

Virtual Public Meeting using Microsoft Teams
Public Meeting – 28 Eric Street
Wednesday, March 3, 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
Judy Tobin, Manager - Housing
Krista Gladney, Affordable Housing & Development Facilitator
Andrew Niblock, Director of Environmental Services
Maureen Harvey, Legislative Assistant

Proponents

Susan Whiffen on behalf of Habitat for Humanity Newfoundland and Labrador
Colin Ryan on behalf of Habitat for Humanity Newfoundland and Labrador

There were approximately 39 people in attendance.

CALL TO ORDER AND BACKGROUND PRESENTATIONS

Marie Ryan, Facilitator, called the meeting to order at 7 pm and 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. She noted that people speaking will need to be brief with each person having three minutes followed by an opportunity for people to speak a second time. She also noted the meeting is being recorded for the purposes of minute taking only.

Ann Marie Cashin reviewed the features of MS Teams that would be used during the meeting which included the "raise hand" feature and use of the chat room for people who wish to make comments or ask questions.

Ken O'Brien, Chief Planner with the City, welcomed those in attendance and gave some introductory remarks and emphasized that the issue in this matter is primarily the use of this city-owned land as opposed to the application for town houses. As developmental approval is subject to rezoning, this meeting is being held for the purpose of gathering feedback from the public.

PURPOSE OF MEETING

Ann Marie Cashin, Planner III, Urban Design & Heritage for the City, outlined the purpose of the meeting which was to consider an application to rezone land from the Open Space (O) Zone to the Residential High Density (R3) Zone to allow the construction of three

Townhouses. A Municipal Plan amendment is not required. She provided the following background and status of the application as follows:

Background and Status

City Staff advised that the City has received an application from Habitat for Humanity NL for three (3) Townhouses at 28 Eric Street. The property is zoned Open Space (O), where Townhouses are not a listed use. The applicant has asked to rezone the property to the Residential High Density (R3) Zone which allows Townhousing as a Permitted Use. A Municipal Plan amendment is not required because the land is already designated as Residential Medium Density. The rezoning is proposed only for the land where the Townhouses will be developed. The community gardens will remain zoned as Open Space (O).

The subject property is a grassed area with some trees and shrubs, rising from Eric Street toward the rear yard of the commercial property at 301 Hamilton Avenue. The property at 28 Eric Street is owned by the City of St. John's, which acquired it from Laurier Club Limited in December 1978. It was originally the rear yard of what is now 301 Hamilton. To the west side is an area being used as a community garden.

The City's Affordable Housing Strategy seeks to identify land for affordable housing and to support partners to develop it. As part of that, Council approved the subject property for potential redevelopment as affordable housing. A letter of intent was signed with Habitat for Humanity NL on September 23, 2019, outlining Council's intent to gift the property to them, subject to successful rezoning, development approval, and collaboration with the Eric Street Community Garden. The City will retain ownership of the community garden land.

The land immediately adjacent to 28 Eric Street is zoned R3. The surrounding neighbourhood is predominately zoned R3, with some Commercial Neighbourhood zoned properties to the north along Hamilton Avenue. This portion of Eric Street mostly contains Single-Detached Dwellings; further west along Eric Street, past the Richmond Street intersection, there are Townhouses and an Apartment Building. Rezoning the subject property for 3 Townhouses would complement the surrounding uses and match the zone already in this neighbourhood.

Under the St. John's Municipal Plan, the City encourages increased density in all appropriate areas and a compatible mix of residential buildings of varying densities in all zones.

The Townhouses are proposed to be 3 storeys. In Section 2.3.2 of the Municipal Plan, the Residential Medium Density District can allow up to 3 storeys or a Floor Area Ratio (FAR) of 1.0. Subject to a Land Use Assessment Report, selected areas may be zoned to allow heights up to 6 storeys and Floor Area Ratios up to 1.5. The applicant has proposed larger sideyards than minimum to provide more room to the next house and more space to the community garden, accommodating sunlight plus a new sewer

easement. The proposed middle house is smaller than the end units and the project has an FAR of approximately 1.14. This will be confirmed at the development approval stage, should the amendment proceed.

The application has been reviewed by various City staff and there are no development or engineering concerns with the proposed amendment. If the rezoning is adopted by Council, other uses in the R3 zone could be permitted.

City staff noted that it is now at the stage in the process where the application is presented to the neighbourhood for review and comment. Comments which have been mailed or emailed to the City, as well as minutes from tonight's meeting will be presented to Council prior to a final decision on this application.

PRESENTATION BY THE DEVELOPER

Sandra Whiffen, Executive Director – Habitat for Humanity

Ms. Whiffen stated that Habitat NL is excited about this development and has put in significant time, energy, and funds to make this project happen since approached by the City on it 2 years ago. She referenced the positive impact that Habitat has across the province on low income working families and the amazing work that has been done.

