

June 15, 2023

Dear [REDACTED]

RE: Proposed Development Regulations Amendment - Heritage Use

Thank you for your submission, [REDACTED]. It will be brought forward to Council when the amendment is considered. I would like to clarify parts of the proposed amendment. If you have any questions about this, I'd be happy to give you a call.

[REDACTED] is a designated Heritage Building, but it is also within the Commercial Downtown Mixed (CDM) Zone. [REDACTED] any permitted or discretionary use listed in the zone, [REDACTED] required to meet the standards in that zone; the proposed amendment for "Heritage Use" would not be applicable [REDACTED]. Any extensions would just need to meet the CDM zone standards.

Should [REDACTED] propose something that is not listed in the CDM Zone, it may be considered a "Heritage Use" in a Heritage Building and the proposed amendment would apply.

Given that [REDACTED] build an extension to the edge of your property boundary (at Council's discretion) but this would be far less than the maximum 75% allowance proposed in the amendment. By my rough estimations, [REDACTED] so the amendment would allow [REDACTED] expand by up to  $75\% \times 55 =$  another 41 metres along the street, but there is only about 8 metres of space available [REDACTED]. In that sense, the amendment would not affect you.

The amendment also doesn't set a maximum building height for a "Heritage Use", so that would be at Council's discretion.

The proposed amendment will mostly apply in residential zones where a Heritage Building has been approved as a commercial Heritage Use.

I hope that helps. If you have any further questions, please feel free to contact me to [acashin@stjohns.ca](mailto:acashin@stjohns.ca) or 709-570-2041.

Thank you,

Ann-Marie Cashin, MCIP, Planner III  
Department of Planning, Engineering and Regulatory Services

**ST. JOHN'S**

[REDACTED]

To - The Office of the City Clerk

[REDACTED]

[REDACTED]

[REDACTED]

May 29, 2023

We are concerned about the proposed changes to the Heritage Regulations and in particular to section 6 item 1(a).

We do not agree with the proposed change to item 1(a) replacing the width of any proposed extension to 75% of the building facade facing a street. If approved, this change will have a major impact on any potential extension as most will not be feasible, due to the decrease in the maximum size to 75%, and the increased cost, per square foot, due to the smaller size.


We assume that if a building has a main entrance on more than one street, the proposed ~~by~~ Regulations will apply to only one of the streets, [REDACTED]


[REDACTED]

This should be clarified in the regulations.

[REDACTED]

As the regulations are being amended, we suggest that consideration be given to include a small buffer zone next to a heritage zone to allow for a phase in of the size of buildings, from one zone to another. As an example,



In summary, we do not agree with the proposal, in a heritage area, to reduce a horizontal extension to 75% of the width of an existing building. During the last  which limits the maximum height of the building and this amendment will limit the width. This could eliminate the potential to redevelop any portion of our property.

Yours Sincerely,





File number: PK2023-00841

June 28, 2023

Mr. Danny Breen  
Mayor  
St. John's, NL  
[mayor@stjohns.ca](mailto:mayor@stjohns.ca)

Dear Mayor Breen:

I am writing with regard to proposed plans to make amendments to allow additional height to existing designated historic structures (i.e., the “Set Back Policy”), which was brought to our attention by the St. John’s Ecclesiastical District National Historic Site of Canada Working Group in recent correspondence.

As you may be aware, the City of St. John’s is home to twenty-two national historic sites, from waterfront commercial structures to military forts and ecclesiastical districts, to residential streetscapes. These sites are valued for their ability to reveal unique, complex, and diverse aspects of Canadian history.

The Parks Canada Agency takes a strong interest in the heritage value and conservation status of all national historic sites, recognizing the wider cultural, social, economic, and environmental benefits they provide to their communities. Although Parks Canada does not have legislative or regulatory authority over designated properties that are administered by others, it encourages all owners of historic places, as well as jurisdictional authorities, to make use of the *Standards & Guidelines for the Conservation of Historic Places in Canada* ([www.historicplaces.ca/en/pages/standards-normes.aspx](http://www.historicplaces.ca/en/pages/standards-normes.aspx)) to ensure sound decision-making when considering the potential impacts of interventions, alterations, demolitions or additions to historic places, as well as the regulations governing these actions. Proposed changes should be compatible with and respectful of the heritage value of national historic sites. We also encourage owners and administrators of historic places to secure professional heritage conservation advice when assessing the potential impacts of changes on historic places.



Moreover, historic districts of national significance such as St. John's Ecclesiastical District National Historic Site of Canada must have a "sense of place": intrusive elements must be minimal, and the district's historic characteristics must predominate and set it apart from the area that immediately surrounds it. The St. John's Ecclesiastical District currently meets these criteria and I remain hopeful that proposed amendments to development regulations will support the conservation of heritage values identified for the District.

