

DECISION/DIRECTION NOTE

Title: 34 New Cove Road – MPA2300005 – Building Stepback
Date Prepared: October 1, 2024
Report To: Committee of the Whole
Councillor and Role: Councillor Maggie Burton, Planning
Ward: Ward 4

Decision/Direction Required:

To consider a text amendment to the Envision St. John’s Development Regulations regarding section 7.1.4 “Building Stepback”.

Discussion – Background and Current Status:

The City received an application from KMK Capital Inc. to rezone 34 New Cove Road from the Institutional (INST) Zone to the Apartment 3 (A3) Zone to enable the development of a new 10-storey Apartment Building. To rezone, the property must be redesignated from the Institutional District to the Residential District. This is the former Max building, which was originally built as the YM/YWCA building, and is located between New Cove Road, McNaughton Drive, Chalker Place and Kenna’s Hill.

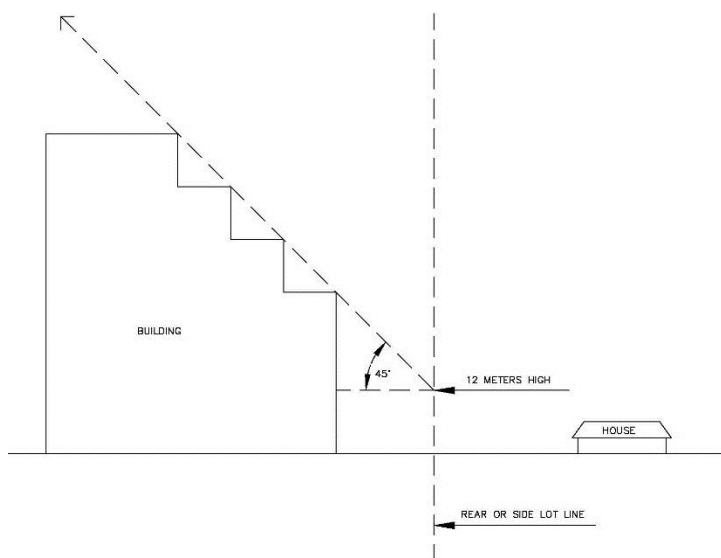
At its November 28, 2023 regular meeting, Council agreed to consider a rezoning and approved the terms of reference for a land use report (LUR).

Section 7.1.4 Building Stepback

The applicant is preparing the LUR. Before completing it, the applicant has asked for direction from staff, and from Council, on section 7.1.4 “Building Stepback” of the Development Regulations. The section states:

“All Buildings on a Lot which is in or abuts a Residential Zone and being 12 metres or greater in Building Height shall not project above a 45 degree angle as measured from the Rear Yard Lot Line and/or Side Yard Lot Line at a height of 12 metres.”

Due to the height of the proposed 10-storey building and the fact that it abuts residential zones, a building stepback is



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required. In this case, the setback is applicable to the north and south sides of the building, facing houses on Chalker Place and houses on New Cove Road and Kenna's Hill. A setback is not required on the east side of the building that faces the sidewalk on Kenna's Hill, nor is it required on the west side facing houses on McNaughton Drive (see the attached site plan).

Applicant's Request

The applicant has asked Council to amend the Development Regulations so that the proposed development can proceed without a building setback. The applicant's rationale is based on what they believe to be a negligible impact on neighbouring properties as well as building economics in that construction costs increase with a setback and the building will lose between 12-16 units. Their "Building Setback Analysis and Commentary" is attached for Council's consideration.

Impact on Neighbourhood

Section 4.3 "Enhancing Neighbourhood Character" of the Envision St. John's Municipal Plan acknowledges that redevelopment within established areas can affect adjacent residential neighbourhoods. It calls for attention to urban design so that redevelopment "can be achieved in a manner that enhances and adds value to the character of existing neighbourhoods."

