

DECISION/DIRECTION NOTE

Title:	Amendment to Rezone Land to the Commercial Downtown Mixed 2 Zone (CDM2) for a Mixed-Use Building REZ1900009 96 and 100 Water Street, 205 and 209 Duckworth Street Designated Heritage Building (former Breakwater Books and S.O. Steele Building)
Date Prepared:	October 8, 2019
Report To:	Committee of the Whole
Councillor & Role:	Councillor Maggie Burton, Planning and Development Lead
Ward:	2

Decision/Direction Required:

To consider a rezoning application for 96 and 100 Water Street, 205 and 209 Duckworth Street to the Commercial Downtown Mixed 2 (CDM2) Zone for the purpose of a mixed-use building. The uses include retail, office, residential and museum. An amendment to the St. John's Municipal Plan would not be required.

Discussion – Background and Current Status:

Roebethan McKay Marshall Accident and Injury Law has applied for a text amendment to the Commercial Central Mixed Use (CCM) Zone to accommodate a proposed 6-storey mixed-use building. The property is currently zoned CCM and is within the Commercial Downtown District of the St. John's Municipal Plan. The CCM Zone allows for a maximum building height of 15 metres and therefore an amendment is required. Further, the property is located within Heritage Area 1 and the former Breakwater Books and S. O. Steele Building at 100 Water Street is designated by Council as a Heritage Building and the Province as a Registered Heritage Structure.

During public consultation for Envision St. John's, the interest and need for additional building height in appropriate locations within the downtown was identified. Envision has an objective for the east end of downtown (east of Adelaide Street) to retain the existing urban form and scale along the commercial corridors of Duckworth and Water Streets, while allowing some additional height. Higher buildings may be considered subject to building orientation, setbacks, public space and parking standards. The existing scale of buildings, along with the downtown's cultural and architectural significance and heritage requirements, will guide building design and will help determine the appropriate scale and scope of new buildings and redevelopment.

Mixed-use, pedestrian-friendly commercial centres are also a key goal throughout Envision. Although the new Municipal Plan has yet to come into legal effect, it has been adopted-in principle by Council, and its policies endorsed by the public.

ST. JOHN'S

In response to the request for additional height, the Envision Development Regulations look at new zones and zone requirements for considering additional height with the intent of facilitating commercial and mixed-use development while maintaining appropriate heritage standards. Although the applicants have requested a text amendment to the CCM Zone, based on the work completed for Envision, it is proposed that a new Commercial Downtown Mixed 2 (CDM2) Zone be used for this application. The intent of the CDM2 Zone is to allow the same uses as the Commercial Downtown Mixed (CDM) Zone with a slightly higher maximum building height and Floor Area Ratio (FAR). The permitted and discretionary uses in both the CDM and CDM2 Zones are a combination of those from the current downtown zones.

The applicant is proposing a 6-storey building with a height of 27 metres and a Floor Area Ratio (FAR) of 5.64. The development would include the exterior façade of the former Breakwater Books store if feasible. It is proposed that this portion of the designated building will be used as a War Memorial Museum. The remainder of the building would have three levels of parking, retail on the first level of Duckworth Street, with two levels of office and the top three levels for residential units. Given the slope of the property, the development would be 6-stories on Duckworth Street and 8-stories on Water Street.

Heritage Designation

The Breakwater Books Building is designated as a Heritage Building by Council and the designation is confined to the footprint of the building. Architecturally, this building is significant because it is an excellent example of Victorian Second Empire style commercial architecture. Virtually unaltered since its erection in 1894, this building features the original picture windows, recessed entranceways and transom lights, all typical of this type of architecture. Since the original occupants both worked and lived in this building it was designed to serve this dual purpose, having the shop located on the ground level and residential space on the upper levels. Therefore, historically this site has always been a mixed-use site and the CDM2 would be an appropriate zone to continue these uses.

From the Statement of Significance, the character defining elements of this building include all the original features which relate to the age and construction of the building in a commercial Second Empire style, such as original storefront layout, mansard roof with bonneted dormers, brick exterior, original windows and door openings, size and appearance of transoms above doorways, base panels, pilasters along storefront, all decorative brickwork, all other decorative features including mouldings and trim, belt course (horizontal band separating the levels), and the overall dimensions, height and location of structure.

If this proposal proceeds, the applicant is requesting to demolish majority of the building and maintain the exterior façade along Water Street, if feasible. The City recognizes the importance of creating ways in which historic buildings can be maintained and enjoyed by the public and acknowledges the need allow development surrounding historic buildings, however there should be no question to whether the façade will be maintained or not. Should the development proceed, it is recommended that the applicant ensure that the façade will be protected. This may include additional engineering studies to ensure that all measures are taken to protect the building. At this stage, not enough information is provided to evaluate how the façade would be maintained in the new development, and therefore it is recommended that

more information be provided in a Land Use Assessment Report (LUAR) on how the applicants intend to protect the building.

Floor Area Ratio (FAR)

In the current draft of the Envision Development Regulations, the maximum building height in the CDM2 Zone is 27 metres and the FAR is 3.5. There is also a building façade setback requirement of 4 metres at the 18-metre level. If the façade faces more than one street, such as in the case of the subject property, the setback shall be applied to a minimum of 2 streets and the streets are determined by the Chief Municipal Planner.

Since the draft Development Regulations were made public, staff have met with design professionals and recognize that for a height of 27 metres, the FAR could be increased to 4.0. It was noted that in order to avoid large bulky building such as Atlantic Place, the FAR should not be any more than 4.0. The proposed design has a FAR of 5.64, which is too large for this site. It is important to recognize that maximum height and FAR should not be treated as mutually exclusive standards. Both standards need to be met in order to create a building appropriate in size and scale for the site. Should the development proceed, it is recommended that the building be redesigned to meet the standards set out in the CDM2 Zone of the Envision Development Regulations.

Design of the Building

As the proposed development is one of the first in the City that proposes a building surrounding a historic building, it is important that the design is reviewed from a heritage perspective to ensure that the new development is complementary to the historic building. Staff have met with the architect and have raised some concerns. Given that the overall dimensions, and height of the building are character defining elements, and that the storey levels are displayed with the belt course, it is recommended that the additions along Water Street should compliment the historic façade with respect to rhythm and orientation of façade openings/fenestrations along the same elevation. If this proposal proceeds, it is recommended that the application be referred to a Built Heritage Experts Panel (BHEP) meeting prior to development of a LUAR. This would ensure that any concerns raised by the BHEP could be addressed in the LUAR.

Requirement for a LUAR

The property is within the Commercial Downtown District of the Municipal Plan and therefore does not require a Municipal Plan amendment to rezone the property to CDM2. However, from Section 5.6.2 of the St. John's Development Regulations, a Land Use Impact Assessment shall consider the concept of "Downtown Balance" as described in the Municipal Plan where it is required for the allowance of additional bulk and height for Buildings in the Downtown area outlined on Map F. Therefore, it is recommended that a LUAR be prepared prior for the proposed development.

Development and Engineering staff have conducted an initial review of the application. There are a number of requirements prior to consideration of the amendment, such as submission of a civil site plan, sanitary rates and stormwater rates, that have been included in the LUAR Terms of Reference.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
3. Property owner and neighbouring property owners; Heritage NL (as it is provincially designated) heritage groups.
4. 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.
5. Legal or Policy Implications:
St. John's Development Regulation text and map amendments are required. Creation of a Designated Heritage Building Bylaw for 100 Water Street may also be required.
6. Privacy Policy Implications: Not applicable.
7. Engagement and Communications Considerations:
Public notice of the proposed amendment and a Public Meeting chaired by an independent facilitator.
8. Human Resource Implications: Not applicable.
9. Procurement Implications: Not applicable.
10. Information Technology Implications: Not applicable.
11. Other Implications: Not applicable.

Recommendation:

It is recommended that the application to rezone 96, 100 Water Street and 205 and 209 Duckworth Street from the Commercial Central Mixed Use (CCM) Zone to the new Commercial Downtown Mixed 2 (CDM2) Zone be considered and the attached draft Terms of Reference for the Land Use Assessment Report be approved.

Prior to submission of an LUAR, it is recommended that the applicant meet with the Built Heritage Experts Panel regarding heritage designation options and the design of the proposed building.

Upon submission of a satisfactory LUAR that meets the requirements of the CDM2 Zone, it is recommended 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.

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:

