

Karen Chafe

From: Ophelia Ravencroft
Sent: Monday, November 27, 2023 12:10 PM
To: [REDACTED] CityClerk; Planning; Mayor
Subject: RE: 47 Smith Avenue

Hi [REDACTED]

I think there may be some misunderstanding of the points I've been making in conversation with you and your neighbours, having now met with and/or corresponded with a number of Smith Avenue residents on this application, as I have with the Islamic Circle's leadership. I don't feel it's accurate to say I have provided only a single "boiler plate response", or that the only thing I have been concerned with is the applicants' faith; my prior correspondence with you did contain a significant amount of faith-based discussion, but this was provided with the aim of using facts about Islamic practice to respond to specific concerns raised, as the context of the applicants' religious structures are relevant to the ways in which they will use their facility. In all my discussions with you and your neighbours, I have acknowledged that the concerns raised about this application are numerous and complex, I have heard and considered your arguments without prejudice, and I have tried my best to provide thorough, detailed responses everywhere I could. I have digested all the information presented in the redacted submissions, as well as the petition, whose circulator I met with last week – though I do feel I must note that it is not possible to determine whether the supportive submissions were from people who do not live in your area as their identifying information was necessarily redacted. (ICNL's leadership have, incidentally, indicated that the area surrounding Smith Avenue does in fact contain many Muslims, which is not surprising, given its high proportion of rental housing and close proximity to MUN.) I am not trying to prioritise any one group of Ward 2 residents over another in this process, but simply to demonstrate what all available evidence suggests will happen should this proposal be accepted by Council, as such evidence is an important part of Council's decision-making processes.

The Islamic Circle's existing facility on Paton Street is a substantially instructive example because its three years of existence have demonstrated certain usage and occupancy patterns that will carry over to 47 Smith should this application be approved. Chief among them are that attendance at early and late prayers is very low, often fewer than five people if anyone comes at all; that a significant majority of ICNL members do not drive cars, meaning that concerns about congestion and traffic are highly unlikely to be realised; that the applicants' faith and practises demand that members act quietly and respectfully while on the grounds of their masjid, which goes a long way to addressing concerns about noise; and that the facility has not been and will not be used as a shelter, in contrast to a repeatedly raised concern in the submissions Council received. Most of all, the history of the existing facility and context of Islamic practice both dictate that **the building at 47 Smith will not be occupied at 4 AM daily**, or even often: there is no reason nor any desire for occupants to be there before dawn prayers, which typically occur hours after that time, owing to the late sunrises we get here in St. John's. As I described in my earlier email to you, the 4 AM time reflected on the application is simply a reflection of the earliest possible time that dawn prayers could theoretically occur so that the applicants do not have to submit continuous applications for variance of occupancy times – which is not to say that their membership even contains anyone who would want to attend prayers at that time.

If I felt this application would result in continuous, noisy, congesting, and disruptive 4 AM occupation, I would vote against it without a second thought, but I do not believe the available evidence suggests such an outcome. I hear that you are saying your neighbours are unconcerned with the activities to be conducted at 47 Smith, but the nature of a property's hours of operation are scarcely separable from the activities taking place within it: there is a marked difference between (for instance) a retail store that opens at 4 AM, with associated lights and signage and traffic, and a religious facility that may sometimes have <5 quietly praying occupants at sunrise. ICNL's leadership have indicated they understand concerns around things like slamming of car doors, and will communicate with their members to ensure anyone who does happen to arrive early in a car does so quietly to be mindful of their sleeping neighbours -- but as

noted, very few of their members drive cars to begin with, which substantially mitigates that concern as well. I fear that approaching this issue by using regulatory authority to block the application based on concerns that do not appear to be borne out by the facts would represent an error of judgment. I am not disputing that 47 Smith is physically close to its neighbouring residential properties, or that it is closer to those properties than 10 Paton or 245 Freshwater is to theirs (though I will note that both of those locations do in fact have many residential units directly across their respective streets). I am saying that our understanding of this has to be based in significant part on whether the facility will in fact cause disruption, and I do not believe the facts suggest that it will, because it will not consistently be occupied as early as the discourse has suggested, because its occupants have no history or intention of engaging in disruptive practises, and because the applicants are sensitive to your neighbourhood's concerns and have done everything in their power to mitigate them. I am therefore not prepared to argue that Council exercise its authority to block this application from going forward based on hypothetical future concerns that are not supported by present evidence, particularly not when approving the application would meet a clearly demonstrated community need for which many residents have been crying out for decades.

