

AGENDA

Committee of the Whole

Wednesday, April 3, 2019

9 am

Council Chambers

4th Floor, City Hall

ST. JOHN'S

AGENDA
COMMITTEE OF THE WHOLE
April 3, 2019 – 9 a.m. – Foran/Greene Room, 4th Floor, City Hall

1. Call to Order

2. Approval of the Agenda

3. Adoption of the Minutes

- a. Committee of the Whole Minutes – March 20, 2019

4. Finance & Administration – Councillor Dave Lane

- a. Decision Note dated March 26, 2019 re: Alcock & Brown Reception
- b. Decision Note dated March 27, 2019 re: Expenditure Approval Limits

5. Public Works & Sustainability – Councillor Ian Froude

- a. Decision Note dated March 20, 2019 re: Commemorative Program Fee Changes

6. Community Services & Events – Councillor Jamie Korab

- a. Decision Note dated March 20, 2019 re: Downtown St. John's Request for Funding

7. Governance & Strategic Priorities – Mayor Danny Breen

- b. Decision Note dated March 27, 2019 re: Adoption of External Review of City's Internal Audit Function

8. Planning & Development – Councillor Maggie Burton

- a. Decision Note dated March 26, 2019 re: Application to Rezone Land to the Rural Residential Infill (RRI) Zone for Single Detached Dwelling – REZ 1900006 – 358 Groves Road
- b. Decision Note dated March 26, 2019 re: Application to Rezone Land to the Residential Medium Density (R2) Zone – REZ1900003 – 22 Whiteway Street
- c. Decision Note dated March 27, 2019 re: Update Regarding Application for a 6-storey Mixed-Use Building in the Churchill Square Retail Area – REZ1900009 – 43-53 Rowan Street

- d. Decision Note dated March 25, 2019 re: Application to Rezone Land to the Planned Mixed Development 2 (PMD2) Zone for development of Phase 2 of Phase 2 of the Galway Master Planned Community – REZ1900007 – 200 Danny Drive
- e. Decision Note dated March 25, 2019 re: Application to Rezone Land to the Institutional (INST) Zone for development of the francophone school site – REZ1900001 – 100 Danny Drive

14. Adjournment

MINUTES

COMMITTEE OF THE WHOLE

March 20, 2019 – 9:00 a.m. – Council Chamber, 4th Floor, City Hall

Present Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Maggie Burton (entered at 9:30)
Councillor Dave Lane
Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Deanne Stapleton
Councillor Hope Jamieson
Councillor Jamie Korab
Councillor Ian Froude
Councillor Wally Collins

Staff Derek Coffey, Deputy City Manager of Finance & Administration
Tanya Haywood, Deputy City Manager of Community Services
Jason Sinyard, Deputy City Manager, Planning, Engineering and
Regulatory Services
Lynnann Winsor, Deputy City Manager – Public Works
Cheryl Mullett, City Solicitor
Elaine Henley, City Clerk
Karen Chafe, Supervisor – Office of the City Clerk

Adoption of the Agenda

Moved – Councillor Collins; Seconded – Councillor Hickman

That the agenda be adopted as presented.

CARRIED UNANIMOUSLY

Adoption of the Minutes

Moved – Councillor Collins; Seconded – Councillor Hickman

That the Committee of the Whole minutes dated March 6, 2019 be adopted as presented.

CARRIED UNANIMOUSLY

Delegations

St. John's Public Libraries Board – Monique Tobin (Chair) & Hans Rollman (Member)

Ms Monique Tobin and Mr. Hans Rollman were welcomed and they conducted a power point presentation on the St. John's Public Libraries Board. A copy of the power point was provided. There are currently three library branches in St. John's with a membership of 43,000 individuals:

- AC Hunter Public Library (Arts & Culture Centre)
- Marjorie Mews Library (East End – Highland Drive)
- Michael Donovan Library (West End – 655 Topsail Rd)

Library staff are working hard to establish a mobile outreach library service. They also have over 150 musical instruments they lend out. These are just a few examples of the need for enhanced facilities to protect and expand upon current collections.

The lion's share of funding comes from the Province. Research has shown that there is a 365% return on investment in libraries and operational grants need to be increased just to sustain current levels. The **Future State Plan** recommends an immediate \$1.8 million increase in order to return library funding and resources to 2011 levels. This study also focuses on greater support from municipalities and the SJPLB would like to build partnerships with the City for economic revitalization as well as play a significant role in anti-poverty strategies and a community hub with countless social spinoffs.

The St. John's Public Libraries would like the City of St. John's to sit on its Board in an ex-officio role. They are also looking to expand their west end library location. Preliminary planning for a new central library will require a needs assessment, community consultation and fundraising initiative.

Members of Council were quite supportive of the services provided by the SJPLB and suggested that they contact Municipalities NL to help them facilitate their engagement with municipalities in general. Reference was also made to the City's New Strategic Plan to be recommended for approval at today's meeting and the important role that libraries play in that regard.

Space for Everyone – Communities Supporting Breastfeeding Initiative – Tracy English

The Committee met with members of the Baby Friendly Council of NL - Ms. Tracy English, Regional Nutritionist and Lisa Roberts, Regional Lactation Consultant with Eastern Health. They presented their new initiative "Space for Everyone – Communities Supporting Breastfeeding Initiative". The Baby Friendly Council of NL is an interdisciplinary committee with representatives from all regions and is committed to increasing the initiation and duration of breastfeeding.

This initiative provides space for everyone and promotes a cultural shift to spark positive change toward the normalizing of breastfeeding; supports healthy living and food security; and helps businesses and organizations create space for everyone.

Council was very receptive to the initiative. They were particularly supportive of engaging businesses and referenced the breastfeeding friendly decals that identify those businesses who provide a safe and friendly place for breastfeeding mothers.

Mayor Breen thanked the delegation for their presentation and advised that Council will consult with City staff to determine how this initiative aligns and complements the City's current policies and practices.

Finance & Administration

Information Note dated February 26, 2019 re: Quarterly Travel Report – Fourth Quarter 2018

Considered for Council's information.

Housing – Councillor Hope Jamieson

Information Note dated March 12, 2019 re: Non-Profit Housing Update

Councillor Jamieson spoke to this matter and it was presented for Council's information.

Information Note dated March 14, 2019 re: Affordable Housing Update

Councillor Jamieson spoke to this matter and it was presented for Council's information.

Economic Development, Tourism & Culture

Decision Note dated March 13, 2019 re: Hosting of the Creative Network of Canada Summit in 2022, 2023 or 2024

Recommendation

Moved – Deputy Mayor O'Leary; Seconded – Councillor Hickman

That the City of St. John's bid to become the host city for the Creative City Network of Canada (CCNC) Summit being held in the fall in one of 2022, 2023, or 2024.

CARRIED UNANIMOUSLY

Governance & Strategic Priorities

Decision Note dated February 12, 2019 re: Changes to Corporate Policy Committee

Recommendation

Moved – Councillor Hickman; Seconded – Councillor Lane

That Council approve the modifications to the composition and processes of the Corporate Policy Committee.

CARRIED UNANIMOUSLY

Decision Note dated March 13, 2019 re: New Strategic Plan – Our City, Our Future – and 2019 Action Plan

All members of Council spoke in favor of the above cited Plans and as leads in their respective areas, elaborated on each area.

Recommendation

Moved – Councillor Burton; Seconded – Councillor Hanlon

That Council accept the new Strategic Plan and Action Plan for 2019

CARRIED UNANIMOUSLY

Councillor Hickman retired at this point.

Planning & Development

Decision Note dated March 6, 2019 re: Ground Sign Approval (Sign By-Law)

Recommendation

Moved – Councillor Burton; Seconded – Councillor Lane

That Council approve the request to exceed the maximum allowable tolerances as stipulated in the Sign By-Law as proposed.

CARRIED UNANIMOUSLY

Transportation

GoBus Interim Recommendations

Recommendation

Moved – Councillor Froude; Seconded – Councillor Stapleton

That the following summary of the interim recommendations be approved:

1. Implement Strategic Direction #1: Eligibility Criteria Change (removing definition of disability)

2. Implement Strategic Direction #2: Application Process

3. Strategic Direction #3:

a. Notification will be provided to MVT that the definition of a ‘no show’ will be changed from 90 minutes to 45 minutes and that the rate paid for a ‘no show’ will be reduced from current rate of \$25.30 to \$12.00.

b. Negotiating changes to the existing contract is not recommended as it will require a new RFP/tender to be issued. In the interim, Metrobus will work with the City’s legal team and disability community to develop a new RFP/tender document outlining terms and conditions for a new contract.

4. Fare Collection – Taxi Rides

To address the issue of collecting fares when the trip is provided by a taxi and the customer pays fare with a GoCard pass, MVT will be notified that taxis will be required to have fare collection technology (i.e. portable electronic GoCard reader, or \$2.50 will be deducted from the trip rate for each applicable ride).

After consultation with the disability community, it is recommended that Council approve the interim recommendations outlined above.

CARRIED UNANIMOUSLY

Adjournment

There being no further business the meeting adjourned at 11:35 a.m.

Mayor Danny Breen
Chairperson

DECISION/DIRECTION NOTE

Title: Alcock & Brown – Reception

Date Prepared: March 26, 2019

Councillor/Lead: Dave Lane – Finance & Administration

Report To: Committee of the Whole

Ward: N/A

Decision/Direction Required:

Seeking approval to host a reception commemorating the 100th Anniversary of the first non-stop transatlantic flight from St. John's to County Galway, Ireland by British aviators John Alcock and Arthur Brown.

Discussion – Background and Current Status:

2019 is the 100th Anniversary of the first non-stop transatlantic flight from St. John's to Ireland by Alcock & Brown.

To celebrate this Centennial, the 100th Anniversary Celebrations Advisory Committee is looking for the City to host a reception for 200 guests on June 14, 2019.

Key Considerations/Implications:

1. Budget/Financial Implications:

- Money available under the "Civic Events" budget – Approximate cost is \$40 per person for a total of \$8,000

2. Partners or Other Stakeholders:

- Council & Staff
- 100th Anniversary Celebrations Advisory Committee

3. Alignment with Strategic Directions/Adopted Plans: N/A

4. Legal or Policy Implications: N/A

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 a reception commemorating the 100th Anniversary of the first non-stop transatlantic flight from St. John's to County Galway, Ireland by British aviators John Alcock and Arthur Brown.