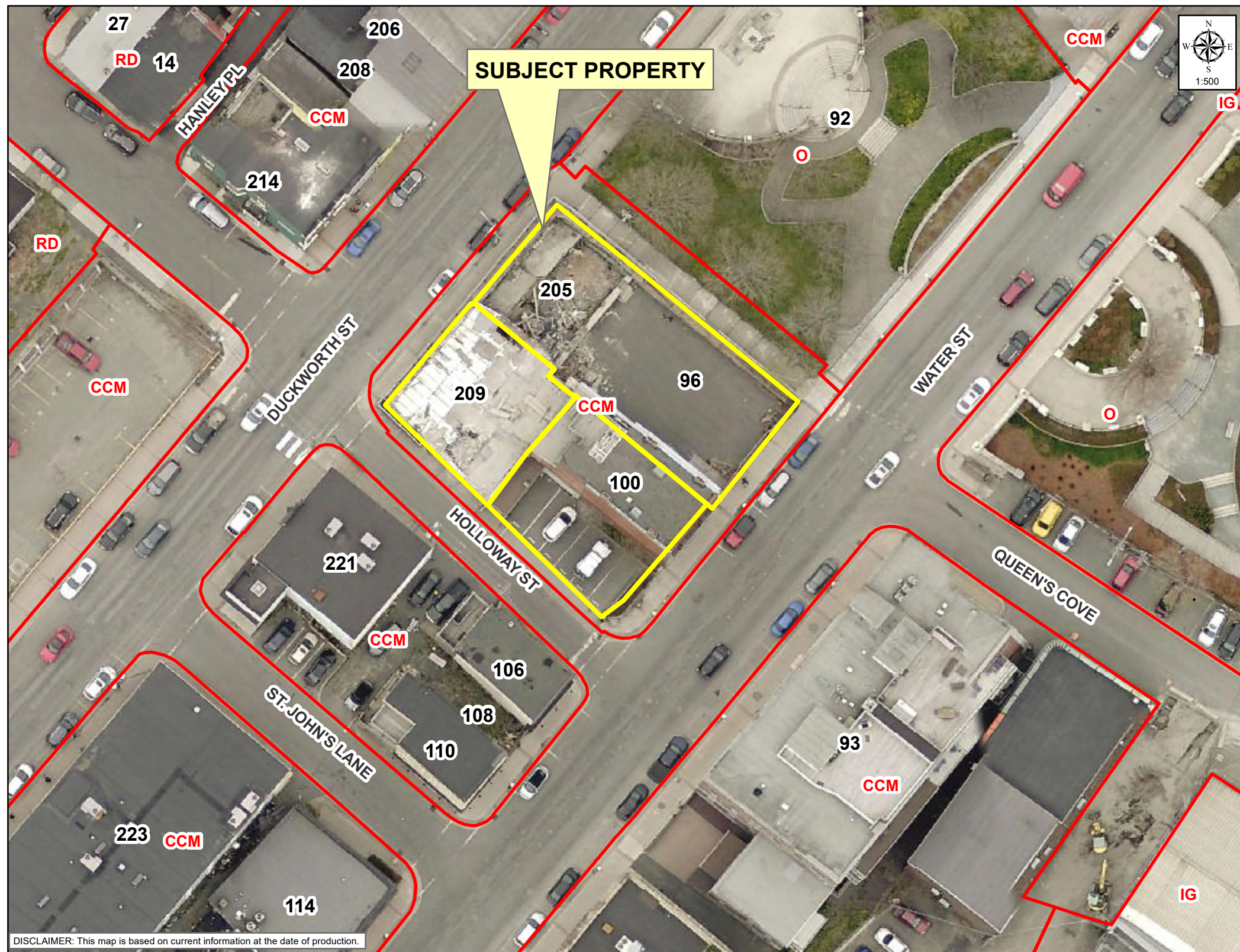
Zoning Map

Land Use Assessment Report (LUAR) Terms of Reference (TOR)

Applicant's Submission

100 Water Street Statement of Significance

Section of the CDM2 Zone from Draft St. John's Envision Development Regulations



SUBJECT PROPERTY



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

**TERMS OF REFERENCE
LAND USE ASSESSMENT REPORT (LUAR)
APPLICATION FOR A MIXED-USE DEVELOPMENT AT
96 AND 100 WATER STREET, 205 AND 209 DUCKWORTH STREET
(BREAKWATER BOOKS BUILDING)
PROPONENT: ROEBOTHAN MCKAY MARSHALL ACCIDENT AND INJURY LAW**

The proponent shall identify significant impacts and, where appropriate, also identify measures to mitigate impacts on land uses adjoining the subject property. All information is to be submitted under one report in a form that can be reproduced for public information and review. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (include an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Land Use Assessment Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

A. Building Use

- Identify the size of the proposed building by:
 - Gross Floor Area, and
 - Floor Area Ratio (FAR).
- Identify all proposed uses/occupancies within the building by their respective floor area.
- Identify which portions of the Designated Heritage Building are proposed to be demolished.
- Identify how the remaining Designated Heritage Buildings will be stabilized and protected during renovations and incorporated into the new design.

B. Elevation & Building Materials

- Provide elevations of the proposed building.
- Identify the finish and colour of exterior building materials.

C. Building Height & Location

- Identify graphically the exact location with a dimensioned civil site plan:
 - Location of the proposed building in relation to neighbouring buildings;
 - Proximity of the building to property lines and identify setbacks;
 - Identify any stepbacks of higher storeys from lower storeys;
 - Identify any encroachment over property lines;
 - Identify the height of the building;
 - Information on the proposed construction of patios/balconies (if applicable);
 - Potential shadowing/loss of sunlight on adjacent public and private properties, including sidewalks;
 - Identify any rooftop structures; and
 - Identify if the building will be sprinklered or not, and location of the nearest hydrant.
- Provide street scape views/renderings of the proposed building from the following locations:
 - The intersection of Gill's Cove and Water Street;
 - The intersection of Queen's Cove and Water Street;

- Along Holloway Street at street level;
- The intersection of Holloway Street and the north side of Duckworth Street;
- Duckworth Street near the centre of the War Memorial.
- Provide a Legal Survey of the property showing the consolidated lots.

D. Exterior Equipment and Lighting

- Identify the location and type of exterior lighting to be utilized. Identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.
- Identify the location and type of any exterior HVAC equipment to be used to service the proposed building and identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.

E. Landscaping & Buffering

- Identify with a landscaping plan, details of site landscaping (hard and soft).
- Identify the location and proposed methods of screening of any electrical transformers and refuse containers to be used at the site.
- Identify any additional street-level elements, such as weather protection measures at entrances, street furniture, etc.

F. Building Wind Generation

- Identify if the development will alter the wind conditions on adjacent streets, sidewalks and entrances to the building, and identify measures to minimize impacts at the pedestrian level.

G. Snow Clearing/Snow Storage

- Provide information on any snow clearing/snow removal operations.

H. Off-street Parking and Site Access

- Identify the number and location of off-street parking spaces to be provided, including accessible parking spaces.
- Identify the number and location of bicycle parking to be provided.
- Provide a dimensioned and scaled plan of all parking structure and lot layouts, including circulation details.
- Identify the location of all access and egress points, including pedestrian access.
- Please provide information on the parking spaces along Holloway Street: it this is private or public parking, if there are any parking agreements related to these spaces and if there is any impact to the parking calculations based on this removal.

I. Municipal Services

- Provide a preliminary site servicing plan.
- Identify points of connection to the City's sanitary sewer, storm sewer and water system.
- Provide the sanitary rate generated by the proposed development.
- The proposed development will be required to comply with the City's stormwater detention policy. Provide stormwater rate generated by the proposed development for the maximum 10-year climate change rainfall and information on how onsite stormwater detention will be managed.

J. Public Transit

- Consult with St. John's Metrobus (St. John's Transportation Commission) regarding public transit infrastructure requirements.

K. Construction Timeframe

- Indicate any phasing of the project and approximate timelines for beginning and completion of each phase or overall project.
- Indicate on a site plan any designated areas for equipment and materials during the construction period.



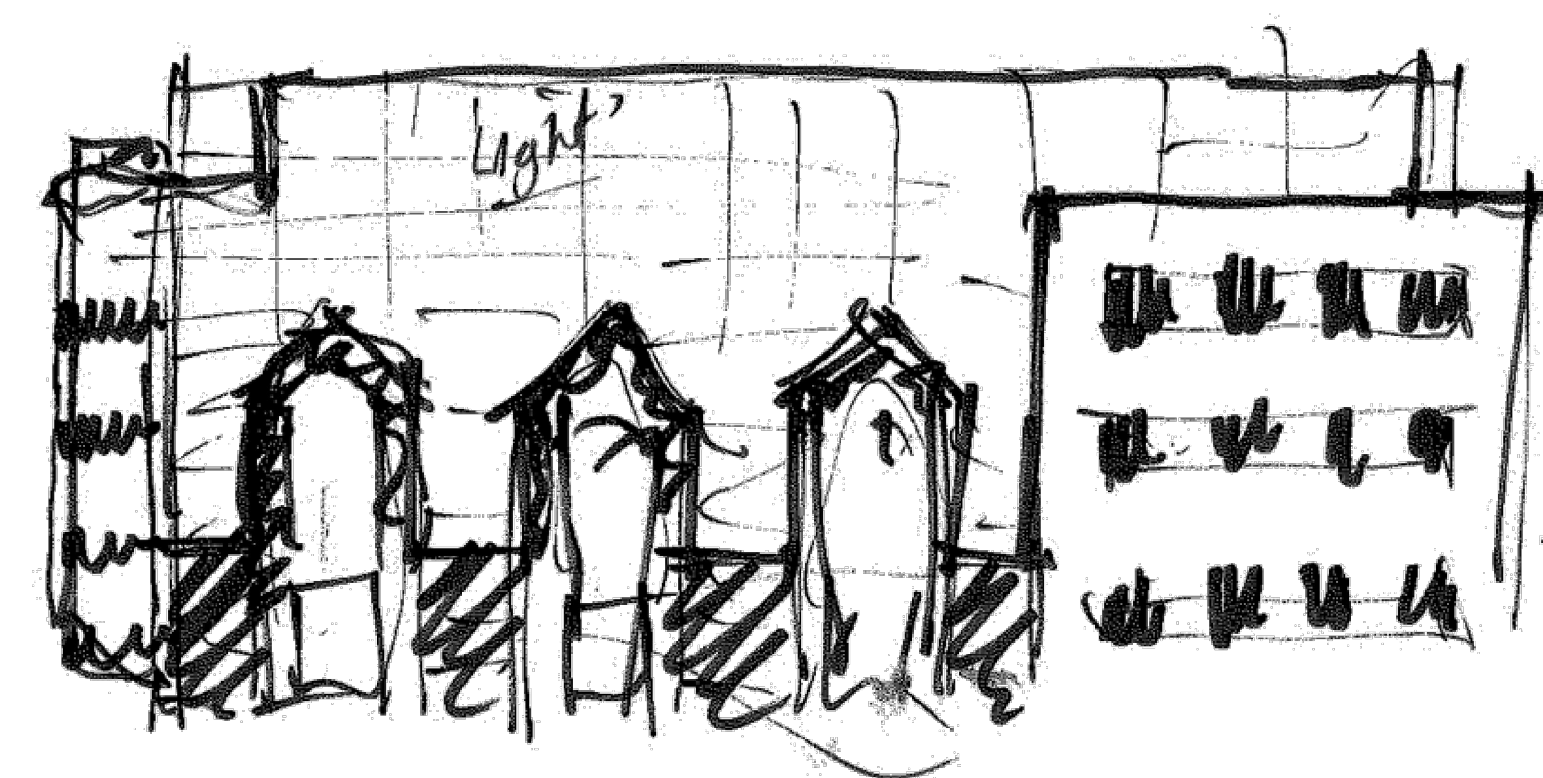
209 Duckworth

209 Duckworth St., St. John's, NL

FMA Proj. No: 3790-05

**FOUGERE
MENCHENTON
ARCHITECTURE**

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209 DUCKWORTH ST.
PROPOSED BUILDING RENDERING

FM FOUGERE
MENCHENTON
ARCHITECTURE

PAGE 1



BUILDING CIRCA 1894

The design concept at its lower floors is a modern translation of the historic forms that once bordered the War Memorial site at its west edge. The Water St. and Duckworth St. corners of the building forms, that once flanked this Significant Historic site are also reflected in this design concept. The “turret” which once turned the corner of the War Memorial site at Water St. is shown in a modern form in the same location. The elevations of Water St. and Duckworth St. are as well, reflective of typical St. John's Street front architecture offering inviting glass shop-type windows at the sidewalk level and stylized brick and punch window fenestration patterns above. These features are typical to the Water St. and the Duckworth St. existing and historical fabric.

