July 20, 2020


Re: Request for Access to Information under Part II of the Access to Information and Protection Privacy Act (the ATIPP Act, 2015)

On June 16, 2020, the City of St. John's received your request for access to the following information:

I am looking for correspondence between councillors and staff on the subject of air rights during the period 2017-present.

As required by Section 8(2) of the ATIPP Act, I have severed information that is unable to be disclosed and have provided you with as much information as possible. The enclosed information has been redacted as per sections 28,30 , and 40 :

## Local public body confidences

28. (1) The head of a local public body may refuse to disclose to an applicant information that would reveal (c) the substance of deliberations of a meeting of its elected officials or governing body or a committee of its elected officials or governing body, where an Act authorizes the holding of a meeting in the absence of the public.

## Legal advice

30. (1) The head of a public body may refuse to disclose to an applicant information (a) that is subject to solicitor and client privilege or litigation privilege of a public body.

## Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in Section 42 of the ATIPP Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner:

Office of the Information and Privacy Commissioner
2 Canada Drive; P. O. Box 13004, Stn. A, St. John's, NL. A1B 3V8
Telephone: (709) 729-6309; Facsimile: (709) 729-6500
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to Section 52 of the Act.

If you have any further questions, please feel free to contact me by telephone at 576-8429 or by e-mail at kcutler@stiohns.ca.

Yours truly,
Keneoda Cutles
Kenessa Cutler
ATIPP Coordinator

## DECISION/DIRECTION NOTE - Special Meeting

| Date Prepared: | February 7, 2019 |
| :--- | :--- |
| Report to: | His Worship the Mayor and Members of Council |
| Councillor and Role: | Councillor Hope Jamieson, Ward Councillor |
| Title: | Sale of City Land - Air Rights over Buchanan Street |
| Ward: | Ward 2 |

## Decision/Direction Required:

Recommendation on the sale of the air rights over Buchanan Street, as shown on the attached diagram.

## Discussion - Background and Current Status:

The owners of 426 and 430 Water Street, as well as 9 Buchanan Street and 115 George Street West, have requested to purchase the air rights over Buchanan Street, as shown in red on the attached diagram as part of the comprehensive redevelopment of the area. The sale request has been circulated amongst the appropriate City Departments, which generated some conditions for development, but no objections for the sale.

The purchase price has been established at a rate of $\$ 25.00$ per square foot, plus HST. The area to be will can be determined based on the development approval, and is likely to be limited to only a portion of the street.

## Key Considerations/Implications:

1. Budget/Financial Implications

- City to receive $\$ 25.00$ per square foot for the sale of the air rights plus administrative fees.

2. Partners or Other Stakeholders

- N/A

3. Alignment with Strategic Directions/Adopted Plans

- Fiscally Responsible

ST. JAHN'S
4. Legal or Policy Implications:

- A Purchase and Sale Agreement to be prepared setting out conditions.
- A Deed of Conveyance to be prepared. The purchasers would provide the required survey at their own cost.

5. Engagement and Communications Considerations

- N/A

6. Human Resource Implications

- N/A

7. Procurement Implications

- N/A

8. Information Technology Implications

- N/A

9. Other Implications

- N/A


## Recommendation:

It is recommended that Council approve entering into a Purchase and Sale Agreement for the sale of the air rights over Buchanan Street for the agreed upon price of $\$ 25.00$ per square foot subject to conditions, including development approval and re-zoning.

## Prepared by/Signature:

Andrew Woodland, Legal Counsel

## Approved by/Date/Signature:

Cheryl Mullett, City Solicitor
Attachment: Diagram
ST. J®HN'S


ST. J®HN'S

Title:
Date Prepared:
Report To:
Councillor and Role:
Ward:

Sale of City Land - Air Rights in front of 53 Rowan Street
June 6, 2019
His Worship the Mayor and Members of Council
Councillor Ian Froude, Ward Councillor
Ward 4

## Decision/Direction Required:

Recommendation on the sale of the air rights over the front of 53 Rowan Street.

## Discussion - Background and Current Status:

The owner of 53 Rowan Street has requested to purchase the air rights over City owned land at the front of their property, as shown on the attached diagram. The sale request has been circulated amongst the appropriate City Departments, with no objections to the sale noted. However, as this development is also before Council, the sale of these air rights would be subject to development approval and rezoning, if applicable.

The parcel is approximately 1356 square feet. The purchase price of approximately $\$ 16,300.00$ has been established at a rate of $\$ 20.00$ per square foot, plus HST.

Key Considerations/Implications:

1. Budget/Financial Implications:

- City to receive approximately $\$ 16,300.00$ for the sale of the air rights plus administrative fees.

2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions/Adopted Plans:

- A Sustainable City
- An Effective City

4. Legal or Policy Implications:

Deed will have to be prepared. Purchaser has provided survey at their own cost.

> ST. JAHN'S
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: N/A
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A
10. Other Implications: N/A

## Recommendation:

It is recommended that Council approve the sale of the air rights over the front of 53 Rowan Street, subject to the purchaser meeting all development, planning and rezoning requirements, as applicable.

## Prepared by/Date:

Reviewed by/Date:
Approved by/Date: Cheryl Mullett, City Solicitor, June 6, 2019
Attachments: Diagram


## DECISION/DIRECTION NOTE - Regular Meeting

Title:
Date Prepared:
Report To:
Councillor and Role:
Ward:

Sale of City Land - Air Rights in front of 59 Rowan Street
May 29, 2019
His Worship the Mayor and Members of Council
Councillor Ian Froude, Ward Councillor

## Ward 4

## Decision/Direction Required:

Recommendation on the sale of the air rights over the front of 59 Rowan Street.

## Discussion - Background and Current Status:

The owner of 59 Rowan Street has requested to purchase the air rights over City owned land at the front of their property, as shown in blue on the attached diagram. The sale request has been circulated amongst the appropriate City Departments, with no objections to the sale noted. However, as this development is also before Council, the sale of these air rights would be subject to development approval and rezoning, if applicable.

The parcel is approximately 1,356 square feet. The purchase price of approximately $\$ 16,300.00$ has been established at a rate of $\$ 20.00$ per square foot, plus HST.

Key Considerations/lmplications:

1. Budget/Financial Implications:

- City to receive approximately $\$ 16,300.00$ for the sale of the air rights plus administrative fees.

2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions/Adopted Plans:

- A Sustainable City
- An Effective City

4. Legal or Policy Implications:

Deed will have to be prepared. Purchaser has provided survey at their own cost.

Sale of City Land - Air Rights in front of 59 Rowan Street
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: N/A
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A

## 10. Other Implications: N/A

## Recommendation:

It is recommended that Council approve the sale of the air rights over the front of 59 Rowan Street, subject to the purchaser meeting all development, planning and rezoning requirements, as applicable.

Prepared by/Date: Andrew Woodland, Legal Counsel - May 29, 2019
Reviewed by/Date:
Approved by/Date:

## Attachments: Diagram



## DECISION/DIRECTION NOTE - Special Meeting

Title:<br>Date Prepared:<br>January 16, 2020<br>Report To:<br>Sale of City Land - Air Rights over Harbour Drive and Clift's Baird's Cove<br>Councillor and Role: Councillor Hope Jamieson, Ward Councillor<br>Ward:<br>Ward 2

## Decision/Direction Required:

Recommendation on the sale of the Air Rights over Harbour Drive and Clift's Baird's Cove as shown in yellow on the attached diagram.

## Discussion - Background and Current Status:

The owners of 1 Harbour Drive have requested to purchase the air rights over a small section of Harbour Drive and a section of Clift's Baird's Cove, as shown in yellow on the attached diagram, as part of the construction of a hotel on top of the Atlantic Place parking garage. The sale request has been circulated amongst the appropriate City Departments, which generated some conditions for development, but no objections for the sale. Any minimum street clearances can be referenced in a sale of the Air Rights.

The purchase price has yet to be established but will be determined prior to any agreements being signed. The exact area to be sold will be determined based on and subject to the development approval. The purchasers will be responsible for providing a survey acceptable to the City showing the exact square footage and height restrictions in the written description.

## Key Considerations/Implications:

1. Budget/Financial Implications

- City to receive a price per square footage, which is yet to be finalized for the sale of the Air Rights plus administrative fees.

2. Partners or Other Stakeholders

- N/A

3. Alignment with Strategic Directions/Adopted Plans

- A Sustainable City
- An Effective City

4. Legal or Policy Implications:

- A Purchase and Sale Agreement to be prepared setting out conditions.
- A Deed of Conveyance to be prepared. The purchasers would provide the required survey at their own cost.

5. Engagement and Communications Considerations

- N/A

6. Human Resource Implications

- N/A

7. Procurement Implications

- N/A

8. Information Technology Implications

- N/A

9. Other Implications

- N/A


## Recommendation:

It is recommended that Council approve negotiating and entering into a Purchase and Sale Agreement for the sale of the Air Rights over Harbour Drive and Clift's Baird's Cove as shown in yellow on the attached diagram. This Agreement will have conditions, such as no sale until the Purchaser obtains Development Approval.

Prepared by/Date: Andrew Woodland, January 16, 2020
Reviewed by/Date: Cheryl Mullett, January 16, 2020
Approved by/Date: Cheryl Mullett, January 16, 2020
Attachments:


Site Survey with Encroachments
Encroachments

Parkhotel LuAR

ST. J®HN'S

## DECISION/DIRECTION NOTE

Title:

> Text Amendment to the Atlantic Place Parking Garage District and the Atlantic Place Parking Garage Zone for a maximum building height of 12 storeys
> REZ1800005
> 1 Clift's-Baird's Cove

Date Prepared:
September 17, 2018
Report To:
His Worship the Mayor and Members of Council
Councillor \& Role:
Councillor Maggie Burton, Planning and Development Lead
Ward:
2

## Decision/Direction Required:

To consider a proposed text amendment to the St. John's Municipal Plan and Development Regulations to allow a maximum height of 12 storeys in the Atlantic Place Parking Garage District and the Atlantic Place Parking Garage Zone.

This Decision Note has been updated to include Terms of Reference for a Land Use Assessment Report and referral to the Built Heritage Experts Panel as directed by Council during the Committee of the Whole meeting on September 12, 2018.

## Discussion - Background and Current Status:

John Hearn Architect Inc., on behalf of the property owner, Sonco Group Inc., has applied for a text amendment to the St. John's Municipal Plan and Development Regulations in order to accommodate a 12storey parking garage and hotel at 1 Clift's-Baird's Cove. The subject property is designated the A.P. Parking Garage District under the Municipal Plan and is zoned A.P. Parking Garage (APPG). The maximum allowable building height in the APPG District and Zone is 11 storeys. The applicant wishes to build a 4storey hotel above the existing 8 storey parking garage for a total of 12 storeys and a height of 46.8 metres. The proposed name of the hotel is "The Park Hotel".

The 4-storey hotel above the parking garage will include 106 hotel rooms in a variety of sizes, a restaurant with lounge, multi-purpose room, gym, sauna and a green roof (planted with various trees and shrubs). A hotel located on the $9^{\text {th }}$ and/or higher storeys of a building is a Discretionary Use in the APPG Zone.

The subject property is located within Planning Area 1 - Downtown, however, it is not located within the Heritage Area. As such, the policies regarding heritage area standards and designs do not apply to this development. There are many buildings that have been used as the basis for the design. The proposed development will renovate and screen the existing parking garage however, the design is conceptual at this stage and will be finalized at the development stage. For Council's information, the full application will be sent to Council under a separate cover.

For this application to proceed, there are two aspects of the District and Zone that will require amendment: maximum permitted height and number of required public parking places.

> ST. J®HN'S

## Building Height and Bulk

Under the current District and Zone, the maximum building height is 11 storeys and the maximum floor area ratio is limited to 2.25 . The proposed height of 12 storeys will bring the building to a similar height as the adjoining Atlantic Place but will not exceed its height. The proposed development meets the requirements of the floor area ratio in the existing zone. The Downtown Building Control map in the Municipal Plan and Development Regulations would also need to be amended to reflect the increase in height.

The applicants have designed the hotel to step back from the parking garage along Harbour Drive which breaks up the mass of the building and creates a more interesting façade. The existing and proposed building only has a small alleyway fronting onto Water Street, so the existing commercial buildings along Water Street will act as a step back and will maintain the pedestrian scale of the street. There are portions of the hotel which are proposed to extend over the sidewalk along Harbour Drive and Clift's-Baird's Cove. If this design proceeds, any encroachment over City owned land will require Council’s approval and a lease of air rights from the City's Legal Department.

If the amendment proceeds, consideration in the final design should be given to the public realm and the relationship between the building, surrounding streets and sidewalk and the users of the parking garage and hotel. As per Section 6.1.7 of the draft Envision Municipal Plan adopted-in-principle by Council, the City will encourage new developments and redevelopment that contribute to the public realm through architectural design, particularly in areas of heavy pedestrian traffic such as commercial areas, intensification areas and the downtown, and provide connections designed to encourage pedestrian and cycling activity.

## Parking

On January 21, 2013, an agreement was signed between the City of St. John's and Sonco Group Inc. stating that the public parking spaces located in the A.P. Parking Garage will not be reduced below 670 public parking spaces. This requirement was also established in the A.P. Parking Garage Zone of the Development Regulations. The APPG Zone, Section 10.51.3(b), further states:
(i) Discretionary Uses that may be approved in the Zone are subject to the proviso that any such approved Discretionary Use shall be developed, undertaken, maintained, and used in such a manner that Publicly Available Rental Parking Spaces on the $1^{\text {st }}$ through $8^{\text {th }}$ Storeys of the Building shall not number less than 670; and
(ii) For the purpose of the A.P. Parking Garage Zone, Publicly Available Parking Spaces shall mean parking spaces that are available to the general public for rental on an hourly, daily, or monthly basis. The foregoing shall not include any parking spaces that are otherwise required by the Regulations in related to any other Discretionary Use that may be approved in the Zone.

The existing parking garage contains 720 parking spaces. The parking requirement for 106 hotel rooms plus the other amenities is 50 parking spaces. The proposed renovations reduce the total available parking spaces to 700 . The proposed hotel creates a shortfall of 20 parking spaces from the required 670 . As per Regulation 9.1.2, areas within the Downtown Parking Standard are not eligible for parking relief.

However, the applicant may:
(1) Provide a cash-in-lieu payment for the on-site, off-street parking spaces required,
(2) Provide permanent or long-term off-site, off-street parking at a location acceptable to Council,
(3) Provide a combination of cash-in-lieu and off-site parking.

The applicants have indicated that in recent years there are a substantial number of available parking spaces in the parking garage that will accommodate the shortfall of 20 parking spaces for the hotel use. In 2017 and 2018, the monthly average of unused parking stalls per day ranged from 287 to 397. Given this information, the parking garage would likely be able to accommodate the hotel parking demands. However, to allow this shortfall, the City will have to amend the legal agreement between the City and Sonco Group Inc. and reduce the number of public parking spaces required in the APPG Zone. Traffic is being reviewed by staff and revisions may be required prior to development if the amendment proceeds.

There was some concern about setting a precedent by adjusting the parking agreement, however in response, the applicant has shown that the parking garage has hundreds of unused parking spaces. Therefore, it would not be appropriate for the City to require off street parking elsewhere, or cash-in-lieu.

