



**City of Saint John
Common Council Meeting
AGENDA**

Monday, March 11, 2019

6:00 pm

8th Floor Common Council Chamber (Ludlow Room), City Hall

Si vous avez besoin des services en français pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

	Pages
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Street (PID 376459)

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17.	Committee of the Whole	
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**City of Saint John
Common Council Meeting
Monday, March 11, 2019**

Committee of the Whole

1. Call to Order

Si vous avez besoin des services en français pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

Each of the following items, either in whole or in part, is able to be discussed in private pursuant to the provisions of subsection 68(1) of the Local Governance Act and Council / Committee will make a decision(s) in that respect in Open Session:

4:30 p.m., 8th Floor Boardroom, City Hall

- 1.1 Approval of Minutes 68(1)
- 1.2 Legal Matter 68(1)(f,g)
- 1.3 Financial Matter 68(1)(c)
- 1.4 Financial Matter 68(1)(c)



Ville de Saint John
Séance du conseil communal
Lundi 11 mars 2019
18 h

Salle du conseil communal (salle Ludlow), au 8^e étage de l'hôtel de ville

Comité plénier

1. Ouverture de la séance

Si vous souhaitez obtenir des services en français pour une réunion du conseil communal, veuillez communiquer avec le bureau du greffier communal au 658-2862.

Chacun des points suivants, en totalité ou en partie, peut faire l'objet d'une discussion en privé en vertu des dispositions prévues à l'article 10 de la *Loi sur les municipalités*. Le conseil/comité prendra une ou des décisions à cet égard au cours de la séance publique :

16 h 30 – Salle de conférence, 8^e étage, hôtel de ville

- 1.1 Approbation du procès-verbal – paragraphe 68(1)
- 1.2 Question juridique – alinéas 68(1)f) et g)
- 1.3 Question financière – alinéa 68(1)c)
- 1.4 Question financière – alinéa 68(1)c)

Séance ordinaire

1. Ouverture de la séance

2. Approbation du procès-verbal

- 2.1 Procès-verbal du 25 février 2019

3. Approbation de l'ordre du jour

4. Divulgations de conflits d'intérêts

5. Questions soumises à l'approbation du comité

- 5.1 Collectivités en fleurs – 25^e édition de Collectivité en fleurs
(recommandation : se référer au directeur général)
- 5.2 Bureau des commissaires de la police de Saint John – Comité de la
sécurité publique/Services de transports et de l'environnement
(recommandation : accepter à titre informatif)

- 5.3 Demande soumise par la Commission de services régionaux de Fundy en vue de présenter « Le sentier du lien du littoral » devant le conseil (recommandation : transmettre au greffier pour qu'une date de présentation soit fixée)
- 5.4 Contrat n° 2019-03 : rue Metcalf (de la rue Main à l'avenue Lansdowne) – Installation de la conduite d'eau principale, des égouts sanitaires et pluviaux ainsi que des travaux de réfection (recommandation figurant au rapport)
- 5.5 Contrat n° 2019-07 : Chipman Hill (entre la rue Union et la rue King) – renouvellement de la conduite d'eau, des égouts sanitaires et pluviaux et travaux de réfection de la rue (recommandation figurant au rapport)
- 5.6 Achat d'un poste de pompage d'irrigation pour le terrain de golf Rockwood (recommandation figurant au rapport)
- 5.7 Demande de refinancement des obligations non garanties du printemps 2019 (recommandation figurant au rapport)
- 5.8 Découvrir Saint John : Peinture murale de marées (recommandation : transmettre à la greffière pour qu'une date de présentation soit fixée)

6. Commentaires présentés par les membres

7. Proclamation

8. Délégations et présentations

- 8.1 New Brunswick International Student Program (NBISP)

9. Audiences publiques – 18 h 30

- 9.1 Projet de modification de l'Arrêté de zonage visant le 97-99, rue Exmouth, accompagné du rapport du Comité consultatif d'urbanisme recommandant le changement de zonage
 - 9.1.1 Projet de modification de l'Arrêté de zonage (première et deuxième lectures)
- 9.2 Projet de modification de l'Arrêté de zonage visant le 348, route Rockland, ainsi que le 21, rue Canon accompagné du rapport du Comité consultatif d'urbanisme recommandant le changement de zonage
 - 9.2.1 Projet de modification de l'Arrêté de zonage (première et deuxième lectures)
- 9.3 Plan municipal proposé et modification de l'Arrêté de zonage visant le 179-185, route Golden Grove accompagné du rapport du Comité consultatif d'urbanisme recommandant le changement de zonage
 - 9.3.1 Projet de modification du plan municipal (première et deuxième lectures)

- 9.3.2 Projet de modification de l'Arrêté de zonage (première et deuxième lectures)

10. Étude des arrêtés municipaux

- 10.1 Projet de modification du plan municipal relatif au terrain situé au 40, promenade Mountain View
- 10.2 Arrêté relatif au respect de la fermeture des rues, routes et autoroutes de la Ville de Saint John (troisième lecture)

11. Interventions des membres du conseil

12. Affaires municipales évoquées par les fonctionnaires municipaux

- 12.1 Démolition du bâtiment vacant, délabré et dangereux situé au 78-80, rue Victoria (NID 376459)
- 12.2 Réponse à la présentation des résidents concernant l'allée Yacht Haven
- 12.3 Requête provinciale pour le programme de gestion des chevreuils nuisibles.

13. Rapports déposés par les comités

14. Étude des sujets écartés des questions soumises à l'approbation du conseil

15. Correspondance générale

- 15.1 La Fondation de Vimy – Considération d'un Cadeau comme héritage de la Première Guerre mondiale

16. Ordre du jour supplémentaire

17. Comité plénier

18. Levée de la séance



The City of Saint John

MINUTES – REGULAR MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
FEBRUARY 25, 2019 AT 6:00 PM
IN THE COUNCIL CHAMBER

Present: Mayor Don Darling
Deputy Mayor Shirley McAlary
Councillor Ward 1 Blake Armstrong
Councillor Ward 1 Greg Norton
Councillor Ward 2 Sean Casey
Councillor Ward 2 John MacKenzie
Councillor Ward 4 David Merrithew
Councillor Ward 4 Ray Strowbridge

Absent: Councillor-at-Large Gary Sullivan
Councillor Ward 3 Donna Reardon

Also Present: City Manager J. Collin
Deputy City Manager N. Jacobsen
Police Chief B. Connell
Fire Chief K. Clifford
Commissioner Growth and Community Development J. Hamilton
Commissioner of Finance and Treasurer K. Fudge
Commissioner of Transportation and Environment M. Hugenholtz
Commissioner of Saint John Water B. McGovern
City Solicitor J. Nugent
Common Clerk J. Taylor
Deputy Common Clerk P. Anglin

1. Call to Order

2. Approval of Minutes

2.1 Minutes of February 11, 2019

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the minutes of the meeting of Common Council, held on February 11, 2019, be approved.

MOTION CARRIED.

3. Approval of Agenda

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the agenda of this meeting, with the addition of the following item be approved:

16.1 Proposed Public Hearing Date – 175 Hilyard Street and 86-88 Regent Street

MOTION CARRIED.

4. Disclosures of Conflict of Interest

5. Consent Agenda

5.1 That the Huntington Society of Canada Letter re Awareness of Huntington Disease be referred to the Clerk to prepare a Proclamation.

5.2 That as recommended by the City Manager in the submitted report M&C 2019-31: *Contract No. 2019-01: Wentworth Street (Union Street to Elliot Row) – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction*, the contract be awarded to the low Tenderer, TerraEx Inc., at the tendered price of \$483,194.35 (including HST) as calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.3 That as recommended by the City Manager in the submitted report M&C 2019-34: *Contract No. 2019-12: Ellerdale Street – 200mm Water Main*, the contract be awarded to the low Tenderer, Galbraith Construction Ltd., at the tendered price of \$635,170.30 (including HST) as calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

5.4 That as recommended by the City Manager in the submitted report M&C 2019-36: *Traffic Paint Sole Source*, Notwithstanding the City's Procurement Policy, Common Council authorize City staff to purchase Franklin Paint Company traffic paint for the 2019 construction season as a sole source procurement from Stinson Equipment Limited at a cost of \$95,307.17 plus HST.

5.5 That as recommended by the City Manager in the submitted report M&C 2019-033: *Emera Brunswick Pipeline Company Ltd. Reinstatement, Continuation & Amending Agreement Required for Contract 2019-09: M-R-G Forcemain Renewal – Phase 1*:

1. The City of Saint John enter into the Emera Brunswick Pipeline Company Ltd. Reinstatement, Continuation & Amending Agreement attached to M&C 2019-33 for the one-time fee of \$10 plus HST; and further,
2. That the Mayor and Common Clerk be authorized to execute the submitted Agreement document.

5.6 That the Saint John Jeux Canada Games Foundation, Inc. Letter re Proposed Amendment Agreement of Letters Patent be referred to the City Manager.

5.7 That as recommended by the City Manager in the submitted report M&C 2019-039: *Fleet Replacement Procurement – February 2019*, Common Council award the purchase of one (1) Vacuum/Jetter Truck at a total cost of \$538,843.00 plus HST to FST Canada Inc. O/A Joe Johnson Equipment.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the recommendation set out in each consent agenda item respectively be adopted.

MOTION CARRIED UNANIMOUSLY.

6. Members Comments

Council members commented on various community events.

7. Proclamations

7.1 Freedom to Read Week – February 24th to March 2nd, 2019

The Mayor declared February 24th to March 2nd, 2019 as Freedom to Read Week in the City of Saint John.

8. Delegations/Presentations

8.1 Saint John Tool Library & DIY Centre

B. Harris presented to Council on the SJ Tool Library mission to inspire, equip, and revitalize our neighbourhoods. The Community Build concept similar to a pioneer barn raising was described to illustrate volunteer support. Mr. Harris advocated that Council help the Tool Library become a de facto piece of the City's infrastructure.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the Saint John Tool Library & DIY Centre Presentation be received for information.

MOTION CARRIED.

9. Public Hearings 6:30 PM

10. Consideration of By-laws

10.1 Public Presentation – Proposed Municipal Plan Amendment re: Policies Related to Regional Retail Centres

Commissioner Hamilton advised Council that the Public Presentation is for a proposed *Municipal Plan Amendment* to policies related to the City's Regional Retail Centres. This commences a 30 day public review period during which the public can make written submissions to Council on the application. While this plan amendment was prompted by site specific application which involves a new 200 unit residential development in the East Point area, the amendment will allow this approach to be considered more broadly in the City's Regional Retail Centres both East and West.

Reading into the record, J. Hamilton provided stated: "This is a Public Presentation for a proposed amendment to the Municipal Development Plan which would include amendments to the Municipal Plan policies including those in subsections 2.3.2 Employment Areas, 3.5.2 Employment Areas and 4.3.5 Urban Design Principles for Employment Areas in addition to other relevant subsections and policies to provide for residential development within the Regional Retail Centre land use designation or a mix of commercial and residential land uses as part of a mixed use development proposal."

Written objections to the proposed amendment may be addressed to Council and submitted to the Office of the Common Clerk by March 27, 2019.

Enquiries on the proposed amendment may be made to the Growth and Community Planning Department at City Hall, 658-2911 between the hours of 8:30 a.m. – 4:30 p.m. Monday to Friday.

10.2 Public Presentation – Proposed Municipal Plan Amendment re: 1007-1019 Millidge Avenue

Commissioner Hamilton advised Council the public presentation is for a proposed *Municipal Plan* amendment to 1007-1019 Millidge Avenue. This commences a 30 day public review period during which the public can make written submissions to Council on the application.

Reading into the record, J. Hamilton stated: This is a Public Presentation for a proposed amendment to the Municipal Development Plan which would redesignate on Schedule A of the Municipal Development Plan, a parcel of land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, from Stable Area and Park and Natural Area to Employment Area; and to redesignate, on Schedule B of the Plan, the same parcel of land, from Stable Residential and Park and Natural Area to Stable Commercial, to construct a building for boat repair and large recreational vehicle sales and service.

Written objections to the proposed amendment may be addressed to Council and submitted to the Office of the Common Clerk by March 27, 2019.

Enquiries on the proposed amendment may be made to the Growth and Community Planning Department at City Hall, 658-2911 between the hours of 8:30 a.m. – 4:30 p.m. Monday to Friday.

10.3 By-Law Respecting the Feeding of Deer within The City of Saint John (3rd Reading)

The City Manager advised that a report on the entire Deer Management Nuisance Program will be brought to Council at a later date. Tonight is only third reading of the Deer Feeding Bylaw.

Responding to a question concerning the different needs in PDA high density areas and rural areas, Commissioner Hugenholtz responded that the bylaw will apply to the entire City. However, enforcement of the bylaw will be focused in the Milford, Millidgeville hot spots where deer are in close proximity to residents. The bylaw enforcement will be complaint driven and our limited resources will be directed to those areas.

Moved by Councillor MacKenzie, seconded by Councillor Strowbridge:
RESOLVED that the by-law entitled, “By-Law Number L.G.-3, A By-Law Respecting the Feeding of Deer within The City of Saint John”, be read.

MOTION CARRIED with Deputy Mayor McAlary voting nay.

The by-law entitled, “By-Law Number L.G.-3, A By-Law Respecting the Feeding of Deer within The City of Saint John”, was read in its entirety.

Moved by Councillor Merrithew, seconded by Councillor MacKenzie:
RESOLVED that the by-law entitled, "By-Law Number L.G.-3, A By-Law Respecting the Feeding of Deer within The City of Saint John", be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED with Deputy Mayor McAlary voting nay.

Read a third time by title, the by-law entitled, "By-Law Number L.G.-3, A By-Law Respecting the Feeding of Deer within The City of Saint John".

10.4 A By-Law Respecting Closing of Road, Streets or Highways in The City of Saint John (1st and 2nd Reading)

The City Solicitor commented on the legislative requirements under the former *Municipalities Act* and the current *Local Governance Act*. The only material difference in the process to close a street is the form of publication required; formerly the notice had to be made by publishing in a newspaper, now the form of advertising can be done on the City's website.

Consideration was given to the submitted report, M&C 2019-38: A By-Law Respecting Closing of Roads, Streets or Highways in The City of Saint John.

Moved by Deputy Mayor McAlary, seconded by Councillor Norton:
RESOLVED that the by-law entitled, "A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John", be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John."

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:
RESOLVED that the by-law entitled, "A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John", be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A By-Law Respecting the Closing of Roads, Streets or Highways in The City of Saint John."

11. Submissions by Council Members

11.1 Localized Flooding (Councillor Strowbridge)

The City Manager addressed the referral motion stating he understands the spirit of the motion but has some concern with the wording. To do an in depth analysis would require 3rd party consultation full engineering survey. The City could report back initially with an overview of the current City storm water management plan for discussion and improvement.

Moved by Councillor Merrithew, seconded by Councillor MacKenzie:

RESOLVED that Council refer agenda item 11.1 *Localized Flooding* to the City Manager and direct the City Manager to report back on the current City storm water management plan.

MOTION CARRIED.

12. Business Matters - Municipal Officers

12.1 Love Your City Campaign

The City Manager commented that the Population Growth Framework deliverables include several positive messaging phases to inspire residents to share their stories. This Love Your City campaign phase, has a radio call-in contest sponsored on 97.3 The Wave and Country 94. Residents are invited to call in and share their stories. The radio call-in will be conducted over a 3-4 month term.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the submitted report *M&C 2019-40: Love Your City Campaign*, be received for information.

MOTION CARRIED.

13. Committee Reports

13.1 Growth Committee: 2019 Expectation Letters for Economic Development Agencies

The Mayor as Chair of the Growth Committee highlighted the continuous development of the Mandate letters since implemented in 2017. The outcomes are to accelerate growth in the three pillars - people, jobs, and growing the tax base. The City's expectations are to see an excellent return on investment, foster transparency and communication with Council, growth outcomes, enhanced reporting through an annual plan, progress reports on the plan, and a year-end summary. Economic Development Greater Saint John and Develop SJ are the City's economic development agencies.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the Growth Committee in the submitted report *2019 Expectation Letters for Economic Development Agencies*, Common Council approve the 2019 expectation letters with DevelopSJ and Economic Development Greater Saint John.

MOTION CARRIED.

14. Consideration of Issues Separated from Consent Agenda

15. General Correspondence

15.1 Ticket Purchase Request – 2019 Red Triangle Award Gala

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the ticket purchase request for the 2019 Red Triangle Award Gala be approved and the Office of the Common Clerk be directed to purchase tickets for those Council members wishing to attend the event.

MOTION CARRIED.

15.2 Ticket Purchase Request – Children’s Wish Foundation

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the ticket purchase request for the 2019 Children’s Wish Foundation Gala be approved and the Office of the Common Clerk be directed to purchase tickets for those Council members wishing to attend the event.

MOTION CARRIED.

16. Supplemental Agenda

16.1 Proposed Public Hearing Date – 175 Hilyard Street and 86-88 Regent Street

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the City Manager in the submitted report M&C 2019-369: Proposed Public Hearing Date – 175 Hilyard Street and 86-88 Regent Street, Common Council schedule the public hearings for the zoning by-law text amendment and rezoning applications of Haldor (1972) Ltd. (175 Hilyard Street) and Joseph Fabien Duguay and John Bujold (on behalf of Stephen and Linda Jarvis) (86-88 Regent Street) for Monday April 8, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation.

MOTION CARRIED.

17. Committee of the Whole

18. Adjournment

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the meeting of Common Council held on February 25, 2019, be adjourned.

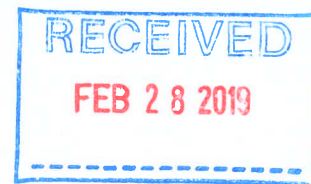
MOTION CARRIED.

The Mayor declared the meeting adjourned at 7:23 p.m.

DRAFT

February 26, 2019

Mayor Don Darling
City of Saint John
PO Box 1971
Saint John, New Brunswick E2L 4L1



Dear Mayor Darling :

The City of Saint John is invited to participate in the 25th Edition of Communities in Bloom.

The program offers many proven benefits: an invaluable information exchange network on best practices, growth in civic pride, tangible improvements generated by community efforts, hands-on practical recommendations provided by the volunteer judges, promotion of your community, and amongst others, tools for continuous improvement.

Your community will also be invited to submit for special achievement awards and to apply for grants offered by our sponsors and partners.

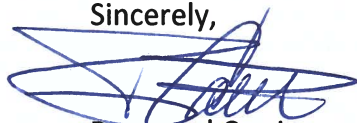
The registration form may be completed (by March 31st or later if requested) directly on-line at: <http://www.communitiesinbloom.ca/cib2019>; and click on Territorial/New Brunswick/Prince Edward Island /Newfoundland & Labrador edition.

The National Symposium on Parks & Grounds and Provincial, National & International Awards Ceremonies will be held in Yarmouth, Nova Scotia from September 25th to 28th, 2019, under the theme "Blooms by the Sea". We would be pleased to showcase your achievements and to celebrate your bloom rating and level.

Please feel free to contact us for more information or visit our website at www.communitiesinbloom.ca

Hopefully, you will join us as we celebrate 25 years of enhancing green spaces in communities.

