

**Virtual Public Meeting using Microsoft Teams**  
**11 Tiffany Lane**  
**Wednesday, January 20, 2021 7:00 pm**

**Present:**     **Facilitator**  
Marie Ryan

**City of St. John's**  
Ken O'Brien, Chief Municipal Planner  
Ann Marie Cashin, Planner III, Urban Design & Heritage  
Maureen Harvey, Legislative Assistant - Session 1

**Proponents**  
Justin Ladha -  
Keith Noseworthy

Approximately thirty people were in attendance.

<b>CALL TO ORDER AND BACKGROUND PRESENTATIONS</b>
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Marie Ryan, Chairperson and Facilitator for the meeting, referenced the ongoing COVID-19 pandemic, necessitating this virtual public meeting.

She also outlined the rules for decorum to ensure everyone who wishes to speak has equal opportunity to do so and that such should be done in a respectful manner.

The process for the virtual meeting was outlined with the following points highlighted:

- The video recording is for the purpose of minute-taking until such point as minutes have been finalized. The recording will not be posted to the City's website.
- Media was in attendance. The City provided guidelines for media participation which included: identifying themselves as a member of the media and requesting them to refrain from quoting members of the public without their explicit permission.
- For those participants who wish to speak, it was requested to use the "raise your hand" feature of MS teams.

Ms. Ryan indicated that the agenda for the meeting will allow City staff to provide an overview of the proposed development following which time the proponent will present additional information. Following the presentation, questions and comments will be considered from participants.

Participants were advised that this report will highlight the points made by members of the public without identifying each speaker. In addition, written comments will be accepted by the Office of the City Clerk and appended to this report.

All written submissions received in response to the application included with the minutes of this meeting and referred to Council. Submissions will be redacted to protect private information of the submitter as per ATIPP legislation.

## **PURPOSE OF MEETING**

Ann Marie Cashin, Planner III, Urban Design & Heritage for the City, outlined the purpose of the meeting which is to consider an application to rezone land to the Apartment High Density (A3) Zone to allow the construction of two 6-storey Personal Care Homes. The City is also considering adding Personal Care Home as a Permitted Use to the A3 Zone. A Municipal Plan amendment is not required.

The subject property is the vacant land (approximately 14,510 square metres or 3.6 acres) surrounding Bryn Mawr or Baird Cottage and was subdivided several years ago. The house at Bryn Mawr, 154 New Cove Road, is not part of this application.

### **Background and Current Status**

The City has received an application from 77345 Newfoundland and Labrador Ltd./KMK Capital Inc. for two 6-storey assisted-living facilities at 11 Tiffany Lane. In the St. John's Development Regulations, an assisted-living facility is classed as a Personal Care Home. The property is zoned Residential Medium Density (R2), in which Personal Care Home is not permitted. The applicant has asked for a rezoning to the Apartment High Density (A3) Zone to accommodate the height and density of the proposed buildings. The proposed development will contain a total of 237 units and two (2) levels of underground parking. The level of care to be provided has not been determined yet. The attached site plan proposes buildings of 6 storeys, however the applicant has asked for the A3 Zone to allow increased density, increased floor-area ratio (FAR), and the possibility of building heights to a maximum of 10 storeys. Should this application proceed, the public will be informed that the zone allows a maximum building height of 10 storeys. The subject property is undeveloped, with mature trees and lawns, has a total area of 14,513 square metres and has frontage along Portugal Cove Road/New Cove Road, Baird's Lane and Tiffany Lane. The main entrance will be off Tiffany Lane, with an access off New Cove Road to the parking garage. The property was subdivided from the Bryn Mawr property at 154 New Cove Road and was much of its lawns and gardens. That house, a designated Heritage Building, remains standing empty in the R2 Zone. The surrounding properties are in the Apartment Medium Density (A2) Zone, in

the Institutional (INST) Zone across Tiffany Lane, and in the Residential Low Density (R1) Zone across Portugal Cove Road/New Cove Road.