From a Planning perspective, if the application is to proceed as designed, it is recommended to amend the parking agreement for the total 20 spaces required to ensure that the parking requirements for the hotel are met. While there may still be a public perception that there is a lack of parking in the downtown area, since 2013 when this agreement was put in place, the City has cost-shared 461 additional parking spaces between the 351 Water Street Parking Garage and the Duckworth Street Parkade.

## Land Use Assessment Report

As per Section 5.6.3 of the Development Regulations, "Council may require a Land Use Assessment Report to evaluate any proposed land use, development and/or situation that affects the policies contained in the Municipal Plan". The proposed change would allow an increase in height and may affect the overall character of the area. Therefore, it is recommended that a Land Use Assessment Report be completed.

## Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:

Property owner and neighbouring property owners; persons who park their vehicles in the A. P.
Parking Garage.
3. Alignment with Strategic Directions/Adopted Plans:

A City for All Seasons - Support year-round tourism and industry activity.
4. Legal or Policy Implications:

Text amendments to the St. John's Municipal Plan and Development Regulations are required.
5. Engagement and Communications Considerations:

A public meeting chaired by an independent facilitator and advertisement of a Discretionary Use.
6. Human Resource Implications: Not applicable.
7. Procurement Implications: Not applicable.
8. Information Technology Implications: Not applicable.
9. Other Implications:

The Land Use Assessment Report be referred to the Built Heritage Experts Panel for comment.

## Recommendation:

It is recommended that the proposed text amendment to enable a maximum height of 12 storeys in the A.P. Parking Garage District and Zone be considered, and the attached draft Terms of Reference for a Land Use Assessment Report be approved.

Upon submission of a satisfactory Land Use Assessment Report, it is recommended that the application be referred to a Public Meeting chaired by an independent facilitator and the Discretionary Use of a Hotel be advertised for 1 Clift's - Baird's Cove.

It is also recommended that the proposed amendment to the legal agreement between the City of St. John's and the property owner and applicant, Sonco Group Inc., to reduce the number of required public parking spaces from 670 to 650 be considered.

## Prepared by/Signature:

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

Signature: $\qquad$

## Approved by/Date/Signature:

Ken O’Brien, MCIP - Chief Municipal Planner

Signature: $\qquad$
AMC/dlm

## Attachments:

Terms of Reference
Zoning Map
Applicant's Submission (including revised first floor plans)

From: Maggie Burton
Sent: Monday, February 18, 2019 4:06 PM
To:
Danny Breen
Subject:
Fwd: Questions before council?

Maggie Burton
Councillor at Large, City of St. John's
709-740-0982
Facebook: @maggieatlarge
Twitter: @mmburton

From: Juanita Mercer [juanita.mercer@thetelegram.com](mailto:juanita.mercer@thetelegram.com)
Sent: Monday, February 18, 2019 3:56:42 PM
To: Maggie Burton
Subject: Questions before council?
Hi Councillor Burton,

I'm not sure if you'll be around slightly before the meeting begins, but my colleague David Maher wanted me to ask you some questions about the JAG development. I'm writing so that you have a heads up about what I'm wondering about in case you need to find some numbers:

What's that area currently zoned for? Will it need to be rezoned?
Do we know the total price the air rights will be sold for?
Will there be a public meeting if area residents have concerns?
How is the dollar value of air space decided?
How will this development impact Buchanan St. area homes?

Thank you!
Juanita Mercer
Journalist
THE TELEGRAM
A member of the SaltWire Network

P 709.364.2323
E juanita.mercer@thetelegram.com
www.thetelegram.com
(6) @juanitamercer_

## 36 Austin Street

St. John's, NL
A1B 4C2

| From: | Danny Breen |
| :--- | :--- |
| Sent: | Tuesday, February 19, 2019 1:56 PM |
| To: | Kelly Maguire;Kevin Breen |
| Cc: | Janet Adams |
| Subject: | Re: OTG Interview request for Mayor Breen re JAG Hotel expansion |

I am good..let me know when it is confirmed.
Danny Breen
Mayor
City of St. John's
709-576-8477

From: Kelly Maguire
Sent: Tuesday, February 19, 2019 12:56:16 PM
To: Danny Breen; Kevin Breen
Cc: Janet Adams
Subject: RE: OTG Interview request for Mayor Breen re JAG Hotel expansion

Danny,
Do you need a meeting on this?
Ted has not yet confirmed 3 pm tomorrow. (FYI Janet)

From: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Sent: Monday, February 18, 2019 2:29 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Janet Adams [jadams@stjohns.ca](mailto:jadams@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Subject: RE: OTG Interview request for Mayor Breen re JAG Hotel expansion

Can meet as needed. Sale of City land, and of air rights over City land, is the purview of our Legal Department. The Jag Hotel requires amendments to our Municipal Plan and Development Regulations, so that will be a public process. It will be kicked off on Wed. this week with a staff memo to Council's Committee of the Whole, recommending that Council set terms for a land-use report by the applicant.

## Ken

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's - Planning, Engineering and Regulatory Services
Phone 709-576-6121 Fax 709-576-2340 Email kobrien@stjohns.ca

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Monday, February 18, 2019 2:07 PM
To: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Janet Adams [jadams@stjohns.ca](mailto:jadams@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Subject: Fwd: OTG Interview request for Mayor Breen re JAG Hotel expansion

To discuss. A bit of clarification required I think.
Suggest a Wednesday interview

## Get Outlook for iOS

From: Ted Blades [ted.blades@cbc.ca](mailto:ted.blades@cbc.ca)
Sent: Monday, February 18, 2019 1:55:31 PM
To: Kelly Maguire
Subject: OTG Interview request for Mayor Breen re JAG Hotel expansion

Kelly -

Hello.
I'd like a few minutes of the mayor's time today if it's not too late or Wednesday (as I'm not in tomorrow,)
Whether today or Wednesday, what I'd like to ask is...

1. What concerns he has about this proposed new facility competing with the civically-owned Convention Centre next door
2. What response he has to these concerns raised by the Narrows Collective:

"Steele says city officials appear upbeat about the project." No kidding! It's not every day Council sells a public lane and air rights over two public spaces without so much as prior posted notice or a word of debate \#sjpoli

1 reply0 retweets 1 like

1

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2.

The Narrows Collective@narrows si 7 m

The same proponent + architect presented a similar project to Halifax's Design Review Comm. When buying a small triangle of land from the city was suggested they were informed it would be "a complex process which would very likely require a public hearing" _halifax.ca/sites/default/

1 reply0 retweets 1 like

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3. The Narrows Collective@narrows si 39s

Why is our Council rolling over for a project that hasn't seen the light of day? Halifax's Design Review Committee, Design Guidelines, and Design Manual bear exploring further at a later date! @DaveLaneTweets @ianfroude @SandyHAtLarge @HopeforWard2

Ted Blades,
Host of On The Go,
Weekdays at 4:00-6:00
(3:30-5:30 in most of Labrador)
on CBC Radio One,
88.5FM in St. John's
$\mathrm{Ph})$ 709-576-5273 (121-5273)
ted.blades@cbc.ca

| From: | Kelly Maguire |
| :--- | :--- |
| Sent: | Wednesday, February 20, 2019 10:50 AM |
| To: | Danny Breen |
| Subject: | RE: OTG Interview request for Mayor Breen re JAG Hotel expansion |

Thank you I will confirm with Ted now.

From: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Sent: Wednesday, February 20, 2019 10:47 AM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: RE: OTG Interview request for Mayor Breen re JAG Hotel expansion

I will go in studio.

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Wednesday, February 20, 2019 10:41 AM
To: Janet Adams [jadams@stjohns.ca](mailto:jadams@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Subject: FW: OTG Interview request for Mayor Breen re JAG Hotel expansion

3pm today works for Ted - in studio or phone?

Thanks!
Kelly

From: Ted Blades [ted.blades@cbc.ca](mailto:ted.blades@cbc.ca)
Sent: Wednesday, February 20, 2019 10:36 AM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: Re: OTG Interview request for Mayor Breen re JAG Hotel expansion

Sorry. I was off yesterday.
3 pm today is excellent.
On the phone?

On Wed, 20 Feb 2019 at 10:26, Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca) wrote:
Please confirm 3 pm when you have a chance?

From: Kelly Maguire
Sent: Monday, February 18, 2019 3:05 PM
To: Ted Blades [ted.blades@cbc.ca](mailto:ted.blades@cbc.ca)
Subject: Re: OTG Interview request for Mayor Breen re JAG Hotel expansion

Does 3 pm work on Wednesday? In studio pre record or live?

Get Outlook for iOS

From: Ted Blades [ted.blades@cbc.ca](mailto:ted.blades@cbc.ca)
Sent: Monday, February 18, 2019 1:55:31 PM
To: Kelly Maguire
Subject: OTG Interview request for Mayor Breen re JAG Hotel expansion

Kelly -

Hello.
I'd like a few minutes of the mayor's time today if it's not too late
or Wednesday (as I'm not in tomorrow,)
Whether today or Wednesday, what I'd like to ask is...

1. What concerns he has about this proposed new facility competing with the civically-owned Convention Centre next door
2. What response he has to these concerns raised by the Narrows Collective:
3. 
4. 

"Steele says city officials appear upbeat about the
project." No kidding! It's not every day Council sells a public lane and air rights over two public spaces without so much as prior posted notice or a word of debate \#sjpoli

1 reply0 retweets 1 like

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$\qquad$
$\qquad$

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2. $\qquad$

The same proponent + architect presented a similar project to Halifax's Design Review Comm. When buying a small triangle of land from the city was suggested they were informed it would be "a complex process which would very likely require a public hearing" halifax.ca/sites/default/

1 reply0 retweets 1 like

1
3. The Narrows Collective@narrows sj 39s

Why is our Council rolling over for a project that hasn't
seen the light of day? Halifax's Design Review Committee, Design Guidelines, and Design Manual bear exploring further at a later date! @DaveLaneTweets @ianfroude @SandyHAtLarge @HopeforWard2

Ted Blades,
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Ph) 709-576-5273 (121-5273)
ted.blades@cbc.ca

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Host of On The Go,
Weekdays at 4:00-6:00
(3:30-5:30 in most of Labrador)
on CBC Radio One,
88.5FM in St. John's

Ph) 709-576-5273 (121-5273)
ted.blades@cbc.ca

| From: | Kelly Maguire |
| :--- | :--- |
| Sent: | Thursday, February 21, 2019 10:36 AM |
| To: | Ken O'Brien;Danny Breen;Janet Adams |
| Cc: | Kevin Breen;Susan Bonnell;Jason Sinyard |
| Subject: | RE: OTG Interview request for Mayor Breen re JAG Hotel expansion |

FYI
https://www.cbc.ca/news/canada/newfoundland-labrador/danny-breen-john-steele-project-1.5026651

From: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Sent: Monday, February 18, 2019 2:29 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Janet Adams [jadams@stjohns.ca](mailto:jadams@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Subject: RE: OTG Interview request for Mayor Breen re JAG Hotel expansion

Can meet as needed. Sale of City land, and of air rights over City land, is the purview of our Legal Department. The Jag Hotel requires amendments to our Municipal Plan and Development Regulations, so that will be a public process. It will be kicked off on Wed. this week with a staff memo to Council's Committee of the Whole, recommending that Council set terms for a land-use report by the applicant.

## Ken

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's - Planning, Engineering and Regulatory Services
Phone 709-576-6121 Fax 709-576-2340 Email kobrien@stiohns.ca

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Monday, February 18, 2019 2:07 PM
To: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Janet Adams [jadams@stjohns.ca](mailto:jadams@stjohns.ca)
Cc: Kevin Breen [kbreen@stiohns.ca](mailto:kbreen@stiohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Jason Sinyard [jsinyard@stiohns.ca](mailto:jsinyard@stiohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Subject: Fwd: OTG Interview request for Mayor Breen re JAG Hotel expansion
To discuss. A bit of clarification required I think.
Suggest a Wednesday interview

Get Outlook for iOS

From: Ted Blades [ted.blades@cbc.ca](mailto:ted.blades@cbc.ca)
Sent: Monday, February 18, 2019 1:55:31 PM
To: Kelly Maguire
Subject: OTG Interview request for Mayor Breen re JAG Hotel expansion

Kelly -
Hello.
I'd like a few minutes of the mayor's time today if it's not too late or Wednesday (as I'm not in tomorrow,)

Whether today or Wednesday, what I'd like to ask is...

1. What concerns he has about this proposed new facility competing with the civically-owned Convention Centre next door
2. What response he has to these concerns raised by the Narrows Collective:

"Steele says city officials appear upbeat about the project." No kidding! It's not every day Council sells a public lane and air rights over two public spaces without so much as prior posted notice or a word of debate \#sjpoli
```
1 reply0 retweets1 like
```

1

1
2.


The Narrows Collective @narrows sj 7 m

The same proponent + architect presented a similar project to Halifax's Design Review Comm. When buying a small triangle of land from the city was suggested they were informed it would be "a complex process which would very likely require a public hearing" _halifax.ca/sites/default/

```
1 reply0 retweets1 like
```

Why is our Council rolling over for a project that hasn't seen the light of day? Halifax's Design Review Committee, Design Guidelines, and Design Manual bear exploring further at a later date! @DaveLaneTweets @ianfroude @SandyHAtLarge @HopeforWard?

## Ted Blades,

Host of On The Go,
Weekdays at 4:00-6:00
(3:30-5:30 in most of Labrador)
on CBC Radio One,
88.5 FM in St. John's
$\mathrm{Ph}) 709-576-5273$ (121-5273)
ted.blades@cbc.ca

| From: | Sheilagh O'Leary |
| :--- | :--- |
| Sent: | Wednesday, May 1, 2019 4:51 PM |
| To: | Maggie Burton |
| Cc: | Hope Jamieson |
| Subject: | Fwd: Info on Park Hotel LUAR |
| Attachments: | 1 Clift's Baird's Cove Aug 28 2018.pdf; TOR - 1 Clift's-Baird's Cove September 172018 (amc).docx |

I asked Ann-Marie for the former application...

Get Outlook for iOS

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: Wednesday, May 1, 2019 1:14 PM
To: Sheilagh O'Leary; Gerard Doran
Cc: Ken O'Brien
Subject: RE: Info on Park Hotel LUAR

Good afternoon,

Please see attached the COTW Decision Note, as well as the LUAR Terms of Reference. I will send the application in a separate email as it is quite large. If you have any questions, please let me know.

Thank you,
Ann-Marie

From: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Sent: Tuesday, April 30, 2019 5:44 PM
To: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Gerard Doran [gdoran@stjohns.ca](mailto:gdoran@stjohns.ca)
Cc: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Subject: Re: Info on Park Hotel LUAR

Thanks all,
Ann-Narie, would you be so kind as to send the last information on this development from last September?
Much appreciated.

Get Outlook for iOS

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: Tuesday, April 30, 2019 4:16 PM
To: Gerard Doran; Sheilagh O'Leary
Cc: Ken O'Brien
Subject: RE: Info on Park Hotel LUAR

Hi All,

That's correct. The terms of reference for the LUAR were approved by Council last September and sent to the applicant. We have not received a submission or any questions regarding the LUAR to date. The next step of the process for them is to submit the LUAR for staff review and then once staff is satisfied with the LUAR we'll set a public meeting for the amendment. I am not aware of any new information since last September.