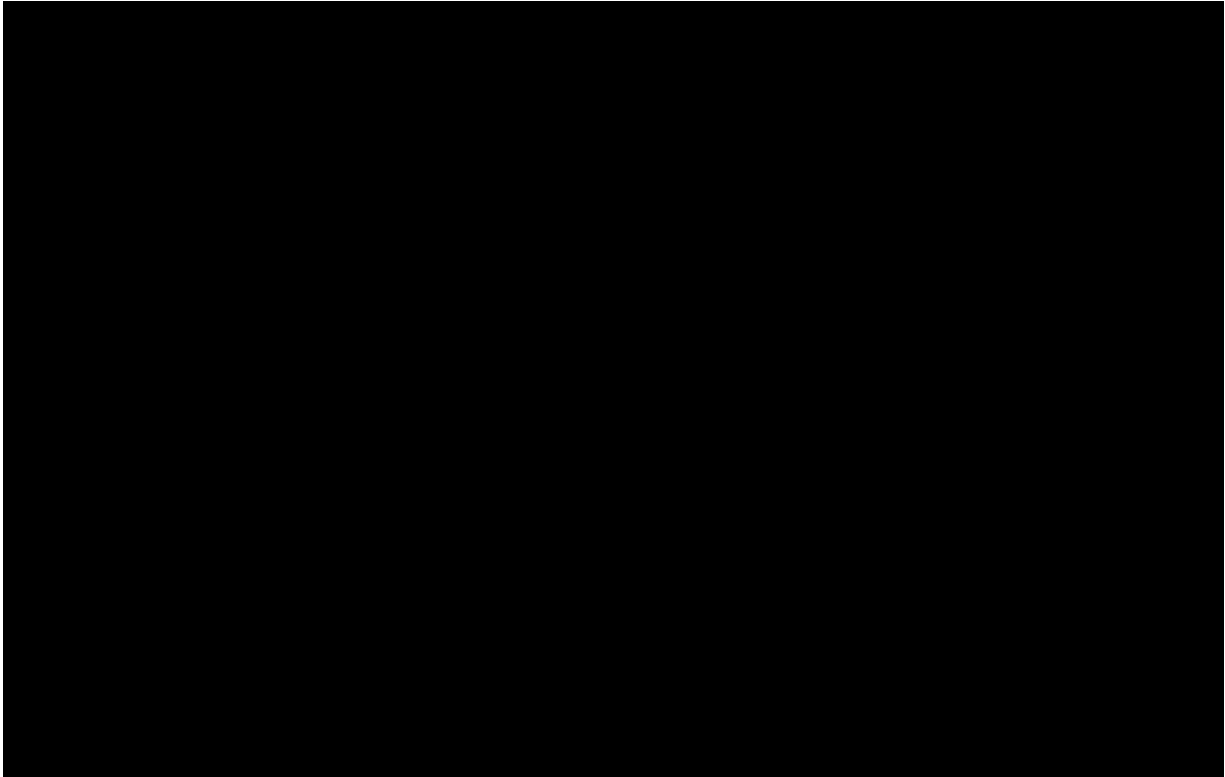
It is further recommended that the *Standards & Guidelines* be used in conjunction with Statements of Commemorative Intent for national historic sites. These statements document the reasons for designation by the Minister of Environment and Climate Change and Minister Responsible for Parks Canada. Additionally, Parks Canada has set forth the character-defining elements for each national historic site, describing the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of these historic places. Any proposed interventions or additions to a national historic site should respect these character-defining elements. Statements of Commemorative Intent and character-defining elements for every national historic site in St. John's can be found in the Directory of Federal Heritage Designations ([parks.canada.ca/culture/designation/lieu-site](https://parks.canada.ca/culture/designation/lieu-site)).

Finally, Parks Canada strongly recommends the use of the *Standards & Guidelines for the Conservation of Historic Places in Canada* when it comes to maintaining heritage buildings and making any changes to Laws and By-laws that would affect those buildings.

Should you require further information with regard to the above, please feel free to contact Dr. Patricia Kell, Executive Director, Cultural Heritage, at [patricia.kell@pc.gc.ca](mailto:patricia.kell@pc.gc.ca).

Sincerely,

Nadine Spence  
Vice-President  
Indigenous Affairs and Cultural Heritage  
Parks Canada



**Karen Chafe**

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**From:** [REDACTED]  
**Sent:** Tuesday, May 16, 2023 12:13 PM  
**To:** CityClerk  
**Cc:** [REDACTED] Andrew Woodland; Ken O'Brien  
**Subject:** (EXT) Text Amendment - Heritage Use Definitions & Conditions

I am writing to comment on the proposed text amendments.

I am in agreement with the suggested (up to) 75% horizontal width restrictions for side extensions.

I am not in agreement with the requirement that vertical extensions have a discretionary setback.

[REDACTED]

[REDACTED].

Vertical extension setbacks can be very problematic from many perspectives including the financial cost, structural issues and loads transfer and waterproofing requirements.

In the case of our involvement with the [REDACTED] project, a vertical setback of the front façade is a deal breaker.

While I commend Council for considering this amendment, I suggest the vertical setback component be removed and treated on a case by case basis.

Thank you for consideration of our comments.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Ms. Cheryl Mullet  
City Solicitor  
City of St. John's  
10 New Gower Street  
P.O. Box 908  
St. John's, NL  
A1C 4 M2

May 30th, 2023

Dear Ms. Mullet:

The City of St. John's Planning Department has asked for Public Input by May 31st, for a proposed Text Amendment by the City to allow for "Set Backs and Vertical Height considerations" on designated heritage buildings.

