

# DECISION/DIRECTION NOTE

---

**Title:** St. John's Municipal Plan Amendment Number 147, 2020 and St. John's Development Regulations Amendment Number 680, 2020  
Text Amendment to the Atlantic Place Parking Garage District and the Atlantic Place Parking Garage Zone for a Maximum Building Height of 12 Storeys  
MPA1900005  
1 Cliff's-Baird's Cove  
Applicant: John Hearn Architect Inc.

**Date Prepared:** January 15, 2020

**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-in-principle the resolutions for St. John's Municipal Plan Amendment Number 147, 2020, and St. John's Development Regulations Amendment Number 680, 2020.

**Discussion – Background and Current Status:**

John Hearn Architect Inc., on behalf of the property owner, Sonco Group Inc., has applied for a text amendment to the St. John's Municipal Plan and Development Regulations in order to accommodate a 12-storey parking garage and hotel at 1 Cliff's-Baird's Cove. The subject property is designated the A.P. Parking Garage District under the Municipal Plan and is zoned A.P. Parking Garage (APPG). The maximum allowable building height in the APPG District and Zone is 11-storeys. The applicant wishes to build a 4-storey hotel above the existing 8-storey parking garage for a total of 12-storeys and a height of 46.8 metres.

The 4-storey hotel above the parking garage will include 108 hotel rooms in a variety of sizes, a restaurant with lounge, multi-purpose room, gym, and sauna. A hotel located on the 9<sup>th</sup> and/or higher storeys of a building is a Discretionary Use in the APPG Zone. Should the amendment proceed, Discretionary Uses would be advertised at the Public Hearing stage.

For this application to proceed, there are three aspects of the District and Zone that will require amendment: maximum permitted height, Floor Area Ratio (FAR) and the addition of proposed commercial/office uses.

**Building Height, Bulk and Design**

Under the current District and Zone, the maximum building height is 11-storeys and the maximum floor area ratio is 2.25. The proposed height of 46.8 metres and 12-storeys will bring

---

# ST. JOHN'S

the building to a similar height as the adjoining Atlantic Place but will not exceed its height, as proposed. The proposed development has a FAR of 2.42 and will require an increase from 2.25 to 2.5. This small increase is due to the addition of an extra storey to the Zone. The Downtown Building Control map in the Municipal Plan and Development Regulations would also need to be amended to reflect these changes.

There are portions of the hotel which are proposed to extend over the sidewalk along Harbour Drive and Cliff's-Baird's Cove. If this design proceeds, any encroachment over City owned land will require Council's approval and a lease of air rights from the City's Legal Department.

Although the subject property is located within Planning Area 1 – Downtown, it is not located within a Heritage Area. As such, the policies regarding heritage area standards and designs do not apply to this development. However, Council did refer the application to the Built Heritage Experts Panel and can consider their comments alongside the public submissions. The Panel agreed that the design does what the developer intended; it makes the building stand out. It was suggested that the use of yellow should be muted in order to not detract from the heritage buildings on Water Street. It was also agreed that any mural/sculpture design on the south side should be meaningful and not appear as a billboard for advertisements and should not include illumination. Any proposed art installation should be determined prior to development approval as the applicant suggested that it could influence the use of colour in the final design. The Panel is appreciative of the pedestrian improvements on the ground level.

The pedestrian improvements include a wider sidewalk, bike racks, benches and ground floor retail. The specifics of these improvements will be determined at the development stages. The addition of retail or similar uses would need to be added to the APPG Zone.

### **Parking**

On January 21, 2013, an agreement was signed between the City of St. John's and Sonco Group Inc. stating that the number of public parking spaces located in the A.P. Parking Garage will not be reduced below 670 spaces. This requirement was also established in the A.P. Parking Garage Zone of the Development Regulations. In a previous Decision Note to Council it was noted that an amendment to this agreement would be required for the hotel development to proceed. However, since that time Council has amended the Development Regulations to allow consideration of parking relief in the Downtown.

The proposed development requires 54 parking spaces. Should the development proceed, the parking garage will contain a total of 703 parking spaces following renovations. To meet the 670 public parking spaces required through the Zone and in the legal agreement, the applicants are requesting parking relief of 21 spaces for the hotel.

- 703 parking spaces available – 670 required for public parking = 33 parking spaces remaining/available for development.
- 54 parking spaces required for the proposed development – 33 parking spaces available = 21 parking spaces to be relieved.

Based on information provided in Appendix A of the Land Use Assessment Report (LUAR), the average unused spaces per day could easily accommodate any parking demand from the hotel.