Prepared by: Elaine Henley, City Clerk

Approved by: Kevin Breen, City Manager



DECISION/DIRECTION NOTE

Title: Approval Limits

Date Prepared: March 27, 2019

Report To: Committee of the Whole

Councillor and Role: Dave Lane – Lead Finance & Administration

Ward: N/A

Decision/Direction Required: Whether to increase the approval limits for expenditures

Discussion – Background and Current Status:

The newly implemented Public Procurement Act requires all change orders be approved by the “head of the public body or delegate”. While this is currently the City’s practice, there is a conflict in that as per City policy any change order in excess of \$50,000 must be approved by Council. With weekly (and during the summertime biweekly) council meetings this can result in a long delay in approval of a change order. In addition to the potential delays in allowing a contractor to proceed, in some instances an unreasonable delay could result in a delay of claim against the City.

In order to address this issue, staff have reviewed the current signing limits. Currently, the City Manager can approve anything up to \$50,000 and a Deputy City Manager (DCM) up to \$35,000. Before the creation of the Deputy positions, Directors could approve up to \$20K – as a result \$35K was chosen as the midpoint between the Director and City Manager Position. The \$50K limit has been in place in excess of 20 years and at the very least has not kept pace with inflation. Even with 2% inflation the \$50K is now more comparable to \$74K – thus there has been a substantial deterioration in approval limits.

To address the issues of timeliness of approvals, and erosion of approval limits, staff propose an increase to the signing levels for the City Manager and the Deputy City Managers. While there is reasoning to increase the signing levels below the DCM level, to do so would require substantial system changes which would take time to carefully implement. Changes to the City manager and Deputy levels can be made easily. As the construction season is set to start very soon time is of the essence as requisitions for new capital projects will soon be starting and they need to be set up correctly factoring in the new signing levels.

It is the opinion of staff that these changes place approval limits still well within acceptable levels for accountability and governance. For comparative purposes the approval limits for the City of Halifax far exceed those in place at the City of St. John’s (<https://www.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/2016-005-ADM.pdf>).

Increasing the signing authority limits would provide several benefits including but not limited to:

1. Timely approvals to ensure change orders and purchase can be executed in a timely fashion
2. Timely approvals to reduce the risk of delay claims against the City of St. John's

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3. efficiency in reduced documentation preparation for Council approvals
4. Increased ability to comply with the public tendering act

The increase to the signing limits is certainly in line with the continuous improvement initiative.

Key Considerations/Implications:

1. Budget/Financial Implications

2. Partners or Other Stakeholders

3. Alignment with Strategic Directions/Adopted Plans

4. Legal or Policy Implications

Purchasing policy will be amended to reflect the new approval limits

5. Engagement and Communications Considerations

6. Human Resource Implications

N/A

7. Procurement Implications

N/A

8. Information Technology Implications

N/A

9. Other Implications

Recommendation: It is recommended Council increase the signing authority for the City Manager to \$100K and for Deputy City managers to \$60,000.

Prepared by/Signature:

Derek Coffey, Deputy City Manager, Finance and Administration

Approved by/Date/Signature:

Kevin Breen, City Manager

Attachments:

Report from Panel

DECISION/DIRECTION NOTE

Title: Commemorative Program Fee Changes

Date Prepared: March 20, 2019

Report To: Committee of the Whole

Ward: Not Ward Specific

Decision/Direction Required: To seek direction on increasing the fees charged for the placement of benches and trees under the Commemorative Program.

Discussion – Background and Current Status:

Following a review of the costs associated with the procurement and placement of benches and trees under the Commemorative Program, it appears necessary that increases in fees are in order.

The intent of the Commemorative Program is to provide a mechanism where by patrons can purchase a bench or tree and have the item placed in a park or open space to acknowledge or memorialize a person, significant event, or conference etc. This contribution is intended to be cost- neutral and provide a benefit to the community.

The purchase and installation cost, of a standard medium quality bench, typically placed in community parks and high use pedestrian locations has risen to approximately \$1200.00. The existing program fee is \$750.00 for this product.

Similarly, Victorian style benches found in Bannerman, Victoria and Bowring Parks now cost \$3500.00 to purchase and install. However, the current fee collected, \$3100.00, no longer covers the installation and product cost.

It is also proposed an economy model bench be made available for placement in playgrounds, open spaces and along trails and would be similar, to those currently in use by the City. The fee for this bench placement, \$750.00, is proposed.

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As well, the purchase and installation cost associated with the planting of a 40 mm caliper deciduous or 1.2 m coniferous ornamental tree is now approximately \$325.00. The current fee collected is \$250.00.

In this regard the following is proposed;

Commemorative Tree and Bench Program Fees

<u>Item</u>	<u>Existing Fee (\$)</u>	<u>Proposed Fee (\$)</u>
Open Space/Trail - Economy Bench (new option)	0	750
Community Park - Bench	750	1200
Municipal Park - Victorian Style Bench (Bannerman Park, Bowring Park, Victoria Park only)	3100	3500
Coniferous Ornamental Tree - 1.2m ht.	250	325
Deciduous Ornamental Tree - 40mm caliper, 2.5m ht.	250	325

Key Considerations/Implications:

1. Budget/Financial Implications

Fee adjustment required to enable the program to be cost neutral.

2. Partners or Other Stakeholders

Program contributors, partner with the City of St. John's to increase amenities ie. benches and trees at no additional cost to residents.



3. Alignment with Strategic Directions/Adopted Plans

- A City for All Seasons
- Fiscally Responsible
- Neighborhoods Build Our City
- Responsive and Progressive
- Open Space Master Plan
- Urban Forest Management Plan

4. Engagement and Communications Considerations

Marketing and Communications Division as well as Access 311 will be valuable assets in the marketing and notification of the Commemorative Donation Program to interested parties.

5. Human Resource Implications

No additional staff resources required.

6. Procurement Implications

Standard procurement policies will apply.

Recommendation:

1. Proposed fee structure as indicated, be implemented.

Prepared by/Signature:



Brian Head, Manager Parks and Open Spaces Division

Approved by/Date/Signature:

Lynnann Winsor, Deputy City Manager Public Works

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Existing Program

Commemorative Programs



Bannerman Park

Bowring Park

Kenmount Terrace Community Park

Trail Maintenance

Weddings in Parks

Bidgood Park

Commemorative Programs

Playgrounds and Skate Parks

Victoria Park

The Department of Public Works offers commemorative programs to memorialize the loss of a loved one, or to commemorate a birth, anniversary, graduation or special occasion.

Tree Planting Program

Our Commemorative Tree Planting Program involves a \$250 donation, which includes your choice of tree - evergreen (1.5m/5 ft), deciduous (2.5m/8 ft) or a flowering deciduous (2.5 m/8 ft). As part of the program, the donor's name will be added to the Commemorative Tree Planting Bulletin Display located at the west entrance to Bowring Park.

Bench to be placed in Bowring Park

The cost for this program is \$3,100. These benches are Victorian style. As part of the commemorative program, the donor can provide at their own cost a small bronze plaque (3 in x 10 in) which the City will attach to the bench.



Benches (excludes Bowring Park, Bannerman Park, Victoria Park)

The cost for the program is a \$750 donation per bench. As part of the commemorative program, the donor can provide at their own cost a small metal plaque (3 in x 10 in) which the City will attach to the bench.

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DECISION/DIRECTION NOTE

Title: Downtown St. John's Request for Funding

Date Prepared: March 20, 2019

Report To: His Worship the Mayor and Members of Council

Councillor and Role: Hope Jamieson, Ward Councillor

Ward: 2

Decision/Direction Required:

Council direction on approval of funding for Downtown Christmas Decoration Enhancement Program

Discussion – Background and Current Status:

The mandate of Downtown St. John's is to make the downtown a more attractive place to live, work, shop and visit through the offering of a variety of programs and services. They have applied for funding for the downtown Christmas decoration enhancement program.

\$33,000 is requested for the purchase of 4 new cross street decorations for Duckworth and Water Street and new LED rope lighting for 100 light poles. Downtown St. John's would match this amount over 5 years with the installation, removal, maintenance and repair of these decorations.

Staff agree that an investment of this nature in the Downtown is beneficial to the mandate of Downtown St. John's and therefore worthwhile of Council's consideration. The 2019 capital funding programs does have sufficient funds to support this request.

Key Considerations/Implications:

1. Budget/Financial Implications
Funded in the Community Capital program
2. Partners or Other Stakeholders
Downtown St. John's
3. Alignment with Strategic Directions/Adopted Plans
Neighbourhoods Build Our City – Maintain and position downtown as a distinct neighbourhood.

Culture of Cooperation – Create effective City – community collaborations
A City of All Seasons – Support year-round tourism and industry activity.

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4. Legal or Policy Implications
N/A
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: Council approve \$33,000 expenditure from the Community Capital funding program to be used for the Downtown St. John's Christmas Decoration Enhancement initiative.

Prepared by/Signature:

Tanya Haywood, Deputy City Manager, Community Services

Approved by/Date/Signature:

Kevin Breen, City Manager

Attachments:



DECISION/DIRECTION NOTE

Title: Adoption of the External Review of the City's Internal Audit Function

Date Prepared: March 27, 2019

Report To: His Worship the Mayor and Members of Council

Councillor and Role: His Worship Mayor Danny Breen – Strategic Governance

Ward: N/A

Decision/Direction Required: Whether to adopt the recommendations of the independent panel

Discussion – Background and Current Status:

Attached is the final report from the panel as commissioned by Council to review and advise on the best governance process for its Internal Audit Function and determine if the current process and function best serves the goals of accountability to and transparency for members of the public.

Key Considerations/Implications:

1. Budget/Financial Implications

The report does recommend the increase of audit resources with at least one staff member being hired. This will require approximately \$125,000 in funding.

2. Partners or Other Stakeholders

3. Alignment with Strategic Directions/Adopted Plans

4. Legal or Policy Implications

5. Engagement and Communications Considerations

6. Human Resource Implications

N/A

7. Procurement Implications

N/A

8. Information Technology Implications

N/A

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9. Other Implications

Recommendation: It is recommended the report be adopted as presented in full and staff be directed to commence implementing the recommendations. The decision for adding an additional staff member should be referred to the 2020 budget discussions.

Prepared by/Signature:

Derek Coffey, Deputy City Manager, Finance and Administration

Approved by/Date/Signature:

Kevin Breen, City Manager

Attachments:

Report from Panel

March 13, 2019

Danny Breen
Mayor
City of St. John's

Dear Mayor Breen,

The City of St. John's created an independent Panel to review the audit function at the City. The Panel was asked to review and advise the City on the best governance process for its Internal Audit function and determine if the current process and function best serve the goals of accountability to and transparency for members of the public.

The recommendations contained in this report are aimed at strengthening the current audit arrangements at the City and they attempt to build upon the positive features of the current structure.

