

COMMISSIONER'S REPORT

St. John's Municipal Plan Amendment No. 2, 2022

St. John's Development Regulations Amendment No. 3, 2022

Proposal to re-zone land at 130 Aberdeen Ave.

File No. MPA 1900006

130 Aberdeen Ave.

Prepared for:

St. John's Municipal Council

Prepared by:

Glenn Barnes, NLAA MRAIC

Commissioner

Report Date:

9 August, 2022

1.0 INTRODUCTION

Following the June 7, 2022 Decision/Direction Note from staff to Council, the St. John's Municipal Council appointed yours truly to conduct a paper based session on the proposed amendments and prepare a report with recommendations with respect to the St. John's Municipal Plan Amendment No. 2, 2022 and the St. John's Development Regulations Amendment No. 3, 2022. The virtual session and report are related to a proposal to re-designate and re-zone land at 130 Aberdeen Ave. to the Apartment 2 (A2) and Residential 3 (R3) Zones.

The appointment of a commissioner by Council is under section 19 of the Urban and Rural Planning Act.

The (paper based virtual) public session (the subject of this report) chaired by yours truly took place at 7 PM on 6 July, 2022.

In addition to yours truly the meeting was attended by Mr. Ken O'Brien, Chief Planner with the City, Ms. Ann-Marie Cashin, Planner with the City, Christine Carter, Legislative Services, Jill Bruce, Ward 1 Councillor, Mr. Peter Batson of York Development (the proponent) and one citizen, [REDACTED].

Subsequent to the hearing, on 14 July, 2022 one supportive email response/comment regarding the file based on the City's public notices was received from a citizen by the City Clerk's office and forwarded to this Commissioner. This was received within the permitted time frame so is considered.

All individuals present were afforded the opportunity to speak.

Copies of documents relating to this matter are available from the City Clerk's Office.

2.0 THE VIRTUAL SESSION

The virtual session was called to order minutes after 7 PM. This commissioner welcomed those present and introduced them then presented the purpose of the session followed by his mandate. This commissioner then outlined the format of the session, and the reporting requirements to Council.

Ms. Cashin, Planner with the City verbally presented the subject of the session referring to documents provided prior to the session as well as showing relevant site plans on the attendee's screens to assist in her presentation. Ms. Cashin also gave an overview of the history of the zoning in the area and specific issues related to this site and application such as its relationship to St. John's International Airport (SJIAA) aircraft landing/takeoff flight path.

Ms. Cashin indicated that the City issued several public notices, carried out extensive discussion and study, including with the Province and had received comments from the SJIAA over an extensive period of time. Based on those the application is supported in principle by Council subject to the outcome of this public paper based session and public input helping inform Council in their final decision.

Documents related to this application were circulated to this commissioner in advance. Discussion took place around the documents and the following subjects:

- 1) The nature of a residential development in what is a commercial area with open space golf course and a brook in proximity.

- 2) Possible implications for residents of the subject development's location in the SJIAA flight path along with possible mitigating measures.
- 3) Siting of the various proposed styles of housing related to existing commercial properties close to the site's edges.

Given that there are no current residents adjacent to the proposed site there were no citizens who currently reside on the subject site or abutting lane to comment. However, [REDACTED] who participated in the Hearing as a citizen lives just beyond the west side of Torbay Road not proximate to the proposed development but he had an interest in the larger area. [REDACTED] did not oppose the development.

Mr. Batson indicated that while the development's site and buildings planning design is not yet complete that his group is aware of the surroundings and would plan so as to help mitigate future residents impacts from things like commercial areas impacts, and aircraft noise. The fact that a golf course bounds the site to the east is viewed by this commissioner as a positive visual attribute for residents. Mr. Batson indicated that the proposed placement of apartment buildings backing on the commercial area is to shield the development from commercial impacts.

Discussion took place around the proximity of the site to the SJIAA aircraft take off and landing path. Documents were presented illustrating the various NEF classifications (aircraft noise) that the site is within.

