitious within the existing resources at City Hall. Two issues were raised by this speaker.

- Complete streets

This speaker felt the Envision Municipal Plan is very solid in endorsing the concept of ‘complete streets’ but wondered how this process will happen – what is the mechanism beyond what is expressed in the Development Regulations?

*Response from the Chief Municipal Planner and the Supervisor, Planning and Development:*

The Development Regulations are not yet fully set up to enable complete streets. There are other considerations for such an approach including incorporating the key aspects of healthy communities and a healthy city. Additionally, some aspects of the complete streets concept are covered within the regulatory framework of engineering design and construction.

▪ Pedestrian Rights-of-Way

This speaker said there should be stronger protections for pedestrian “rights-of-way” in the Plan. While the speaker acknowledged that Council understands this need, it was felt that sometimes these rights-of-way are sold to homeowners adjacent to the rights-of-way. It would be helpful if this process were to require an amendment as a built-in protection and to institutionalize the process, so these pedestrian accesses would have a higher level of protection.

**Speaker #9**

This speaker referenced some specific issues related to the Envision Municipal Plan and Development Regulations – which are presented below:

▪ Envision Development Regulations

Reference: Section 5.1.2 ‘Application for Subdivision’ - Please add a requirement that bicycling (or multi-use) traffic must be considered in addition to car and pedestrian traffic.

Reference: Section 5.4.2 ‘Public Open Space and Recreation’ - This addresses open space to be provided to the City in new Subdivisions. Open spaces are critical in any neighborhood. Please consider adding a requirement that the open space provide connectivity within the Subdivision (not merely an isolated tot lot or series of unconnected tot lots), and only if that cannot be agreed upon, then other open space land could be provided, and as a final option, the cash-in-lieu. The default requirement in the first instance should be open space land that provides opportunity for community connectivity.

Reference: Section 8.14(3) ‘Bicycle Parking’ – Amend this section to mirror Section 8.13. Currently, 8.13 (3) provides Council with greater flexibility in that a combination of cash-in-lieu and shared parking (for vehicles) may be allowed, but this option is not provided for bicycle parking.

▪ Envision Municipal Plan

Reference: Section 7.2 ‘Transportation Network’ - The concept of complete streets is mentioned in this section. However, the speaker felt this could be set out more clearly to indicate that street

planning will involve consideration of pedestrian, cycling, and multi-use needs. The speaker felt this was better delineated in the Bike St John's Master Plan.

Reference: Section 7.2(4) - Please add a requirement that if cul-de-sacs are permitted, there should be a multi-use path between building lots to provide connection for active transport.

### **Speaker #10**

This speaker felt that there have been many public consultations in recent times wherein good information has been presented in relation to the Heritage By-Law. They wondered whether any of the information would result in amendments. They expressed concern that the information is not being received by Council to inform their decision making. They wondered whether they should go beyond Council and seek amendments from the province for the By-Law.

*Response from the Senior Legal Counsel:*

The Province cannot amend a municipal by-law; however, the Province can amend the City of St. John's Act which, as previously referenced, is currently a subject of discussion between the two parties.

### **Speaker #11**

This speaker was wondering about the regulatory environment for keeping farm animals on their property.

*Response from the Senior Legal Counsel:*

As previously cited, the City Act is quite old and, as such, the existing provisions include those for horses and dogs - which were more usual back 100 years ago. There is a level of allowance within the new Regulations in relation to an animal unit with smaller farm animals allowed. There is no strict prohibition on having smaller animals.

## **5.0 Considerations and Recommendations**

In reflecting on the issues raised in the submissions and at the hearing, it is important to highlight the degree of engagement the current and previous City Councils and staff have facilitated through the course of the Municipal Plan Review. The feedback received from the ongoing consultations has been reviewed and, where appropriate, incorporated into the draft Envision St. John's documents.

For further context, and as detailed in Section 1.4 of the Envision Municipal Plan ('Conformity with Provincial, Regional and City Policy'), and as previously referenced, the Envision Municipal Plan must be consistent with relevant provincial policy and law and with the St.

John's Urban Region Regional Plan. Further, and equally importantly, at the municipal level, the Municipal Plan does not exist in a vacuum. It incorporates policies of, and is designed to support, other key documents including, for example, the Open Space Master Plan and the City's Strategic and Economic plans.

Additionally, the Envision Municipal Plan is building on many years of key decisions and recommendations made by Councils over the years – all of which provide important direction for the Plan.

Having said that, it is equally important to note that revisions are still possible should issues be identified which would warrant further consideration by Council. To that end, Your Commissioner has provided analysis on the main issues presented to her during the hearing and in related submissions and, in some cases, has presented recommendations for Council's consideration. Of note, in so doing, Your Commissioner recognizes that she has not had the benefit of being privy to the extensive internal review and discussions undertaken by Councils and staff over the preceding years.

## **5.1 Protection of Agricultural Land**

As stated previously, one of the Envision Municipal Plan's key themes is Valuing Environmental Systems. Within the description of this theme in Section 2.4 of the Plan are the following comments on the critical nature of preserving agricultural land:

### **Section 2.4 Valuing Environmental Systems**

[...]

Lands within the city support a stable, prosperous agricultural industry. As concerns over availability of and access to locally produced food increases, the importance of protecting this finite resource becomes more important. Agricultural areas contribute to the city's open space, enhance the rural landscape and natural heritage areas by providing environmental benefits, and contribute to the local economy and food production.

[...]

Chapter 5 in the Envision Municipal Plan further speaks to the protection of agricultural land as being under the authority of provincial regulatory bodies:

### **Chapter 5 A Strong Economy**

[...]

### **Section 5.6 Agribusiness**

The St. John's Agriculture Development Area (ADA), established and regulated by the Land Development Advisory Authority (LDAA) within Agrifoods, Department of Fisheries,

Forestry and Agriculture, protect agricultural lands in the Northeast Avalon, and supports a thriving agricultural industry that provides local food and employment opportunities.

1. Support the continued growth of the agriculture industry within the city by recognizing and supporting the provincially designated St. John's Agriculture Development Area (ADA), and designate and zone lands in accordance with the ADA regulations and guidelines as identified in Appendix A, P-8 (St. John's Agricultural Development Area Map).

[...]

Chapter 8 in the Envision Municipal Plan reinforces the focus on protection of agricultural lands as per Section 8.12:

### **Chapter 8 Land Use Districts**

[...]

### **Section 8.12 Agriculture Land Use District**

[...]

The purpose of the Agricultural Development Area (ADA) is to encourage and support agricultural production and prevent the conversion of agricultural lands to other uses.

[...]

In terms of the specific issue raised in the hearing submission regarding buffering, and as referenced in the December 2020 attachment to the April 28, 2021, Decision Note to Council:

### **Part 1: Proposed Envision changes arising from the Province's Interdepartmental Land Use Committee Report – ILUC Project #1736**

[...]

#### **Land Management (Agriculture):**

[...]

The Department asks that the City consider the potential impact of residential and commercial development in lands adjacent to agricultural activities to mitigate future land use conflicts.

City staff comment: Appropriate buffering shall be maintained between new residential and commercial uses and existing agricultural uses in order to support the future development and expansion of farming operations and to mitigate potential land use conflicts; this regulation is already included in the Envision Development Regulations.

Your Commissioner feels that the existing provisions and stipulations for Agricultural Land within the Envision Municipal Plan and Development Regulations are sufficient for protection of such lands. No recommendations are required.

## 5.2 Public Engagement and Consultation

As can be seen in Chapter 9 of the Envision Municipal Plan, Council has articulated, within the context of a goal and strategic objectives, that citizens and community partners must be involved during planning periods and processes.

### Chapter 9 Implementation

Goal: To ensure that growth in the City during the planning period is achieved in an efficient manner that is financially and environmentally responsible and involves citizens, community partners and regional cooperation.

[...]

### Strategic Objectives

- Develop an effective framework to engage citizens in the planning process.
- Utilize a variety of tools to achieve a high level of citizen participation in an open and transparent decision-making process.

[...]

Further, as detailed in Section 9.3 of the Envision Municipal Plan:

### Section 9.3 Public Engagement and Consultation

The City is committed to engaging citizens in planning and decision-making processes at the City, neighbourhood and site planning level. In cooperation with other City staff, the City's planning staff will use tools and processes to inform citizens and facilitate their input into planning processes.

To support achieving the above stated commitment, the Envision Development Regulations have a specific and detailed section describing how the public will be engaged. Of note, while some of these provisions were enshrined in Section 5.5 in the previous Development Regulations, these were not as detailed or specific as those presented in the Envision Development Regulations. In particular, the previous Regulations did not identify for what circumstances public consultation would be undertaken; the Envision Development Regulations provide such a directive.

### Section 4 General Development Procedures

[...]

## **Section 4.8 Public Consultation**

(1) Where there is a proposed change in these Regulations or an application which requires public consultation, Council shall give notice of the proposed change or application in a newspaper circulated in the area and shall make such effort as it deems reasonable that notice of the proposed change or application is provided to those property owners within a radius of 150 metres of the application site.

(2) The notice referred to in Subsection (1) shall:

- (a) contain a general description of the proposed change or application and advise where and when the application may be viewed;
- (b) specify the date for receipt of written comment on the proposed change or application by the City Clerk;
- (c) specify the date, time, and location of a Public Meeting, if one is to be held; and
- (d) be placed in the newspaper at least 14 calendar days prior to the date Council will consider the proposed amendment or application, or Public Meeting, and be sent to the property owners referred to in Subsection (1) where possible, at least 14 calendar days prior to the date Council will consider the proposed amendment or application.

(3) Public consultation shall be carried out for:

- (a) Discretionary Use applications;
  - (b) change in Non-Conforming Use applications;
  - (c) applications where a Land Use Report is mandatory or has been required by Council;
  - (d) Variances;
  - (e) any other application Council may direct; or
  - (f) amendments to these Regulations,
- and Council may require a Public Meeting to be held in respect of any of the above or any other matter arising under these Regulations.

## **Land Use Reports and Public Consultation**

Chapter 9 of the Envision Municipal Plan discusses Land Use Reports:

### **Chapter 9 Implementation**

[...]

### **Section 9.7 The Land Use Report**

The Land Use Report (LUR) is a valuable tool in the review of proposals for a development or use that cannot be adequately evaluated by City staff. A Land Use Report is a report prepared by suitably qualified person(s) to assess any significant impacts a use or development may have on the environment and/or surrounding lands or



neighbourhood [and to include] recommendations on measures to control and mitigate the identified impacts where appropriate.

The following policies apply to the requirements for an LUR:

1. Where determined by Council, a Land Use Report may be required as part of the development application review process or where otherwise required further to the Municipal Plan and Development Regulations.
2. Council shall prepare and approve Terms of Reference setting out the matters that require assessment in an LUR.
3. The LUR and any supporting studies shall be prepared at the expense of the applicant. Notwithstanding this requirement, Council may deem that a Staff Report constitutes a Land Use Report where the scale or circumstances of a proposed change or development proposal does not merit extensive analysis. In this case, Terms of Reference are not required from Council.
4. The City shall provide adequate time for public review of an LUR prior to its consideration for approval.

LURs are also discussed in detail in Section 4 of the Envision Development Regulations. One change of note from the previous Development Regulations is the detailing in Section 4.9 (6) of what the LURs will have to include, most notably public consultation.

#### **Section 4 General Development Procedures**

[...]

#### **Section 4.9 Land Use Report**

- (1) A Land Use Report, and any supporting studies or plans, shall be prepared at the expense of the applicant.
- (2) Council shall require a Land Use Report as part of the Development application review process for applications related to or involving:
  - (a) all applications for an amendment to the Municipal Plan or Development Regulations;
  - (b) approval of a non-residential development in or adjoining a Residential District;
  - (c) development of new Streets;
  - (d) residential Subdivisions of five (5) or more Lots in an Unserviced Area;
  - (e) development in the Watershed Zone;

- (f) Wind Turbine – Small Scale;
- (g) buildings with a height greater than 18 metres in the Commercial Downtown (CD) Zone, which Land Use Report shall address wind impact on adjacent properties and pedestrians; and
- (h) buildings with a height greater than 18 metres in the Institutional Downtown (INST-DT) Zone and the Commercial Downtown Mixed 2 (CDM2) Zone.

(3) Notwithstanding Subsection (2), where a Land Use Report is required, but in the opinion of Council the scale or circumstances of the proposed Development does not merit a Land Use Report, Council may accept a staff report in lieu of the Land Use Report.

(4) Notwithstanding Subsections (2) and (3), Council may require a Land Use Report as part of any other Development application review process.

(5) The terms of reference for a Land Use Report shall be approved by Council and shall form part of the report itself.