The ICNL leadership have no desire to create bad blood with anyone in your neighbourhood; nothing about their intentions for this facility have hostility, mindlessness, or inconsideration about them. I was struck by the candor and compassionate nature exhibited by their leaders when I met with them yesterday, and I think there is every reason to believe that, should this application be approved, they will treat you and your neighbours with precisely the sensitivity they have shown to date. Equally, I have no doubt that all my interlocutors around Smith Avenue have spoken with me honestly and in good faith, which is why I have worked to provide such detailed responses to you. I understand that you may not like the conclusions I have drawn, but I do not think it is fair to say my responses have ignored your concerns, or that I have provided you with only a "boiler plate" response. I hope you will give my comments here some consideration, and that it proves possible to move forward in a spirit of mutual compassion and empathy for all.

Thanks,
Ophelia

From: [REDACTED]
Sent: Monday, November 27, 2023 10:18 AM
To: Ophelia Ravencroft <oravencroft@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Planning <planning@stjohns.ca>; Mayor <mayor@stjohns.ca>
Subject: 47 Smith Avenue

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I have one quick question - ***where is there a house anywhere close to the current facility used by the applicants for 47 Smith Avenue by their current location on Paton Street, or the location used in the Farmers Market building?***

The layouts, proximity to houses, and footprints of these buildings are so wildly different from 47 Smith Avenue yet are being used as direct comparisons in making it okay for this building to operating 4am-12am when it is surrounded by houses nearby.

From reading the emails, it's clear that the only ones in favor of these hours do not live in the area. **There are so many concerns from the neighbors about these hours & a petition with the entire neighborhood against this hours** - but yet we have to fight and beg for responses from the city about this.

No one is worried about what is going on in the building and that is all the city seems to respond with - all we care about is the hours. You cannot compare what is currently happening with this building - they are not comparable locations but are being treated as such.

It's clear the applicants are being prioritized while the residents are basically being ignored or given 1 boiler plate response concerned only with religion, with no follow up (if they receive a response at all).

Thanks,

[REDACTED]

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Karen Chafe

From: Karen Chafe on behalf of CityClerk
Sent: Monday, November 27, 2023 3:55 PM
To: Karen Chafe
Subject: FW: 47 Smith Avenue - Application for Change of Non-Conforming Use - [REDACTED]
[REDACTED]

From: Ophelia Ravencroft
Sent: Monday, November 27, 2023 12:06 AM
To: [REDACTED]
Subject: ~RE: 47 Smith Avenue - Application for Change of Non-Conforming Use - [REDACTED]

Hi [REDACTED]

A considerable update here, but I wanted to wait until I had everything concrete to share with you before responding – I was actually writing this email as I received your most recent update! As you’ve noted, 47 Smith is indeed on the agenda for 28 November, and will be voted on as one of the first orders of business. The number of submissions received on this one was definitely remarkable, though I will note the count seemed to run about 50 percent in unequivocal support of the application. I’m not 100 percent about the discrepancy on submission count; as a former ATIPP coordinator, my suspicion is that some of the emails contained so much personal information that they could not be released even in redacted form.

I want to make clear that the lack of staff concerns reflected in the note does not stem from a refusal to consider the hours of operation: my reading is that staff have considered the potential concerns arising from the change, and believe those concerns have been mitigated. After extensive reflection on the submissions received, corresponding and meeting with you and your neighbours, and engaging in dialogue with the Islamic Circle, I think there is merit in this assessment. On that note, I actually met with the Islamic Circle’s leadership this morning in their existing facility on Paton Street, with the aim of addressing some of the concerns raised by yourself and others as reflected in those submissions, and I was struck by the candor, compassion, and frank honesty their leaders exhibited. While I know we have already discussed the fact that prayer times vary daily, and that 4 AM openings will in no way be the norm, I have tried to respond to as many concerns as I could in this email. I hope you will consider what I have to say here, and that the information provided offers some reassurance.

The ICNL’s current home is a rental space next door to St. James United Church, which they have occupied for some three years without any issues raised in the area. Much like any church, they’ve actually managed some great community initiatives in that facility. Besides daily prayers, ICNL also delivers things like Islamic family and youth counselling, plus a little community food pantry for anyone who needs it. (I know certain concerns had been raised around the facility also being used as a shelter, and I can confirm that these concerns are unfounded -- the current space is not a shelter, and the leadership flatly repudiated all suggestions that 47 Smith will be used as a shelter.) However, the building is quite old and not really suitable for their community’s needs, hence the procurement of new space. The issue is more to do with condition and layout than size; I actually learned this morning that the low attendance numbers I mentioned in our conversation last Monday are not estimates, but data gathered from three years of experience, with many prayer services seeing fewer than five attendees. (The current prayer space is smaller than your living and dining rooms put together!) Jumu’ah (Friday afternoon) prayers and Ramadan events have to date been conducted in rental space at the Farmers’ Market to allow for larger groups, and ICNL have indicated this arrangement will likely continue for at least some major events in the future, which would address much of the potential for congestion during bigger gatherings. My honest suspicion is that the number of potential attendees will generally be smaller than the number that came to any Gospel Hall event, as most members do not attend most events. As such, I think it is exceptionally unlikely that any kind of significant congestion, particularly overnight congestion, will arise under this new ownership.

