

DECISION/DIRECTION NOTE

Title: Text Amendment – Housing - Adoption

Date Prepared: June 17, 2024

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton

Ward: N/A

Decision/Direction Required:

That Council adopt Envision St. John's Development Regulations Amendment Number 37, 2024, to enable a greater variety of housing types in residential zones.

Discussion – Background and Current Status:

The federal government created the \$4 billion Housing Accelerator Fund to spur municipalities to help foster more housing. On March 14, 2024, Canada Mortgage and Housing Corporation (CMHC) announced that the City has been allocated over \$10.4 million in federal funding through the Fund to stimulate housing growth.

CMHC's Housing Accelerator Fund (HAF) helps increase housing supply by removing barriers. The purpose of the funding is to contribute to housing solutions such as building institutional capacity, updating the City's Development Regulations to promote densification and improve internal processes, producing more housing and more types of housing throughout St. John's.

The attached Development Regulations text amendment is designed to remove barriers and allow increased residential density. The amendment moves housing types in several residential zones from a discretionary use (requiring public consultation for each application) to a permitted use (applications can proceed as of right) and introduces mid-density housing types, such as Triplexes, Four-Plexes and small Apartment Buildings, to new zones. The proposed changes align with the policies of the Envision St. John's Municipal Plan and are described in the attached amendment.

Public Consultation

The proposed text amendment was advertised on three occasions in *The Telegram* and posted on the City's website. A public meeting was held at St. John's City Hall on May 22, 2024, and a virtual public meeting was held online on May 23, 2024. Further, a development focus group meeting was held on May 24, 2024, with various representatives from the development community. Minutes from the public meetings and all public submissions received are attached for Council's consideration.

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Feedback on the proposed amendment was mixed. Some were very supportive of the amendment, others were against the changes, and some felt that we should be doing more. A summary of the variety of comments received and staff commentary are provided below.

1. Parking – Concerns were raised that parking minimums should be removed, and Backyard Suites and Subsidiary Apartments should not require parking. Questions were raised on how the City developed its current parking requirements.
 - The City's parking requirements were updated in 2021 when the new Envision St. John's Development Regulations came into effect. They were written based on a review of similar sized Canadian municipalities and the Transportation Association of Canada (TAC) standards. The parking regulations allow an applicant to request a smaller or larger number of parking spaces than the standards permit. This process of parking relief provides flexibility; Council can use its discretion with respect to the number of spaces required.
 - The proposed parking requirements for Backyard Suites and Subsidiary Dwelling Units are the same as other residential uses: 1 parking space per dwelling unit. Parking is proposed to be consistent with similar residential uses. The Backyard Suite is a new use, so this parking requirement will be monitored over the next year or two to determine if any change would be needed.
2. Building Height – Some residents objected to increasing the current building heights, in particular in the Downtown.
 - Due to requests for 9-foot ceilings and other factors, builders have asked that the City increase maximum building height for Single Detached Dwellings from 8 metres to 9 metres, and for Semi-Detached Dwellings and Four-Plexes from 8 metres to 10 metres. The residential areas of Downtown have many Townhouses which already can have a 10-metre height. Increasing other dwelling types to 9 or 10 metres will bring them in line with existing Townhouse standards.
3. The changes will cause an increase in poorly maintained properties. There is a belief that increasing the type of housing permitted in various zones will increase the number of poorly maintained properties.
 - Property maintenance standards fall under the St. John's Residential Property Standards By-Law. There are no changes proposed to that by-law at this time, and this amendment will not affect the City's ability to regulate the maintenance of properties. The City receives property maintenance complaints in many neighbourhoods; they are not limited to a particular neighbourhood or a particular type of housing.
4. Irregular lots and minimum setback requirements. Some submissions asked the City to consider a reduced minimum setback for irregularly shaped lots.
 - The minimum setback in each zone allows for landscaped areas along streets and snow storage areas for snow from the street and from any driveway or walkway on a property. The minimum setback varies among zones, with higher density zones such as Residential Downtown (RD) and Residential 3 (R3) having smaller setbacks than Residential 1 (R1). The amendment proposes that all

setbacks within a zone are consistent (i.e. within any zone, a Single Detached Dwelling will have the same minimum setback as a Tiny Home or an Apartment Building). The purpose is to create a consistent character along the street, regardless of dwelling size. Aside from making the setbacks consistent, staff do not recommend further reducing the setback in any zone at this time. However, by adding more housing choices in this amendment, there may be new development options for irregularly shaped lots.

