

DECISION/DIRECTION NOTE

Title: St. John's Municipal Plan Amendment Number 152, 2019 and
St. John's Development Regulations Amendment Number 698, 2019
Rezoning from the Commercial Central Mixed Use (CCM) Zone to the
Commercial Central Office (CCO) Zone for a hotel and concert hall
MPA1900001
9 Buchanan Street, 426 and 430 Water Street
Applicant: Fougere Menchenton Architecture

Date Prepared: July 31, 2019

Report To: His Worship the Mayor and Members of Council

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

Ward: 2

Decision/Direction Required:

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment Number 152, 2019, and St. John's Development Regulations Amendment Number 698, 2019.

Discussion – Background and Current Status:

Fougere Menchenton Architecture, on behalf of the property owner, Steele Hotels Limited, has applied for a rezoning to the Commercial Central Office (CCO) Zone in order to accommodate a hotel (approximately 36m - 9-storeys) and a concert hall (approximately 21m - 6-storeys). The property is currently zoned Commercial Central Mixed Use (CCM) in which the maximum building height is 15m. A rezoning to the CCO Zone is required in order to accommodate the height of the proposed building. A Municipal Plan amendment is also required. The proposed development would attach to the existing building at 115 George Street West (JAG Hotel) by a pedway.

Proposed Amendments to the St. John's Municipal Plan and Development Regulations

The subject property is designated Commercial Downtown under the St. John's Municipal Plan. In order to allow a maximum height of 10 storeys in a Heritage Area, the Downtown Building Control (Map III-2) must be amended to allow additional bulk and height at the subject property. Further, Section 3.3.4 of the Municipal Plan speaks to specific conditions for 430 Water Street. A text amendment to this section is required for the development as proposed.

The subject property is located within Planning Area 1 – Downtown. As per Section 2.1.5 of the Downtown Planning Area Development Plan (PADP), the City will “optimize the location and operation of religious, public assembly, tourism and recreation uses through the development of adequate convention, assembly, recreation and tourism facilities in the Downtown”. The proposed development corresponds with this objective.

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The subject properties are located within Heritage Area 3 and as per Section 5.9.4 of the St. John's Development Regulations, new buildings are required to comply with the Heritage Area Standards or a comprehensive design package approved by Council. The applicants attended two Built Heritage Experts Panel (BHEP) meetings and the Land Use Assessment Report (LUAR) was brought to the BHEP for their recommendation. The BHEP was pleased with the proposed mixed use of the development but was disappointed that greater discussion was not held at the conceptual stage. The BHEP recommended that an attempt be made to enhance the street presence on Water Street. As a result, the applicants have proposed a parkette and access to the hotel on Water Street. As this is a modern design, the LUAR will be considered as the comprehensive design package.

The proposed development requires a rezoning to the CCO Zone, a text amendment to the CCO Zone respecting setbacks, and an amendment to the Downtown Building Control (Map F) in order to allow the proposed height. Within the CCO Zone, Hotel is a permitted use and General Assembly is a discretionary use. Should the amendment proceed, it is recommended to advertise the Discretionary Use with the Public Hearing notice.

Sale of City Land and Air Rights

The proposed design requires the sale of City land which includes the sale of Hutchings Lane, air rights over Buchanan Street, air rights over City land in front of 430 Water Street and an easement for the land on Water Street impacted by the pillars. At the February 11, 2019 Council meeting, Council approved entering into a Purchase and Sale Agreement for the sale of Hutchings Lane and sale of air rights at the above-mentioned sites subject to conditions, including but not limited to rezoning and development approval. At the July 8, 2019 Council meeting, Council approved an easement for the lands impacted by the pillars, subject to development approval.

Traffic and Parking

For this development, the City requires 70 parking spaces. As proposed in the July 4, 2019 LUAR, the applicant will provide 68 parking spaces; therefore, if this application proceeds, a request will be made to Council for parking relief of 2 spaces. Additionally, changes are proposed in the traffic pattern to make Springdale Street one-way from Water Street to George Street West and redirect Buchanan Street. The changes improve sight lines on Springdale Street, allows for drop-off and pick-up of people from the vehicle passenger side on Buchanan Street where the hotel entrance will be located and improves the pedestrian realm.