This somewhat modern approach to a traditional texture and scale of the lower floors, at present, considers the inclusion of the former Breakwater Book Store, Water Street building Facade. The feasibility of this building's exterior facade is under consideration, at present, to be retained if feasible.

- At the Water Street main level, there is an entry through the former Breakwater Book Store front facade. We envision, at this location, a War Memorial Museum as proposed in the plans.
- The design facilitates direct access to both levels of the War Memorial Museum directly from 2 street levels (Duckworth and Water Streets) with interior elevator access connecting the lower and upper levels, thus offering accessible connection of the upper and lower levels of the War Memorial Park itself, through the building.
- Level one off Duckworth Street offers retail / shop space directly off the street. This space could also be used as part of the War Memorial Museum. The back of this floor facing the harbour is planned for the War Memorial Museum. At this level it would be possible to have over 30 consecutive linear metres of whether protected views of the War Memorial beyond and below, at the East wall.

- Level two, and the floor above, are planned for Roebathan McKay Marshall (RMM) who have historically operated a law firm at this site and is planning a return.
- Level four to six are stepped back from the street as shown on the attached plans, and are planned for condominium / apartments.

The area break downs envisioned for this total complex are summarized as follows:

- Museum space - 871 m² (9,375ft²)
- Museum / Retail Space - 212 m² (2,282 ft²)
- Office space - 1,918 m² (20,645ft²)
- Condominiums - 18 Condos ranging in area (total condo area 2,017 m² (21,711ft²)
- Average condo size +/- 1200ft²

To achieve the above, we envision a six storey building from Water St. with a total height of 27.0 m. The FAR proposed is 5.64.

The building area is:

- Parking - 2209 m² (23,781ft²)
- Total Building Area less Parking - 5,823 m² (62,679ft²)
- Total Developed Area - 8,388 m² (89,900ft²)

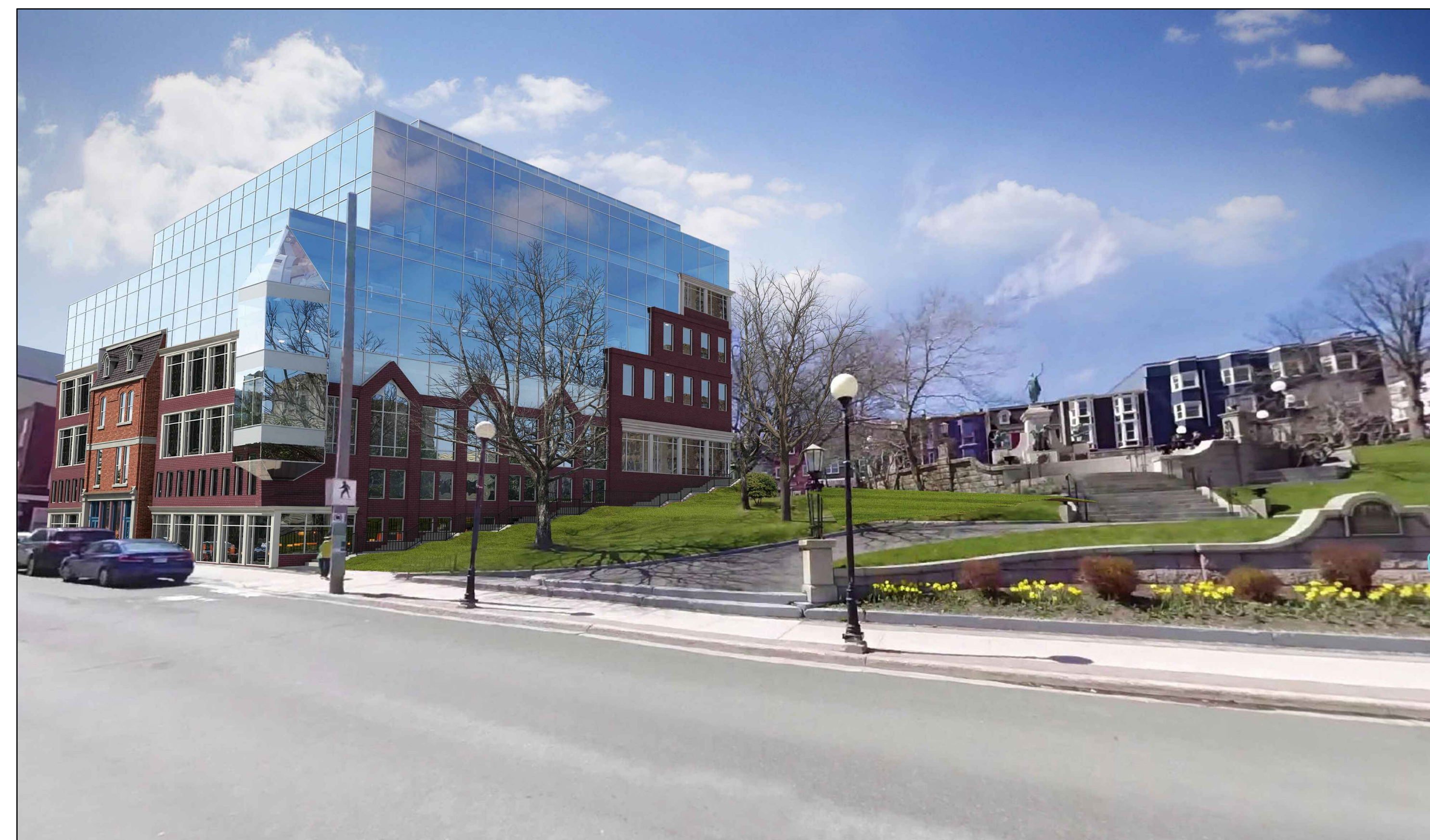
The above and enclosed concept reflects the goals of the Envision St. John's Municipal Plan in that it offers, and will enable, a true downtown integrated experience of commercial, retail, office and living functions, all in one complex.