The Province was consulted and in turn they consulted Transport Canada guidelines and commented in writing on Transport Canada's recommendations related to developments in aircraft landing and takeoff paths. Slight adjustments to locations of housing within the site area were recommended to allow buildings to be developed in areas of the site below the 'Ultimate NEF classification.' The Province released the project to the City providing the recommended siting and Transport Canada technical design/construction noise mitigating recommendations were included.

Documents provided reflected the comments and concerns of the SJIAA that aircraft noise may negatively impact residents' quality of life. The SJIAA is concerned about the proposed development for that reason.

The reference documents also include standards and suggested technical ways to design residential buildings to help reduce aircraft noise. Mr. Batson committed to have the buildings designed and constructed to the standards.

This commissioner expressed concerns as to whether the City and developer can assure that the designs can effectively mitigate aircraft noise, and how first and future buyers can be made aware of the location in the flight path and its potential impacts.

The documents referred to are available from the City Clerk's office and therefore not repeated in this Commissioner's report.

This commissioner asked whether there were any further comments; hearing none the session was concluded at approximate 7:45 PM with indication that this commissioner will submit a report to Council of the hearing with his recommendations within 30 days following the 19 July deadline for the City Clerk to receive written submissions.

3.0 CONSIDERATIONS AND CONCLUSIONS

3.1 After review of the documents provided and the session itself this commissioner is satisfied that sufficient internal and public discussion and consultation has occurred with all interested parties having all information necessary and the time and opportunity to express any and all comment with all applicable policies and guidelines around consultation and open discussion by the Province, SJIAA and the City having been followed.

3.2 The site has been zoned for commercial uses (CR Zone) for many years but undeveloped. It is in what is considered a commercial area with the exception of a golf course bounding it at the east and a brook proximate to the north, creating two 'soft' edges and two 'hard' edges. Change to now be a residential use is not what was envisioned for the site but clearly commercial development has not occurred despite the land being offered for such uses for many years. This significant proposed change of use may need some 'getting used to'. The marketplace will make the final determination.

3.3 There is a great need in the City for mixed style housing, this development will help meet the large demand, all be it located out of the residential main stream. There is potential for the development residents to be somewhat 'isolated' given the character of surrounding uses.

3.4 Access to outdoor recreation spaces and public transport are important amenities for any residential development and provision of such would be consistent with Envision St. John's. This does not appear to yet be addressed.

3.5 Airports around most of the globe were originally built outside of built-up areas, many on former farms. There are exceptions of course. Over the years urban and suburban growth has surrounded many airports with many now being within dense urban or suburban areas. It is natural for operators of airports to have concerns with developments on flight paths. On the positive side, aircraft are becoming quieter as time goes on.

This commissioner is concerned that first time and future residents of this development could experience negative lifestyle consequences from the overhead aircraft flight path and these concerns will be expressed to the SJIAA and the City of St. John's with little mitigation opportunities then available. Having said that the early planning has already started to take aircraft noise into consideration through the siting and thoughts on building design. The question remains will those measures be sufficient.

4.0 RECOMMENDATIONS

4.1 This Commissioner recommends that Council adopt the proposed change of use and re-zoning with the following requirements:

- 1) More detailed acoustic studies and detailed design be required with specific proven noise mitigation designs being included and required. Testing of mock ups of the proposed designs might be a consideration.

- 2) A method be found to ensure appropriate level of awareness of prospective buyers of the presence of the flight path in clear honest terms and such transparent advisories make their way into purchase and sales agreements now and in the future, not unlike the required UFFI insulation declaration that has been required in real estate transactions for many years.
- 3) Public transit be routed into the development.
- 4) Pocket parks be included.

Respectfully submitted 27 July, 2022

A handwritten signature in blue ink, reading "Glenn Barnes". The signature is fluid and cursive, with the first name "Glenn" and last name "Barnes" clearly distinguishable.

Glenn Barnes, NLAA MRAIC
Commissioner