Public Space

A unique aspect of this block of land is that it includes a parcel of City owned land at the front of 430 Water Street. As per Section 2.2.7 of the Downtown PADP "the City shall promote public parks in the Downtown so as to: 1) improve pedestrian circulation; 2) encourage activity near commercial area and places of public interest; 3) enhance design; and 4) increase public well-being and enjoyment." During the public consultation stage of this proposal, Council stated that they would like to see the building give life to Water Street which may be accomplished by a parkette on the City owned land and a public entrance to the hotel from Water Street. From the LUAR, the applicant states "There is also an entry to the lobby from Buchanan St. as well as a public entry at Water Street connecting the park area to the main floor above, with a generous welcoming stair. The entryway and exit directly to this landscaped plaza, will allow staff, users and patrons direct access to this outdoor park and layby." In order to recognize this area as a public space, the City is proposing to rezone the City owned land from the CCM Zone to the Open Space (O) Zone.

Public Consultation and Submissions Received

The proposed rezoning was advertised on three occasions in The Telegram newspaper and was posted on the City's website. Property owners within 150 metres of the application site were notified and a public meeting was held on July 24, 2019. Approximately fourteen people were in attendance including Deputy Mayor O'Leary, and Councillors Jamieson and Hickman. Written submissions were also received by the City Clerk and are included in the agenda for the Regular Meeting of Council.

There was both support for the development and concerns raised at the public meeting. Those in support felt that it is a good design and the use will be a great addition to the City. Concerns raised about the development were related to the design, as well as the development review process. With respect to the design, there were concerns that the development does not reflect the traditional character of downtown St. John's and introduces large-scale blocks of blank walls rather than human-scale buildings. It was suggested that there should be more pedestrian access of the park area and that parking requirements should be further reduced to allow more activity along Water Street, such as a retail at the corner of Water Street and Buchanan Street. As this is also a concern that was raised by the BHEP and Council, it is recommended that the applicant consider including a more active use alongside the parkette at the intersection of Water Street and Buchanan Street, such as retail. The current proposed use is a parking garage.

Concerns raised regarding the development review process were with respect to the demolition of the John Howard Society Building (previously located at 426 Water Street) and the sale of air rights without public input. Upon receiving the rezoning application for the subject property, the buildings at 426 Water Street and 9 Buchanan Street were evaluated by staff and the BHEP for heritage designation. The buildings did not meet the City's heritage designation criteria and were not recommended to be designated. Council agreed with this recommendation and therefore a demolition permit was issued. Further, the sale of air rights is subject to conditions, including but not limited to rezoning and development approval. Therefore, the public consultation associated with the rezoning is required prior to finalizing any of the associated Purchase and Sale Agreements.

Given that there is general support for the proposed development, it is recommended that the proposed amendments be adopted-in-principle.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Property owner and neighbouring 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:
Text amendments in the St. John's Municipal Plan and Development Regulations, as well as map changes to the Downtown Building Control maps are required. An

amendment to the St. John's Development Regulations is required to rezone the property on the Zoning Map.

5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
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 152, 2019 and St. John's Development Regulations Amendment 698, 2019, which would rezoning 9 Buchanan Street, 426 and 430 Water Street and City owned land, from the Commercial Central Mixed Use (CCM) zone to the Commercial Central Office (CCO) and Open Space (O) Zones, to allow for a hotel and concert hall. A map and text amendment to both the Municipal Plan and Development Regulations to amend setback and the Downtown Building Control maps is also required.

If the amendments are adopted-in-principle by Council, they will be sent to the Department of Municipal Affairs and Environment with a request for provincial release. Once the release is received, the amendment will be referred back to a future Regular Meeting of Council for consideration of adoption and the appointment of a commissioner to conduct a Public Hearing, as required by the Urban and Rural Planning Act.

