

DECISION/DIRECTION NOTE

Approved via e-poll of Council on September 30, 2019 (inadvertently omitted from agenda)

Title:	St. John's Development Regulations Amendment Number 701, 2019 Text Amendment to the Commercial Central Retail (CCR) Zone for a maximum building height of 18 metres REZ1900013 331 Water Street
Date Prepared:	September 24, 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 the attached resolution for St. John's Development Regulations Amendment Number 701, 2019.

Discussion – Background and Current Status:

The City received an application to allow an 18-metre building at 331 Water Street. The subject property is designated Commercial Downtown under the St. John's Municipal Plan and is zoned Commercial Central Retail (CCR). The maximum allowable building height in the CCR Zone is 4 storeys not exceeding 15 metres. The applicant wishes to build an office and retail building with a maximum height of 18 metres.

During review of the new Development Regulations, it was identified that an increase in building height should be considered for some commercial zones, with the exception of the Commercial Local (CL) and Commercial Neighbourhood (CN) Zones, which tend to be located within residential neighbourhoods. The standard used for many years in the St. John's Development Regulations is a height of 15 metres or 4 storeys. However, we have heard from local architects and developers that 15 metres is not high enough to accommodate 4 storeys, given that a commercial building often has a floor-to-floor height between 4 and 5 metres. The proposed increase in height is not site-specific and would apply to all CCR Zoned properties in the City. A map of CCR Zoned properties is attached for your reference.

The subject property is located in Heritage Area 1. A design of the proposed building has been reviewed by the Built Heritage Experts Panel and was approved by Council on June 10, 2019 with the following conditions:

- add a cornice/articulation along the roofline on the masonry walls;
- add windowsills to the second storey windows on Water Street (similar to the surrounding buildings);
- ensure first storey windows on Water Street align with adjacent buildings; and

ST. JOHN'S

- the amount of brick shown on the drawings will remain in the final design.

The design of the building in the attached submission is similar to the design that was approved by Council. There are still some questions as to the building materials proposed, which will have to be addressed prior to issuing any permits. For example, the submitted drawings show the use of stucco or metal panel on the façade facing the Murray Premises. This façade was previously displayed as brick. As Council has directed that the amount of brick shown on the approved drawings to remain, this façade will be required to be brick. Review of the design as this application proceeds will be required to ensure that the final design meets the conditions as directed by Council.

In the initial design, the applicants had proposed two levels of underground parking. Due to complications with the water table level, they have revised the floor plans. The building will remain three storeys but is proposed to exceed 15m. As shown on the drawings, the roof line is 17 m at Water Street and the mechanical roof screen extends to 18.5m. The City does not include mechanical structures in the maximum height however the applicant has noted that this can be lowered to 18 m if there are any concerns. The Harbour Drive elevator is proposed to remain, along with the small retail storefront at the intersection of Harbour Drive and Bishop's Cove.

The applicants currently have an active application for development of the building. Staff are reviewing the applications and have provided initial comments. The revised plans have not been approved by staff at this stage and revisions may be required. If the text amendment to allow an increased height is adopted, the development review will continue.

The proposed St. John's Development Regulations amendment was advertised on two occasions in The Telegram newspaper and was posted on the City's website. Property owners within 150 metres of the application site were notified. Three written submissions were received by the City Clerk and is included in the agenda for the Regular Meeting of Council.

The written submission both supported the application and raised concerns for the additional height. Some respondents felt that 15 metres is sufficient for this area and raised concerns about the increased height being applied to the entire block. However, as previously stated, it has been the City's intentions in the new Envision Development Regulations to increase the height in various zones due to changes in floor-to-floor height in new buildings. In this specific case, the building will remain 3 storeys and Council has directed that the first storey windows are to align with the adjacent building to ensure consistency along the streetscape.