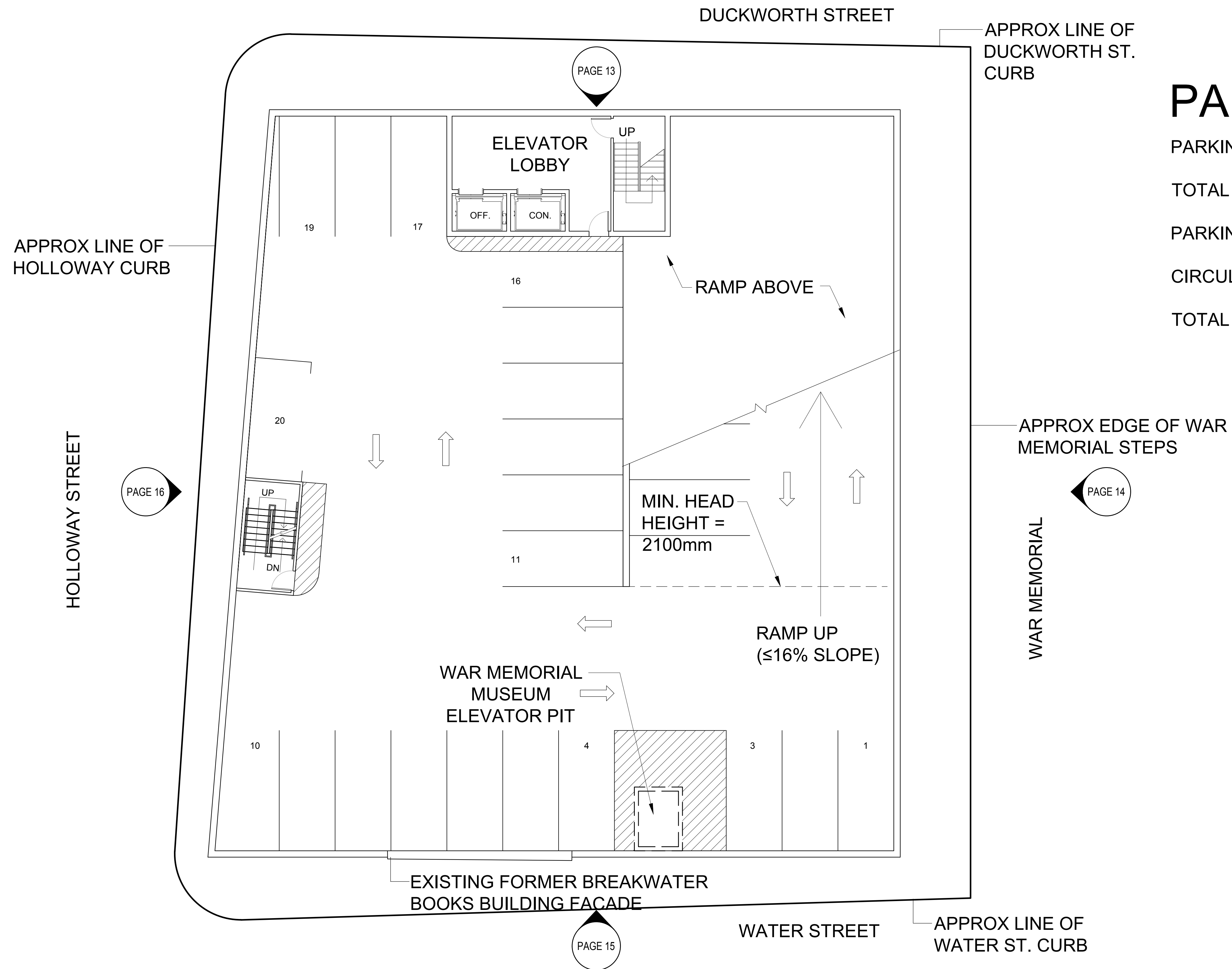
CIRCA 1924 PHOTO



CIRCA 1924 PHOTO



NEW PROPOSED RENDERING



PARKING LEVEL -3

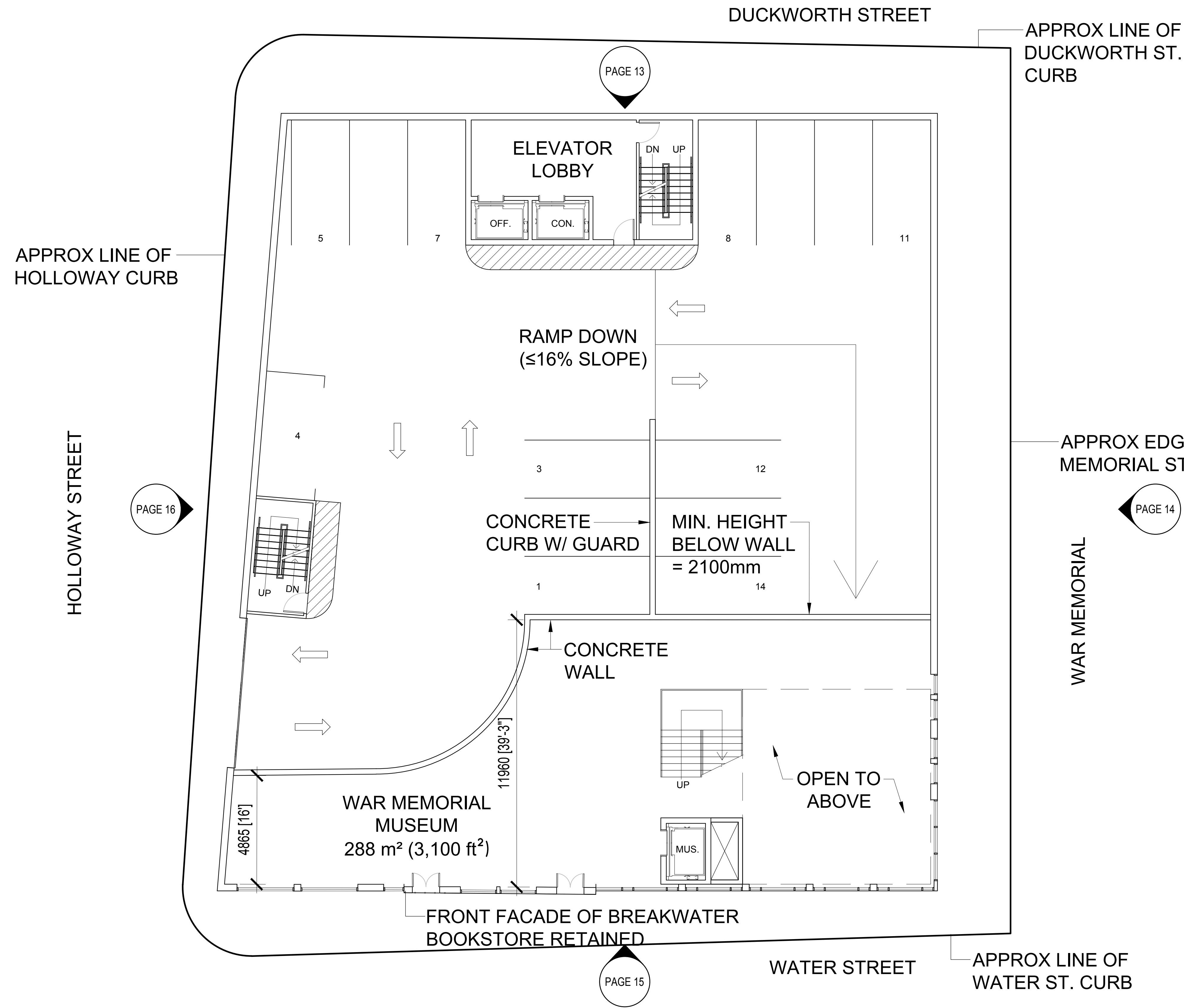
PARKING = 20 SPACES

TOTAL PARKING = 57 SPACES

PARKING AREA = 690 m² (7,423 ft²)

CIRCULATION/COMMUNAL AREA = 66 m² (710 ft²)

TOTAL GROSS FLOOR AREA = 801 m² (8,623 ft²)



PARKING LEVEL -2

PARKING = 14 SPACES

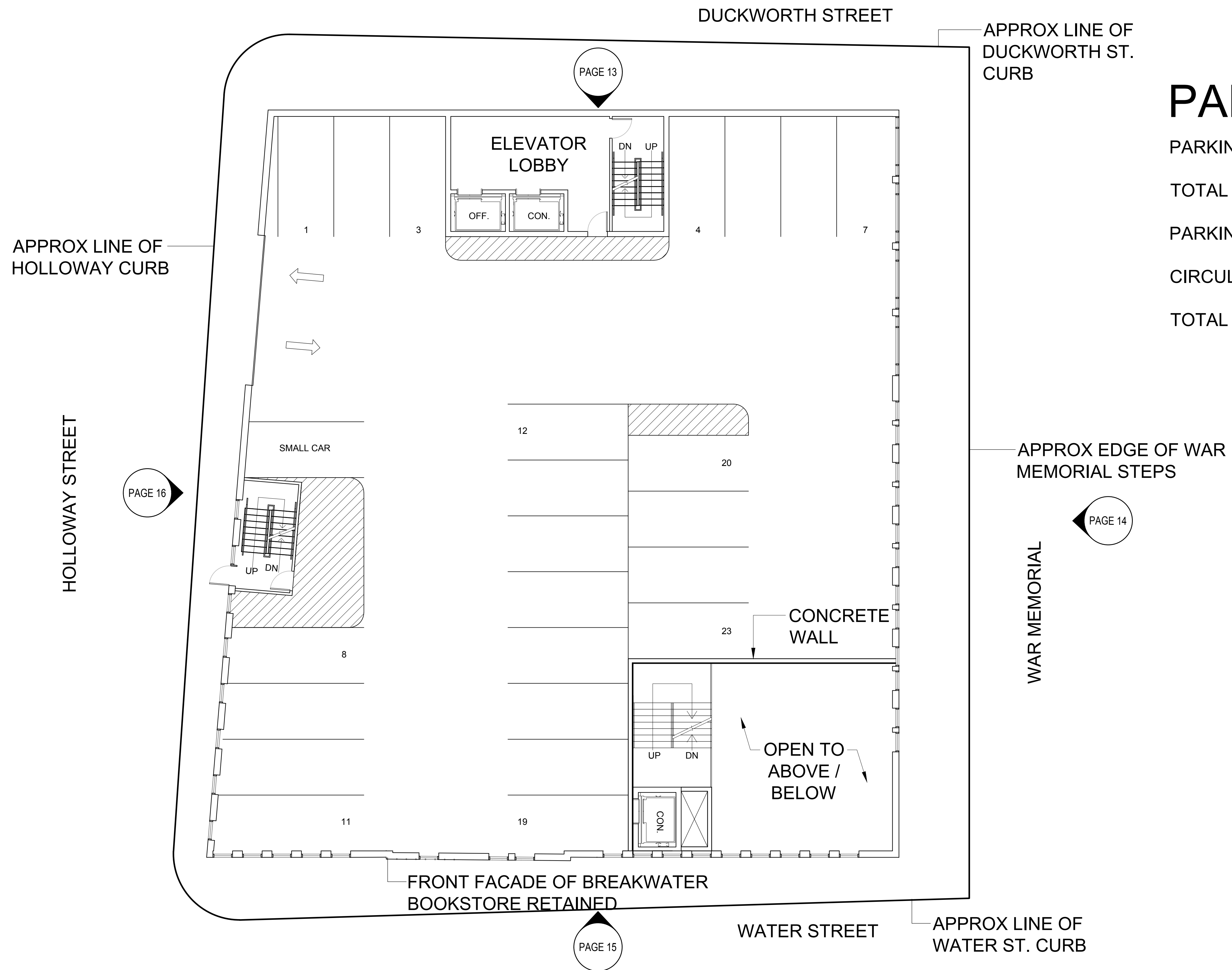
TOTAL PARKING = 57 SPACES

PARKING AREA = 666 m² (7,170 ft²)

MUSEUM AREA = 259 m² (2790 ft²)

CIRCULATION/COMMUNAL AREA = 107 m² (1,154 ft²)

TOTAL GROSS FLOOR AREA = 1067 m² (11,486 ft²)