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:

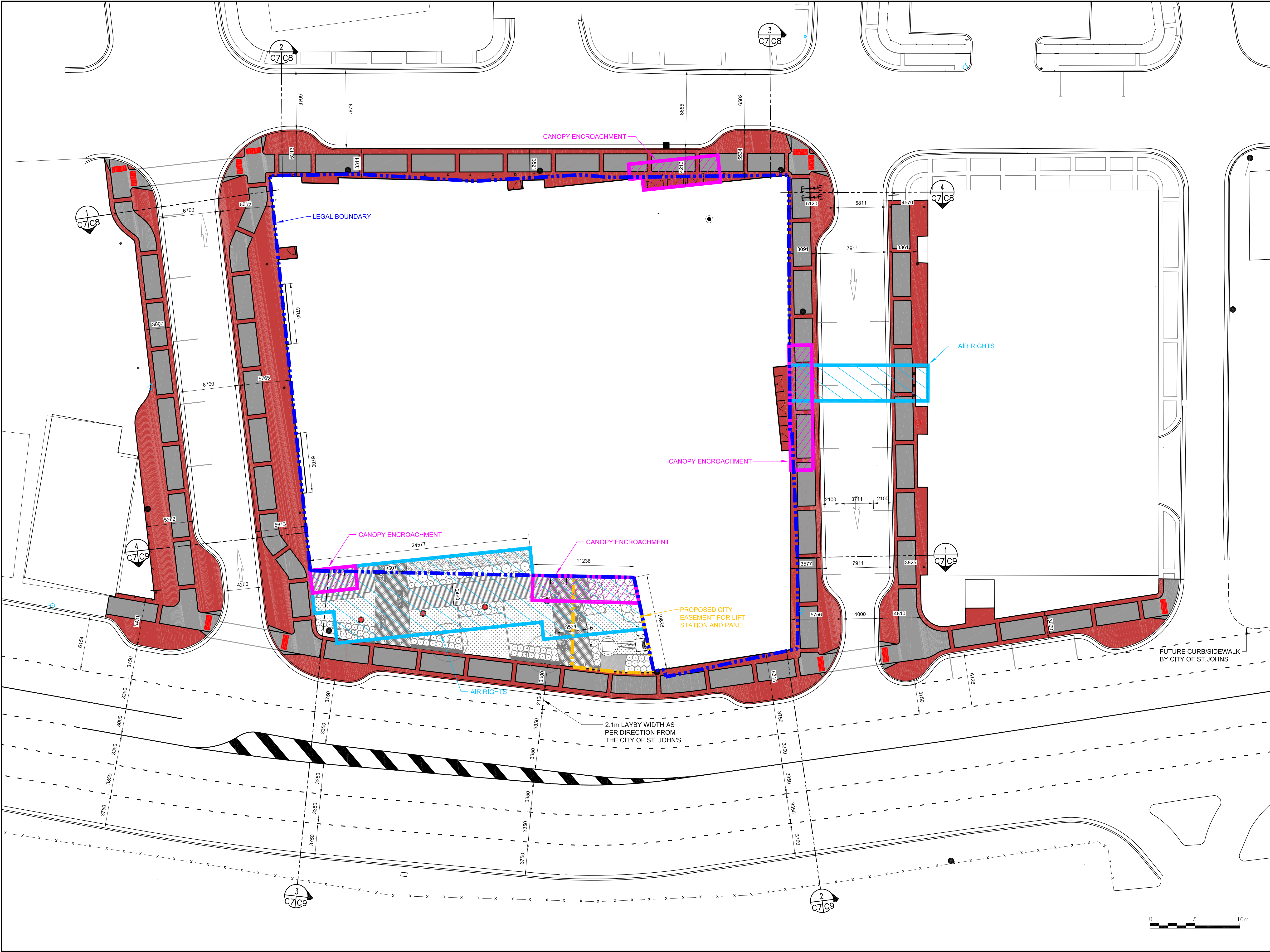
Amendment
Location Map
Site Plan



SUBJECT PROPERTY

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

W:\Engwork\Planw\2109 projects\430 water street.mxd



CONTRACTOR MUST VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE PROCEEDING WITH ANY PORTION OF THIS WORK. REPRODUCTIONS OF THIS DRAWING MAY HAVE BEEN REDUCED OR ENLARGED. REFER TO GRAPHIC SCALE. DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

A
B/C

A - PLAN, SECTION, ELEVATION, OR DETAIL No.
B - No. OF DRAWING WHERE 'A' IS ON SITE PLAN
C - No. OF DRAWING WHERE 'A' IS DETAILED

LEGEND	
SYMBOL	DESCRIPTION
FM	EXISTING SANITARY SEWER MAIN
○	EXISTING MANHOLE
—	EXISTING STORM SEWER MAIN
□	EXISTING CATCH BASIN
—	EXISTING WATERMAIN
—	EXISTING GATE VALVE
⬢	EXISTING FIRE HYDRANT
•	POLE
—	EXISTING CULVERT
x — x — x	FENCE
w — w — w	RETAINING WALL
100.00	EXISTING ELEVATION