Sincerely,



Raymond Carrière,
Founding President
Encl.

c.c. Marc Doucet, Parks and Landscape Manager





***An Invitation to participate in a program that will
showcase, involve and benefit your community***

Since 1995, communities have recognized numerous benefits from participating in the program:

Economic benefits

- Best practices and information exchange
- Valuable information and feedback from the judges
- Marketing, promotional opportunities and tourism promotion

Social benefits

- Increased civic pride, community involvement and improved quality of life
- Mobilization of citizens, groups, businesses and municipality working together
- Participation from all ages and walks of life learning more about their community
- Information exchanges with national and international communities

Environmental stewardship through the enhancement of green spaces

- Composting, plant nutrition and cultural practices
- Improving air quality
- Responsible use of water

Communities in Bloom will:

- ❖ provide a jury formed of two volunteer judges for an evaluation in July or August;
- ❖ supply an evaluation report, mention and bloom rating;
- ❖ communicate with the community throughout the participation process;
- ❖ provide access to a reputable information exchange network;
- ❖ promote the community during the 2019 Edition and the Awards Ceremonies
(Yarmouth, Nova Scotia – September 25 to 28, 2019)

Participating communities will:

- ❖ involve their community and prepare for the evaluation;
- ❖ provide lodging for the two volunteer judges for the evaluation (2 nights generally);
- ❖ provide transportation to and from the previous/next community or the airport
- ❖ pay a registration fee (based on population)

- ☐ Up to 1,000: \$395 + \$19.75 GST = \$414.75
- ☐ 1,001-5,000: \$485 + \$24.25 GST = \$509.25
- ☐ 5,001 - 10,000: \$595 + \$29.75 GST = \$624.75

- ☐ 10,000 + population: \$750 + \$37.50 GST = \$787.50
- ☐ Friends (Non Evaluated): \$250 + \$12.50 GST = \$262.50

Please visit www.communitiesinbloom.ca/cib2019 for the online registration form



**SAINT JOHN BOARD
OF POLICE
COMMISSIONERS**

**ONE Peel Plaza, E2L 0E1
PO Box 1971
Saint John, New Brunswick
Canada E2L 4L1**

*Bureau des Commissaires du
Service de Police de Saint John
C.P. 1971
Saint John Nouveau-Brunswick
Canada E2L 4L1*

EDWARD KEYES

Chair/ Président

JEFF MCALOON

Vice Chair/Vice Président

DOUGLAS JONES

Secretary/Secrétaire

BRIAN BOUDREAU

Commissioner/Commissaire

DON DARLING

Commissioner/Commissaire

GARY SULLIVAN

Commissioner/Commissaire

MAIKE WHITE

Commissioner/Commissaire

MICHAEL COSTELLO

Commissioner/Commissaire

BRUCE CONNELL

*Chief of Police/
Chef de Police*

DAPHNE WAYE

*Executive Administrator/
Secrétaire Administrative*

*Telephone/Téléphone:
(506) 648-3324*

*E-mail/Courriel:
policecommission@saintjohn.ca*



SAINT JOHN

*Explore our past/
Explorez notre passé
Discover your future/
Découvrez votre avenir*

February 28, 2019

Mayor Don Darling, and Members of
Common Council

Your Worship and Councillors:

***Re: Public Safety Committee / Transportation and Environment
Services***

At the February 12, 2019 meeting of the Saint John Board of Police Commissioners' there was motion to send a letter to Council to support the development of a plan to expand the City of Saint John Committee Structure to include a third committee, being Public Safety Committee / Transportation and Environment Services.

Yours very truly,

Edward Keyes, Chair
Saint John Board of Police Commissioners

EK:dew



REQUEST TO PRESENT TO COUNCIL FORM

ABOUT PERSON/GROUP PRESENTING

First Name: Nick

Last Name: Cameron

Name of Organization/Group (where applicable): Fundy Regional Service Commission

Mailing Address: PO Box 3032

City or Town: Grand Bay-Westfield

Province: NB Postal Code: E5K 4V3

Day Time Phone Number: 506-343-7946

Email: ncameron@frsc.ca

☐ If you do **NOT** wish to have your personal information (address, phone number, email) become part of the public record, please check this box.

ABOUT YOUR REQUEST

Topic of Presentation: The Coastal Link Trail - a proposed cycling route to connect the Trans Canada Trail in Saint John to the East Coast Greenway in Calais, Maine.

Purpose for Presentation (what is the ask of Council): We are asking for council's support of this project. It will be led by the Coastal Link Trail Incorporated, in cooperation with the regional service commissions, municipalities, provincial departments and community partners. We are asking for council to send a letter of support to the Minister of Transportation and that city staff work with us to ensure the route aligns with the city's active transportation, recreation and tourism goals.

Background Information: The Coast Link Trail is an idea that has existed in the community for decades. Portions of the former railbed between Saint John and St Stephen were developed for recreational use but never fully connected. More recently, a grassroots group of volunteers based in the Charlotte County area have organized to realize this dream. They are now an incorporated not-for-profit called Coastal Link Trail Inc. By working with the NB Trails Council, the Southwest New Brunswick Regional Service Commission, Fundy Regional Service Commission and the Department of Tourism, Heritage and Culture, Coastal Link Trail Inc has completed a feasibility study for the route and secured \$1M in seed funding. We wish to begin development with our partner municipalities and the Department of Transportation. In addition to seed funding, we are working with Trans Canada Trail Inc and NB Trails Council to access additional resources, as well as organizing fund raising activities. The route will be registered with Trans Canada Trail Inc, opening up their development and marketing resources to this



REQUEST TO PRESENT TO COUNCIL FORM

project. Registration with Trans Canada Trails requires us to demonstrate support from provincial and local governments.

YOUR SIGNATURE

Signature: Nick Cameron

Date: 2019-02-28



FOR USE BY THE CITY OF SAINT JOHN ONLY

Date Received: [Click here to enter a date.](#)

Council Meeting Date: [Click here to enter a date.](#)

COUNCIL REPORT

M&C No.	2019-45
Report Date	March 05, 2019
Meeting Date	March 11, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Contract 2019-03: Metcalf Street (Main Street to Lansdowne Avenue)
– Water main, Sanitary and Storm Sewer Installation and Street
Reconstruction***

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Joel Landers</i>	<i>Michael Hugenholtz / Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that Contract No. 2019-03: Metcalf Street (Main Street to Lansdowne Avenue) – Water main, Sanitary and Storm Sewer Installation and Street Reconstruction be awarded to the low Tenderer, Galbraith Construction Ltd., at the tendered price of \$1,015,900.80 (including HST) as calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council award Contract No. 2019-03: Metcalf Street (Main Street to Lansdowne Avenue) – Water main, Sanitary and Storm Sewer Installation and Street Reconstruction to the low Tenderer.

PREVIOUS RESOLUTION

July 30, 2018; 2019 Water & Sewerage Utility Fund Capital Program approved

July 30, 2018; 2019 General Fund Capital Program approved

REPORT

BACKGROUND

The approved 2019 General Fund and Water and Sewerage Utility Fund Capital Program includes funding for the reconstruction of Metcalf Street from Main Street to Lansdowne Avenue. The work involves the replacement of the existing watermain, sanitary sewer and storm sewer, full street reconstruction including new concrete curb and sidewalk, roadway granulars, asphalt and landscaping.

TENDER RESULTS

Tenders closed on March 5, 2019 with the following results, including HST:

- | | |
|--|-----------------|
| 1. Galbraith Construction Ltd., Saint John, NB | \$ 1,015,900.80 |
| 2. Fairville Construction Ltd., Saint John, NB | \$ 1,083,492.63 |
| 3. Dexter Construction Company Limited, Saint John, NB | \$ 1,155,661.45 |
| 4. TerraEx Inc., Saint John, NB | \$ 1,205,299.19 |
| 5. Maguire Excavating Ltd., Saint John, NB | \$ 1,490,109.63 |

The Engineer's estimate for the work was \$1,366,047.05, including HST.

ANALYSIS

The tenders were reviewed by staff and all were found to be formal in all respects. Staff is of the opinion that the low tenderer has the necessary resources and expertise to perform the work, and recommend acceptance of their tender.

FINANCIAL IMPLICATIONS

The Contract includes work that is charged against the 2019 General Fund and Water and Sewerage Utility Fund Capital Programs. Assuming award of the Contract to the low tenderer, an analysis has been completed which includes the estimated amount of work that will be performed by the Contractor and Others.

The analysis is as follows:

Budget	\$ 1,404,000.00
Project net cost	\$ 1,003,650.00
Variance (Surplus)	\$ 400,350.00

POLICY – TENDERING OF CONSTRUCTION CONTRACTS

The recommendation in this report is made in accordance with the provisions of Council's policy for the tendering of construction contracts, the City's General Specifications and the specific project specifications.

STRATEGIC ALIGNMENT

This report aligns with Council's Priority for Valued Service Delivery, specifically as it relates to investing in sustainable City services and municipal infrastructure.

SERVICE AND FINANCIAL OUTCOMES

The municipal infrastructure on this street is in poor condition and requires replacement. The renewal of the infrastructure will reduce the likelihood of future service disruptions to the local residents due to infrastructure failures.

This project will be completed within the original approved financial budget.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

COUNCIL REPORT

M&C No.	2019-42
Report Date	March 04, 2019
Meeting Date	February 11, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Contract 2019-07: Chipman Hill (Union Street to King Street) – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Kevin O'Brien</i>	<i>Michael Hugenholtz / Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that Contract No. 2019-07: Chipman Hill (Union Street to King Street) – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction be awarded to the low Tenderer, TerraEx Inc., at the tendered price of \$968,581.75 (including HST) as calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council award Contract 2019-07: Chipman Hill (Union Street to King Street) – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction to the low Tenderer.

PREVIOUS RESOLUTION

July 30, 2018; 2019 Water & Sewerage Utility Fund Capital Program approved

July 30, 2018; 2019 General Fund Capital Program approved

REPORT

BACKGROUND

The approved 2019 General Fund and Water and Sewerage Utility Fund Capital Programs include funding for the reconstruction of Chipman Hill from Union Street to King Street. The work involves the replacement of the existing watermain and sanitary sewer, installation of a new storm sewer for separation and full street reconstruction including new concrete curb and sidewalk, brick medians, roadway granulars, asphalt and signage.

TENDER RESULTS

Tenders closed on February 26, 2019 with the following results, including HST:

1. TerraEx Inc., Saint John, NB	\$ 968,581.75
2. Fairville Construction Ltd., Saint John, NB	\$ 1,067,655.40
3. NRB Construction Company Limited, Saint John, NB	\$ 1,141,835.00
4. Maguire Excavating Ltd., Saint John, NB	\$ 1,155,797.15
5. Galbraith Construction Ltd., Saint John, NB	\$ 1,268,547.75

The Engineer's estimate for the work was \$1,039,161.85, including HST.

ANALYSIS

The tenders were reviewed by staff and all were found to be formal in all respects. Staff is of the opinion that the low tenderer has the necessary resources and ability to perform the work, and recommend acceptance of their tender.

FINANCIAL IMPLICATIONS

The Contract includes work that is charged against the 2019 General Fund and Water and Sewerage Utility Fund Capital Programs. This project is partially funded by the Clean Water Wastewater Fund program. Assuming award of the Contract to the low tenderer, an analysis has been completed which includes the estimated amount of work that will be performed by the Contractor and Others.

The analysis is as follows:

Budget	\$ 956,100.00
Project net cost	\$ 973,100.00
Variance (Shortfall)	- \$ 17,000.00

The asphalt reinstatement component of the work for Chipman Hill will be charged against the City's Asphalt Roadway Resurfacing and Curb & Sidewalk Renewal project in the 2019 General Fund Capital Program. The project also includes underground conduit installation for Saint John Energy that will be completed prior to road reconstruction. The underground conduit costs will be recovered from Saint John Energy.

The projected budget shortfall can be managed within the overall General Fund and Water and Sewerage Utility Fund Capital Programs envelope.

POLICY – TENDERING OF CONSTRUCTION CONTRACTS

The recommendation in this report is made in accordance with the provisions of Council's policy for the tendering of construction contracts, the City's General Specifications and the specific project specifications.

STRATEGIC ALIGNMENT

This report aligns with Council's Priority for Valued Service Delivery, specifically as it relates to investing in sustainable City services and municipal infrastructure.

SERVICE AND FINANCIAL OUTCOMES

The municipal infrastructure on this street is in poor condition and requires replacement. The renewal of the infrastructure will reduce the likelihood of future service disruptions to the local residents due to infrastructure failures. The storm water and sanitary sewer flows will also be separated on Chipman Hill. In addition, this project provides the opportunity to improve the streetscape with the installation of brick medians for the full length of the street.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

COUNCIL REPORT

M&C No.	M&C 2019-44
Report Date	March 04, 2019
Meeting Date	March 11, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Rockwood Golf Course Irrigation Pump Station Purchase

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Tim O'Reilly</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

Your City Manager recommends that, notwithstanding the City's Purchasing Policy, Common Council purchase (supply and install) from Irriplus Ltd. a replacement irrigation pump station for the Rockwood Park Golf Course as per the quote attached to M&C 2019-44.

PREVIOUS RESOLUTION

N/A

REPORT

The City of Saint John owns the Rockwood Park Golf Course. The City currently has an agreement with Golf Rockwood Inc. to operate the golf course and adjacent driving range on behalf of the City.

The golf course contains an irrigation system. The system includes a pumping station that pumps water from an adjacent watercourse to a series of pipes throughout the golf course to water the golf greens.

The current pumping station for the irrigation system was constructed in 1998. The pumping station has reached the end of its useful life between its age and a lightning strike that occurred in 2018. The current system has some inefficiencies including two sets of pumps that increases its operating and maintenance costs compared to alternative systems.

Common Council approved funding in its 2019 General Fund Capital Budget to replace the golf course irrigation pump station. The original intent was to initiate a competitive Request-for-Proposal process.

Two new sets of information realized in recent months has caused staff's recommendation to change from a competitive process to a sole source purchase:

1. There is urgency of replacing the current system in early 2019 as a result of the current winter conditions. The extended accumulation of ice this winter is expected to cause significant winter kill to grass including on the greens of the golf course. Golf Rockwood Inc. are preparing for significant grass seeding in the spring that would likely require water from the irrigation system. Much of the golf course greens are constructed on rock and the minimal soil between the rock and grass dries out quickly in warm, dry weather. As the RFP process can take upwards of 8 to 10 weeks to complete before an order can be placed, staff are recommending a sole source purchase to expedite this replacement ensuring the required system is in place by early Spring as well as ensuring the operation of the Golf Course is not adversely affected by a late start in repairing turf damage.
2. Irriplus Ltd. representatives installed the current pumping station in 1998 under the direction of the previous operators of the golf course and have the past knowledge of the system and the required expertise. This type of irrigation system is very specialized and requires the engagement of a qualified provider. It would have been challenging for the City to write terms of reference in an RFP document to provide other potential suppliers with the same understanding of the infrastructure.

Golf Rockwood Inc. has confidence in the solution developed by Irriplus Ltd. They draw on the expertise of this company from time to time in the operation of the golf course.

City staff engaged CBCL Ltd. to complete an independent review of Irriplus Ltd.'s proposal. CBCL Ltd. provides the City, Saint John Water in particular, with professional advice regarding water and wastewater systems including pumping stations. CBCL Ltd. has concluded the quote is complete and appropriate for the scope of work required. CBCL Ltd. needed to draw on Irriplus' understanding of the current irrigation system.

STRATEGIC ALIGNMENT

The Rockwood Park Golf Course aligns with Council's priority of investing in recreation. The current agreement with Golf Rockwood Inc. also aligns with Council's Valued Service Delivery priority of providing service through partnerships and Fiscal Responsibility priority as the agreement produces operating revenues for the City annually.

The golf course is part of Rockwood Park, one of two regional parks identified in PlaySJ.

The lack of corporate knowledge of the irrigation system provides an example of why the City's investment in developing an Asset Management Program is so important. Better knowledge of assets' lifecycle investment requirements, such as the golf course's irrigation system, will build upon the quality of the City's Long Term Financial Plan.

SERVICE AND FINANCIAL OUTCOMES

The supply and install purchase of the replaced pumping station from Irriplus Ltd. will cost \$124,480.00 plus HST. This investment is budgeted as part of the 2019 General Fund Capital Budget.

The replaced system is expected to reduce operating and maintenance costs including through the reduction from two to one set of pumps.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City's Materials Management Division is in agreement with the sole source recommendation given the facts described in this report.

ATTACHMENTS

Scope of work from Irriplus Ltd. for supply and install of the replaced golf course irrigation system pump station.



580 Wright Avenue, Unit 100
Dartmouth, Nova Scotia, B3B 0H8
Ph: 902-405-4774 Fax: 902-405-3744
www.irriplus.com

Scope of work related to attached quote

Float Assembly

HDPE double ring float c/w 8 in aluminum I-beam and stainless cables and shackles designed to support 7500 lbs

HDPE Pipe and Fusion

Includes 100 feet of 8 in schedule 11 HDPE pipe, elbows, flanges and rings, gaskets, bolts and nuts, fusion labor and fusion equipment.

Electrical Work

Disconnect old pump and reconnect new pump. Disconnect and remove any outdated and unused electrical on walls. Supply and install new disconnect and fuses for pump.

Crane Rental

Remove roof and re-install same on pump house, remove old skid from pump house and install float assembly with pump into the lake. Total allotted time 1 day

Welding Work

Construct and install support brackets for HDPE pipe along rock face as required.

Load Reactors

Used on the output side of the VFD's to keep electrical power consistent to the motors when wire lengths exceed 60 ft total distance between panel and pump. Load reactors already included for supply power to the VFD's

COUNCIL REPORT

M&C No.	2019-41
Report Date	February 26, 2019
Meeting Date	March 11, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Spring 2019 Debenture Refinance Application

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Craig Lavigne</i>	<i>Cathy Graham/Kevin Fudge</i>	<i>John Collin</i>

RECOMMENDATION

RESOLVED that occasion having arisen in the public interest for the following Public Civic Works and needed Civic Improvements that the City of Saint John proposes issue of the following debentures to be dated on or after February 27th, 2019:

REFINANCE DEBENTURES

Debenture No. BA 9- 2009 (General Fund – 5 years)	\$ 4,670,000
Debenture No. BA 10 -2009 (Water & Sewerage – 10 years)	\$ 750,000
Debenture No. BA 11 -2009 (Transit – 5 years)	<u>\$ 500,000</u>

TOTAL

\$ 5,920,000

1. Therefore resolved that debentures be issued under provisions of the Acts of Assembly 52, Victoria, Chapter 27, Section 29 and amendments thereto to the amount of five million, nine hundred and twenty thousand dollars (\$5,920,000).
2. Commissioner of Finance be authorized to issue and to sell to the New Brunswick Municipal Finance Corporation (the "Corporation") a City of Saint John bond or debentures in the principal amount of five million, nine hundred and twenty thousand dollars, (\$5,920,000) at such terms and conditions as are recommended by the Corporation.

3. And further that the City of Saint John agrees to issue post-dated cheques to the Corporation, or other such arrangements as the Corporation may from time to time accept, in payment of principal and interest charges on the above bond or debenture as and when they are required by the Corporation.
4. And further that the Commissioner of Finance be hereby authorized to receive an offer in connection with the foregoing debentures at a price not less than \$98 per \$100 of debenture, at interest rates not to exceed an average of 4.50% and a term not to exceed 5 years for the General Fund and Transit Commission and a term not to exceed 10 years for the Water and Sewerage Utility.
5. And further that the Commissioner of Finance report to Common Council the exact values for price per \$100 of debenture, interest rate and term in years, together with the date of the issue.