PARKING LEVEL -1

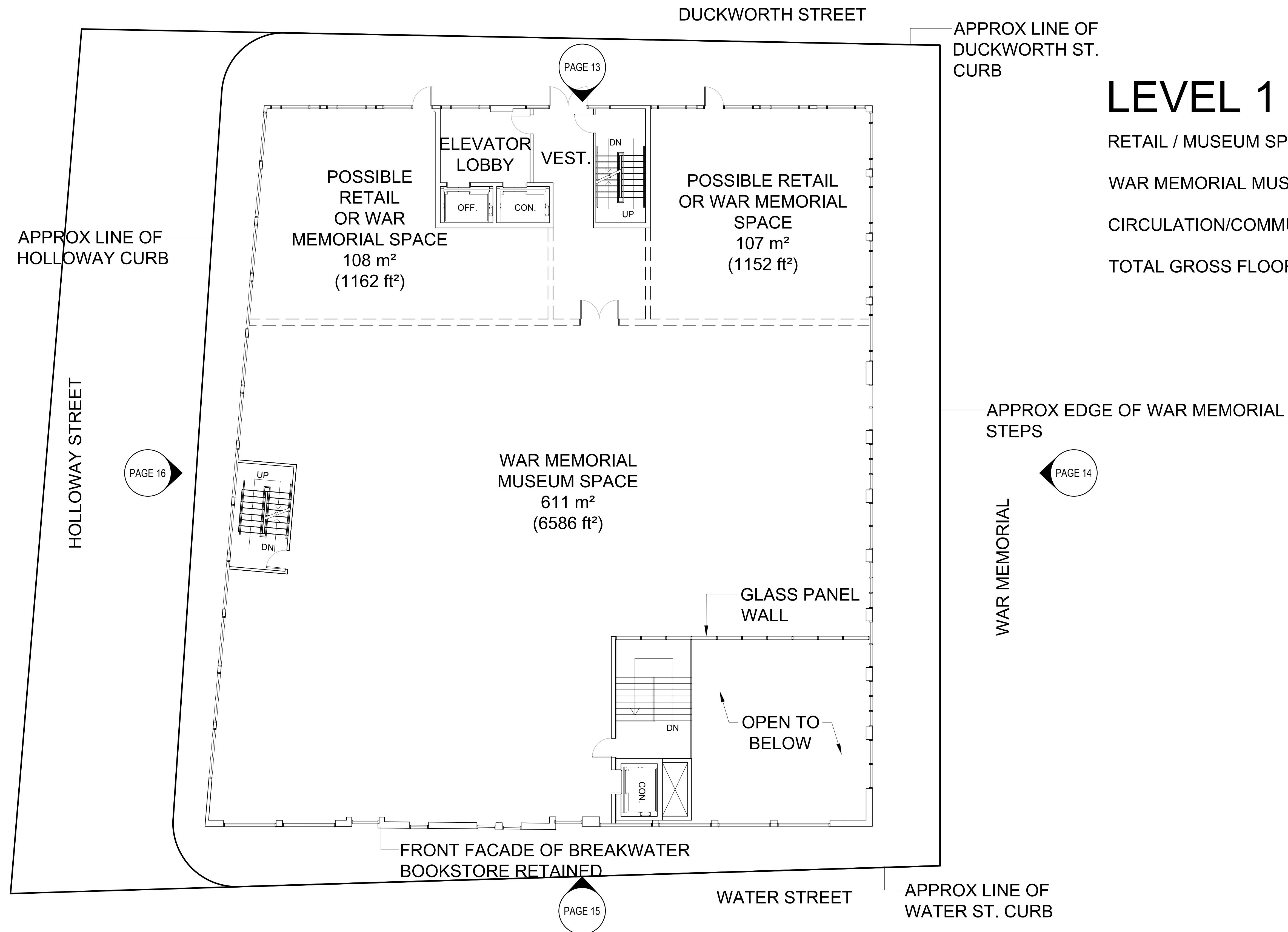
PARKING = 23 SPACES

TOTAL PARKING = 57 SPACES

PARKING AREA = 854 m² (9,187ft²)

CIRCULATION/COMMUNAL AREA = 107 m² (1,154 ft²)

TOTAL GROSS FLOOR AREA = 994 m² (10,696 ft²)



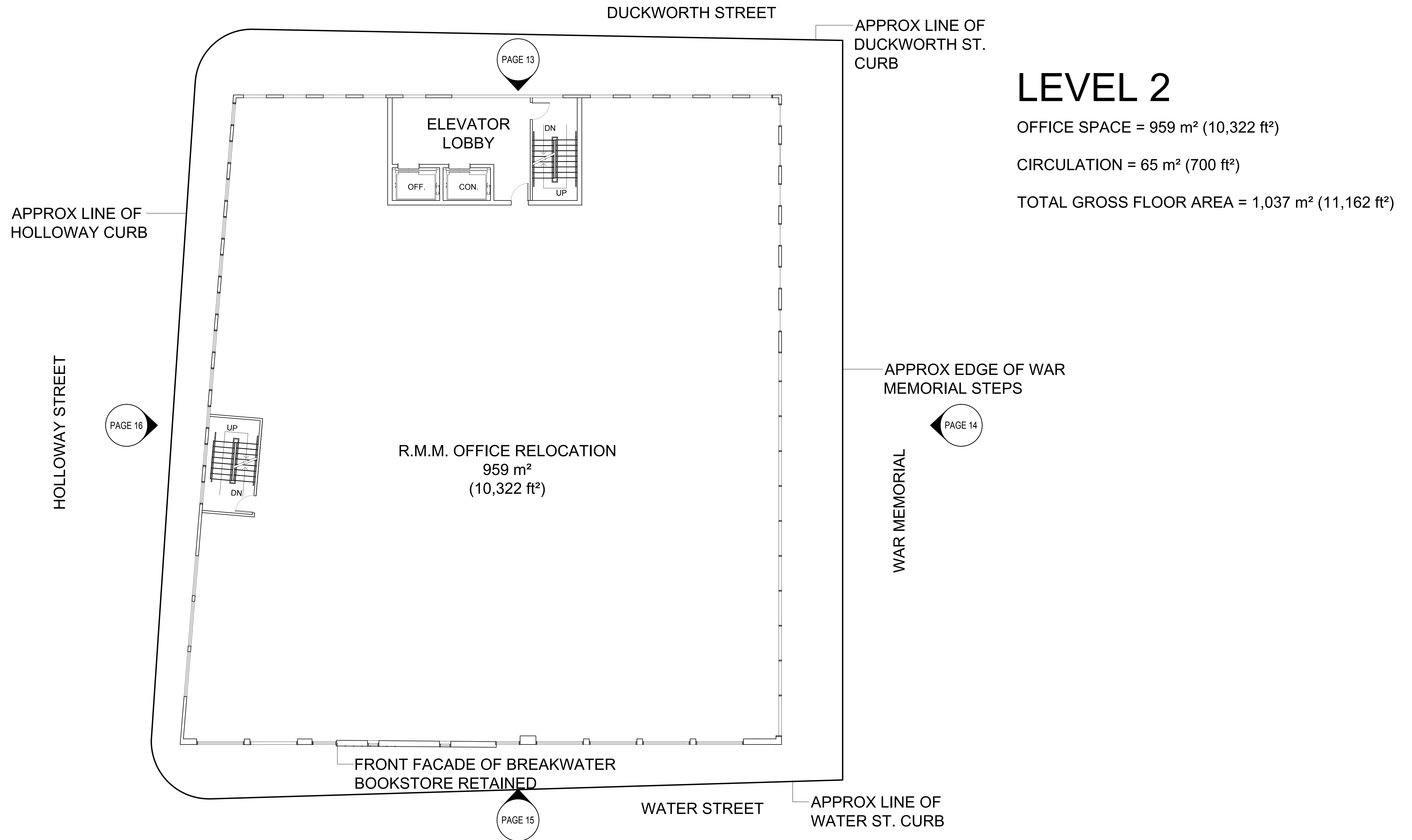
LEVEL 1

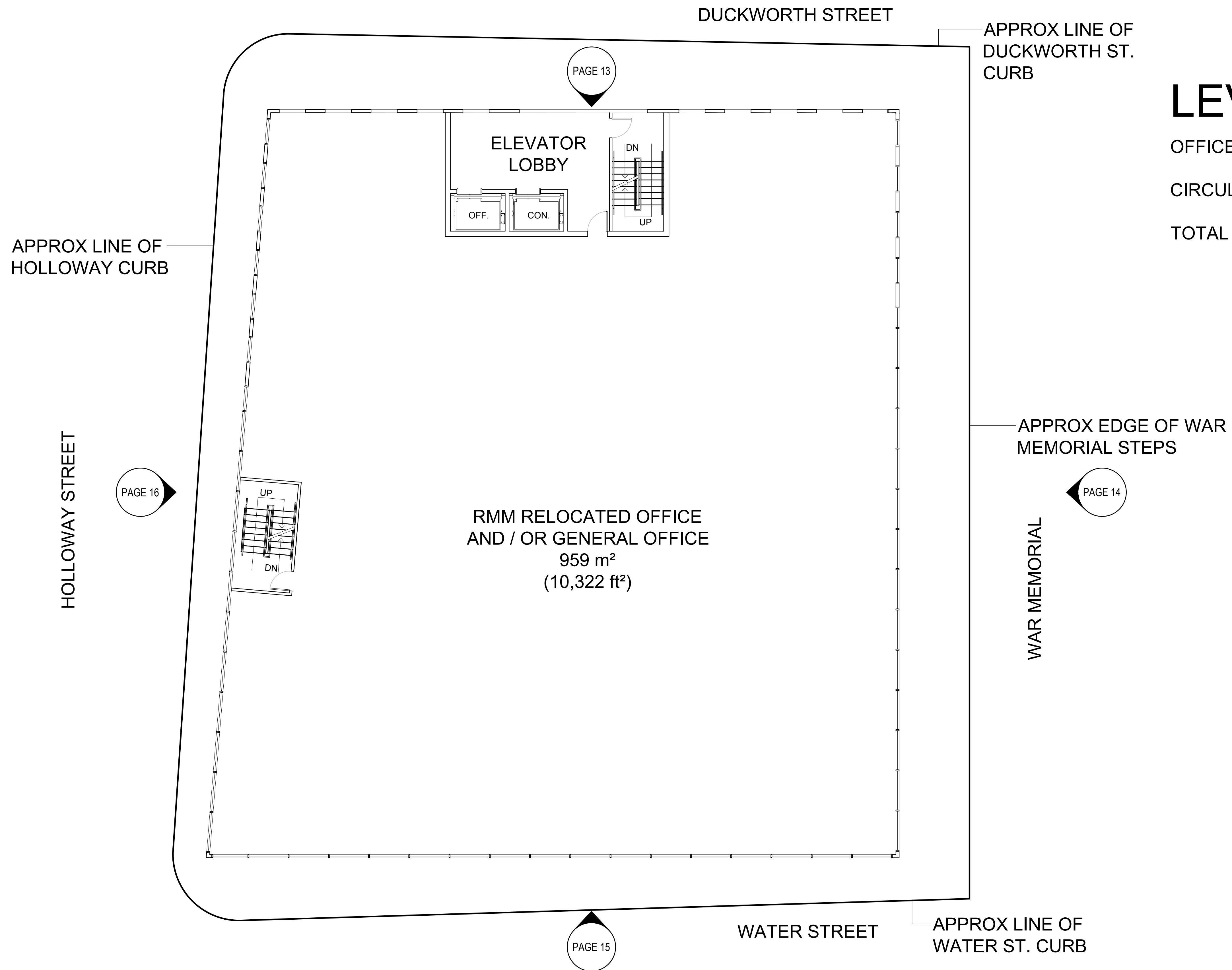
RETAIL / MUSEUM SPACE = 212 m² (2282 ft²)

WAR MEMORIAL MUSEUM SPACE = 614m² (6615 ft²)

CIRCULATION/COMMUNAL SPACE = 112 m² (1200 ft²)

TOTAL GROSS FLOOR AREA = 993 m² (10,684 ft²)