As the proposed amendment is consistent with the Envision Development Regulations, it is recommended to consider increasing the maximum height in the CCR Zone from 15 metres to 18 metres.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
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:
A text amendment to the St. John’s Development Regulations is required to increase the maximum height from 15 metres to 18 metres in the Commercial Central Retail Zone.
5. Privacy Implications: Not applicable
6. Engagement and Communications Considerations:
Public notice of the proposed amendment.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

It is recommended that Council adopt St. John’s Development Regulations Amendment Number 701, 2019, which will increase the maximum allowed height from 15 metres to 18 metres in the Commercial Central Retail (CCR) Zone. If the attached amendment is adopted by Council, it will then be referred to the Department of Municipal Affairs and Environment with a request for Provincial Registration in accordance with the provisions of 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:

Resolution

Maps

Development Regulations Section 10.25, CCR Zone

Applicant’s Submission

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 701, 2019**

WHEREAS the City of St. John's wishes to increase the allowable height limit in the Commercial Central Retail (CCR) Zone.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act, 2000:

1) Repeal Section 10.25.3(c) and replace it with the following:

“(e) Building Height (maximum) 18 metres”

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



SUBJECT PROPERTY

WATER ST

HARBOUR DR

BISHOP'S COVE

GEORGE ST

ADELAIDE ST

11-17

CCM

CCR

CCR

9
1

338

2

CCR

340

346

350

335

337

339

CCR-WSW

140

IG

135

310

312

318

320

324

326

330

332

336

331

319

317

315

309

305

11-17

15

23

10

8

13

ADELAIDE ST

WATER ST

HARBOUR DR

BISHOP'S COVE

GEORGE ST

11-17

CCM

CCR

CCR

9
1

338

2

CCR

340

346

350

335

337

339

CCR-WSW

140

IG

135

310

312

318

320

324

326

330

332

336

331

319

317

315

309

305

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

W:\Engwork\PlanW\applications 2019\dev1900058-331 water street.mxd



 **DOWNTOWN CCR ZONES**

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

10.25 COMMERCIAL CENTRAL RETAIL (CCR) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.25.1 Permitted Uses

Residential:

- (a) Dwelling Unit within Buildings having an F.A.R. not exceeding 3.0

Public:

- (b) Adult Day Care Facility (subject to Section 7.2)
- (c) Cultural Centre
- (d) Library

Commercial:

- (e) Bakery
- (f) Bank (Subject to Section 7.30) **(2012-06-29)**
- (g) Clinic
- (h) Commercial School
- (i) Communications Use
- (j) Custom Workshop
- (k) Department Store
- (l) Dry Cleaning Establishment
- (m) Eating Establishment (subject to Section 7.21) (Subject to Section 7.30)
(1995-09-15)(2012-06-29)
- (n) Hotel
- (o) Laundromat
- (o.1) Lounge **(2011-05-06)**
- (p) Office
- (q) Parking Area
- (r) Printing Establishment
- (s) Retail Store
- (t) Service Shop
- (u) Sign Maker's Shop
- (v) Taxi Business
- (w) Wholesale Business as Accessory Use to Retail Use Only

Other:

- (x) Day Care Centre (subject to Section 7.6)
- (y) Park
- (z) Public Use
- (aa) Public Utility

CCR

10.25.2 Discretionary Uses (subject to Section 5.8)

- (a) Place of Amusement
- (b) Place of Assembly **(1995-11-24)**
- (c) Private Park **(2007-10-05)**

10.25.3 Zone Requirements

The following requirements shall apply to all permitted Uses:

- (a) Floor Area Ratio (maximum) 3.0
In areas allowing greater bulk on Map F (max) 5.0
- (b) Floor Area Commercial (min) Where a Building is located on a Lot adjoining Water Street, not less than 1 Storey shall be used exclusively for one or more of the following Uses - Retail Store, department store, Bank, Service Shop, Eating Establishment, Lounge, Place of Amusement, Place of Assembly; and such a Commercial Storey shall be at the approximate elevation of the adjoining portion of Water Street.
(1995-09-15) (2011-05-07)
- (c) Building Height (maximum) 4 Storeys (not exceeding 15 m)
- (d) Additional Building Height (maximum) Up to 10 Storeys and 40 m, provided:
 - (i) the Building is situated in an area allowing greater bulk on Map F;
 - (ii) the Building is not situated in the Historic Precinct; and
 - (iii) that such parts of the Building exceeding 4 Storeys in height shall be set back from any Street Line at a distance of not less than 8 m.
- (e) Building Line (minimum) All Buildings situated on Water Street shall be built on the Street Line, except for entrances to an arcade or a pedestrian court with a width not exceeding 6 m, measured along a line parallel to Water Street
- (f) Light Plane Section 11.5 shall apply.