Building setbacks are a common urban-design practice used in many cities to regulate building form to reduce negative effects on existing properties. During the Envision St. John's process, City staff looked at how some other Canadian cities regulate tall buildings. Limiting the base of the building to roughly 12 metres high helps reduce the impact of taller buildings on neighbouring residential properties, especially from people's back yards. The setback above 12 metres reduces the visual scale of the building and reduces the looming effect on adjacent properties. At 34 New Cove Road, the residential neighbourhood includes Chalker Place to the north and houses to the south along Kenna's Hill and New Cove Road.

Municipal Plan policy 4.4 "Good Neighbours: Reducing Land-Use Conflict" requires Council to consider how new development may affect abutting properties in established neighbourhoods. Land-use conflict may arise where a new building is much bigger than adjacent buildings. Setbacks help taller buildings blend in with their neighbourhoods. This way to increase height helps ensure a suitable transition in intensity, use and form of development, as encouraged in Municipal Plan policy 4.3.3.

Building setbacks help mitigate wind, shadow, privacy and precipitation impacts (reducing the wind speeds at ground level; lessening shadowing; increasing the distance to windows that look down on another property; and reducing the extra snow or rain that may blow onto other properties). The applicant's shadow study shows only minor differences between the building with a setback and without a setback. However, the other factors play a role at this site.

From a planning perspective, for the reasons above, staff recommend the requirements for a building setback as per section 7.1.4 of the Development Regulations be upheld. However, staff also realize that Council must consider the economic challenges facing developers and the need to balance both. Given the continuing need for housing and the opportunities for redevelopment at higher density, City staff expect to see more tall buildings proposed in future.

Therefore, a Council decision is required regarding the stepback for this and other developments.

If Council wishes to consider the proposed building at 34 New Cove Road without a stepback, then an amendment to section 7.1.4 of the Development Regulations is required. The section could add Council's discretion to consider alternative proposals that do not meet the stepback requirement. It is recommended that such a request should require a land use report if one is not already needed. An amendment to section 4.9 "Land Use Report" would also be done. The required LUR regarding building stepback would address, at a minimum, wind, shadow, precipitation, and privacy impacts on adjacent residential properties. The report would have to demonstrate any impact on adjacent residential properties before Council could consider waiving of building stepback on a site. Council could also set out other criteria that would need to be met.

Please Note:

At the Council meeting of October 8, Councillor Burton made the following motion which was approved by Council:

Motion approved by Council:

That Council consider an amendment to the requirement and direct staff to carry out public consultation for an amendment to the Regulations as part of the public consultation for the proposed rezoning of 34 New Cove Road.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owners; neighbouring residents, property owners and businesses.
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; Healthy City Strategy 2021.

6. Accessibility and Inclusion: Not applicable.
7. Legal or Policy Implications: An amendment to the Development Regulations is required if Council wishes to make changes to section 7.1.4 “Building Stepback”.
8. Privacy Implications: Not applicable.
9. Engagement and Communications Considerations: Public consultation is required if Council wishes to make changes to section 7.1.4 “Building Stepback”. The changes would be prompted by 34 New Cove Road but would apply city-wide.
10. Human Resource Implications: Not applicable.
11. Procurement Implications: Not applicable.
12. Information Technology Implications: Not applicable.
13. Other Implications: Not applicable.

Staff Recommendation:

That Council uphold the Envision St. John’s Development Regulations and require the applicant for 34 New Cove Road to comply with section 7.1.4 “Building Stepback”. However, should Council wish to consider an amendment to this requirement, it should direct staff to carry out public consultation for an amendment to the Regulations as part of the public consultation for the proposed rezoning of 34 New Cove Road.

Prepared by: Lindsay Church, MCIP, Planner III – Urban Design and Heritage

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

Report Approval Details

Document Title:	34 New Cove Road - MPA2300005 - Building Stepback Request.docx
Attachments:	- Shadow Study Package.pdf - Building Stepback Analysis and Commentary.pdf - 223010_New Cove - Sheet - WEST ELEVATION SIGHT LINE DIAGRAM -.pdf - Site Concept Plan.pdf - 2024-03-04 New Cove Road LUR-4 - Renderings.pdf
Final Approval Date:	Oct 3, 2024

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

Ken O'Brien - Oct 3, 2024 - 3:44 PM

Jason Sinyard - Oct 3, 2024 - 4:58 PM