PROGRESS PRINT

2019/07/04

A	ISSUED FOR APPROVALS			
No.	REVISIONS	APP	DWN	DATE

NORTH:

STAMP:

PERMIT STAMP:

PROVINCE OF NEWFOUNDLAND AND LABRADOR

PEG
Newfoundland
and Labrador
REGISTERED PROFESSIONAL ENGINEER

PERMIT HOLDER
This Permit Allows

PROGRESSIVE ENGINEERING & CONSULTING INC.

To practice Professional Engineering
in Newfoundland and Labrador,
Permit No. as issued by PEG N0566
which is valid for the year 2019

OWNER/CLIENT NAME:

PROJECT TITLE:

JAG HOTEL EXPANSION

DRAWING TITLE:

NEW ROAD
INFRASTRUCTURE
PLAN

DRAWN BY:	DESIGNED BY:	APPROVED BY:
J.P.P.	J.P.P.	
MAE No:	DATE:	SCALE:
N/A	JULY 2019	AS SHOWN
PROJECT No:	DRAWING No:	REV:
2018-042	C7	A

RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 152, 2019

WHEREAS the City of St. John's wishes to allow development of a 9-storey hotel and concert hall at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380) and 430 Water Street (Parcel ID #46659 & 19189).

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text and map amendments to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act, 2000.

1. Amend Section 3.3.4 Commercial - Downtown by removing the following from the Building Height and Area subsection:

“Notwithstanding the above, the City of St. John's may permit development of a building with a height not exceeding 6 storeys on property situate at Civic Number 430 Water Street.”

2. Amend Section 3.3.4 Commercial – Downtown by removing the following from the Building Height in Heritage Areas subsection:

“In addition, any building in excess of four storeys in such areas shall be set back no less than eight metres from the street line; however, this shall not apply to property situated at Civic Number 430 Water Street.”

3. Amend Map III-2 (Downtown Building Control Map) by removing the property at 430 Water Street (Parcel ID #46659 & 19189), and adding the properties at 9 Buchanan Street (Parcel ID # 46415), 426 Water Street (Parcel ID #21380) and 430 Water Street (Parcel ID #46659 & 19189) as the following:

“Areas allowing a building height not exceeding 10 storeys and not requiring a light angle of 60 degrees at 15m/4 storeys above grade”

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs and Environment 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

RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 698, 2019

WHEREAS the City of St. John's wishes to allow the development of a 9-storey hotel and concert hall at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380), 430 Water Street (Parcel ID #46659 & 19189) and City owned land.

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, 2000:

1. Rezone the properties at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380), 430 Water Street (Parcel ID #46659 & 19189) and City owned land from the Commercial Central Mixed Use (CCM) Zone to the Commercial Central Office (CCO) Zone and Open Space (O) Zone as shown on Map Z-1A attached.

2. Repeal Section 10.24.3(1)(c)(ii) and substitute the following:

“the minimum building façade setback on Street shall be 0 metres for first 18 metres of Building Height, 4 metres for greater than 18 metres in Building Height. Where Building façade abuts more than one Street, setback shall be applied to a minimum of 2 Streets, such Streets being determine by the Chief Municipal Planner.”

3. Amend Map F (Downtown Building Control Map) by removing property at 430 Water Street (Parcel ID #46659 & 19189) and adding the properties at 9 Buchanan Street (Parcel ID #46415), 426 Water Street (Parcel ID #21380), and 430 Water Street (Parcel ID #46659 & 19189) as the following:

“Areas allowing building height not exceeding 10 storeys and not requiring a light angle of 60 degrees at 15m/4 storeys above grade”

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs and Environment 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