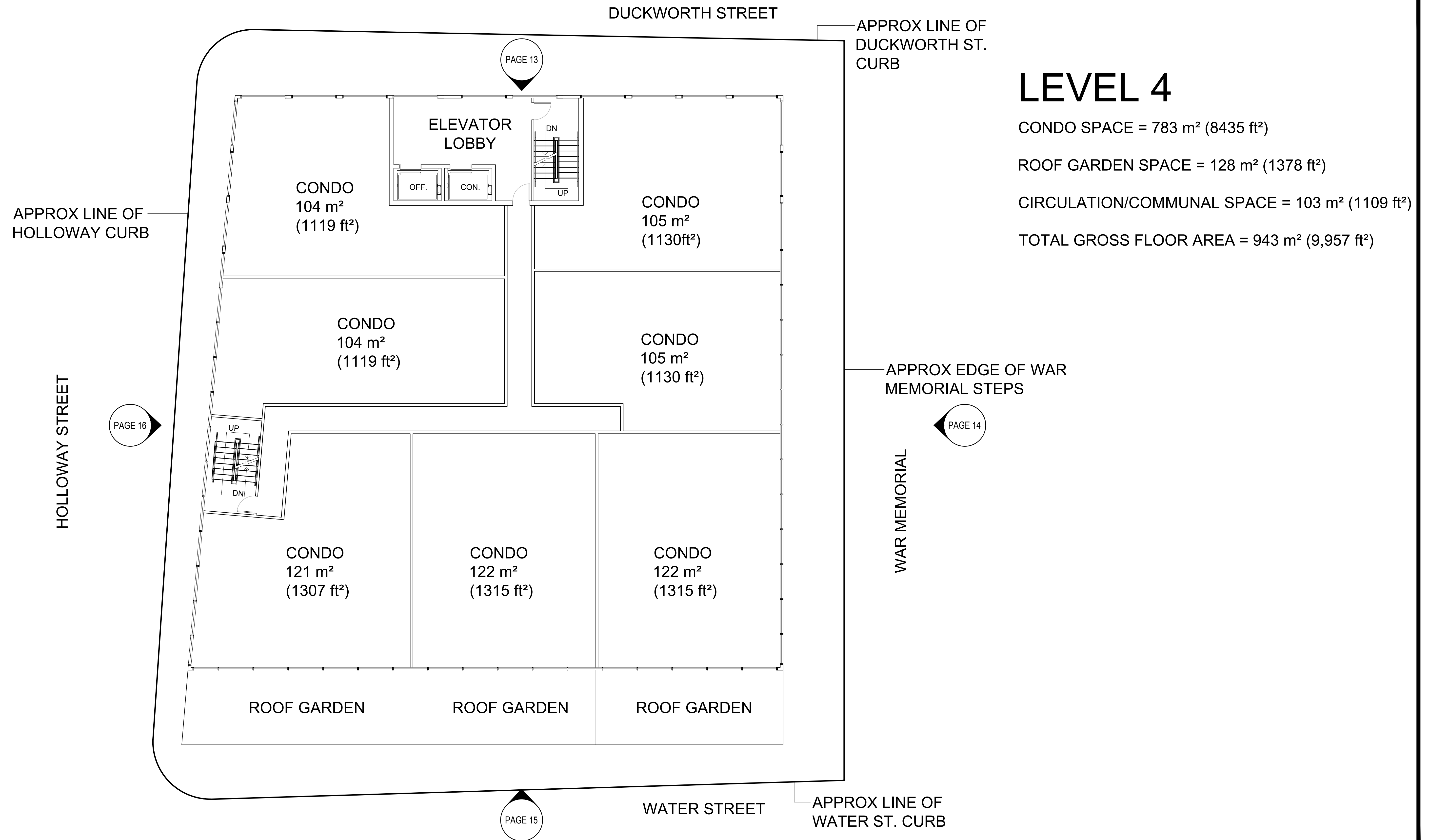


LEVEL 3

OFFICE SPACE = 959 m² (10,322 ft²)

CIRCULATION = 65 m² (700 ft²)

TOTAL GROSS FLOOR AREA = 1,037 m² (11,162 ft²)



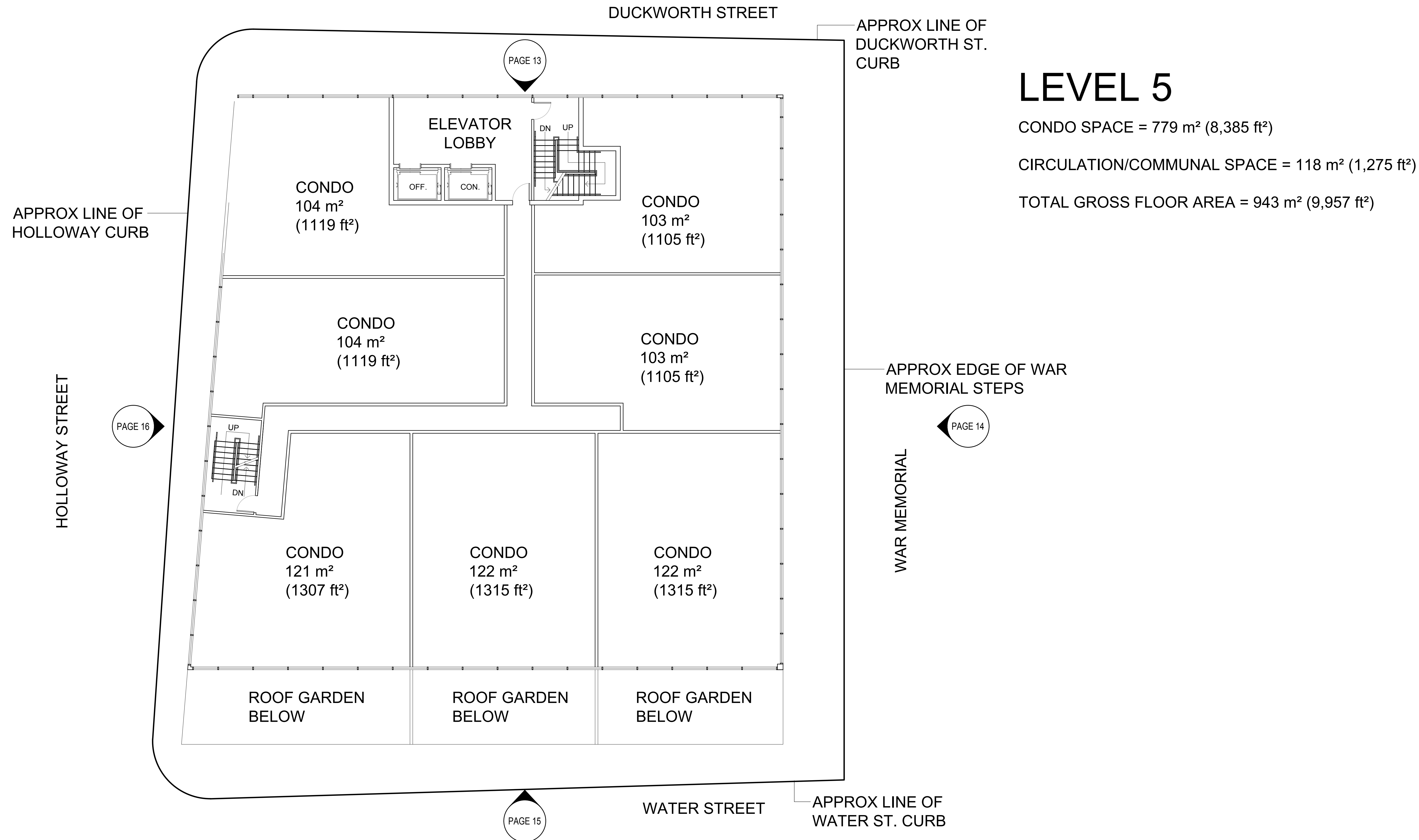
LEVEL 4

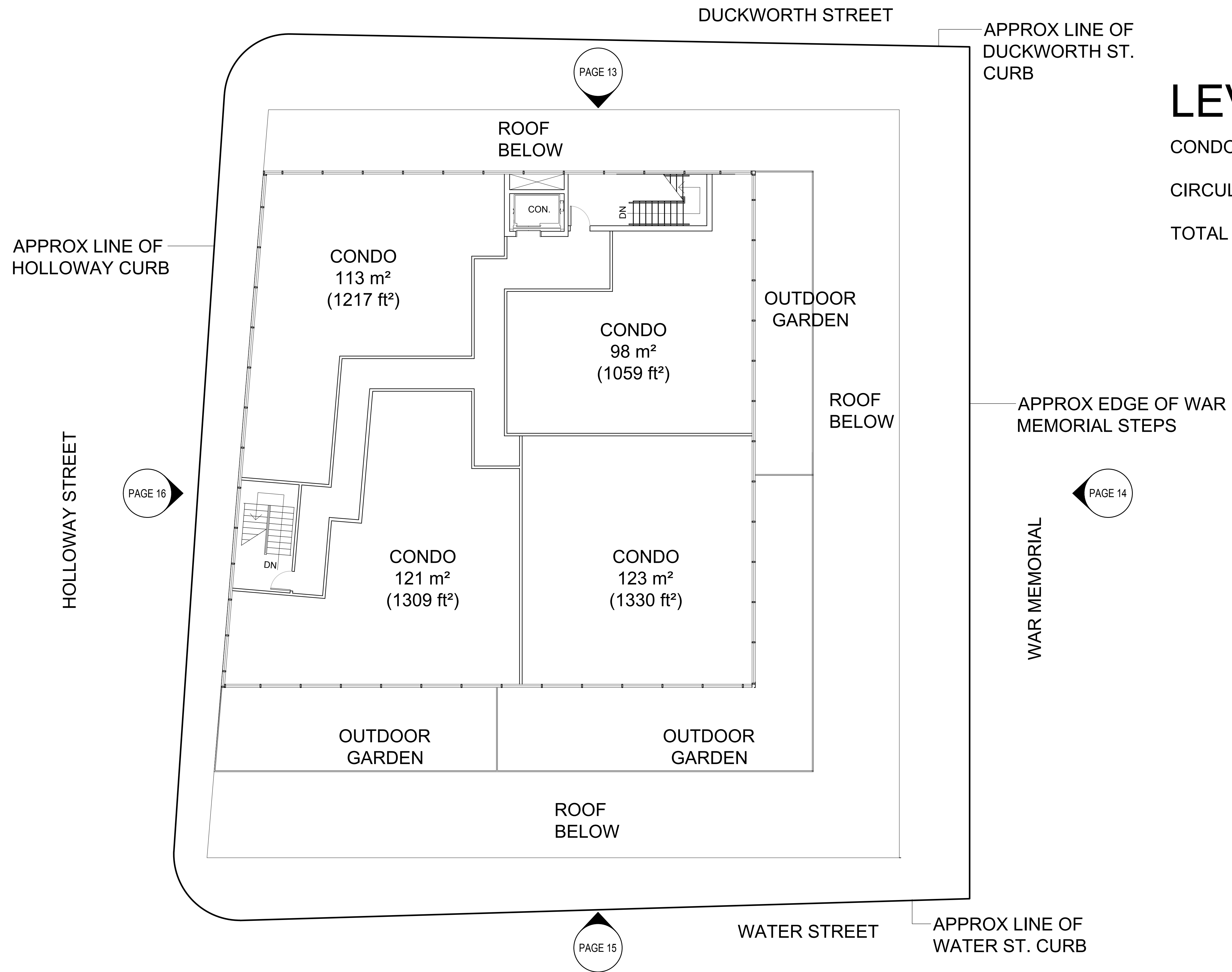
CONDO SPACE = 783 m² (8435 ft²)