(6) The Land Use Report shall address at a minimum, Development use, public consultation, elevations, materials, height, location, environmental impacts, infrastructure, transit, and compatibility with the Municipal Plan, and shall require identification of significant impacts of the proposed Development, evaluate their importance and, where appropriate, contain a Mitigation Plan and a Conservation Plan.

## **CONSIDERATIONS**

Council's commitment to public engagement and consultation cannot be disputed. This is evidenced by the numerous ways and means Council keeps citizens apprised of key activities, events, upcoming consultations and the many public meetings which are held to discuss, for example, rezonings, LUR reports and other issues which Council feels could impact residents and require input and discussion.

Your Commissioner feels that requiring a Developer to hold public consultation as a component of the LUR is a vital step. However, she does feel that there should be more structure and guidelines around how and when this consultation should be undertaken. For example:

→who would need to be advised of the meeting (e.g., notification within 150m; a broader sweep if the development is one of broader interest);

→how and when it should be advertised (which could be the usual channels which Council employs);

→the need to keep minutes of the meetings which would be provided to Council as a component of the report on the consultation;

→and where it would be held in relation to access provisions.

Further, Your Commissioner feels that, to ensure the timely notification to those who would be invited to such a consultation, clarity should be provided as to what “early on in the development application process” actually means.

While such information could be outlined by potential Developers in a development application form, it is important that direction be provided in the regulatory framework of the Development Regulations.

***RECOMMENDATIONS:***

Based on the foregoing information, Your Commissioner recommends:

- That section 4.9 – ‘Land Use Report’ of the Envision Development Regulations be amended to clearly identify that public consultation would be the first step in the Development process
- That this section provide guidance on how and to whom a public consultation would be advertised and in what timeframe, the need for accessibility, that minutes of any meetings would be kept and provided to Council as a component of the LUR, and any other stipulations which Council and staff feel are needed to ensure the most effective public consultation process.

### **5.3 Micro Units**

One of the key themes in the Envision Municipal Plan is Healthy Neighbourhoods as discussed below, with relevant excerpts from the Plan.

**Chapter 2 Framework for Growth**

[...]

**Section 2.4 Key Themes**

[...]

**Healthy Neighbourhoods**

Input from public consultations on the Plan indicate a desire for a city of healthy, walkable neighbourhoods with access to local services. There was also recognition that a greater mix of uses and higher density residential development will be required to support such initiatives.

[...]

The City will re-invest in planning at the neighbourhood level to identify ways to improve the built environment [...] and opportunities to increase the assortment of housing form.

[...]

Sustainable communities have a range of housing choice so that people of all ages, abilities and incomes can find quality, affordable shelter. While the range of housing choices is expanding, further steps are required to address issues of affordability.

[...]

Increasing the supply of affordable housing over the planning period is an important goal for the City. Policies have been developed to require new residential and mixed-use developments to include a variety of housing forms that are affordable to people with a range of incomes.

[...]

## **Chapter 4 Healthy Neighbourhoods**

Goal: To design complete and interconnected, walkable neighbourhoods [which would] include a range of housing options.

[...]

Existing urban areas of St. John's are experiencing changing demographics and rising costs of housing. Here, there are opportunities to address housing need and improve the overall health and vibrancy of neighbourhoods.

[...]

### **Section 4.1. Housing**

#### **Strategic Objectives**

- Facilitate thoughtfully designed, mixed-use development that provides access to various housing options, amenities and employment opportunities in the same neighbourhood.
- Encourage a range of housing options that contribute to community health, sustainable growth and economic security.

[...]

Access to adequate and affordable housing is a fundamental component of quality of life in a city. Many factors impact access to housing including price, supply location and access.

[...]

The City, along with not-for-profit housing partners and other levels of government, is working to increase the supply of and access to affordable housing. Through this Plan and its implementation, the City will work to produce, protect and promote affordable housing by providing a choice in housing forms, tenures and affordability, to accommodate the needs of current and future residents.

1. Support the implementation of the City of St. John's Housing Strategy, 2019 - 2028, and its strategies.
2. Enable a range of housing to create diverse neighbourhoods that include a mix of housing forms and tenures, including single, semi-detached, townhousing, medium and higher density and mixed-use residential developments.
3. Promote a broad range of housing choice for all ages, income groups, and family types by supporting the development of housing that is appropriate, accessible and affordable for low-income and moderate-income households.

[...]

In relation to objective number 1 above, the following are relevant excerpts from the City of St. John's Housing Strategy 2019-2028:

Pgs. 1 to 2

**Vision:** St. John's will be a vibrant, inclusive and thriving city with a wide range of affordable housing options that contribute directly to community health, sustainable growth and economic security.

Building on our strengths in this area and past successes, the City will continue to provide leadership around affordable housing, with a commitment to actions:

Act as champions for issues across the affordable-housing continuum;

Reach out to partners for consultation and collaboration and apply a range of best practices and approaches;

[...]

### **Strategic Directions**

[...]

**Building Homes:** Increase the stock and sustainability of affordable rental and home ownership opportunities.

Leading Innovation: Inspire and facilitate creativity in affordable housing projects.

Revitalizing Policy: Create municipal policy and plans that strive to meet affordable housing needs of residents.

## **CONSIDERATIONS**

Your Commissioner knows that the City of St. John's has had a longstanding commitment to enabling access to acceptable and affordable housing for a range of populations who are challenged in their access by virtue of a number of factors including, but not limited to, income, disability and lack of accessible housing, mental health and addiction issues, racism, ageism and NIMBY. The importance of affordable housing was further evidenced by the fact the City held a forum on affordable housing as a component of the Municipal Plan review.

The City is continuing and strengthening its commitment to affordable housing within the context of the Envision Municipal Plan, as detailed above, and by increasing the range of affordable housing types which the Plan and Development Regulations will facilitate. This includes micro units, which are known to be more amenable to individuals who have struggled to maintain their housing both in terms of affordability and day-to-day upkeep.

As provided in Section 2 – 'Definitions' of the Envision Development Regulations, a 'micro unit' means a Dwelling Unit which shall not exceed 42 metres square (450 square feet). Of note, there is no minimum size set out for a micro unit in the definition.

Under the Development Regulations, a micro unit is a discretionary use in the Residential Downtown (RD) Zone, the Apartment Downtown (AD) Zone, the Commercial Downtown Mixed (CDM) Zone and the Commercial Downtown Mixed Zone 2 (CDM2). In the RD Zone, a maximum of two micro units is currently allowed within a building, as this would assume a certain square footage below the maximum allowed.

Your Commissioner congratulates Council on its efforts to enable this housing option within the Downtown Zones given this is often the area in which those who are most in need of affordable housing are located, in particular to access services and supports provided by a range of non-profit groups and organizations. However, limiting the number of micro units to two within a dwelling unit in the RD Zone is counter-intuitive to enabling maximum access to affordable housing for the population just referenced.

Your Commissioner understands that this perhaps is an effort to ensure that there is not a ghettoizing of people or perception of same for neighbourhoods. Further, she recognizes that there are some landlords who would see this type of micro unit as maximizing their profit, with little regard for the quality of life of those who would find these units amenable to their finances

and capacities. However, to make a blanket provision impacts the very important work of the many and varied non-profit affordable housing providers with whom the City is familiar, has worked and has been successful in relation to affordable housing developments.

**RECOMMENDATIONS:**

Given the importance of micro units to the affordable housing continuum, the non-profit organizations working within the housing and homelessness sector, and the populations for whom such a small unit is amenable, Your Commissioner recommends:

- That Council add further stipulations to the Envision Development Regulations for micro units within the RD Zone. It is recommended that there be a statement added that priority for micro units will be afforded to non-profit organizations who have a mandate to support their target populations with housing, with other applicants considered on a case-by-case basis.
- That the number of micro units be expanded to allow for a maximum number of units which can be afforded within the requirements of the RD Zone.

## **5.4 Protecting the Cultural, Heritage and Historical Nature of the Battery**

Some concerns were raised in the submissions and during the hearing about the need to prevent future housing developments in the Battery, which are not in keeping with the scale and height of existing dwellings in the area, in particular in relation to large lot size.

Background information provided for the May 27, 2021, public hearing on the proposed planning and heritage policies and regulations for the Battery neighbourhood, responds to the concerns raised in the hearing/submissions and notes action which will protect the cultural, heritage and historic nature of the Battery.

As detailed in this information for the May 27, 2021, hearing,<sup>2</sup> currently, the Battery is part of Heritage Area 3, which covers much of the old city. Under the new Heritage By-Law, a Heritage Area 4 is proposed solely for the Battery, to better reflect its uniqueness and differences from other neighbourhoods. It was highlighted that houses in the Battery, typically, are on smaller lots

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<sup>2</sup> Information on the Battery public hearing and related documentation is found at [https://www.engagestjohns.ca/heritage-by-law/news\\_feed/public-meeting-battery-neighbourhood](https://www.engagestjohns.ca/heritage-by-law/news_feed/public-meeting-battery-neighbourhood) and [http://www.stjohns.ca/sites/default/files/CSJ\\_FileUpload/Planning/BATTERY%20NEIGHBOURHOOD%20CHANGES\\_0.pdf](http://www.stjohns.ca/sites/default/files/CSJ_FileUpload/Planning/BATTERY%20NEIGHBOURHOOD%20CHANGES_0.pdf).

(some houses have little land surrounding them), are often simple in style, and have a prominent position along the flanks of Signal Hill overlooking the harbour.

It was further explained that, while, in the existing three Heritage Areas, the City is more concerned about the parts of houses and other buildings that are visible from the street, in the Battery, the backs of many houses are visible from the harbour and downtown. This has more of a bearing on heritage than other neighbourhoods where the backs of houses are not seen from the street. Hence, the proposal for Heritage Area 4.

It was also noted in this backgrounder that only in the Battery and Fort Amherst neighbourhoods are private views given some measure of protection. In the Fort Amherst neighbourhood, there have never been any applications that caused concern over someone's private view. In the Battery neighbourhood, several applications over time have caused concern. The Battery is perched above the harbour and offers fine views of it, downtown, and the Southside Hills, plus views through the Narrows and out to sea. The challenge is that private views are not protected under the City of St. John's Act and are not protected in common law. In fact, a court case from the 1980s specifically removed the "right to light" from the City of St. John's Act, and the Act was amended as a result of the court ruling. The City's Legal Department has examined this matter several times over the years. They have advised Council that the explicit protection of private views is not defensible in court. However, using typical zone standards for building height, yard sizes, and maximum lot size, the City can strive to keep the Battery neighbourhood in traditional scale and style.

To that end, the Envision St. John's Municipal Plan and Development Regulations, 2021, propose maximum lot area and height limits in the Zoning to address the concern that several properties could be assembled so as to build large houses that may be out of character with their surroundings:

**Envision Municipal Plan**

[...]

**Section 6.4 Building Height**

[...]

1(f) Battery Area – Building height is established in accordance with the Battery Development Guidelines Study, and will be reflected in the [Envision] Development Regulations.

[...]

**Chapter 10 Secondary Plans**

[...]



## **Section 10.2 Planning Area 2 – East End, Battery and Quidi Vidi Village**

[...]

### **Policies**

The basic intent of this Secondary Plan is to prevent change markedly at variance with existing dwelling types in residential neighbourhoods - for example, if there is a mixture of two and three-storey single detached and semi-detached dwelling types on large lots in a neighbourhood, then only dwellings of this nature and scale on large lots will normally be considered for approval; and if the predominant housing form is the bungalow or cottage, then only dwellings fitting with this scale of housing will normally be considered for approval.

Further to this approach, and as per the Residential Battery (RB) Zone described in the Envision Development Regulations (Pg.10-17), the maximum lot size is 400 square metres (approximately 4,305 square feet). By comparison, the typical lot size in the Residential Low Density (R1) Zone that is found in much of St. John's is 450 square metres (which translates to approximately 50 feet wide by 100 feet deep). This maximum lot size in the RB Zone will not affect anyone whose property is already larger than 400 square metres, but it would restrict new lots to that size.

Your Commissioner is reassured that these regulatory stipulations and changes will help ensure that future development in the Battery neighbourhood respects the existing smaller scale nature of the dwellings.

### ***5.4.1 Inclusion of Walsh's Square and Signal Hill Road within Heritage Area 4***

In terms of inclusion of Walsh's Square and the lower portion of Signal Hill Road within the proposed Heritage Area 4, Your Commissioner considered several factors.

Chapter 3 of the Battery Development Guideline Study, 2004,<sup>3</sup> references these two areas:

#### **Chapter 3.0 Visual Characteristics of the Battery**

[...]

#### **Section 3.8 The Battery from a Distance**

When we think of The Battery, we generally visualize the Middle and Outer Battery, but it also includes at least for the purpose of this Study, the areas around Signal Hill Road and The Battery Hotel. Within this definition of The Battery, there are several spatially distinct areas:

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<sup>3</sup> This study is available from <http://www.stjohns.ca/sites/default/files/files/publication/Battery%20Development%20Guideline%20Study.pdf>.