EXECUTIVE SUMMARY

The debentures issued to the City of Saint John in June 2009 were for a term of 15 years General Fund and Transit Commission and 20 years Water & Sewerage Utility. However, due to market conditions at that time, the New Brunswick Municipal Finance Corporation could only issue debentures with a 10 year term with a requirement to refinance the remaining balance in the spring of 2019.

The next step in the debenture refinancing is to submit application to the New Brunswick Municipal Finance Corporation. In order to proceed with the debenture financing this recommendation requires Council's adoption.

PREVIOUS RESOLUTION

M&C 2019-11 Spring Debenture Issue – Notice of Motion

REPORT

The New Brunswick Municipal Finance Corporation is planning a bond issue in the near future and applications are to be submitted by end of March 2019. While the issue will not be sold until the Corporation feels that rates are reasonable, they have provided ranges within which the issue could be sold. These are as follows:

Interest Rate:	Not to exceed an average of 4.50%
Price, Net:	Not to be less than \$98.00 per \$100.00 of debenture
Term:	Serial form to mature in equal annual amounts over a term not to exceed 5 years for the General Fund and Transit Commission and 10 years for the Water & Sewerage Utility.

The amount to be borrowed is a result of the refinancing of debentures issued in 2009. Market conditions in 2009 resulted in a fixed period of ten years on the debentures even though the City borrows for 15 years for General Fund Capital and 20 years for Water and Sewerage Fund Capital.

There is interest rate risk for the City when debentures require refinancing due to market conditions. The City has received debentures since 2012 that are for the full term and will not require refinancing, therefor eliminating interest rate risk. The City has also benefited from historically low interest rates when refinancing the balance owed on debentures. The average yield on the June 2009 debentures was 4.436%, where the average yield on debentures in December 2018 was 3.419%. Market conditions are still favorable and the City should see a reduction in interest costs for these refinanced debentures.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

N/A

SUBMISSION TO COUNCIL FORM

ABOUT PERSON/GROUP

First Name: **Victoria**

Last Name: **Clarke**

Name of Organization/Group (where applicable): **Discover Saint John**

Mailing Address: **15 Market Street, 11th Floor City Hall**

City or Town: **Saint John** Province: **NB** Postal Code: **E2L 4L1**

Day Time Phone Number: **506-649-6046**

Email: **victoria@discoversaintjohn.com**

☐ If you do **NOT** wish to have your personal information (address, phone number, email) become part of the public record, please check this box.

ABOUT YOUR SUBMISSION

Topic of Submission: **Discover Saint John – Tidal Mural**

Purpose for Submission (what is the ask of Council): Request the access and use of Market Slip seawall, floating dock and staging area

Executive Summary: Description: In June 2017, Sean Yoro signed a contract with Discover Saint John that included travel, accommodations, food, labour and materials for his team of three. Arriving from Los Angeles on July 30 and working through to August 9th – Sean and Gabrielle Yoro and Payten Purdy worked for 10 days straight. Gabe worked the cameras, capturing still, time lapse and video for the final videos. Payten served as a support person for Sean – ferrying over materials as needed and managing the lines to stabilize Sean on the board. Crowds gathered every day to watch Sean work and crowds gathered every night to see the progress. Members of the media lined up at the security gate at Pugsley Slip to get a chance to interview Sean and the team. Sean worked in six hour cycles as the tide moved in and out of the Bay. His efforts resulted in “Huna” a 28 foot high, 40 foot wide fully submerged mural – the only one of its kind in the world. International and national media outlets including CNN, CTV and CBC covered the painting and countless art, surf, lifestyle websites and social channels have shared the video around the world. Hula’s own social media channels and website have generated over 6.4M views and engagements. Hula’s work in Saint John has helped raised the profile of the Bay of Fundy by reaching previously untapped markets with an interesting, beautiful story of the tides. Sean Yoro was named to the 2018 ‘Top 30 Under 30’ in the Arts and Style category by Forbes Magazine.

Project Recognition:

Discover Saint John was shortlisted for the 2018 MPI Atlantic Annual Industry Awards in the category of Event of the Year Award which was awarded July 6, 2018 in Halifax, NS.

SUBMISSION TO COUNCIL FORM

Discover Saint John won the 2018 Seatrade Cruise Award in the category of Marketing Initiative of the Year Award which was awarded September 19, 2018 in Lisbon, Portugal.

Discover Saint John won the 2018 Tourism Industry of New Brunswick Award in the category of Marketing Initiative of the Year Award which was awarded November 20, 2018 in Fredericton, NB.

Discover Saint John was shortlisted for the 2018 Canadian Tourism Awards for the Accor Hotels Marketing Campaign of the Year Award presented on November 28, 2018 in Gatineau, Quebec.

2019: Sean has told us that this project is the number one project he gets asked about on his travels around the world. He is interested in returning. Discover Saint John has started to work on the moving parts required to see another incredible project. This time Sean does not want to paint on the seawall – we have suggested submerging sheets of steel from dismantled, discharged shipping containers. Once painted, having used the tides as scaffolding/ladder, it will be lifted from the slip and given a permanent home somewhere within the city. Thus ensuring longevity for the piece and creating a destination for fans of Sean Yoro to get a chance to see one of his pieces up close.

Request: Discover Saint John is requesting the Common Council grant Discover Saint John and its agents, employees, partners and contractors access to and the use of the Market Slip seawall for the steel installation, mural creation and installation removal for approximately four weeks mid-July to mid-August 2019. .

YOUR SIGNATURE

Signature: Victoria Clarke

Date: 2019-02-28

New Brunswick International Student Program

Atlantic Education International



About our Program



WHAT WE DO



STUDENTS



FAMILIES



COORDINATORS



AGENCIES



COUNTRIES

Benefits for Students – New Brunswick

- ❖ Experience Diversity
- ❖ Gain a more global context
- ❖ Meet students from other countries
- ❖ Build life long relationships between students and host families
- ❖ Enhance world peace and global understanding through education
- ❖ Learn more about other cultures, languages etc.

Benefits for Students – International

- ❖ Opportunity to learn English
- ❖ Get to know Canada
- ❖ First stepping stone into a Canadian University
- ❖ Opportunity to learn about our culture

Benefits for Communities

- ❖ 14M dollars in economic impact for the province of New Brunswick from International Students (2018-2019)
 - 1.9M in the Saint John area
- ❖ Students will come back to live and invest
- ❖ Cultural Diversity (awareness and acceptance)
- ❖ Partnership Opportunities

WHY NEW BRUNSWICK

- 1. Competition**
- 2. School System**
- 3. Communities**

Host Families





NBISP.C

A



Questions



97-99 Exmouth Street

Presentation to Common Council
March 11, 2019



Growth & Community Planning Team
Growth & Community Development Services



Proposal

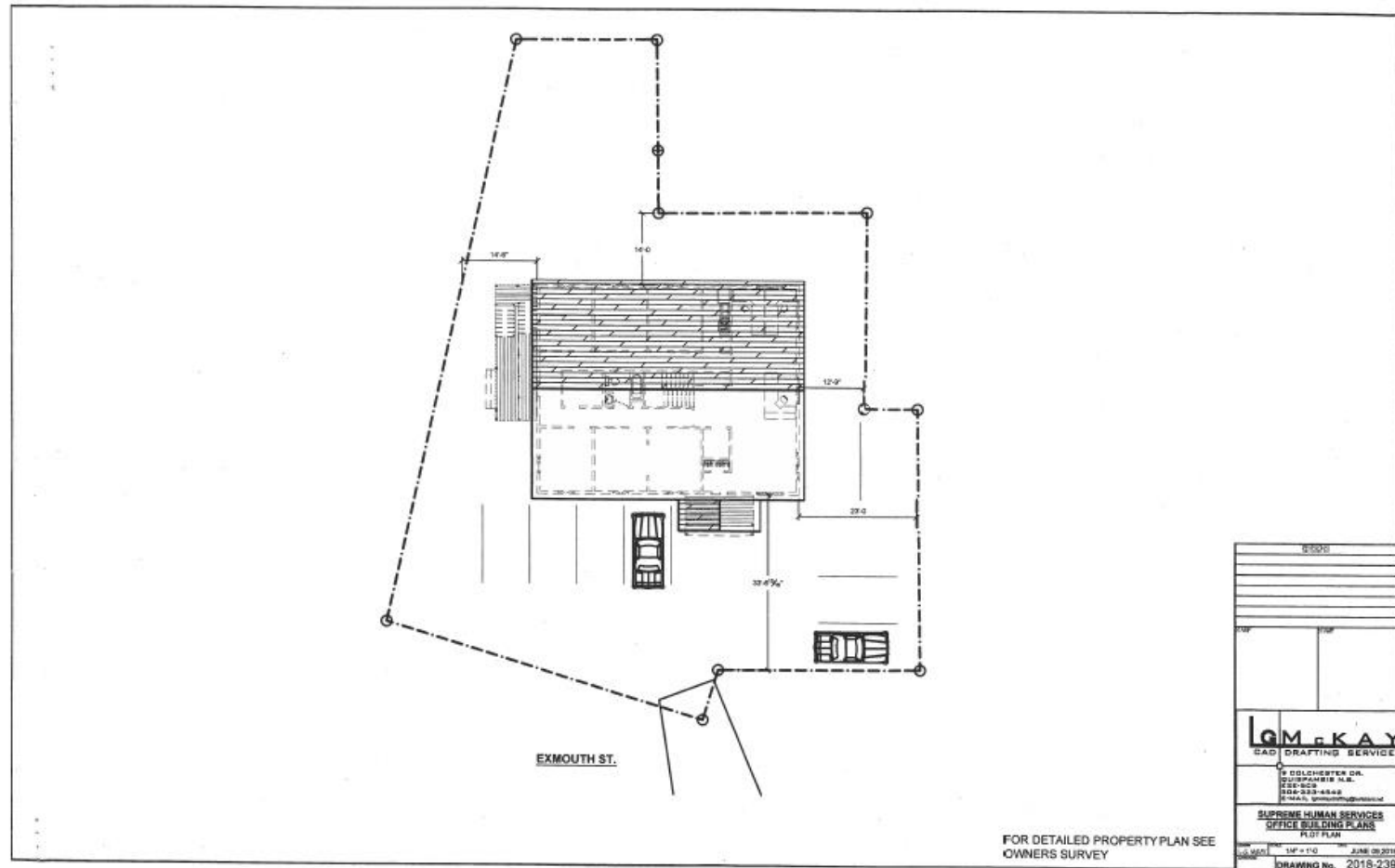
- To rezone property from Urban Centre Residential (RC) Zone to General Commercial (GC) Zone.
- Proposal will facilitate a general commercial use: business office providing assistance with family development and family services.



Site Location



Site Plan



Site Aerial



Site Photos



Subject site from Exmouth Street

Site Photos



Site Photos



Site Photos



Future Land Use



- Site falls into the Medium to High Density Residential designation.
- Policy LU-45 “...Other compatible uses may be permitted in the Medium to High Density designation without amendment to the Municipal Plan including, but not limited to convenience stores, home occupations, neighbourhood retail uses, parks and **community facilities**”.

Future Land Use

- Community facilities not defined in the MP – broad planning definition uses which provide services or facilities to community residents – social, medical, support or recreational functions – which also includes administrative or office functions of these uses.
- Proposal provides family development an assistance related to children services (and administrative functions for such services). No MP plan amendment required.



Future Land Use

- General fits within the direction of the proposed Central Peninsula Neighbourhood Plan (CPNP) – although this plan is still in **draft** phase (not legally in place).
- Plan generally calls for Waterloo Village area to be a mix of uses at various intensities.

Zoning



- Proposed rezoning would take the parcel from Urban Centre Residential (RC) Zoning to General Commercial (CG) Zone.
- Review of other commercial zones noted on page 4 of the report – CG is the most appropriate given proposal and context of the area.

Proposed Section 59 Condition

- Some uses in the CG Zone do not fit with the Pedestrian oriented nature of Waterloo Village under the Municipal Plan or the proposed CPNP.
- Section 59 condition to remove “auto-oriented” type uses (service station, car dealerships etc) to ensure conformance with MP and vision for the neighbourhood.

Staff Recommendation

Staff recommends that the Planning Advisory Committee recommend to Common Council that:

1. Common Council rezone an approximately 862 square metre parcel of land at 97-99 Exmouth Street (PID 00015834) from Urban Centre Residential (RC) Zone to General Commercial (CG) Zone.
2. That Common Council imposes, pursuant to Section 59 of the *Community Planning Act (SNB 2017, C19)* the proposed condition contained on Page 2 of the Staff report with this rezoning.

Community Engagement

- Applicant presented in support of proposal and accepted proposed conditions.
- Letters distributed to neighbours within 100m on February 8, 2019.
- Advertised on City website on February 12, 2019 - no letters received and no members of the public attending the Planning Advisory Committee (PAC) meeting. A number of phone inquiries received leading up to PAC meeting.



PAC Recommendation

Planning Advisory Committee recommends:

1. Common Council rezone an approximately 862 square metre parcel of land at 97-99 Exmouth Street (PID 00015834) from Urban Centre Residential (RC) Zone to General Commercial (CG) Zone; and
2. That Common Council imposes, pursuant to Section 59 of the *Community Planning Act (SNB 2017, C19)* the proposed condition contained on Page 2 of the Staff report with this rezoning.

PLANNING ADVISORY COMMITTEE



The City of Saint John

February 22, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning
97-99 Exmouth Street**

On January 28, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its February 20, 2019 meeting.

Krystal Kindred and Gail Doucette the applicants and Wayne Doucette, project manager for the construction, appeared before the Committee and indicated they were in agreement with the staff recommendation. The applicants noted they provide services for the Provincial Department of Social Development and noted that while their company has a staff of 28, the majority work off-site with approximately 6 staff on-site at any given time.

Committee members questioned the proposed floor plans, noting the building layout appeared to be residential in nature with rooms that could be used as bedrooms and two full bathrooms. The applicants noted they provide family support services which include working with young parents and instruction in independent living skills.

In a response to Committee members regarding the cladding material of the proposed building, Mr. Doucette noted they are proposing to use metal siding in lieu of vinyl siding given the exposure of the site to prevailing winds.

No other persons appeared before the Committee regarding the application and no letters were received regarding the application.

After considering the report and the comments made by the applicant, the Committee adopted the staff recommendation contained in the report.

RECOMMENDATION:

1. That Common Council rezone an approximately 862 square metre parcel of land located at 97-99 Exmouth Street, also identified as PID No. 00015834, from Urban Centre Residential (RC) Zone to General Commercial (CG) Zone.
2. That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following condition upon the development and use of the parcel of land having an area of approximately 862 square metres, located at 97-99 Exmouth Street, also identified as PID No. 00015834, be restricted to the following purposes identified in the General Commercial (CG) Zone of the City's Zoning By-law:
 - a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
 - Accommodation;
 - Artist or Craftperson Studio;
 - Bakery;
 - Banquet Hall;
 - Business office, subject to paragraph 11.7(3)(b);
 - Commercial Group;
 - Community Centre;
 - Community Policing Office;
 - Day Care Centre;
 - Dwelling Unit, subject to paragraph 11.7(3)(c);
 - Financial Service;
 - Funeral Service;
 - Garden Suite, subject to section 9.8;
 - Health and Fitness Facility;
 - Health Services Laboratory;
 - Home Occupation, subject to section 9.9;
 - Library;
 - Medical Clinic;
 - Personal Service;
 - Pet Grooming;
 - Place of Worship;
 - Private Club;
 - Restaurant;
 - Retail General;
 - Secondary Suite, subject to section 9.13;

- Service and Repair, Household;
- Supportive Housing, subject to section 9.14;
- Technical or Vocational School;
- Veterinary Clinic;
- The existing use described in Schedule E: Exceptions, of each lot respectively identified therein as being located in the CG zone.

Respectfully submitted,



Eric Falkjar
Chair

Attachments



The City of Saint John

Date: February 15, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Wednesday, February 20, 2019**

SUBJECT

Applicant: Krystal Kindred

Owner: Supreme Human Services Ltd.

Location: 97-99 Exmouth Street

PID: 00015834

Plan Designation: Medium to High Density Residential

Existing Zoning: Urban Centre Residential (RC)

Proposed Zoning: **General Commercial (CG)**

Application Type: Rezoning

Jurisdiction: The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, March 11, 2019**.

SUMMARY

Krystal Kindred (Applicant) has submitted an application on behalf of Supreme Human Services Ltd. (Owner), which is seeking to rezone the site (PID 00015834) located at 97-99 Exmouth Street from Urban Centre Residential (RC) Zone to General Commercial (CG) Zone. The applicant is proposing to construct a new building containing a business office (providing assistance with family development).

RECOMMENDATION

1. That Common Council rezone an approximately 862 square metre parcel of land located at 97-99 Exmouth Street, also identified as PID No. 00015834, from Urban Centre Residential (RC) Zone to General Commercial (CG) Zone.
2. That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c.19)* the following condition upon the development and use of the parcel of land having an area of approximately 862 square metres, located at 97-99 Exmouth Street, also identified as PID No. 00015834, be restricted to the following purposes identified in the General Commercial (CG) Zone of the City's Zoning By-law:
 - a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
 - Accommodation;
 - Artist or Craftperson Studio;
 - Bakery;
 - Banquet Hall;
 - Business office, subject to paragraph 11.7(3)(b);
 - Commercial Group;
 - Community Centre;
 - Community Policing Office;
 - Day Care Centre;
 - Dwelling Unit, subject to paragraph 11.7(3)(c);
 - Financial Service;
 - Funeral Service;
 - Garden Suite, subject to section 9.8;
 - Health and Fitness Facility;
 - Health Services Laboratory;
 - Home Occupation, subject to section 9.9;
 - Library;
 - Medical Clinic;
 - Personal Service;

- Pet Grooming;
- Place of Worship;
- Private Club;
- Restaurant;
- Retail General;
- Secondary Suite, subject to section 9.13;
- Service and Repair, Household;
- Supportive Housing, subject to section 9.14;
- Technical or Vocational School;
- Veterinary Clinic;
- The *existing* use described in Schedule E: Exceptions, of each lot respectively identified therein as being located in the CG zone.

DECISION HISTORY

None.

ANALYSIS

Proposal

The applicant is seeking to rezone the subject property at 97-99 Exmouth Street from Urban Centre Residential (RC) Zone to General Commercial (CG) Zone to facilitate the construction of a new business office to facilitate family development and assistance with actions related to children services.

Site and Neighbourhood

The subject site is approximately 862 square metres and is currently vacant. The site is located in the Waterloo Village area of the Central Peninsula and is kitty corner to Romero House. The surrounding development is a mixture of single detached, multi-residential development and commercial uses (Phoenix Dinner Theatre). The site topography is heavily sloped downward towards Exmouth Street, which itself is sloped towards Brunswick Street.

Municipal Plan and Rezoning

The Municipal Plan future land use map indicates the site is designated Medium to High Density Residential and the site falls within the Primary Development Area (PDA). This designation permits a broad range of housing types with an emphasis on higher density forms such as multi-residential development and townhouses.