The proposed zone and use would complement the neighbourhood. As per Section 2.2.2 of the Municipal Plan, the City shall promote more intensive use of existing services through infill, rehabilitation, and redevelopment projects. Further, Section 2.2.5(2) states the City shall enhance neighbourhoods by encouraging the development/redevelopment of quality housing, capitalizing on any opportunities to diversify same. This agrees with the housing objectives in the draft Envision Municipal Plan, which encourage a range of housing to create diverse neighbourhoods for all ages, income groups and family types. Personal Care Homes in appropriate areas make neighbourhoods more age-friendly and allow senior citizens the ability to “age in place”. Personal Care Home is not a listed use in the A3 Zone and therefore a text amendment is required to add it. Personal Care Home is already in the Apartment Low Density (A1) and Apartment Medium Density (A2) Zones, so the proposed amendment is consistent with them.

The property is designated Residential High Density under the St. John’s Municipal Plan and therefore a Plan amendment is not required. As per Section 2.3.3 of the Municipal Plan, the Residential High Density District shall permit zones providing for medium density residential uses. Subject to a land-use assessment report (LUAR), the City may permit zones to allow high density residential uses. Further, an LUAR is required for developments exceeding four (4) storeys. Draft LUAR terms of reference are provided for the Committee’s review.

#### **PRESENTATION BY THE DEVELOPER**

Justin Ladha, representing the proponent, introduced himself. He indicated there was considerable time spent reviewing various options for the land given the unique configuration. It was concluded, in the opinion of the developer, the use, as proposed is the best.

#### **COMMENTS FROM PARTICIPANTS**

Facilitator Marie Ryan invited comments from the general public. The following is a summary of comments that represent the people who spoke at the meeting.

#### **COMMENTS**

Speaker #	
1.	<p>Speaker stated that Provincial Personal Care Home regulations state that buildings can have a maximum of 100 beds. This is much less than the proposed development of 237 units with an undisclosed bed count. She claimed there is no information about the potential uses of the remaining beds. It was also stated that if the intent is to provide only personal care home services, there is no need for 6 storey buildings or increased density.</p> <p>Also, speaker asserted the proposed 150 parking spaces is inadequate.</p> <p>The developer responded by stating that upon confirmation with regulatory bodies, if uses are mixed, regulations allow for additional beds. He cited there are examples of this in the City. He also stated that the higher density has been requested for financial modelling purposes.</p>
2.	<p>Speaker stated that the proposed development does not support issues of density and aging in place and based on the current proposal there is no need for A3 zoning. Allowing this development does not support the creation of diversity in neighborhoods as there are already two large seniors complexes in the area.</p>
3.	<p>Speaker referenced the Mary Queen of Peace (MQP) parking lot which is currently being used to access existing buildings. He noted this lot accommodates a large number of students and staff at the school. Allowing the development will only add to the potential traffic concerns and congestion.</p>
4.	<p>Supported previous speakers in that the proposed development is not creating diversity as is purported in the City's Municipal Plan.</p> <p>Residents have already seen an increase in traffic at Stoneleigh Condominiums. This will increase even further when airlines step up operations in the future and there is more activity at St. John's Airport.</p> <p>Height of the building will be disastrous for the residents of Stoneleigh as it will lessen the amount of sunlight for existing residents. The only period when residents enjoy direct sunlight is in the afternoon and early evening. A building of six storeys will reduce sunlight and a building of ten storeys which is permissible in an A3 zone will result in no sunlight at all.</p>
5.	<p>Speaker referenced the pictures contained in the LUAR, especially concerning the Baird property and its survival as a heritage property. He also asked if there is anything in the development regulations that</p>

