

# DECISION/DIRECTION NOTE

**Title:** 40 Quidi Vidi Road – Adoption – REZ2200010

**Date Prepared:** November 17, 2023

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Ian Froude, Planning

**Ward:** Ward 2

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## **Decision/Direction Required:**

That Council adopt Envision St. John's Development Regulations Amendment Number 27, 2023, to rezone a portion of land at 40 Quidi Vidi Road from the Residential 3 (R3) Zone to the Residential Mixed (RM) Zone.

## **Discussion – Background and Current Status:**

The City has received an application from First Light St. John's Friendship Centre Inc. to rezone their property at 40 Quidi Vidi Road to accommodate an office, clinic and place of assembly. The applicant is proposing to renovate and expand the existing building (the former St. Joseph's Church) to develop their headquarters. This will include a community centre, clinic, and gymnasium which will provide community space, programming, and amenities for the community, as well as updated office space and headquarters for the organization. The project will include landscaping and a memory garden dedicated to the survivors of residential schools in the province.

The subject property is zoned Residential 3 (R3) where, of the proposed uses, only an office can be considered. A rezoning to Residential Mixed (RM) would accommodate the proposed development. Within the RM Zone, clinic and office are permitted uses, while a place of assembly is a discretionary use. The property is designated Residential under the Envision St. John's Municipal Plan, so a Municipal Plan amendment is not required. The property falls within Heritage Area 3 and is subject to the St. John's Heritage By-Law. A portion of the existing parking lot is within the Open Space (O) Zone and will not be rezoned.

## Public Consultation

At its regular meeting on February 20, 2023, Council voted to consider the amendment and set the terms of reference for a land use report (LUR). The proposed rezoning was advertised three times in *The Telegram*, mailed to property owners within 150 metres of the site, and posted on the City's website. There is also a project page for the application on the City's Planning Engage page. A public meeting was held on October 30, 2023, at City Hall. Submissions received and minutes from the public meeting are attached.

During the public meeting, most of the concerns were about the proposed driveway access from the subject property to Cavell Avenue through Cavell Park. People did not want to see a

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reduction in the green space of the park and the increase to traffic on Cavell Avenue, which is a cul-de-sac. Concerns were raised about the size of the proposed building (too large for the area) and the applicant's request for parking relief. Some residents felt that the development would bring more congestion in the neighbourhood if sufficient parking is not available on-site.

#### Revised Site Plan

Following the public meeting, the applicants revised their site plan and adjusted the building orientation to allow the existing driveway to be maintained with some improvements. In earlier submissions, the expanded building narrowed the end of the driveway so that there was no room for an entering vehicle to wait for other vehicles to exit. This posed a traffic safety concern, thus the need for a second access to Cavell Avenue. With the revisions, the driveway to Cavell Avenue is not required. There are no development or engineering concerns with the proposed development. The revised site plan addresses many concerns from the public meeting. Therefore, it is recommended to rezone the property to RM to accommodate the proposed development.

#### Other Amendments/Approvals

##### *Buffering and Screening Requirements*

There have been several recent applications in St. John's where new development is proposed on existing sites in established neighbourhoods. In some situations, such as the present application, upgrading a parking lot to meet buffering requirements would reduce the available parking spaces. From the Development Regulations, Section 7.6.3 requires non-residential uses abutting existing residential uses to have a 6-metre buffer and a 1.8-metre-high screen. Some flexibility is required for infill sites, and there are exceptions for Commercial Local (CL) and Commercial Local Downtown (CLD) Zones. Where sites zoned RM tend to be similar to Commercial Local Zones in terms of size and scale, it is recommended to amend the Development Regulations so that buffering and screening for properties zoned RM shall be in the discretion of Council. This text amendment is included in the attached amendment.

##### *Discretionary Use*

The discretionary use for a place of assembly was advertised with the rezoning. There were few concerns raised about this. Most concerns were about the size of the proposed extension for the use, and parking concerns.

##### *Land Use Report*

The updated Land Use Report (LUR) is attached. This includes the revised site plan. The revised site plan has been attached separately, to make it easier to find. Some of the renderings and elevations have not been updated yet, but notes on the drawings state that the building design will be updated at the development approval stage to match the revised site plan. The overall design of the building will remain the same, the big extension on the front will be at an angle to the road instead of parallel to the road. This change allows the entrance driveway to remain the same. Some proposed screening near the entrance may change to ensure safe sightlines for drivers and pedestrians in the parking lot.