Policy LU-45 of the plan provides the following comment (emphasis added):

“Within the Medium to High Density designation, permit a range of housing types with an emphasis on the provision of higher density housing forms such as apartment, condominium, and townhouse units. Nothing in this Municipal Plan, however, shall be interpreted to prohibit lower density forms of residential development in this designation, provided that minimum residential density targets have been met for the Intensification Area as a whole. Other compatible uses may be permitted in the Medium to High Density designation without amendment to the Municipal Plan including, but not limited to convenience stores, home occupations, neighbourhood retail uses, parks and **community facilities**”.¹

The Municipal Plan does not provide a definition of a ‘community facilities’. In planning terms, these would be any uses which would provide facilities for community residents, which can include recreational, social or medical facilities in various forms, including office and administrative functions for such uses. From this perspective, no Municipal Plan amendment is required to facilitate the subject rezoning and the Municipal Plan is deemed to be supportive of the proposal.

The subject site also falls into Central Peninsula Neighbourhood Plan Area – a policy document currently under development by the City of Saint John. It should be noted that the Plan is not currently adopted by Common Council and so policies contained in the draft have no legal standing at this time. The application is generally in keeping with the direction of the current draft of the Central Peninsula Neighbourhood Plan for the Waterloo Village area; which will generally encourage a mixed use higher density community.

Zoning Review

This proposal would allow the site to be rezoned to the General Commercial (CG) Zone. The purpose statement of CG Zone notes that it is intended for land “...inside of the Primary Development Area that is designated Local Centre, Low to Medium Density Residential, Mixed Use Centre or Stable Commercial”, although it is noted that “However, land in other appropriate designations could be zoned CG”.

Given the Municipal Plan encourages this neighbourhood to redevelopment into mixed use and at higher densities; the CG Zone provides a broad range of commercial uses which can help support this intent. The proposal is designed to serve a clientele beyond the immediate neighbourhood and the applicant has indicated that most services are provided offsite. That said, some office visits will occur. The site is not located on a traditional commercial corridor or in the Uptown Commercial area. The proposed building is a scale which is larger than those contained on local commercial sites. All of these reasons support the proposed rezoning to the General Commercial (CG) Zone.

¹ Policy LU-45 – Municipal Plan

The proposed building design (see submissions 1 and 2) provides the applicant the ability to grow their services. No dwelling units are proposed and no one will reside on the site. However, in examining the design of the building it has been noted that the proposed layout could facilitate adaptive reuse in the future. The maximum size of a Business Office is limited to no more than 3,000 square metres (paragraph 11.7 (3) (b) of the Zoning By-law). The proposed building is well below this requirement (approximately 373 square metres).

In reviewing the CG Zone; a number of auto-oriented uses which would not facilitate the Municipal Plan vision of a mixed use, higher density neighbourhood. In order to help facilitate this goal, a condition limiting the uses on the site has been proposed.

Parking and Loading

The Zoning By-law provides regulations for parking and loading requirements for various uses. The subject proposal will also require one barrier free parking stall and a loading zone, which will be dealt with at the permitting stage.

The subject site falls into the Waterloo Village intensification area as outlined in Schedule D of the Zoning By-law, which would allow parking requirements of up to 80 per cent of that required – due to proximity to Public Transit and the pedestrian oriented nature of area. As a business office use the parking count is compliant based upon the floor area of the building. The applicant may seek variances to parking requirements; which will be reviewed at the permitting stage and may have some merit from Staff's perspective.

Lot Grading and Drainage

As per the City's Drainage Bylaw, a Lot Grading plan and storm drainage plan will be required at the permitting stage to ensure proper drainage from the property into the storm sewer system.

Conclusion

The proposed rezoning can be supported as it meets the intent of policies contained in the Municipal Plan and the purpose of the CG Zone. The proposal falls in a designated intensification area, where new development is encouraged and parking requirements are reduced. The proposed use provides a form of community facility focusing on family services which is a valuable service for the nearby and broader community.

ALTERNATIVES AND OTHER CONSIDERATIONS

Alternatives

No alternatives considered.

Other Considerations

As part of the 2016-2022 term of Common Council, four key priorities have been identified:

1. Growth & Prosperity;
2. Vibrant and Safe City;
3. Valued Service Delivery; and
4. Fiscal Responsibility.

These priorities, although not Planning Policies, are goals for Common Council. This application would help fulfill Council's priority of Growth & Prosperity by allowing development in the Central Peninsula that would be an investment in the rejuvenation of the Waterloo Village neighbourhood and creation of job opportunities in Saint John.

ENGAGEMENT

Public

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on February 8, 2019. The public hearing for the rezoning was advertised on the City's website beginning on February 12, 2019.

SIGNATURES AND CONTACT

Prepared:



Kenneth Melanson, BA, RPP, MCIP
Manager, Community Planning

Reviewed:



Mark Reade, P.Eng., MCIP, RPP
Senior Planner

Approved:



Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Melanson, Kenneth
Phone: (506) 721-8694
E-mail: Ken.Melanson@saintjohn.ca
Project: 19-0001

APPENDIX

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

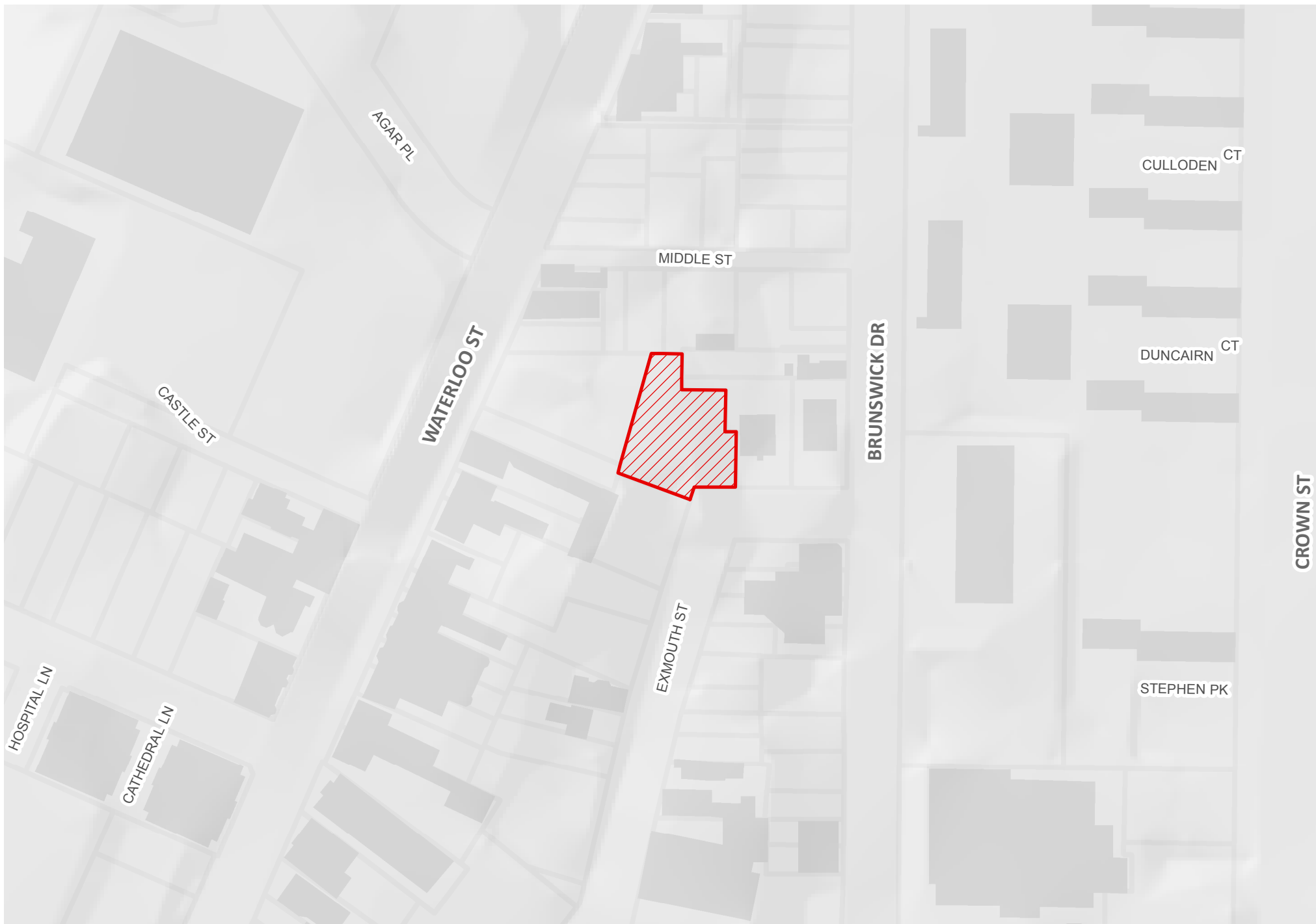
Map 4: **Aerial Photography**

Map 5: **Site Photography**

Submission 1: **Site Plan**

Submission 2: **Floor Plan**

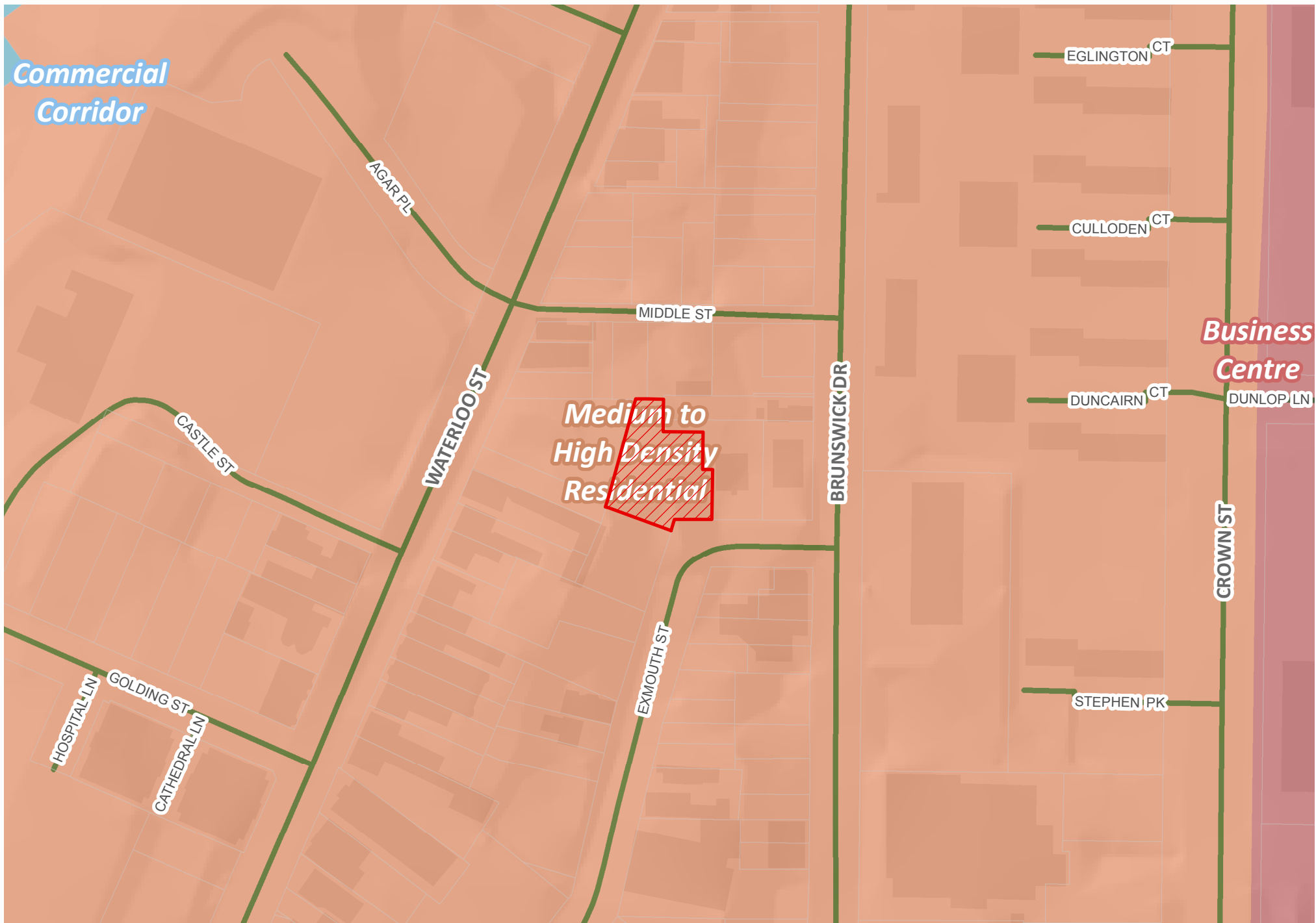
Submission 3: **Rendering**



Map 1 - Site Location

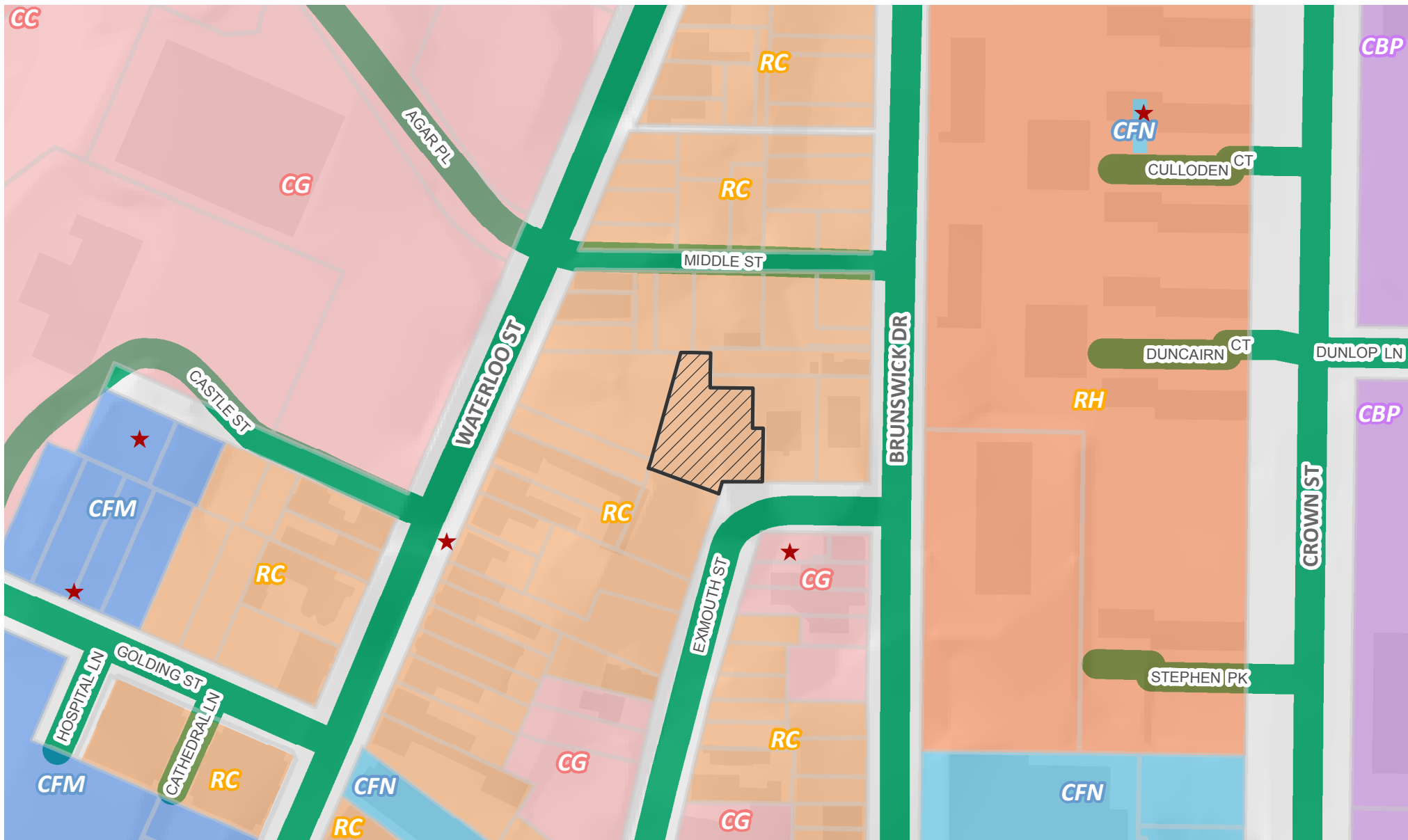
Krystal Kindred - 97-99 Exmouth Street





Map 2 - Future Land Use
Krystal Kindred - 97-99 Exmouth Street





(CBP) Business Park Commercial

(RC) Urban Centre Residential

(CC) Corridor Commercial

(RH) High-Rise Residential

(CFM) Major Community Facility

(CFN) Neighbourhood Community Facility

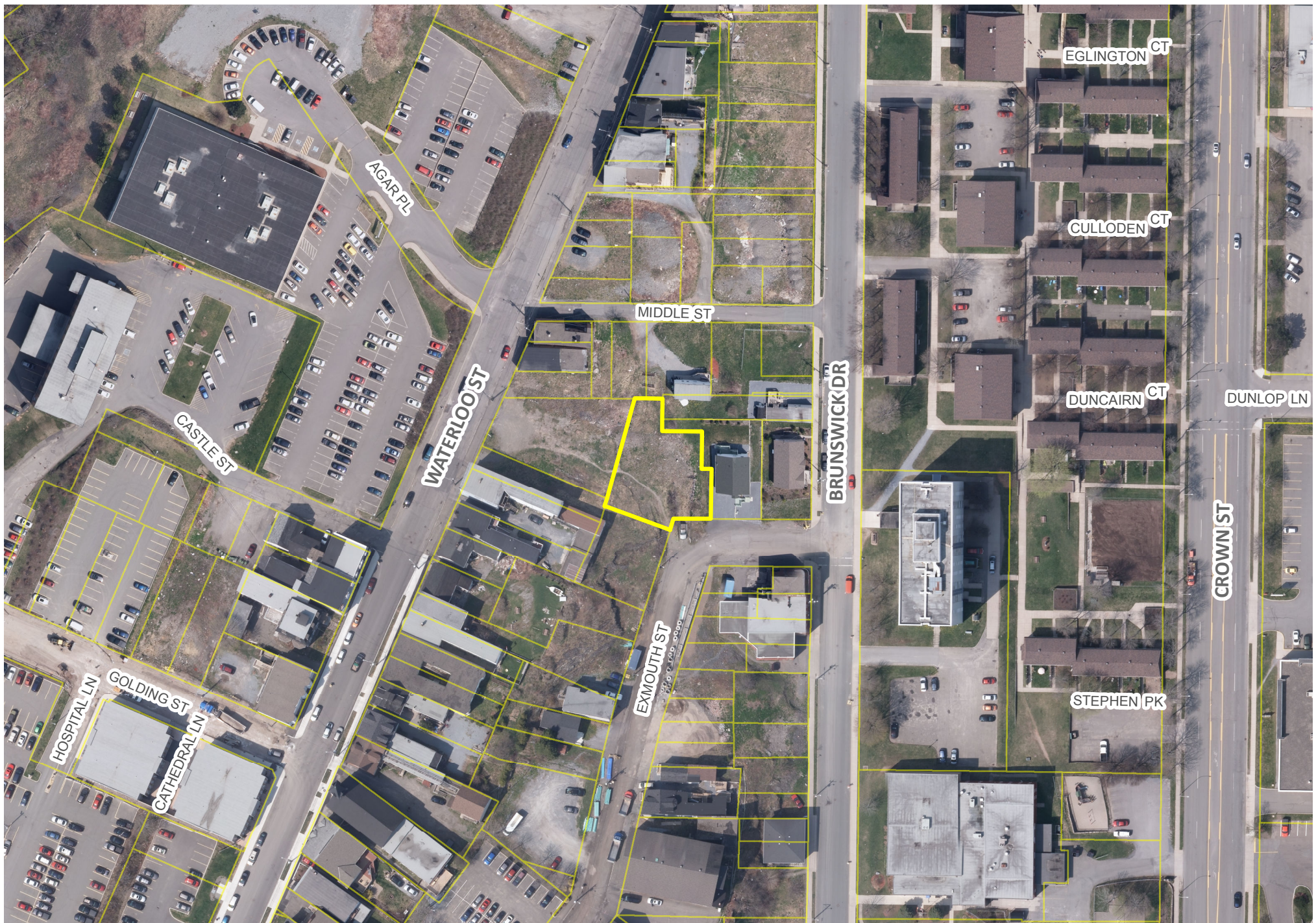
(CG) General Commercial

★ Section 39 Conditions

Map 3 - Zoning

Krystal Kindred - 97-99 Exmouth Street





Map 4 - Aerial Photography

Krystal Kindred - 97-99 Exmouth Street





Subject site from Exmouth Street



Site from Exmouth/Brunswick St corner



Site looking down Exmouth Street



Site from Middle Street

STRUCTURAL NOTES
ALL NEW WOOD FRAME
CONSTRUCTION SHALL BE CARRIED
OUT IN ACCORDANCE WITH THE
REQUIREMENTS OF THE 2015
NATIONAL BUILDING CODE OF
CANADA AS WELL AS BUILDING ASSEMBLIES
MUST MEET EFFICIENCY REQUIREMENTS OF
9.36 OF THE NATIONAL BUILDING CODE 2015

ALL EXTERNAL FASTENERS TO BE
GALVANIZED

GENERAL NOTES

CONTRACTOR AND JOIST/TRUSS SUPPLIER
TO REFERENCE FLOOR PLAN, FOUNDATION
PLAN, AS WELL AS ELEVATION DRAWINGS.
TO CO-ORDINATE MEMBER REQUIREMENTS,
LIMITATIONS AND DIMENSIONS.