ROOF GARDEN SPACE = 128 m² (1378 ft²)

CIRCULATION/COMMUNAL SPACE = 103 m² (1109 ft²)

TOTAL GROSS FLOOR AREA = 943 m² (9,957 ft²)



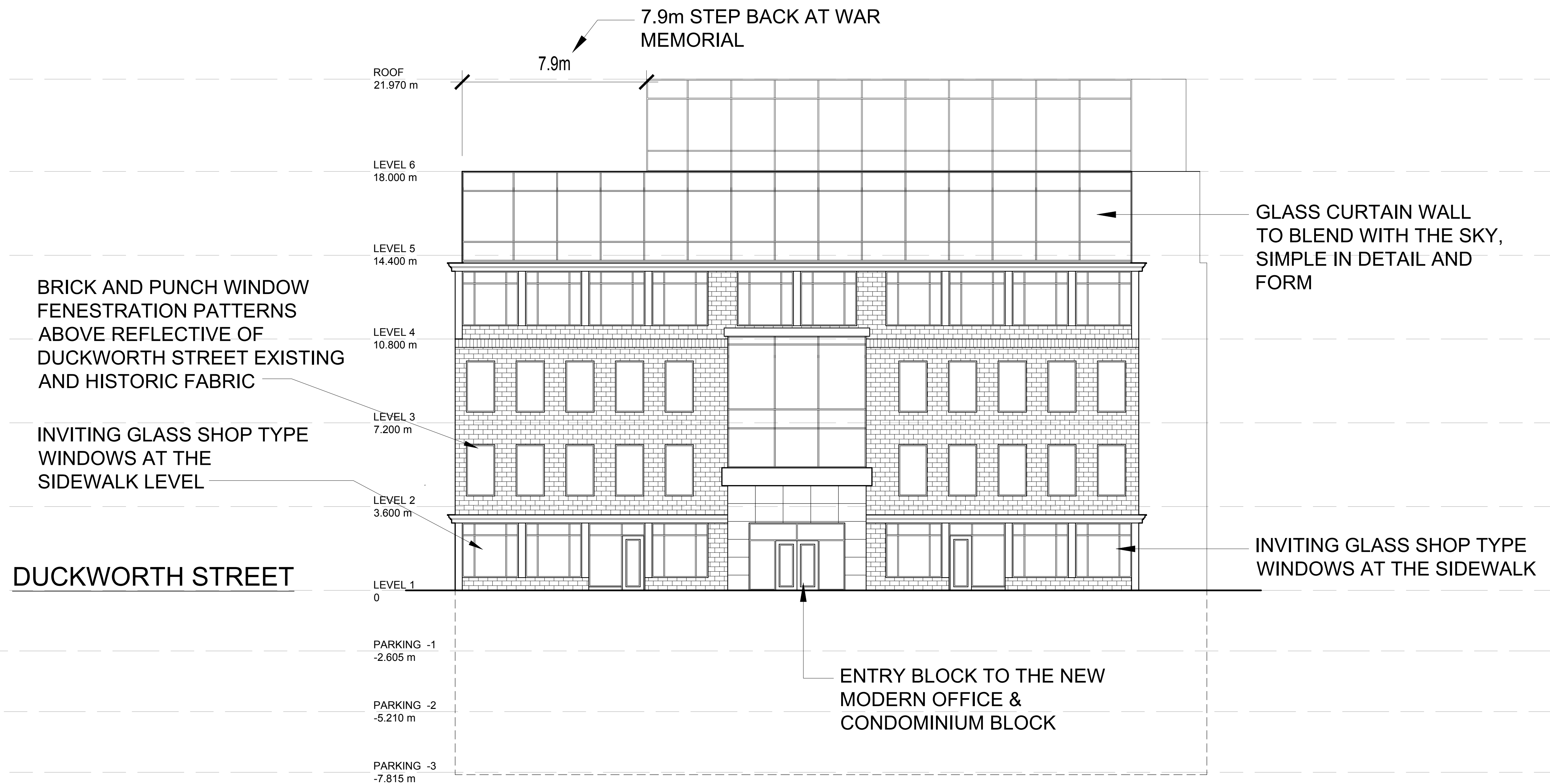


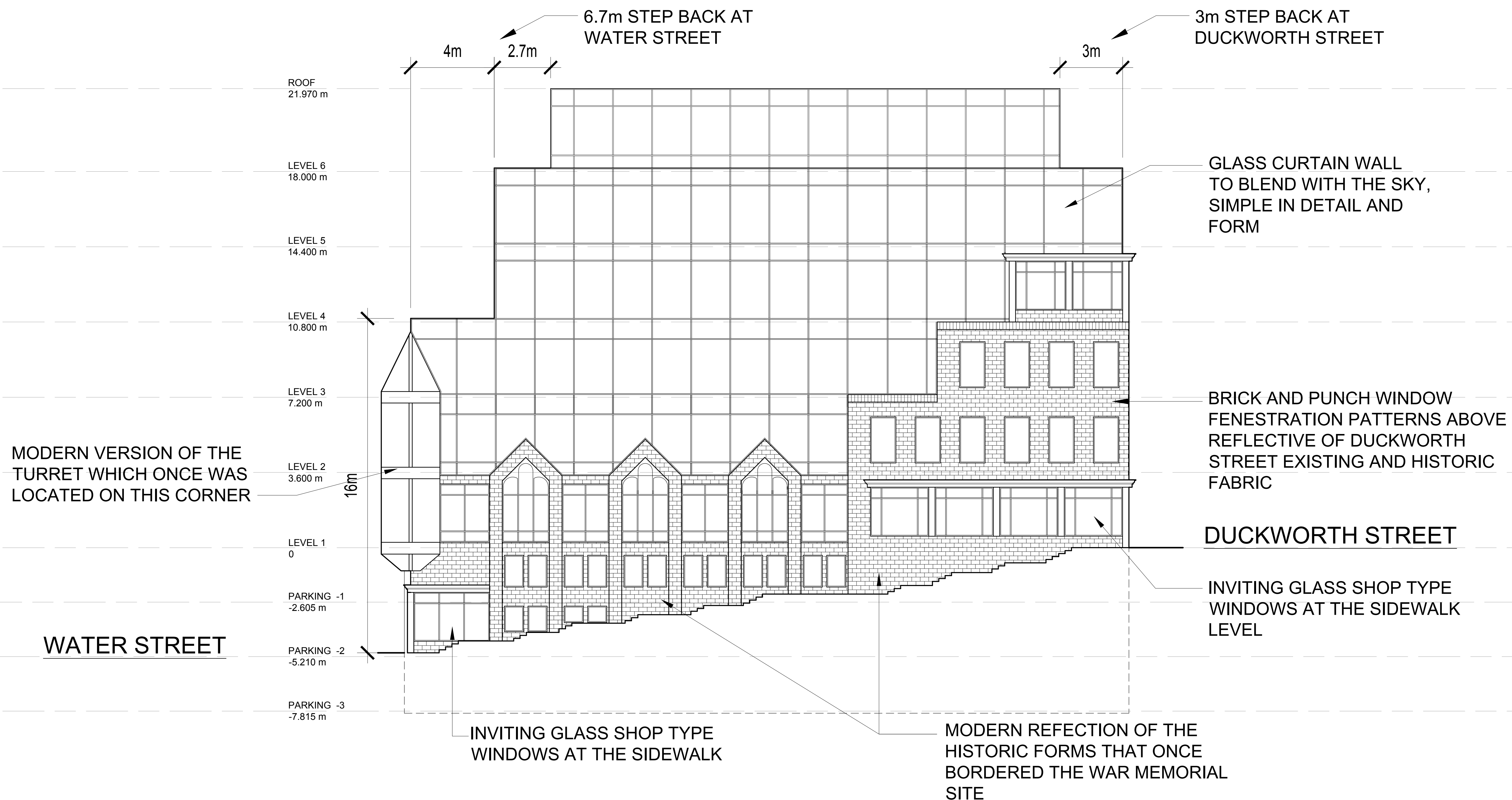
LEVEL 6

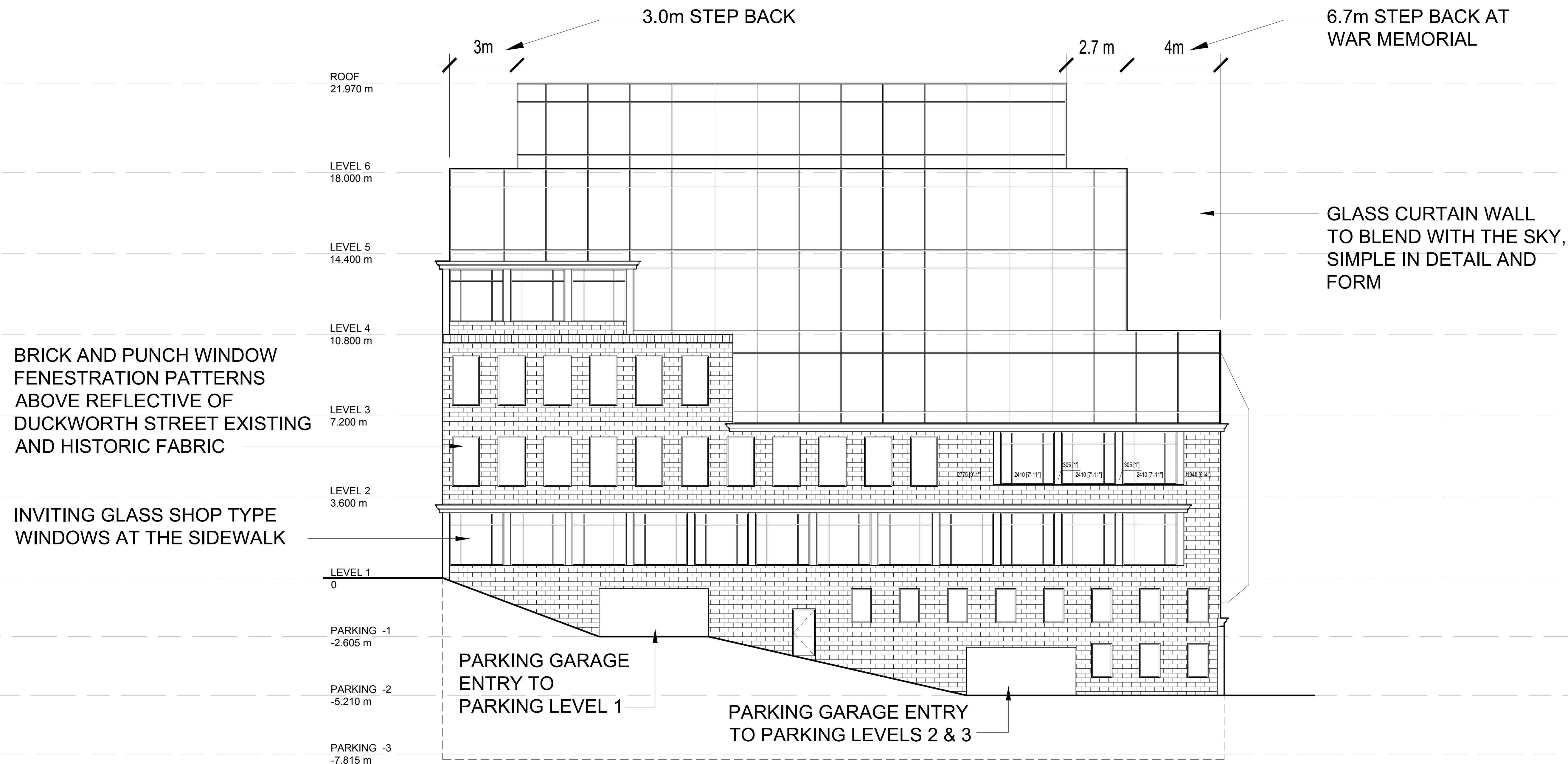
CONDO SPACE = 455 m² (4,915 ft²)

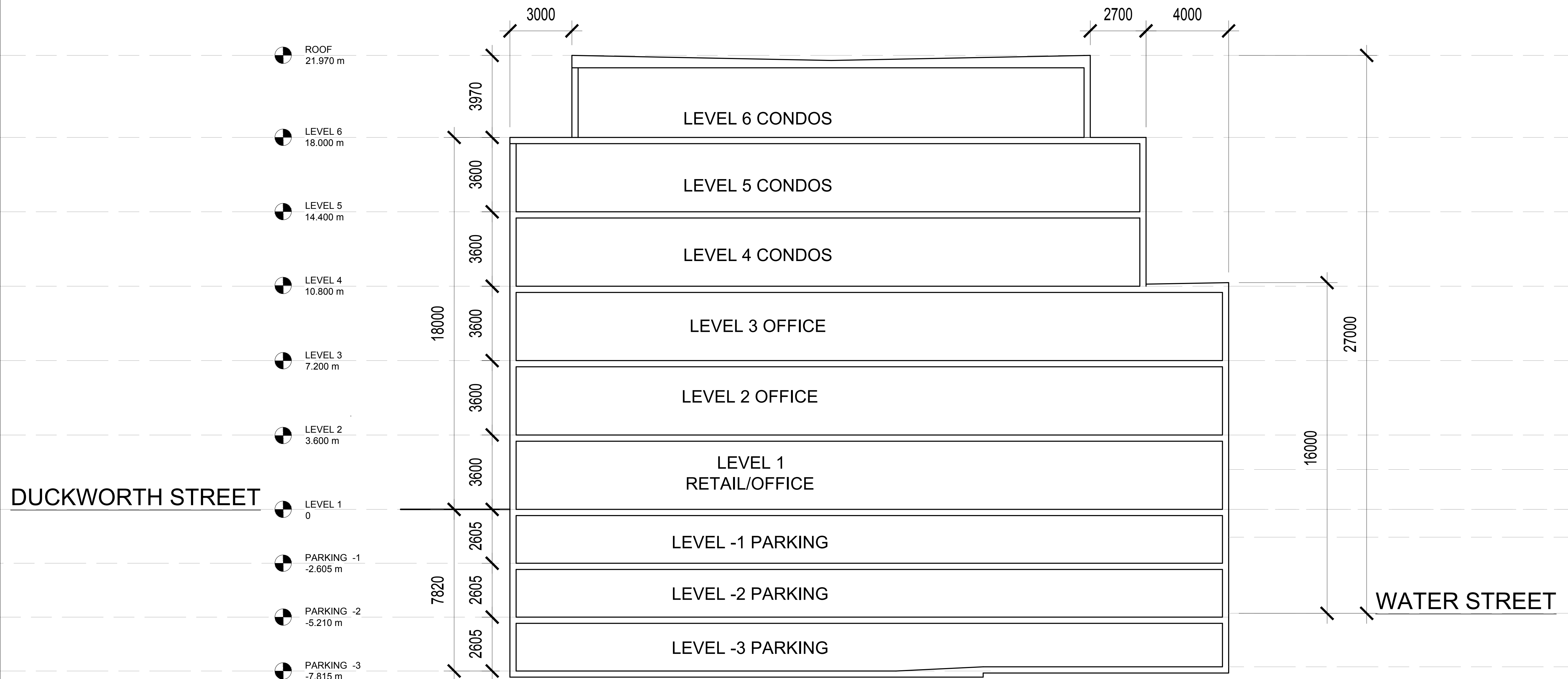
CIRCULATION/COMMUNAL SPACE = 88.4 m² (952 ft²)

TOTAL GROSS FLOOR AREA = 573 m² (6173 ft²)









Statement of Significance



100 Water Street - Breakwater Books Building, (former S.O. Steele Building)

Formal Recognition Type

City of St. John's Heritage Building, Structure, Land or Area

Description of Historic Place

Breakwater Books (former S.O. Steele Building) is a three-and-a-half storey brick building located at 100 Water Street, St. John's. The designation is confined to the footprint of the building.

Heritage Value

Architecturally, Breakwater Books (former S.O. Steele Building) is significant because it is an excellent example of Victorian Second Empire style commercial architecture. Virtually unaltered since its erection in 1894, this building features the original picture windows, recessed entranceways and transom lights, all typical of this type of architecture. Since the original occupants both worked and lived in this building it was designed to serve this dual purpose, having the shop located on the ground level and residential space on the upper levels. The structure's fourth storey concave mansard roof with hooded dormers is characteristic of the Second Empire style made popular by builders J. and J. T. Southcott in the years after the 1892 fire. The exterior decoration on this building is typical of early 20th century commercial buildings, having a rather ornate store front and a number of less decorative upper levels. Though there is a belt course separating each of the upper levels and arched brickwork surrounding the third storey windows, these features are rather simplistic, resulting in the storefront receiving increased attention.

Historically, Breakwater Books (former S.O. Steele Building) is significant because of the persons associated with it. Samuel Owen Steele, who inherited this house from Hannah Martin, was well known within the region for being both a dry goods merchant and an importer of china. It was in this building that he established the china shop, importing in dinnerware from as far away as Japan. Samuel's two sons, Owen and James, were also well known for their involvement in the First World War. Owen, who was killed at the Somme on July 8, 1916, by a German shell,