### **Public Consultation and Submissions Received**

The proposed rezoning was advertised on two occasions in The Telegram newspaper and was posted on the City's website and social media. Property owners within 150 metres of the application site were notified and a public meeting was held on December 11, 2019. Approximately 20 people were in attendance. Concerns were raised that there was not enough advertisement of the meeting, however the application was advertised using the City's standard process. Written submissions were also received by the City Clerk and are included in the agenda for the Regular Meeting of Council.

People have spoken and written both for and against the development. Many of the submissions against the development discussed the additional height and the design of the building. Some feel that the building is too modern for this area and will block views. However, the Development Regulations were amended in 2014 to allow a maximum building height of 11-storeys ensuring that the parking garage could not be higher than Atlantic Place. The current application meets this intention and therefore it is recommended to increase the number of stories and FAR within the A.P. Parking Garage Zone while also establishing a maximum building height in metres to ensure the building is not higher than Atlantic Place. It is possible that the applicants could later apply for a Variance on the building height to allow additional height, however, as per Section 8.4(6) of the Development Regulations, this type of application would be referred to Council for consideration of approval.

It is recommended to remove reference to building height and FAR from the A. P. Parking Garage District, as these standards are normally established in the Development Regulations and are not required in the Municipal Plan.

While some citizens feel that the proposed building detracts from the character of downtown, this property is not located within a Heritage Area and the heritage design standards do not apply. Many do not like the colour choices, and while the City does not regulate colour, it is recommended that the applicant consider using an alternative colour palette as displayed on page 13 of the LUAR. The applicant has proposed to work with the arts community for the design of the façade facing Harbour Drive and has indicated that the artwork may influence the colour choice. Therefore, it is recommended that the design of the Harbour Drive façade be determined prior to development approval.

Other submissions to the City stated that this is a good addition to the downtown and believe the proposed building will be an improvement from the existing parking garage. Some felt that the design is unique and that the harbour front retail is a welcome addition. As the City encourages new developments and redevelopment to contribute to the public realm, we will continue to promote ground-floor retail and associated uses, and improvements to the pedestrian realm.

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

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:

Property owner and neighbouring property owners; persons who park their vehicles in the A. P. Parking Garage; downtown residents, visitors and businesses.

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:  
Text amendments to the St. John's Municipal Plan and Development Regulations are required, as well as amendments to the Downtown Building Control maps.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations:  
A commissioner's public hearing would be required.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council adopt-in-principle the resolutions for St. John's Municipal Plan Amendment 147, 2020 and St. John's Development Regulations Amendment 680, 2020, which would allow for a 12-storey parking garage (not exceeding 47 metres), hotel and commercial/office at 1 Cliff's-Baird's Cove.

If the amendments are adopted-in-principle by Council, they will be sent to the Department of Municipal Affairs and Environment with a request for provincial release. Once the release is received, the amendment will be referred back to a future Regular Meeting of Council for consideration of adoption and the appointment of a commissioner to conduct a Public Hearing, as required by the Urban and Rural Planning Act.

It is further recommended:

- That the applicant considers using an alternative colour palette as displayed on page 13 of the LUAR.
- That the design of the Harbour Drive façade be determined prior to development approval.

**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:**

Amendment  
Location Map  
Ground Level Site Plan

**RESOLUTION  
ST. JOHN'S MUNICIPAL PLAN  
AMENDMENT NUMBER 147, 2020**

**WHEREAS** the City of St. John's wishes to allow development of a 12-storey parking garage and hotel at 1 Cliff's-Baird's Cove (Parcel ID #47604).

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following text and map amendments to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act, 2000.

1. Amend Section 3.3.6 A.P. Parking Garage District by removing the following Building Height and Bulk subsection:

"Building Height and Bulk - In this District, the maximum building height is limited to 11 Storeys and the maximum Floor Area Ratio is limited to 2.25".

2. Amend Map III-2 (Downtown Building Control Map) by substituting the property at 1 Cliff's-Baird's Cove (Parcel ID #47604) as follows:

"Areas allowing a building height not exceeding 12 storeys/47 m and a floor area ratio not exceeding 2.5."

**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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
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



## RESOLUTION

### ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 680, 2020

**WHEREAS** the City of St. John's wishes to allow the development of a 12-storey parking garage and hotel at 1 Cliff's-Baird's Cove (Parcel ID #47604).