Habitat for Humanity Newfoundland and Labrador is a non-profit organization, working for a world where everyone has a safe, decent, affordable place to live. Incorporated since 1994, Habitat NL has built homes for over 60 families in Newfoundland and Labrador. With the help of volunteers and Habitat homeowners, local Habitats in every province and territory help build and rehabilitate safe, decent, and affordable homes, including single-family and multi-unit houses. Habitat does not give away free homes — the families who partner pay an interest-free mortgage geared to their income and volunteer 500 hours with Habitat. As Habitat homeowners pay off their mortgage, the funds are invested into a revolving fund, which is used by our local Habitat to build more homes for low-income families in the community. Habitat is governed by a local Board of Directors.

She noted that Habitat for Humanity have built over 33 homes in the St. John's area since 1994. It obtains donated land from municipalities across Newfoundland and Labrador to build habitat homes. The piece of land on Eric Street was identified as part of the City's Affordable Housing initiative, and the organization is proposing a triplex for three low income working families. It also intends to assist with the revitalization for the community garden which the city will maintain as open space.

Colin Ryan – Chair of the Board

Mr. Ryan welcomed everyone to the meeting and noted that Habitat has developed wonderful relationships with the many neighbourhoods Habitat has built in across the province and looks forward to developing a similar strong relationship with the residents of Eric Street.

COMMENTS FROM PARTICIPANTS

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

COMMENTS	
Speaker #	Commentary
1	The project looks great and Habitat for Humanity has done some phenomenal work in the Province. Speaker is concerned about the loss of green space and because the land in question is wet, proposes using some of the land on which the former Grace Hospital sat. Speaker stated there have already been discussions with some members of Council about this option. City staff responded by stating the former Grace Hospital site may be considered at some time, but Council must decide on the application before it.
2	Agreed with previous speaker. He grew up in the green space. It is wet and used to be a duck pond. He would hate to lose that space and requested that Council keep Eric Street green.
3	Two main reasons for opposing the development – loss of the green space and concern with the potential of rerouting water if the land was developed. Her basement has flooded in the past and she has made significant upgrades to address. Her property is still the recipient of ground water which she believes will come from the property in question. Speaker was deeply opposed to the development and questioned how the issue of water will be addressed and who will be responsible for further damages to nearby properties – the City or Habitat for Humanity?
4	Speaker noted that the appeal of the neighborhood was to retain the green space. He asserted that the property in question is a natural sink to absorb water coming down from Hamilton Avenue. While he appreciates the efforts of Habitat for Humanity, the last two years since this application was submitted has been a huge stress for him and others who will be impacted by the development. He claimed that if approved, on-street parking will be reduced, property owners will lose their back yards and the loss of trees would be devastating. He noted this area is already a crowded neighborhood and adding three

	townhouses will exacerbate the situation. Speaker asserted that existing residents are being disrespected.
5	Speaker questioned Speaker #1 about the proposal re: former Grace Hospital. He noted there is no formal record of any offer or discussions at the City. Speaker #1 responded by saying he addressed this matter personally with two members of Council and if the City is prepared to consider same, he would introduce the matter to the Province's Department of Transportation and Works.
6	Speaker stated that his family has owned a house on Eric Street for a very long time. He indicated the proposed development would change the look of the street, claiming that adding more people and houses would merely add insult to injury. Speaker reiterated that the biggest problem is the issue of water and claimed it is the City's responsibility to address. Simply rerouting the ground water will create problems for other property owners.
7	Speaker has lived on the street for the past seventeen years. The main issue is that of the water which has never been resolved. He claimed that you cannot walk over the property without rubber boots. Summer concerts on this open space required the use of plywood placed on the ground. He asserted that the water issue is no further than being resolved than it was in the past. He acknowledged that Richmond Street, Hamilton Avenue and the Community Garden have all been dug up in an effort to address the problem. Speaker claimed that City has an obligation to correct the problem of water before it is gifted. He also asserted there is already traffic concerns on Eric Street noting that the plows have had to back up to the end of the street. While the City may have claimed there are no traffic problems, the speaker stated such is not the case.
8	Speaker claimed that while the City's intention to retain the community garden is acknowledged, neighborhood residents do not use that side of the space; the community gardeners live elsewhere. She contended that five homeowners have sold their properties and seven others are considering selling because of their understanding that this project will proceed. Speaker was concerned this development will change the dynamic of the entire neighborhood and is not necessary, particularly as there are other options in alternate locations.
9	Speaker has owned a home on Eric Street for eleven years. She purchased in the area because of the green space. As a single mom she and her child have used that space regularly and referred to the "magic tree" which has great sentimental value. She contended the City is using a double standard and referred to the City's policies to retain open spaces even though, in this instance, the open space is to be removed. Speaker claimed that once the open space is gone, it will never be regained. She also spoke to the serious water problems in the area which have caused her to invest \$50K into redevelopment of