As expected, ICNL leadership also indicated that very few of their members own or drive cars, and that a location like 47 Smith is thus particularly desirable owing to both its accessibility by public transit and its walkable proximity to neighbourhoods with high numbers of Muslims. The leadership do understand residents' concerns around things like the volume of car doors closing, and have indicated they will liaise with their members to ensure anyone who does happen to arrive in a car does so quietly (ie. without slamming car doors) so as to be mindful of their neighbours. Incidentally, I have every reason to believe that statement is sincere: the current facility actually contains several signs reminding members that the grounds of a masjid should be treated as a place of reverence in which members speak quietly and refrain from noisy activities, in accordance with Islamic custom. If my time there was indicative, it would seem their leadership and members alike are sincerely committed to following that guideline. Beyond this, the leadership repeatedly reassured me that they have every intention of being kind, respectful, and considerate neighbours, and that they want to foster a sense of mutual respect and comfort with everyone in your area. I have no doubt that they are telling the truth, and that this outcome is entirely possible.

I hear you when you say that the concerns of adjacent residents need to be given significant weight here, and I hope you know I really have done so. I listened to the concerns you and your neighbours brought forward without judgment or prejudice, and I truly do care about you and your lived experiences. But I do not believe my goal should be voting in a reactive way having simply heard that concerns may exist; when confronted with such issues, I have to evaluate them in accordance with all the evidence that is available to me to see whether or not those concerns have been mitigated. In matters of congestion, noise, traffic, and other community impact, in this case, I am struggling to see how such mitigation has not occurred. In my opinion, the applicants have shown themselves to be quite conscientious of their neighbours' concerns, and have been able to answer many with factual corrections, many others with a track record that speaks for itself, and still others with the collective effort of their unified and considerate community. Keeping this in mind, I believe this is a case where human connections, communication, and mutual empathy, rather than government-imposed limitations, are the most effective and appropriate tools for the job. Put simply, I don't feel right trying to strike this down when I am not convinced that the facts bear out the concerns that would justify doing so.

As Ward councillor (and also as municipal inclusion lead), I have to ensure my area is inclusive, accepting, and welcoming for all of my >20,000 residents, of whom a significant number are Muslim. Collectively, all of Council has the same responsibility for St. John's as a whole. Facilitating the development of culturally adequate services is a crucial part of that process, and in my view, it would go against these principles to reject this proposal. At its core, this is an application to facilitate the development of an accessible, culturally adequate masjid in a neighbourhood that already contains many Muslims, by proponents who have successfully and without controversy operated a substantially identical facility in close proximity for three years, who are acutely sensitive to the needs and well-being of their non-Islamic neighbours, who have mitigated every concern raised to the very best of their ability, and who are ultimately responding to decades-long calls for improved local Islamic life that were clearly reflected in the feedback Council received. Supporting this proposal does not silence the voices of you and your neighbours: it reflects the available evidence about the benefits and drawbacks of this application, while ensuring that all affected residents of our City have their voices heard.

I truly hope this is understandable, and that this situation develops in the most peaceful and mutually beneficial way possible for you and all your neighbours.

Regards,
Ophelia

From: [REDACTED]
Sent: Sunday, November 26, 2023 7:29 PM
To: Ophelia Ravencroft <oravencroft@stjohns.ca>
Subject: Re: 47 Smith Avenue - Application for Change of Non-Conforming Use - [REDACTED]

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Hi Opehlia,

I see the application is on the agenda for Tuesday. I am sad and upset to see that the Transportation and Engineering department has no concerns with this application. It seems their decision is based on that the use of the building is not changing, with no consideration to the hours of operation. Although on page 33 of the agenda it does state that council will need to exercise its discretion given the revised hours. I certainly hope that happens and that council realize that these hours of operation are not appropriate for a residential area.

The agenda states that there were 62 submissions received, although I only counted 54. To me it is clear that those in favour of the application don't live with the 150 metres of this area and really will not be affected by the hours of operation. I feel the only submissions that should be considered are those from Smith Avenue, Grenfell Avenue, Pennywell Road and Prowse Avenue, whether for or against.

I guess the residents will have to see what council decides on Tuesday. should it her approved I know there will be continuous complaints.

