

DECISION/DIRECTION NOTE

Title: 11 Tiffany Lane, Adoption REZ2000001

Date Prepared: February 24, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 4

Decision/Direction Required:

That Council adopt the attached resolution for St. John's Development Regulations Amendment 716, 2021, to rezone land from the Residential Medium Density (R2) Zone to the Apartment Medium Density (A2) Zone to accommodate two Personal Care Homes at 11 Tiffany Lane. The amendment also includes text changes to the A2 Zone. Staff do not recommend the requested Apartment High Density (A3) Zone.

Discussion – Background and Current Status:

The City has received an application from 77345 Newfoundland and Labrador Ltd./KMK Capital Inc. for two 6-storey assisted-living facilities at 11 Tiffany Lane. In the St. John's Development Regulations, an assisted-living facility is classified as a Personal Care Home.

The property is zoned Residential Medium Density (R2), in which a Personal Care Home is not permitted. The applicant has asked for a rezoning to the Apartment High Density (A3) Zone to accommodate the height and density of the proposed buildings. The property is designated Residential High Density under the St. John's Municipal Plan and therefore a Plan amendment is not required. As per Section 2.3.3 of the Municipal Plan, the Residential High Density District shall permit zones providing for medium-density residential uses.

The subject property has mature trees and lawns, has a total area of 14,513 square metres and has frontage along Tiffany Lane, Portugal Cove Road/New Cove Road, and Baird's Lane. The main entrance is proposed off Tiffany Lane, with an access off New Cove Road to the parking garage. The property was subdivided from the Bryn Mawr property at 154 New Cove Road and includes most of its lawns and gardens. That house, a designated Heritage Building, stands empty in the R2 Zone. The surrounding properties are in the Apartment Medium Density (A2) Zone, in the Institutional (INST) Zone across Tiffany Lane, and in the Residential Low Density (R1) Zone across Portugal Cove Road/New Cove Road.

At its August 31, 2020 regular meeting, Council decided to consider the amendment and set the terms of reference for a Land Use Assessment Report (LUAR). Following submission and staff review of the LUAR, the proposed rezoning and report was advertised on three occasions in *The Telegram* newspaper and was posted on the City's website. Property owners within 150 metres of the application site were notified. A virtual public meeting chaired by Ms. Marie Ryan

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was held on January 20, 2021 with approximately thirty (30) attendees. Written submissions received by the City Clerk are included in the agenda for the Regular Meeting of Council.

Concerns Raised by the Public

While there was some support for the development in written submissions, most public meeting attendees raised concerns about the development. These include:

- The number of proposed Personal Care beds:
 - The Province limits the number of beds in a Personal Care Home. While this provincial standard is not reviewed by the City, the applicant advised that the Province allows a mix of Personal Care beds and independent living units within a facility.
- The height and density of the proposed buildings:
 - Many thought that the buildings are too large, too high and would create negative impacts such as shadowing on adjoining properties. While 6 storeys raised concerns from adjacent residents, the possibility of a maximum building height of 10 storeys raised great concern. The applicant stated that the higher density has been requested for financial modelling purposes and they do not intend to increase the height above 6 storeys.
- The proposed development would increase traffic:
 - The development proposed for a Personal Care Home has been reviewed by the City's Transportation Engineering staff and no concerns were expressed. The applicant has been advised that the apartment zones allow more intensive uses such as an Apartment Building that could trigger a traffic study and require traffic improvements (either on-site, off-site or both) if the proposed use should change from a Personal Care Home.
- There are too many Personal Care Homes in this neighbourhood:
 - Many residents felt that there are too many Personal Care Homes and seniors' complexes in this neighbourhood and that this development would not help create a diverse neighbourhood. Some thought that another Personal Care Home would detract younger residents from living nearby. While we acknowledge this concern, the City does not limit the number of a particular land use in a neighbourhood. Further, the applicant noted that, based on the demographic profile of St. John's, there will be an undersupply of this type of housing in 5 years which shows a need for new Personal Care Homes.