CCR

VIEW FROM WATER STREET / BISHOPS COVE

PERSPECTIVE



*PRELIMINARY NOT FOR CONSTRUCTION, PERMIT, OR REGULATORY APPROVAL. *RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

*ALL BUILDING AREAS ARE APPROXIMATE UNTIL BUILDING FOOTPRINT / ENTRY DESIGNS ARE FINALIZED.

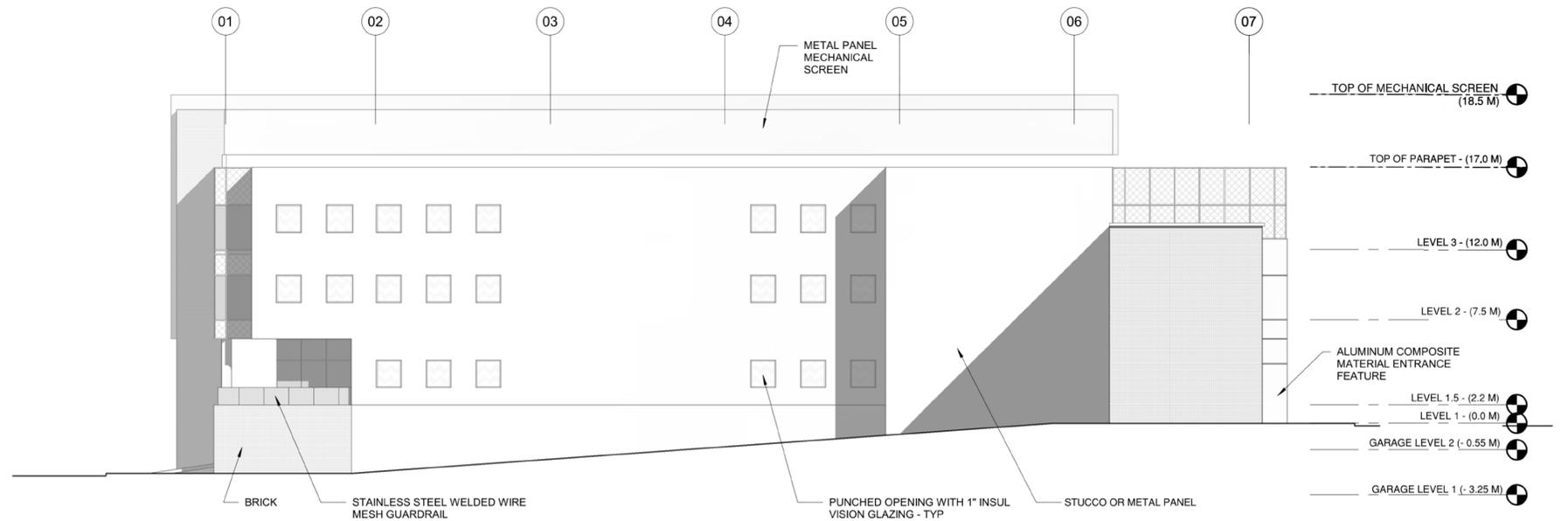
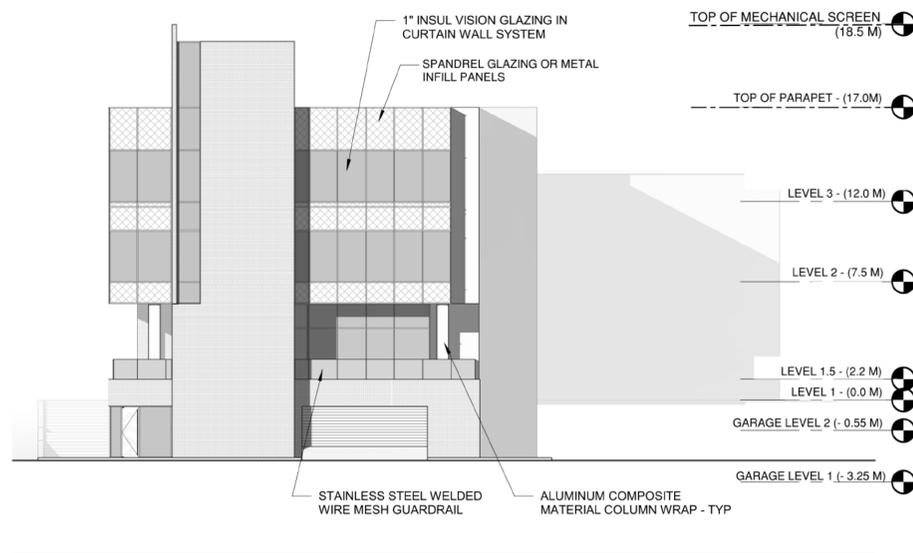
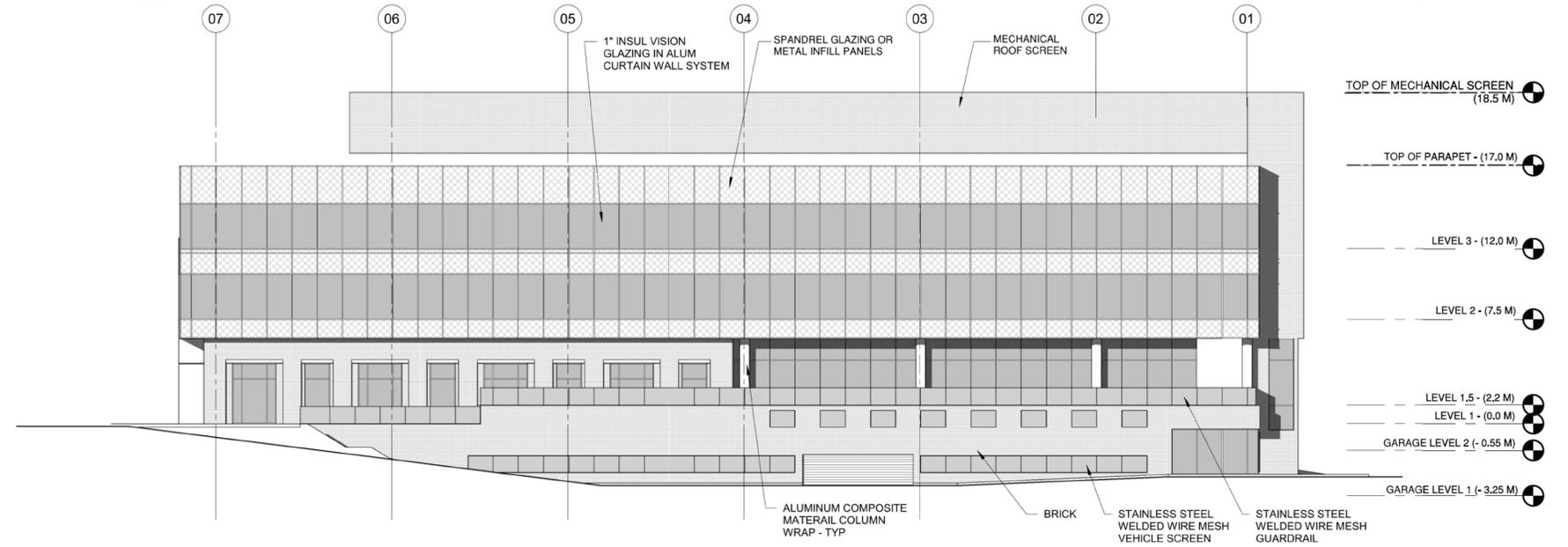
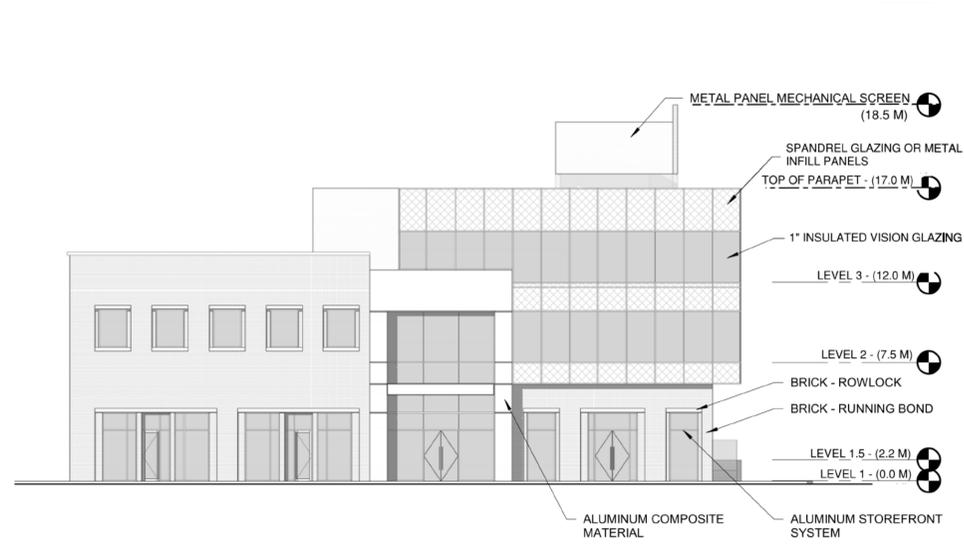
331 WATER STREET
A PROJECT FOR
ALRE PROPERTIES INC.