- Signal Hill Road and Walsh’s Square are similar in character to Downtown St. John’s.
- [...]
- The most distinctive Battery character starts at the intersection of Battery Road and Middle Battery Road. There are then a series of “neighbourhoods” at least in terms of building groupings including the area around Top Battery Road and the Middle Battery and Hipditch Hill, the Fort Waldegrave area and Inner, Middle and Outer Battery.

[...]

## Chapter 6 Specific Recommendation

[...]

### Section 6.3 Designate Zone Boundaries Based On Similar Characteristics

Sub Area	Designation
Signal Hill, Walsh’s Square and Cabot Avenue	R3 and Heritage Area 3
[...]	[...]
3. (A) Middle Battery and Top Battery (B) Middle Battery/Hipditch Hill and Fort Waldegrave (C) Outer Battery	Residential Battery and Heritage Area Battery

This study identified that Signal Hill and Walsh’s Square more appropriately fit within the R3 Zone and as well within Heritage Area 3. While these two areas were included within the Footprint and Height Control Overlay in the Battery Study, this has now been removed. Development controls remain in place through the regulations for the R3 Zone, in which these areas fall, and by virtue of their assignment to Heritage Area 3. Of note, on a review of the Heritage Area Standards for Heritage Areas 3 and 4, there are very few differences.

Your Commissioner is satisfied that Signal Hill Road and Walsh’s Square should remain within the Heritage Area 3 designation.

## 5.5 Heritage

The issue of heritage, specifically the development of a new Heritage By-Law, is one which was of interest to many who made submissions and/or presented to Your Commissioner. Of note,

there has been an engagement and public meeting process in relation to the City’s new Heritage By-Law, and concerns emanating from these discussions were reiterated to Your Commissioner.

Your Commissioner has provided commentary and analysis on many of the issues raised given that the vision and regulatory framework for the City’s Heritage Areas and designated buildings are articulated within the Envision Municipal Plan and Development Regulations, respectively.

### ***5.5.1 The Vision and Regulatory Framework for Heritage***

#### **Envision Municipal Plan**

[...]

#### **Chapter 2 Framework for Growth**

[...]

#### **Section 2.2 Growth and Development Strategy**

The strategy for growth set out in this Plan is one that attempts to balance growth with a strong diverse economy, environmental stewardship, [...and] recognition of heritage.

[...]

#### **Section 2.3 City Vision**

The vision for the City of St. John’s that emerged during public consultation for the Municipal Plan review is:

St. John’s will have a future of continued economic prosperity and diversity, where citizens have a strong sense of identity and appreciation for their cultural, natural and built heritage and the arts.

[...]

#### **Section 2.4 Key Themes**

[...]

#### **Urban Design**

[...]

The City’s Heritage Area (including the Ecclesiastical District set out by the Historic Sites and Monuments Board) 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. Urban design guidelines will be prepared for commercial areas in the downtown,

addressing such things as site specific parameters for height, bulk and form of buildings, as well as exterior design elements.

[...]

## **Chapter 4 Healthy Neighbourhoods**

[...]

A city that is recognized for the quality of life that its citizens enjoy is a city of well-designed neighbourhoods, in which [...] older, established neighbourhoods have distinct histories, character and form that contribute to the city's overall culture and heritage.

[...]

Policies of this Plan support the strengthening of neighbourhoods by encouraging [...] the protection of our heritage and archaeological resources.

### **Section 4.1 Housing**

#### **Strategic Objectives**

[...]

- Limit impacts to established neighbourhoods, heritage districts and employment areas.
- Celebrate St. John's unique character by protecting cultural and heritage resources, such as significant landmarks and buildings.

[...]

### **Section 4.7 Heritage**

The history and heritage of St. John's is significant to the history of the province and the early European settlement of North America. The remains of our early heritage are evident in the patterns of streets and buildings and their orientation to the harbour established in the early settlement of St. John's. Historic institutional buildings such as the churches and the court house, and the blocks of row housing defined by narrow streets, laneways and parks are unique to the city's downtown. This historic fabric, particularly in the downtown, has resulted in interesting streetscapes that have a high social, cultural and economic value.

Over the years, the City carried out a number of studies that examined ways to preserve the built heritage. Many of these early studies considered how to encourage economic development so historic buildings would continue to be used. Today, different economic pressures, have the potential to change this historic landscape.

Preserving historic buildings maintains a human scale of structure and detail that is not always achieved in new development. 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.

Balancing the desire to retain our built heritage with opportunities for new development in heritage areas has been, and will continue to be, a challenge. Ultimately, heritage resources are a fragile gift from past generations, and are not a renewable resource, therefore we must preserve them for their unique value and the qualities that make St. John's significant for past, present and future generations.

Heritage resources will now be protected under the new St. John's Heritage By-Law, which derives its authority from the City of St. John's Act. This new legislative structure will allow greater authority for the protection of heritage resources.

The following items are used to set up the framework for the new St. John's Heritage By-Law:

1. Identify and designate Heritage Buildings and Heritage Areas that have historic value through the administration of the City's Heritage By-Law, this Municipal Plan and its Development Regulations.
2. Ensure the preservation of the city's built heritage by encouraging appropriate renovations and adaptive reuse of Heritage Buildings and those buildings located in the City's Heritage Areas in keeping with the provisions of the City's Heritage By-Law, this Plan and its Development Regulations
3. In keeping with the provisions of the City's Heritage By-Law, consult with and seek the advice of the Built Heritage Experts Panel on built heritage matters [...].
4. Maintain a list of Heritage Buildings, Heritage Areas, Heritage Districts as well as Ceremonial Buildings and Sites that have historic and/or architectural significance [...].
5. Identify and consider appropriate heritage uses for designated Heritage Buildings as a means of encouraging their preservation.
6. Ensure that exterior renovations or alternations to designated Heritage Buildings retain the building's character-defining elements and their significant architectural or historical physical features in accordance with the City's Heritage By-Law.

7. [...]

8. Ensure that new developments within the City's Heritage Areas are compatible and in keeping with the streetscape in accordance with the City's Heritage By-Law.

9. Develop detailed urban design guidelines to help facilitate new development proposals through the City's Heritage By-Law review process.

10. Designate new Heritage Areas through the City's Heritage By-Law to ensure that development proposals are compatible and in keeping with the area's built heritage and their historic spatial relationships.

[...]

## **Chapter 5 A Strong Economy**

[...]

### **Section 5.5 Tourism**

Tourism makes a significant contribution to the city's economy, providing various business opportunities and employment. St. John's is a major tourist destination and is promoted as providing "authentic" visitor experiences. A key piece of this experience is the vibrant cultural heritage of the city within the context of a unique built heritage, particularly in the downtown.

1. Protect and enhance the city's cultural and built heritage resources, particularly in the downtown, as assets that are critical to the continued success and future growth of the tourism sector.
2. Continue to implement recommendations of the downtown St. John's Strategy for Economic Development and Heritage Preservation (2001).

[...]

## **Chapter 6 Urban Design**

[...]

Urban design is also needed in the downtown, where there is a desire to preserve heritage assets, while encouraging and accommodating new development.

[...]

## Strategic Objectives

- Maintain the city's unique heritage and character with a particular emphasis on downtown, by balancing preservation of existing heritage structures and streetscapes with new appropriate development.

[...]

## Section 6.3 Development in the Downtown

The downtown St. John's Strategy for Economic Development and Heritage Preservation that was prepared in 2001, sets out a vision for the downtown:

- An internationally recognized, historic port city [...]
- An unforgettable commercial core featuring authentic, traditional buildings, well conserved and rehabilitated, which create a highly competitive retail sector along Water and Duckworth Streets.

[...]

Over two decades later, this vision is still valid, and the downtown is recognized as a significant defining feature of the city in regard to built heritage, unique residential neighbourhoods, culture, the arts, tourism, and a centre for employment and commerce.

[...]

## Section 6.4 Building Height

Some of the most contentious issues in the city involve the height of buildings, particularly in the downtown. The city's built form consists largely of low-rise buildings, while taller buildings such as office towers, hotels and a range of institutional buildings are dispersed throughout the city.

In the downtown, many studies conducted over the years have recommended that building height be limited to four (4) storeys 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. In other areas, concerns about increasing the height and bulk of buildings revolves around the effect on privacy and shadowing on adjoining properties, and generally whether taller buildings "fit" into the landscape.

[...]

**1(d). 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.

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. Additional height may be considered subject to the appropriate provision of building orientation, setbacks [‘stepbacks’], public space and parking standards. The existing scale of buildings along the streetscape, along with the area’s cultural and architectural significance and heritage requirements, will guide overall building design and will help with determining the appropriate scale and scope of new buildings and redevelopment.  
[...]

## **Chapter 8 Land Use Districts**

[...]

### **Section 8.3 General Policies**

[...]

#### **Sensitive Sites**

5. For sites that are subject to heritage designations or standards, or sites that may be of an environmentally sensitive nature and Council wishes to impose further conditions on development, Development Control Provisions may be considered.

- The creation of Development Control Provisions may be used to enable the creation of a new zone that is site-specific and include specialized standards and requirements that protect the unique characteristics of the site.
- A Land Use Report would be required for the consideration of such Zones.

[...]

## **Chapter 9 Implementation**

[...]

### **Section 9.3 Public Engagement and Consultation**

The City is committed to engaging citizens in planning and decision-making processes at the City, neighbourhood and site planning level. In cooperation with other City staff, the City’s planning staff will use tools and processes to inform citizens and facilitate their input into planning processes.

[...]

### **Section 9.5 Considerations for Rezonings**

This Plan provides flexibility for change within the framework for growth and development in the City by enabling, under certain circumstances, amendments to the



Development Regulations without amendment to the Municipal Plan. In considering requests for rezoning, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

[...]

- Potential for restoration, rehabilitation, damage or destruction of historic buildings or sites;
- Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties;
- [...]
- Whether the proposal is in conformity with the intent of this Plan, any applicable Secondary Plan, and with the requirements of other City by-laws and regulations;

[...]

### **Section 9.7 The Land Use Report**

As previously described, the LUR is a valuable tool in the review of proposals for a development or use that cannot be adequately evaluated by City staff. The City may require an LUR to be prepared to determine the significance of the impacts and include recommendations on measures to control and mitigate the identified impacts where appropriate.

## **Chapter 10 Secondary Plans**

[...]

### **Section 10.1 Planning Area 1 – Downtown**

Downtown St. John's is the heart of the City of St. John's and the St. John's Urban Region. The downtown is home to the bulk of the City's heritage buildings.

[...]

#### **Objectives**

[...]

#### **Promote Religious, Public Assembly, Tourism and Recreation Uses**

To optimize the location and operation of religious, public assembly, tourism, and recreation uses through:

1. The development of an attractive urban environment that will emphasize the importance of the City's heritage and preserve the existing amenities and views of the Harbour and Southside Hills from streets and open spaces;

[...]

### **Protect the Architectural Scale of Downtown**

Protecting the architectural scale of Downtown by maintaining and developing the St. John's Heritage Area and ensuring harmonious integration of new development.

### **Envision Development Regulations**

[...]

### **Section 4.9 – Land Use Report**

The requirements for an LUR and Council's discretion to opt for a staff report and/or to require an LUR for uses other than those detailed in Section 4.9 in the Development Regulations were previously presented herein.

[...]

### **COMMERCIAL DOWNTOWN MIXED (CDM) ZONE (Pg. 10-46)**

[...]

#### **3. Zone standards except place of worship, park, public use, public utility and Parking lot**

(a) Building Height (maximum): 18 metres

[...]

### **COMMERCIAL DOWNTOWN MIXED 2 (CDM2) ZONE (Pgs. 10-47 and 10-48)**

[...]

#### **4. Zone standards except place of worship, park, public use, public utility and Parking lot**

(a) Building Height (maximum): 27 metres [...]

(d) Building Façade Stepback on Street (minimum): 0 metres for first 18 metres of Building Height, 4 metres for greater than 18 metres in Building Height. Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets, such Streets being determined by the Chief Municipal Planner

[...]

## St. John's Heritage Areas, Heritage Buildings and Public Views (2003)<sup>4</sup>

[...]

### **Chapter 2 Heritage Areas of St. John's**

[...]

#### **Section 2.3.4 Commentary on the Proposed Heritage Areas and Special Areas**

##### Heritage Area 1

Areas under this designation contain the city's most valuable heritage buildings and streetscapes. The boundaries are expanded slightly to include significant streetscapes that face into the areas identified as exceptional in the evaluation. Although many of the institutional and commercial buildings in these areas need repair, heritage character is generally intact. The objective of this designation is to protect and preserve these characteristics as close to the original as possible. There is not a lot of potential for new construction within this area but where it can occur it must conform to existing scale, style and detail.

