

DECISION/DIRECTION NOTE

Title: 68 Queen's Road, Adoption-in-Principle MPA1900002

Date Prepared: February 2, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 2

Decision/Direction Required:

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment Number 154, 2021, and St. John's Development Regulations Amendment Number 706, 2021 regarding 68 Queen's Road and provide direction on rezoning the rear of the property along Harvey Road.

Discussion – Background and Current Status:

The memo below presents the application, considerations for any rezoning, and benefits and concerns of the proposed rezoning and development.

In January 2019, Parish Lane Development Inc. applied to rezone the property at 68 Queen's Road, the former Cathedral Parish Hall. A house built in 1893 (the year after the Great Fire) is attached to the west end of the hall, there is a gravel parking lot behind, and the land rises steeply to Harvey Road in a treed area that has no formal use. The property was previously owned by the Anglican Cathedral nearby. The hall has been empty for several years, the house has been refurbished and is occupied, and the perimeter of the gravel area has grown up with mature trees and grass. It presents a natural area along Harvey Road and is used informally by some area residents; however, the area is private property. The retaining wall at the top supports Harvey Road itself.

Nearby buildings include The Rooms provincial museum, art gallery and archives to the north, houses along Garrison Hill to the east, Gower Street United Church and hall and the Sergeant's War Memorial and Peacekeepers Monument across Queen's Road to the south, and St. Andrew's Presbyterian Church and hall off Long's Hill to the west. There is also a disused Roman Catholic cemetery in front of St. Andrew's. The Catholic Basilica and the Anglican Cathedral are nearby.

Initially the applicant proposed a 40-unit residential development with two apartment buildings (on Queen's Road and Harvey Road) sharing a parking garage between. Following a public meeting on November 27, 2019, plus additional consultation, the applicant revised the design by proposing 3 townhouses on Queen's Road, keeping the 1893 house. The building proposed on Harvey Road is rotated 90 degrees, so it is narrower on the road and goes back deeper into the property. The proposal is still for 40 residential units.

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The subject property is zoned Institutional (INST) along Queen's Road and Open Space (O) at the rear along Harvey Road; these zones do not permit this type of development. The property is designated Institutional and Open Space by the St. John's Municipal Plan, and rezoning would require a Municipal Plan amendment. A St. John's Urban Region Regional Plan amendment is also required. This is discussed in detail below.

The Open Space (O) Zone along Harvey Road is a hold-over from the first zoning map for St. John's in 1955. At that time, there were only a handful of zones used. Parks were zoned Open Space, as well as all churches, churchyards and cemeteries.

The property is located in Heritage Area 1, and the Cathedral Parish Hall at 68 Queen's Road is designated by Council as a Heritage Building. This area is within the St. John's Ecclesiastical District National Historic Site, which was proclaimed several years ago by the Historic Sites and Monuments Board of Canada.

Council decided to consider rezoning and set terms of reference for a land-use assessment report (LUAR). A first report was submitted, then the application changed. Once the revised report was completed, the application was advertised for a second public meeting.

The proposed rezoning was advertised three times in *The Telegram* newspaper and on the City's website. Property owners within 150 metres of the property were notified in writing. Two virtual public meetings using Microsoft Teams were held on November 17 and 18, 2020. There were 45 attendees at the first meeting and 39 at the second. Written submissions received by the City Clerk are included in the agenda for the regular meeting of Council. Minutes and submissions from the public meeting in 2019 can be found in Council's June 23, 2020 agenda.

Public Consultation

Prior to submitting the revised report, the applicant organized a public session at The Rooms with stakeholders; and in partnership with Happy City St. John's and Heritage NL, the applicant carried out an online survey, a focus group with stakeholders, and a design charrette led by ERA Partners, an architectural firm from Toronto. The information received helped shape the revised design.

While the applicant conducted extensive consultation beyond the minimum required by the City, some neighbours felt that they were left out of these meetings. The comments will be reviewed as the City proposes requiring earlier public consultation for applications under the draft Envision St. John's Municipal Plan and Development Regulations.