We are pleased to submit our report to the City of St. John's. We wish to express our appreciation to Council and staff for their input into our review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Paddon', followed by a horizontal line.

Terry Paddon, CPA, CA

A handwritten signature in black ink, appearing to read 'Lynn Zurel', written in a cursive style.

Lynn Zurel, CPA, CA

REPORT

**PANEL TO REVIEW AUDIT FUNCTION
CITY OF ST. JOHN'S**

PANEL

On February 5, 2018, City Council approved the establishment of a three-member Panel. The purpose of the Panel was “to review and advise the City on the best governance process for its Internal Audit function” and determine if the current process and function best serve the goals of accountability to and transparency for members of the public.

The duties and responsibilities of the Panel were to:

- Review existing policies and practices in relation to governance of the audit function
- Conduct discussions with members of Council and the executive
- Discuss and explore the concept of a Municipal Auditor General
- Compare the City to other comparable jurisdictions as it sees reasonable
- Engage with members of the public as the Committee sees fit

Members of the Panel are:

Mr. Terry Paddon, CPA, CA

Ms. Lynn Zurel, CPA, CA

Mr. Simon Lono

Due to personal reasons, Mr. Lono was not able to participate in the drafting of this report. Therefore, the content of this report and the recommendations reflect only the views of Mr. Paddon and Ms. Zurel.

ACCOUNTABILITY AND TRANSPARENCY

Elected officials exercise a stewardship function over the spending of taxpayers' money. Taxpayers have a right to feel that the funds they have entrusted to elected officials are spent in a prudent manner.

City councillors are accountable to the public for spending decisions made. Councillors must have a reasonable comfort level that processes are in place to help ensure decisions are made with appropriate information and rigour.

Management and staff have day-to-day responsibility for operations and for the design and implementation of controls to ensure proper stewardship of taxpayers' money. It is incumbent on all employees to ensure, and elected officials must be satisfied that, those controls are employed and are effective. It is also important to identify deficiencies and recommend improvements, as needed. The function of ensuring adherence and recommending improvements is currently primarily performed by the Internal Audit function although the Continuous Improvement initiative calls on everyone to identify areas for review and solicit and implement improvements to operating processes.

The audit function is a critical element of accountability as it should operate independently and with an objective lens. The audit function adds credibility to the perception that City Councillors are determining, and overseeing, the expenditure of taxpayers' money in the most prudent manner. Transparency in reporting by Council can be achieved, in part, through the provision of audited financial statements and reports on work undertaken by the City's Internal Audit function and Continuous Improvement initiatives.

PROCESS

As part of the review process, the Panel considered the municipal audit landscape in Canada and the current audit environment at the City of St. John's.

The Panel had discussions with groups involved in municipal audit in Canada, including current Municipal Auditors General.

The Panel met with the current Internal Audit Division at the City of St. John's, City Councillors, senior staff at the City, senior staff and the Chair of the Board of St. John's Sports and Entertainment Ltd. and the Chair of the Audit and Accountability Standing Committee of Council.

The Panel also held a public meeting at City Hall and solicited public input through the City's public engagement web site.

The Panel also met with officials from the provincial Department of Municipal Affairs and Environment as well as the current Auditor General of the Province of Newfoundland and Labrador.

CITY OF ST. JOHN'S/ACCOUNTABILITY ENVIRONMENT

The City of St. John's currently has three distinct processes which are specifically designed to address financial accountability and operational effectiveness.

Financial Statements

The financial statements of the City of St. John's, which are prepared by the Finance and Administration Department in accordance with Canadian public sector accounting standards, are audited by an independent auditor on an annual basis. These audited financial statements are publicly available on the City's web site.

Internal Audit

The City currently has an Internal Audit Division. The Internal Audit Division reports, administratively, to the City Manager and issues reports to City Council through the Audit and Accountability Standing Committee of Council.

Continuous Improvement

The City has recently implemented a structured process of continuous improvement. This is a staff led process which is intended to ensure that programs and processes are being delivered in an effective and efficient manner. If change is required, this process would recommend change. It could be considered as a complement to Internal Audit but not a substitute.

The Continuous Improvement process is relatively new at the City and we did not evaluate this process to determine its effectiveness.

CURRENT STRUCTURE – INTERNAL AUDIT

Governance

The Internal Audit Division works and reports in two ways:

- Audit and Accountability Standing Committee
- City Manager

Audit and Accountability Standing Committee

The Audit and Accountability Committee is one of several committees that report to City Council.

The Committee of the Whole is a committee consisting of all members of City Council and deals with most business of the City.

Per the City's website, the objectives of the Audit and Accountability Standing Committee are:

- Overseeing the City's financial reporting process including internal control processes, procedures for financial reporting and the monitoring of the integrity and appropriateness of the City's financial statements;
- Ensuring and monitoring the adequacy of financial, operational and compliance internal controls and risk management processes designed to manage significant business risk exposures;
- The selection, compensation, independence and performance of the external auditors; and
- Monitoring of compliance against corporate business and strategic plans and budgetary objectives.

The Committee is chaired by a member of Council. Any councillor may attend a meeting of the Committee and there is provision for 2 public representatives. It appears that, currently, only one public representative is active on the Committee.

Among other things, the Committee reviews the work plan of Internal Audit and recommends approval of the work plan to Council, receives audit reports from Internal Audit and recommends acceptance to Council and reviews reports from Internal Audit on the follow-up of implementation of recommendations from prior reports.

CURRENT STRUCTURE – INTERNAL AUDIT (cont'd)

City Manager

The Internal Audit Division reports administratively to the City Manager for items such as approval of leave and travel.

The budget for the Internal Audit Division is developed by Internal Audit and the approval process is the same as for any other department/division of the City. The request is made to the Finance Department, and, having been approved by the City Manager, the budget request for Internal Audit is forwarded to Council where the final budget allocation is decided and approved.

Internal Audit Operations

The roles, responsibilities and powers of the Internal Audit Division are set out in an Internal Audit Charter which was approved by the Audit and Accountability Standing Committee.

Currently, the Internal Audit Division consists of two persons - a management position (City Internal Auditor) and a staff position (Senior Internal Auditor). Both individuals have professional accounting designations and have considerable experience.

The Internal Audit Division prepares a 3-year audit work plan which is updated annually. The plan is developed in consultation with senior City staff and is approved by the Audit and Accountability Standing Committee of Council.

The process of hiring for the position of City Internal Auditor is conducted as independently and objectively as is possible given the City's resources. It is overseen by the Audit and Accountability Standing Committee who make the recommendation to hire after interviews conducted by senior City staff and, if available, the external member(s) of the Audit and Accountability Standing Committee. The only other position in the Internal Audit Division, the Senior Internal Auditor, is hired by the City Internal Auditor.

The annual work plan of the division typically consists of 3 audits per year and would include a combination of compliance audits, designed to determine whether staff are complying with set policies and procedures, and performance audits which would attempt to determine whether City programs are operated in an efficient and effective manner with due regard for economy. Internal audit staff attempt to follow the standards set out by the Institute of Internal Auditors when performing audits. While only one of the Internal Audit staff is responsible for managing the division, both staff members conduct audits and each reviews the other's work.

The annual work plan of the Internal Audit Division can be interrupted by special requests from City Council or City staff. The Internal Audit Division typically undertakes the work associated with these special requests. Such special audits are always done at the expense of the timely completion of work initiated by Internal Audit already underway.

CANADIAN MUNICIPAL AUDIT LANDSCAPE

The audit landscape across Canada in municipalities with populations greater than approximately 100,000 persons is mixed.

Some municipalities have a Municipal Auditor General and most have some Internal Audit function while there are a few with no Internal Audit function at all. The province of British Columbia has established an Auditor General for municipalities. The province of Quebec mandates that any municipality with a population greater than 100,000 establish a Municipal Auditor General.

Municipal Auditors General

Municipal Auditors General are independent institutions of their elected Council. Audit Committees do not oversee the audit function itself but, rather, they meet with the Auditor General to determine if there are mandate, access or financing issues facing the Auditor General that should be brought to Council.

The authority, powers, independence and terms of Municipal Auditors General are typically defined in provincial legislation but in some cases within municipal bylaws. Resourcing levels may be prescribed in legislation or bylaws.

The operating budgets for Municipal Auditor General offices across Canada range between \$150,000 and \$5 million annually. Staffing levels range from less than 5 persons to offices with more than 20.

Municipal Internal Audit

Municipal Internal Audit are not independent institutions but are a component part of the management of the municipality.

The authority, powers and independence of municipal Internal Audit functions are normally defined in terms of reference or an audit charter and, in some cases, are supported by a municipal bylaw. Resourcing levels are rarely prescribed.

The annual expense levels for municipal Internal Audit offices range from \$100,000 to \$1.6 million. Staffing levels range from one to greater than 10.

WHAT WE HEARD

As part of the Panel's review, we met with Councillors, the Chair of the Audit and Accountability Standing Committee, the Internal Audit Division, senior City staff, senior staff and the Chair of the Board of St. John's Sports and Entertainment Ltd. and held a public meeting. We also sought the views of members of the public through the City's public engagement web site.

Consultations

Key findings from the consultations are summarized below:

While all felt that the Internal Audit Division generally functioned well, concern was expressed by some that there could be budgetary pressures with an enhanced Internal Audit Division and others were concerned that increased independence granted to the Internal Audit Division could impact the ability to utilize the Internal Audit Division for special projects which some believed to be a very efficient use of this resource. Others believed that the Internal Audit Division and the City would be very well served by allocating additional resources to Internal Audit as it would allow for more performance audits and reviews of operations and recommendations for improvement. Most felt that it was important that the Internal Audit Division have, and be seen to have, more independence and some expressed the desire for strengthened governance and more accountability.

Public Meeting

A public meeting was held on June 28, 2018 at City Hall to allow citizens an opportunity to express their views regarding the audit/accountability function at the City.

The following is a summary of what we heard:

- There is a general perception that, while the City seems to be well run, there is a lack of accountability at the City of St. John's
- The governance structure related to the Internal Audit function does not appear to be working as it should
- The Audit and Accountability Standing Committee should be more active
- Changes could be made to the current governance structure related to the Internal Audit function to provide a greater level of independence
- The current staffing level of 2 auditors within the existing Internal Audit function at the City of St. John's is insufficient
- The City must ensure there is better communication of what is happening (in terms of the audit function) and the results of the work of the audit team; the work of the Internal Audit Division must be visible
- The Internal Audit division and the Audit and Accountability Standing Committee should ensure that "Value for Money" is front of mind when planning and executing audits
- The results of Value for Money audits should link to the City's Strategic Plan

WHAT WE HEARD (cont'd)**Web Site Engagement**

The public was invited to provide input online. In total, 6 responses were received – 5 from individual residents and one from the Association of Local Government Auditors, a group representing government audit organizations across the US and Canada.