##### *Parking Relief*

The proposed development requires 78 parking spaces and the applicant is proposing 28 spaces plus 4 bicycle spaces. The applicants request parking relief for 50 parking spaces, with rationale provided in the land use report. City staff support their request. Note, the LUR has an error in the parking section which will be corrected before any development agreement is signed. It states 76 spaces required; the correct number is 78. And of the 30 spaces proposed, 2 are on the adjacent lot, so the City accepts that only 28 are provided.

#### *Consolidation*

Should development proceed, the applicants will be required to apply to consolidate 40 Quidi Vidi Road with the adjacent right-of-way and parking lot. 36 Quidi Vidi Road will remain a separate lot. The applicants must have a legal agreement to ensure the access to 36 Quidi Vidi Road remains, along with shared amenities such as garbage containers.

#### *Residential Mixed (RM) Zone Standards*

Within the RM Zone, zone standards for the proposed uses are in the discretion of Council. It is recommended that Council set the standards, included setbacks, building height, landscaping and lot coverage using the standards shown on the attached site plan in the LUR.

#### *Heritage Approval*

The subject property is within Heritage Area 3. As per the Heritage By-Law, a building in a Heritage Area must comply with the Heritage Design Standards. The applicants have proposed a modern extension to replace the front façade of the building. This does not meet the Heritage Design Standards. The Heritage By-Law allows Council to exempt a charitable organization which is registered under the Income Tax Act (Canada) from the Heritage Design Standards. This exemption can be applied to the proposed development.

The LUR was reviewed by the City's Built Heritage Experts Panel (BHEP), who recommended exemption from the Heritage Design Standards. They recognized the significance of Indigenous representation in the city and support the use of natural materials, particularly wood, as it helps blend the new building with adjacent traditional houses. The Panel recommended approval of the proposed building with the following conditions:

- Should a non-combustible material be required on the facades near residential properties, that it be limited to just those facades. Wood should be used wherever possible.
- That the applicants consider leaving the existing brick as is, rather than painting it.

#### Next Steps

Should Council agree to adopt the attached amendment, the documents will be forwarded to the NL Department of Municipal and Provincial Affairs for registration.

#### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.

2. Partners or Other Stakeholders: Property owner; neighbouring residents and property owners.

3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations; St. John's Heritage By-Law.
5. Accessibility and Inclusion: The proposed renovations will make the building more accessible. Accessibility will be reviewed at the development and building permit stages, should the rezoning proceed.
6. Legal or Policy Implications: Development Regulations text and map amendments are required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public engagement was conducted in accordance with the Development Regulations.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

**Recommendation:**

That Council:

1. Adopt Envision St. John's Development Regulations Amendment Number 27, 2023, to rezone land at 40 Quidi Vidi Road from the Residential 3 (R3) Zone to the Residential Mixed (RM) Zone for the development of First Light headquarters, and amend Section 7.6.3 to set buffering and screening for the RM Zone in the discretion of Council.
2. Approve the discretionary use of a place of assembly at 40 Quidi Vidi Road.
3. Approve the attached land use report dated November 10, 2023, but correct the parking section to show the correct number of parking spaces required and provided.
4. Approve parking relief of 50 spaces to accommodate the proposed expansion.
5. Set the lot standards for the proposed extension, including setbacks, building height, lot

coverage and landscaping percentage, as shown on the site plans in Appendixes 3 and 4 of the attached land use report dated November 10, 2023.

6. Exempt Fire Light, as a charitable organization, from meeting the Heritage Design Standards, and approve the design of the extension as proposed, with the following conditions;

- Should non-combustible materials be needed to meet fire and life safety requirements, limit their use to applicable facades (only use where needed); and
- That the applicant consider leaving the existing brick unpainted.

**Prepared by: Ann-Marie Cashin, MCIP, Planner III**

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

**Report Approval Details**

Document Title:	40 Quidi Vidi Road - Adoption - REZ2200010.docx
Attachments:	- 40 QUIDI VIDI ROAD.pdf - 40 Quidi Vidi Road_LUR Revised_R4_2023-11-10_opt.pdf - DR Amend No. 27, 2023 - 40 Quidi Vidi Road - MAP and TEXT (amc).pdf
Final Approval Date:	Nov 20, 2023

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

**Ken O'Brien - Nov 20, 2023 - 3:21 PM**

**Jason Sinyard - Nov 20, 2023 - 3:32 PM**