

# DECISION/DIRECTION NOTE

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**Title:** 28 Eric Street, Adoption REZ1900015

**Date Prepared:** March 16, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 2

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## **Decision/Direction Required:**

That Council adopt the attached resolution for St. John's Development Regulations Amendment 717, 2021, to rezone land from the Open Space (O) Zone to the Residential High Density (R3) Zone to accommodate three Townhouses at 28 Eric Street.

## **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 City-owned land and 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. Should the development proceed, the residential lots would be subdivided from the overall lot and the City would retain ownership of the community gardens land. The community garden will remain in the Open Space (O) Zone.

The subject property is a grassed area with some trees and shrubs, rising from Eric Street toward the rear yard of the commercial property at 301 Hamilton Avenue. The subject property was acquired by the City from Laurier Club Limited in December 1978. It was originally the rear yard of 301 Hamilton. Aerial images from 1973 show parking on this portion of the land. Neighbours note that there may have been a duck pond on the site in the past. Since taking ownership, the City has maintained this land and it has been zoned Open Space for decades. To the west side is an area 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.

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# ST. JOHN'S

At its regular meeting on January 11, 2021, Council voted to consider the amendment and the proposed rezoning was advertised in The Telegram newspaper and posted on the City's website. Property owners within 150 metres of the application site were notified. Initially, a public meeting was set for February 10, 2021, however that was rescheduled after a resurgence of the covid-19 pandemic. The rescheduled public meeting was re-advertised and a revised notice was mailed out. Anyone registered for the initial meeting was advised of the new date. A virtual public meeting chaired by Ms. Marie Ryan was held on March 3, 2021, with approximately 39 attendees. Written submissions and a petition were received by the City Clerk and are included in the agenda for the regular meeting of Council.

From a land use perspective, the surrounding neighbourhood is predominately zoned R3, and therefore rezoning the property to R3 is compatible. This portion of Eric Street mostly contains Single-Detached Dwellings; further west, 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.

However, in the months beforehand, and at the public meeting, neighbours raised a number of concerns about the proposed development. In particular, they were concerned about water on the site, a loss of open space, and on-street parking.

- It is evident that the neighbourhood has a strong attachment to the property. While it is not recognized by the City as a formal park, many attendees said that they use the area for recreation and as a public gathering space. The City recognizes a need to better understand these informal green spaces and how residents use them. Further, as the City moves forward in considering other properties as part of the Affordable Housing Strategy, neighbourhood consultation should be carried out before involving any third-party housing organizations. This has also been recognized in a recent Affordable Housing decision note brought to Council.
- According to residents, the issue of groundwater on the site has been ongoing for years. In 2020, the City excavated some soil on the property and tested surface water near the community garden. The water tested positive for chlorine, which indicated a possible watermain leak in the area. The City found and repaired one leak but there is still 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; it 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 garage for each house. This will

provide 2 parking spaces per dwelling, which exceeds the City's minimum requirement. There were no concerns from staff regarding parking.

- While the City acknowledges that the residents use this site as an informal green space, 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 (classed as a Playground) serves a radius of 200 metres; it is 80 metres from 28 Eric Street.
  - Brother Egan Park (classed as a Neighbourhood Park) serves a radius of 800 metres; it is 200 metres from 28 Eric Street.
  - Victoria Park (classed as a Municipal Park) serves the entire city; it is 460 metres from 28 Eric Street.
  - Mundy Pond Park (classed as a Community Park) serves a radius of 3,700 metres; it is 725 metres from 28 Eric Street.
  
- With respect to concerns about the loss of trees, 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.

Given that the applicant has revised their proposal to address parking concerns, and that the City would require groundwater diversion and tree protection at the development stage, it is recommended to rezone the property to R3 to accommodate three Townhouses. While it is recognized that this space is an informal recreation space, the neighbourhood is adequately serviced by other parks. The development would meet the objectives of the City's Affordable Housing Strategy and provide a safe home to three low-income households.

#### Floor-Area Ratio

The Townhouses are proposed to be 3 storeys tall. 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 wider side yards 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.

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 so as to consider an FAR of 1.14.

#### **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 to the St. John's Development Regulations is required. Should the amendment and development approval proceed, the City would gift the land to Habitat for Humanity NL.
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 717, 2021, which will rezone a portion of land at 28 Eric Street from the Open Space (O) Zone to the Residential High Density (R3) Zone.

Further, that Council approve a Floor Area Ratio of 1.14 for the middle Townhouse unit proposed at 28 Eric Street.

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

**Report Approval Details**

Document Title:	28 Eric Street, Adoption REZ1900015.docx
Attachments:	- 28 Eric Street - Adoption Attachments.pdf
Final Approval Date:	Mar 18, 2021

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

**Ken O'Brien - Mar 17, 2021 - 2:42 PM**

**Jason Sinyard - Mar 18, 2021 - 11:59 AM**