TRUSS, BEAM AND JOIST SUPPLIER MUST
HAVE AN ENGINEER REVIEW AND STAMP
THE STRUCTURE AS REQUIRED. THE
MEMBER SIZES, DEPTHS AND LENGTHS
MUST BE CONFIRMED BY THE SUPPLIERS
ENGINEER.

CEILING BELOW ATTIC		
DETAILS	RSI	R VALUE
STEEL ROOFING		0.61
EXTERIOR AIR FILM	0.03	0.17
15/32" OSB SHEATHING	0.03	0.17
2x4 GABLE TRUSS W/ R50 INSUL	11.69	66.34
STRAPPING	0.16	0.92
1 1/2" GWB	0.07	0.45
INTERIOR AIR FILM	0.11	0.62
TOTAL	12.163	66.09
REQUIRED	8.67	50

WALL ABOVE GRADE & NOT IN CONTACT WITH GROUND		
DETAILS	RSI	R VALUE
EXTERIOR AIR FILM	0.03	0.17
STEEL SIDING		0.61
1 1/2" RIGID INSULATION		4
7/16" OSB SHEATHING	0.09	0.51
2x6 @ 16" C/C W/ R20 INSUL	2.77	15.72
1 1/2" GWB	0.07	0.45
INTERIOR AIR FILM	0.11	0.62
TOTAL	3.07	22.08
REQUIRED	2.97	17

REVISIONS

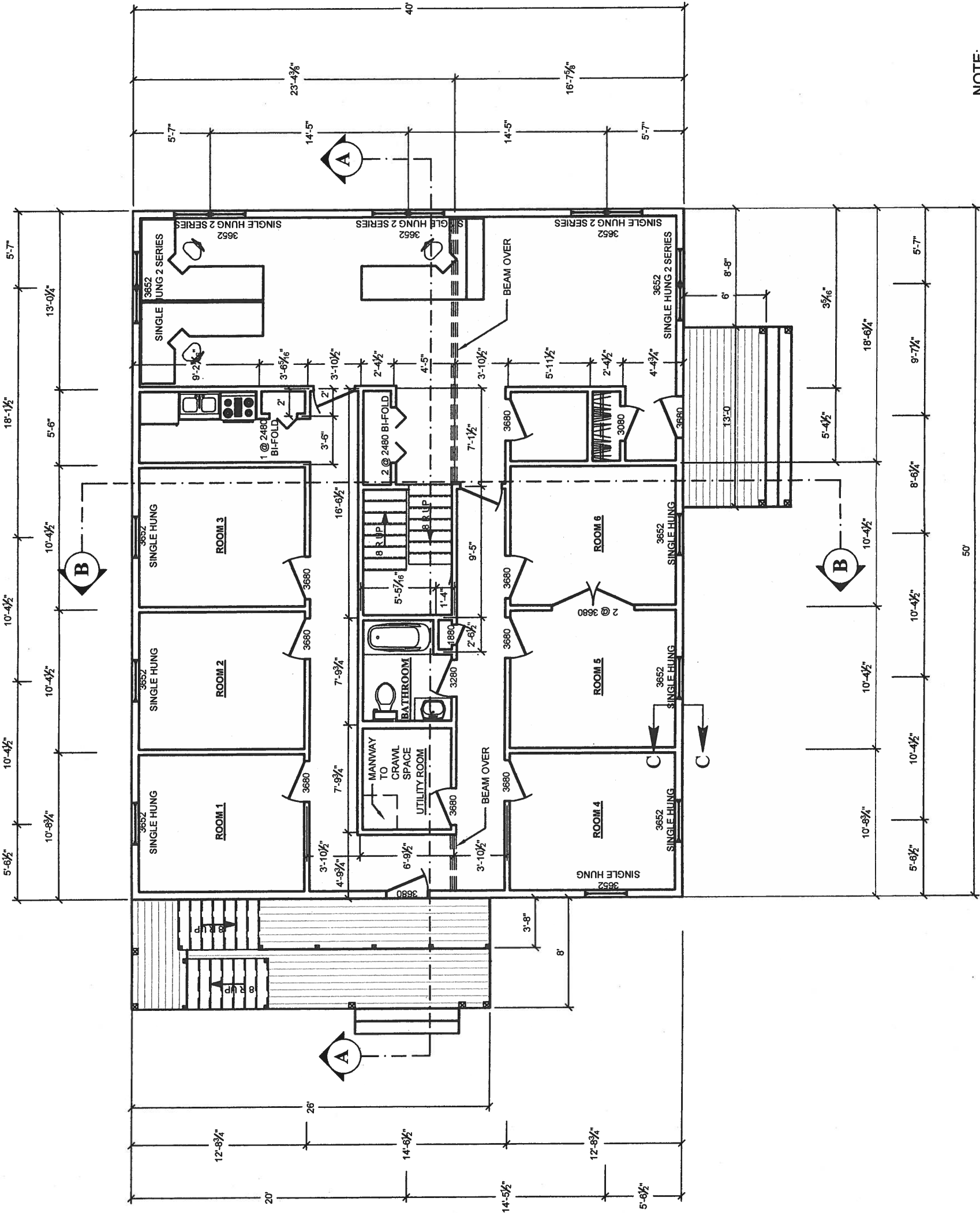
STAMP

LGMCKAY
CAD DRAFTING SERVICE

9 COLCHESTER DR.
QUISPAMIS N.B.
E2E-5C5
506-333-4542
E-MAIL: lgmdrafting@bell.ca

SUPREME HUMAN SERVICES
OFFICE BUILDING PLANS
FIRST FLOOR PLAN

DRAWN: L.G. MCKAY
APPROVED: L.G. MCKAY
SCALE: 1/4" = 1'-0"
DATE: JUNE 09 2018
DRAWING No. 2018-234



NOTE:
ROOMS 1 - 6 WALLS TO BE INSULATED
AND CLAD BOTH SIDES WITH $\frac{5}{8}$ "
GYPSUM BOARD FOR SOUND
PROOFING

FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"

STRUCTURAL NOTES
ALL NEW WOOD FRAME
CONSTRUCTION SHALL BE CARRIED
OUT IN ACCORDANCE WITH THE
REQUIREMENTS OF THE 2015
NATIONAL BUILDING CODE OF
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MUST MEET EFFICIENCY REQUIREMENTS OF
9.38 OF THE NATIONAL BUILDING CODE 2015

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GENERAL NOTES

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MEMBER SIZES, DEPTHS AND LENGTHS
MUST BE CONFIRMED BY THE SUPPLIERS
ENGINEER.

CEILING BELOW ATTIC		
DETAILS	RSI	R VALUE
STEEL ROOFING		0.61
EXTERIOR AIR FILM	0.03	0.17
15/32" OSB SHEATHING	0.108	0.59
2x4 GABLE TRUSS W/ R50 INSUL	11.69	66.34
STRAPPING	0.16	0.92
1/2" GWB	0.07	0.45
INTERIOR AIR FILM	0.11	0.62
TOTAL	12.163	68.08
REQUIRED	8.67	50

WALL ABOVE GRADE & NOT IN CONTACT WITH GROUND		
DETAILS	RSI	R VALUE
EXTERIOR AIR FILM	0.03	0.17
STEEL SIDING		0.61
1 1/2" RIGID INSULATION		4
7/16" OSB SHEATHING	0.09	0.51
2x6 @ 16" O.C. W/ R20 INSUL	2.77	15.72
1/2" GWB	0.07	0.45
INTERIOR AIR FILM	0.11	0.62
TOTAL	3.07	22.08
REQUIRED	2.97	17

REVISIONS

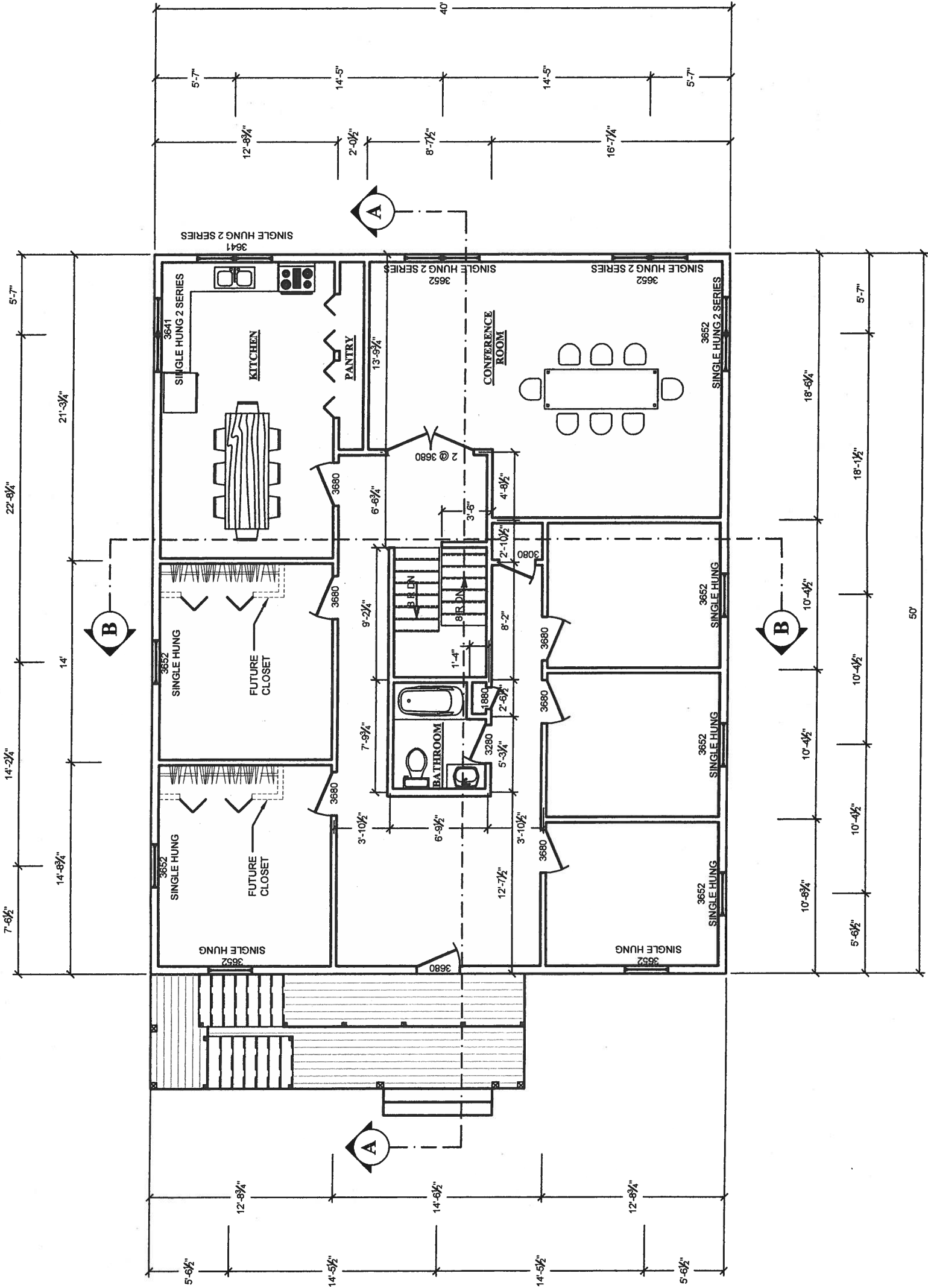
STAMP

LGM L K A Y
CAD DRAFTING SERVICE

9 COLCHESTER DR.
QUISPAMANSIS N.B.
E2E-5C8
506-333-4542
E-MAIL: lgmdrafting@bell.ca

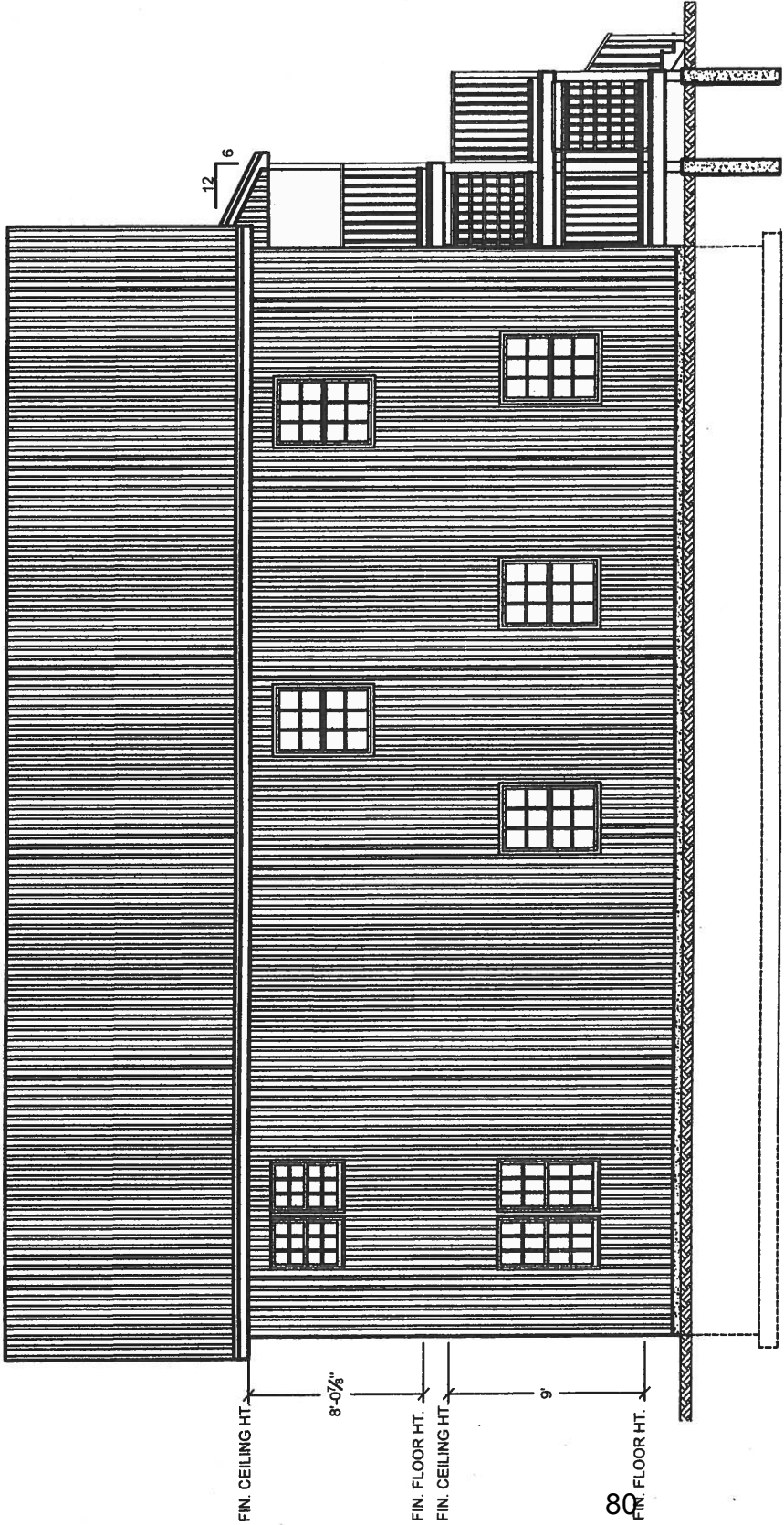
SUPREME HUMAN SERVICES
OFFICE BUILDING PLANS
SECOND FLOOR PLAN

DRAWN: L.G. McFAY
APPROVED: L.G. McFAY
SCALE: 1/4" = 1'-0"
DATE: JUNE 09, 2018
DRAWING No. 2018-235



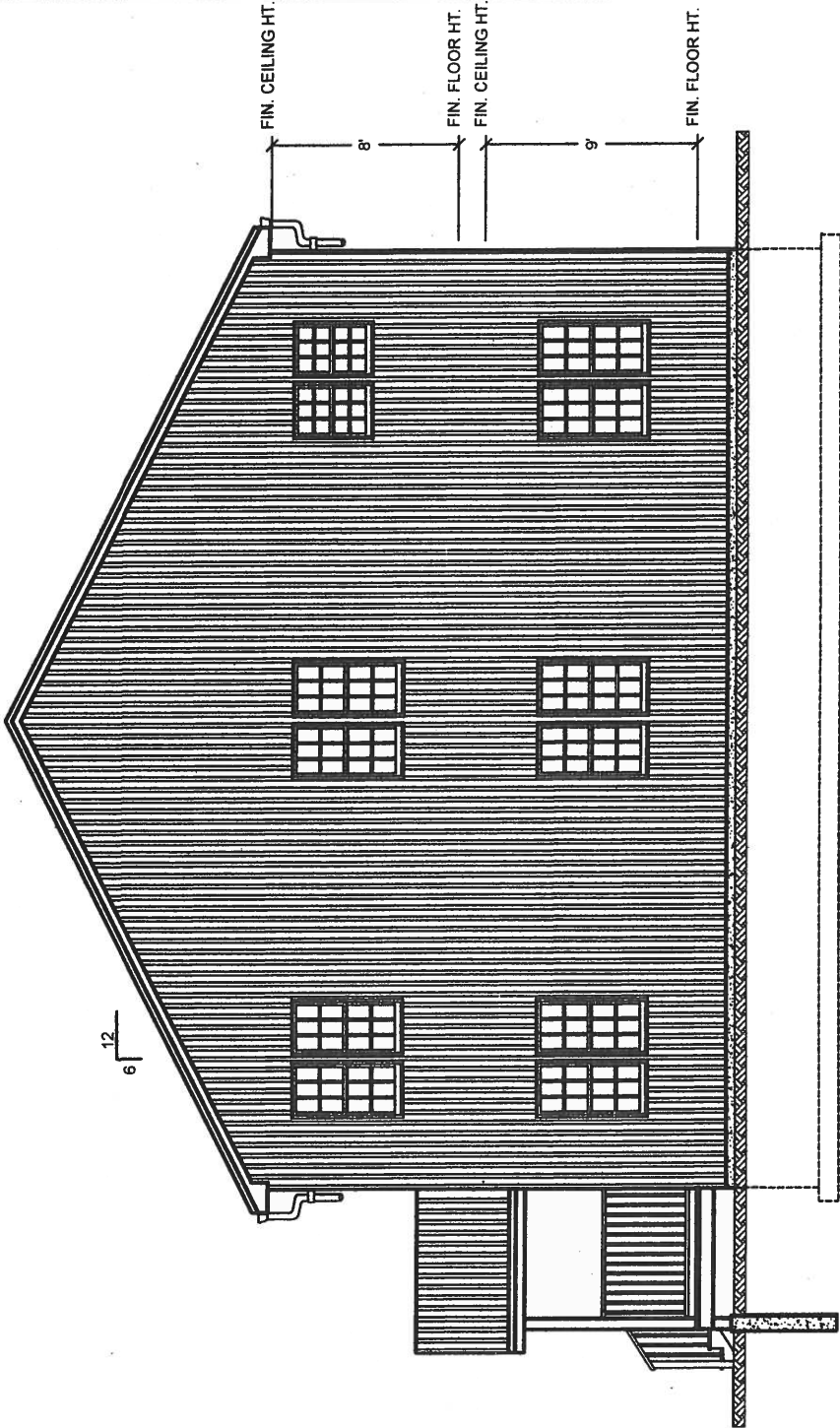
SECOND FLOOR PLAN

SCALE 1/4" = 1'-0"