The following summarizes the responses from the 5 individual residents:

- Three individuals supported the concept of a Municipal Auditor General. While one was uncertain of the cost, all three thought the financial benefits would outweigh any costs
- One respondent thought external membership on the Audit and Accountability Standing Committee is desirable
- One individual did not believe the substantial additional resources for a Municipal Auditor General would add value. Rather see increased Internal Audit resources combined with a strong Audit and Accountability Standing Committee and legislative protection for Internal Audit as sufficient and appropriate
- One individual thought the powers of the Provincial Auditor General could be expanded to provide a Municipal Auditor General

The Association of Local Government Auditors stressed the need to ensure the audit function had the requisite independence to function effectively.

OPTIONS

In general terms, the Panel has identified 5 options for consideration.

- Status quo
- Enhanced governance structure
- Increase Internal Audit resources without governance changes
- Increase Internal Audit resources with governance changes
- Establish a Municipal Auditor General

Status Quo

This option would:

- Maintain the Internal Audit staff complement at 2 persons
- Based on past experience, provide for about 3 performance audits per year
- Continue the risk that the work of Internal Audit would be subject to potential disruption from requests to take on special assignments
- Not have any budgetary impact on the City

Enhanced Governance Structure

This option would:

- Enhance the role of the Audit and Accountability Standing Committee including evaluating additional or special project requests
- Could increase the independence of the Internal Audit Division by having the division report to the Audit and Accountability Standing Committee
- Could further increase the independence of the Internal Audit Division by increasing the number of active public representatives on the Audit and Accountability Standing Committee
- Not likely have any direct budgetary impact on the City although it could possibly result in savings through the better use of the Internal Audit resources

OPTIONS (cont'd)

Increased Internal Audit Resources Without Governance Changes

Additional resources could be allocated to enhance the output of Internal Audit. Currently there are 2 staff. In addition to salaries and benefits, funding is also provided for general operating costs and some professional development.

Increased resources could include additional staff plus enhanced professional development opportunities.

This option would:

- Increase the number of performance audits conducted each year
- Result in additional direct cost to the City

Increased Internal Audit Resources with Governance Changes

This option would:

- Increase the number of performance audits conducted each year
- The Audit and Accountability Standing Committee would consider whether additional or special project requests from Council or City staff would be entertained & executed
- Diminish the value the City currently gets from having Internal Audit available for special projects
- Result in additional direct cost to the City

Establish a Municipal Auditor General

The establishment of a Municipal Auditor General could be done in addition to having an Internal Audit Division or instead of Internal Audit. This option would:

- Allow complete autonomy in work performed
- Raise the public profile of performance audits
- Increase the number of performance audits conducted each year
- The Municipal Auditor General would consider whether additional project requests from Council or City Staff would be entertained
- Diminish the value the City currently gets from having Internal Audit available for special projects
- Result in additional direct cost to the City

RECOMMENDATIONS

The Panel has considered the input from Council, City staff, the Internal Audit Division, other agencies and the public.

While establishing a Municipal Auditor General could be considered an ideal outcome, the Panel does not feel that it is necessary to move in that direction at this time. From the Panel's perspective, improving the independence, or the appearance of independence, of Internal Audit should be the primary objective at this time. The Panel feels this can be achieved without a Municipal Auditor General.

Governance

The Panel feels that enhancing the independence and the appearance of independence of the Internal Audit function can be achieved through some changes to the current governance model. The Panel recommends that:

- The roles, responsibilities, powers and reporting relationships of the City Internal Auditor should be laid out in a City by-law. This would serve to strengthen the independence and the appearance of independence of the Internal Audit function.
- There should be 2 public representatives on the Audit and Accountability Standing Committee of Council; one of these individuals should to be the Chair of the Audit and Accountability Standing Committee
- Specific Councillors (3) be identified and appointed to serve on the Audit and Accountability Standing Committee; the current structure has all Councillors as members of the Committee but few actively participate
- The Audit and Accountability Standing Committee have at least 4 meetings per year
- The Audit and Accountability Standing Committee recommend the budget allocation for the Internal Audit Division to Council and guide its approval. The budget allocation would include salary resources, professional development, travel and normal operating costs.
- The Audit and Accountability Standing Committee review special project requests outside of the work plan independently developed by the Internal Audit Division and support Internal Audit in decisions taken with respect to those requests
- The Audit and Accountability Standing Committee be responsible for hiring the City Internal Auditor
- The Audit and Accountability Standing Committee conduct an annual performance review of the City Internal Auditor
- The Audit and Accountability Standing Committee liaise with, and receive reports of, the external auditor
- The Audit and Accountability Standing Committee follow up to ensure that recommendations resulting from work of the Internal Audit Division are implemented

RECOMMENDATIONS (cont'd)**Resources**

The Panel feels that the current staffing levels should be increased to ensure a greater level of audit activity annually. At a minimum, the Panel feels that one additional Internal Audit staff person should be added to the Internal Audit Division. The adequacy of the staffing complement should be assessed on an annual basis by the Audit and Accountability Standing Committee.

In addition, specific funding should be allocated for professional development and training for all Internal Audit staff.

Regular Review

The Panel feels that the City should conduct an independent review of the audit function requirements once every five years. This would ensure that, as the City grows and as audit practices evolve, the City keeps pace with best practices related to oversight and accountability.

The Panel believes that the above recommendations will allow for greater independence for the Internal Audit Division which should allow City Councillors greater assurance that processes are in place to ensure decisions are made with appropriate information. These recommendations should also allow the City to achieve greater accountability to and transparency for the public. Giving more structure to the Audit and Accountability Standing Committee, as documented above, should also enhance accountability and transparency.

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Rural Residential Infill (RRI) Zone for a Single Detached Dwelling
REZ1900006
358 Groves Road

Date Prepared: March 26, 2019

Report To: Committee of the Whole

Councillor & Role: Councillor Maggie Burton, Planning and Development Lead

Ward: 4

Decision/Direction Required:

To consider a rezoning application for land at 358 Groves Road from the Rural (R) Zone to the Rural Residential Infill (RRI) Zone to allow a single detached dwelling. An amendment to the St. John's Municipal Plan would not be required.

Discussion – Background and Current Status:

The City has received an application to rezone land at 358 Groves Road to the Rural Residential Infill Zone to allow the applicant to sell the vacant land for the purpose of developing a single detached dwelling. The property is currently zoned Rural where a dwelling can only be permitted as an Accessory Dwelling Unit, which is defined as “a dwelling unit for a caretaker or essential workmen accessory to a permitted use when the unit is included in the main building or, in the case of land extensive uses such as Agriculture, Forestry or Salvage Yard, when the dwelling unit is situated on the same property as the use and forms part of the use”. In the Rural Zone, at least one resident of the Accessory Dwelling Unit will spend 50% or more of his/her working time operating the Forestry, Agriculture-Livestock or Horticulture operation on the site and shall derive 50% or more of his/her income from the operation. Therefore, an amendment would be required to allow a single detached house that is not associated with the operations listed above.

The property is designated Rural under the St. John's Municipal Plan where additional rural infill development is limited to rural development in partly developed, unserviced areas along existing public roads. The developed areas of Groves Road are zoned RRI, however this property is located above the 190-metre contour which is where the divide between the Rural Zone and the RRI Zone occurs. As per Section 5.1.4 of the St. John's Development Regulations, notwithstanding any other provisions of the Regulations, no residential development utilizing on-site water and/or sewer services shall be permitted above the 190-metre contour elevation. The applicant has submitted a topographic survey showing contour lines with the application and this demonstrates that the majority of the lot, except for the bottom south-east corner, is above the 190-metre contour line. Further, as per the Council Directive (CD#S2014-12-01/8) and practice, the City continues to limit unserviced development to only those lands currently zoned Rural Residential Infill (RRI) or Rural Residential (RR) along existing streets. No additional land is to be rezoned to RRI or RR.

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Therefore, it is recommended to refuse the application to rezone 358 Groves Road from the Rural Zone to the Rural Residential Infill Zone.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Property owner.
3. Alignment with Strategic Directions/Adopted Plans:
Aligns with the St. John's Municipal Plan and Development Regulations with respect to development above the 190-metre contour.
4. Legal or Policy Implications: Not applicable.
5. Engagement and Communications Considerations: Not applicable.
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 Council refuse the application to rezone 358 Groves Road from the Rural (R) Zone to the Rural Residential Infill (RRI) Zone as the property is above the 190-metre contour.

Prepared by/Signature:

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

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

AMC/dlm

Attachments:

Zoning Map
Contour Map from LIS
Applicant's Topographic Survey

SUBJECT PROPERTY

364

R

PIPPY PARK

GROVES RD

R

358

354

350

361

RRI

RRI

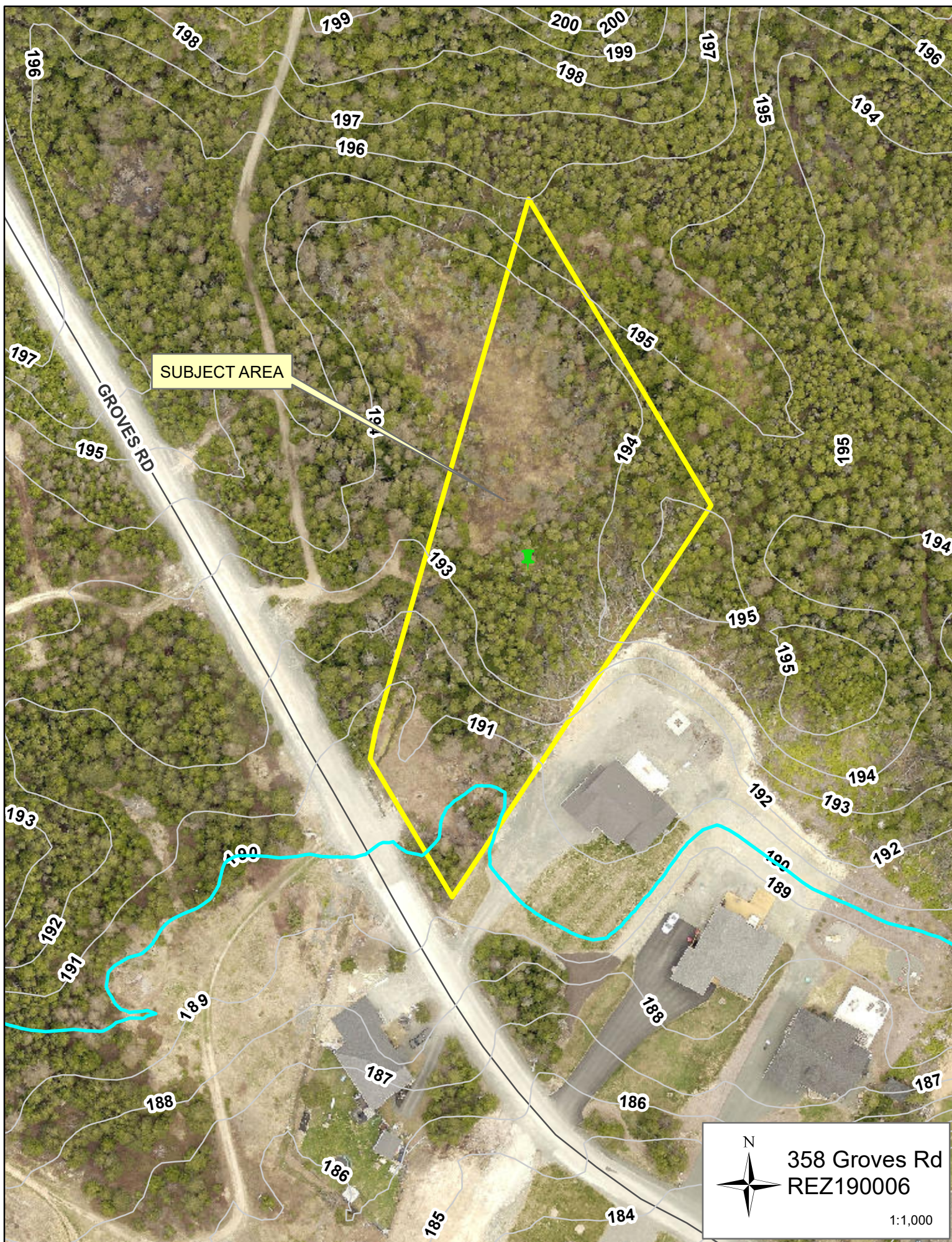
346

RRI

340

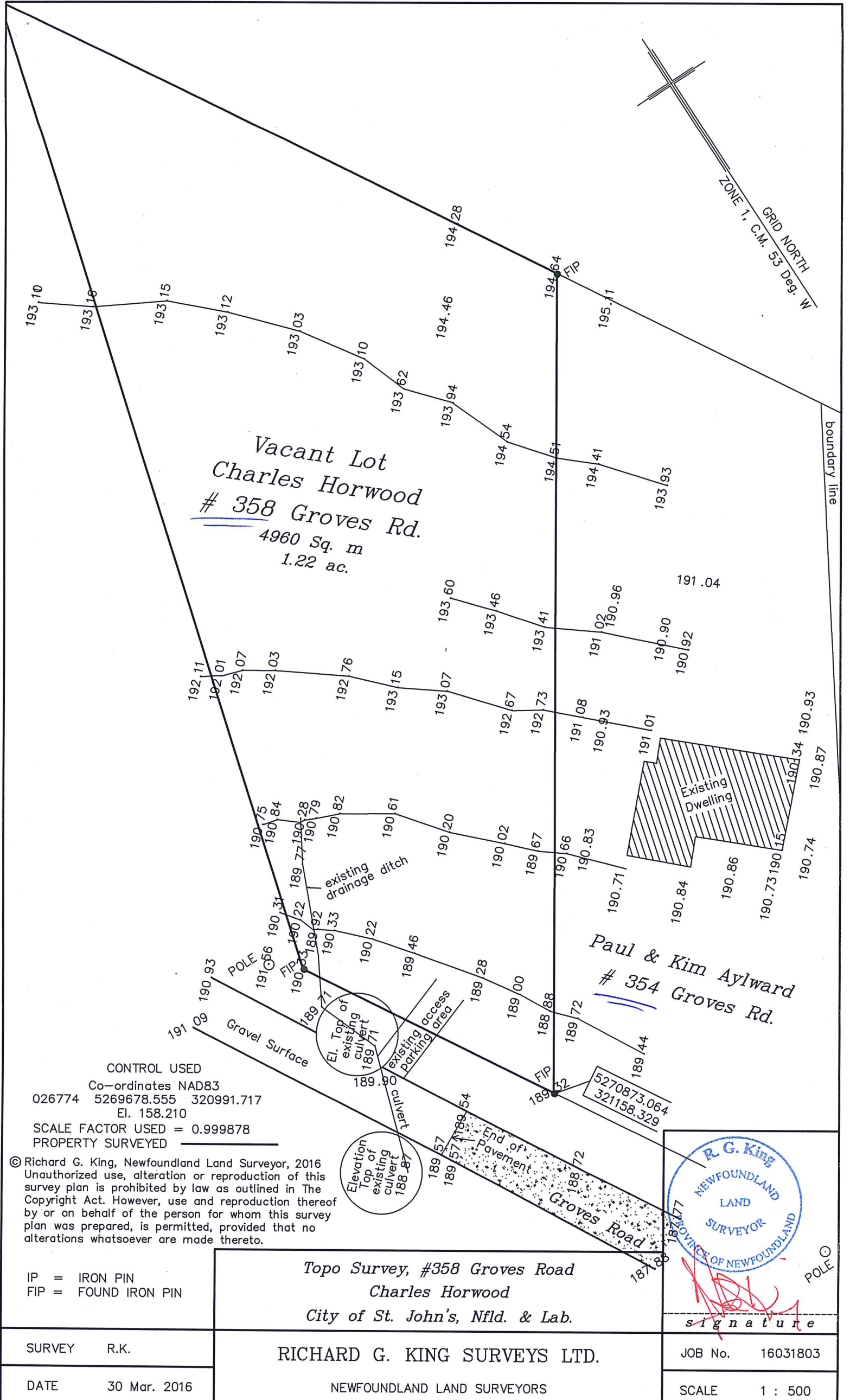
371

DISCLAIMER: This map is based on current information at the date of production.



358 Groves Rd
REZ190006

1:1,000



Vacant Lot
Charles Horwood
358 Groves Rd.
4960 Sq. m
1.22 ac.

Paul & Kim Aylward
354 Groves Rd.

CONTROL USED
Co-ordinates NAD83
026774 5269678.555 320991.717
El. 158.210
SCALE FACTOR USED = 0.999878
PROPERTY SURVEYED

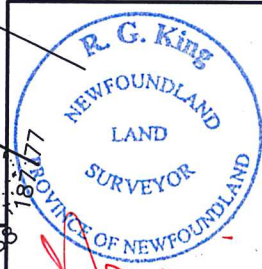
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plan was prepared, is permitted, provided that no
alterations whatsoever are made thereto.

IP = IRON PIN
FIP = FOUND IRON PIN

Topo Survey, #358 Groves Road
Charles Horwood
City of St. John's, Nfld. & Lab.

RICHARD G. KING SURVEYS LTD.

NEWFOUNDLAND LAND SURVEYORS



signature

JOB No. 16031803

SCALE 1 : 500

SURVEY R.K.

DATE 30 Mar. 2016

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Residential Medium Density (R2) Zone
REZ1900003
22 Whiteway Street

Date Prepared: March 26, 2019

Report To: Committee of the Whole

Councillor & Role: Councillor Maggie Burton, Planning and Development Lead

Ward: 4

Decision/Direction Required:

To consider a rezoning application for land at 22 Whiteway Street from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone to allow a three-unit Townhouse. An amendment to the St. John's Municipal Plan would not be required.

Discussion – Background and Current Status:

The City has received an application for Townhousing at 22 Whiteway Street. The proposed development contains three dwelling units and is proposed to be two storeys in height. The property is currently zoned Residential Low Density (R1) which does not allow Townhousing. The applicant has requested to rezone the property to Residential Medium Density in which Townhousing is a permitted use.

The neighbourhood is primarily zoned R1, however, there are non-conforming semi-detached dwellings located at 30 and 32, 39 and 42, and 45 and 47 Whiteway Street. The proposed development is located on a corner lot which is appropriate for a multi-unit dwelling as it creates a transition from the intersection toward the existing single-detached dwellings.

The property is designated Residential Low Density under the St. John's Municipal Plan. As per Section 2.3.1 of the Municipal Plan, subject to a Land Use Assessment Report (LUAR), the City may permit zones to allow such Medium Density Residential uses as may be deemed by Council to be compatible with Single Detached Dwellings. Therefore, the properties could be rezoned to R2 without an amendment to the Municipal Plan.

Section 2.2.5(2) of the Municipal Plan states the City shall work toward enhancing neighbourhoods by encouraging the development/redevelopment of quality housing and capitalizing on any opportunities to diversify same. This is consistent with the housing objectives in the Draft Envision Municipal Plan, which encourages a range of housing to create diverse neighbourhoods for all ages, income groups and

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family types. The proposed amendment will allow more housing options in this neighbourhood by gently increasing the density in an appropriate manner. While there is a predominance of single detached dwellings, there are also semi-detached dwellings in this portion of Whiteway Street and therefore the Townhousing will fit with this mix of housing types. However, given the past history of neighbourhood reaction to attempts to build higher density housing nearby, there may be neighbourhood opposition to this application.

There are no development or engineering concerns with the proposed amendment. As per Section 2.3.1 of the St. John's Development Regulations, a rezoning from Residential Low Density (R1) to Residential Medium Density (R2) within the Residential District is subject to an LUAR. However, given the scale of the proposed development, it is recommended to accept this staff report as the LUAR.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Neighbouring residents and property owners.
3. Alignment with Strategic Directions/Adopted Plans:
A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications:
An amendment to the St. John's Development Regulations is required to rezone the property on the City's Zoning Map.
5. Engagement and Communications Considerations:
Advertisement of the proposed amendment. Recommended to be advertised for 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 Council consider a proposed rezoning at 22 Whiteway Street from Residential Low Density (R1) Zone to Residential Medium Density (R2) Zone, and that the application be advertised for public review and comment.

Staff further recommend 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. A Municipal Plan amendment is not required.