5. Concerns for potential demolitions in Heritage Areas. There is a request for more protection in Heritage Areas for houses and buildings that are not designated.
 - The City is bound by the heritage powers under the City of St. John's Act. From a number of reports dating back to the 1970s, the City has a list of buildings which are eligible for heritage designation but not yet designated. Should the City receive a demolition request for a building on that list, or another building that could merit designation, staff send a memo to Council for a decision on whether to designate the building. Council may withhold a demolition permit for up to 90 days, pending the enactment of a heritage building designation by-law.
6. The City should focus development on vacant lots and buildings.
 - The Municipal Plan identifies several intensification areas where there is potential for redevelopment and intensification for a mix of commercial, residential and other uses. These are typically commercial areas along main transit routes that have vacant or underutilized sites, including large parking lots. As the City prepares neighbourhood plans, these areas will be formalized, including policies on how to develop them. Staff believe that the neighbourhood planning process is the best way to evaluate these areas and create site-specific policies.
7. The City should add more housing types to the Residential 1 (R1) Zone.
 - This amendment proposes to add Four-Plexes on corner lots in the R1 Zone and will allow four units per lot city-wide. Currently, a maximum of two Dwelling Units per lot can be considered in the R1 Zone. This will double to a potential of four units per lot under the proposed amendment. This will provide new housing options. Additional changes are not proposed at this time.
8. Making the floor area of two Subsidiary Dwelling Units less than the main dwelling in a Single Detached Dwelling may be limiting.
 - The definitions used in the Envision St. John's Development Regulations must be clearly defined and cannot duplicate other terms. By definition, a Subsidiary Dwelling Unit must be subordinate to the main dwelling and cannot be the same type of development as a Triplex. By limiting the cumulative floor area of two Subsidiary Dwelling Units to be less than the floor area of the main unit, we ensure that the subsidiary units are subordinate and that the development is not a Triplex (these are defined as a dwelling with three units, and no restrictions on the size of each unit).

9. Developers wanted to be involved earlier in the process.

- During the development professionals focus-group meeting, and in written submissions, members of the development community said that they would have liked to be involved prior to the public consultation. Planning and development staff speak with members of the development community every week, and the initial draft included requirements from the Housing Accelerator Fund agreement and concerns and requests for clarification raised by developers over the recent past. Given the level of detail in the amendment, staff believed that presenting a draft for discussion would help generate better feedback than an open-ended discussion. The focus group had a great discussion on the objectives of the amendment and on specific details of how the changes will be implemented.

10. St. John's Urban Forest Management Master Plan (2006) and landscaping. There are concerns that increased residential density will decrease trees and landscaped areas.

- Many of the recommendations from the Urban Forest Management Master Plan are now part of the Envision St. John's Municipal Plan and Development Regulations, such as provisions for planting and landscaping in all development projects, and ensuring sufficient land for snow storage, parks, open spaces and trees in new residential developments.
- Any land can be developed in accordance with the zone standards and municipal policies and regulations. New developments, including higher density residential developments, will have to meet the minimum landscaping requirements. Further, the St. John's Building By-Law requires that residential uses have front, side and rear landscaping and a minimum of one tree planted where the building line is 4.5 metres or greater, in accordance with the Residential Landscape Requirements Policy. The Policy requires, where reasonable and feasible, the preservation of existing trees. Applicants are often required to provide a tree plan showing how they will protect trees during development.

Other Considerations

Should the amendment be adopted, staff will review and bring forward any required changes to the heritage design standards of the St. John's Heritage By-Law. For example, standards will have to be set for Backyard Suites in Heritage Areas.

Next Steps

Should the amendment be adopted, the amendment will be forwarded to the NL Department of Municipal and Provincial Affairs for registration.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: St. John's residents, property owners and businesses, including the development community and those in need of housing.
3. Is this a New Plan or Strategy: No

4. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.

5. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.

6. Accessibility and Inclusion: Not applicable.

4. Legal or Policy Implications: An amendment to the Envision St. John's Development Regulations is required. This is in line with the Housing Accelerator Fund agreement between the City and the Canada Mortgage and Housing Corporation (CMHC).

5. Privacy Implications: Not applicable.

6. Engagement and Communications Considerations: Public consultation was carried out in accordance with the Development Regulations.

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 the attached Envision St. John's Development Regulations Amendment Number 37, 2024, to amend various regulations related to housing, in particular to enable a greater variety of housing types in residential zones.

Prepared by: Ann-Marie Cashin, MCIP, Planner III

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

Report Approval Details

Document Title:	Text Amendment - Housing - Adoption.docx
Attachments:	- DR Amend No. 37, 2024 - Housing - TEXT (amc).pdf
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This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Jun 20, 2024 - 11:23 AM

Jason Sinyard - Jun 20, 2024 - 1:25 PM