powers
brown
archit
ecture

ELEVATIONS

OVERALL ELEVATIONS

SCALE: 1/16" = 1'-0"



*PRELIMINARY NOT FOR CONSTRUCTION, PERMIT, OR REGULATORY APPROVAL. *RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

*ALL BUILDING AREAS ARE APPROXIMATE UNTIL BUILDING FOOTPRINT / ENTRY DESIGNS ARE FINALIZED.

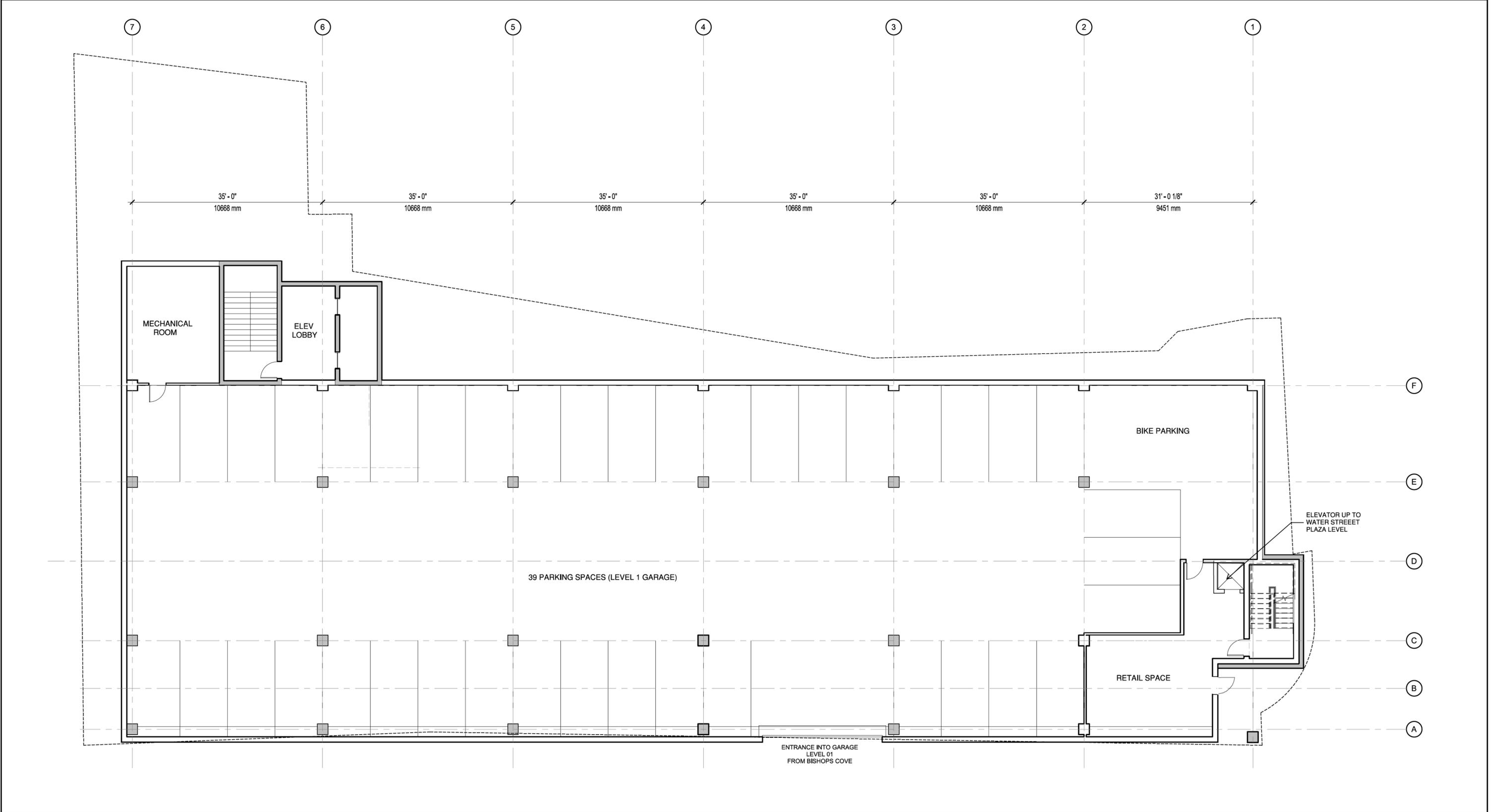
331 WATER STREET
A PROJECT FOR
ALRE PROPERTIES INC.