##### Heritage Area 2

This designation corresponds closely with the original heritage area objectives. Buildings and streetscapes in these areas represent the best of the overall character of the Downtown. In conjunction with Area 1, they include most of the main tourism areas. While most of the residential structures are well preserved, many commercial buildings are not, and there are some examples of bad renovations in both groups. Several areas are under potential pressure for new development. The objectives of this designation are to protect heritage buildings and streetscapes and to renovate in heritage character, within fairly strict limits. There is more flexibility in terms of add-ons and adaptive reuse. New construction must be in scale, and respect surrounding styles of heritage structures.

##### Heritage Area 3

These areas represent the average condition of the Downtown. They expand slightly from the evaluation to include some main thoroughfares and to consolidate around natural boundaries. The objectives are similar to the other heritage designations but there is more flexibility in terms of use of materials and building additions. One of the objectives of the slightly more relaxed requirements is to encourage more in character renovation of

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<sup>4</sup> This report is available from

<http://www.stjohns.ca/sites/default/files/files/publication/Heritage%20Areas%2C%20Heritage%20Buildings%20and%20Public%20Views%20Report.pdf>.

buildings that have previously been inappropriately altered. New construction must be in scale and reflect surrounding styles.

## **CONSIDERATIONS**

The rationale for the development of the Heritage By-Law as a separate document, as opposed to inclusion of the associated regulations and standards in the Envision Development Regulations, has been clearly outlined in correspondence and background information to Council and from City staff. The City's first Heritage By-Law was repealed in the 1990s as most of the heritage provisions were incorporated into the City's previous Development Regulations. However, during the Envision St. John's review of the Municipal Plan and Development Regulations, staff recognized that a Heritage By-Law would provide better protection of built heritage; a by-law derives its authority from the City of St. John's Act, which has specific provisions for built heritage, whereas the Urban and Rural Planning Act is silent on built heritage.<sup>5</sup> The intent is to give heritage regulations and standards a firmer legislative foundation.

The relevant section from the current City of St. John's Act is:

### **City of St. John's Act**<sup>6</sup>

[...]

**355.** (1) The council may, by by-law, designate buildings, structures, lands or areas in whole or in part, as heritage buildings, structures, lands or areas for the purpose of preserving evidences of the city's history, culture and heritage for the education and enjoyment of present and future generations.

(2) A building, structure, land or area designated by the council shall not be demolished or built upon nor shall the exteriors of the building or structure be altered, except with the approval of the council.

(3) In exercising the power under this section, the council shall have regard to the following considerations:

- (a) the need of preserving heritage buildings, structures, lands or areas that collectively represent a cross-section of all periods and styles in the city's historic and cultural evolution;
- (b) the costs and benefits of the preservation; and

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<sup>5</sup> This information was garnered from <http://www.stjohns.ca/media-release/public-invited-engage-heritage-law>.

<sup>6</sup> This information was garnered from <https://www.assembly.nl.ca/legislation/sr/statutes/c17.htm>.

- (c) the compatibility of preservation with other lawful uses of the buildings, structures or lands.

As indicated by the Senior Legal Counsel, the City Act is under review, and efforts will be made to further strengthen the protections afforded to heritage under the City Act.

It is important to reflect that the City Vision, as per Section 2.3 in the Envision Municipal Plan, was informed through public consultation, arising from the depth and scope of engagement undertaken for the Municipal Plan review. A clear component of this vision is heritage – and one which is emphasized throughout the Envision Municipal Plan and in particular, in Section 4.7. Further, and to underscore the depth of reference to heritage within the context of the Plan, the term ‘heritage’ appears 89 times.

Your Commissioner believes it is Council’s intent to ensure that the Heritage By-Law, Envision Plan and Envision Development Regulations are complementary to facilitate the utmost protection for the city’s Heritage Areas and assets. To ensure intent becomes reality, Your Commissioner believes that some of the issues raised in the submissions and/or presentations for the public hearing have merit and need to be further analyzed herein. The relevant issues are discussed in the following sections.

### ***5.5.2 Building Height***

The Envision Development Regulations introduce two new Zones in the downtown, as previously referenced – the Commercial Downtown Mixed (CDM) Zone and the Commercial Downtown Mixed 2 (CDM2) Zone. Both of these Zones are east of Adelaide and they include some of Heritage Areas 1, 2 and 3. As previously stated, the objective for the east end of Downtown (east of Adelaide Street), as per Section 6.4 of the Envision Municipal Plan, is to retain the existing urban form and human scale along the commercial corridors of Duckworth and Water Street, while allowing some additional height. Additional height may be considered subject to the appropriate provision of building orientation, setbacks [‘stepbacks’], public space and parking standards.

Concern was expressed that the CDM 2 Zone now allows a maximum height of up to 27m, as opposed to the CDM Zone which allows a maximum height of 18 m. If one reviews the buildings within the CDM2 Zone, it is evident that there are a limited number which are at the maximum height of 27m. Your Commissioner understands that to ensure this Zone does not create non-conforming use, the maximum height is set at 27m.

In and of itself, Your Commissioner does not feel this is a concern, if the other regulatory processes which are in place are enforced to support the preservation of the built environment of heritage, as is so articulated within the Envision Municipal Plan. In particular, and of note, an

LUR and/or a staff report is required for buildings with a height greater than 18m in the Institutional Downtown Zone and the CDM2 Zone.

### **5.5.3 Heritage Reports and Public Consultation**

Currently, the Heritage By-Law requires a Heritage Report in three specific instances:

[...]

#### **Heritage Reports**

8(1). A Heritage Report, and any supporting studies or plans, shall be prepared at the expense of the applicant.

(2). Council shall require a Heritage Report for:

(a) an application to demolish a Heritage Building;

(b) an application to amend or revoke the designation of a Heritage Building; or

(c) any other application in respect of which the Inspector has recommended that a Heritage Report be prepared.

(3). 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.

(4). The terms of reference for a Heritage Report shall be approved by Council and shall form part of the Report itself.

(5). A Heritage Report shall address at a minimum the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape.

While preparation of a Heritage Report is an important and welcomed process in relation to protection of heritage in the city, it would seem prudent that, in addition to the instances discussed above, the application for a new building or development would be another situation for which a Report should be required.

Council recognizes the potential concerns that new developments can create for residents across the City, as evidenced by its strong focus on public engagement and a more specific articulation of the public consultation process, as per Section 4.8 in the Envision Development Regulations. Additionally, Section 9 in the Envision Municipal Plan highlights that City planning staff will use tools and processes to inform citizens and facilitate their input into planning processes, and will have regard for the following in its considerations for rezoning, as cited earlier:

Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties;

- [...]
- Whether the proposal is in conformity with the intent of this Plan, any applicable Secondary Plan, and with the requirements of other City by-laws and regulations;

It would seem likely that for new developments or buildings, the above considerations would be in play. As highlighted during the public hearing process, new buildings and/or developments could have significant impact on the heritage and cultural landscape of a neighbourhood/area, and impact the overall authenticity of such areas, which would be contrary to the intent of the Envision Municipal Plan. Further, as described in one of the submissions, “*exempting new buildings [from a Heritage Report] 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.*” The latter is very much in line with the rationale for requiring an LUR.

Having a Heritage Report for new buildings and development in the Heritage Areas would not appear to be a burden on an applicant or Developer, nor unreasonable. As well, it would seem that having such a Report would be one of the key tools which City’s planning staff would use to facilitate informed input into these developments. In particular, it must be considered in light of the incredible historical significance assigned to the Heritage Areas as described in Section 2.3.4 herein.

Your Commissioner recognizes that some level of information could be garnered should an LUR be required and/or requested, and additional levels of protection could be afforded should Council wish to impose further conditions for a site that is subject to heritage standards, as per Sections 4.9 of the Envision Municipal Plan (‘sensitive sites’). However, it would seem that the most prudent action would be to include the requirement for a Heritage Report for a new building or development within the context of the Heritage By-Law, particularly given that the rationale for developing the By-Law was to provide better protection.

While some of the submissions/presentations were concerned that having a provision in the Heritage By-Law which indicates that Council may accept a staff report would be contrary to the intent of the By Law, Your Commissioner notes that the same practice has been in play for years within the context of the requirement for an LUR.

As previously detailed, Council has provided more specific guidelines regarding what an LUR should include. In previous Development Regulations, it was stated that a terms of reference would be provided, with no further details as to the topics for same. This has been addressed in the Envision Development Regulations as previously discussed.

The rationale for including a list of issue/topics for an LUR would appear to hold true for the Heritage By-Law's Heritage Report – to ensure that there is consistency in how these are drafted and in the topics covered. Additionally, and as needed, such direction could support informing an LUR or a staff report should these also be required. Such a directive would support staff and Council in their deliberations and provide a solid framework to guide the development of the Heritage Reports. Without such stipulations, Council runs the risk of receiving Heritage Reports which may not effectively and comprehensively address the critical components.

***RECOMMENDATIONS:***

Based on the foregoing information, Your Commissioner recommends:

- That Section 8(2) of the Heritage By-Law be amended to include the requirement for a Heritage Report for new buildings or development in the Heritage Areas, at a minimum for Heritage Areas 1 and 2.
- That Section 8(5) in the Heritage By-Law more specifically detail the minimum requirements for the Heritage Report, beyond what is already stated.
- That Section 11(1) 'Public Consultation' of the Heritage By-Law equally be amended to require public consultation for applications for new buildings and developments in the Heritage Areas, at a minimum in Heritage Areas 1 and 2.

#### ***5.5.4 Heritage Design Standards***

##### ***Streetscapes***

A number of sections in the Envision Municipal Plan reference “streetscapes”. In particular, as previously referenced, is Section 4.2 Key Themes – Urban Design wherein it is stated that:

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. Urban design guidelines will be prepared for commercial areas in the downtown, addressing such things as site specific parameters for height, bulk and form of buildings, as well as exterior design elements.



Other relevant sections of the Envision Municipal Plan include:

**Chapter 4 – Healthy Neighbourhoods**

**Section 4.7(8)**

Ensure that new developments within the City’s Heritage Areas are compatible and in keeping with the streetscape in accordance with the City’s Heritage By-Law.

[...]

**Chapter 6 Urban Design**

[...]

**Section 6.1(4)**

[...]

4. Ensure that ground and lower levels of buildings contribute positively to the public realm and streetscape and are designed at a pedestrian scale.

[...]

**Section 6.4(1)(d)**

[...]

The existing scale of buildings along the streetscape, along with the area’s cultural and architectural significance and heritage requirements, will guide overall building design and will help with determining the appropriate scale and scope of new buildings and redevelopment.

[...]

Given these statements and commitments within the Envision Municipal Plan, it would seem contradictory for the Heritage By-Law to enable an exemption for newly constructed buildings from the Heritage Design Standards, as per Section 10(3) of the By-Law:

***RECOMMENDATIONS:***

To further align the Heritage By-Law to the intent of the Envision Municipal Plan, Your Commissioner recommends removal of Section 10(3) from the Heritage By-Law.

## Stepbacks

Currently, in the Commercial Downtown Mixed 2 (CDM2) Zone, the Envision Development Regulations allow for Building Façade Stepbacks above 18m in Building Height (Section 4(d), pg. 10-48).

In Schedule “D” of the Heritage Design Standards, ‘Additions to Existing Buildings and New Developments (Residential and Non-residential)’, it is stated for all four Heritage Areas that:

For buildings that exceed 18metres in height, portions of the building above 18metres shall have greater freedom of material choice and design expression.

Your Commissioner is familiar with the provision of stepbacks to allow for more freedom for design above the delineated streetscape, while maintaining the required heritage design along the streetscape. Having said that, Your Commissioner is concerned that the Design Standards do not provide sufficient guidance to ensure that the chosen design for the stepback is, at a minimum, complementary to the lower 18m of the building, as well as the surrounding buildings in a Heritage Area.

### ***RECOMMENDATIONS:***

Your Commissioner recommends that Schedule D ‘Additions to Existing Buildings and New Developments (Residential And Non-Residential) – Subsection ‘New Buildings in a Heritage Area’ #8 be amended to provide more specific direction to Developers as to building materials and design for the portion of the buildings that are above 18m.

Your Commissioner recommends that a definition of “stepback” be included in Section 2 of the Envision Development Regulations.

## 5.6 Connectivity and Open Spaces

As detailed above, some of the hearing submissions and presentations focused on the need to ensure that there is sufficient walkability and protected connectivity between and among the city’s neighbourhoods, including protections of easements/rights-of-way for pedestrian movement, better planning for future bicycle movement and prioritization of open space in new developments.

In considering the concerns, Your Commissioner reviewed the following documents and provides some key points.

