

# ST. JOHN'S

## Minutes of Built Heritage Experts Panel

**November 13, 2019**

**12:00 p.m.**

**Conference Room A, 4th Floor City Hall**

**Present:** Glenn Barnes, Chairperson  
Bruce Blackwood, Contractor  
Garnet Kindervater, Contractor  
Rachel Fitkowski, Landscape Architect

**Regrets:** Dawn Boutilier, Planner  
Mark Whalen, Architecture

**Staff:** Ken O'Brien, Chief Municipal Planner  
Ann Marie Cashin, Heritage and Urban Planner  
Rob Schamper, Technical Advisor  
Maureen Harvey, Legislative Assistant

### **2. APPROVAL OF THE AGENDA**

#### **2.1 Approval of Agenda**

##### **Recommendation**

**Moved By** Bruce Blackwood

**Seconded By** Rachel Fitkowski

That the agenda be adopted with the addition of LED Lighting Meeting Update.

**CARRIED UNANIMOUSLY**

### **3. ADOPTION OF THE MINUTES**

#### **3.1 Adoption of Minutes - October 16, 2019**

**Recommendation**

**Moved By** Garnet Kindervater

**Seconded By** Rachel Fitkowski

That the minutes of the meeting held October 16, 2019 be adopted as presented.

**CARRIED UNANIMOUSLY**

**4. PRESENTATIONS/DELEGATIONS**

**4.1 Decision Note dated November 4, 2019 re: Amendment to Rezone Land to the Commercial Downtown Mixed Use 2 Zone (CDM2) for a Mixed-Use Building - REZ 1900009 - 96 and 100 Water Street, 205-211 Duckworth Street**

Designated Heritage Building ( Breakwater Books Building, former S.O.Steele Building)

Glen Roebathan (owners group), Ron Fougere (FMA), Aaron Rhineland (FMA) and John Fitzgerald (Historian) will be in attendance

The Panel was informed that Council has been asked to consider a rezoning application for 96 and 100 Water Street, 205-211 Duckworth Street to the Commercial Downtown Mixed Use 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:**

At the October 16, 2019 Committee of the Whole Meeting, Council recommended: "That the Decision Note regarding the Amendment to Rezone Land to the Commercial Downtown Mixed 2 Zone (CDM2) for a Mixed-Use Building be referred to the Built Heritage Experts Panel (BEHP) for review, prior to being considered by Council."

The Decision Note date October 8, 2019 was attached to the agenda for reference. From the proposal there are three items raised for the BHEP.

- Heritage designation;
- Design of the proposed building; and

- Proposed Terms of Reference for a Land Use Assessment Report (LUAR).

#### 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. Information about the designation is provided in an attached Decision Note and Statement of Significance.

The buildings at 205 and 211 Duckworth, housed the Roebothan McKay Marshall law offices until a fire several years ago. This also includes 95 Water Street an empty lot that was the site of the Mechanics Institute, a designated heritage building which was demolished in the 1980's. The site also borders the Newfoundland National War Memorial.

If this proposal proceeds, the applicant is requesting to demolish the 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 to allow development surrounding historic buildings, however there should be no question to whether the façade will be maintained or not. It must be kept.

The Panel has been asked to consider whether the City should allow facadism of Heritage Buildings (when only the facade of a building is preserved, with new buildings erected behind or around it). From a staff perspective, this is the first of this type of development to a Heritage Building in St. John's.

#### Design of the Proposed Building

The proposed design incorporates only the front façade of the building. Should Council require the entire building to be protected, the design may change. However, Council would like the BHEP's recommendation on the proposed design as it currently stands. Should Council proceed with the re-zoning, staff has recommended that the applicants meet with the BHEP prior to completing the LUAR so that the BHEP's concerns could be addressed in the LUAR. Additionally, staff have recommended to Committee of the Whole that the building be redesigned to meet the standards set out in the CDM2 Zone of the draft Envision St. John's Development Regulations.