powers
brown
archi
ecture

FLOOR PLAN - GARAGE LEVEL 01

39 PARKING SPACES

SCALE: 1 : 100



RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND AS SUCH SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

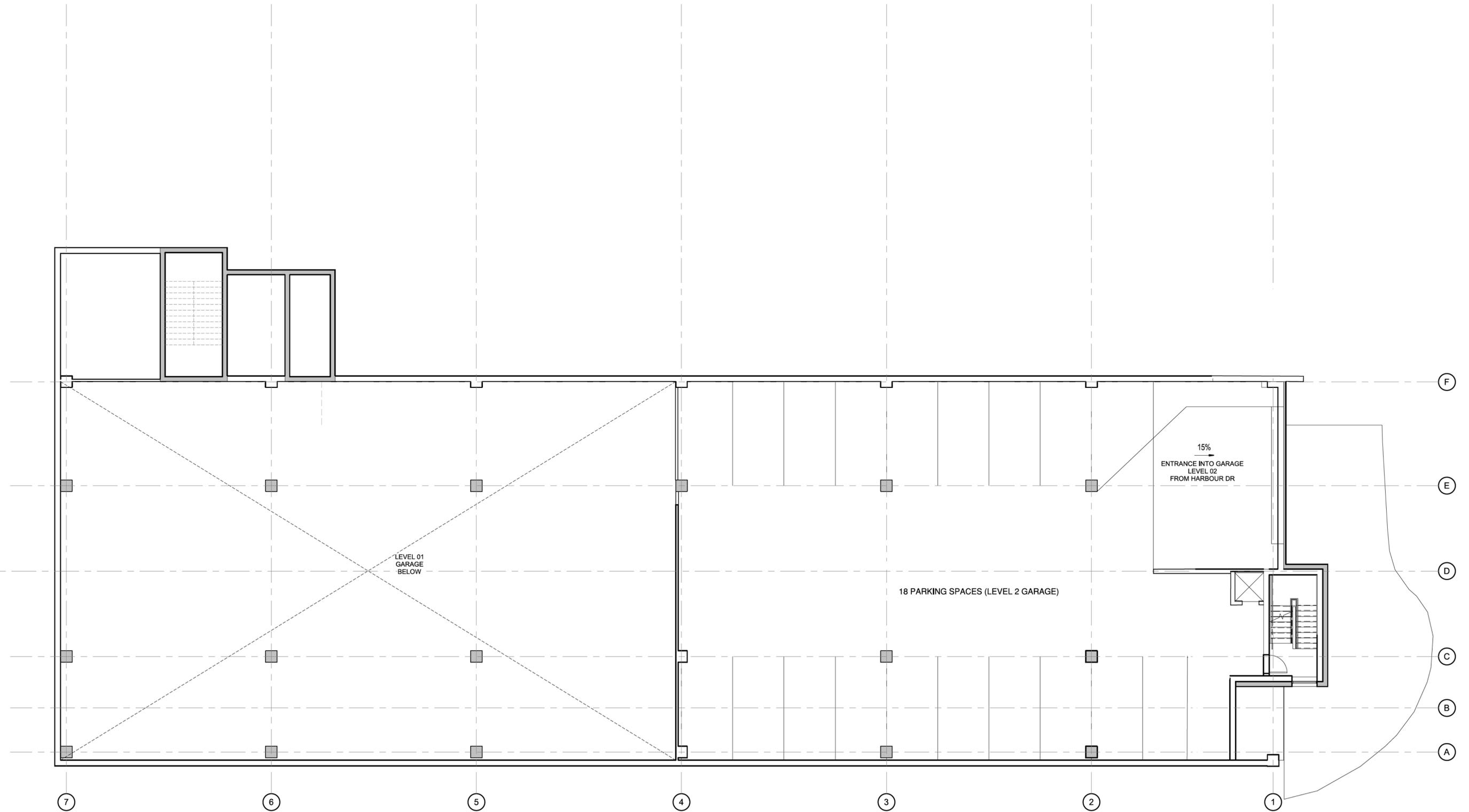
OFFICE BUILDING
A PROJECT FOR
ALRE PROPERTIES INC.