Thank you,
Ann-Marie

From: Gerard Doran [gdoran@stjohns.ca](mailto:gdoran@stjohns.ca)
Sent: Tuesday, April 30, 2019 4:10 PM
To: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Cc: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Subject: RE: Info on Park Hotel LUAR

Hi again,

The LUAR Terms of Reference for the development were sent to the applicant and we have had no response to date. I will ask Anne-Marie to add to this note as she has been the assigned planner for the project.

## Gerard

From: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Sent: Tuesday, April 30, 2019 2:35 PM
To: Gerard Doran [gdoran@stjohns.ca](mailto:gdoran@stjohns.ca)
Subject: Info on Park Hotel LUAR

Gerard,
Hope you are well.
Not sure if I should be knocking on your door but I need info on the status of the Park Hotel LUAR as I have been asked to meet with Chris Hickman and colleagues.
I have no background on this project at all.
Thanks

Kind regards,

Sheilagh O'Leary
Deputy Mayor
City of St. John's
(709)576-8363

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received
this email in error, please notify me immediately by return email and delete the original message.

## DECISION/ DIRECTION NOTE

Title:
Text Amendment to the Atlantic Place Parking Garage District and the Atlantic Place Parking Garage Zone for a maximum building height of 12 storeys
REZ1800005
1 Clift's-Baird's Cove
Date Prepared:
August 28, 2018
Report To:
Committee of the Whole
Councillor \& Role: $\quad$ Councillor Maggie Burton, Planning and Development Lead
Ward:

## 4

## Decision/Direction Required:

To consider a proposed text amendment to the St. John's Municipal Plan and Development Regulations to allow a maximum height of 12 storeys in the Atlantic Place Parking Garage District and the Atlantic Place Parking Garage Zone.

## Discussion - Background and Current Status:

John Hearn Architect Inc., on behalf of the property owner, Sonco Group Inc., has applied for a text amendment to the St. John's Municipal Plan and Development Regulations in order to accommodate a 12 -storey parking garage and hotel at 1 Clift's-Baird's Cove. The subject property is designated the A.P. Parking Garage District under the Municipal Plan and is zoned A.P. Parking Garage (APPG). The maximum allowable building height in the APPG District and Zone is 11 storeys. The applicant wishes to build a 4 -storey hotel above the existing 8 storey parking garage for a total of 12 storeys and a height of 46.8 metres. The proposed name of the hotel is "The Park Hotel".

The 4 -storey hotel above the parking garage will include 106 hotel rooms in a variety of sizes, a restaurant with lounge, multi-purpose room, gym, sauna and a green roof (planted with various trees and shrubs). A hotel located on the 9th and/or higher storeys of a building is a Discretionary Use in the APPG Zone.

The subject property is located within Planning Area 1 - Downtown, however, it is not located within the Heritage Area. As such, the policies regarding heritage area standards and designs do not apply to this development. There are many buildings that have been used as the basis for the design. The proposed development will renovate and screen the existing parking garage however, the design is conceptual at this stage and will be finalized at the development stage. For Council's information, the full application will be sent to Council under a separate cover.

For this application to proceed, there are two aspects of the District and Zone that will require amendment: maximum permitted height and number of required public parking places.

## Building Height and Bulk

Under the current District and Zone, the maximum building height is 11 storeys and the maximum floor area ratio is limited to 2.25 . The proposed height of 12 storeys will bring the building to a similar height as the adjoining Atlantic Place but will not exceed its height. The proposed development meets the requirements of the floor area ratio in the existing zone. The Downtown Building Control map in the Municipal Plan and Development Regulations would also need to be amended to reflect the increase in storeys.

The applicants have designed the hotel to step back from the parking garage along Harbour Drive which breaks up the mass of the building and creates a more interesting façade. The existing and proposed building only has a small alleyway fronting onto Water Street, so the existing commercial buildings along Water Street will act as a step back and will maintain the pedestrian scale of the street. There are portions of the hotel which are proposed to extend over the sidewalk along Harbour Drive and Clift'sBaird's Cove. If this design proceeds, any encroachment over City owned land will require Council's approval and a lease of air rights from the City's Legal Department.

If the amendment proceeds, consideration in the final design should be given to the public realm and the relationship between the building, surrounding streets and sidewalk and the users of the parking garage and hotel. As per Section 6.1 .7 of the draft Envision Municipal Plan adopted-in-principle by Council, the City will encourage new developments and redevelopment that contribute to the public realm through architectural design, particularly in areas of heavy pedestrian traffic such as commercial areas, intensification areas and the downtown, and provide connections designed to encourage pedestrian and cycling activity.

## Parking

On January 21, 2013, an agreement was signed between the City of St. John's and Sonco Group Inc. stating that the public parking spaces located in the A.P. Parking Garage will not be reduced below 670 public parking spaces. This requirement was also established in the A.P. Parking Garage Zone of the Development Regulations. The APPG Zone, Section 10.51.3(b), further states:
(i) Discretionary Uses that may be approved in the Zone are subject to the proviso that any such approved Discretionary Use shall be developed, undertaken, maintained, and used in such a manner that Publicly Available Rental Parking Spaces on the $1^{\text {st }}$ through $8^{\text {th }}$ Storeys of the Building shall not number less than 670; and
(ii) For the purpose of the A.P. Parking Garage Zone, Publicly Available Parking Spaces shall mean parking spaces that are available to the general public for rental on an hourly, daily, or monthly basis. The foregoing shall not include any parking spaces that are otherwise required by the Regulations in related to any other Discretionary Use that may be approved in the Zone.

The existing parking garage contains 720 parking spaces. The parking requirement for 106 hotel rooms plus the other amenities is 50 parking spaces. The proposed renovations reduce the total available parking spaces to 700 . The proposed hotel creates a shortfall of 20 parking spaces from the required 670 . As per Regulation 9.1.2, areas within the Downtown Parking Standard are not eligible for parking relief.

However, the applicant may:
(1) Provide a cash-in-lieu payment for the on-site, off-street parking spaces required,
(2) Provide permanent or long-term off-site, off-street parking at a location acceptable to Council,
(3) Provide a combination of cash-in-lieu and off-site parking.

The applicants have indicated that in recent years there are a substantial number of available parking spaces in the parking garage that will accommodate the shortfall of 20 parking spaces for the hotel use. In 2017 and 2018, the monthly average of unused parking stalls per day ranged from 287 to 397 . Given this information, the parking garage would likely be able to accommodate the hotel parking demands. However, to allow this shortfall, the City will have to amend the legal agreement between the City and Sonco Group Inc. and reduce the number of public parking spaces required in the APPG Zone. Traffic is being reviewed by staff and revisions may be required prior to development if the amendment proceeds.

There was some concern about setting a precedent by adjusting the parking agreement, however in response, the applicant has shown that the parking garage has hundreds of unused parking spaces. Therefore, it would not be appropriate for the City to require off street parking elsewhere, or cash-inlieu.

From a Planning perspective, if the application is to proceed as designed, it is recommended to amend the parking agreement for the total 20 spaces required to ensure that the parking requirements for the hotel are met. While there may still be a public perception that there is a lack of parking in the downtown area, since 2013 when this agreement was put in place, the City has cost-shared 461 additional parking spaces between the 351 Water Street Parking Garage and the Duckworth Street Parkade.

## Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:

Property owner and neighbouring property owners; persons who park their vehicles in the A. P. Parking Garage.
3. Alignment with Strategic Directions/Adopted Plans:

A City for All Seasons - Support year-round tourism and industry activity.
4. Legal or Policy Implications:

Text amendments to the St. John's Municipal Plan and Development Regulations are required.
5. Engagement and Communications Considerations:

Public notice of the proposed amendment and a Public Meeting chaired by an independent facilitator.
6. Human Resource Implications: Not applicable.
7. Procurement Implications: Not applicable.
8. Information Technology Implications: Not applicable.
9. Other Implications: Not applicable.

## Recommendation:

It is recommended that the proposed text amendment to enable a maximum height of 12 storeys in the A.P. Parking Garage District and Zone be considered.

It is also recommended that the proposed amendment to the legal agreement between the City of St . John's and the property owner and applicant, Sonco Group Inc., to reduce the number of required public parking spaces from 670 to 650 be considered.

In addition, it is recommended that the application be advertised for public review and comment along with the Discretionary Use of a Hotel. It is further recommended that the application be referred to a Public Meeting chaired by an independent facilitator. Following the public meeting, the application would be referred to a regular meeting of Council for consideration of adoption.

## Prepared by/Signature:

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

Signature: $\qquad$
Approved by/Date/Signature:
Ken O’Brien, MCIP - Chief Municipal Planner

Signature: $\qquad$
AMC/dlm

## Attachments:

Zoning Map
Applicant's Submission (including revised first floor plans)














## TERMS OF REFERENCE

LAND USE ASSESSMENT REPORT (LUAR)
APPLICATION TO INCREASE HEIGHT TO 12 STOREYS AT 1 CLIFT'S-BAIRD'S COVE, ATLANTIC PLACE PARKING GARAGE DISTRICT AND ZONE

The proponent shall identify significant impacts and, where appropriate, also identify measures to mitigate impacts on land uses adjoining the subject property. All information is to be submitted under one report in a form that can be reproduced for public information and review. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (include an electronic PDF version with a maximum file size of 15 MB ). A list of those persons/agencies who prepared the Land Use Assessment Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

## A. Building Use

- Identify the size of the proposed building (expansion) and existing building by:
- Gross Floor Area, and
- Floor Area Ratio (FAR).
- Identify all proposed uses/occupancies within the building by their respective floor area.


## B. Elevation \& Building Materials

- Provide elevations of the proposed building.
- Identify the finish and colour of exterior building materials.


## C. Building Height \& Location

- Identify graphically the exact location with a site plan:
- Location of the proposed expansion and existing building;
- Proximity of the building to property lines and identify setbacks;
- Identify any encroachment over property lines;
- Identify the height of the building;
- Information on the proposed construction of patios/balconies (if applicable);
- Potential shadowing/loss of sunlight on adjacent public and private properties, including sidewalks; and
- Identify any rooftop structures.
- Provide view planes of the proposed building from the following locations:
- Water Street, near the bottom of the Courthouse steps (193 Water Street);
- Duckworth Street, near the top of the Courthouse steps (309 Duckworth Street);
- The intersection of Water Street and McBride's Hill;
- Clift's-Baird's Cove;
- Harbour Drive along the port side, at the rear of 179 Water Street;
- The Rooms, 9 Bonaventure Avenue; and
- The St. John's Harbour.
D. Exterior Equipment and Lighting
- Identify the location and type of exterior lighting to be utilized. Identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.
- Identify the location and type of any exterior HVAC equipment to be used to service the proposed building and identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.


## E. Landscaping \& Buffering

- Identify any landscaping for the proposed development, both hard and soft.
- Identify the location and proposed methods of screening of any electrical transformers and refuse containers to be used at the site.
- Identify any additional street-level elements, such as weather protection measures at entrances, street furniture, etc.


## F. Building Wind Generation

- Identify if the increased height of the building will alter the wind conditions on adjacent streets, sidewalks and entrances to the building, and identify measures to minimize impacts at the pedestrian level.


## G. Snowclearing/Snow Storage

- Provide information on any snow clearing/snow removal operations.


## H. Off-street Parking and Site Access

- Identify the number and location of off street parking spaces to be provided.
- Identify any parking areas, including vehicular ingress and egress and on-site traffic circulation.
- Identify existing parking demand profile through a typical day. Identify profile of expected additional parking demand.


## I. Municipal Water and Sewer Services

- Identify points of connection to City water, sanitary and storm sewer mains.


## J. Traffic

- Provide the anticipated traffic generation rates associated with the proposed development.


## K. Public Transit

- Consult with St. John's Metrobus (St. John's Transportation Commission) regarding public transit infrastructure requirements.


## L. Construction Timeframe

- Indicate any phasing of the project and approximate timelines for beginning and completion of each phase or overall project.
- Indicate on a site plan any designated areas for equipment and materials during the construction period.

| From: | Maureen Harvey |
| :--- | :--- |
| Sent: | Friday, June 28, 2019 3:25 PM |
| To: | CouncilGroup |
| Cc: | Lindsay Lyghtle Brushett;Ken O'Brien |
| Subject: | Agenda for July 3rd Public Meeting - 43-53 Rowan Street |
| Attachments: | Public Meeting Agenda - 43-53 Rowan Street.pdf |

This has also been placed on the Council Portal.

Maureen Harvey
Legislative Assistant
Office of the City Clerk
City of St. John's
P.O. Box 908

St. John's, NL A1C 5M2
Telephone: 709-576-3158
Fax: 709-576-8474

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| From: | Maggie Burton |
| :--- | :---: |
| Sent: | Monday, July 29, 2019 4:46 PM |
| To: | Kelly Maguire;Danny Breen |
| Subject: |  |
|  |  |
| Thanks Kelly Question from CBC N.L. |  |
|  |  |
| Maggie Burton |  |
| Councillor at Large, St. John's <br> 709-740-0982 <br> mburton@stjohns.ca |  |

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Monday, July 29, 2019 4:33:34 PM
To: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Subject: FW: Question from CBC N.L.

Councillor Burton \& Mayor Breen:
FYI - see question from $C B C$ and our response below.
Thanks,
Kelly

From: Kelly Maguire
Sent: Monday, July 29, 2019 4:32 PM
To: 'Sarah Smellie' [sarah.smellie@cbc.ca](mailto:sarah.smellie@cbc.ca)
Subject: FW: Question from CBC N.L.

Hi Sarah,

I consulted with staff and put some information together for you.
Let me know if you have any follow up questions.

Thank you,
Kelly

## Background Information

The recent meeting is the first stage of the public consultation process. The application also requires a Municipal Plan amendment, so if Council considers proceeding with the proposal, they would adopt-in-principle and a Public Hearing to amend the Municipal Plan would be required.

This is the first time the rezoning application was advertised following completion of the Land Use Assessment Report, but the demolition of buildings and air rights were addressed much earlier this year by Council.

The Built Heritage Experts Panel (BHEP) was initially made aware of the permit for demolition at their December 12, 2018 meeting. The panel had several meetings with the developer and discussed whether the building(s) should be recommended as a designated heritage building. The were not recommended and at the February 25, 2019 Council voted on the recommendation that the buildings did not merit designation as a Heritage Building. The minutes from the BHEP are available on the City's website.
md\%5Bvalue\%5D\%5Byear\%5D=\&md\%5Bvalue\%5D\%5Bmonth\%5D=\&field_committee_name=14103

Feb 25, 2019 Council Minutes -
http://stjohns.ca/sites/default/files/files/minutes/Regular Minutes February\%2025\%202019.docx .pdf
The sale of the Air Rights over Buchanan Street and in front of 430 Water Street were also considered at the February 11, 2019 Regular Meeting of Council: Council approved entering into a Purchase and Sale Agreement subject to conditions, including development approval and rezoning for both locations.

Feb 11, 2019 Minutes - http://stjohns.ca/sites/default/files/files/minutes/Regular_Minutes_February\ 11\%2C\ 2019.pdf

## Regarding Communication for the Public Meeting:

The city provided notice of the of July 24 meeting, starting on July 5. When public meetings are scheduled the city follows a process that includes:

- Mail a notice to property owners within at least 150 meters of the site.
- Post the public notice on the City's website.
- Put notices in The Telegram at least twice.
- Publicize the report and meeting on the City's social media sites.