Proposed Development and Requested Zone

The proposed development will contain two 6-storey buildings with a total of 237 units and two (2) levels of underground parking. The level of personal care has not been determined yet. The applicant's justification for requesting the A3 Zone is to allow increased density and increased floor-area ratio (FAR), however these zone standards do not apply to Personal Care Homes, only to Apartment Buildings. Therefore, the proposed Personal Care Home can be accommodated in the Apartment Medium Density (A2) Zone.

While it is not what the applicant has requested, staff recommend rezoning to the A2 Zone rather than the A3 Zone. The A3 Zone would give a legal right to 10 storeys that could not be denied. Given the public concerns regarding building height, staff do not recommend a zone

that could allow a height greater than 6 storeys. The properties alongside 11 Tiffany Lane are zoned A2, so it would be a compatible zone.

An earlier version of this memo proposed using the A2 Zone in the existing St. John's Development Regulations (see attached zone table). In response, the applicant asked for the application to be deferred. After discussion, staff are satisfied to recommend the A2 Zone but with elements adapted from the draft Envision St. John's Development Regulations.

In the LUAR, the development is shown as having a 25-metre building height. For Personal Care Home, the proposed maximum building height is 24 metres in the A2 Zone from Envision (one change is that Envision moves from building height in storeys to building height in metres). Should the development exceed 24 metres at the development stage, Council could approve a variance up to 10% or an extra 2.4 metres to allow some additional height or adjustments to the side yards – in the A2 Zone, side yards are linked to building height. The taller the building, the larger the side yard required.

The A2 Zone from Envision includes revised standards for Apartment Buildings and Personal Care Homes. This would allow some flexibility should the proposed use change, but still limit the building height. The amendment would remove the density limit and floor-area ratio (FAR) requirements for Apartment Buildings, reduce the maximum lot coverage from 50% to 40%, and change the maximum building height from storeys to metres as mentioned above. These changes in the A2 Zone were adopted-in-principle by Council as part of Envision St. John's.

Parking Relief

Under the current Development Regulations, the parking requirement for a Personal Care Home is 1 parking space for every 20 square metres for the portion of the building used as wards or suites. Based on the proposed suite floor area for the 237 units (12,901.2 square metres), 646 parking spaces are required. The applicant is proposing 150 parking spaces and is asking that Council provide parking relief for 496 spaces. This request is in line with other Personal Care Homes in the city, and the proposed 151 spaces are actually greater than the parking requirement proposed in Envision. The request was reviewed by the City's Transportation Division and the proposed number of parking spaces is deemed adequate. Therefore, staff have no concerns with the request to grant parking relief for 496 spaces.

Next Steps

Should Council adopt the attached amendment, it will be forwarded to the NL Department of Environment, Climate Change and Municipalities for registration. No commissioner's public hearing or further vote is needed.

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:

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 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: Not applicable.

Recommendation:

That Council adopt St. John's Development Regulations Amendment Number 716, 2021, which will rezone land at 11 Tiffany Lane from the Residential Medium Density (R2) Zone to the Apartment Medium Density (A2) Zone and will amend Apartment Building and Personal Care Home standards within the A2 Zone.

Further, that Council adopt the attached Land Use Assessment Report (LUAR) for 11 Tiffany Lane, dated November 19, 2020, showing two 6-storey buildings to be used as Personal Care Homes.

It is also recommended Council approve parking relief for 496 spaces for the proposed use of 11 Tiffany Lane as a Personal Care Home as per Section 9.1.2(1) (Parking Relief) of the St. John's Development Regulations.

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

Report Approval Details

Document Title:	11 Tiffany Lane, Adoption (Updated) REZ2000001.docx
Attachments:	- 11 Tiffany Lane - Adoption Attachment.pdf
Final Approval Date:	Feb 25, 2021

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

Ken O'Brien - Feb 24, 2021 - 5:02 PM

Jason Sinyard - Feb 25, 2021 - 11:35 AM