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

1. Amend Section 10.51.2 Discretionary Uses by adding the following:

“(d) Office  
(e) Retail Store”

2. Repeal Section 10.51.3(a) and substitute the following:

“Building Height (maximum): 12 storeys (not exceeding 47 metres)

3. Repeal Section 10.51.3(c) and substitute the following:

“Floor Area Ratio (maximum): 2.5”

4. Amend Map F (Downtown Building Control Map) by substituting the property at 1 Cliff's-Baird's Cove as follows:

“Areas allowing building height not exceeding 12-storeys/47 m and a floor area ratio not exceeding 2.5”

**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 \_\_\_\_\_, 2020.

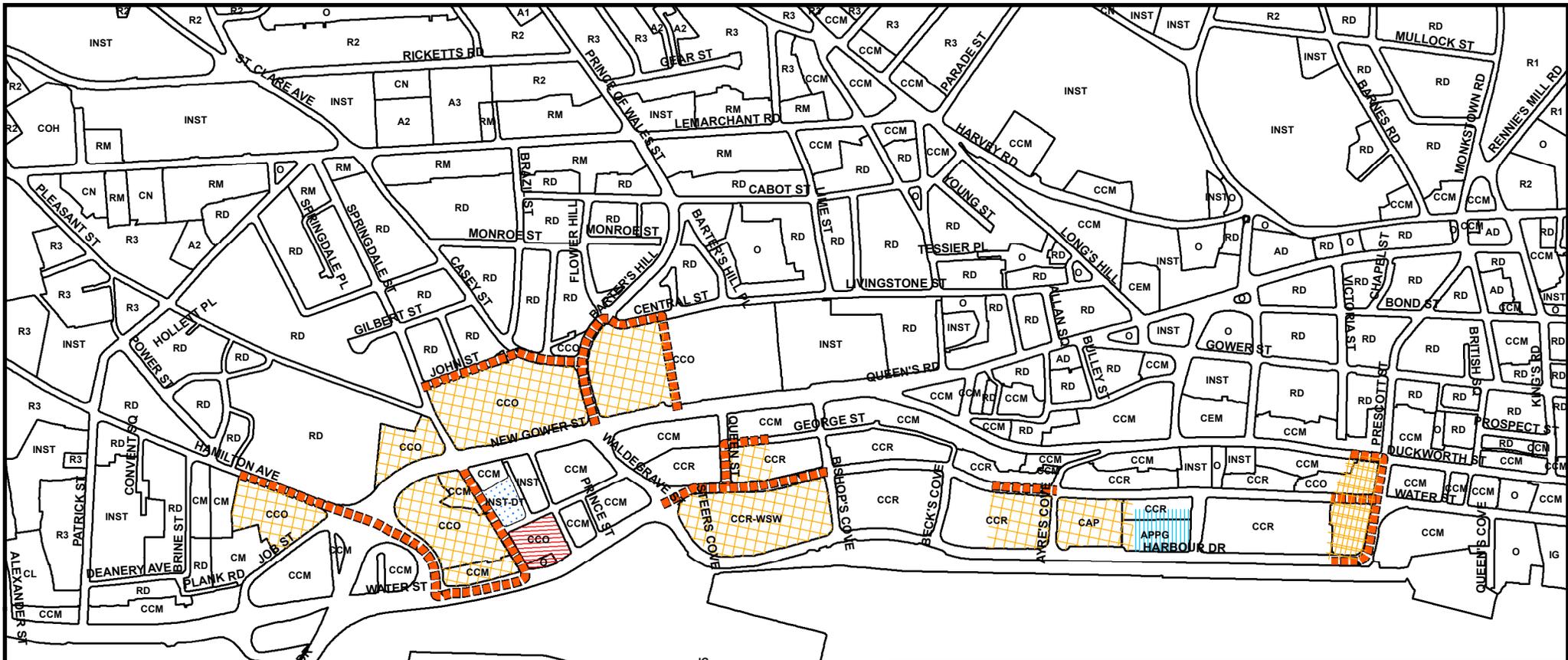
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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



I hereby certify that this amendment has been prepared in accordance with the Urban and Rural Planning Act.

M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

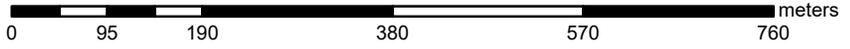
\_\_\_\_\_  
Provincial Registration

**MAP F**

**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
DOWNTOWN  
BUILDING CONTROL**



-  Streets requiring a light angle of 60 degrees at 15m/4 storeys above grade
-  Areas allowing a floor area ratio in excess of 3.0 and a building height exceeding 4 storeys.
-  Areas allowing building height not exceeding 10 storeys and not requiring a light angle of 60 degrees at 15m/4 storeys above grade
-  Areas allowing a building height not exceeding 12 storeys/47m and a floor area ratio not exceeding 2.5
-  Areas allowing a building height not exceeding 5 storeys and not requiring a light angle of 60 degrees at 15 m/4 storeys above grade





**SUBJECT PROPERTY**



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

Diagrams from:  
**Section C: Building Height & Location**  
**Ground Floor—Setbacks & Encroachments**

Proposed hotel uses    Proposed retail uses