With respect to the Public Meeting for the hotel expansion, the following was communicated:

The public notice was posted on the city's website on Friday July 5, 2019
http://stiohns.ca/public-notice/public-meeting-9-buchanan-street-426-and-430-water-street

It was posted in the calendar of events on Friday, July 5, 2019
http://stjohns.ca/event/public-meeting-9-buchanan-street-426-and-430-water-street

It appeared in the Telegram on July 6, July 13 and July 20 (see attached screen shots from the online edition).
A Facebook event was created:
https://www.facebook.com/events/866290417086024

Several Tweets were posted:

July 15 - https://twitter.com/CityofStJohns/status/1150838734256050181?s=20
July 18-https://twitter.com/CityofStJohns/status/1151789993100218368?s=20
July 23- https://twitter.com/CityofStJohns/status/1153647233142837253?s=20

From: Sarah Smellie [sarah.smellie@cbc.ca](mailto:sarah.smellie@cbc.ca)
Sent: Monday, July 29, 2019 12:37 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: Question from CBC N.L.

Hi Kelly,

I've been speaking with the NL Historic Trust and they have a number of complaints about the city's communication process with the public about the Jag Hotel expansion, which included the demolition of the John Howard Society Building and the sale of the public laneway.

He says there wasn't enough opportunity for the public to weigh in.

I see there was a public meeting on July 24 . Were there other opportunities before this?

Thanks,
-Sarah

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| From: | Kelly Maguire |
| :--- | :--- |
| Sent: | Tuesday, July 30, 2019 1:02 PM |
| To: | Lindsay Lyghtle Brushett;Jason Sinyard;Kevin Breen;Susan Bonnell |
| Cc: | Ken O'Brien;Ann-Marie Cashin;Maggie Burton;Danny Breen |
| Subject: | RE: Question from CBC N.L. |

FYI- the article is up:
https://www.cbc.ca/news/canada/newfoundland-labrador/nl-historic-trust-jag-hotel-1.5228714? vfz=medium\%3Dsharebar

From: Kelly Maguire
Sent: Monday, July 29, 2019 4:12 PM
To: Lindsay Lyghtle Brushett [LLyghtleBrushett@stjohns.ca](mailto:LLyghtleBrushett@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca)
Cc: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Subject: FW: Question from CBC N.L.
Final response to CBC is below - Thanks Lindsay for your help.
I will send this at 430 if there is an issue let me know ASAP.
Kelly

## Background Information

The recent meeting is the first stage of the public consultation process. The application also requires a Municipal Plan amendment, so if Council considers proceeding with the proposal, they would adopt-in-principle and a Public Hearing to amend the Municipal Plan would be required.

This is the first time the rezoning application was advertised following completion of the Land Use Assessment Report, but the demolition of buildings and air rights were addressed much earlier this year by Council.

The Built Heritage Experts Panel (BHEP) was initially made aware of the permit for demolition at their December 12, 2018 meeting. The panel had several meetings with the developer and discussed whether the building(s) should be recommended as a designated heritage building. The were not recommended and at the February 25,2019 Council voted on the recommendation that the buildings did not merit designation as a Heritage Building. The minutes from the BHEP are available on the City's website.

BHEP Minutes - http://stjohns.ca/city-hall/about-city-hall/minutes? md\%5Bvalue\%5D\%5Byear\%5D=\&md\%5Bvalue\%5D\%5Bmonth\%5D=\&field committee name=14103

Feb 25, 2019 Council Minutes -
http://stjohns.ca/sites/default/files/files/minutes/Regular Minutes February\%2025\%202019.docx .pdf
The sale of the Air Rights over Buchanan Street and in front of 430 Water Street were also considered at the February 11, 2019 Regular Meeting of Council: Council approved entering into a Purchase and Sale Agreement subject to conditions, including development approval and rezoning for both locations.

Feb 11, 2019 Minutes - http://stjohns.ca/sites/default/files/files/minutes/Regular Minutes February\%2011\%2C\%202019.pdf

## Regarding Communication for the Public Meeting:

The city provided notice of the of July 24 meeting, starting on July 5. When public meetings are scheduled the city follows a process that includes:

- Mail a notice to property owners within at least 150 meters of the site.
- Post the public notice on the City's website.
- Put notices in The Telegram at least twice.
- Publicize the report and meeting on the City's social media sites.

With respect to the Public Meeting for the hotel expansion, the following was communicated:
The public notice was posted on the city's website on Friday July 5, 2019
http://stjohns.ca/public-notice/public-meeting-9-buchanan-street-426-and-430-water-street
It was posted in the calendar of events on Friday, July 5, 2019
http://stjohns.ca/event/public-meeting-9-buchanan-street-426-and-430-water-street
It appeared in the Telegram on July 6, July 13 and July 20 (see attached screen shots from the online edition).
A Facebook event was created:
https://www.facebook.com/events/866290417086024

Several Tweets were posted:
July 15 - https://twitter.com/CityofStJohns/status/1150838734256050181?s=20

July 18- https://twitter.com/CityofStJohns/status/1151789993100218368?s=20

July 23- https://twitter.com/CityofStJohns/status/1153647233142837253?s=20

From: Sarah Smellie [sarah.smellie@cbc.ca](mailto:sarah.smellie@cbc.ca)
Sent: Monday, July 29, 2019 12:37 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: Question from CBC N.L.

Hi Kelly,

I've been speaking with the NL Historic Trust and they have a number of complaints about the city's communication process with the public about the Jag Hotel expansion, which included the demolition of the John Howard Society Building and the sale of the public laneway.

He says there wasn't enough opportunity for the public to weigh in.

I see there was a public meeting on July 24 . Were there other opportunities before this?

Thanks,
-Sarah

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| From: | Maggie Burton |
| :--- | :--- |
| Sent: | Wednesday, March 4, 2020 2:41 PM |
| To: | Ken O'Brien;Jason Sinyard |
| Cc: | Danny Breen |
| Subject: | Fwd: Comments on \#1 Clift's Baird's Lane Development Proposal and Associated Text Amendment |
|  | to Municipal Plan |
| Attachments: | Letter to City re Clifts Baird Proposal.pdf |

Ken, Jason, Danny,

As this letter is addressed to me I would like to respond to suggestions of errors in the planning process, including the notes about engagement. It seems to be a misunderstanding of the mechanism by which developments ultimately are approved or rejected, which include a holistic review of all the planning aspects of the proposal, when

Could you please review and let me know what I should include, from your perspective?

Thank you

Maggie Burton
Councillor at Large, St. John's
709-740-0982
mburton@stjohns.ca

## s. 40 From:

Sent: Wednesday, March 4, 2020 1:01:50 PM
To: CityClerk [cityclerk@stjohns.ca](mailto:cityclerk@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Cc: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca); Dave Lane [dlane@stjohns.ca](mailto:dlane@stjohns.ca); Hope Jamieson [hjamieson@stjohns.ca](mailto:hjamieson@stjohns.ca); Ian Froude [ifroude@stjohns.ca](mailto:ifroude@stjohns.ca); Sandy Hickman [shickman@stjohns.ca](mailto:shickman@stjohns.ca); Debbie Hanlon [dhanlon@stjohns.ca](mailto:dhanlon@stjohns.ca); Wally Collins [wcollins@stjohns.ca](mailto:wcollins@stjohns.ca); Deanne Stapleton [dstapleton@stjohns.ca](mailto:dstapleton@stjohns.ca); Jamie Korab [jkorab@stjohns.ca](mailto:jkorab@stjohns.ca)
Subject: Comments on \#1 Clift's Baird's Lane Development Proposal and Associated Text Amendment to Municipal Plan

Hello:
Please see the attached submission. I am at your service for any detailed discussion you may wish.

Respectfully,

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

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March 4th 2020

Planning and Development Committee<br>City of St. John's<br>10 New Gower Street,<br>St. John's, NL

A1C 5M2

## Re: Commentary - Public Hearing, 1 Clift's Baird's Cove

Attention: Ms. Maggie Burton, Planning and Development Lead

Dear Ms. Burton:
The proposal to amend the St. John's Development Regulations with respect to a text amendment to the Atlantic Parking Garage District and Atlantic Place Parking Garage Zone does, at least superficially, address many aspects of the Municipal Plan that the citizens of this community have endorsed. They fall strictly into the category of "Planning" and are ostensibly black and white: increase in permissible building height, increase in floor-area-ratio, and addition of proposed commercial/office use (in the downtown).

I for one, cannot argue against the merit of such proposals. They reflect sustainability goals, specifically as they address density and other laudatory ideals about planning. However, I find this to be an exceptionally narrow focus that distills important architectural concepts and questions conveniently downin to coloured blobs on a map. This is the essence of what this amendment proposal is about, and when it is approved (as it probably should be for the reasons cited above) it will be used to defend architectural travesties and excuse the oversight of missed opportunities.

You see, the public's arguments against such developments are not planning arguments. So that it is with great likelihood, various aesthetic, community and sustainability arguments raised in objection to the proposal will be ruled out of context or out of order, especially when placed in the context of the pseudo-engagement-meeting process format that has been adopted by the City in recent years - essentially guaranteeing that people will not be permitted to have their say, legitimate or otherwise.

Invariably, these amendments represent the barn door. The approval process leaves that door open. Thereafter, the discussions on aesthetics, community and sustainability will be the horses that have long fled into the forests and fields as lost opportunities.

So please allow me to dispense with the metaphors and examine specifically what these issues might potentially be, for these are alluded to in the Decision/Direction Note of February $13^{\text {th }}$, despite, based on the current "planning" process, having no legitimacy there whatsoever. I cannot even see why they have been raised as they fall outside of the context. But because there is no other recourse, we must give them air at this time (despite the fact that they can be ruled or recognized as beyond the planning discussion).

## Air Rights

The Note states that "Portions of the hotel which are proposed to extend over the sidewalk along Harbour Drive and Clift's-Baird's Cove. (sic) If this design proceeds, any encroachment over City-owned land will require Council's approval and a lease of air rights from the City's Legal Department."

This has been noted despite having nothing to do with the amendment at hand. Therefore we must conclude that it is a concern. And it should be. In fact, it should be the most critical concern stemming from this entire approval process!

Air rights, like many urban components we take for granted, are the birthright of the citizens of St. John's. They should never be given away. They should be used as a powerful bargaining chip for the common good. They should only ever be traded for something that contributes to the built environment and never offered as something to make design more palatable or to enhance a developer's profitability.

Clift's Baird's Cove offers a window to the very heart and soul of St. John's by framing one of the few architectural treasures in this city that has not been put to demolition. In architectural charrettes, discussions and musings for decades, this lane has been prized for its potential as an urban gathering place, a plaza, a community focus/attraction because of its location and context. Do we wish to forever draw the shade on this window of opportunity?

If we acknowledge that Clift's Baird's Cove has the aforesaid potential, we should surmise what the obstacles are to turning this into a pedestrian only plaza that would benefit not only downtown commercial establishments but also patrons. The only valid reason for vehicular traffic on Clift's Baird's is access and egress to the parking garage. What if we collectively said to the developer, "We'd like to trade off air rights for a reconfigured parking garage access off Harbour Drive" ?

I would submit to you that this is the real opportunity to make the parking garage palatable. The demand for street level commercial space in the west end of the Baird property and the east end of the garage could be substantial. It may actually lead to a permanent canopy over the whole lane.

However it seems that council is inclined to simply give away air rights rather than use them as a powerful bargaining tool for the people of this City.

## Aesthetic Issues

The Note says: "There has been a mixed reaction for this development. Many of the submissions against the development discussed the additional height and the design of the building. Some feel that the building is too modern for this area and will block views."

Again, it is odd that a planning Note should include such an observation. If raised as a critique of the design in a public forum, it could be ruled irrelevant. Still, here it is, so I feel compelled to respond as it forms one of the pillars of my message to you in this letter.

As I have said in the past, the City has no policy on what a development should aspire to be. The people of St. John's have always had a great deal to say about ugly buildings. It would probably rank higher as a priority than traffic if they thought there was any point in pursuing an argument that was clearly not quantifiable. But the Decision/Direction Note, having mentioned this, goes on to simply boil it down to an issue of height and the potential for limiting views, which, for the record, I believe to be jejune.

The issue is not about height. The issue is about the motley juxtaposition of (what appears to be) a collection of sea-cans or shipping containers posing as architecture. It is also about the local design trope of a bright colour palette as being representative of this place. IT IS NOT except for the relatively recent residential invention / evolution. The benighted urge to apply this to commercial and/or public buildings is farcical at best.

But how can this be packaged as a planning issue? I fear that in the context of public engagement that has been coached and massaged by PR types, it will be dismissed (despite being broached by planners).

## Improvements to the Existing and Sustainability

The Note also states: "Other submissions to the City stated that this is a good addition to the downtown and believe the proposed building will be an improvement from the existing parking garage." These are conspicuous sentiments with only the rationale missing. We must, presumably, infer the "Why?".

Unfortunately, most of the public and members of council would argue that whatever can be done to improve the most horrific blight on the City's urban fabric must be a good thing. To this I would say "Perhaps." At this point in time nobody really knows. There are no guarantees in place. Here's why:

The parking garage is a rusting hulk. A corrosion magnet. Enveloping it in a screen will conveniently hide the problem while keeping redevelopment costs low. The "free air" nature of perforated or linked material means that no additional money will have to be expended on a mammoth mechanical system to remove exhaust emissions.

The garage, being constructed of one of the worst possible materials for such a structure, will continue to deteriorate because of sodium-laden air and vehicles dripping road salt. That is unless the developer commits to a budget that includes a particulate blast down to white metal of every steel component, and, under controlled environmental conditions, the coating of these components with a marine grade epoxy or polyurethane. I suspect that there is no such appetite or intention for this. So if hiding this (huge) problem constitutes improvement in the minds of some then so be it. It is far from a resolution.

The renowned building scientist Joseph Lstiburek has argued that ugly buildings (as is the case for this amendment) are not sustainable. His rationale is based on the idea that such buildings instill no pride, and therefore there is little or no impetus on the part of owners to maintain them beyond a minimum standard predicated by law or tenant potential. Will this proposal instill pride? Will it beguile us? I think not.

The designers suggested that a supply vessel could be the motif for the parking garage blank canvas. Is this the image we wish to portray to the world? Hanging onto the false notion of offshore riches and a fossil fuel industry that is politically obsolescent?

The alternative offer to enter into some kind of artistic competition to create a twodimensional image for the elevation facing the harbour smacks of a design devoid of real aesthetic creativity or materiality in the first place. It is appliqué. A PR appeasement. A spoonful of sugar. It reminds me of the ruse employed by Loblaws to quiet the Memorial Stadium development backlash: offering to build the Cygnus Gym for children. You'd have to have been some kind of child hater not to let Loblaw's wreak their havoc upon Quidi Vidi Park.

Therefore I would ask what guarantees the developer has put in place that will prevent the current eyesore from being another (albeit redeveloped) eyesore 10,20 or 30 years from now? Go have a close look at the Loblaws example. It's not holding up particularly well.

## Final Thoughts

In conclusion, any intelligent individual can hardly argue the merit of the strictly planning changes proposed. But what of all the real problems with this development, most notably the wasted potential or aesthetic pitfalls? What is the forum for these issues?

