

DECISION/DIRECTION NOTE

Title: 42 Bannerman Street REZ1900014

Date Prepared: March 25, 2020

Report To: His Worship the Mayor and Members of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 2

Decision/Direction Required:

That Council adopt the attached resolution for St. John's Development Regulations Amendment Number 707, 2020.

Discussion – Background and Current Status:

The City has received an application from First Light St. John's Friendship Centre requesting that Heritage Use be added as a use to the Institutional (INST) Zone. In January 2019, First Light entered into a formal partnership with Cochrane Centre, located at 42 Bannerman Street (dual civic address 81 Cochrane Street), to take on its operations. It is their belief that the current INST zoning regulations do not support the innovative venture that is underway at this site and the addition of Heritage Use to this zone could provide flexibility. A Municipal Plan amendment would not be required.

The subject property is located in Heritage Area 1, the Institutional District of the St. John's Municipal Plan and is zoned Institutional (INST). Cochrane Street United Church, which now includes Cochrane Centre and First Light, is designated by Council as a Heritage Building.

St. John's Development Regulations Amendment 707, 2020

City staff have evaluated this application in two parts:

1. The request to add Heritage Use to the INST and INST-D Zones.
2. The request to approve the Discretionary Use of 42 Bannerman Street as a Heritage Use for food preparation.

While the proposed amendment was prompted by First Light's application, it is recommended that Council adopt the amendment, regardless of Council's decision on the Discretionary Use proposed at 42 Bannerman Street.

In the past, Designated Heritage Buildings in the INST Zone would typically be limited to uses such as Churches and their associated buildings. As congregations are decreasing, places of worship are seeking innovative ways to diversify uses within the historic buildings. By adding Heritage Use to the INST and INST-D Zones, Council could permit Designated Heritage Buildings to have additional uses not normally found in these zones which will allow more flexibility and adaptive reuse of Heritage Buildings.

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If Council proceeds with this amendment, Heritage Use would be added as a Discretionary Use, which means all applications of this type would require Council's approval. This would allow adaptive reuse of these buildings while maintaining Council's ability to turn down an application should the use not be appropriate for the area.

From the St. John's Development Regulations, "Heritage Use means the Discretionary Use of a Heritage Building for two or more Dwelling Units; a Boarding or Lodging House; an Office; a Bed and Breakfast; a Handcraft Use; a Restaurant; and/or other uses, which are, in Council's opinion, compatible with adjoining Residential Uses". Under the draft Envision Development Regulations, adopted-in-principle by Council, Heritage Use is defined as "any use of a Designated Heritage Building which is, in Council's opinion, compatible with the adjoining uses". It is recommended that Council amend the Development Regulations to implement the Envision definition at this time. The current definition is limiting because uses are listed, while the new definition allows more flexibility and reduces the potential need for alterations to the definition to add more uses. As Heritage Use is discretionary, the use proposed in each application would be evaluated by Council on a case by case basis.

First Light's Application for Food Preparation

Should Council decide to add Heritage Use as a Discretionary Use in the INST Zone, First Light St. John's Friendship Centre has requested that Council consider food preparation (commercial and community-based) as a Heritage Use at 42 Bannerman Street. The requested hours of operation are 7am to 11pm, seven days a week.

For clarity, in 2016 Cochrane Street United Church applied to renovate the existing annex for housing and a parish hall/outreach and performance centre. This included affordable housing units, outreach programming and associated offices. The kitchen previously existed and was renovated at that time to include a commercial kitchen with an exhaust fan. Regardless of Council's decision on the application at hand, the kitchen will be able to be used for a parish hall/outreach programming as already approved. For example, the kitchen may be used for events in the hall associated with the outreach programming.

The request at hand is for the use of the commercial kitchen solely for food preparation. This use of the commercial kitchen would not be associated with outreach programming. For example, the commercial kitchen could be used to prepare food for sale at an alternate location.

Additionally, should Council approve the Discretionary Use, food preparation or similar uses like Bakery are not listed in the General Parking Requirements of the Development Regulations. Therefore, the parking requirements are to be determined by Council. Further, Council has the ability to exempt Heritage Building from parking requirements. As the kitchen would often be used at a time that does not conflict with other uses within the building (evenings or early mornings), it is recommended that Council exempt the parking requirements as per Section 9.1.2(4) of the Development Regulations.

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. Written submissions were received by the City Clerk and are included in the agenda for the Regular Meeting of Council. The written submission raised a number of concerns, however, most residents cited noise as being their major concern against this proposed use.

- Noise
 - Concerns have been raised that the exhaust fan connected to the kitchen is too loud. The exhaust fan has been inspected by City staff and staff determined that the fan was installed in compliance with the Building Code. Many residents had specific concerns regarding the operation of the exhaust fan during the night. Many stated that the fan is too loud and is impacting their ability to sleep. While the fan is not in violation of the St. John's Noise By-Law, it is important to note that the By-Law is silent on noise from exhaust fans.
- Commercial Vehicle
 - Residents have raised concerns that Stewart Avenue is being blocked by commercial trucks being parked to load and unload at the Cochrane Centre, using the kitchen exterior door. There is also concern that this is happening on the parking lot of 55 Military Road, which is not part of the Cochrane Centre.
- Parking
 - Complaints were received that parking is limited in this neighbourhood and that visitors of Cochrane Centre are using adjoining parking lots.
- Commercial presence
 - Concerns were raised that the commercial presence would increase traffic to the area. However, sale of goods would not be permitted at the site. Any goods prepared at the site would be sold off-site.
- Commercial Waste Bin
 - Concerns were raised regarding a commercial waste bin that may be located on an adjacent property. This issue has been forwarded to the City's Inspections Division for investigation.
- Inaccurate "Subject Property" Attached to Amendment Notice
 - A concern was raised that the area shown as "Subject Property" on the City's public notice is inaccurate. This matter has been forwarded to the City's Land Information Services Division for investigation and correction if required.

While the City wishes to accommodate innovative use in Heritage Buildings, we must also respect neighbouring residential areas and take all concerns into consideration prior to making a recommendation. The City also received a submission that was in support of the proposed use. The resident believes that First Light provides vital programs and services that strengthen our community, and there will be positive results should the application be approved.

Given the concerns raised by neighbouring residents, should Council wish to permit food preparation as a Heritage Use at 42 Bannerman Street, it is recommended that conditions be placed on the development. It is recommended that the exhaust fan be limited to the hours of 9am to 5pm, that Council set a maximum decibel level of 70 dB. Issues regarding the commercial vehicle will be assessed prior to development approval.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and 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: Amendment to the St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Parking exemption is recommended.

Recommendation:

That Council adopt the attached resolution for St. John's Development Regulation Amendment Number 707, 2020.

That Council approve Heritage Use (food preparation) at 42 Bannerman Street as a Discretionary Use with the following conditions:

- The exhaust fan shall only be operated between the hours of 9am and 5pm
- The exhaust fan to not exceed 70 dB

That Council exempt parking requirements for the Heritage Building, as per Section 9.1.2(4) of the St. John's Development Regulations.

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Report Approval Details

Document Title:	42 Bannerman Street REZ1900014.docx
Attachments:	- 42 Bannerman Street - Attachments.pdf
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This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Mar 26, 2020 - 10:44 AM

Jason Sinyard - Mar 26, 2020 - 12:56 PM