Sincerely

On Nov 20, 2023, at 11:44 AM, Ophelia Ravencroft <oravencroft@stjohns.ca> wrote:

– I can be there for around 2.30, how's that? Cheers, OSR

From: [REDACTED]
Sent: Monday, November 20, 2023 11:19 AM
To: Ophelia Ravencroft <oravencroft@stjohns.ca>
Subject: Re: 47 Smith Avenue - Application for Change of Non-Conforming Use - [REDACTED]

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Hi Ophelia,

I'm home now & will be until about 3:30. Are you able to drop by before 3:30? Let me know. Thank you

On Nov 20, 2023, at 10:19 AM, Ophelia Ravencroft <oravencroft@stjohns.ca> wrote:

<rellsworth@stjohns.ca>; Debbie Hanlon <dhanlon@stjohns.ca>; Sandy Hickman <shickman@stjohns.ca>

Subject: 47 Smith Avenue - Application for Change of Non-Conforming Use - [REDACTED]

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Please let me know that this email has been received. Thank you.

I am writing in response to the Change of Non Conforming Use application that has been submitted by the Islamic Circle of North America for 47 Smith Avenue and their request to change the hours of use to 4 a.m - 12 a.m seven days a week.

I am 100% against this application.

I feel the request to open a Place of Worship at 4 a.m (which is the middle of the night) and stay open until 12 a.m seven days a week is beyond unreasonable. Smith Avenue and the surrounding streets are a quiet residential area where most residents work normal business hours (usually starting at 8 a.m) and others are retired seniors. I have never heard of a place of worship operating those kind of hours and everyday. That is unheard of.

[REDACTED]
[REDACTED]
[REDACTED].

Allowing this request will have grave consequences for the residents [REDACTED]

- increased traffic especially when residents are sleeping.
- It will create more noise (car doors opening/closing, people talking) during the time when residents are sleeping and when they are heading to bed for the night. This will certainly wake residents and disturb them during hours they are sleeping.
- it will have an effect on snowing clearing as those attending the Place of Worship will certainly park on the street as well. This will make it difficult to clear snow from the street if open that many hours.
- If the building is only closed from 12:00 a.m. to 4:00 a.m. the building parking lot will need to be cleared of snow during those times thus waking people up.
- because of the increase in traffic and noise, it will reduce the value of the houses and the ability to sell a house

(should someone decide to do that) of those in proximity to this building.

With the increased traffic and noise this will create, I'm sure it will be against the noise by-law.

I have spoken to the majority of the residents within 150 metres of 47 Smith Avenue (this would include Smith Avenue, Grenfell Avenue, Pennywell Road and Prowse Avenue) and we are all against this request. One common theme has come up which was the need for more information. No details were given on what will be happening there for 20 hours per days. I feel there should be some consultation with the residents so they can voice their concerns before any final decisions are made.

One of my neighbours spoke to a representative in the City Clerks office and she was informed that they have received numerous calls concerning this request. Obviously it is a topic of concern for the residents.

During my research on this matter I discovered the **Envision St. John's Development Regulations (As Amended November 2023)**. In that document on page 8-3 the regulations for Place of Worship are "1 parking space for every 15 square meters of Gross Floor Area". The area for the building on the notice was 485 square metres . This would mean it would need 33 parking spaces. There are only 20 spaces for this building. By the regulations in the City of St. John's document there are not enough parking spaces for this Place of Worship. This alone is a reason to reject the application. I have attached a screenshot of the section regarding Places of Worship plus the envision document.

https://www.stjohns.ca/en/building-development/envision-st-john_s-municipal-plan.aspx

<https://www.stjohns.ca/en/building-development/resources/Planning-Reports/Envision-Development-Regulations.pdf>

I certainly hope our elected members of council do the right thing and listen to the effected residents and reject this current request and ask the applicant to submit a more reasonable request which would be hours of operating no earlier than 8 a.m and no later than 9 p.m. (which was the previous approved time). Also a reduction in the number of days per week to something more reasonable and in line with other places of worship which is 2 - 3 days per week.

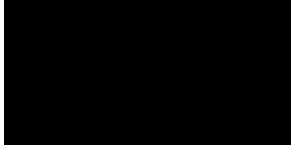
I have also added a petition signed by the residents I have spoken with. This clearly shows that the residents who do live in this area are not in favour of this application.

The members of council need to ask themselves, if this was requested on your street how would you feel. I don't think you would want increased traffic and noise during hours while you

are sleeping.

If this request is approved I know it will lead to numerous calls to city hall and the police for complaints of noise and increased traffic.

Sincerely,



<Parking Regulations - Place of Worship.png>

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