Allowing these changes to proceed suggests tacit approval of the development's design. That will be the developer's argument. That will be council's argument. However, it is wrong. It is bereft of any guidelines.

The citizens of St. John's asked for Urban Design Guidelines when "engagement" sessions were held for the new municipal plan. Such guidelines were fundamental to the adopted plan, yet they still do not exist. We cannot address design issues in the context of planning changes.

It is a horse without a bridle.

Yours very truly,


CC: Mayor of St. John's
Deputy Mayor of St. John's
Councilors

| From: | Sheilagh O'Leary |
| :--- | :--- |
| Sent: | Wednesday, April 29, 2020 10:44 AM |
| To: | Andrew Woodland;Ken O'Brien |
| Cc: | Maggie Burton;Jason Sinyard;Cheryl L. Mullett |
| Subject: | Re: Park Hotel update, 1 Clift's-Baird's Cove - air rights |

Great, thanks for the update.

Kind Regards,

Sheilagh O'Leary
Deputy Mayor
City of St. John's
(709) 576-8363

From: Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Sent: Wednesday, April 29, 2020 10:42:38 AM
To: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Subject: RE: Park Hotel update, 1 Clift's-Baird's Cove - air rights

Hi all,

The appraiser anticipates the valuation to be completed the end of next week.
Best regards,
Andrew G. M. Woodland
Legal Counsel
Legal Department
3rd floor, City Hall
P. O. Box 908

St. John's, NL A1C 5M2
Phone: (709) 576-8440
Fax: (709) 576-8561
Email: awoodland@stjohns.ca

From: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Sent: Tuesday, April 28, 2020 8:44 PM
To: Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Subject: Re: Park Hotel update, 1 Clift's-Baird's Cove - air rights

Wonderful.
Thanks Andrew.

## Get Outlook for iOS

From: Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Sent: Tuesday, April 28, 2020 7:02:58 PM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Cc: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Subject: RE: Park Hotel update, 1 Clift's-Baird's Cove - air rights

Hi all,

Considering the increased interest in air rights of late, we determined it was prudent to get an independent appraisal
completed regarding valuation. This will not only guide us for this application but will provide a comparable for any requests moving forward. The appraiser has been selected and is working on it. I will check to see the timeline for completion tomorrow and will let you know.

Best regards,
Andrew G. M. Woodland
Legal Counsel
Legal Department
3rd floor, City Hall
P. O. Box 908

St. John's, NL A1C 5M2
Phone: (709) 576-8440
Fax: (709) 576-8561
Email: awoodland@stjohns.ca

From: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Sent: Tuesday, April 28, 2020 6:37 PM
To: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Cc: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca);
Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: Re: Park Hotel update, 1 Clift's-Baird's Cove - air rights
Sounds good.

Ken

Ken O’Brien, MCIP
Chief Municipal Planner
City of St. John's, NL, Canada
Phone 709-576-6121

From: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Sent: Tuesday, April 28, 2020 6:06:24 PM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca);
Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: Re: Park Hotel update, 1 Clift's-Baird's Cove - air rights
Thank you Ken. l'll await word from Andrew before getting back to
Kind Regards,

Sheilagh O'Leary
Deputy Mayor
City of St. John's
(709) 576-8363

From: Ken O'Brien [kobrien@stiohns.ca](mailto:kobrien@stiohns.ca)
Sent: Tuesday, April 28, 2020 5:28:54 PM
To: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Cc: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca);
Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: RE: Park Hotel update, 1 Clift's-Baird's Cove - air rights
Deputy Mayor O'Leary, we anticipate bringing the commissioner's report on this matter to a future regular meeting of Council. Meanwhile, I am copying Andrew Woodland to comment on the issue of the applicant securing air rights over
part of Clift's-Baird's Cove and Harbour Drive.
Regards,

Ken
Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's - Planning, Engineering and Regulatory Services
John J. Murphy Building (City Hall Annex), $4^{\text {th }}$ floor (but now working from home)
Mail: PO Box 908, St. John's NL Canada A1C 5M2
Phone 709-576-6121 (rings to my home) Email kobrien@stjohns.ca www.stiohns.ca

From: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Sent: Tuesday, April 28, 2020 12:44 PM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Maggie Burton [mburton@stiohns.ca](mailto:mburton@stiohns.ca)
Subject: Park hotel update
Good day Ken, Hope you are staying well.
Can you please provide a status report on this application and the air rights issue?
I received a call from and he has requested this info.
Thanks
s. 40

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| From: | Danny Breen |
| :--- | :--- |
| Sent: | Monday, May 11, 2020 12:01 PM |
| To: | Ken O'Brien |
| Cc: | Jason Sinyard;Kevin Breen |
| Subject: | Re: Clift's-Baird's Cove as a public square - Thoughts Re: Parking Review \& AP Parking Garage hotel |
|  | proposal |

That area of War Memorial through Harbourside Park seems the natural location of a public space. Thanks for looking into that Ken.

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From: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Sent: Monday, May 11, 2020 11:57:38 AM
To: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Cc: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca)
Subject: Clift's-Baird's Cove as a public square - Thoughts Re: Parking Review \& AP Parking Garage hotel proposal
Glad to read about his support for the proposed new off-street parking standards city-wide.

I've heard for years about the idea of making Clift's-Baird's Cove into a public square. Had to go back to the Downtown St. John's Strategy for Economic Development and Heritage Preservation (2001), but it's not there; that report talks about improving the area from the National War Memorial on Water Street through Harbourside Park to the waterfront.

I also checked our report on Heritage Areas, Heritage Buildings and Public Views (2004). Nothing there about that cove.

Tract Consulting worked with the IBI Group on the Downtown St. John’s Parking Study (2009). The report refers to St. John's Courthouse on-street parking for judges and other staff along Duckworth Street. There was some discussion about removing the off-street parking bordering Water Street as a way to help promote the area between the Courthouse and Clift's-Baird's Cove as a public square. The idea did not get traction and is not in the report.



Ken

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's - Planning, Engineering and Regulatory Services
John J. Murphy Building (City Hall Annex), $4^{\text {th }}$ floor (but now working from home)
Mail: PO Box 908, St. John's NL Canada A1C 5M2
Phone 709-576-6121 (rings to my home) Email kobrien@stjohns.ca www.stjohns.ca

From: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Sent: Monday, May 11, 2020 12:03 AM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca)
Subject: Fwd: [EXT] Thoughts Re: Parking Review \& AP Garage

Ken:

In this letter concerning AP Hotel there is reference to the area of Cliffs/Bairds Cove being identified as a space for a public town square. I have heard this before.

Where is this space identified and was it identified by the City? Since all the properties in this area are privately owned and would need to be acquired to create such a public space, was there ever a serious discussion about this type of plan?

## From:

Sent: Sunday, May 10, 2020 9:41 PM
Cc:
Subject: [EXT] Thoughts Re: Parking Review \& AP Garage
Hello Councillors,
Sorry for the Sunday night email on the eve of a council meeting - just catching up to what's on your plates this week and I did have a couple thoughts I wanted to offer:

## Parking Review:

I want to voice my enthusiastic support for the new proposed parking minimums and introduction of parking maximums. As you know, overly-high parking requirements are one of the biggest obstacles to building a livable city. We can have the best design and architecture and businesses you like, but if you force them to be surrounded by an ocean of parking, it's all a waste. More broadly, we've seen that the current system doesn't provide enough of an obstacle to hugely over-building parking lots think about what percentage of the parking lot at, say, the Torbay Road Sobeys or Kent on Stavanger is filled on an average day - it's tiny, and that's a huge waste of land and resources. Having watched many development discussions over the years, I can think of countless examples where a better project that would have contributed more to the city was stymied by the need to provide too much parking. High parking requirements also get in the way of affordable housing - parking spots cost between the thousands (outside) and tens of thousands (inside) of dollars, and that gets passed on to buyers and renters. Right now, someone in St. John's without a car is still forced to pay those costs. Lower parking requirements help mitigate this.

The City was very much right to include this review in the implementation of the development regulations - one of the most effective tools you have, as a council, to really shape the experience of living in St. John's is by managing how much space we allocate to cars, whether that be on roads (kudos on last week's decision regarding social distancing space) or within developments. I would strongly encourage you to move these new standards forward.

Indeed, there are a few places where I would suggest these standards don't quite go far enough (I do recognize there will be further review). In particular, I would draw your attention to the residential parking requirement of 1 parking space per dwelling; I would love to see this removed. With this rule in place, neighbourhoods with a built form like Downtown and Georgestown are essentially forbidden - the only way to get around it is to build garages on the main floor, which both takes away from the pedestrian experience and takes a public asset (a street parking space) and privatizes it (since 1 street parking space gets removed for every curb cut for a garage). Anyhow, I don't want to let the perfect be the enemy of the good here the proposed new parking standards are a massive improvement on the previous ones - but just know that you'd have lots of support for lowering them further!

## AP Garage Hotel Proposal

My primary concern with this proposal is the proposal of extending the building overtop of Clift's Cove/Baird's Cove. While I recognize that air rights are not being voted on at this point in time, I would note that the proponent has stated that the project would not be viable without occupying them, and that there was little room for flexibility on the design. With that in mind, I think that request is fair game to consider in the context of whether to approve the requested changes here, and to my mind, on those grounds alone it would be worth rejecting. There has long been discussion of the future of Clift's Cove/Baird's cove as a potential public square/civic space, and this would potentially close off some of those possibilities, which I think is not necessarily a trade worth making.

Regards,

PS: Would there be any way to send out a "What's on the agenda" for the next council meeting over the E-Updates email system? I watch council fairly closely but still don't always remember to keep checking the website looking for the agenda. I think you'd generate some useful public input just by flagging what's up for discussion a little bit in advance through that listserve; this is especially true when council is biweekly, since it's even harder for the general public to be aware of when they should look on the website.

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Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

| From: | Maggie Burton |
| :--- | :--- |
| Sent: | Tuesday, May 19, 2020 12:35 PM |
| To: | Kelly Maguire;Ann-Marie Cashin;Jason Sinyard;Ken O'Brien;Cheryl L. Mullett;Elaine Henley |
| Cc: | Kevin Breen;Danny Breen;Susan Bonnell |
| Subject: | Re: (EXT) Petition re: Parkhotel |

Thanks Ann-Marie. I have responded many times to the petitioners to say as much, and have been explaining process over and over again on social media. I would like to respond to this on CBC on Wednesday when I talk to Ted.

Thanks

Maggie

Maggie Burton
Councillor at Large, St. John's
709-740-0982
mburton@stjohns.ca

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 12:31:40 PM
To: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L.
Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Thank you Ann-Marie.

Copying Cheryl and Elaine to advise on council's ability for rescinding a vote.

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: May 19, 2020 12:27 PM
To: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Hi Kelly,
The initial public meeting was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019, as well as promoted on social media.

The Public Hearing was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020, as well as promoted on social media.

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.
With respect to Council's ability to rescind the vote, I'm not familiar with that. It may be a question for Legal or the City Clerk's Office.

If you require anything else, please let me know.

Thank you,
Ann-Marie

From: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Sent: Tuesday, May 19, 2020 12:06 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

Hi Kelly
Ken is off today. I'll have Ann Marie provide the answers.

Regards,
Jason

Jason Sinyard, P. Eng., MBA
Deputy City Manager
Planning, Engineering \& Regulatory Services

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 11:59 AM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Fw: (EXT) Petition re: Parkhotel

Hi Jason and Ken,

Can you please help me provide a written response to the request below.

Thank you,
Kelly

From: Juanita Mercer [juanita.mercer@thetelegram.com](mailto:juanita.mercer@thetelegram.com)
Sent: May 19, 2020 11:23 AM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: (EXT) Petition re: Parkhotel

Hi Kelly,

I'm reading this petition that over 3,000 people have signed, asking city council to rescind its approval on the grounds of insufficient public engagement. (https://www.change.org/p/city-of-st-john-s-atlantic-place-garage-hotel-development-give-proper-public-consultation-now)

Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22-March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

Thank you,
Juanita

## Juanita Mercer

Journalist

## THE TELEGRAM

A member of the SaltWire Network


P 709.364.2323
E juanita.mercer@thetelegram.com
www.thetelegram.com
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St. John's, NL
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| From: | Jamie Korab |
| :--- | :--- |
| Sent: | Wednesday, May 20, 2020 11:51 AM |
| To: | ted.blades@cbc.ca |
| Cc: | Danny Breen;Deanne Stapleton;Debbie Hanlon;Wally Collins;Sandy Hickman |
| Subject: | Questions about the Park Hotel |

Hi Ted,

Thanks for reaching out. There was 4 major decisions council had to make here.

1) Discretionary approval of a hotel at this location
2) Parking relief
3) Adding a 1 extra floor $=12$ floors
4) Air Rights for the over hang.
5) I don't think most people have a problem with the hotel. We need a vibrant downtown, we need people downtown, a hotel in this location would bring more people to the area. Some residents have suggested things that could go there, but, this is private property. We have say in a development once it is put forward by a developer, but we can't tell a developer on private property that they have to put a Library, Community Garden, Office building, community space etc.
6) The current parking garage was never full. The proposed development requires 54 parking spaces. Through the St. John's Development Regulations and a legal agreement between the City and Sonco Group Ltd., the applicants are required to maintain 670 public parking spaces within the existing parking garage. The parking spaces required for this development combined with the public parking spaces would exceed
the number of spaces available in the parking garage, and therefore the applicants are requesting parking relief of 21 spaces. In the Land Use Assessment Report, the applicant demonstrated that parking rental trends show there are excess parking spaces in the parking garage to accommodate hotel guest parking if needed.
7) The development regulations at the time this project/process was started dealt in floors not height. Meaning the developer was allowed to go up 11 floors ( 3 more than was is currently there) without getting approval from council. What we actually were approving was 1 floor. This extra floor would still keep the hotel below the height of the Atlantic Place next door. Under the floor regulations, the developer could actually go even higher than Atlantic Place next door in keeping with the 11 floors and council couldn't stop them. This would mean there extra 3 floors would be 12-15 feet high each. Obviously this would not be feasible, but just trying to explain how the development regulations work.
Under our new Development regulations (that should be approved by the province this year) we will now deal in height, not number of floors. So a developer would be able to put in any amount of floors they want, as long as they didn't exceed the height requirement. If the height requirement for the Atlantic Place Parking garage was the same as the Atlantic Place Office building. The developer could have 12 floors, 13 floors, etc, as long as they didn't exceed the height.
There was also a Floor Area Ratio (FAR) of 2.42 with the current proposal, under an 11 story building, 2.25 FAR is the max, but allowing the extra floor, the max was changed to 2.50 FAR, this small increase is due to the addition of an extra storey to the Zone. Council appointed Ms. Marie Ryan as the commissioner to conduct a public hearing on the proposed amendments. The hearing was held at City Hall on March 11, 2020. Commissioner Ryan has now submitted her report on the proposed amendments to the extra floor. She recommends their acceptance.
8) This will come to council at a later date for approval.

Realizing this development is in the heart of our Downtown and two sides are facing heritage areas, the area to be built on isn't zoned heritage. Under the City Act, city council doesn't have the ability to turn down an application because we think don't like the look of it.