REAR ELEVATION

SCALE 1/4" = 1'-0"



RIGHT ELEVATION

SCALE 1/4" = 1'-0"

REVISIONS	
	STAMP
	STAMP
LGMCKAY CAD DRAFTING SERVICE	
9 COLCHESTER DR. QUISPAMIS N.B. E2E-505 506-333-4542 E-MAIL lgmdrafting@bellatlant.net	
SUPREME HUMAN SERVICES OFFICE BUILDING PLANS REAR & RIGHT ELEVATIONS	
DRAWN L.G. MCKAY	DATE JUNE 09,2018
APPROVED	SCALE 1/4" = 1'-0"
DRAWING No. 2018-237	

STRUCTURAL NOTES
ALL NEW WOOD FRAME
CONSTRUCTION SHALL BE CARRIED
OUT IN ACCORDANCE WITH THE
REQUIREMENTS OF THE 2015
NATIONAL BUILDING CODE OF
CANADA AS WELL AS BUILDING ASSEMBLIES
MUST MEET EFFICIENCY REQUIREMENTS OF
9.36 OF THE NATIONAL BUILDING CODE 2015

ALL EXTERNAL FASTENERS TO BE
GALVANIZED

GENERAL NOTES

CONTRACTOR AND JOIST/TRUSS SUPPLIER
TO REFERENCE FLOOR PLAN, FOUNDATION
PLAN, AS WELL AS ELEVATION DRAWINGS.
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CEILING BELOW ATTIC		
DETAILS	RSI	R VALUE
STEEL ROOFING		0.61
EXTERIOR AIR FILM	0.03	0.17
15/32" OSB SHEATHING	0.103	0.59
2x4 GABLE TRUSS W/ R50 INSUL	11.69	66.34
STRAPPING	0.16	0.92
1/2" GWB	0.07	0.45
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TOTAL	12.165	69.09
REQUIRED	8.67	50

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TOTAL	3.07	22.08
REQUIRED	2.97	17

REVISIONS

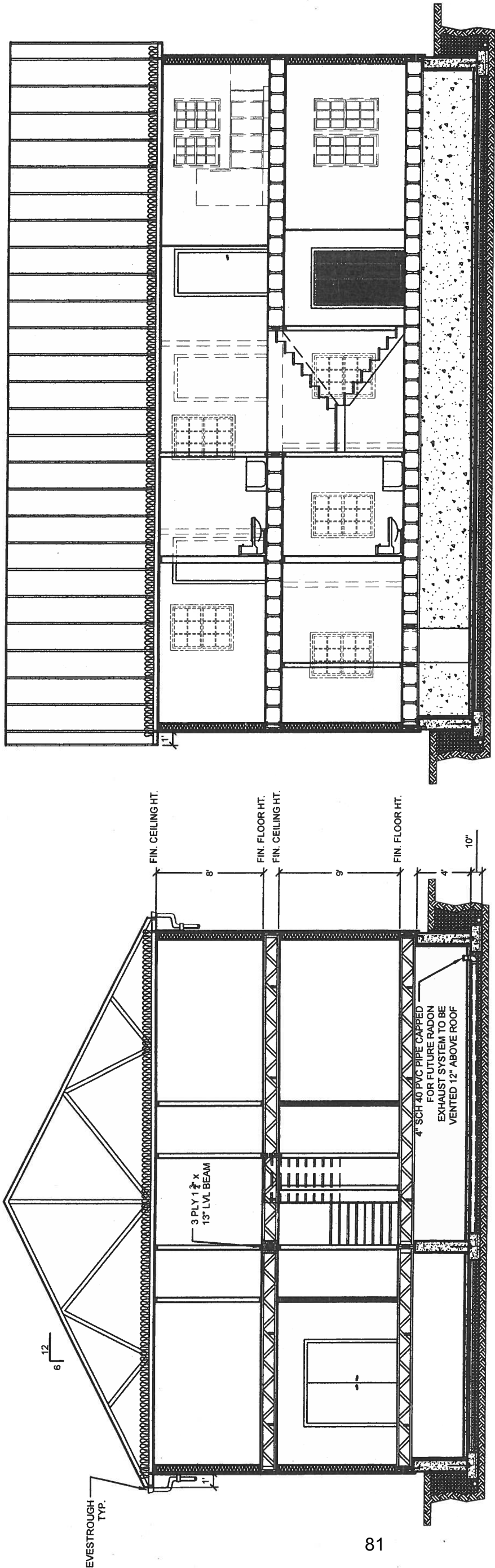
PLAN

LGMCKAY
CAD DRAFTING SERVICE

9 COLCHESTER DR.
SUDBURY, ONTARIO
N3B 5G5
506-333-4542
E-MAIL: lmkaydrafting@bellallant.net

SUPREME HUMAN SERVICES
OFFICE BUILDING PLANS
CROSS SECTIONS A-A & B-B

DESIGNED BY: L.C. MCKAY
DATE: JUNE 09, 2018
SCALE: 1/4" = 1'-0"
DRAWING No. 2018-238



82

**PROPOSED ZONING BY-LAW
AMENDMENT**

RE: 97-99 EXMOUTH STREET

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room, City Hall, on **Monday, March 11, 2019 at 6:30 p.m.**, by:

Rezoning a parcel of land having an area of approximately 862 square metres, located at 97-99 Exmouth Street, also identified as PID No. 00015834, from **Urban Centre Residential (RC)** to **General Commercial (CG)**, as illustrated below.

INSERT MAP

REASON FOR CHANGE:

To permit the construction of a new medical clinic (family counseling).

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

Written objections to the amendment may be sent to the undersigned at City Hall.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Jonathan Taylor, Common Clerk
658-2862

**PROJET DE MODIFICATION DE
L'ARRÊTÉ DE ZONAGE**

OBJET: 97-99, RUE EXMOUTH

Par les présentes, un avis public est donné par lequel le conseil communal de The City of Saint John indique son intention d'étudier la modification suivante à l'Arrêté de zonage de The City of Saint John, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow, à l'hôtel de ville, le **lundi, 11 mars 2019 à 18 h 30 :**

Rezonage d'une parcelle de terrain d'une superficie d'environ 862 mètres carrés, située au 97-99 rue Exmouth, et portant le NID 00015834, de **zone résidentielle du centre-ville (RC)** à **zone commerciale générale (CG)** comme le montre la carte ci-dessous.

INSERT MAP

RAISON DE LA MODIFICATION:

Pour permettre la construction d'une nouvelle clinique médicale (consultations familiales).

Toute personne intéressée peut examiner le projet de modification au bureau du greffier communal ou au bureau du service de la croissance et du développement communautaire à l'hôtel de ville situé au 15, Market Square, à Saint John, au Nouveau-Brunswick., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.

Veuillez faire part de vos objections au projet de modification par écrit à l'attention du soussigné à l'hôtel de ville.

Si vous avez besoin des services en français pour une réunion de Conseil Communal, veuillez contacter le bureau du greffier communal.

Jonathan Taylor, Greffier communal
658-2862

LOCATION	CIVIC ADDRESS: 97-99 Exmouth St.	PID #: 00015834
STAFF USE	HERITAGE AREA: Y / N INTENSIFICATION AREA: Y / N FLOOD RISK AREA: Y / N APPROVED GRADING PLAN: Y / N	
	APPLICATION #: 19-0001	DATE RECEIVED: Jan. 4, 2019
		RECEIVED BY: Aimee + Julie
APPLICANT INFORMATION	APPLICANT Krystal Kindred EMAIL supremehumanservices@bellaliant.com PHONE 639 6125	
	MAILING ADDRESS 600 Main St. Suite 206 Saint John NB E2K 1J5	POSTAL CODE
	CONTRACTOR Ron Scott EMAIL	PHONE
	MAILING ADDRESS	POSTAL CODE
	OWNER Supreme Human Services EMAIL services@bellaliant.com PHONE 652 8792	
	MAILING ADDRESS 600 Main St. Suite 206 Saint John NB E2K 1J5	POSTAL CODE
PRESENT USE: Vacant lot		PROPOSED USE: Commercial building.
CHECK ALL THAT APPLY	BUILDING <input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> ADDITION <input type="checkbox"/> POOL <input type="checkbox"/> DECK <input type="checkbox"/> DEMOLITION <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> SIGN <input type="checkbox"/> MINIMUM STANDARDS <input type="checkbox"/> OTHER	PLANNING <input type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> PAC APPLICATION <input checked="" type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER
	INFRASTRUCTURE <input type="checkbox"/> STREET EXCAVATION <input type="checkbox"/> DRIVEWAY CULVERT <input type="checkbox"/> DRAINAGE <input type="checkbox"/> WATER & SEWERAGE <input type="checkbox"/> OTHER	HERITAGE <input type="checkbox"/> HERITAGE DEVELOPMENT <input type="checkbox"/> HERITAGE SIGN <input type="checkbox"/> HERITAGE INFILL <input type="checkbox"/> HERITAGE DEMO <input type="checkbox"/> OTHER
DESCRIPTION OF WORK	Rezoning application to go from Residential (RC) to Commercial (C6)	

☒ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

General Collection Statement

This information is being collected in order for the City of Saint John to deliver an existing program / service; the collection is limited to that which is necessary to deliver the program / service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer:

City Hall Building
 8th Floor - 15 Market Square
 Saint John, NB E2L 1E8
communications@saintjohn.ca
 (506) 638-2862



I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

Krystal Kindred

Applicant Name

K Kindred

Applicant Signature

Jan. 4 2019

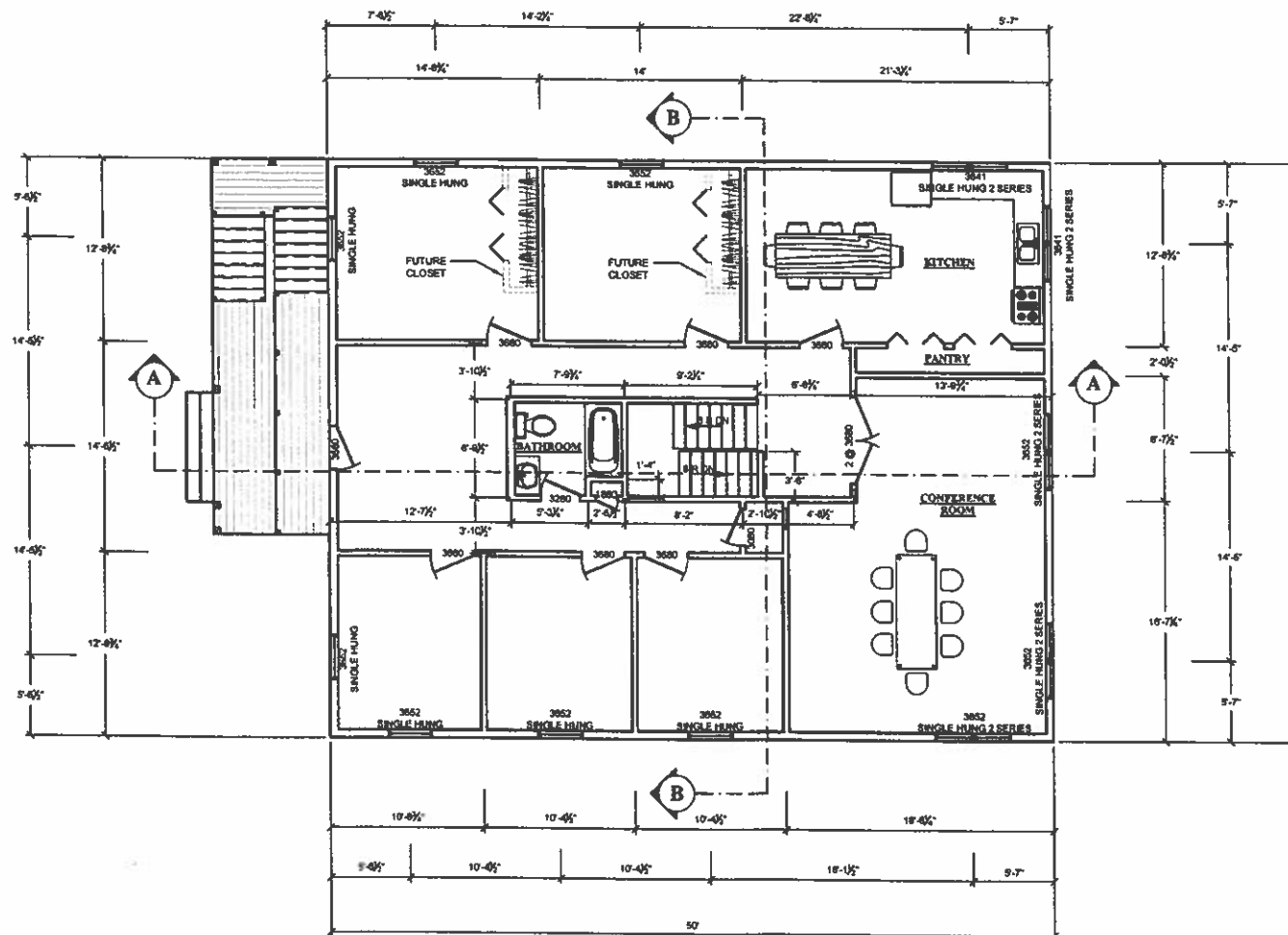
Date

CIVIC ADDRESS	97-99 Exmouth St	APPLICATION #	19-0001	FEE PAID	<input checked="" type="radio"/> Y <input type="radio"/> N
----------------------	------------------	----------------------	---------	-----------------	--

TYPE OF APPLICATION		
<input type="checkbox"/> Land for Public Purposes Release Service Fee: \$300	<input type="checkbox"/> Non-Conforming Use Service Fee: \$200	<input type="checkbox"/> Satisfactory Servicing Service Fee: \$200
<input type="checkbox"/> Section 39 Amendment Service Fee: \$2,500	<input checked="" type="checkbox"/> Zoning By-law Amendment Service Fee: \$2,500	<input type="checkbox"/> Zoning By-law Amendment with a Municipal Plan Amendment Service Fee: \$3,500

DETAILED DESCRIPTION OF APPLICATION
<p>Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.</p> <p><i>(in business since Feb 2014)</i></p> <p>We are a family support company looking to own our own building as our business has grown over last 5 years and our current space has become too small. With a larger building we are able to offer more jobs and community support. Our hours of operation are 9am-6pm/7pm latest. We hope to encourage support of community resources with our clients in a positive way.</p>
ENCUMBRANCES
Describe any easements, restrictive covenants, and other encumbrances affecting the land.

AUTHORIZATION	
<p>As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.</p>	
<u>Krystal Kindred</u> Registered Owner or Authorized Agent	<u>Gail D. Duroette</u> Additional Registered Owner
<u>Jan 4 2019</u> Date	<u>Jan 4, 2019</u> Date
<p>The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.</p>	



STRUCTURAL NOTES
ALL NEW WOOD FRAME
CONSTRUCTION SHALL BE CARRIED
OUT IN ACCORDANCE WITH THE
REQUIREMENTS OF THE 2015
NATIONAL BUILDING CODE OF
CANADA AS WELL AS BUILDING ASSEMBLIES
MUST MEET EFFICIENCY REQUIREMENTS OF
9.36 OF THE NATIONAL BUILDING CODE 2015

ALL EXTERNAL FASTENERS TO BE
GALVANIZED

GENERAL NOTES

CONTRACTOR AND JOIST/TRUSS SUPPLIER
TO REFERENCE FLOOR PLAN, FOUNDATION
PLAN, AS WELL AS ELEVATION DRAWINGS.
TO CO-ORDINATE MEMBER REQUIREMENTS,
LIMITATIONS AND DIMENSIONS.

TRUSS, BEAM AND JOIST SUPPLIER MUST
HAVE AN ENGINEER REVIEW AND STAMP
THE STRUCTURE AS REQUIRED. THE
MEMBER SIZES, DEPTHS AND LENGTHS
MUST BE CONFIRMED BY THE SUPPLIER'S
ENGINEER.