kept a detailed diary of his service during the war, providing an excellent account of the exploits of Newfoundlanders who fought in the First World War. James survived the war, including the attack at Beaumont Hamel that killed or wounded 710 of his fellow Newfoundland soldiers.

Source: City of St. John's, Meeting held 1989/07/21

Character Defining Elements

All original features which relate to the age and construction of the building in a commercial Second Empire style, including:

- original storefront layout, mansard roof with bonneted dormers, brick exterior;
- original window and door openings;
- all original windows including the storefront picture windows;
- original doors;
- size and appearance of transoms above doorways;
- base panels;
- signage typical of early 20th century storefronts;
- pilasters along storefront;
- all decorative brickwork;
- all other decorative features including mouldings and trim;
- belt course;
- overall dimensions, height and location of structure; and,
- all interior features of house reflective of age, design and usage of original building.

Location and History

Community	St. John's
Municipality	City of St. John's
Civic Address	100 Water Street
Construction	1894 - 1894
Style	Second Empire
Building Plan	Rectangular Short Façade
Website Link	http://www.breakwater.nf.net/index.php

Additional Photos



COMMERCIAL DOWNTOWN MIXED 2 (CDM2) ZONE

CDM2

(1) PERMITTED USES, except 40 Henry Street (PID #45762)

Bakery	Massage Parlour
Bank	Office
Clinic	Park
Communications Use	Place of Worship
Convenience Store	Public Use
Dwelling Unit – 2 nd storey or higher	Public Utility
Health and Wellness Centre	Restaurant
Hotel	Retail Use
Laundromat	Service Shop
Library	Training School
Lounge	Transportation Terminal

(2) DISCRETIONARY USES, except 40 Henry Street (PID #45672)

Adult Day Centre	Parking Garage
Bed and Breakfast	Parking Lot
Craft Brewery/Distillery	Place of Amusement
Daycare Centre	Place of Assembly
Dwelling Unit - 1 st storey (except Water Street & Duckworth Street)	Taxi Stand
Lodging House	

(3) PERMITTED USES – 40 Henry Street (PID #45762)

Apartment Building

(4) ZONE STANDARDS EXCEPT PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY AND PARK-
ING LOT

- (a)

Building Height (maximum)

27 metres, except for 132 Duckworth Street (PID #12371), where the maximum height shall be 20 metres
- (b)

Building Line

0 metres
- (c)

Floor Area Ratio (maximum)

3.5
- (d)

Building Façade Setback on Street (minimum)

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 determined by the Chief Municipal Planner
- (e)

All other Zone Standards are in the discretion of Council

(5) ZONE STANDARDS FOR PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY AND PARKING
LOT SHALL BE IN THE DISCRETION OF COUNCIL.