Townhouses on Queen's Road

During the initial November 2019 public meeting, the City heard that residents would like to see mixed uses (residential and some commercial) along Queen's Road. In response, when the application was revised with townhouses on Queen's Road, staff proposed the Residential Mixed (RM) Zone. This could allow future residents to apply for other uses such as offices, similar to the mix of uses nearby on Church Hill.

During the November 2020 public meetings, many who spoke felt that commercial activity was not appropriate in this area but that townhouses would fit in. Upon further reflection, staff now recommend the Residential Downtown (RD) Zone along Queen's Road. This zone is used on Garrison Hill and throughout much of Downtown.

The Cathedral Parish Hall is designated as a Heritage Building but was radically altered in the late 1960s after a fire. Approving a rezoning for townhouses would require the removal of the heritage designation and demolition of the hall. The applicant proposes to re-use character-defining elements such as the brick arch. The heritage designation will remain on the 1893 house. Should rezoning proceed, the decision to remove the heritage designation for the hall would be brought to Council at the development stage.

Please note that a Regional Plan amendment is not required for the proposed rezoning along the Queen's Road frontage.

Apartment Building on Harvey Road

To consider any rezoning of land at the rear of 68 Queen's Road, a Regional Plan amendment is required to redesignate the land from "Public Open Space" to "Urban Development". When the Regional Plan map was digitized several years ago, it inadvertently introduced an additional level of detail that was not original to the map, designating many of the City's Open Space lands as "Public Open Space" regionally. The City has approached the Province about this problem, which affects many properties throughout St. John's and neighbouring municipalities. Meanwhile, we must apply for a Regional Plan amendment here.

The Minister of Environment, Climate Change and Municipalities reviewed the request by the City to amend the Regional Plan map to enable the proposed municipal amendments. The Minister gave permission for the City to proceed with public consultation related to the Regional Plan. In addition to public notification, the Minister requires consultation with the other 14 municipalities in the region. Correspondence from other municipalities is included in Council's agenda. There were no concerns raised.

To review the Regional Plan amendment request, the Province referred it to the Interdepartmental Land Use Committee (ILUC). Provincial departments and agencies expressed no concerns, though Archaeology noted that an archaeological impact assessment would be required before development. The Sector Diversification Division of Tourism did not object to the amendment but stated that tourism stakeholders will be very concerned about the impact of the development on views, particularly from The Rooms. They were satisfied that there would be a diligent and extensive consultation process so these concerns can be discussed and addressed. The ILUC report recommended that the Regional Plan amendment be approved, conditional to the concerns and comments expressed.

There is a possibility that Council could adopt the proposed amendments but the Minister could decide not to adopt the Regional Plan amendment, meaning the municipal amendments affecting Harvey Road would not proceed. The amendments along Queen's Road are not affected by the Regional Plan.

At the public meetings and in the many emails received, opinions were divided. Some thought that the proposed development would be an improvement to the currently neglected hall, retain the heritage character of the area, increase residential density, encourage more people to come downtown, retain some green space, and be a good addition to the neighbourhood.

Others do not want to see the trees cut down and thought the proposed building is too large and out of scale with the historic area. Concerns were raised from neighbouring properties that removing trees, developing a large building, and installing light fixtures will block their natural light and affect privacy of houses along Garrison Hill. There were concerns that blasting or drilling for the underground parking could affect the adjacent properties. The objections include a petition with over 4,000 signatures.

In addition to residents, the board of directors of The Rooms and three adjacent places of worship (Gower Street United Church, St. Andrew's Presbyterian Church, and the Catholic Basilica of St. John the Baptist) also cited significant objections to the proposed development.

Concerns have been raised about potential negative impacts on the St. John's Ecclesiastical District National Historic Site designation. There was an assertion that the Cathedral Parish Hall is itself a national historic site; Parks Canada have confirmed that this is not so. There was an appeal to not allow the development of the proposed apartment building, as it could jeopardize the work of a group of volunteers who seek to nominate the Ecclesiastical District as a World Heritage Site with UNESCO. This is a laudable goal; information from Parks Canada does not affirm that level of jeopardy to a potential future UNESCO designation.

