

DECISION/DIRECTION NOTE

Title: Notices Published – 39 Topsail Road - DEV2400064

Date Prepared: February 4, 2025

Report To: Regular Meeting of Council

Councillor and Role: Councillor Carl Ridgeley, Development

Ward: Ward 3

Decision/Direction Required:

To approve the Heritage Report for a proposed building extension at 39 Topsail Road (Leaside Manor), a designated Heritage Building, approve the Discretionary Use for a Heritage Use to allow 18 Dwelling Units and set the zone and parking standards.

Discussion – Background and Current Status:

The City received a Discretionary Use application for a Heritage Use (18 Dwelling Units) and an extension to a designated Heritage Building. The subject property is zoned Residential 1 (R1), where a Heritage Use is a discretionary use in the zone. A Heritage Use allows any use of a designated Heritage Building which is, in Council's opinion, compatible with adjoining uses. The application is to construct an extension for 18 two (2)-bedroom Dwelling Units, which will occupy an area of 1489.80 square metres.

Zone Standards for a Heritage Use are at the discretion of Council. Based on the site plan and approval of the Heritage Report, the Building Line setback for the proposed extension will be 14.3 metres, side yard setback at 1.6 metres and rear yard setback at 17.9 metres.

As per Section 8.3 of the Development Regulations, the parking requirement for a Heritage Use is determined by Council. The applicant has provided 40 parking spaces over 3 sites (39 Topsail Road, 37 Topsail Road, and 26 Waterford Bridge Road). The site plan for this layout and design was approved on February 8, 2024. Parking has been calculated based on B&B and Apartment Building standards for the 3 buildings; considering the number of rooms/dwelling units, 43 spaces would be required. One recommendation of the Built Heritage Experts Panel (BHEP) was to shift the proposed building extension back from Topsail Road, which eliminated 4 parking spaces. Based on the building location and overall development, it is recommended that the Heritage Use parking standard be set at 40 parking spaces.

Eighteen (18) submissions were received, of which 3 expressed support, while the remaining 15 submissions objected to the development. Areas of concern include parking issues, increased traffic, and added congestion. It was noted that this is an existing area of concern and traffic calming measures on this stretch of Topsail Road have been unsuccessful. Abutting property owners are concerned with noise, loss of privacy, loss of green space, and scale of

ST. JOHN'S

the building within a residential zone. Concerns were raised about zoning being changed for a “commercial” use in a residential neighbourhood.

Transportation Engineering reviewed the site plan and the impacts which the proposed Dwelling Units may have on nearby roads. The scale of the development and the expected additional vehicles are not a concern based on existing traffic volumes. Waterford Bridge Road is classified as an arterial street. Parking for the site is acceptable, and no parking is permitted on adjacent streets, which should limit congestion concerns.

Work shown on the approved site plan from February 2024 must be completed prior to occupancy. This will include paving and signage; traffic will be one-way onto the property from 39 Topsail Road, exiting at 26 Waterford Bridge Road. In accordance with section 7.6.3 “Buffering and Screening,” a screen (solid fence) will be required behind the abutting residential properties on Waterford Bridge Road, along with the landscaping already required.

Heritage Report

The Heritage Report was reviewed by staff for compliance with the St. John’s Heritage By-Law, Schedule D - Heritage Design Standards.

A horizontal extension to a designated Heritage Building containing a Heritage Use, on the façade facing a Street, shall not exceed 75% of the width of that Building façade. The proposed horizontal extension is 70% of the width of the existing designated Heritage Building on the façade facing Topsail Road.

The proposed extension is connected to the designated Heritage Building by a one-storey corridor. No other changes to the designated Building are proposed. The Heritage Report states that the intent of the addition is to respect the designated Building by presenting a contemporary concept without imitation. The Heritage Design Standards allow modern façade designs with Council’s approval.

From the City’s Heritage Design Standards for additions to designated Heritage Buildings:

Additions shall be the same architectural style, or similar and compatible with the building’s architectural characteristics.

Modern façade designs may be approved by Council provided the addition is physically and visually compatible with, subordinate to and distinguishable from the designated building; enhances the visual prominence of the designated building; and does not detract from the character defining elements of the designated building.

The Heritage Panel reviewed the Heritage Report at its meeting on October 30, 2024. The Panel provided comments on the extension location and design features in relation to the designated Building. The applicant updated the report to include recommendations of the BHEP and relocated the extension, so its façade is set back from Topsail Road the same distance as the existing Building.

The BHEP reviewed the final Heritage Report at its February 5, 2025, meeting and recommended Council approve of the Heritage Report for 39 Topsail Road, dated December 18, 2024, subject to the following conditions:

1. The clapboard colour and quality remain consistent with the existing Heritage Building and in the Cape Cod timber style as indicated in the Heritage Report.
2. That the size and style of windows and mullions are consistent with what has been proposed on page 20 of the Heritage Report.

The BHEP further recommended that wood trims be used, if possible, but would accept the use of the alternative material as proposed in the Heritage Report. As this is an extension to a designated Heritage Building, modern materials and designs may be approved by Council. Staff agree with the BHEP recommendation to approve the Heritage Report subject to the conditions noted above.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Is this a New Plan or Strategy: No
4. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.
5. Alignment with Adopted Plans: **Envision St. John's Municipal Plan and Development Regulations** and **St. John's Heritage By-Law**.
6. Accessibility and Inclusion: Not applicable.
7. Legal or Policy Implications: Not applicable.
8. Privacy Implications: Not applicable.
9. Engagement and Communications Considerations: Public advertisement in accordance with **Section 4.8 "Public Consultation" of the Envision St. John's Development Regulations**. The City has sent written notices to property owners within a minimum 150-metre radius of the application site. The application has been advertised in *The Telegram* newspaper at least twice and is posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
10. Human Resource Implications: Not applicable.

11. Procurement Implications: Not applicable.
12. Information Technology Implications: Not applicable.
13. Other Implications: Not applicable.

Recommendation:

That Council adopt the attached Heritage Report for 39 Topsail Road dated December 18, 2024, subject to the following conditions:

1. The clapboard colour and quality remain consistent with the existing Heritage Building and in the Cape Cod timber style as indicated in the Heritage Report.
2. That the size and style of windows and mullions are consistent with what has been proposed on page 20 of the Heritage Report.

Further, that Council approve the discretionary use application for a Heritage Use at 39 Topsail Road to allow 18 Dwelling Units, set the parking requirement for the Heritage Use at 40 parking spaces and set the zone standards as follows: building line at 14.3m, side yard 1.6m and rear yard 17.9m.

Prepared by:

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development
Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P.Eng, MBA Deputy City Manager
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Notices Published - 39 Topsail Road.docx
Attachments:	- 39 TOPSAIL ROAD_1.pdf - LEASIDE MANOR Final Report RSV 24-12-18 - PUBLIC.pdf - Built Heritage Experts Panel Report - February 5, 2025 - English.docx - Combined Submissions_redacted.pdf
Final Approval Date:	Feb 6, 2025

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

Lindsay Lyghtle Brushett - Feb 5, 2025 - 4:04 PM

Jason Sinyard - Feb 6, 2025 - 3:06 PM