	her basement and fears that the water issue will compromise that investment and security.
10	Resident lives on Leslie Street and stated she uses the open space frequently. She questioned the lack of due diligence and how the application has proceeded to this stage with so many issues outstanding. Like others, she claimed that the water problem is a public works matter and must be resolved before any project is considered.
11	Resident expressed concern with water problem and suggested that if weeping tile is used for the new builds, the water will only be routed elsewhere. She too, questioned the accountability if further water problems are created.
SECOND TIME SPEAKERS	
12	In subdivisions, developers are required to create tot lots for the benefit of children in the area. Eric Street has its own tot lot and should not be removed. Speaker noted that of everyone who spoke at this meeting, there is no one in favour.
13	Speaker referred to a previous meeting where only the Community Garden representatives were invited to participate. At that time there was concern expressed about the loss of space. When questions as to the role of the garden group in this project, the Chief Municipal Planner reported that he was not involved in the previous meeting but his understanding was that the City wanted to consider feedback from the Community Garden, as opposed to its approval or rejection.
14	Speaker again asserted that the water issue will not be resolved until the source of the problem is identified. He claimed that this is where the effort should be at this time. He also challenged a statement by Habitat for Humanity that it wanted to be part of the neighborhood, if the organization hadn't reached out to the neighbours.
15	Speaker suggested that as former Councillor Hope Jamieson was a plot holder in the Community Garden when the first meeting was held, there may have been a conflict of interest. She also contended that at the very least an environmental assessment should be carried out and considered before the City gifts the land.
16	Judy Tobin – Manager of Affordable Housing reported that her department spearheaded the project. She acknowledged that at the outset, the assumption was incorrectly made that the users of the Community Garden were residents of Eric Street. It had been made clear, since that meeting, that such was not the case and that garden users came from various areas. Subsequent to that meeting, the engagement process was modified. Ms. Tobin acknowledged that it ought to have been done differently and apologized for any misperception.

17.	Upon question of what environmental work had been carried out, Andrew Niblock, Director of Environmental Services outlined the actions that have been undertaken by the City. • Investigative work revealed there was no sewage identified. • Acknowledged it is a wet area. • Identified some previous efforts of drainage as the remnants of a French drain were found. • There was an unconnected catch basin identified. • Water testing showed there was chlorine present, which suggested a water leak from the City's system. • Upon investigation only one water leak was found on Richmond Street and was repaired. • Conclusion is that the area is saturated with ground water.
18.	Speaker was vehemently opposed to the loss of green space. He asserted that the number of plots used by people in the Community Garden is indicative of the need for green space for people to enjoy. The space is valued, and well-used all year long.
19.	Speaker questioned the role of the Facilitator moving forward, to which Ms. Ryan advised that her role ends after facilitating this public meeting. As to the process of minutes being considered by Council, the Chief Municipal Planner advised these minutes will accompany a Decision Note from staff with a recommendation to proceed or reject the rezoning. Speaker also referenced an ATIPP request seeking minutes of the Affordable Housing Committee resulting in a subsequent change of the minutes not being published. It was also suggested that Andrew Harvey, who sat on the Affordable Housing Committee, was also a community garden user, implying there may have been a conflict of interest. Reference was made to the City's Urban Forest Management Plan and the Parks and Open Space Master Plan, the latter of which identified Ward 2 as being far below the standards for open space. Yet the City is seeking to remove this open space, contradictory to the recommendations of the plan.
20.	Upon question of whether there will be another hearing to provide feedback, it was reported there is not, unless Council decides otherwise. No commissioner's public hearing is required.
21.	Upon question of whether there is a hidden agenda for Council with tax dollars driving the issue, the Facilitator ruled the speaker out of order stating that the application has been made in good faith and ought to be given due consideration.
22.	Speaker referenced a letter submitted to Council last February by the West End Community Alliance for which a response was not given. Staff advised that the letter will be included in the submissions that

	Council will consider. Questions arising from the submission will be addressed in the Decision Note that is brought before Council. Speaker stated that the absence of a formal response is suggestive of the City's dismissal of the issues raised and lack of obligation to the group, to which it was noted by staff that, the processing of applications typically does not address specific submissions independently. The Chief Planner committed to reviewing the letter again to see if a separate response is warranted. As to the involvement of other Departments of the City, participants were advised that referrals are made to all relevant departments and feedback/comments/recommendations are included in the Decision Note that is brought before Council. In relation to snow clearing/removal, the speaker reported that a resident neighbour brought in a backhoe recently to make the street safer by removing some snow. She claimed there is a high volume of traffic on Eric Street and it is just not safe.
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CONCLUDING REMARKS

The Facilitator thanked participants for their attendance and valuable feedback and the respect in which evident throughout the meeting. She noted that the multiple submissions will accompany these minutes when they are presented to Council. She also encouraged the submission of additional feedback by emailing the City Clerk's office at cityclerk@stjohns.ca.

ADJOURNMENT

The meeting adjourned at 8:30 pm.

Marie Ryan
Chairperson/Facilitator