powers
brown
archit
ecture

FLOOR PLAN - GARAGE LEVEL 02

18 PARKING SPACES

SCALE: 1 : 100



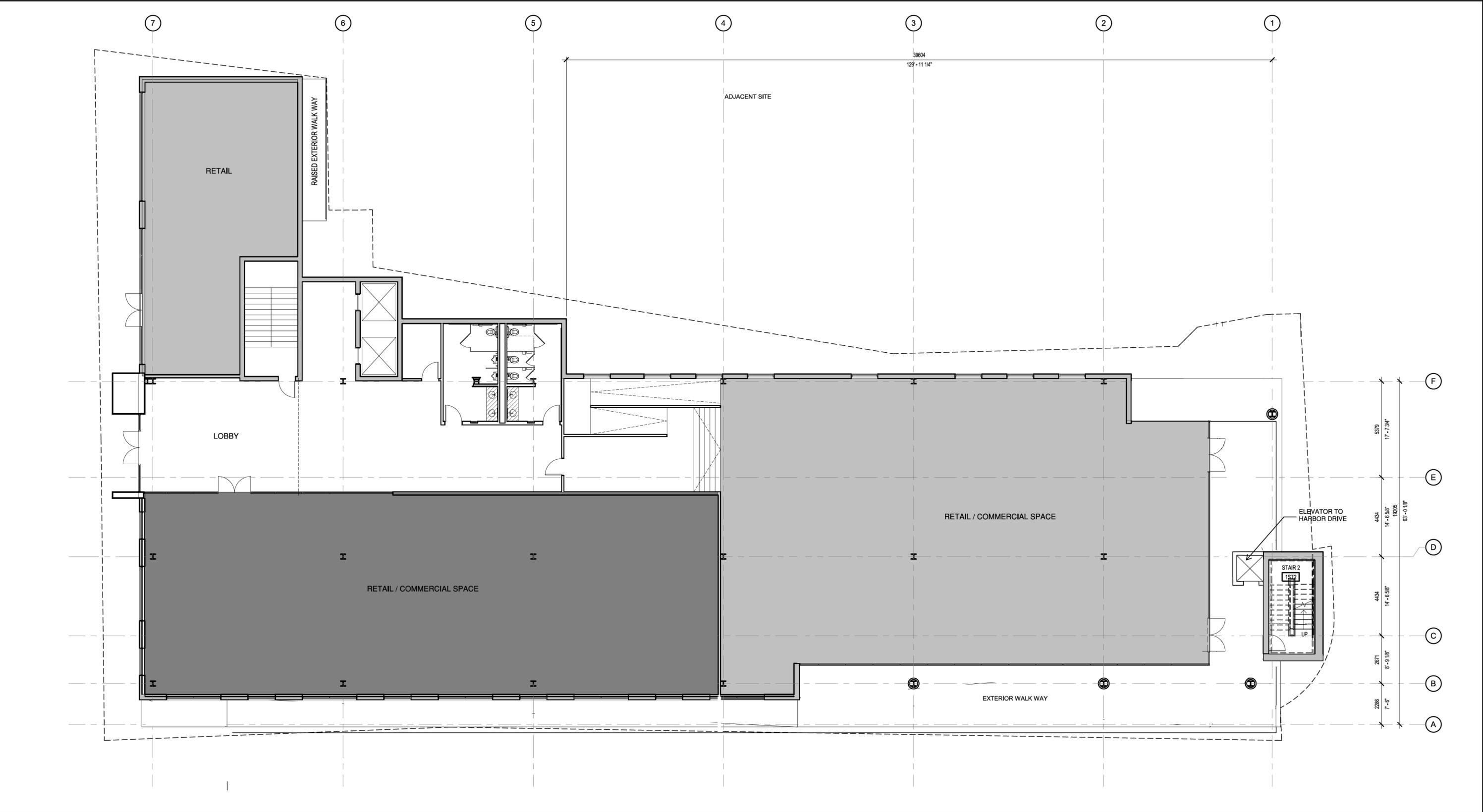
RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND AS SUCH SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