The current parking garage is the ugliest buildings in the city (if not the province). The screening of this as well as the store fronts on Cliff's-Baird's Cove \& the Harbour Front will be a welcome sight to our ocean tourism as well as improve the pedestrian was able experience.
I've had a chance to visit some of the cruise ships while in port and talk with the guests. Their comments (from the ship) are that the city is all concrete and glass.

The city protects public views, but case law in Canada dictates that residents do not own their view. We have no legal ground to decline an application because it would block someone's view From their residence. This would be challenge in court, cost the tax payers money and in the end, the city would most likely lose the case.

We have to protect our heritage as well as embrace our built heritage. I realize this isn't a popular decision with everyone. I've heard many people against it, but I've heard form many many for it. I did hear one comment that $25 / 26$ submissions to the city were against the hotel and that was a clear example that the public didn't want this. This was a small sample and there are many other ways we as councillors engage with the public. Costco seems to be where I honestly do most of mine :-)
From talking to residents out and about, through calls, text, emails, people were $50 / 50$ on the design (which is subjective), but the vast majority were overall fine with the proposal.

At the end of the day, I have to make a decision based on facts, input from residents and what I think is the right decision for all tax payers of this city.

Stay safe!
Jamie

Jamie Korab - Ward 3 Councillor - City of St. John’s - 576.8643 - jkorab@stjohns.ca

From:
Sent:
To:

Cc:
Subject:

## Ken O'Brien

Wednesday, May 20, 2020 12:32 PM
Maggie Burton;Kelly Maguire;Ann-Marie Cashin;Karen Chafe;Elaine Henley;Jason Sinyard;Cheryl L. Mullett;Keith Barrett;Shelley Pardy

Hello, all. I was off yesterday but had a phone conversation from Marystown with Councillor Korab (I was
$\begin{aligned} & \text { Now I am in catch-up mode }\end{aligned}$
with emails. I want to read all the correspondence and then form a reply.

I will state this: a decision to change the Municipal Plan, or to change the Development Regulations, by making an amendment is not appealable to the St. John's Local Board of Appeal. A decision made under the Plan or Regs can be appealed. A decision to change them cannot be appealed. Council either makes the change (an amendment) or decides not to make the change (no amendment). Either way: No appeal.

Making an amendment, and then rescinding it: Let me read the correspondence first.

Ken

Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's - Planning, Engineering and Regulatory Services
John J. Murphy Building (City Hall Annex), $4^{\text {th }}$ floor (but now working from home)
Mail: PO Box 908, St. John's NL Canada A1C 5M2
Phone 709-576-6121 (rings to my home) Email kobrien@stjohns.ca www.stjohns.ca

From: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Sent: Wednesday, May 20, 2020 12:26 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Folks - I'm confused with regards to rescision, and with regards to appealing an amendment-I have some questions for legal about process and implications, please advise before 5 pm if possible.


Maggie Burton
Councillor at Large, St. John's
709-740-0982
mburton@stjohns.ca

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 5:11:34 PM
To: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett
[kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
All,
The final response to Telegram is below, for your records. Thank you all for helping pull together this info so quickly.
Kelly

For amendments, the public notification process is governed by Section 14 and 17 of the Urban and Rural Planning Act, 2000. https://www.assembly.nl.ca/legislation/sr/statutes/u08.htm .

The province sets out a minimum requirement for public consultation. The City further regulates our public notification process through Section 5.5 of the St. John's Development Regulations. This Section outlines the requirements for newspaper ads, public meetings and notices to residents within 150 m . http://stjohns.ca/sites/default/files/files/publication/Development\ Regulations\ May\ 2020.pdf .

In addition to what is required above, the city also shares these meetings/hearings on its social media (Twitter and Facebook), to further promote.

See details in response below.
Q. Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22- March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

Regarding this particular application two separate opportunities for public input were promoted:
The initial 'Public Meeting' was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019
A Public Notice was published on the city's website (on Nov 22, 2019) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-meeting-1-clifts-bairds-cove
Via the City's e-update the email was distributed to 1,444 recipients.
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove
The City clerk received 40 submissions in response to the public meeting.
The 'Public Hearing' was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020
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Via the City's e-update it was distributed to 2,082 recipients
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove
The City clerk received 28 submissions in response to the public meeting.
Q. As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.
Q. The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

With respect to Council's ability to rescind the vote, this is what is contained in the City's Rules of Procedure By-Law:

## Rescission

69. No motion to rescind any resolution of the Council shall be allowed unless notice of the intention to move the same has been given in writing at a meeting of Council previous to that at which the same is moved, and the requirement for notice may not be waived.
70. To rescind is to nullify a decision or action that cannot be changed by the motion to reconsider. Its purpose is to cancel, or make void, the results of a motion previously passed. However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.
71. A motion to rescind is a substantive motion and is in order only when there is no other main motion pending. It is debatable and may be amended, but only as to the portion of the decision to be rescinded.

## Q. Can a resident appeal a decision made by St. John's city council? (ie- can these petitioners appeal council's approval of the Parkhotel?)

This decision of council was to amend the Atlantic Place Parking Garage zone from 11 stories to 12, increase the Floor Area Ratio, and add commercial and retail uses. As this is an amendment application, Section 4.3.2(1) of the Development Regulations applies which states "The decision of Council to adopt, approve or proceed with a municipal plan, development scheme, development regulations and amendments and revisions of them is final and not subject to an appeal."

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: Tuesday, May 19, 2020 4:01 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Karen Chafe < kchafe@stjohns.ca>; Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Hi Kelly,
In addition to the information below, the City also sends out a public notice at both the Public Meeting and Public Hearing stages to properties within 150 m of the subject property. I forgot to include that earlier.

For amendments, the public notification process is governed by Section 14 and 17 of the Urban and Rural Planning Act, 2000. https://www.assembly.nl.ca/legislation/sr/statutes/u08.htm . The province sets out a minimum requirement for public consultation. The City further regulates our public notification process through Section 5.5 of the St. John's Development Regulations. This Section outlines the requirements for newspaper ads, public meetings and notices to residents within 150m.
http://stjohns.ca/sites/default/files/files/publication/Development\ Regulations\ May\ 2020.pdf . So for your note below, I would include both the Urban and Rural Planning Act and the St. John's Development Regulations.

Also, amendments cannot be appealed.
If you require anything else, please let me know.
Thank you,
Ann-Marie

Sent: Tuesday, May 19, 2020 3:28 PM
To: Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

## RESPONSE FOR REVIEW:

Please note that the process for all public meetings and public hearings is set out in (City Act? Elaine?) and requires notice to residents via:

- Public Notice on city website
- listing in calendar or events, and,
- printed in the Telegram

In addition to what is required, the city also shares these meetings/hearings on its social media (Twitter and Facebook).
See details in response below.
Thanks,
Kelly
Q. Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22- March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

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70. To rescind is to nullify a decision or action that cannot be changed by the motion to reconsider. Its purpose is to cancel, or make void, the results of a motion previously passed. However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.
71. A motion to rescind is a substantive motion and is in order only when there is no other main motion pending. It is debatable and may be amended, but only as to the portion of the decision to be rescinded.

From: Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:24 PM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

40 submissions in December and 28 in March

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:13 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Good Afternoon:

Legal will need to comment on the first question.
By way of this email, I will ask Karen to advise on number of submissions for each of the two hearings referenced.
Elaine

## Elaine Henley

## Elaine Henley

City Clerk
t. 576-8202
c. 691-0451

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:10 PM

To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Thank you Elaine.

Should we outline what is required from a Legal POV ( public notice on web and telegram) in addition to the 'extra' steps such as promo on social media?

Elaine - do you have stats on how many comments/submissions were received for each notice?

Copying Keith Barrett - is there a way to see how many folks were subscribed to receive public notice via e-update for each post (links below), or any Google Analytics to know how many page views:
http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove (December)
http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove (March)

Thanks.
Kelly

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: May 19, 2020 1:00 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Council always has the authority to rescind a decision that has not yet been acted upon. A member of council would need to put forward a motion to rescind this decision and have they motion seconded. It is debatable and the majority rules.

Get Outlook for iOS
From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 12:31:40 PM
To: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L.
Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Thank you Ann-Marie.

Copying Cheryl and Elaine to advise on council's ability for rescinding a vote.

Sent: May 19, 2020 12:27 PM
To: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

Hi Kelly,

The initial public meeting was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019, as well as promoted on social media.

The Public Hearing was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020, as well as promoted on social media.

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.

With respect to Council's ability to rescind the vote, I'm not familiar with that. It may be a question for Legal or the City Clerk's Office.

If you require anything else, please let me know.
Thank you,
Ann-Marie

From: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Sent: Tuesday, May 19, 2020 12:06 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Hi Kelly
Ken is off today. I'll have Ann Marie provide the answers.

Regards,
Jason

Jason Sinyard, P. Eng., MBA
Deputy City Manager
Planning, Engineering \& Regulatory Services

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 11:59 AM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Fw: (EXT) Petition re: Parkhotel

Hi Jason and Ken,

Can you please help me provide a written response to the request below.

Thank you,

Kelly

From: Juanita Mercer [juanita.mercer@thetelegram.com](mailto:juanita.mercer@thetelegram.com)
Sent: May 19, 2020 11:23 AM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: (EXT) Petition re: Parkhotel

Hi Kelly,
I'm reading this petition that over 3,000 people have signed, asking city council to rescind its approval on the grounds of insufficient public engagement. (https://www.change.org/p/city-of-st-john-s-atlantic-place-garage-hotel-development-give-proper-public-consultation-now)

Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22-March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

Thank you,
Juanita

## Juanita Mercer

Journalist

## THE TELEGRAM

A member of the SaltWire Network

## 

P 709.364.2323
E juanita.mercer@thetelegram.com
www.thetelegram.com

* @juanitamercer_

36 Austin Street
St. John's, NL
A1B 4C2

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| From: | Danny Breen |
| :--- | :--- |
| Sent: | Wednesday, May 20, 2020 1:45 PM |
| To: | Maggie Burton;Cheryl L. Mullett;Kelly Maguire;Ann-Marie Cashin;Karen Chafe;Elaine Henley;Jason |
|  | Sinyard;Ken O'Brien;Keith Barrett;Shelley Pardy |
| Cc: | Kevin Breen;Susan Bonnell;Linda Bishop;Andrew Woodland |
| Subject: | Re: (EXT) Petition re: Parkhotel |

I don't recall saying that but I think it's accurate that it has been discussed d agreed to subject to finalizing the outstanding issues then would come back to regular public meeting of council for vote.

## Get Outlook for iOS

From: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Sent: Wednesday, May 20, 2020 1:34:42 PM
To: Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Linda Bishop [lbishop@stjohns.ca](mailto:lbishop@stjohns.ca); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Ok. I believe the mayor said in one of the interviews that the air rights had already been negotiated and the developer given the approval in principle. I expect to get a question about this today.

Maggie Burton
Councillor at Large, St. John's
709-740-0982
mburton@stjohns.ca

From: Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Sent: Wednesday, May 20, 2020 1:33:33 PM
To: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Linda Bishop [lbishop@stjohns.ca](mailto:lbishop@stjohns.ca); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel


Cheryl L. Mullett
City Solicitor
City of St. John's

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To: Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Linda Bishop [lbishop@stjohns.ca](mailto:lbishop@stjohns.ca); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Thanks Cheryl this is great! Everything answered.


From: Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Sent: Wednesday, May 20, 2020 1:28:28 PM
To: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Linda Bishop [lbishop@stjohns.ca](mailto:lbishop@stjohns.ca); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

The procedural rules around rescinding a motion are contained in the Rules of Procedure By-Law ss 69-71.

However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.


As Ken stated a decision to change the regulations is not appealable.

I hope I answered your questions. If you would like to discuss further we can set up a meeting to discuss just let me know when. I have meetings from 2-4 but can change my schedule if I need to.

Regards,
Cheryl L. Mullett
City Solicitor
City of St. John's
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From: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Sent: Wednesday, May 20, 2020 12:26 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca) Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca) Subject: Re: (EXT) Petition re: Parkhotel

Folks - I'm confused with regards to rescision, and with regards to appealing an amendment-I have some questions for legal about process and implications, please advise before 5 pm if possible.


From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 5:11:34 PM
To: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stiohns.ca](mailto:jsinyard@stiohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

All,
The final response to Telegram is below, for your records. Thank you all for helping pull together this info so quickly. Kelly

For amendments, the public notification process is governed by Section 14 and 17 of the Urban and Rural Planning Act, 2000. https://www.assembly.nl.ca/legislation/sr/statutes/u08.htm .

The province sets out a minimum requirement for public consultation. The City further regulates our public notification process through Section 5.5 of the St. John's Development Regulations. This Section outlines the requirements for newspaper ads,
public meetings and notices to residents within 150 m . http://stjohns.ca/sites/default/files/files/publication/Development\ Regulations\ May\ 2020.pdf .

In addition to what is required above, the city also shares these meetings/hearings on its social media (Twitter and Facebook), to further promote.

See details in response below.
Q. Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22-March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

Regarding this particular application two separate opportunities for public input were promoted:
The initial 'Public Meeting' was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019
A Public Notice was published on the city's website (on Nov 22, 2019) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-meeting-1-clifts-bairds-cove
Via the City's e-update the email was distributed to 1,444 recipients.
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove
The City clerk received 40 submissions in response to the public meeting.
The 'Public Hearing' was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020
A Public notice was published on city's website (on Feb 21, 2020) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-hearing-1-clifts-bairds-cove
Via the City's e-update it was distributed to 2,082 recipients
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove
The City clerk received 28 submissions in response to the public meeting.
Q. As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.
Q. The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

With respect to Council's ability to rescind the vote, this is what is contained in the City's Rules of Procedure By-Law:

## Rescission

69. No motion to rescind any resolution of the Council shall be allowed unless notice of the intention to move the same has been given in writing at a meeting of Council previous to that at which the same is moved, and the requirement for notice may not be waived.
70. To rescind is to nullify a decision or action that cannot be changed by the motion to reconsider. Its purpose is to cancel, or make void, the results of a motion previously passed. However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.
71. A motion to rescind is a substantive motion and is in order only when there is no other main motion pending. It is debatable and may be amended, but only as to the portion of the decision to be rescinded.

## Q. Can a resident appeal a decision made by St. John's city council? (ie- can these petitioners appeal council's approval of the Parkhotel?)

Ratio, and add commercial and retail uses. As this is an amendment application, Section 4.3.2(1) of the Development Regulations applies which states "The decision of Council to adopt, approve or proceed with a municipal plan, development scheme, development regulations and amendments and revisions of them is final and not subject to an appeal."

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: Tuesday, May 19, 2020 4:01 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Hi Kelly,
In addition to the information below, the City also sends out a public notice at both the Public Meeting and Public Hearing stages to properties within 150 m of the subject property. I forgot to include that earlier.

For amendments, the public notification process is governed by Section 14 and 17 of the Urban and Rural Planning Act, 2000. https://www.assembly.nl.ca/legislation/sr/statutes/u08.htm . The province sets out a minimum requirement for public consultation. The City further regulates our public notification process through Section 5.5 of the St. John's Development Regulations. This Section outlines the requirements for newspaper ads, public meetings and notices to residents within 150m. http://stjohns.ca/sites/default/files/files/publication/Development\ Regulations\ May\ 2020.pdf . So for your note below, I would include both the Urban and Rural Planning Act and the St. John's Development Regulations.