Prepared by/Signature:

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

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

AMC/dlm

Attachments:

Zoning Map

Applicant's Submission



SUBJECT PROPERTY



R1

RODNEY ST

WHITEWAY ST

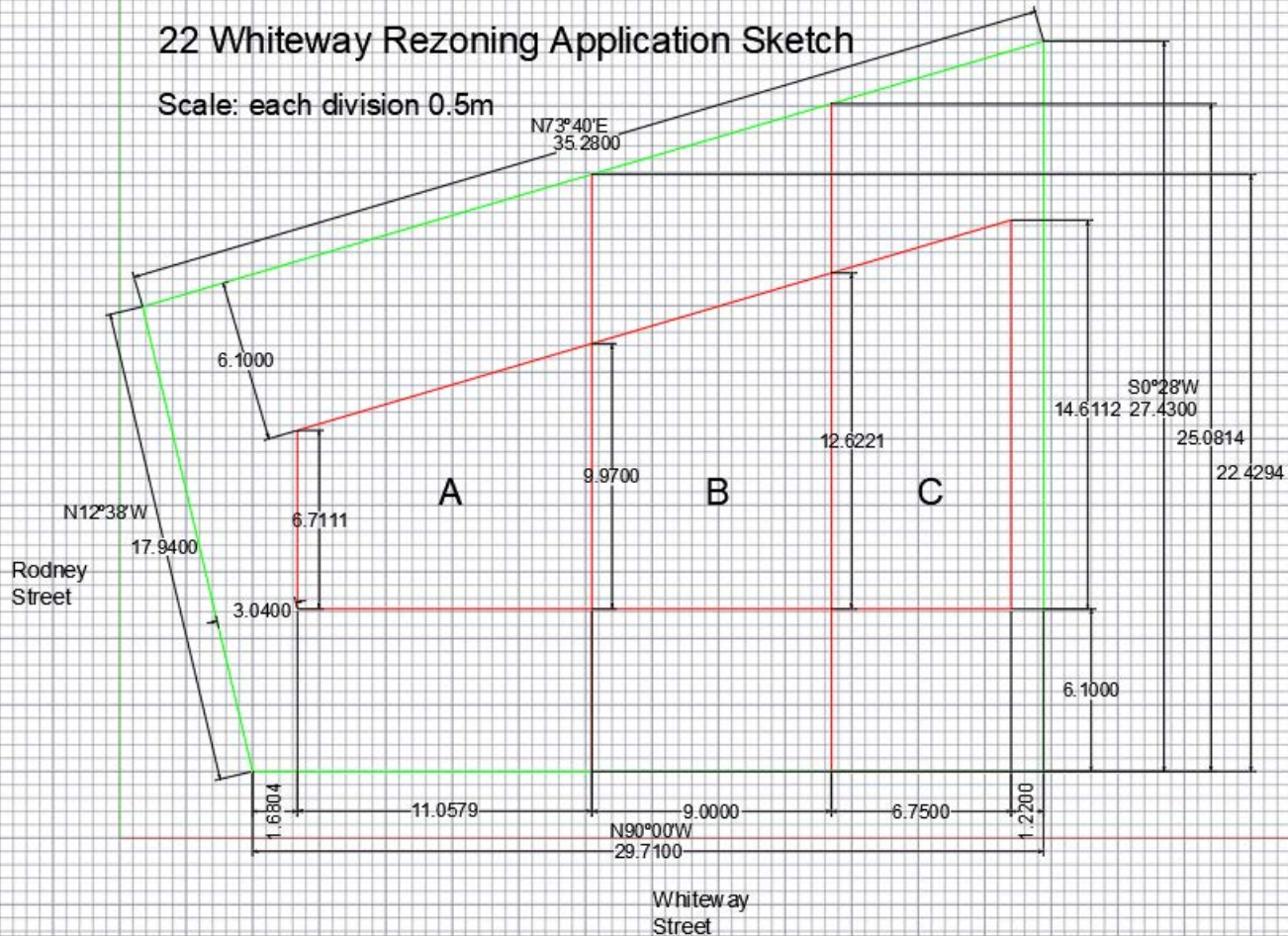
R1

R1

DISCLAIMER: This map is based on current information at the date of production.

22 Whitway Rezoning Application Sketch

Scale: each division 0.5m



DECISION/DIRECTION NOTE

Title: Update Regarding Application for a 6-Storey Mixed-Use Building in the Churchill Square Retail Area
REZ1800009
43-53 Rowan Street
Applicant: KMK Properties Inc.

Date Prepared: March 27, 2019

Report To: Committee of the Whole

Councillor & Role: Councillor Maggie Burton, Planning and Development Lead

Ward: 4

Decision/Direction Required:

To consider a revised building design in regard to the 6-storey, mixed-use building located at 43-53 Rowan Street (Churchill Square Retail Area).

Discussion – Background and Current Status:

The City received an application from KMK Properties Inc., who are an agent for Loblaw Properties Ltd., to develop a 6 storey (21.5 metre) mixed-use building at 43-53 Rowan Street in Churchill Square. The property is zoned Commercial Mixed Use (CM) and is located within the Churchill Square Retail Area. The proposed building will have ground floor commercial, while the top 5 storeys will contain 78 dwelling units; a mixture of one and two-bedroom rental apartments. To consider the proposal, a text amendment to the CM Zone for buildings within Churchill Square was proposed, which would amend Building Height, Floor Area Ratio and Residential Density requirements of the zone. In August 2018, Council gave direction to consider the proposed text amendment to the CM Zone and required that a Land Use Assessment Report (LUAR) be completed followed by a public meeting upon its completion.

The proposed building for the site is currently designed so that it is stepped back on Rowan Place instead of Rowan Street (Churchill Square). When the proposal was first presented to Council, staff proposed that the building design should be changed to follow the Envision stepback for taller buildings in relation to the street and the pedestrian realm. The new Regulations, adopted-in-principle, propose that buildings be stepped back 4 metres, once a building reaches a height of 18 metres. It was recommended by staff that the overall design of the building should be reversed, and the stepback switched to Rowan Street, as it would make the building more inviting to those accessing the commercial space from the Square. The proposed design also has the balconies extending over the sidewalk along Rowan Street, which would require the developer to acquire air rights over a public space.

Although Churchill Square has not been designated as a heritage area, it is a longstanding significant area for the neighbourhood and the City. The new building will be the most significant addition to the Square since the Terrace on the Square building. As part of the original memo to Council, it was

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recommended that the City's Built Heritage Experts Panel (BHEP) review the proposed building design to help inform Council's decision.

At this time, the first draft of the LUAR has been submitted for staff review and was referred to the BHEP. The proposed building design remains unchanged and the stepback still occurs on Rowan Place instead of the recommended Rowan Street. The BHEP members generally agreed with staff's recommendation to Council that the building should be stepped back fronting on to Churchill Square and not Rowan Place. However, the Panel recommended stepping back at the two-storey line, similar in height to other buildings throughout the Square. The Panel also suggested that more attention should be paid to the pedestrian realm and felt that the proposed materials are not reflective of the Churchill Square area. It was recommended that more study of the original Churchill Park architecture be incorporated into the design.

Two other items for Council's information in regard to the proposal include: parking spaces in Churchill Square and the adjacent building owned by Bell Aliant.

The proposed development requires 78 parking spaces (1 space per dwelling unit). The developer wishes to provide 120 spaces for their development: 40 underground parking spaces and 80 spaces within the Churchill Square parking area. Staff agree with the proposed use of 80 parking spaces, while the exact model for sale/payment of these permits will need to be determined.

At this time, Bell Alliant (48 Allandale Road) has provided the City and the developer with reports relating to noise and air quality based on their current operations, which are regulated by the Province. The third area of concern for Bell Alliant relates to the location of their cellular antennas on the roof of their building, if/how the newly proposed building will affect their current operations, and if there are any safety concerns due to the proximity of the antennas to the new building and the existing transmission pattern. Bell Alliant is looking into these last two items and will provide additional information when available. The developer has been advised that a public meeting will not be scheduled until these areas of concern are sorted out.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Property owners, customers of the businesses in Churchill Square and neighbouring residents.
3. Alignment with Strategic Directions/Adopted Plans:
City's Strategic Plan 2015-18: Neighbourhoods Build Our City – Increase access to range/type of housing.
4. Legal or Policy Implications: Not applicable.
5. Engagement and Communications Considerations:
Public advertisement and a public meeting chaired by an independent facilitator once the LUAR is complete.

6. Human Resource Implications: Not applicable.
7. Procurement Implications: Not applicable.
8. Information Technology Implications: Not applicable.
9. Other Implications: Not applicable.

Recommendation:

Based on the comments from the Built Heritage Experts Panel and staff, it is recommended that Council ask the developer to revise their proposed building design so the stepback occurs at the second story of the building along Rowan Street maintain a consistent height throughout the Square. Once a revised design is submitted, all concerns with Bell Alliant are mitigated, and an acceptable LUAR is submitted and reviewed by City Staff, a public meeting will be scheduled.

Prepared by/Signature:

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

LLB/dlm

Attachments:

Site Plan
Elevations



SUBJECT PROPERTY

CM

CM

CHURCHILL

ELIZABETH AVE

ALLANDALE PL

AA

R1

8-108
10

CM

ROWAN ST

ROWAN PL

R1

ALLANDALE RD

MILBANK ST EXTN

R1

R1

R1

CM

R1



Facing Rowan Street (Churchill Square)



Facing Rowan Place

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Planned Mixed Development 2 (PMD2) Zone for development of Phase 2 of the Galway Master Planned Community
REZ1900007
100 Danny Drive
Applicant: 10718 NFLD Inc.

Date Prepared: March 25, 2019

Report To: Committee of the Whole

Councillor & Role: Councillor Maggie Burton, Planning and Development Lead

Ward: 5

Decision/Direction Required:

To consider a rezoning application for land in the area of Danny Drive from the Comprehensive Development Area - Southlands (CDA Southlands) Zone to the new Planned Mixed Development 2 (PMD-2) Zone for development of Phase 2 of the Galway Master Planned Community.

Discussion – Background and Current Status:

The City has received an application for the development for Phase 2 of the Galway Master Planned Community in the area of 100 Danny Drive. A specific civic address cannot be assigned at this time due to the property having no frontage on the public street. The site is approximately 49.56 hectares (122.46 acres) and is located to the west of the existing Galway residential area (PMD-1 Zone). The proposed application would require land to be rezoned from the Comprehensive Development Area - Southlands (CDA Southlands) Zone to the newly created Planned Mixed Development 2 (PMD-2) Zone for the purpose of developing the proposed mixed density, residential subdivision. A Municipal Plan amendment would not be required.

The area proposed for development is currently zoned CDA Southlands, a zone that was created in 2011 to facilitate future urban development on municipal water and sewer services above the 190 metre elevation. In 2015 the first phase of the Galway Master Planned Community (Planning Mixed Development 1 Zone) was created and rezoned. At that time, an overall concept plan for the larger Galway development area was presented, which included both Phase 1 (PMD1) and what is now identified as Phase 2 (newly proposed PMD2 Zone).