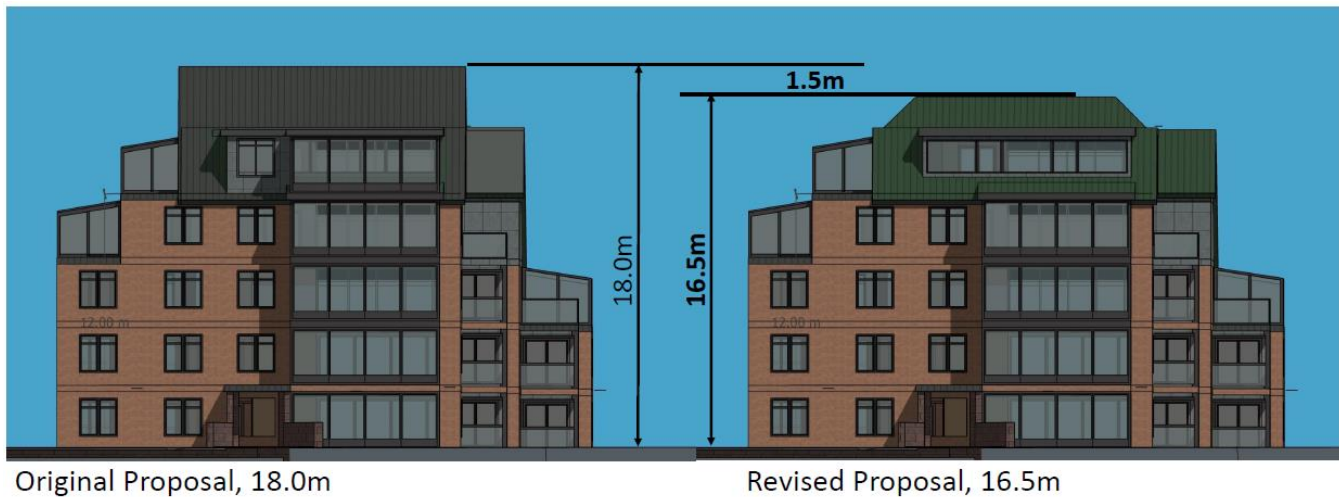
The NL Historic Trust, a volunteer organization, noted that many of the earlier concerns have been addressed in the revised proposal but recommended a reduced paved area. They welcomed reuse of original masonry elements but are concerned that some historic elements may not be incorporated. Heritage NL, an arms-length provincial agency, co-operated with the developer in some of the public consultations.

Given the concerns raised, if Council decides to amend the zone at the rear of 68 Queen's Road, along Harvey Road, staff propose a site-specific zone. This is used where a general zone used in many locations might not give Council enough control. This property is a sensitive site, with many public concerns. In the proposed response by staff, a site plan would be adopted with the rezoning amendments, so that if the land is developed, the development on that site would have to match the adopted site plan. Changes to the site plan would require an amendment to the zone. However, before finalizing the form of the zone, more information is required from the applicant. **Staff ask for Council's direction on this matter before staff request additional information from the applicant.** If Council decides to reject the proposed rezoning of the Open Space (O) Zone along Harvey Road, staff recommend making that decision before requesting additional information from the applicant.

Attached is the site plan submitted with the LUAR. The applicant will be required to provide more information on building height, submit a plan showing which elements of the building are underground and which are above ground (this has a bearing on the minimum yard clearances