Also, amendments cannot be appealed.
If you require anything else, please let me know.
Thank you,
Ann-Marie

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 3:28 PM
To: Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stiohns.ca](mailto:mburton@stiohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

RESPONSE FOR REVIEW:

Please note that the process for all public meetings and public hearings is set out in (City Act? Elaine?) and requires notice to residents via:

- Public Notice on city website
- listing in calendar or events, and,
- printed in the Telegram In addition to what is required, the city also shares these meetings/hearings on its social media (Twitter and Facebook).

See details in response below.
Thanks,
Kelly
Q. Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22-March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

Regarding this particular application two separate opportunities for public input were promoted:
The initial 'Public Meeting' was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019
A Public Notice was published on the city's website (on Nov 22, 2019) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-meeting-1-clifts-bairds-cove
Via the City's e-update the email was distributed to 1,444 recipients.
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove
The City clerk received 40 submissions in response to the public meeting.
The 'Public Hearing' was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020
A Public notice was published on city's website (on Feb 21, 2020) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-hearing-1-clifts-bairds-cove
Via the City's e-update it was distributed to 2,082 recipients
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove
The City clerk received 28 submissions in response to the public meeting.

## Q. As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.
Q. The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

With respect to Council's ability to rescind the vote, this is what is contained in the City's Rules of Procedure By-Law:

## Rescission

69. No motion to rescind any resolution of the Council shall be allowed unless notice of the intention to move the same has been given in writing at a meeting of Council previous to that at which the same is moved, and the requirement for notice may not be waived.
70. To rescind is to nullify a decision or action that cannot be changed by the motion to reconsider. Its purpose is to cancel, or make void, the results of a motion previously passed. However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.
71. A motion to rescind is a substantive motion and is in order only when there is no other main motion pending. It is debatable and may be amended, but only as to the portion of the decision to be rescinded.

Sent: Tuesday, May 19, 2020 1:24 PM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

40 submissions in December and 28 in March

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:13 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stiohns.ca](mailto:mburton@stiohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

## Good Afternoon:

Legal will need to comment on the first question.

By way of this email, I will ask Karen to advise on number of submissions for each of the two hearings referenced.
Elaine

## Elaine Henley

## Elaine Henley

City Clerk
t. 576-8202
c. 691-0451

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:10 PM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca) Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Thank you Elaine.

Should we outline what is required from a Legal POV ( public notice on web and telegram) in addition to the 'extra' steps such as promo on social media?

Elaine - do you have stats on how many comments/submissions were received for each notice?
Copying Keith Barrett - is there a way to see how many folks were subscribed to receive public notice via e-update for
each post (links below), or any Google Analytics to know how many page views:
http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove (December)
http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove (March)
Thanks.
Kelly

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: May 19, 2020 1:00 PM
To: Kelly Maguire [kmaguire@stiohns.ca](mailto:kmaguire@stiohns.ca); Ann-Marie Cashin [acashin@stiohns.ca](mailto:acashin@stiohns.ca); Jason Sinyard [isinyard@stiohns.ca](mailto:isinyard@stiohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stiohns.ca](mailto:dbreen@stiohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel
Council always has the authority to rescind a decision that has not yet been acted upon. A member of council would need to put forward a motion to rescind this decision and have they motion seconded. It is debatable and the majority rules.

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From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 12:31:40 PM
To: Ann-Marie Cashin [acashin@stiohns.ca](mailto:acashin@stiohns.ca); Jason Sinyard [isinyard@stiohns.ca](mailto:isinyard@stiohns.ca); Ken O'Brien [kobrien@stiohns.ca](mailto:kobrien@stiohns.ca); Cheryl L.
Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stiohns.ca](mailto:dbreen@stiohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel
Thank you Ann-Marie.
Copying Cheryl and Elaine to advise on council's ability for rescinding a vote.

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: May 19, 2020 12:27 PM
To: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Hi Kelly,
The initial public meeting was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019, as well as promoted on social media.

The Public Hearing was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020, as well as promoted on social media.

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.

With respect to Council's ability to rescind the vote, I'm not familiar with that. It may be a question for Legal or the City Clerk's Office.

If you require anything else, please let me know.
Thank you,
Ann-Marie

From: Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca)
Sent: Tuesday, May 19, 2020 12:06 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

Hi Kelly
Ken is off today. I'll have Ann Marie provide the answers.

Regards,
Jason

Jason Sinyard, P. Eng., MBA
Deputy City Manager
Planning, Engineering \& Regulatory Services

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 11:59 AM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Fw: (EXT) Petition re: Parkhotel

Hi Jason and Ken,

Can you please help me provide a written response to the request below.

Thank you,
Kelly

From: Juanita Mercer [juanita.mercer@thetelegram.com](mailto:juanita.mercer@thetelegram.com)
Sent: May 19, 2020 11:23 AM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: (EXT) Petition re: Parkhotel

Hi Kelly,

I'm reading this petition that over 3,000 people have signed, asking city council to rescind its approval on the grounds of insufficient public engagement. (https://www.change.org/p/city-of-st-john-s-atlantic-place-garage-hotel-development-give-proper-public-consultation-now)

Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22- March 7. Snowmageddon
only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

Thank you,
Juanita

## Juanita Mercer

Journalist

## THE TELEGRAM

A member of the SaltWire Network

#  

P 709.364.2323
E juanita.mercer@thetelegram.com
www.thetelegram.com
@ @juanitamercer_

36 Austin Street
St. John's, NL
A1B 4C2

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Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

| From: | Debbie Hanlon |
| :--- | :--- |
| Sent: | Thursday, May 21, 2020 7:56 AM |
| To: | Kevin Breen;Ken O'Brien;Cheryl L. Mullett |
| Cc: | Danny Breen;Susan Bonnell;Linda Bishop;Andrew Woodland |
| Subject: | Re: Planning and legal matters - Petition against Parkhotel at 1 Clift's-Baird's Cove |

Thank you
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From: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca)
Sent: Wednesday, May 20, 2020 3:50:54 PM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Linda Bishop [lbishop@stjohns.ca](mailto:lbishop@stjohns.ca); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca); CouncilGroup [councilgroup@stjohns.ca](mailto:councilgroup@stjohns.ca)
Subject: Re: Planning and legal matters - Petition against Parkhotel at 1 Clift's-Baird's Cove

Thanks ken and Cheryl. An excellent summary which all of council should have.

Regards.

Kevin.

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From: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Sent: Wednesday, May 20, 2020 3:43:20 PM
To: Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Linda Bishop [lbishop@stjohns.ca](mailto:lbishop@stjohns.ca); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: Planning and legal matters - Petition against Parkhotel at 1 Clift's-Baird's Cove

Hello, all. I've read the various emails, the online petition (see https://www.change.org/p/city-of-st-john-s-atlantic-place-garage-hotel-development-give-proper-public-consultation-now ) and some of its associated comments, and today's Telegram article (see https://www.thetelegram.com/news/local/petition-asks-st-johns-council-to-rescind-parkhotel-approval-451688/).

The petition asserts that there was not enough public consultation. I appreciate if people are not aware of particular applications, but to say that there was not enough public consultation is not fair to this application. The City carried out the consultation that the St. John's Development Regulations requires, as well as the commissioner's public hearing required by the Urban and Rural Planning Act. The matter received a fair amount of coverage in the local news media, and was publicized as usual on the City's website and social media accounts. We also did mailouts to properties within at least 150 metres of the site for the public meeting in December and the commissioner's public hearing in March.

Snowmageddon happened in January, well after the public meeting and before the hearing. And the hearing took place before the covid-19 public health state of emergency came into effect. The commissioner's report did come in during the pandemic lockdown, but if people wanted to learn about what was happening, they could contact the City Clerk's Office or Planning staff to find out.

Regarding the petition's comments on the design, the hotel is limited in height so that it will be no higher than Atlantic Place next door. Sine it is not in a heritage area (though surrounded by Heritage Area 1), the City has no design control over it except for zoning heights and setbacks and the National Building Code of Canada - same as most buildings in the city. And though it may block private views, those views are not protected by the City.

The City Solicitor sets out information about rescinding a motion of Council. Council is within its rights to do so, but there would likely be repercussions from the applicant in terms of money invested to date, and future expected benefits, regarding being granted the amendments and then having the approval rescinded. In the normal course of events, the applicant would now apply for development approval and then building permits.

Ken
Ken O'Brien, MCIP
Chief Municipal Planner
City of St. John's - Planning, Engineering and Regulatory Services
John J. Murphy Building (City Hall Annex), $4^{\text {th }}$ floor (but now working from home)
Mail: PO Box 908, St. John's NL Canada A1C 5M2
Phone 709-576-6121 (rings to my home) Email kobrien@stiohns.ca www.stiohns.ca

From: Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Sent: Wednesday, May 20, 2020 1:28 PM
To: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Linda Bishop [lbishop@stjohns.ca](mailto:lbishop@stjohns.ca); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

The procedural rules around rescinding a motion are contained in the Rules of Procedure By-Law ss 69-71.

However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.


As Ken stated a decision to change the regulations is not appealable.

I hope I answered your questions. If you would like to discuss further we can set up a meeting to discuss just let me know when. I have meetings from 2-4 but can change my schedule if I need to.

Regards,

Cheryl L. Mullett
City Solicitor
City of St. John's

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From: Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Sent: Wednesday, May 20, 2020 12:26 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel
Folks - I'm confused with regards to rescision, and with regards to appealing an amendment-I have some questions for legal about process and implications, please advise before 5 pm if possible.


From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 5:11:34 PM
To: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

All,
The final response to Telegram is below, for your records. Thank you all for helping pull together this info so quickly.
Kelly

For amendments, the public notification process is governed by Section 14 and 17 of the Urban and Rural Planning Act, 2000. https://www.assembly.nl.ca/legislation/sr/statutes/u08.htm .

The province sets out a minimum requirement for public consultation. The City further regulates our public notification process through Section 5.5 of the St. John's Development Regulations. This Section outlines the requirements for newspaper ads, public meetings and notices to residents within 150 m .
http://stjohns.ca/sites/default/files/files/publication/Development\ Regulations\ May\ 2020.pdf .
In addition to what is required above, the city also shares these meetings/hearings on its social media (Twitter and Facebook), to further promote.

See details in response below.
Q. Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22- March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

Regarding this particular application two separate opportunities for public input were promoted:
The initial 'Public Meeting' was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019
A Public Notice was published on the city's website (on Nov 22, 2019) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-meeting-1-clifts-bairds-cove
Via the City's e-update the email was distributed to 1,444 recipients.
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove
The City clerk received 40 submissions in response to the public meeting.
The 'Public Hearing' was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020
A Public notice was published on city's website (on Feb 21, 2020) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-hearing-1-clifts-bairds-cove
Via the City's e-update it was distributed to 2,082 recipients
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove The City clerk received 28 submissions in response to the public meeting.
Q. As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.
Q. The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

With respect to Council's ability to rescind the vote, this is what is contained in the City's Rules of Procedure By-Law:

## Rescission

69. No motion to rescind any resolution of the Council shall be allowed unless notice of the intention to move the same has been given in writing at a meeting of Council previous to that at which the same is moved, and the requirement for notice may not be waived.
70. To rescind is to nullify a decision or action that cannot be changed by the motion to reconsider. Its purpose is to cancel, or make void, the results of a motion previously passed. However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.
71. A motion to rescind is a substantive motion and is in order only when there is no other main motion pending. It is debatable and may be amended, but only as to the portion of the decision to be rescinded.
Q. Can a resident appeal a decision made by St. John's city council? (ie- can these petitioners

## appeal council's approval of the Parkhotel?)

This decision of council was to amend the Atlantic Place Parking Garage zone from 11 stories to 12, increase the Floor Area Ratio, and add commercial and retail uses. As this is an amendment application, Section 4.3.2(1) of the Development Regulations applies which states "The decision of Council to adopt, approve or proceed with a municipal plan, development scheme, development regulations and amendments and revisions of them is final and not subject to an appeal."

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: Tuesday, May 19, 2020 4:01 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Hi Kelly,
In addition to the information below, the City also sends out a public notice at both the Public Meeting and Public Hearing stages to properties within 150 m of the subject property. I forgot to include that earlier.

For amendments, the public notification process is governed by Section 14 and 17 of the Urban and Rural Planning Act, 2000. https://www.assembly.nl.ca/legislation/sr/statutes/u08.htm . The province sets out a minimum requirement for public consultation. The City further regulates our public notification process through Section 5.5 of the St. John's Development Regulations. This Section outlines the requirements for newspaper ads, public meetings and notices to residents within 150m.
http://stjohns.ca/sites/default/files/files/publication/Development\ Regulations\ May\ 2020.pdf . So for your note below, I would include both the Urban and Rural Planning Act and the St. John's Development Regulations.

Also, amendments cannot be appealed.
If you require anything else, please let me know.
Thank you,
Ann-Marie

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 3:28 PM
To: Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

## RESPONSE FOR REVIEW:

Please note that the process for all public meetings and public hearings is set out in (City Act? Elaine?) and requires notice to residents via:

- Public Notice on city website
- listing in calendar or events, and,
- printed in the Telegram

In addition to what is required, the city also shares these meetings/hearings on its social media (Twitter and Facebook).
See details in response below.
Thanks,
Kelly
Q. Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22- March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

Regarding this particular application two separate opportunities for public input were promoted:
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A Public Notice was published on the city's website (on Nov 22, 2019) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-meeting-1-clifts-bairds-cove Via the City's e-update the email was distributed to 1,444 recipients. It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove The City clerk received 40 submissions in response to the public meeting.

The 'Public Hearing' was held on March 11, 2020 and was advertised for written comments in the Telegram on February 22 and March 7, 2020
A Public notice was published on city's website (on Feb 21, 2020) and emailed to residents that are signed up for (public notice) eupdates: http://www.stjohns.ca/public-notice/public-hearing-1-clifts-bairds-cove
Via the City's e-update it was distributed to 2,082 recipients
It was also posted on the city's 'Calendar of Events' http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove
The City clerk received 28 submissions in response to the public meeting.
Q. As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.
Q. The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

With respect to Council's ability to rescind the vote, this is what is contained in the City's Rules of Procedure By-Law:

## Rescission

69. No motion to rescind any resolution of the Council shall be allowed unless notice of the intention to move the same has been given in writing at a meeting of Council previous to that at which the same is moved, and the requirement for notice may not be waived.
70. To rescind is to nullify a decision or action that cannot be changed by the motion to reconsider. Its purpose is to cancel, or make void, the results of a motion previously passed. However, motions may not be rescinded if irreversible actions have already been taken on them. The motion to rescind is not retroactive. Any actions emanating from the original motion remain valid.
71. A motion to rescind is a substantive motion and is in order only when there is no other main motion pending. It is debatable and may be amended, but only as to the portion of the decision to be rescinded.

From: Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:24 PM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stjohns.ca](mailto:spardy@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
40 submissions in December and 28 in March

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:13 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stiohns.ca](mailto:spardy@stiohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Karen Chafe [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Good Afternoon:

Legal will need to comment on the first question.
By way of this email, I will ask Karen to advise on number of submissions for each of the two hearings referenced.
Elaine

## Elaine Henley

## Elaine Henley

City Clerk
t. 576-8202
c. 691-0451

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 1:10 PM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Keith Barrett [kbarrett@stjohns.ca](mailto:kbarrett@stjohns.ca); Shelley Pardy [spardy@stiohns.ca](mailto:spardy@stiohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel

Thank you Elaine.