The proposed rezoning for Phase 2 of the master planned community was recommended by staff due to the proposed rezoning application for the francophone school site to the Institutional Zone. Staff want to ensure that future land uses surrounding the school are compatible and that the proposed school site is not developed on a site which is isolated from other development. It is therefore recommended that the two applications be considered simultaneously.

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The new PMD2 Zone allows flexibility in the overall design of the community, while encouraging increased density through a mixture of residential uses including single detached dwellings on varying lot sizes, townhouses, stacked townhouses (4plex) and apartment buildings. The concept plan also identifies open space areas in the form of neighbourhood parks and trail systems which run through the neighbourhood, connecting the new phase with the existing phase and larger Galway development. The proposed location of the open space areas, trails and street trees is conceptual only and will be reviewed with staff of the Parks and Open Space Division prior to development approval to ensure the intent of the City's Open Space Master Plan is met, and proposed location of trees is acceptable. Under the St. John's Development Regulations, the developer is required to provide a minimum of 10% open space to the City at the time of development approval.

The Development Regulations require that a buffer not less than 1000 metres between a residential or apartment use and a mineral working area that involves blasting activity. The former MUN Woodlot site, on the opposite side of the Trans-Canada Highway, is an active quarry site, where blasting activity occurs. An area of the Phase 2 concept plan (Map) falls within the 1000 metre buffer; therefore, until blasting has been completed or the active quarry moves further away, development approval for the residential area within the buffer could not be given.

The proposed road layout in Phase 2, including those roads surrounding the proposed school site, would need to be reworked to better manage the flow of traffic around the school site, while an access plan would need to be developed for higher density sites. Specific design and review of the street networks within Phase 2 would occur prior to development approval.

Phase 2 of the Galway Master Planned Community is identified as a high snow volume area; therefore, the developer must meet the City's snow volume calculations for each lot developed. In addition, a snow storage area may be required from the developer, which will be identified during the development stage.

Stormwater detention is required for the entire area identified as Phase 2. Extension of municipal water, sanitary sewer and storm sewer systems are required. A master servicing design brief, which includes plans for all services, roads and open space would need to be submitted. Prior to final development approval, detailed plans would need to be submitted for review and approval,

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Neighbouring Municipalities and property owners.
3. Alignment with Strategic Directions/Adopted Plans:
Neighbourhoods Build Our City – Increase access to range/type of housing.
4. Legal or Policy Implications:
An amendment to the St. John's Development Regulations is required to rezone the property.

5. Engagement and Communications Considerations:
Advertisement of the proposed amendment.
6. Human Resource Implications: Not applicable.
7. Procurement Implications: Not applicable.
8. Information Technology Implications: Not applicable.
9. Other Implications:
Consideration of the application for REZ1900001; rezoning to the Institutional (INST) Zone for the proposed francophone school site.

Recommendation:

It is recommended that Council consider a proposed rezoning for the area of 100 Danny Drive, as identified on the zoning map, from the Comprehensive Development Area - Southlands (CDA Southlands) Zone to the Planned Mixed Development 2 (PMD2) Zone. It is also recommended that the application be advertised for public review and comment. Following advertisement, the proposed amendment would be referred to a Regular Meeting of Council for consideration of adoption.

Prepared by/Signature:

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

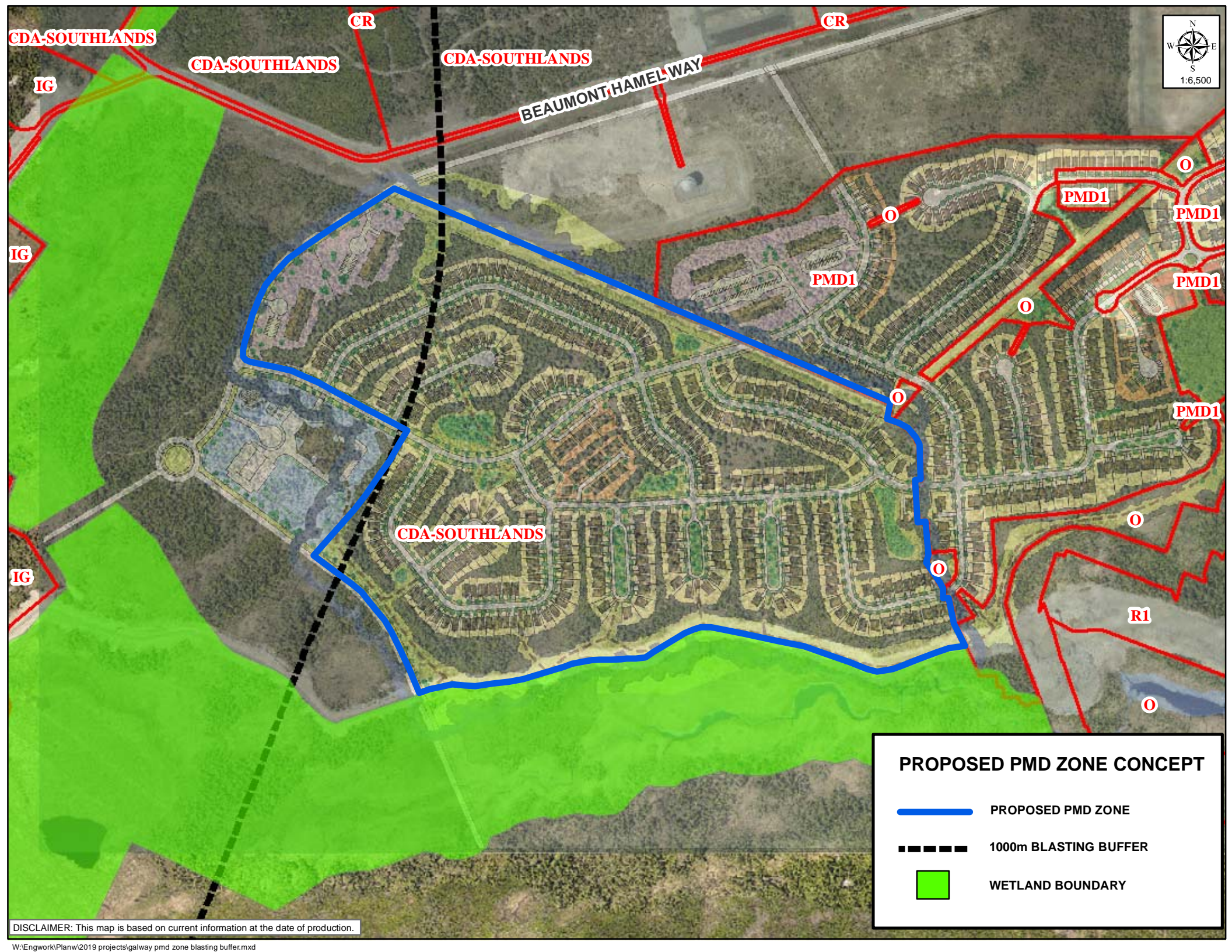
LLB/dlm

Attachments:

Zoning Map
Blasting Buffer Map
Concept Plan
Draft Zone (Amendments)



DISCLAIMER: This map is based on current information at the date of production.



PROPOSED PMD ZONE CONCEPT

-  PROPOSED PMD ZONE
-  1000m BLASTING BUFFER
-  WETLAND BOUNDARY

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Galvay

Concept Plan
May 2015



Nature Trail	
Single Family	
Town Homes	
Institutional	
Multiple	
Commercial	
Parkland	
Open Space	
Neighborhood Park	

RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 696, 2019

WHEREAS the City of St. John's wishes to allow the development of a residential subdivision which is part of the Galway Master Planned Community in the area of 100 Danny Drive.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text and map amendments to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act:

1. Add Section 10.53 Planned Mixed Development - 2 (PMD-2) Zone by adding the following:

10.53 Planned Mixed Development Zone -2 (PMD – 2)

Galway Master Planned Community (Phase 2)

(Subject to Section 5.1.4 Development Above the 190 Metre Contour)

10.53.1 Permitted Uses

Residential:

Accessory Building (Subject to Section 8.3.6)

Apartment Building

Home Office (Subject to Section 7.9)

Home Occupation (Subject to Section 7.8)

Semi-Detached Dwelling

Single Detached Dwelling

Stacked Townhouse

Townhousing

Townhouse Cluster

Other:

Public Use

Public Utility

10.53.2 Zone Requirements:

(Subject to Section 8.7 Snow Storage)

The following requirements shall apply:

(1) Single Detached Dwelling

(a) Lot Area (minimum)	335 m ²
(b) Lot Frontage (minimum)	11m
(c) Building Line (minimum)	7.5m
(d) Rear Yard (minimum)	6m
(e) Side Yard (minimum)	1.2m and 1.2m
(f) Side Yard on flanking road (minimum)	6m
(g) Building Height (maximum)	12.2m
(h) Lot Coverage (maximum)	45%

(2) Semi-Detached Dwelling

(a) Lot Area (minimum)	164 m ² per dwelling unit
(b) Lot Frontage (minimum)	6m per dwelling unit
(c) Building Line (minimum)	7.5m
(d) Rear Yard (minimum)	6m
(e) Side Yard (minimum)	1.8m and 0m (common lot line)
(f) Side Yard on flanking road (minimum)	6m
(g) Building Height (maximum)	12.2m
(h) Lot Coverage (maximum)	45%

(3) Townhousing

(a) Lot Area (minimum)	164 m ² per dwelling unit
(b) Lot Frontage (minimum)	6m per dwelling unit
(c) Building Line (minimum)	7.5m
(d) Rear Yard (minimum)	6m
(e) Side Yard (minimum)	One of 1.8m
(f) Side Yard on flanking road (minimum)	6m
(g) Building Height (maximum)	12.2m
(h) Lot Coverage (maximum)	45%

(4) Townhouse Cluster

(a) Lot Area (minimum)	554 m ²
(b) Lot Frontage (minimum)	18.2m
(c) Building Line (minimum)	7.5m
(d) Rear Yard as oriented from the Public Street (minimum)	6m
(e) Side Yard as oriented from the Public Street (minimum)	4.5m
(f) Side Yard for End Unit (minimum)	1.8m
(g) Building Height (maximum)	12.2m
(h) Lot Coverage (maximum)	45%

(5) Stacked Townhouse

(a) Lot Area (minimum)	182 m ² per building
(b) Lot Frontage (minimum)	12m per building
(c) Building Line (minimum)	7.5m
(d) Rear Yard (minimum)	6m
(e) Side Yard (minimum)	2.4m
(f) Side Yard on flanking road (minimum)	6m
(g) Building Height (maximum)	12.2m
(h) Lot Coverage (maximum)	45%

(6) Apartment Building

(a) Lot Area (minimum)	554 m ²
(b) Lot Frontage (minimum)	18.2m
(c) Building Line (minimum)	4.5m
(d) Rear Yard (minimum)	6m
(e) Side Yard (minimum)	1metre per storey
(f) Building Height (maximum)	7 storeys
(g) Lot Coverage (maximum)	50%
(h) Density	60 Dwelling Units per building

10.53.3 Off-Street Parking Requirements

Notwithstanding Section 9 the following off-street parking requirements shall apply:

Type of Nature of Building	Minimum Required Parking
Residential – Apartment Building	1.5 spaces per Dwelling Unit
Residential – Single Detached Dwelling, Semi-Detached Dwelling, Townhousing	2 spaces per Dwelling Unit (attached Private Garage may count as 1 space)
Residential – Stacked Townhouse	1 space per Dwelling Unit

10.53.4 Landscaping Requirements

One tree shall be planted not less than every 18m (60ft) (maximum) on both sides of all Streets. Exact tree location within the Street cross section shall be determined by the City prior to final development approval being issued.