The City of St. John's Act, Section 355, outlines the roles and responsibilities of Council on matters of designating "*heritage buildings, structures, lands and areas for the purpose of preserving evidence of the City's history, culture and heritage for the education and enjoyment of present and future generations*".

While the same Act gives Council the right to alter the exterior of a building or demolish heritage buildings, my interpretation of the Act does not give Council the right to "so significantly alter heritage buildings, as proposed by adding new modern height to the historic structures, that they can no longer function or be defined as a historic building, land or area". The discretion afforded City Council is not unfettered.

Historically heritage buildings and places are designated and provided protection in order that current and future generations can understand the time, history and place of their heritage.



The proposal would result in the modernizing of both buildings and places to the extent that the City will not *“have the regard to preserve heritage buildings, lands or areas that collectively representative a cross section of all periods and styles in the City’s history and cultural evolution”*, Section 355, Heritage Provision, City of St. John’s Act, resulting in an egregious loss of heritage and an important part of the history of St. John’s.

It may be argued that there is a need to “Change” the Act to allow Planning to implement this proposed amendment. Would the same need be true for future Planning Departments and Councils **who might not agree with these proposed precedented changes.**

There is no need to change the Act, the Act is sound on matters of heritage conservation and reflects the mandate of other levels of governments’ historic buildings and places legislation and intent. The Act could be effective except the Planning Department is determined to give Council unfettered discretion on all heritage matters, for which they have no expertise! They are also permitted to ignore the advice of their appointed Built Heritage Committee. This would be like the Minister of Tourism, Culture, Arts and Recreation ignoring the advice of Heritage NL on matters of the designation and protection of the Province’s built heritage.

Another significant problem with the City proposal is that historic structures built in St. John’s, after the Great Fire and before, were never painstakingly designed and constructed with modern materials to accommodate additional height. Therefore in achieving vertical height you are not only going to destroy the historic character of the building, and it’s time and place, but the building will have to be rebuilt, hence destroying its historic integrity. You would also be aware that the historic buildings on the harbour front are built on the original beach front and many historic buildings in the downtown areas are built with stone foundations. Structural integrity will be lost, and with it, the very definition of heritage in St. John’s.

Attempting to redefine “heritage use” to include vertical height, is inappropriate and a disgrace to the term heritage and beyond the City’s discretionary power. More importantly the proposed amendment is deviating so significantly from the intent of the Act you will no longer be protecting the citizen’s earned heritage. The proposed amendment is arguably significantly outside Council discretion and the appertaining rights of citizens to have you recognize and work within the existing legislation.

It is important to note it was the Citizens of the City that saved our heritage buildings and districts, and not City Hall . After the fires of 1892, and in the 1970s, through 5 Federal Funding programs the 5 historic districts in downtown St. John’s were rebuilt,

“from their deplorable state”. After the initial Federal investments, citizens, cultural industries, and tourism have benefited. These benefits are also important for future generations, as your Act directs.

The Act, Section 3(b) also calls for a cost and benefit analysis in Council’s exercising of its power on heritage preservation matters. Has this step been undertaken to inform Council, before they make a decision on this proposed Amendment?

The historic downtown is already the most dense area of St. John’s. There is enough existing empty buildings downtown and in St. John’s, as well as empty land outside the historic downtown, to accommodate density without proceeding with this very detrimental policy to our heritage. Those needing housing Downtown do not need high rise views of the harbour with a 7 figure price tag .

The Amendment therefore appears to benefit the private sector and real estate agents. One cannot discount the perception of potential conflict of interests when Council members may be involved in these industries. I trust the new Provincial Conflict of Interest process should ensure such interests are mitigated in any Council decision taken on this matter.

In other jurisdictions in Canada, such a “proposed amendment” would have been first informed by a “**historic building and places impact assessment**” undertaken by a “**fully qualified historic building engineer**” like Dr. Tom Morrison, P.Eng. Has such an important and necessary assessment been completed?

Also why is this detrimental heritage policy being raised for public comment when you have under development a Heritage Plan that made no mention to the public of this proposed provision. You also have a recently announced new Downtown Plan, that is suppose to be building on the culture and heritage of the City! During the Heritage By-Law consultation process the public was told that new height would happen West of Adelaide Street. What has happened to this public committment?

Finally it must be noted that many of these buildings and places are also of Provincial and National Historic importance designated by other levels of government and important to the people of the Province and Canada, including 3 National Historic Site Districts. In the recent public Heritage Planning process the City presented an objective to work closer with both levels of Government on heritage matters and has this been done?

This existing proposal, and any other iteration plainly offends the provisions of the Act, and as importantly it’s intent.

Respectively yours.



The Honourable John Hogan, K.C, MHA, Minister of Justice  
Councillor Maggie Burton, Council Lead on Heritage, City of St. John's  
Councillor Ian Froude, Council Lead on Planning, City of St. John's  
Mr. Kevin Breen, City Manager