

DECISION/DIRECTION NOTE

Title: 28 Eric Street, REZ1900015

Date Prepared: November 30, 2020

Report To: Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 2

Decision/Direction Required:

To consider a rezoning application for land at 28 Eric Street from the Open Space (O) Zone to the Residential High Density (R3) Zone to allow three (3) Townhouses.

Discussion – Background and Current Status:

The City has received an application from Habitat for Humanity NL for three (3) Townhouses at 28 Eric Street. The property is zoned Open Space (O), where Townhouses are not a listed use. The applicant has asked to rezone the property to the Residential High Density (R3) Zone which allows Townhousing as a Permitted Use. A Municipal Plan amendment is not required because the land is already designated as Residential Medium Density. The rezoning is proposed only for the land where the Townhouses will be developed. The community gardens will remain zoned as Open Space (O).

The subject property is a grassed area with some trees and shrubs, rising up from Eric Street toward the rear yard of the commercial property at 301 Hamilton Avenue. The property at 28 Eric Street is owned by the City of St. John's, which acquired it from Laurier Club Limited in December 1978. It was originally the rear yard of what is now 301 Hamilton. To the west side is an area being used as a community garden.

The City's Affordable Housing Strategy seeks to identify land for affordable housing and to support partners to develop it. As part of that, Council approved the subject property for potential redevelopment as affordable housing. A letter of intent was signed with Habitat for Humanity NL on September 23, 2019, outlining Council's intent to gift the property to them, subject to successful rezoning, development approval, and collaboration with the Eric Street Community Garden. The City will retain ownership of the community garden land.

Meetings to Date

City staff met with Habitat for Humanity NL and members of the Eric Street Community Garden to discuss the project, including developing houses on the eastern part of the property and revitalizing the community garden on the western part. On October 16, 2019, there was a neighbourhood meeting held to discuss the potential project. On February 24, 2020, a meeting was held with area residents to discuss their questions and concerns.

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Proposed Rezoning and Development

The land immediately adjacent to 28 Eric Street is zoned R3. The surrounding neighbourhood is predominately zoned R3, with some Commercial Neighbourhood zoned properties to the north along Hamilton Avenue. This portion of Eric Street mostly contains Single-Detached Dwellings; further west along Eric Street, past the Richmond Street intersection, there are Townhouses and an Apartment Building. Rezoning the subject property for 3 Townhouses would complement the surrounding uses and match the zone already in this neighbourhood.

Under the St. John's Municipal Plan, the City encourages increased density in all appropriate areas and a compatible mix of residential buildings of varying densities in all zones.

The Townhouses are proposed to be 3 storeys. In Section 2.3.2 of the Municipal Plan, the Residential Medium Density District can allow up to 3 storeys or a Floor Area Ratio (FAR) of 1.0. Subject to a Land Use Assessment Report, selected areas may be zoned to allow heights up to 6 storeys and Floor Area Ratios up to 1.5. The applicant has proposed larger sideyards than minimum to provide more room to the next house and more space to the community garden, accommodating sunlight plus a new sewer easement. The proposed middle house is smaller than the end units and the project has an FAR of approximately 1.14. This will be confirmed at the development approval stage, should the amendment proceed.

From the Municipal Plan, Council may accept a staff report as an LUAR where the scale or circumstances of a proposal do not need more extensive analysis. Given the small scale of this project and the information already submitted, staff recommend that Council accept this staff report as the LUAR in order to consider an FAR between 1.0 and 1.5.

In meetings, area residents have raised concerns about water on the site, parking, and the loss of open space.

- After receiving a complaint of water pooling on the site, the City excavated some soil in the area in test pits and tested the water near the community garden. The water tested positive for chlorine, which indicates a possible watermain leak in the area. The City repaired one leak but still sees saturated ground at this site (see attached map that shows the wet area). The City believes that this is a groundwater issue and recommends that the developer address this issue at the development approval stage.
- Residents have asked for an Environment Assessment. The City would not normally require this unless there was a brownfield site such as a former gas station that required remediation. The applicant has completed a Phase I Environmental Site Assessment for their own due diligence, and that report showed no on-site sources of actual or potential contamination.
- Upon hearing concerns from area residents about on-street parking, the applicant revised the application to include a driveway and a garage for each house. This will provide 2 parking spaces per dwelling, which exceeds the City's minimum requirement.

- The City's Parks and Open Space Division reviewed the rezoning application and advised that the Open Space Master Plan identifies service levels and associated distances for various classifications of parks. The Eric Street neighbourhood is adequately serviced by 4 classifications of parks, as follows:
 - McKay Street Open Space (a Playground) serves a radius of 200m; it is 80 metres from 28 Eric Street.
 - Brother Egan Park (a Neighbourhood Park) serves a radius of 800 metres; it is 200 metres from 28 Eric Street.
 - Victoria Park (a Municipal Park) serves the entire city; it is 460 metres from 28 Eric Street.
 - Mundy Pond Park (a Community Park) serves a radius of 3,700 metres; it is 725 metres from 28 Eric Street.
- The applicant has provided a tree plan (attached) and will work with the City's Parks and Open Space Division regarding any tree protection during development.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners; members of the Eric Street Community Garden.
3. Alignment with Strategic Directions/Adopted Plans:
St. John's Strategic Plan 2019-2029 - A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: A map amendment (rezoning) to the St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Some initial consultation has been done. The amendment application requires public advertisement of the amendment and a public meeting.
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 consider a proposed rezoning of the eastern portion of 28 Eric Street from the Open Space (O) Zone to the Residential High Density (R3) Zone, and that the application be advertised and referred to a virtual Public Meeting chaired by an independent facilitator.

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Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	28 Eric Street, REZ1900015.docx
Attachments:	- 28 Eric Street - Attachments.pdf
Final Approval Date:	Dec 2, 2020

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

Ken O'Brien - Dec 2, 2020 - 3:30 PM

Jason Sinyard - Dec 2, 2020 - 4:25 PM