CEILING BELOW ATTIC		
DETAILS	R/S	R. VALUE
STEEL ROOFING		0.01
EXTERIOR AIR FILM		0.17
1 1/2" OSB SHEATHING		0.08
2x4 GABLE TRUSSES W/ 200MM SLA	11.88	66.34
STRAPPING		0.16
1/2" EPS		0.05
INTERIOR AIR FILM		0.11
TOTAL	12.05	66.89
REQUIRED	0.17	50

WALL ABOVE GRADE & NOT IN CONTACT WITH GROUND		
DETAILS	R/S	R. VALUE
EXTERIOR AIR FILM		0.17
STEEL ROOFING		0.01
1 1/2" OSB SHEATHING		0.08
2x4 GABLE TRUSSES W/ 200MM SLA	11.88	66.34
STRAPPING		0.16
1/2" EPS		0.05
INTERIOR AIR FILM		0.11
TOTAL	12.05	66.89
REQUIRED	2.97	17

REQUIRED 2.97 17

REVISIONS

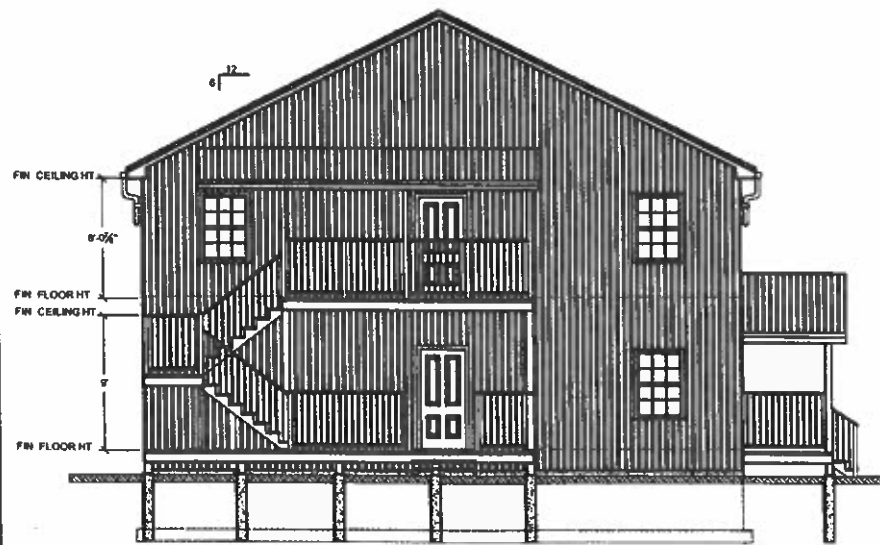
TAB

LGM & KAY
CAD DRAFTING SERVICE

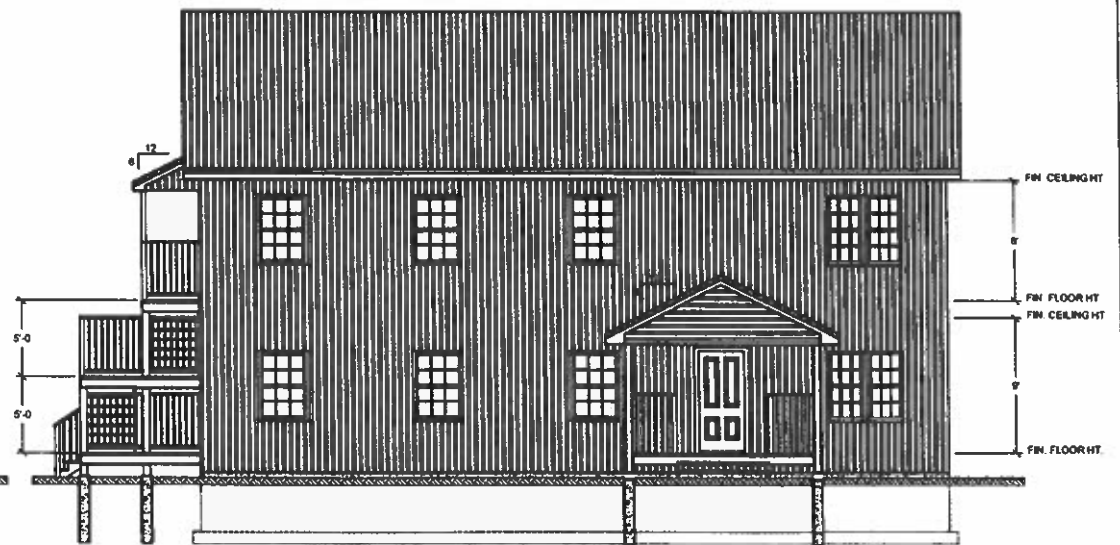
10 GOLDSMITH DR.
GUELPH ONT. N1E 1A1
TEL: 519-833-4444
FAX: 519-833-4444
E-MAIL: lgmkay@lgmkay.com

SUPREME HUMAN SERVICES
OFFICE BUILDING PLANS
SECOND FLOOR PLAN

DATE: 1/4" = 1'-0" JUNE 08 2018
DRAWING No. 2018-235

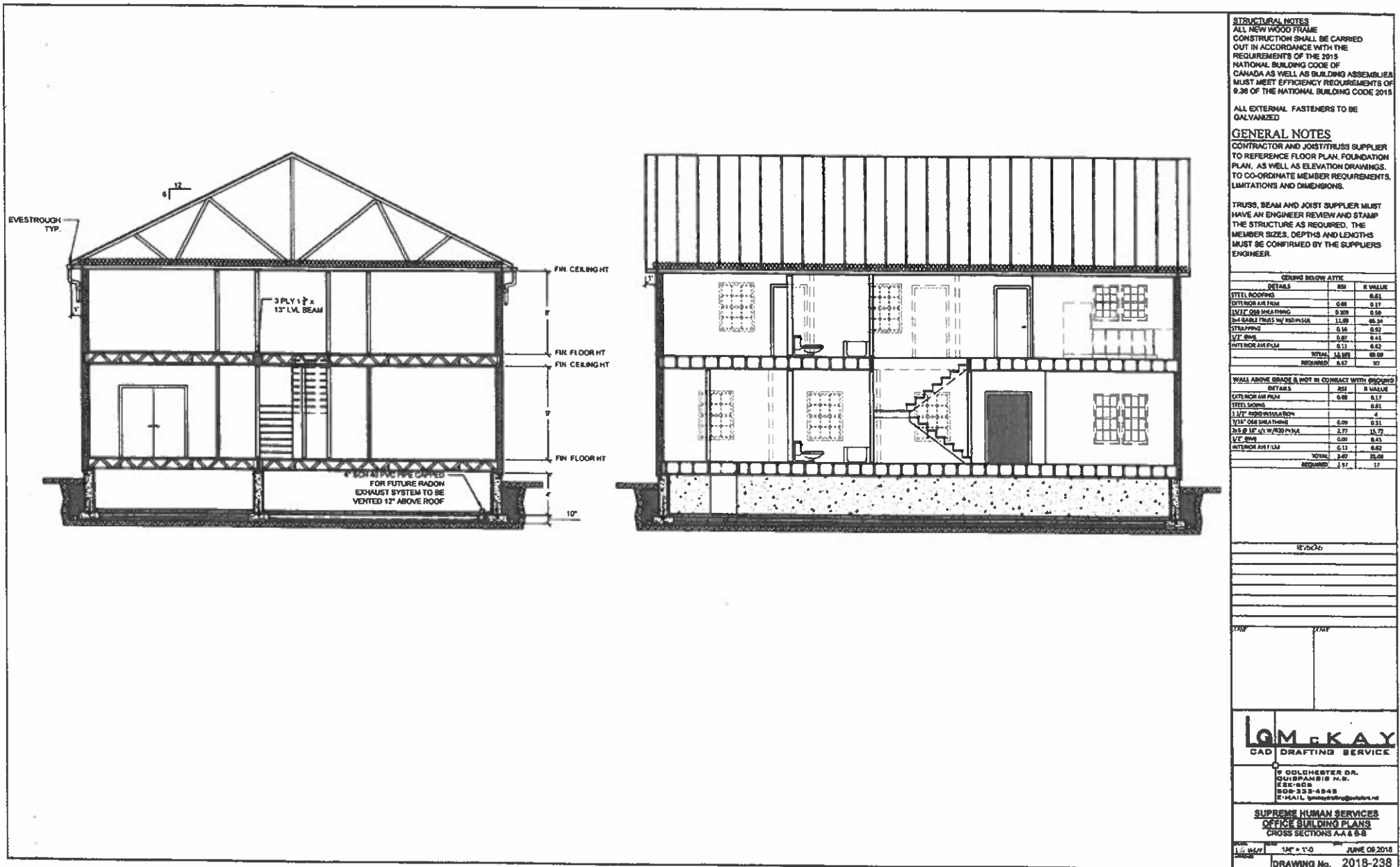


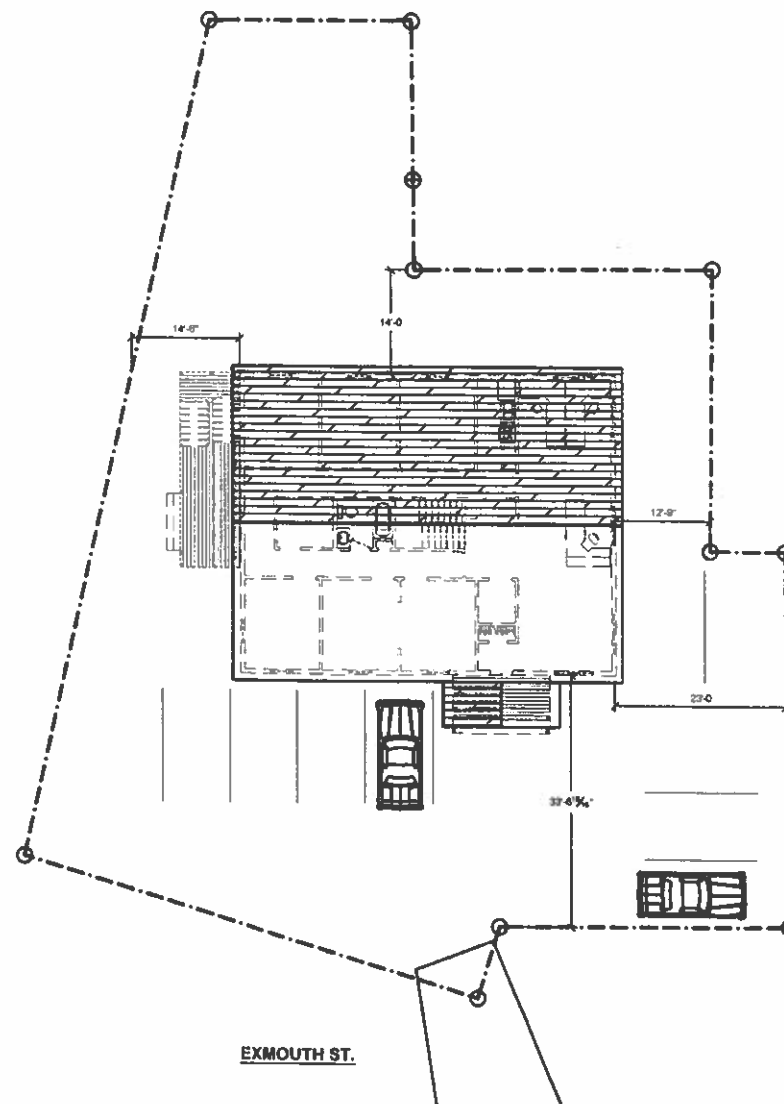
LEFT ELEVATION
SCALE 1/4" = 1'-0"



FRONT ELEVATION
SCALE 1/4" = 1'-0"

REVISION	
LGM-KAY CAD DRAFTING SERVICE 9 DOLCHESTER DR. QUINCY, MA 01906 508-333-4842 E-MAIL: lgmkay@comcast.net	
SUPREME HUMAN SERVICES OFFICE BUILDING PLANS FRONT & LEFT ELEVATIONS	
1/4" = 1'-0" JUNE 08, 2018	DRAWING No. 2018-236





FOR DETAILED PROPERTY PLAN SEE
OWNERS SURVEY

**BY-LAW NUMBER C.P. 111-
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1 Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 862 square metres, located at 97-99 Exmouth Street, also identified as PID No. 00015834 from Urban Centre Residential (RC) to General Commercial (CG)

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

Mayor/Maire

Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

**ARRÊTÉ N° C.P. 111-
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE
ZONAGE DE THE CITY OF SAINT
JOHN**

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1 La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 862 mètres carrés, située a 97-99 rue Exmouth et portant le NID 00015834, de zone résidentielle du centre-ville (RC) à zone commerciale générale (CG)

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le * 2019, avec les signatures suivantes :


Première lecture -
Deuxième lecture -
Troisième lecture -




348 Rockland Road and 21 Canon Street

Presentation to Common Council

March 11, 2019



Growth & Community Planning Team
Growth & Community Development Services




SAINT JOHN

Proposal

Rezoning Application

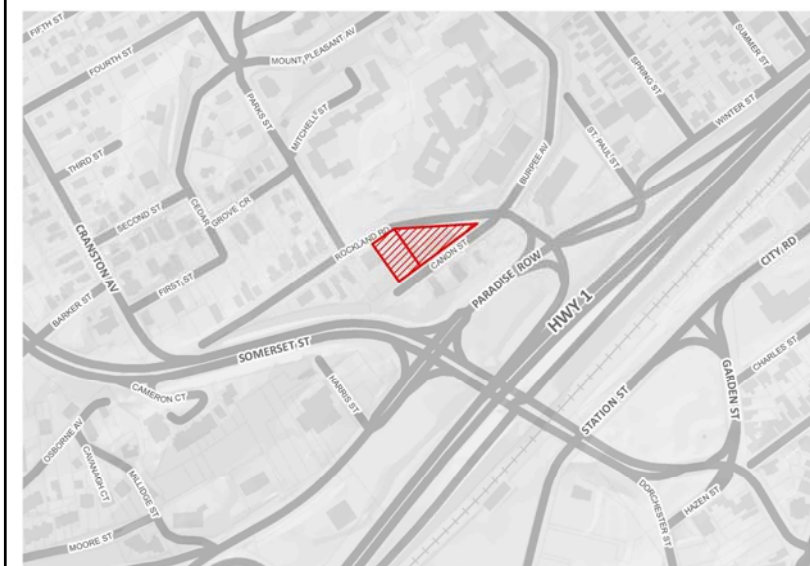
- Rezone a 2,847 square metre area of land from Neighbourhood Community Facility (CFN) to General Commercial (CG).
- Rezoning to enable the repurposing of the former Holy Trinity Church into a banquet hall and events venue.

2



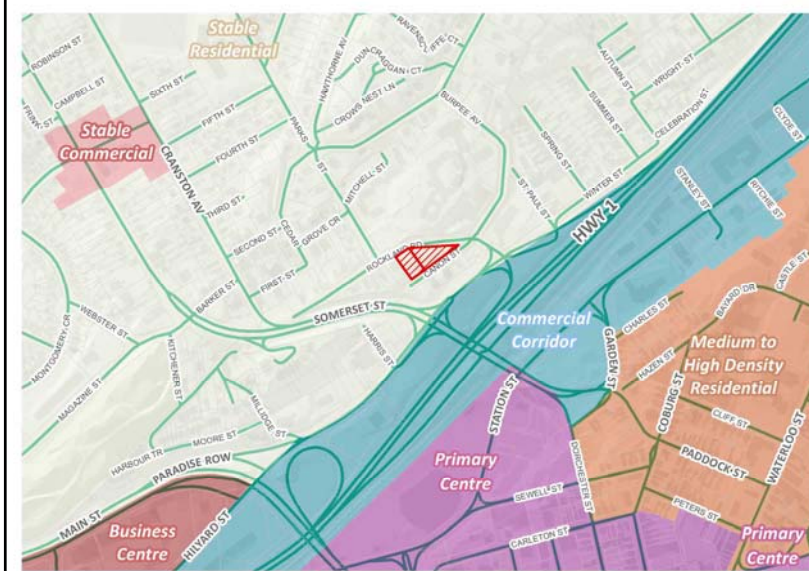
SAINT JOHN

Site Location

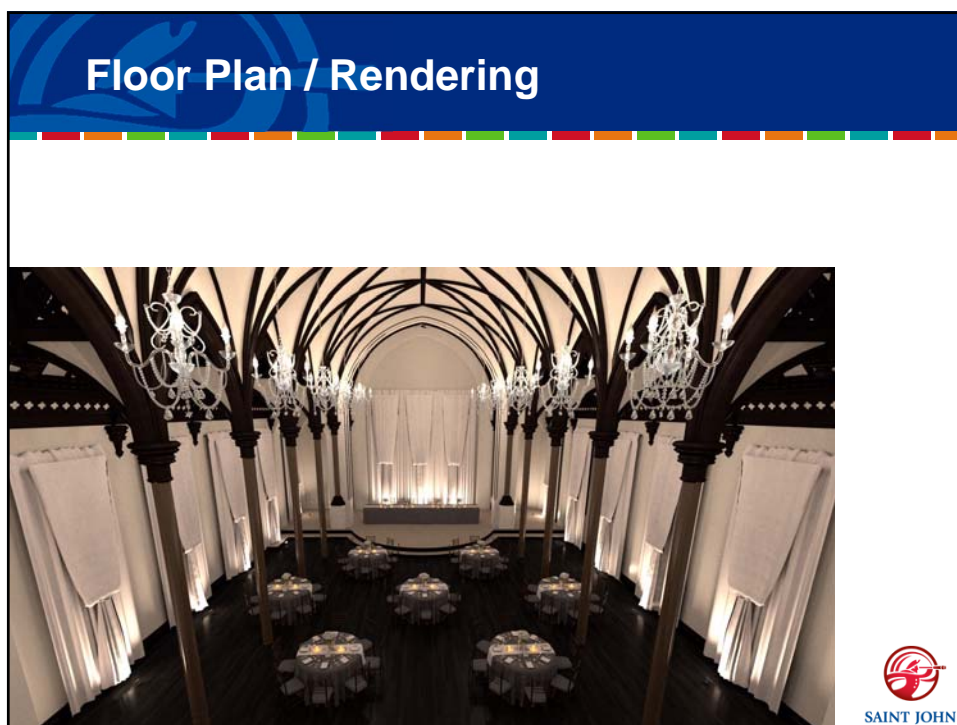
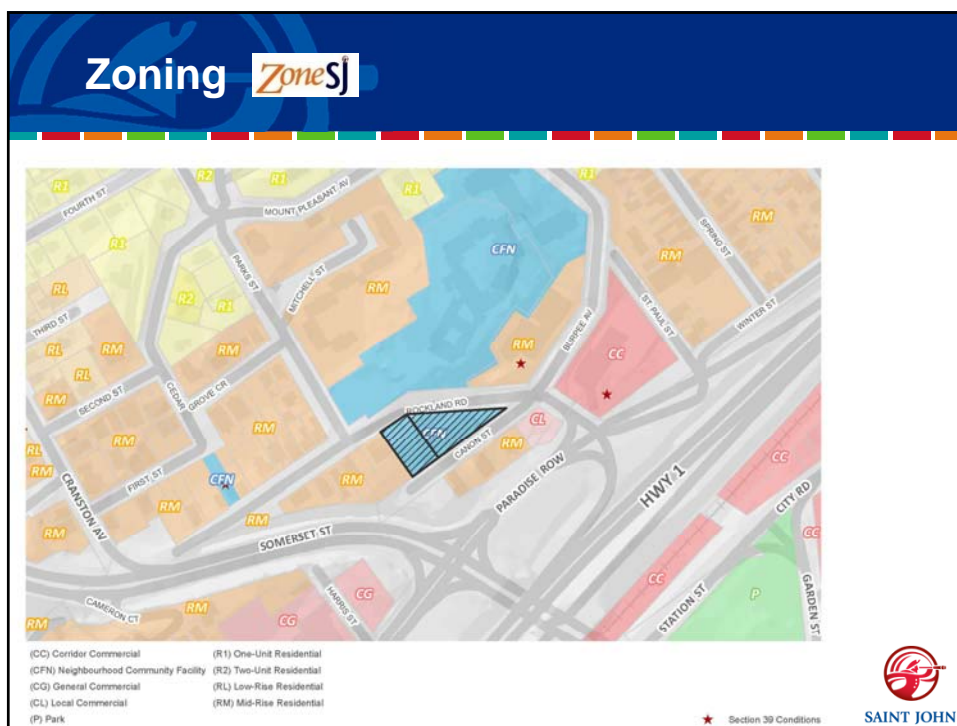


SAINT JOHN

Future Land Use *PlanS*



SAINT JOHN

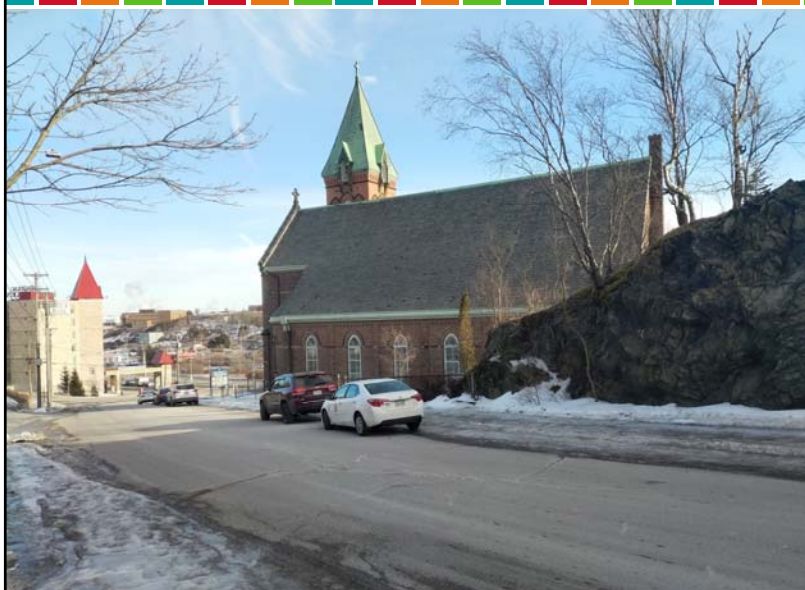


Site Aerial



SAINT JOHN

Site Photos



SAINT JOHN

Site Photos



SAINT JOHN

Site Photos



SAINT JOHN

10

Site Photos



SAINT JOHN

Municipal Plan

- Policy CF-30 – “*Council shall encourage the adaptive re-use of vacant places of worship for appropriate uses.*”
- Policy LU-88 – “*Ensure that significant new development and redevelopment in areas designated Stable Residential shall generally be permitted only through a rezoning process where compliance is demonstrated with the following requirements*”

12



SAINT JOHN

Rezoning

Applicable Criteria	Analysis
The proposed land use is desirable and contributes positively to the neighbourhood;	Repurposes vacant building, provides an additional venue and adds to the vibrancy of the neighborhood without detracting from existing character.
The proposal is compatible with surrounding land uses;	Proposal borders on a commercial corridor and is adjacent to community facilities, mid-rise residential uses, and a number of vacant lots.
The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities and protective services can readily and adequately be provided;	The proposal is within an established service area and conveniently located off the highway. Although located on a transit route, it is expected that patrons will arrive by private vehicles and taxis.
Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated;	Expected changes to the site are anticipated to be focused on the interior space.