#### Proposed Terms of Reference for a Land Use Impact Assessment

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 was recommended that a LUAR be prepared prior for the proposed development.

A draft LUAR Terms of Reference was tabled for the Panel's review. Should the Heritage Designation or design recommendations differ from what the applicants have proposed, it is likely that they will still wish to proceed with the rezoning, therefore Council seeks the Panel's input on the Terms of Reference.

The foregoing was discussed noting that the text amendment is being requested as the proposed design is much higher than the existing building.

The delegation was invited to the meeting and proceeded to give an overview of the building design with particular reference to the connection of the proposed use and design to the adjacent war memorial. The delegation believes that the design, with the incorporation of a museum, will complement the war memorial.

The delegations comments can be summarized as follows:

- The delegation believes that the design, with the incorporation of a museum, will complement the war memorial with artifacts and history of the Great War.
- The design must be economically viable and that is possible only by the inclusion of the numerous storeys proposed.
- The design is a modern interpretation of what is already there.
- The design ties in nicely with other buildings of similar size in the area - i.e. Sir Humphrey Gilbert Building and the TD Building
- The design restores massing of the buildings
- The design should encourage the City to reevaluate the naming of Harbourside Park to its original name of Kings Beach

- There is a fear that if the developer cannot build this or a similar design it would create a lost opportunity from a history perspective.
- The Legion is very much in favor of the museum concept
- The FAR is within the allowable guidelines

The following represents comments of the Panel as it relates to design:

- The massing as proposed is too great and does not reflect the character of the street
- The building is not to scale
- Attachment of a new building to an existing building may be precedent setting.
- The retention of the existing facade needs a fool-proof restoration plan not an "if possible" plan
- Further step backs in the design may be more appealing.
- The design speaks favorably to mixed use (retail and residential) - as identified and recommended in the new Municipal Plan
- The developer ought to consider the removal of some storeys, raising the height of the brick resulting in less glass and more brick.

Discussion concluded with the following recommendation by the Panel

**Recommendation**

**Moved By** Garnet Kindervater

**Seconded By** Bruce Blackwood

That the design of the building be modified as follows:

- a. Increase the amount of brick and reduce the amount of glass façade, in particular along Water Street and along the façade facing the War Memorial;
- b. Increase the height of the gables facing the War Memorial to reflect the original architecture;
- c. Use brick instead of glass for the turret.
- d. Require a comprehensive engineering study to ensure the protection of the facade on Water Street during construction; and

e. Bring back any revised drawings to the Built Heritage Experts Panel for recommendation.

**CARRIED UNANIMOUSLY**

**5. BUSINESS ARISING FROM THE MINUTES**

**5.1 Decision Note dated November 6, 2019 re: Door and Garage Door Styles in Heritage Areas**

In the interest of time, this matter was deferred to the next meeting.

**6. NEW BUSINESS**

**6.1 Decision Note dated November 4, 2019 re: 100 Bowring Park Road - Pedestrian Bridge**

The Panel considered the above-noted decision note and strongly agreed that the bridge is worthy of designation. However, prior to bringing the matter before Council, it was agreed that staff should meet with other relevant departments of the City for feedback.

**Recommendation**

**Moved By** Bruce Blackwood

**Seconded By** Garnet Kindervater

That given the international recognition of Sir Ove Arup, who has received such honour as British Knighthood as well as the historic value of the structure, the Panel strongly recommends that Council proceed with the designation of Cantilever Bridge at Bowring Park with a further recommendation that a story board be constructed that will articulate its heritage significance.

For (4): Glenn Barnes, Bruce Blackwood, Garnet Kindervater, Rachel Fitkowski,

**CARRIED UNANIMOUSLY (4 to 0)**

**6.2 LED Lighting Update - Rachael Fitkowski**

In the interest of time, this matter was deferred to the next meeting.

**7. ADJOURNMENT**

There being no further business, the meeting adjourned at 2:20 pm

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GLENN BARNES, CHAIR