OFFICE BUILDING
A PROJECT FOR
ALRE PROPERTIES INC.

powers
brown
archit
ecture

FLOOR PLAN - FIRST FLOOR

SCALE: 1 : 100



RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND AS SUCH SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

OFFICE BUILDING
A PROJECT FOR
ALRE PROPERTIES INC.

powers
brown
archit
ecture

Elaine Henley

From: [REDACTED]
Sent: Friday, September 6, 2019 9:09 AM
To: CityClerk; Planning
Subject: Re: Application - 331 Water Street

the addition of 3 meters should be denied

the allowable height of 15 meters is enough to build a structure and 15 meters may already dwarf the existing heritage structure (the murray premises) causing shade and an inappropriate discombobulation between the two structures.

please deny the application for additional height as it will ultimately change the height restrictions for the entire block by setting a precedent. it is unnecessary to the proposed design which was already made public and conformed to the allowable 15 meters.

i suggest the city deny this application



On Thu, Sep 5, 2019 at 4:16 PM St. John's e-Updates <eupdates@stjohns.ca> wrote:

City of St. John's Media Relations has issued the following:

=====

Public Notice

Tue, 2019/09/24 - 9:30am

Application - 331 Water Street

Application

An Application has been submitted to increase the maximum allowable height from 15 metres to 18 metres.

Description

A text amendment to the Commercial Central Retail (CCR) Zone of the St. John's Development Regulations is required in order to consider an increase in maximum height. A Municipal Plan amendment is not required.

Comment By

9:30 a.m. Tuesday, September 24, 2019

Comments

Provide your comments to the Office of the City Clerk including your name and address to: cityclerk@stjohns.ca or P.O. Box 908, St. John's, NL, A1C 5M2.

Comments received become a matter of public record and are included in the Council agenda for the date a decision on the application will be made. Any identifying information (including your name) will be removed prior to your comment

Karen Chafe

From: [REDACTED]
Sent: Wednesday, September 18, 2019 10:11 AM
To: CityClerk
Subject: 331 Water Street

I disagree with increasing the height maximum for the building described below. Maximums exist for a reason and I do not think they should be changed for individual buildings.

"Application

An Application has been submitted to increase the maximum allowable height from 15 metres to 18 metres for 331 Water Street.

Description

A text amendment to the Commercial Central Retail (CCR) Zone of the St. John's Development Regulations is required in order to consider an increase in maximum height. A Municipal Plan amendment is not required."

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]

Elaine Henley

From: [REDACTED]
Sent: Wednesday, September 11, 2019 6:49 PM
To: CityClerk
Subject: 331 Water Street

TO WHOM IT MAY CONCERN:

As principles of aforementioned properties which are in close proximity with 331 Water Street, we absolutely support the proposed amendment.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]