Should we outline what is required from a Legal POV ( public notice on web and telegram) in addition to the 'extra' steps such as promo on social media?

Elaine - do you have stats on how many comments/submissions were received for each notice?

Copying Keith Barrett - is there a way to see how many folks were subscribed to receive public notice via e-update for each post (links below), or any Google Analytics to know how many page views:
http://www.stjohns.ca/event/public-meeting-1-clifts-bairds-cove (December)
http://www.stjohns.ca/event/public-hearing-1-clifts-bairds-cove (March)
Thanks.
Kelly

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: May 19, 2020 1:00 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Ken O'Brien [kobrien@stiohns.ca](mailto:kobrien@stiohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stiohns.ca](mailto:mburton@stiohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel
Council always has the authority to rescind a decision that has not yet been acted upon. A member of council would need to put forward a motion to rescind this decision and have they motion seconded. It is debatable and the majority rules.

## Get Outlook for iOS

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 12:31:40 PM
To: Ann-Marie Cashin [acashin@stiohns.ca](mailto:acashin@stiohns.ca); Jason Sinyard [jsinyard@stiohns.ca](mailto:jsinyard@stiohns.ca); Ken O'Brien [kobrien@stiohns.ca](mailto:kobrien@stiohns.ca); Cheryl L. Mullett [cmullett@stjohns.ca](mailto:cmullett@stjohns.ca); Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stiohns.ca](mailto:dbreen@stiohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Re: (EXT) Petition re: Parkhotel
Thank you Ann-Marie.

Copying Cheryl and Elaine to advise on council's ability for rescinding a vote.

From: Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Sent: May 19, 2020 12:27 PM
To: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel
Hi Kelly,
The initial public meeting was held on December 11, 2019 and was advertised in the Telegram on November 23, November 30 and December 7, 2019, as well as promoted on social media.

The Public Hearing was held on March 11, 2020 and was advertised for written comments in the Telegram on

February 22 and March 7, 2020, as well as promoted on social media.
From the Land Use Assessment Report submitted, the hotel extension will not be higher than Atlantic Place.
With respect to Council's ability to rescind the vote, I'm not familiar with that. It may be a question for Legal or the City Clerk's Office.

If you require anything else, please let me know.
Thank you,
Ann-Marie

From: Jason Sinyard < jsinyard@stjohns.ca>
Sent: Tuesday, May 19, 2020 12:06 PM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca); Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Ann-Marie Cashin [acashin@stjohns.ca](mailto:acashin@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: RE: (EXT) Petition re: Parkhotel

Hi Kelly
Ken is off today. I'll have Ann Marie provide the answers.

Regards,
Jason

```
Jason Sinyard, P. Eng., MBA
Deputy City Manager
Planning, Engineering \& Regulatory Services
```

From: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Sent: Tuesday, May 19, 2020 11:59 AM
To: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Jason Sinyard [isinyard@stjohns.ca](mailto:isinyard@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Susan Bonnell [sbonnell@stjohns.ca](mailto:sbonnell@stjohns.ca); Maggie
Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca)
Subject: Fw: (EXT) Petition re: Parkhotel

Hi Jason and Ken,
Can you please help me provide a written response to the request below.
Thank you,
Kelly

From: Juanita Mercer [juanita.mercer@thetelegram.com](mailto:juanita.mercer@thetelegram.com)
Sent: May 19, 2020 11:23 AM
To: Kelly Maguire [kmaguire@stjohns.ca](mailto:kmaguire@stjohns.ca)
Subject: (EXT) Petition re: Parkhotel

Hi Kelly,

I'm reading this petition that over 3,000 people have signed, asking city council to rescind its approval on the grounds of insufficient public engagement. (https://www.change.org/p/city-of-st-john-s-atlantic-place-garage-hotel-development-give-proper-public-consultation-now)

Firstly, it appears to me some of the information contained in the petition is incorrect. It says public engagement happened around Snowmageddon, but the hearing happened March 11 and was advertised between Feb. 22- March 7. Snowmageddon only shut down the city for roughly a week in January. I also seem to recall the city had asked for written submissions prior to that time, is that right?

As well, it says the hotel would be higher than Atlantic Place. It was my understanding that it wouldn't be higher than Atlantic Place. Are you able to confirm that?

The main question I have is does this petition carry any weight given that council has already approved all but the air rights? Is there any way council can rescind its vote, as the petition asks?

Thank you,
Juanita

Juanita Mercer
Journalist

## THE TELEGRAM

A member of the SaltWire Network

## 

P 709.364.2323
E juanita.mercer@thetelegram.com
www.thetelegram.com
@ @juanitamercer_
36 Austin Street
St. John's, NL
A1B 4C2

Confidentiality: This email message (including attachments, if any) is confidential. If you are not the intended recipient, please notify the sender immediately and delete this message.

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

| From: | Elaine Henley |
| :--- | :--- |
| Sent: | Friday, May 22, 2020 2:15 PM |
| To: | Danny Breen |
| Subject: | FW: (EXT) Petition: Atlantic Place Garage HOTEL Development |
| Attachments: | ATLANTIC PI SIGS May 22 2020 petition_signatures_jobs_22149364_20200522161409.csv; Atlantic PI |
|  | COMMENTS May 22 2020 petition_comments_jobs_22149364_20200522152435 (2).CSV |

FYI.. I believe it is Deputy Mayor O'Leary's intent to table this at Monday's meeting as she asked me about doing SO.

## Elaine Henley

Elaine Henley
City Clerk
t. 576-8202
c. 691-0451

## From:

Sent: Friday, May 22, 2020 2:09 PM s. 40
To: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Cc: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); CityClerk [cityclerk@stjohns.ca](mailto:cityclerk@stjohns.ca)
Subject: (EXT) Petition: Atlantic Place Garage HOTEL Development

Dear Sheilagh, Dear Ms. Henley,
I am forwarding to Council a petition on the Atlantic Place Hotel Development proposal at Clift's Baird's Cove.
Attached you will find two documents:

- The first is a spreadsheet of the 5210 signatures to date on the online Petition.
- The second is an excel of the 519 comments to date.

The petition itself can be found at: https://www.change.org/atlanticplacehotel
Thank you for your time,


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From:
Ken O'Brien
Sent:
Tuesday, June 2, 2020 3:06 PM
To:


Maggie Burton;Hope Jamieson;Sheilagh O'Leary
Subject: Air_rights_development_and_public_assets__an_implementation_handbook_for_public_entities.pdf

You're widely read, $\quad$. Thanks.

Ken

Ken O’Brien, MCIP
Chief Municipal Planner
City of St. John's - Planning, Engineering and Regulatory Services
John J. Murphy Building (City Hall Annex), $4^{\text {th }}$ floor (but now working from home)
Mail: PO Box 908, St. John's NL Canada A1C 5M2
Phone 709-576-6121 (rings to my home) Email kobrien@stjohns.ca www.stjohns.ca

From:
Sent: Tuesday, May 19, 2020 10:07 AM
To: Sheilagh O'Leary [soleary@stjohns.ca](mailto:soleary@stjohns.ca)
Cc: Ken O'Brien [kobrien@stjohns.ca](mailto:kobrien@stjohns.ca); Maggie Burton [mburton@stjohns.ca](mailto:mburton@stjohns.ca); Hope Jamieson [hjamieson@stjohns.ca](mailto:hjamieson@stjohns.ca)
Subject: (EXT) Air_rights_development_and_public_assets__an_implementation_handbook_for_public_entities.pdf
Air Rights Development and Public Assets, an implementation handbook.

Probably good reading for the hotel development on top of Atantic Place.

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| From: | Elaine Henley |
| :--- | :--- |
| Sent: | Thursday, June 11, 2020 9:47 AM |
| To: | Jamie Korab |
| Subject: | RE: Special meeting on 15 |

Hi Jamie:

The Mayor and Legal asked for a meeting to finalize the vote re Kevin's contract as well as the following issues: the air rights vote, downtown pedestrian mall (if ready) and any other issues that may need attention.

## Elainc Henley

## Elaine Henley

City Clerk
t. 576-8202
c. 691-0451

From: Jamie Korab [jkorab@stjohns.ca](mailto:jkorab@stjohns.ca)
Sent: Thursday, June 11, 2020 9:45 AM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Subject: Special meeting on 15
Hi ,
Just seen the calendar invite. How come we have one that day?
Jamie Korab - Ward 3 Councillor - City of St. John’s - 576.8643 - jkorab@stjohns.ca
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| From: | Danny Breen |
| :--- | :--- |
| Sent: | Thursday, June 11, 2020 11:41 AM |
| To: | Elaine Henley;Jason Sinyard |
| Cc: | Kevin Breen |
| Subject: | Re: (EXT) RE: 331 Air Rights |

Yes the error occurred in a Special meeting so we need to go back there and get the recommendation to the regular meeting.

## Get Outlook for iOS

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: Thursday, June 11, 2020 11:36:57 AM
To: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca)
Subject: RE: (EXT) RE: 331 Air Rights

## Good Afternoon:

You are correct.
My understanding is that Danny wishes to discuss this in a Special Meeting this coming Monday prior to bring it back to Regular. Danny, please confirm.

## Elaine dtenley

## Elaine Henley

City Clerk
t. 576-8202
c. 691-0451

From: Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Sent: Thursday, June 11, 2020 10:38 AM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca)
Subject: Re: (EXT) RE: 331 Air Rights

As discussed. Council needs to vote on motion to grant air rights. To date council only voted on motion to not grant air rights.

Jason Sinyard, P. Eng., MBA
Deputy City Manager
Planning, Engineering \& Regulatory Services

From: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca)
Sent: Thursday, June 11, 2020 7:43:57 AM
To: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca)
Subject: RE: (EXT) RE: 331 Air Rights
Good Morning:
That would come from PERS.

## Elaine Henley

## Elaine Henley

City Clerk
t. 576-8202
c. 691-0451

From: Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Sent: Wednesday, June 10, 2020 12:09 PM
To: Elaine Henley [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca); Jason Sinyard [jsinyard@stjohns.ca](mailto:jsinyard@stjohns.ca)
Cc: Kevin Breen [kbreen@stjohns.ca](mailto:kbreen@stjohns.ca)
Subject: FW: (EXT) RE: 331 Air Rights
Is he getting an update on this? The air rights were approved.

From: Peter Jackson [jackson@powersbrown.com](mailto:jackson@powersbrown.com)
Sent: Wednesday, June 10, 2020 11:16 AM
To: Ashley Murray [amurray@stjohns.ca](mailto:amurray@stjohns.ca); Vanessa Pennell Mercer [vpennellmercer@stjohns.ca](mailto:vpennellmercer@stjohns.ca); Darren Purchase [dpurchase@coxandpalmer.com](mailto:dpurchase@coxandpalmer.com); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Cc: Bruce Walck [walck@powersbrown.com](mailto:walck@powersbrown.com); John Holland [holland@powersbrown.com](mailto:holland@powersbrown.com); Roberto Di Giorgio [rdigiorgio@alreproperties.com](mailto:rdigiorgio@alreproperties.com); Patrick Lafreniere [plafreniere@jcb.ca](mailto:plafreniere@jcb.ca); Danny Breen [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Subject: (EXT) RE: 331 Air Rights
Good morning all.
We have a consultant meeting today at 1 pm and we really need an update on the outstanding issues including development permit status, building permit status and air rights discussed in private meeting with council.

Peter Jackson, Architect MRAIC NLAA
Powers Brown Architecture
354 Water Street, Suite 212
St. John's, NL A1C 1C4
Office (709) 726-3941 ext. 205
Cell (709) 740-3098
www.powersbrown.com

From: Peter Jackson
Sent: June 9, 2020 8:52 AM
To: 'Ashley Murray' [amurray@stjohns.ca](mailto:amurray@stjohns.ca); Vanessa Pennell Mercer (vpennellmercer@stiohns.ca) [vpennellmercer@stjohns.ca](mailto:vpennellmercer@stjohns.ca); Darren Purchase [dpurchase@coxandpalmer.com](mailto:dpurchase@coxandpalmer.com); 'Andrew Woodland' [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)

Cc: Bruce Walck [Walck@powersbrown.com](mailto:Walck@powersbrown.com); John Holland < Holland@powersbrown.com>; Roberto Di Giorgio [rdigiorgio@alreproperties.com](mailto:rdigiorgio@alreproperties.com); Patrick Lafreniere [plafreniere@jcb.ca](mailto:plafreniere@jcb.ca); Mayor Danny Breen (dbreen@stjohns.ca) [dbreen@stjohns.ca](mailto:dbreen@stjohns.ca)
Subject: RE: 331 Air Rights

Good morning all. No one got back to me yesterday advising if the question of air rights would be discussed at council. Can someone please advise where we are in the process of the development permit and its expected discussion at yesterdays council meeting?

Peter Jackson, Architect MRAIC NLAA
Powers Brown Architecture
354 Water Street, Suite 212
St. John's, NL A1C 1C4
Office (709) 726-3941 ext. 205
Cell (709) 740-3098
www.powersbrown.com

From: Peter Jackson
Sent: June 8, 2020 2:12 PM
To: Ashley Murray [amurray@stjohns.ca](mailto:amurray@stjohns.ca); Vanessa Pennell Mercer (vpennellmercer@stjohns.ca) [vpennellmercer@stjohns.ca](mailto:vpennellmercer@stjohns.ca); Darren Purchase [dpurchase@coxandpalmer.com](mailto:dpurchase@coxandpalmer.com); Andrew Woodland [awoodland@stjohns.ca](mailto:awoodland@stjohns.ca)
Cc: Bruce Walck [Walck@powersbrown.com](mailto:Walck@powersbrown.com); John Holland < Holland@powersbrown.com>; Roberto Di Giorgio [rdigiorgio@alreproperties.com](mailto:rdigiorgio@alreproperties.com); Patrick Lafreniere [plafreniere@jcb.ca](mailto:plafreniere@jcb.ca)
Subject: RE: 331 Air Rights

Missed Andrew on original email. Cc'd here now.

Peter Jackson, Architect MRAIC NLAA
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ecture

From: Peter Jackson
Sent: June 8, 2020 2:11 PM
To: Ashley Murray [amurray@stjohns.ca](mailto:amurray@stjohns.ca); Vanessa Pennell Mercer (vpennellmercer@stjohns.ca)
[vpennellmercer@stjohns.ca](mailto:vpennellmercer@stjohns.ca); Darren Purchase [dpurchase@coxandpalmer.com](mailto:dpurchase@coxandpalmer.com)
Cc: Bruce Walck [Walck@powersbrown.com](mailto:Walck@powersbrown.com); John Holland [Holland@powersbrown.com](mailto:Holland@powersbrown.com); Roberto Di Giorgio [rdigiorgio@alreproperties.com](mailto:rdigiorgio@alreproperties.com); Patrick Lafreniere [plafreniere@jcb.ca](mailto:plafreniere@jcb.ca)
Subject: 331 Air Rights

Hi Andrew, Ashley and Vanessa, Just confirming our air rights issue is on councils agenda today? Can you forward agenda?

Peter Jackson, Architect MRAIC NLAA
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