## Envision Municipal Plan

### **Chapter 2 Framework for Growth**

#### **2.1 Managing Growth – Our Vision to 2031**

[...]

#### **Section 2.2 Growth and Development Strategy**

The strategy for growth set out in this Plan is one that attempts to balance growth with a strong diverse economy, environmental stewardship, recognition of heritage and its importance to the culture and economy of the city and complete neighbourhoods that have access to amenities such as parks, open space, food and local services. As the strategy is implemented, overall neighbourhood health will be a key consideration in the development of the built environment. Balance will be achieved through:

[...]

- Environmental stewardship through the protection and preservation of waterways, wetlands, coastlines and rural areas, and the creation of a natural open space system throughout the city.

[...]

#### **Section 2.4 Key Themes**

##### **Valuing Environmental Systems**

[...]

The City's Open Space Master Plan (2014) identifies and defines an integrated system of linked natural corridors, which encompasses a network of parks, trails, greenspace, waterways, wetlands and woodlands that will be incorporated and expanded through future developments throughout the city.

[...]

##### **Healthy Neighbourhoods**

Input from public consultations on the Plan indicate a desire for a city of healthy, walkable neighbourhoods with access to local services.

[...]

##### **Urban Design**

[...]

In new neighbourhoods, development will be planned around the parks and open space network, with an emphasis on compact, walkable residential neighbourhoods [...]

### **Investment in Transportation and Services**

[...]

Great streets make great communities. Complete streets are for everyone and are designed and operated to enable safe use and access for all users; automobiles, pedestrians, cyclists and transit. The City will work towards improving the city street network to incorporate Complete Street guidelines where major retrofits or new construction is underway.

Within the city, investment in transportation and transit infrastructure will be directed to nodes and corridors targeted for intensification. In these areas, planning will emphasize complete streets that are walkable, safe, provide pedestrian access with adjoining neighbourhoods, cycling routes, and transit routes. New development areas will also be designed with these key initiatives.

[...]

### **Chapter 3 Environmental Systems**

[...]

Public consultations for the Municipal Plan review show that citizens recognize the importance of the natural environment [...]. They also want a greater integration of the natural and built environment, including better connectivity and access to natural areas through pedestrian trails, parks and green space.

[...]

### **Chapter 4 Healthy Neighbourhoods**

Goal: To design complete and interconnected, walkable neighbourhoods [...].

[...] There are opportunities to [...] improve the overall health and vibrancy of neighbourhoods. Such changes can be accomplished by providing [...] better pedestrian connectivity. When considering new areas for development, it is important to plan and design neighbourhoods that are less reliant on the automobile.

[...]

#### **4.6 Parks, Recreation and Open Spaces**

[...]

## **Parks System**

[...]

4. Ensure that plans for new development areas include a hierarchy of parks and public spaces interconnected to adjacent neighbourhoods by pathways and complete streets based on the requirements of the St. John's Open Space Master Plan (2014).

[...]

## **Chapter 6 Urban Design**

[...]

Citizens and organizations consulted as part of the review of this Plan called for measures that will result in greater comfort and walkability [...].

Good urban design is about making connections between people and places, movement and urban form, nature and the built environment. [...]

### **6.1 General**

[...]

## **Public Realm**

7. Encourage new developments and redevelopment that contribute to the public realm through architectural design [...] and provide connections designed to encourage pedestrian and cycling activity.

[...]

## **Chapter 7 Transportation and Infrastructure**

Goal: Support growth and development in the City through an efficient and effective transportation network and investment in municipal infrastructure

[...]

Within the city, efforts to integrate transportation planning and land use are needed to support more balanced mobility, while increasing alternative modes of transportation such as walking, cycling, transit and other innovations. The City's objective is to increase mobility options for all users by addressing the imbalance that exists, which emphasizes and accommodates the car. In some contexts, this will mean less vehicle access in favour of providing safer, more active and attractive streets.

Today, more and more cities are re-imagining the street as an important component of increasing mobility options. This can be accomplished by creating walkable streets [...]

and ensuring that neighbourhoods are connected to these areas by the network of local streets, sidewalks, pathways, trails and transit service.

[...]

### **Strategic Objectives**

[...]

- Facilitate the creation of transportation networks that support and connect neighbourhoods, provide quality options for active transportation, integrate transit, and prioritize user safety.

[...]

### **7.2 Transportation Network**

[...]

4. Encourage development that facilitates the potential for street and pedestrian connectivity. In new residential developments, the use of cul-de-sacs will be discouraged except for locations where there is a demonstrated need for a cul-de-sac to provide land access.

[...]

### **Active Transportation**

[...]

8. Create a more pedestrian-friendly environment that is inter-connected by a network of accessible, safe, comfortable and convenient routes.

### **Parking**

9. Establish parking standards that:

[...]

- Permit reduced levels of parking in new mixed-use development projects where shared parking among compatible uses is possible and desirable;

[...]

- Include provisions for bicycle parking areas and facilities.

## **Chapter 8 Land Use Districts**

Goal: To promote a pattern of growth and land use that will encourage orderly, efficient, and environmentally sound development, and create highly desirable, vibrant, walkable neighbourhoods.

[...]

## **Open Space Master Plan, 2014**

[...]

### **3.2 Guiding Principles**

[...]

#### *Principle Two - Integrated and Interactive Neighbourhoods*

*Preamble.* The strongest component of St. John's City form is the neighbourhood. [...] Quality walking, conversation, basic recreation, and essential daily services are part of all neighbourhoods. The basic tools are streets with good tree canopies and sidewalks, a community park with associated land uses that provide safety and service to residents (to form a neighbourhood center), trails with associated open space and inter-neighbourhood activity to encourage resident meeting and greeting. Assets outside of these can connect neighbourhoods to neighbourhoods, or civic arterial streets to neighbourhoods (etc.).

[...]

## **Envision Development Regulations**

[...]

### **Section 5 – Subdivision Development**

#### **5.1 Subdivision Design**

[...]

##### **5.1.2 Application for Subdivision**

Applications for a Subdivision shall include the following information:

- (a) the location, legal description, plot plan, and proposed Use(s) within the Subdivision;  
[...]
- (c) the layout of proposed Lots and Streets;
- (d) the relation of the Subdivision to existing development, Streets, transit, and trailways;
- (e) the provision for future access to adjacent undeveloped lands;
- (f) [...]
- (g) the volume and type of vehicular and pedestrian traffic that will be generated by the Subdivision;
- (h) [...]
- (i) the landscape plan which shows the location of dedicated open space; and
- (j) such further information as required by the City.

[...]

## **5.4 Conveyance of Land for Public Purpose**

### **Section 5.4.1 Public Streets, Rights of Way and Easements**

As a prerequisite of acceptance by the City of Phase 1 work as defined in the City's Development Design Manual, the applicant shall convey to the City for the nominal consideration of \$1.00 all lands as determined by the City to be required for public Streets, rights-of-way and easements.

### **Section 5.4.2 Public Open Space and Recreation**

- (1) Prior to the issuance of any Building Permits for the Subdivision, the applicant shall ensure the conveyance to the City for the nominal consideration of \$1.00 an area or areas of land equivalent to 10% of the gross area of the Subdivision for public amenity subject to the said land being acceptable to the City.
- (2) Notwithstanding Subsection (1), where the lands required to be conveyed pursuant to Subsection (1) cannot be identified or agreed upon, the City may accept from the applicant payment of a sum of money equivalent to 10% of the raw land value of the Subdivision or a combination of money and land equivalent to 10% of the raw land value of the Subdivision.

## **CONSIDERATIONS**

It is clear that key areas of focus for the City of St. John's, as articulated in the aforementioned plans and regulations are walkability, open space and interconnectivity. The Envision Municipal Plan is very reflective of this desire and vision. To strengthen this in the Envision Development Regulations, it would seem there are additional considerations.

### **Open space and connectivity**

As detailed in the sections above, the basic tools for strong, healthy neighbourhoods include trailways with associated open space which encourage movement and connectivity between and among neighbourhoods. More specifically, as previously referenced, the goal for Healthy Neighbourhoods as presented in Chapter 4 of the Envision Plan is "to design complete and interconnected, walkable neighbourhoods [...]." As per Chapter 3 of the Plan, it was identified that the public want a "greater integration of the natural and built environment, including better connectivity and access to natural areas through pedestrian trails, parks and green space."

The City's Open Space Master Plan (2014) speaks to the creation of a natural open space system throughout the city, as it identifies and defines an integrated system of linked natural corridors,



which encompasses a network of parks, trails, greenspace [...] that will be incorporated and expanded through future developments throughout the city.

However, Section 5.4 of the Envision Development Regulations, as currently stated, may not be sufficiently strong to ensure that the City's focus on enabling connectivity is more than good intention, in some instances.

→Section 5.4.1 of the Envision Development Regulations identifies that the City has a focus on acquiring lands for rights-of-way. This is critical to enable the interconnectedness and walkability of neighbourhoods and in subdivisions. It will be imperative that easements for these purposes be protected.

→Section 5.4.2 often has been applied in relation to the development of a tot lot in the requisite Subdivision or development. Yet, to enable connectivity, there should be some requirement for this open space/tot lot to be connected to the neighbourhood in which it is located – and not just by a single access/egress point. Similarly, Section 5.1.2 'Application for Subdivision' should speak to the relation and interconnectedness of the Subdivision to adjacent areas, in particular for pedestrians and cyclists.

→Further, Section 5.4.2 (2) indicates that if lands cannot be identified or agreed upon, "the City may accept from the applicant payment of a sum of money equivalent to 10% of the raw land value of the Subdivision or a combination of money and land equivalent to 10% of the raw land value of the Subdivision." Your Commissioner questions whether there are additional provisions to be included therein which would further support the City's interest in interconnectedness and Open Space – i.e., why the issue of "agreement" should be a consideration and whether the City can include some commentary that, where land is provided as per section 5.4.2, it will facilitate its retention as open space. Further, in the event land cannot be provided for public amenity, the next option should be combination of money and land, with the final option only being payment in cash.

Section 7.2 of the Envision Municipal Plan references that, in new residential developments, the use of cul-de-sacs will be discouraged except for locations where there is a demonstrated need for a cul-de-sac to provide land access. There are no provisions in the Envision Development Regulations which speak to the requirements for said cul-de-sacs except for landscape and screening. It would appear to be prudent to reference the development requirements for cul-de-sacs in the Envision Regulations, given there are exceptions when these would be allowed. Further, this reference should include a requirement for connectivity between any cul-de-sacs and adjacent streets/neighbourhoods

## **RECOMMENDATIONS:**

In an effort to ensure that Council's vision for open space and connectivity is strengthened and enabled, the following amendments are recommended for the Envision Development Regulations:

Section 5.1.2(d) be amended to state: the relation and interconnectedness of the Subdivision to existing development, Streets, transit and trailways, in particular in relation to pedestrians and cyclists.

Section 5.4.1 be reviewed to identify if additional wording or stipulations are required to ensure preservation of the rights-of-way designed for walkability and connectedness.

Section 5.4.2 (1) be amended to reference that the said land to be developed for public amenity would enable connectivity to the neighbourhoods around it.

Section 5.4.2 (2) be amended as follows:

- remove the issue of “agreement” as a reason for not being able to identify lands to be conveyed within a new development for public amenity;
- state that, as a second option, if there is sufficient land to be conveyed that cannot be developed, it would be conveyed to the City and would remain as open space and, depending on its location and topography, contribute to connectivity within the neighbourhood in which it is located and adjoining neighbourhoods as possible;
- state that in the event the previous two provisions are not met, and there is a combination of money and land provided to the City, that it would be retained as open space and, depending on the topography, provide for the network of connectivity within the neighbourhoods.

The Envision Development Regulations identify the regulatory provisions which would apply to cul-de-sacs in the event they would be needed and include a provision that any such cul-de-sacs would enable connectivity to/from adjacent neighbourhoods/streets.

## **Facilitating bicycle transportation**

In addressing vehicular parking for developments, Developers have options for shared parking agreement and/or cash-in-lieu as set out in the Envision Development Regulations

### **Revised Section 8 – Parking Requirements (New)**

[...]

### **Section 8.13 – Cash in Lieu**

Where requested by the applicant, Council may accept the following:

- (1) Provision of a cash-in-lieu payment in satisfaction of all or part of the parking requirements in an amount as may be established by Council from time to time;
- (2) Shared parking agreement where the shared Parking Lot or Parking Garage is located within 400 metres of the Development; or
- (3) A combination of cash-in-lieu and shared parking.

In contrast, for provisions of bicycle parking and as per Section 8.14 of the Envision Development Regulations, there is only an option for cash-in-lieu payment:

### **8.14 Bicycle Parking**

[...]

- (3) Where bicycle parking cannot be provided Council may accept the provision of a cash-in-lieu payment in satisfaction of all or part of the bicycle parking requirement in an amount as may be established by Council from time to time.