Landscaping and Screening shall be provided, as identified on the attached schedules, and in accordance with Section 8.5 Landscaping and Screening.

10.53.5 Schedules Attached (Appendix PMD-2)

The following document shall form part of the Zone Requirements and Development Regulations for the Planned Mixed Development -2 Zone.

Concept Plan (May 2015)

BE IT ALSO RESOLVED that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations:

Rezone land in the area of 100 Danny Drive from the Comprehensive Development Area – Southlands (CDA Southlands) Zone to the Planned Mixed Development-2 (PMD-2) Zone as shown on Map Z-1A attached.

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal and Intergovernmental Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed, and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this ____ day of _____, 2019.

Mayor

MCIP

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

Council Adoption

Provincial Registration

DECISION/DIRECTION NOTE

Title: Application to Rezone Land to the Institutional (INST) Zone for development of the francophone school site
REZ1900001
100 Danny Drive
Applicant: 10718 NFLD Inc.

Date Prepared: March 25, 2019

Report To: Committee of the Whole

Councillor & Role: Councillor Maggie Burton, Planning and Development Lead

Ward: 5

Decision/Direction Required:

To consider a rezoning application for land in the area of 100 Danny Drive from the Comprehensive Development Area - Southlands (CDA Southlands) Zone to the Institutional (INST) Zone for a proposed K-12 francophone school.

Discussion – Background and Current Status:

The City has received an application for the development of a new K-12 francophone school in the area of 100 Danny Drive. A specific civic address cannot be assigned at this time due to the property having no frontage on a public street. The site is approximately 3.46 hectares (8.54 acres) and is located west of the current residential area and east of the Trans-Canada Highway. The proposed application would require land to be rezoned from the Comprehensive Development Area - Southlands (CDA Southlands) Zone to the Institutional (INST) Zone. An amendment to the St. John's Municipal Plan would not be required.

The area proposed for development is currently zoned CDA Southlands, a zone that was created in 2011 to facilitate future urban development on municipal water and sewer services above the 190 metre elevation. Since that time, multiple applications have been processed for rezoning within the area referred to as Galway. Areas rezoned, to date, have been located along major highways, which have made road and infrastructure connections to the site more easily accessible.

Prior to the residential rezoning in 2015 for the Galway Master Planned Community (Planned Mixed Development 1 (PMD1) Zone), an overall concept plan was provided by the developer which included the proposed school site and additional mixed-use development. The proposed site for rezoning is located 0.8km from the nearest point of the Galway residential area (based on future road networks), 1.8km from the Costco/commercial area, and 0.76km to the neighbouring Industrial area. From a municipal perspective, it would be preferable to have the school site contiguous with other land zoned for development, especially for land zoned residential, rather than have it isolated from other uses.

ST. JOHN'S

It was recommended that the developer rezone land for Phase 2 of the master planned community (see attached map) at the same time the school site is being rezoned, and that the two applications be considered simultaneously. By rezoning Phase 2 (new PMD2 Zone), the city can identify what future land uses will be surrounding the school to ensure these uses are compatible and supportive, and to help mitigate future land use conflicts.

Under the Development Regulations, a buffer not less than 1000 metres is required between a residential or apartment use and a mineral working area that involves blasting activity. The proposed school is considered an Institutional Use and therefore the buffer/separation distance would not apply. It should be noted that blasting activity does occur within the former MUN Woodlot site, located on the opposite side of the Trans-Canada Highway, as this may be of interest to the school board for planning/coordination of operational procedures during the school year if blasting occurs.

It should be noted that the proposed school site will be dependant on a pump station for water supply until such time as there is enough development in the Galway area for the large water tank to be used (it is currently empty). Engineering requirements for the proposed rezoning include future site servicing for both water and sewer, onsite storm water detention, street design and site access from a transportation perspective. The road layout surrounding the school and from the new PMD Zone, along with traffic flow, will be important, and the proposed layout for these streets will require additional consideration and revision at the development stage. Prior to any development approval, detailed plans would need to be submitted for review and approval, and updates to the road layout for the surrounding development would need to also be reviewed.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Neighbouring Municipalities and property owners.
3. Alignment with Strategic Directions/Adopted Plans: Not applicable.
4. Legal or Policy Implications:
An amendment to the St. John's Development Regulations is required to rezone the property.
5. Engagement and Communications Considerations:
Advertisement of the proposed amendment.
6. Human Resource Implications: Not applicable.
7. Procurement Implications: Not applicable.
8. Information Technology Implications: Not applicable.
9. Other Implications:
Consideration of the application for REZ1900007; rezoning for the new Planned Mixed Development 2 (PMD2) Zone. The two applications must proceed together.

Recommendation:

It is recommended that Council consider a proposed rezoning to accommodate a francophone school for the area of 100 Danny Drive, as identified on the zoning map, from the Comprehensive Development Area - Southlands (CDA Southlands) Zone to the Institutional (INST) Zone, and that the application be advertised for public review and comment. Following advertisement, the proposed amendment would be referred to a Regular Meeting of Council for consideration of adoption.

It is also recommended that the application to rezone Phase 2 of the Galway development to a new Planned Mixed Development 2 (PMD2) Zone be considered simultaneously with this application.

Prepared by/Signature:

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

LLB/dlm

Attachments:

Zoning Map

Location Maps



SUBJECT PROPERTY

CDA-SOUTHLANDS

CDA-SOUTHLANDS

CDA-SOUTHLANDS

BEAUMONT HAMEL WAY

DANNY DR

IG

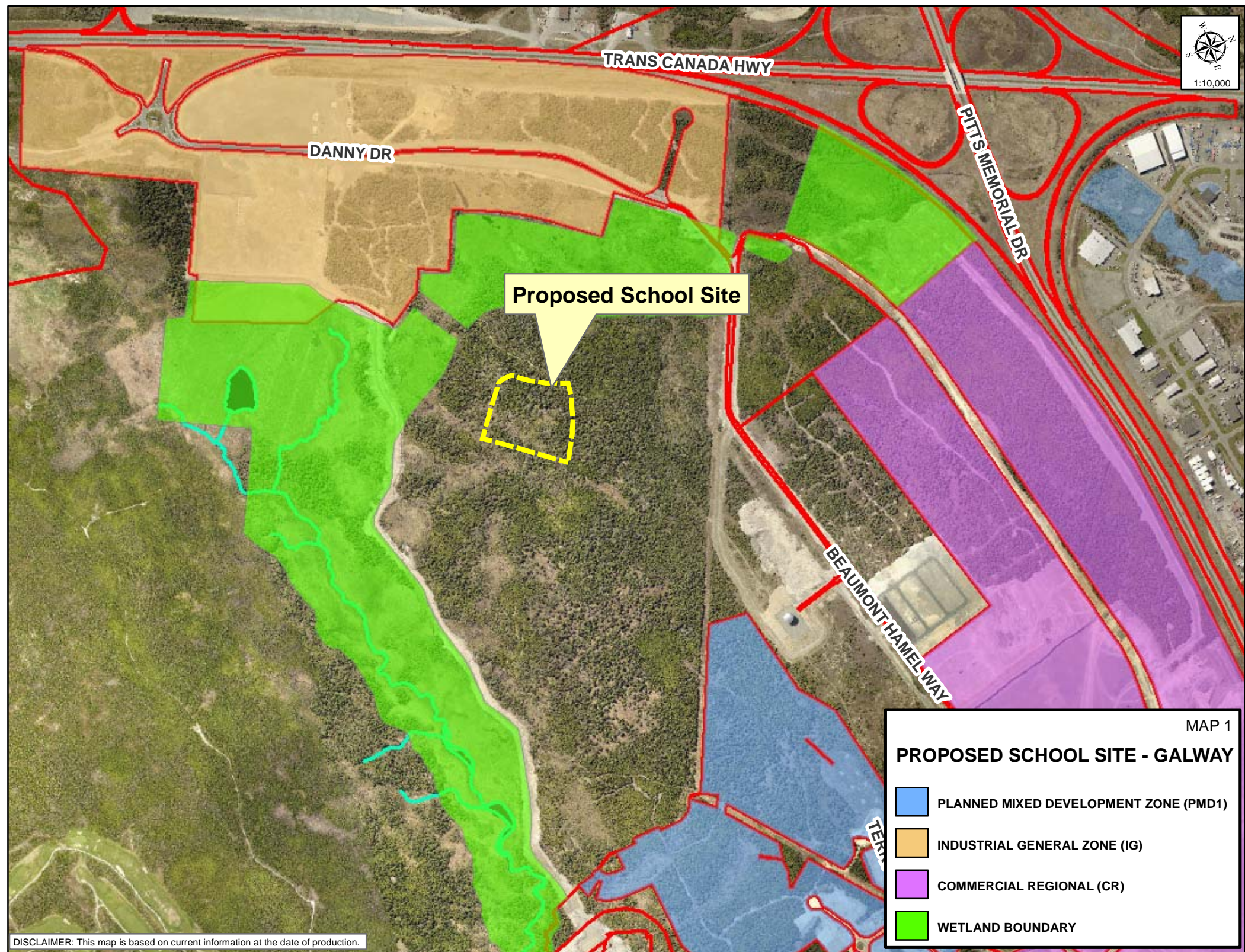
IG

PMD1

CDA-SOUTHLANDS

DISCLAIMER: This map is based on current information at the date of production.





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Proposed School Site

MAP 1

PROPOSED SCHOOL SITE - GALWAY

-  PLANNED MIXED DEVELOPMENT ZONE (PMD1)
-  INDUSTRIAL GENERAL ZONE (IG)
-  COMMERCIAL REGIONAL (CR)
-  WETLAND BOUNDARY

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