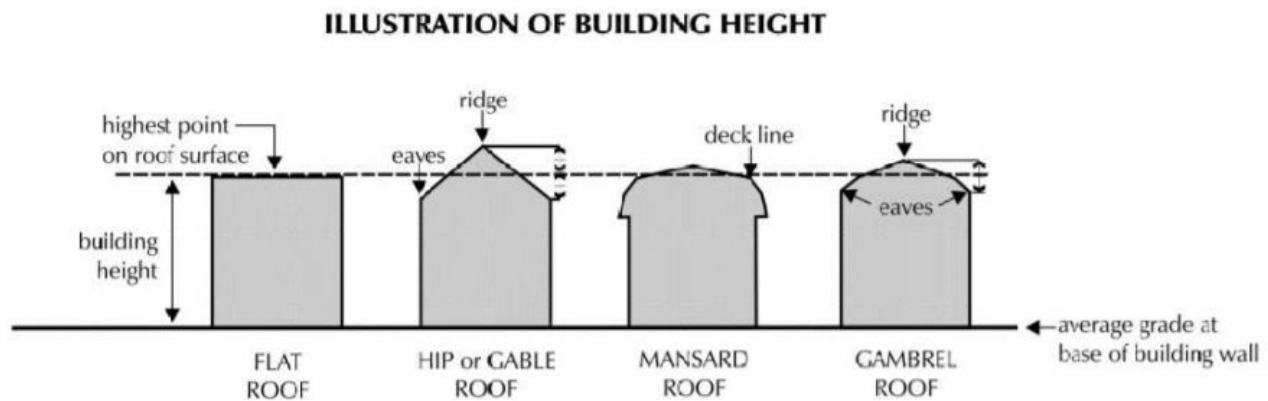
required), and update the site plan to add the side yard distance at various specific points. More information may be needed as the proposed new zone is drafted.

Since the public meetings in November 2020, the applicant has lowered the roofline and is now proposing a building height of 16.5 metres on Harvey Road (see renderings below). Note that this would still give 5 storeys above Harvey Road. If the maximum building height in the zone was set at 15 metres, the proposed 16.5 metre building could be permitted with a 10% variance. As per Section 8.4(6) of the St. John's Development Regulations, Council approval is required for variances other than lot area, frontage or yard standards.



To illustrate building height at the rezoning stage (before detailed drawings are prepared), the building is shown with its height above Harvey Road. This fits with the definition of building height in the St. John's Development Regulations. However, other factors can affect the height of the finished roofline at the building stage, including the grade of the property, ground conditions (rock outcrop or loose soil), the location of the foundation footings, and the type of roofline. This means that the final development could end up higher than what is shown in the drawings. Given the sensitive nature of the site, we would want to avoid any surprises.

From the definition of building height, gable, hip and gambrel roofs are measured at the mean or average height between the eave and the ridge – not at the highest point. This means that the peak of the roof will be higher than the maximum building height, shown in the illustration below. As the applicant's renderings show, changing the roofline from a gable roof to a hip roof changes the impacts on adjacent properties – particularly views from The Rooms. The roofline is a design feature of the building, and that is not regulated by the zone. Thus, staff propose a site-specific zone using the applicant's site plan as approved by Council.



If Council agrees with this approach and wishes to ensure that the maximum building height will be as shown in the drawings, more measurements on the eave and peak are required, so that staff can work from that to determine the maximum building height for the zone, as measured at various specific points along Harvey Road (the road itself changes elevation along the frontage of the property). This may require additional cost to the developer, so before asking for more information, staff ask for Council's direction. Is this approach acceptable?

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring property owners and residents; heritage groups; business groups; potential future residents.
3. Alignment with Strategic Directions/Adopted Plans:
St. John's Strategic Plan 2019-29 - A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Amendments would be required to the St. John's Municipal Plan and Development Regulations and to the St. John's Urban Region Regional Plan.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Should the amendments proceed, a Public Hearing would be required at a later date.

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

Recommendation:

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 154, 2021 and St. John's Development Regulations Amendment 706, 2020, regarding land at the front of 68 Queen's Road allow the development of three townhouses which will replace the Cathedral Parish Hall.

Further, that Council direct staff on whether to prepare a site-specific zone for the upper portion of 68 Queen's Road, fronting Harvey Road, using an adopted site plan to control the development of the site for a proposed apartment building. Staff can then bring back the amendments for Council's consideration.

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Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	68 Queen's Road, Adoption in Principle MPA1900002.docx
Attachments:	- 68 Queen's Road - Attachments Feb 2021.pdf
Final Approval Date:	Feb 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Feb 4, 2021 - 2:12 PM

Jason Sinyard - Feb 4, 2021 - 2:53 PM