	<p>deal with sunlight restrictions to which the facilitator responded, there is not.</p> <p>The developer explained that that in relation to pathways or linkages, noting there are none. 154 New Cove Road is a stand-alone property that has been subdivided and in accordance with the minimum frontage for a single dwelling.</p> <p>Upon clarification by the speaker the developer acknowledged there appears to be a slight overlap with one of the parking stalls, but the detailed engineering drawings, when developed will not include that overlap or linkages.</p> <p>The speaker requested that the LUAR be updated with more accurate images.</p>
6.	<p>Speaker works at MQP school lives on Mount Cashel Road. She indicated she experiences problems getting out of her driveway due to the volume of traffic, particularly at school times. If this development is approved this situation will get worse.</p> <p>She questioned the vacancy rates for certain facilities within the city suggesting that with the pandemic there is a higher-than-normal vacancy rate and consequently questioned the occupancy market.</p> <p>The developer stated that it built and owns Kenny's Pond and Tiffany Village. He acknowledged that at the onset of the pandemic vacancy rates were high, but recent studies have demonstrated that this will change. He noted the average lease up time is 2-3 years and the developer is aware of the risk. It is the developer's assertion that based on the City's demographic profile, there will be an undersupply of this type of housing in five years.</p>
7.	<p>Speaker is owner of a condominium at Stoneleigh Condominiums and is on the Board of Directors. One of the six storey buildings is on the property line of her building. Decision to allow this development will have a huge impact on the residents of Stoneleigh, especially on the north side where shadowing and sunlight will be diminished. She doesn't feel that the developer gave this enough consideration.</p> <p>She also noted that with only a six-meter clearance from the Stoneleigh property and the slope of the property line, the concerns for the residents of Stoneleigh will be amplified. She also made reference to the potential for noise.</p>
8.	<p>Speaker lives across the street from the proposed development.</p> <p>The entrance to level 2 parking of the building is proposed at New Cove Road at approximately 3.5 car widths from the intersection of</p>

	<p>Portugal Cove Road and New Cove Road. This will result in obstruction of traffic.</p> <p>Traffic and pedestrian safety are major issues. While the new light has improved the situation, there are still flows of traffic that go unrecognized. i.e. Loughlan Crescent</p> <p>Speaker questioned whether any wind studies have taken place around the entrance to the building. He noted that having had a family member living at Tiffany Village, the winds can be extremely high.</p> <p>The developer responded acknowledging the problem of wind in this and many other locations throughout the City. In one location a huge glass structure was constructed.</p>
9.	<p>Speaker questioned the height restrictions and the reason for seeking a change in zoning from A2 (maximum six storeys) to A3 (ten storeys).</p> <p>The developer stated that while there is no intent to construct a ten storey building the reason for seeking the zoning change is to ensure that the proposed density fits within the zone. It is not to seek additional storeys.</p> <p>The Chief Municipal Planner confirmed that the current legislation does not permit the City to lock into a definitive development proposal when an area is rezoned. He noted that Council and the public need to be aware that ten storeys are possible once the zoning is amended to A3. Council may consider spot zoning for this property only.</p> <p>Speaker stated that a change to A3 zoning will open up a lot of issues including building height and will change the dynamics of the neighborhood.</p>
10.	<p>Speaker lives adjacent to the proposed development and questioned the retention of mature trees.</p> <p>The developer noted that it will continue to work with the City's arborist in an effort to retain as many trees as possible and will be compliant with any tree planting regulations the City may have.</p>
11.	<p>Speaker continued on about neighborhood diversity noting that the city's policy is that neighbourhoods should have a diversity of age friendly people who are encouraged to age in place. There are already multiple complexes such as that being proposed within the City and the City ought to be promoting a different type of housing. It was the</p>

	speaker's assertion that the notion of diversity is not supported by this application.
12.	Speaker indicated her parent's home is directly across from the entrance/exit to this property, again reiterating a safety and traffic concern.
13.	Speaker asked whether drawings have been prepared for two, ten-storey buildings, to which the developer responded they have not. He stated that a huge investment of time and energy had been put into the pending proposal and there is no intention to expand beyond the six storeys proposed.
14.	Speaker lives on the corner of New Cove Road and Mount Cashel Road and witnesses a lot of traffic back up at this location, particularly during peak periods. He emphasized that the planning from a traffic control perspective is backwards in that the only logical path is through a residential area, namely Mount Cashes Road. Concern is not only for the residents of the proposed buildings but visitors to the facilities. They will all have to outlet to Mount Cashel Road and find their way to get out to New Cove Road. This was claimed to puts a lot of strain on the roadway. He believed there was a traffic study on Mount Cashel Road ten years ago that demonstrated traffic volumes were already higher than that expected of a residential road. Rezoning should be reconsidered to take the traffic off the road instead of increasing it.
15.	<p>Speaker has two young children and spoke to the potential safety and traffic. He feels this development will prevent young families from moving into or staying in the area.</p> <p>He also questioned whether there if there is a fund for the repair and maintenance of heritage buildings, to which a response was given that there is not. The developer noted that any construction plans, however, would have to ensure the heritage structure is protected.</p>
16.	<p>Speaker questioned how a traffic study could be completed when the mix of occupants in these buildings have not been clearly identified.</p> <p>The developer noted that research had been undertaken at various sites and the required parking for independent living and assisted living is similar and quite low. The City's Transportation Engineer reported that if the intended use of the proposed development changes, a further traffic/parking study would be required.</p>
17.	Speaker asserted that while two 6-story buildings might not look too much out of place, two 10-story buildings definitely would. The 10-story Tiffany Village can already be seen from all over St. John's because of its height. Put two 10-story buildings in a higher location – on the top of a large hill – and they will stick out like sore thumbs. They will be an eyesore from many city vantage points and will not remotely fit into the