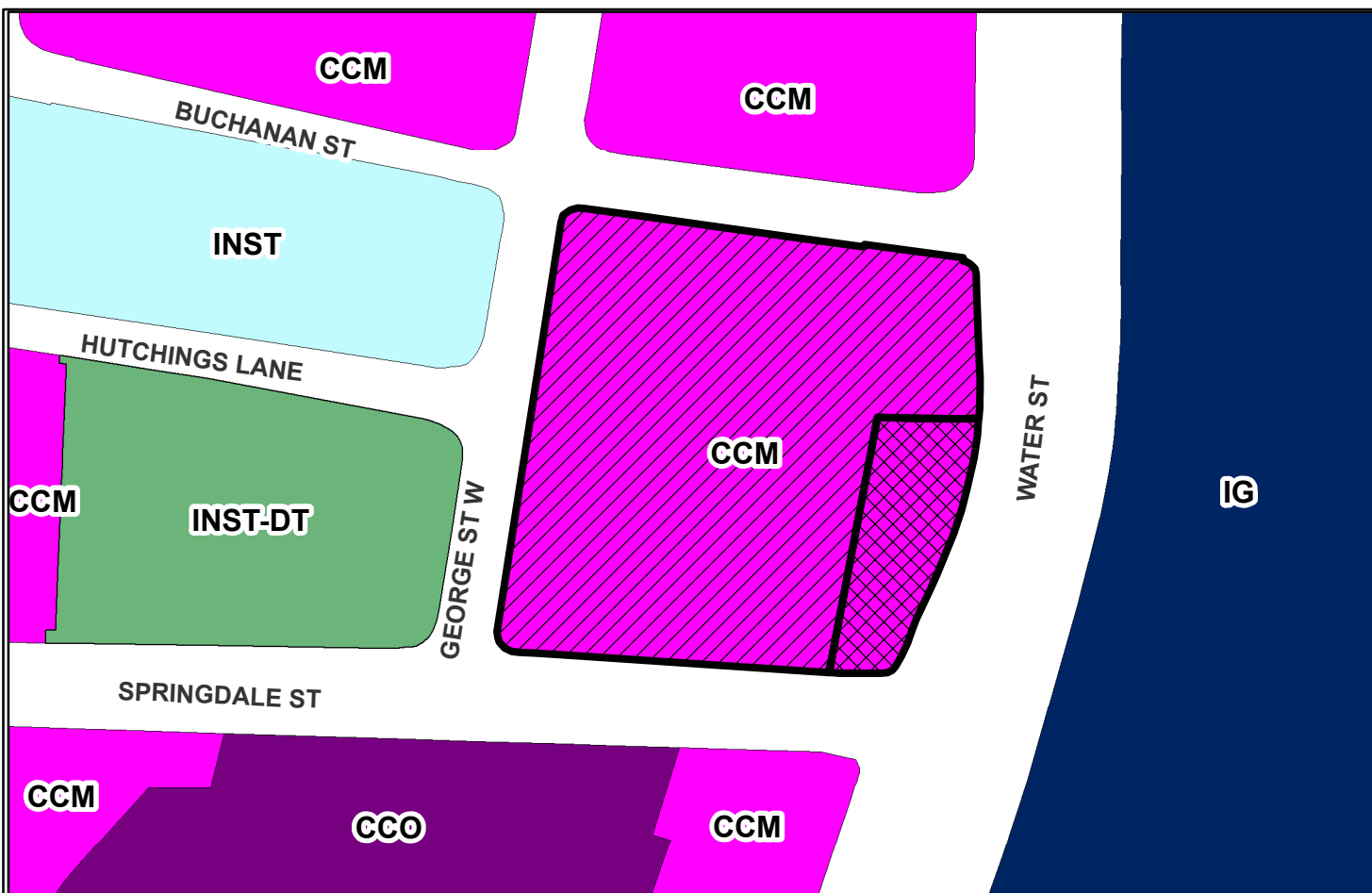
MCIP

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

City Clerk

Council Adoption

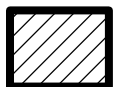
Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 698, 2019
[Map Z-1A]**

2019 08 01 Scale: 1:1000
City of St. John's
Department of Planning, Development
& Regulatory Services

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**



AREA PROPOSED TO BE REZONED FROM
COMMERCIAL CENTRAL MIXED (CCM) LAND USE ZONE TO
COMMERCIAL CENTRAL OFFICE (CCO) LAND USE ZONE



AREA PROPOSED TO BE REZONED FROM
COMMERCIAL CENTRAL MIXED (CCM) LAND USE ZONE
TO OPEN SPACE (O) LAND USE ZONE

430 WATER STREET
Parcel ID 46659
Parcel ID 19189
426 WATER STREET
Parcel ID 21380
9 BUCHANAN STREET
Parcel ID 46415

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