If the City is intending to facilitate cycling as an alternative to vehicular traffic, it will be important to ensure there is sufficient parking for bicycles around the city. This could be further enabled by amending the Development Envision Regulations to allow for an additional stipulation for bike parking similar to what is provided for vehicle parking – a shared parking agreement. This provides additional flexibility for a Developer to provide said parking without immediately and only having the option for cash-in-lieu.

### ***RECOMMENDATIONS:***

Your Commissioner recommends that Section 8.14 ‘Bicycle Parking’ of the Envision Development Regulations be amended to include provisions for shared agreement for bicycle parking and a provision for a combination of cash-in-lieu and shared parking as following:

#### **8.14 Bicycle Parking**

[...]

- (3) When requested by the applicant, Council may accept the following:
  - (a) Shared parking agreement where the shared Parking Lot or Parking Garage is located within 400 metres of the Development;
  - (b) A combination of shared parking and cash-in-lieu payment in satisfaction of all or

part of the bicycle parking requirement in an amount as may be established by Council from time to time;  
(c) Or, as a final option, cash-in-lieu.

## 6.0 Grammatical Errors and Edits

Your Commissioner offers the following edits/suggestions based on errors or lack of clarity in specific sections of the Envision Municipal Plan and Development Regulations identified during her review of the documents.

### 6.1 Envision Development Regulations

#### ◆ Section 2 – Definitions

[...]

◆ **DISCRETIONARY USE** means a Use which may be permitted by Council subject to special conditions or controls as listed in the **use Zone tables** of the Development Regulations.

Note: Your Commissioner finds this wording confusing and wonders if the word “use” is required before “Zone tables”?

#### ◆ Section 6 Specific Developments

[...]

#### 6.25 Provincial Forestry Areas

Silviculture Areas as outlined on Map 9 (Provincial Lands) will be recognized and protected as directed by the Province, unless otherwise notified by the Forestry Division, Department of Fisheries, Forestry and Agriculture **Agriculture**.

#### ◆ Revised Section 8 – Parking Requirements (New)

[...]

#### 8.14 Bicycle Parking

[...]

(2) Bicycle Parking spaces shall be located near the building entrance and be equipped with a device to ~~allow~~ **allow** the bicycle to be secured.

#### ◆ Commercial Downtown (CD) Zone

[...]

**(3) Zone Standards Except Park, Public Use, Public Utility, and Parking Lot**

[...]

(c)[...] 0 meter **metre** setback

**◆Commercial Downtown Mixed 2 (CDM2) Zone**

[...]

**(4) Zone Standards Except Place Of Worship, Park, Public Use, Public Utility and Parking Lot**

[...]

(d) [...] such streets being ~~deter-mined~~ **determined** by the Chief Municipal Planner

**◆Planned Mixed Development Zone 2 (PMD2) (p.g.10-97)**

[...]

**(10) Landscaping Requirements**

[...]

(b) Landscaping and Screening shall be provided as identified on the attached schedules (Appendix PDM2) and in accordance with ~~Section 8.5~~ **Section 7.6** Landscaping and Screening.

## **6.2 Envision Municipal Plan**

**◆Section 1.2 Plan Review Process**

[...]

- **A city-wide** ~~City-wide~~ brochure...

[...]

- Public Forums and Meetings

[...]

- Public meetings were held with two neighbourhood organizations: The Narrows and Georgetown. These meetings included discussion about neighbourhood concerns and

future steps towards the creation of Secondary Plans for the **neighbourhoods**.  
~~neighbourhood.~~

[...]

- Staff compiled public input and prepared a Draft Plan for the consideration of Council and the public in 2014. ~~This has been updated in 2017 and 2021.~~ **This was updated in 2017, updated for adoption-in-principle in March 2019, and further updated for formal adoption in April 2021.**

#### ◆Section 6.4

[...]

1(a). Low-Density Residential Neighbourhoods – The term ‘setback’ appears in this section and should be replaced with ‘stepback’.

[...]

1(d). The Downtown – The term ‘setback’ appears in this section and should be replaced with ‘stepback’.

[...]

1(f) Battery Area – Building height is established in accordance with the Battery Development Guidelines Study, and will be reflected in the ~~St. John’s~~ **Envision** Development Regulations.

#### ◆Section 8.4

[...]

#### **Residential Neighbourhoods**

[...]

7. The term ‘setback’ appears in this section and should be replaced with ‘stepback’.

#### ◆Section 10.1

[...]

#### **Objectives:**

[...]

“**Preserve Residential Neighbourhoods**” should be in bold to differentiate it from the text underneath.

#### **Promote Religious, Public Assembly, Tourism and Recreation Uses**

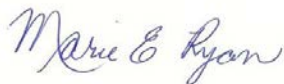
[...]

2. The preservation of an environment that will enable Downtown **places** place of worship to carry on their religious and social functions

## 7.0 Final Comments

A plan by its very nature is a living document; for it to be otherwise would render it ineffective and unresponsive. A Municipal Plan will change as issues arise, trends occur and residents require. While the previous Municipal Plan was in place for many years, there were numerous and varied amendments. Even Envision St. John's has been evolving. To that end, it is beneficial that the Envision Municipal Plan is forward thinking, focusing on issues which will have paramount importance to the city in the coming years, while being reflective of our history, heritage and past – key components to contribute to our culture, tourism, and economy going forward.

RESPECTFULLY SUBMITTED THIS 5<sup>TH</sup> DAY OF AUGUST 2021



Marie. E Ryan,  
Commissioner

**APPENDIX “A” – WRITTEN SUBMISSIONS**



#1

## 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 4<sup>th</sup> 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.

#2

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, May 26, 2021 12:30 PM  
**To:** Planning  
**Subject:** (EXT) Comment on Draft Municipal Development Regulations

Good afternoon,  
I would like to offer the following comments for consideration regarding the draft municipal regulations.

Urban containment barriers for farmland.

While there is reference to agriculture in the document I'm not sure there are defined containment barriers. The farm on blackmarsh road (sorry I can't remember the name) was completely replaced by housing and it seems that housing is recroaching on the Lesters farm area. Given the importance of farm to table food and limited the farmland available in the city it seems reasonable that it should be protected so that it can remain farmland for future generations. I'm not sure if this is within the power of the City or requires legislation but I think it is an important consideration.

Protection of shared land spaces and adherance to subdivision development plans.

Based upon my experience in building in the Clovelly subdivision there was an elimiation of easement and walkways public spaces shown in the original building plan. The easement proposed behind my property does not exist. In other areas propsed walkways between streets have been blocked by property fences. I'm not sure why there was deviation from the plan but it does make neighbourhood access more difficult for walkers. I don't know if this is an issue of noncompliance of developers or residents or both. I'm not sure that there is anything in these regulations this type of thing from happening in the future but I think it would make for better neighborhood if there were.

Thank you for considering my feedback.

Regards,

[REDACTED]  
[REDACTED]

#3

## Peg Burton

---

**From:** [REDACTED]  
**Sent:** Thursday, June 3, 2021 9:10 AM  
**To:** Planning; CouncilGroup; Janet Adams; CityClerk  
**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

[REDACTED]



#4.

[Redacted]

**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 it's 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.

[Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]

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#15

**Karen Chafe**

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**From:** CityClerk  
**Sent:** Tuesday, June 8, 2021 9:40 AM  
**To:** Randy Murphy; CityClerk  
**Cc:** [REDACTED] Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning  
**Subject:** RE: (EXT) Re: St. John's Envision Municipal Plan Public Hearings, June 9th, 2021 . . . ECT Submission  
**Attachments:** St. John's Envision Hearings, June 9th, 2021 - ECTA Submission .pdf

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:** Randy Murphy [REDACTED]  
**Sent:** Monday, June 7, 2021 2:30 PM  
**To:** CityClerk <cityclerk@stjohns.ca>  
**Cc:** [REDACTED]  
**Subject:** (EXT) Re: St. John's Envision Municipal Plan Public Hearings, June 9th, 2021 . . . ECT Submission

Dear Miss Henley;

We write in support of the new Envision St. John's Municipal Plan and Development Regulations, 2021. We wish to congratulate Council, staff and residents on the completion of a new Plan that will serve to guide the City's development for the next ten years. Please consider this our submission to the public hearing taking place virtually on June 9, 2021.

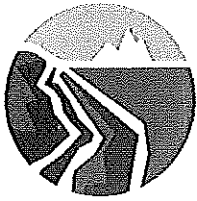
#  
We thank the City of St. John's for its commitment to the Trail and look forward to continuing to work cooperatively with the City to strengthen our partnership and to work together for the overall ongoing success of the Trail. #

#  
--#  
Randy Murphy  
President, East Coast Trail Association  
=====  
709-725-9811

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Any correspondence with employees, agents, or elected officials of the City of St. John's may be

#5



# EAST COAST TRAIL

East Coast Trail Association  
50 Pippy Place, P.O. Box 8034  
St. John's, NL A1B 3M7  
Tel 709-738-4453  
www.eastcoasttrail.com

June 7<sup>th</sup>, 2021

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

**Attention: Town Clerk**

Dear Ms. Henley:

**Re: Envision St. John's Municipal Plan & Development Regulations, 2021**

We write in support of the new Envision St. John's Municipal Plan and Development Regulations, 2021. We wish to congratulate Council, staff and residents on the completion of a new Plan that will serve to guide the City's development for the next ten years. Please consider this our submission to the public hearing taking place virtually on June 9, 2021.

Submitting Organization: East Coast Trail Association

The East Coast Trail Association Inc. (the "ECTA") is a member-driven, volunteer-based registered charity formed in 1994 with the mission to develop, maintain and preserve the East Coast Trail as a pedestrian-only trail. In its 27-year history, the ECTA has built and currently maintains a spectacular 336-km long, world-class pedestrian trail linking 25+ communities and providing a valuable recreational and tourism asset to the province. The East Coast Trail is part of the Trans Canada Trail system.

The East Coast Trail in the City of St. John's

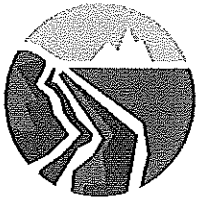
Over 61 kilometres of the East Coast Trail (ECT) run along the spectacular coastline within the boundaries of the City of St. John's. The trail route within the City encompasses 5 hiking paths: the Sugarloaf Path, the Deadman's Bay Path, the Cape Spear Path, the Motion Path and the Spout Path. With some of the most striking scenery on the Avalon Peninsula, the City of St. John's has one-fifth of the total length of the ECT, the largest footprint of any community along the entire East Coast Trail system.

The City of St. John's has long seen the value of having a world-class hiking trail within its municipal boundaries. The ECT has become a strategic tourism and recreational asset for the City that is generating significant economic, social and environmental value. The Association is grateful for the ongoing support provided by the City, both financial and in-kind, for the maintenance and enhancement of the Trail.

Consultations on Envision St. John's 2021

The most pressing challenge for the ECTA is the sustainability and long-term survival of the Trail. The Association depends on partner trail communities to recognize, protect and promote the Trail within their boundaries. One of the critical ways to ensure protection of the Trail and the Trail corridor is through its recognition in the municipal plans and development regulations of all communities along the Trail.

Since the St. John's planning review began in 2012, the ECTA has participated in public consultations and meetings about the Plan and discussed the needs of the ECTA. We have advocated for the formal recognition of the Trail in the new plan, regulations and maps. And, because the success of the Trail depends on hikers experiencing the



# EAST COAST TRAIL

East Coast Trail Association  
50 Pippy Place, P.O. Box 8034  
St. John's, NL A1B 3M7  
Tel 709-738-4453  
www.eastcoasttrail.com

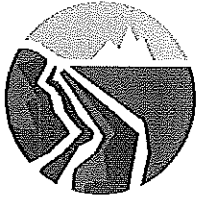
natural landscape and wilderness along the Trail, and in order to protect the integrity of the Trail itself, the ECTA has been requesting that the Plan include adequate protective buffers on either side of the Trail that would be reserved and kept free of development. We recommended that adequate buffers on either side of the Trail, similar to the Crown land buffers, be reserved, at least on less developed or more rural areas of the City. We have also had the opportunity to raise with the City our specific concerns regarding special protection for Southside Hills, the Spout path, and Freshwater Bay. We have also proposed the signing of a Memorandum of Understanding between the City and the Association to better define how we work together to ensure the sustainability of the Trail.

The ECTA very much appreciates the opportunities it has had to discuss those sections of the Plan that directly impact the ECT and to advocate for better protection of the Trail through Plan policies and regulations.

## Statement of the ECTA on Envision St. John's 2021

We wish to publicly acknowledge and thank the Council, staff and the residents of the City of St. John's for the support they have shown to our association and to the Trail.

