

DECISION/DIRECTION NOTE

Title: Residential use in floodplain & buffer – 6 Winter Ave. DEV2000191

Date Prepared: May 12, 2021

Report To: Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 4

Decision/Direction Required:

To consider a text amendment to the St. John's Development Regulations to allow Council to consider approving a residential use in a floodplain and buffer at 6 and 8 Winter Avenue.

Discussion – Background and Current Status:

The City received an application to develop a house at 6 Winter Avenue. While the lot is impacted by both the floodplain and buffer, the house is proposed to be located in the buffer and therefore there is no risk from flooding. This was an approved lot as part of the development of Judge Place, the former estate of Judge Furlong; his house was destroyed in a fire and the large property was subdivided and developed. Since the lots were approved (and most have been developed already), the floodplain mapping for Rennie's River was updated to account for future effects of climate change. Now, the floodplain and buffer extend across Winter Avenue and impact the undeveloped building lots at civic numbers 6 and 8.

The updated floodplain prevents the residential development of the lot as per Section 11.2.4 "Development within Lands Adjoining Bodies of Water and Flood Hazard Areas" of the St. John's Development Regulations. The properties are zoned Residential Low Density (R1) but the floodplain and buffer overrules the zone.

Winter Avenue is developed on both sides. The subject property is located in the Residential Low Density District of the St. John's Municipal Plan and is zoned Residential Low Density (R1) under the St. John's Development Regulations. Across the street is the Residential Special (RA) Zone on the south side of Winter Avenue, and behind those houses is Rennie's River. In the immediate area, there are new houses on Judge Place and along the north side of Winter Avenue. Several of these properties are affected by the revised floodplain and buffer.

Council has approved a capital works project to construct berming along sections of Rennie's River as part of its long term plan to mitigate flooding along Rennie's River. This project is currently undergoing Provincial environmental review. Once the project is completed this section of Winter Avenue will no longer be located in the floodplain or buffer of Rennie's River.

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It would not normally be recommended to allow residential development in a floodplain or buffer. However, there are extenuating circumstances in this particular situation, namely:

- This was a previously approved building lot;
- The proposed house is located in the buffer and not the floodplain;
- The buffer at this location no longer functions as a buffer due to the development of the surrounding properties that were approved and developed prior to the climate change floodplain mapping coming into existence;
- The City's pending project to berm this section of Rennie's River will remove this section of Winter Avenue from the floodplain and buffer, thus this site specific amendment is intended as an interim measure.

The proposed text amendment is similar to amendments made in the early 2000s to accommodate a food bank at Corpus Christi Church in the floodplain of the Waterford River and to expand the Feildian Grounds change rooms in the floodplain of Rennie's River. These are exceptional situations and would not typically be allowed.

Should Council consider the text amendment, it would be publicly advertised before coming back to Council for consideration of adoption. Staff are not recommending a public meeting but Council may wish to have one. As there is no need for a Municipal Plan amendment, there will be no commissioner's public hearing. The Development Regulations require that this be referred to the Environmental & Sustainability Experts Panel for review.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: The affected property owners; nearby residents and property owners; environmental groups.
3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-29: *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 text amendment to the St. John's Development Regulations is required. Development of a residential use in a floodplain and buffer would not normally be considered; it is contrary to the floodplain provisions of the Development Regulations. This amendment is proposed to address an exceptional situation that should only be temporary; the problem will be resolved once the City can build flood-control structures along Rennie's River.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Refer for public advertisement; mail out to property owners within 150 metres of the subject properties.

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 adopting an amendment to allow residential uses at 6 and 8 Winter Avenue, despite being in the floodplain and buffer of Rennie's River.

That Council advertise the amendment and refer it to the City's Environment and Sustainability Experts Panel for review and recommendation.

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Approved by: Jason Sinyard, P.Eng., MBA – Deputy City Manager – Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Residential use in Floodplain - 6 Winter Ave. DEV2000191.docx
Attachments:	
Final Approval Date:	May 12, 2021

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

Jason Sinyard - May 12, 2021 - 11:15 AM