	<p>area. There are also no buildings taller than 6 stories on Portugal Cove Road (one of the longest roads in the city) and it should remain that way.</p>
Repeat Speakers	
1.	<p>Speaker sought clarification on the City would consider the proposal for A3 zoning while the development regulations (standards) are in transition.</p> <p>City Planner stated that transition relates specifically to parking requirements standards and not rezoning. Under current regulations there are over 600 parking spots required. In comparison with other similar developments in other municipalities this is very high. In the current regulations, if the parking required is excessive and cannot be met, the applicant can request Council to consider parking relief upon presentation of adequate justification. This applicant has requested such relief.</p> <p>Speaker requested another traffic study be undertaken only when the number of proposed occupants is confirmed.</p>
2.	<p>Speaker referenced the narrow width of Tiffany Lane and asserted a reduction from the required 600 spaces to 150 spaces is excessive. She suggested these buildings would have many visitors, deliveries, emergency vehicles etc. many of whom would be required to park on the street.</p> <p>The developer stated that the parking analysis was conducted with due diligence and careful consideration. He reiterated his confidence that there will be no need for on-street parking.</p>
3.	<p>Speaker questioned the developer's intention to present a personal care home proposal when the property was the subject of many real estate purchase inquiries in the past. She wondered why it would not have been given consideration for a smaller scale residential development proposal.</p> <p>The developer referenced litigation with respect to 154 New Cove Road. While the original plan was to construct 28 single family homes, the developer was left with a unique configuration and coming up with a plan that would minimize financial loss. This proposal was the best option to find an acceptable return. While he agreed the market may be slow at the outset, market studies have indicated the demand for the type of housing proposed will be favorable in years to come.</p>



	Upon question if Council decided to rescind the heritage designation, the developer stated it would be open to considering the original residential plan.
4.	Resident of Stoneleigh stated that when she purchased her property the area was designated R2. She stated it feels like there is inadequate consideration given to these tax-paying residents and it appears to have it changed to A3 from A2 was more of an afterthought without due consideration of the impact. She claimed that the existing heritage property is a danger and fire hazard and has resulted in many calls to the RNC for inappropriate activity on that site. The Speaker concluded by stating that Council ought to consider the concerns of existing nearby residents.
5.	Speaker stated Tiffany Lane is part of a bus route that passes through the parking lot of MQP, which is not designated as a street. From the parking lot the bus exits onto to Torbay Road which is an access point into Tiffany Lane for service. She stated this is yet another added feature to the issue of traffic congestion and the safety concerns mentioned earlier.
6.	<p>Speaker referenced traffic during construction and asked if there had been any consideration to a multi-year construction plan based on the increased traffic.</p> <p>The developer noted that construction plans include completion of the underground parking first, to minimize the volume of traffic and parking concerns.</p>
7.	A question was raised about the protection of the Bryn Mawr property while talks for rezoning are ongoing. The developer responded that a security company has been engaged to do regular checks and ongoing communication and visits to the property with city staff
8.	Speaker raised the question of whether Council is permitted to reverse a heritage designation to with the Chief Municipal Planner responded it can. He noted however, that the Bryn Mawr property is recognized by the NL Heritage Foundation as a provincial heritage structure.

## CONCLUDING REMARKS

It was noted that following this meeting, minutes will be prepared, combined with all written redacted submissions, and presented to Council prior to Council deciding whether or not to proceed.

The facilitator welcomed the continued receipt of written submissions for the next few days. It was noted that the public can watch for the Council agenda on the City's website, available on Friday afternoons, to identify when the matter will be brought forward for debate and a vote.

## **ADJOURNMENT**

The meeting adjourned at 8:35 pm.

Marie Ryan  
Chairperson/Facilitator