- The ECTA supports the long-awaited Envision St. John's Municipal Plan and Development Regulations 2021. For the East Coast Trail, the plan signals a very positive step forward in our efforts to work with the City toward the sustainability of this valuable recreational and tourism asset.
- We are delighted to see that the East Coast Trail is formally acknowledged and recognized in the Envision Plan and Regulations and on City maps as a part of the City's parks and open space system. This reinforces the City's commitment to the East Coast Trail Association and will increase public awareness of the importance of the Trail for the City and its residents.
- The Plan recognizes the need to protect the City's system of trails, including the East Coast Trail, and to ensure that new development supports the trail system by providing appropriate buffers and, where possible, connections to it.
- The new Plan spells out the specific planning areas where the Trail is located and commits the City to working cooperatively with the East Coast Trail Association to preserve, protect, and buffer portions of the East Coast Trail passing through these areas. The planning areas included are 2, 13, 16 and 17. We are disappointed that the Plan does not specify a minimum buffer size for the Trail corridor, however, we will continue to advocate for adequate protective buffers and would like to work with the City to develop appropriate standards and guidelines for buffers along the various sections of the Trail within the City's boundaries, especially where the Trail passes over Crown land.
- In general, we see the new plan as helping the ECTA to be informed early on of potential problems and development pressures on the Trail and therefore to be in a better position to address issues that could impact the trail within the City boundaries in a timely manner.
- We are glad to see Open Space zoning maintained for the area of the Spout and Southside Hills.
- Regarding Planning Area 13 (Freshwater Bay Industrial Lands), which encompasses a large piece of property donated to the Nature Conservancy of Canada, what is the status of the plans to rezone these industrial lands? We understand that rezoning requires provincial approval under the St. John's Urban Region Regional Plan. Does the City expect to have the rezoning process for these lands completed prior to the adoption of the Envision 2021 Plan.



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- The ECT Deadman's Bay Path (Fort Amherst to Blackhead) runs through Crown Lands on the top of Southside Hills. The ECTA is very interested in being part of discussions on potential future development plans for this area.

The East Coast Trail is now recognized as an integral part of the City's parks and open space system. The East Coast Trail Association pledges to continue to work collaboratively with the City to maintain and protect the Trail and to address issues and plans that could impact the Trail in the future as they arise.

### Proposed Memorandum of Understanding (MOU) with the City of St. John's

As a follow-up to this public hearing, the East Coast Trail Association would like to re-open discussions with Council about signing a Memorandum of Understanding between our two organizations. The ECTA currently has signed MOUs with 11 communities along the trail with another one pending. These MOUs help us build a mutually-beneficial relationship with each of our community partners and serves to better define how we work together to ensure the success of the Trail. A draft MOU with the City was presented to Council for discussion in April 2019.

We feel that an MOU with the City is now more important than ever. A Memorandum of Understanding will provide a framework on how to work together to implement Plan policies and to protect the Trail on an ongoing basis once Envision St. John's 2021 takes effect.

We thank the City of St. John's for its commitment to the Trail and look forward to continuing to work cooperatively with the City to strengthen our partnership and to work together for the overall ongoing success of the Trail.

Kind regards,

Randy Murphy  
President, East Coast Trail Association

#6

**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 the street below us - Battery Road.

  
(Signal Hill Neighbourhood Association)

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#9

# Stella's Circle

Hope Lives Here

June 8, 2021

Engage St. John's - Envision Regulations

VIA: Email [mburton@stjohns.ca](mailto:mburton@stjohns.ca); [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); [llyghtlebrushett@stjohns.ca](mailto:llyghtlebrushett@stjohns.ca)

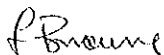
I am writing regarding the new Envision Regulations and specifically regarding the addition of micro units. Stella's Circle has a reputable history of providing supportive and affordable housing in St. John's. We currently operate 79 units of housing with the intention of increasing to 100 units by 2025. 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 through the Envision Regulations

Sincerely,



Lisa Browne

CEO

c. Karen Noel, Director of Property and Development

#8

**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

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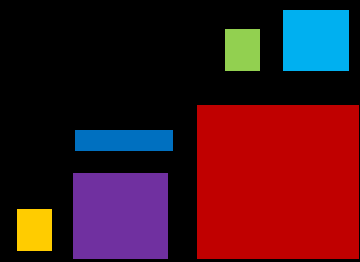
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**APPENDIX “B” – ENVISION ST. JOHN’S PPT PRESENTATION**

Municipal  
Plan  
&  
Development  
Regulations

*Draft April 2021*

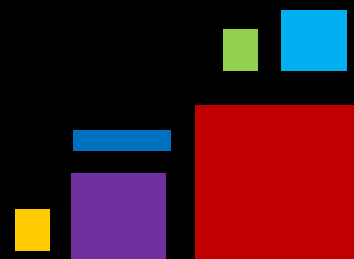
# ENVISION St. John's



# ENVISION

## St. John's Municipal Plan

Draft



## ENVISION

### St. John's Municipal Plan *5 Key Themes*

The Municipal Plan is designed around five key themes:

- Environmental Systems
- Strong Economy
- Transportation & Infrastructure
- Healthy Neighbourhoods
- Urban Design

Each theme has a set of goals, objectives and policies that support the City's overall vision and guide the creation of the development regulations.



## ENVISION

### St. John's Municipal Plan

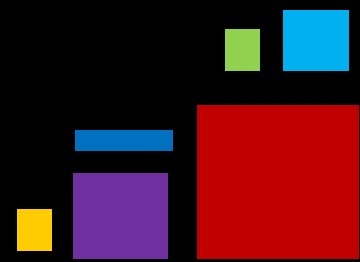
#### *The Big Ideas*

- Balanced growth strategy
- Open space integration into development
- Intensification areas – mixed use, higher density, additional height, urban renewal
- Infrastructure investment – complete streets
- Neighbourhood planning – Local Area Plans
- Urban design – human scale, neighbourhood fit, buffering, building height & setback
- Downtown – development, height, heritage
- Healthy Community Development – universal design, connectivity, walkability

# ENVISION

## St. John's Development Regulations

Draft



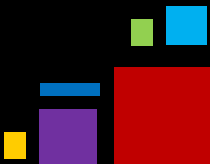
## Definitions

- Edited for clarity
- Streamlined and simplified
- Illustrations added



# General Development

- Development Above a Specified Meter Contour
  - 130 metres Kilbride
  - 185 metres Airport Heights
  - 190 metres Everywhere else must be approved by Council
- Land Use Report (LUR) includes new requirements:
  - Public consultation for the developer
  - Transit requirements (Parking Report, pedestrian access, cycling, transit)
  - Wind impact statement
- Waterways, Wetlands, Ponds or Lakes:
  - Increased Buffer – Development is not permitted within 1.2 metres from the edge of the buffer
  - Council Discretion for limited Uses within a Buffer or Floodplain
  - Added Wharves and Stages



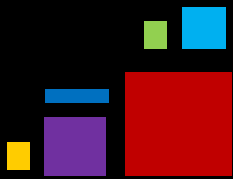
# Subdivision Requirements

- Subdivision Design Manual
- Conveyance of Land for Public Purpose
  - 10% of gross area or
  - Monetary value (raw land) or
  - Combination of Land and Money/Infrastructure

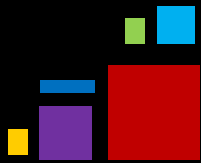


## Specific Development Requirements

- Gas Station
  - Updated requirements, setbacks and noise attenuation requirements
- Heat Pump & Mini-Split
  - Includes setback and siting requirements
- Adult Massage Parlour
  - Includes siting requirements
- Parking Garage
  - Criteria for Street level abutting Water or Duckworth Streets
- Provincial Land
  - Crown Land Reserves
  - Forestry Areas
  - Provincial Road (Protected Roads, Scenic Roads, Highway Signs)



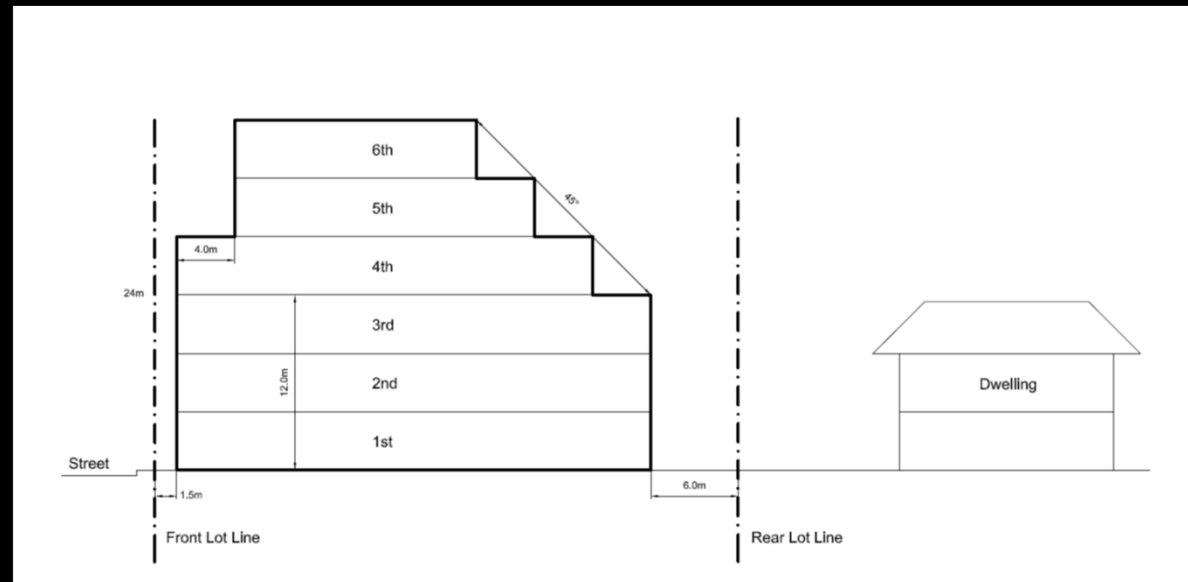
# General Site Requirements





# Building Stepback

- Human Scale and development
- Good neighbour policy: reduce land-use conflicts
- Applied to:
  - Buildings which abut a Residential Zone
  - 12 metres in height or greater
  - Shall not project above 45 degree angle from either the Side or Rear Lot Line





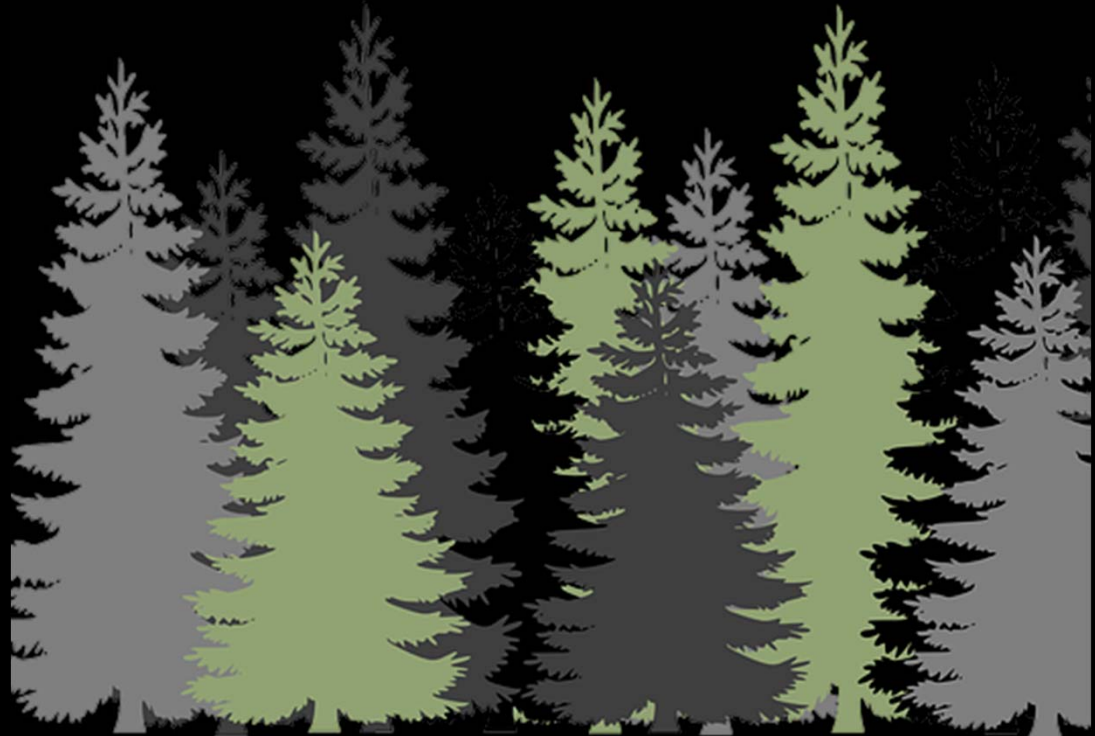
# Landscaping & Screening



- Residential:
  - 50% soft landscaping in the front yard (exception of Apartment Buildings and Zero Building Line)
  - 40% soft landscaping for Cul-de-sac Lot
  - Driveways shall not exceed 50% of the front yard and limited to 6 metres in width
  - 1 metre separation between driveways on adjacent lots unless a snow storage plan is approved
- Non-residential:
  - Subject to the Commercial Development Policy & Landscape Plan

# Buffering & Screening

- Where an Industrial, Commercial, Institutional, Agricultural or Public Use abuts an existing or proposed Residential Use:
  - 6 metre Buffer and
  - Screen 1.8 metres in height
- Where a Commercial Local Use abuts an existing or proposed Residential Use:
  - 3 metre Buffer
  - Screen 1.8 metres in height



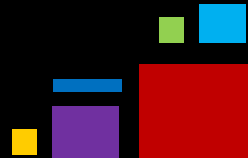
# Non-Conformity

- Identified non-conforming uses in the City
- As a way to reduce the number of non-conforming sites:
  - Some uses were added to the existing Zone as a Discretionary Use (remove non-conformity)
  - Future rezoning:
    - New uses were added to the Commercial Local (CL) Zone; and
    - New Commercial Local Downtown (CLD) Zone was created; same uses as the CL Zone with downtown lot standards.
- Timeframe - 3 years



# Parking Requirements

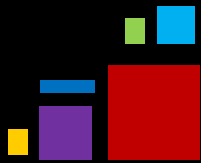
- Revised Parking Standards for all Uses – minimum to maximum range
- Intensification Area Parking Standards – not to exceed the minimum parking range identified
- Parking Report
  - Required when a different number of parking spaces is proposed than identified in the standards chart (more or less)
  - Review parking generation rates pre/post development; parking duration; number of spaces in the area; neighbourhood impact; effect on traffic
- Bicycle Parking
  - All development shall provide bicycle parking spaces/stalls and storage with the exception of Residential Uses



# Maps & Policies



- Zoning
- Map 1 Archaeological Areas
- Map 2 Downtown Parking Standards
- Map 3 Churchill Square Retail Area
- Map 4 Environmentally Protected Areas, Waterways and Wetlands
- Map 5 Flood Hazard Areas, Watersheds, Waterways and Wetlands
- Map 6 Downtown Business Improvement Area
- Map 7 Intensification Area
- Map 8 Downtown Snow Removal
- Map 9 Provincial Lands
- Planning Mixed Development Areas
- Heritage By-Law and Designated Heritage Buildings
- Development Design Manual
- Stormwater Detention Policy
- Parks & Open Space Master Plan
- Urban Forest Plan
- Wetland Management Policy
- Watershed Management Plan



# Zones

Residential Zones

Apartment Zones

Commercial Zones

Industrial Zones

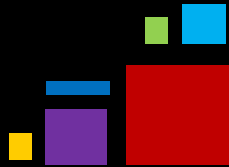
Public Use Zones

Rural Zones

Environmental Zones

Urban Expansion Zones

Total = 64 Zones





# Residential Affordability

Subsidiary Dwelling Units in all Dwellings (except RA Zone)

Accessory Dwelling Unit  
RA Zone

Apartment Buildings (max 6 units)  
R2, R3, RD & RM Zones

Updated Mini Home Park Zone

Tiny Home Dwelling  
R3 & RD Zones

Pocket Neighbourhood (PN) Zone  
(4-8 tiny homes on a Lot)

Fourplex Dwelling  
R2, R3, A1 & A2 Zones

Micro Unit  
RD & AD Zones



# Seniors

- Seniors Apartment Building
  - Removed from all Zones
- Personal Care Home
  - Added to more Residential and Apartment Zones to allow aging in place
  - Removed from Agriculture and Rural Zones due to limited services
- Adult Day Centre
  - Added to several Commercial Zones and Institutional Zones
  - Discretionary in many Residential and Apartment Zones





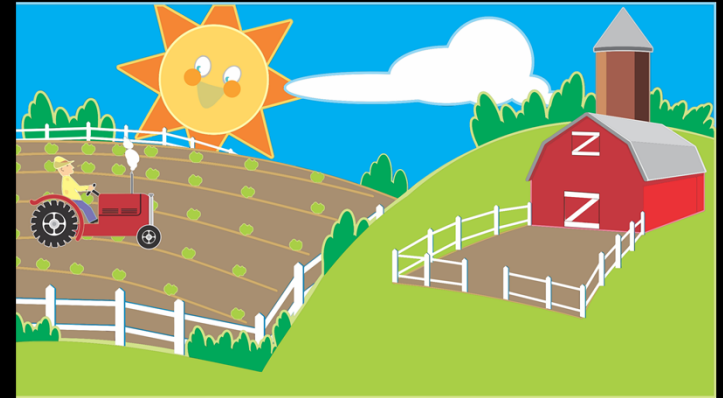
# Residential Battery Development Area



- Removed:
  - Battery Development Area Map
  - Footprint and Height Control Overlay
- Added:
  - Heritage Area 4
  - Additional uses in the Residential Battery (RB) Zone
  - Maximum Lot Area

# Access to Local Food

- Community Garden added to:
  - Residential Zones
  - Apartment Zones
  - Institutional Zones
  - Open Space Zone
  - Limited Commercial Zones
- Horticulture, Aquaculture, Aquaponics & Hydroponics added to several Commercial Zones





# DOWNTOWN

- Planning Area 1
- New Zones
- Floor Area Ratio (FAR) – Remains
- Removal of Light Angles – Addition of Building Façade Stepback





## Commercial Downtown Mixed (CDM) Zone

- Building Height (max): 15 metres increased to 18 metres
- FAR (max): 3.0
- Maintain heritage character, scope and scale of existing streetscape
- Allow only commercial development at the street level abutting Water Street and Duckworth Street with the exception of access points

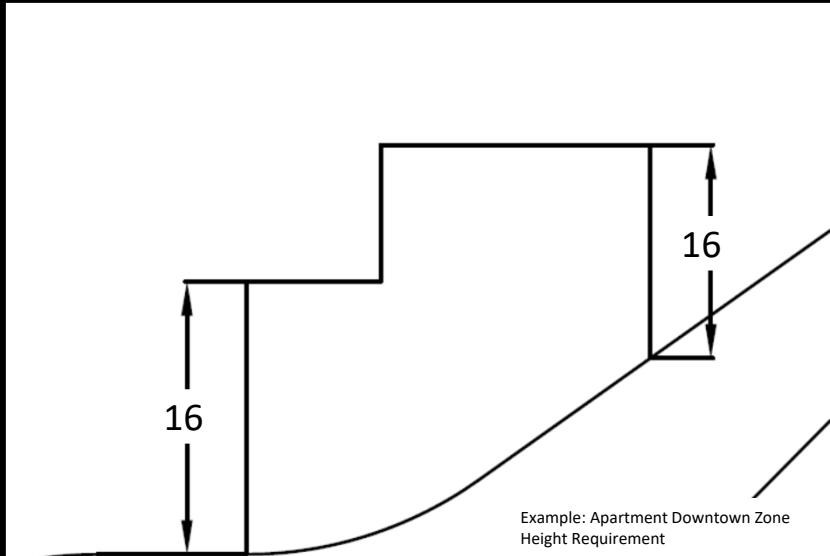




# Commercial Downtown (CD) Zone

- Applies to Planning Area 1 – West of Adelaide Street
- Combines the current CCO, CCR, CCRWW Zones
- Building Height (max): 54 metres
- FAR (max): 5.0
- Building Façade Stepback with 0 metre Building Line:
  - 0 meter stepback for first 18 metres in Building Height
  - 4 metre stepback for greater than 18 metres in Building Height
  - Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets
- Building Façade Stepback with a 4 metre or greater Building Line:
  - No stepback required





# Residential Building Height

- Applies to Apartment Buildings in both the Residential Downtown and Apartment Downtown Zones
- Measured from all property boundaries
- Height is adjusted to follow grade of the Street or property boundaries
- At no point should the Building exceed the maximum Building Height in the Zone





## Institutional Downtown (INST – DT) Zone

- Building Height (max): 23 metres
- FAR (max): 3.0
- Lot requirements reflect downtown building patterns:  
no building line, side yard or rear yard requirements



# Rural Development

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- Unserved residential development allowed only on existing properties already zoned as Rural Residential Infill (RRI) or Rural Residential (RR)
- New minimum Lot Area in Rural Zones:
  - 1860 square metres increased to 2023 square metres

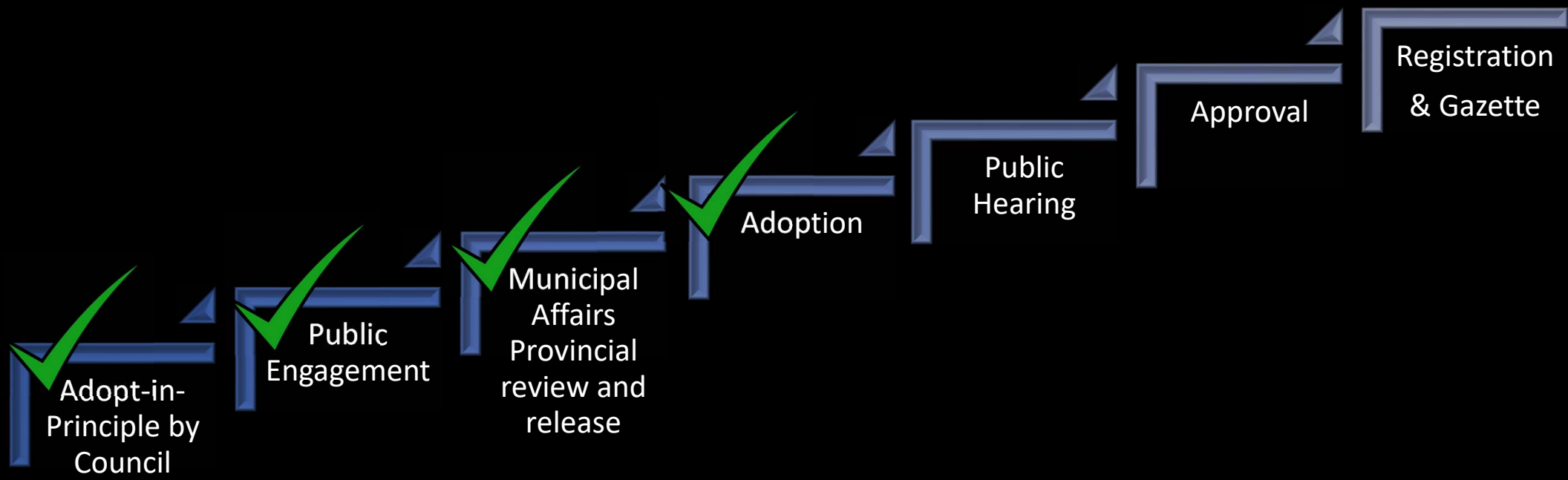




# Heritage By-Law

- The new Heritage By-Law will contain similar heritage standards as contained in the current Development Regulations
- The City's power is set out in Section 355 of the *City of St. John's Act*.





Next Steps Legislatively

Questions





### **9.5 Considerations for Rezoning**

This Plan provides flexibility for change within the framework for growth and development in the City by enabling, under certain circumstances, amendments to the Development Regulations without amendment to the Municipal Plan. In considering requests for rezoning, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

- The adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;
- The adequacy and proximity of public transit, recreation and community facilities;
- The adequacy of the transportation network in, adjacent to, or leading to the development;
- The potential for the contamination or sedimentation of watercourses or for erosion;
- Environmental impacts such as air, water and soil pollution and noise impacts;
- Previous uses of the site which may have caused soil or groundwater contamination;
- Suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;
- Potential for restoration, rehabilitation, damage or destruction of historic buildings or sites;
- Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties;
- Whether the proposed use will alter the intended mix of land uses in the District or neighbourhood;
- Whether the proposal is in conformity with the intent of this Plan, any applicable Secondary Plan, and with the requirements of other City by-laws and regulations; and
- Lands shall not be considered for rezoning where the development is premature by virtue of being beyond the limits of servicing.



### 8.3 General Policies

The following policies shall apply to all Land Use Districts under the Plan.

#### Sensitive Sites

5. For sites that are subject to heritage designations or standards, or sites that may be of an environmentally sensitive nature and Council wishes to impose further conditions on development, Development Control Provisions may be considered.
  - The creation of Development Control Provisions may be used to enable the creation of a new zone that are site-specific and include specialized standards and requirements that protect the unique characteristics of the site.
  - A Land Use Report would be required for the consideration of such Zones.