13



SAINT JOHN

Community Engagement

- Public hearing advertised on City website on February 12, 2019
- Neighbours were notified within 100 metres of property on February 8th, 2019
- No members of the public in attendance at the Planning Advisory Committee meeting
- No letters received regarding the application
- Applicant was in attendance and in full support of staff recommendation

14



SAINT JOHN

Planning Advisory Committee Recommendation

1. That Council rezone a 2,847 area of land from Neighbourhood Community Facility (CFN) to General Commercial (CG).
2. That Council imposes Section 59 conditions upon the development limiting use of the property to compatible uses under the CG zone.

15



Staff Recommendation

1. That Council rezone a 2,847 area of land from Neighbourhood Community Facility (CFN) to General Commercial (CG).
2. That Council imposes Section 59 conditions upon the development limiting use of the property to compatible uses under the CG zone.

16



PLANNING ADVISORY COMMITTEE



The City of Saint John

February 21, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning Application
348 Rockland Road and 21 Canon Street**

On January 28, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its February 20, 2019 meeting. Natasha Tobias, the applicant, was present and in full support of the recommendation.

There were no members of the public in attendance or questions from the Committee and no letters were received regarding the application.

After considering the report and the comments made by the applicant, the Committee adopted the staff recommendation.

RECOMMENDATION:

1. That Common Council rezone parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street, also identified as PID Nos. 00025791 and 55086128 from Neighbourhood Community Facility (CFN) to General Commercial (CG).
2. That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following condition upon the development and use of the parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street also identified as PID Nos. 00025791 and 55086128, namely that use of the property be restricted to the following purposes identified in the

General Commercial (CG) zone of the City's Zoning By-law:

- Accommodation;
- Artist or Craftsperson Studio;
- Bakery;
- Banquet Hall;
- Business Office, subject to paragraph 11.7(3)(b);
- Commercial Group;
- Community Centre;
- Community Policing Office;
- Day Care Centre;
- Dwelling Unit, subject to paragraph 11.7(3)(c);
- Financial Service;
- Funeral Service;
- Garden Suite, subject to section 9.8;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;
- Home Occupation, subject to section 9.9;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Place of Worship;
- Restaurant;
- Retail, General;
- Secondary Suite, subject to section 9.13;
- Service and Repair, Household;
- Supportive Housing, subject to section 9.14
- Veterinary Clinic

Respectfully submitted,



Eric Falkjar
Chair

Attachments

- 1 – Staff report dated February 15, 2019
- 2 – Staff presentation



The City of Saint John

Date: February 15, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Wednesday, February 20, 2019**

SUBJECT

Applicant: Natasha Tobias

Owner: Roman Catholic Bishop of Saint John

Location: 348 Rockland Road and 21 Canon Street

PIDs: 00025791 and 55086128

Plan Designation: Stable Residential

Existing Zoning: Neighbourhood Community Facility (CFN)

Proposed Zoning: General Commercial (CG)

Application Type: Rezoning

Jurisdiction: The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, March 11, 2019**.

SUMMARY

The proposal is to rezone a combined 2,847 square metre area of land from Neighbourhood Community Facility (CFN) to General Commercial (CG). The rezoning would enable the repurposing of the former Holy Trinity Church into a banquet hall and events venue and the former rectory as a one unit dwelling. Approval is recommended on the basis that the proposal meets the intent of the Municipal Plan and Zoning By-law in terms of adaptive reuse and neighbourhood context.

RECOMMENDATION

1. That Common Council rezone parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street, also identified as PID Nos. 00025791 and 55086128 from Neighbourhood Community Facility (CFN) to General Commercial (CG).
2. That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c.19)* the following condition upon the development and use of the parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street also identified as PID Nos. 00025791 and 55086128, namely that use of the property be restricted to the following purposes identified in the General Commercial (CG) zone of the City's Zoning By-law:
 - Accommodation;
 - Artist or Craftsperson Studio;
 - Bakery;
 - Banquet Hall;
 - Business Office, subject to paragraph 11.7(3)(b);
 - Commercial Group;
 - Community Centre;
 - Community Policing Office;
 - Day Care Centre;
 - Dwelling Unit, subject to paragraph 11.7(3)(c);
 - Financial Service;
 - Funeral Service;
 - Garden Suite, subject to section 9.8;
 - Grocery Store;
 - Health and Fitness Facility;
 - Health Services Laboratory;
 - Home Occupation, subject to section 9.9;
 - Library;
 - Medical Clinic;

- Personal Service;
- Pet Grooming;
- Place of Worship;
- Restaurant;
- Retail, General;
- Secondary Suite, subject to section 9.13;
- Service and Repair, Household;
- Supportive Housing, subject to section 9.14
- Veterinary Clinic

DECISION HISTORY

None.

ANALYSIS

Proposal

On behalf of the property owner, the Roman Catholic Bishop of Saint John, Natasha Tobias is seeking to create a banquet hall and events venue, primarily for weddings. The main floor of the building would be repurposed as the banquet hall and the basement used for linens and storage. The former rectory is located to the west of the church on the same parcel (civic 348 Rockland Road) and would be repurposed for residential purposes. A residential use is permitted on the ground floor of a building within the General Commercial (CG) zone provided the property is within 30 metres of a residential zone. A second parcel further to the west (10 Canon Street) currently consists of vacant land and a single storey garage. Renovations are planned for the interior to create the banquet hall; however, no renovations are anticipated to the building envelope.

Site and Neighbourhood

The property is situated at the corner of Rockland Road and Canon Street in the city's North End. The subject property occupies the north side of Canon Street, opposite three multiple unit dwellings and a number of vacant lots. Canon Street terminates in a cul-de-sac. The property is bounded by a large nursing home, daycare, and hotel. Residential units to the west are buffered by rock outcrops and the vacant lot at 21 Canon Street. There is parking available on Rockland Road but the property does not have any off street parking. Dependent on the outcome of the proposal, the applicant is actively seeking a parking sharing agreement with neighbouring property owners.

Municipal Plan and Rezoning

The property is designated Stable Residential, which is identified on Schedule B of the City's Municipal Plan. Land uses within this designation contemplate a range of housing types, but also contemplate other compatible uses. The area is intended to evolve over time but reinforce

the predominant community character, with new development making a positive contribution to the neighbourhood.

Policy LU-88 provides criteria for redevelopment in areas designated Stable Residential through a rezoning process:

a. The proposed land use is desirable and contributes positively to the neighbourhood;	The proposal repurposes a vacant building to provide an additional venue for weddings and events and is expected to add to the vibrancy of the immediate area.
b. The proposal is compatible with surrounding land uses;	The proposal is compatible with its surroundings. It borders on a commercial corridor and is adjacent to community facilities, mid-rise residential uses, and a number of vacant lots. There will be no change to the visual character of the neighbourhood.
c. The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities and protective services can readily and adequately be provided;	The proposal is within an established service area and conveniently located off the highway. Although located on a transit route, it is expected that patrons will arrive by private vehicles and taxis.
d. Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated;	Expected changes to the site are anticipated to be focused on the interior space.
e. A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and	Not applicable.
f. The proposal is on a property identified as a Corridor on the City Structure map (Schedule A) or does not detract from the City's intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.	Not applicable.

The Municipal Plan, in addition to promoting conservation and adaptive re-use of existing buildings, specifically targets "Places of Worship" for adaptive re-use. Policy CF-30 states:

"Council shall encourage the adaptive re-use of vacant places of worship for appropriate uses."

The General Commercial (CG) Zone is intended for land inside the Primary Development Area that is designated Local Centre, Low to Medium Density Residential, Mixed Use Centre, or Stable Commercial. Given the neighbourhood context and balance of community facilities and commercial uses versus existing residential uses, the proposal is not unprecedented or out of character with the area. It is nearby a large hotel chain on a Commercial Corridor and across the street from a large nursing home and daycare.

Should the rezoning proceed, there would be no additional parking requirements. Section 4.2(1) of the Zoning By-law states that:

“nothing in the By-law shall require additional parking spaces if the proposed use requires the same or fewer parking spaces than the previous use.”

Nevertheless, should the applicant be successful they have indicated interest in formalizing an agreement with an adjacent neighbour for lot sharing during off hours. Furthermore, to provide compatibility of commercial uses, a section 59 conditions is recommended to ensure that incompatible uses in the General Commercial (CG) zone are not permitted on site.

Conclusion

The proposal represents an adaptive reuse of land for the purpose of establishing a banquet hall and events venue primarily for weddings. On the basis of the goals of the Municipal Plan and the proposal's compatibility with the surrounding neighbourhood, the rezoning can be supported.

ALTERNATIVES AND OTHER CONSIDERATIONS

Not applicable.

ENGAGEMENT

Public

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on February 8, 2019. The public hearing for the rezoning was advertised on the City website on February 12, 2019.

SIGNATURES AND CONTACT

Prepared:



Andrew Reid , MCIP, RPP
Planner

Reviewed:

Approved:



Mark Reade, P.Eng., MCIP, RPP
Senior Planner



Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Andrew Reid
Phone: (506) 658-4447
E-mail: andy.reid@saintjohn.ca
Project: 19-02

APPENDIX

Map 1: **Site Location**

Map 2: **Municipal Plan**

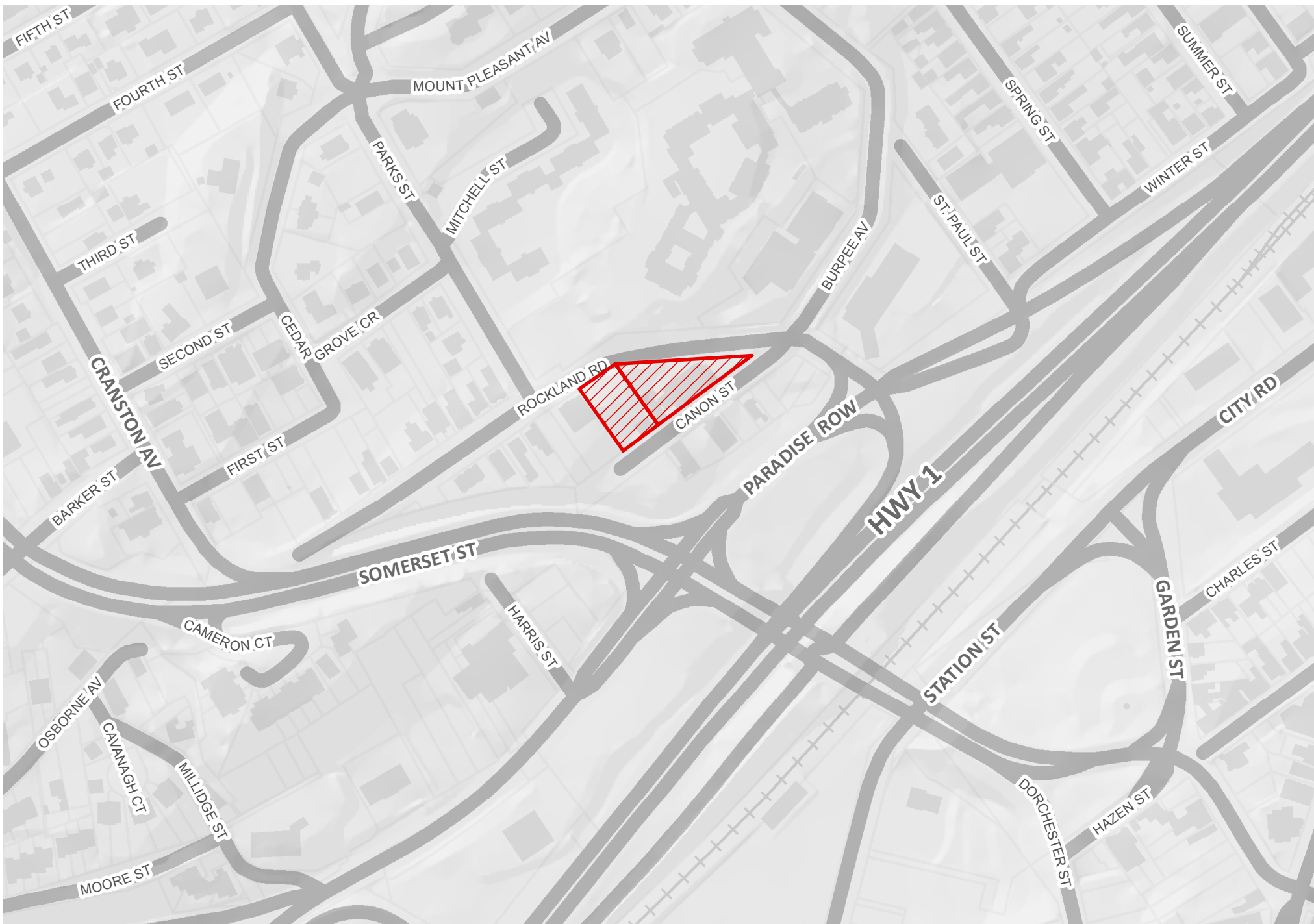
Map 3: **Zoning**

Map 4: **Aerial Photography**

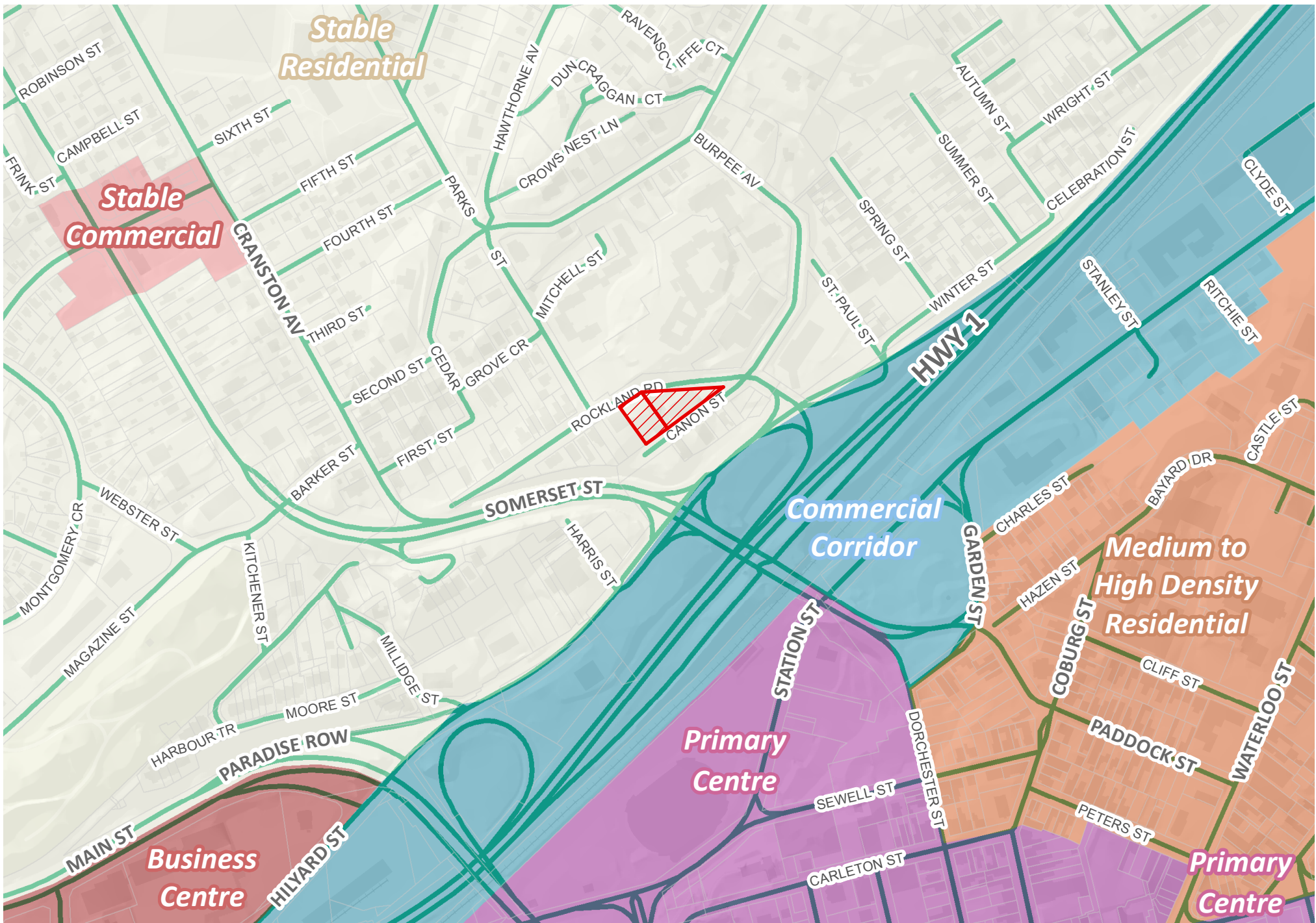
Map 5: **Site Photography**

Submission 1: **Floor Plans**

Submission 3: **Rendering of Banquet Hall**

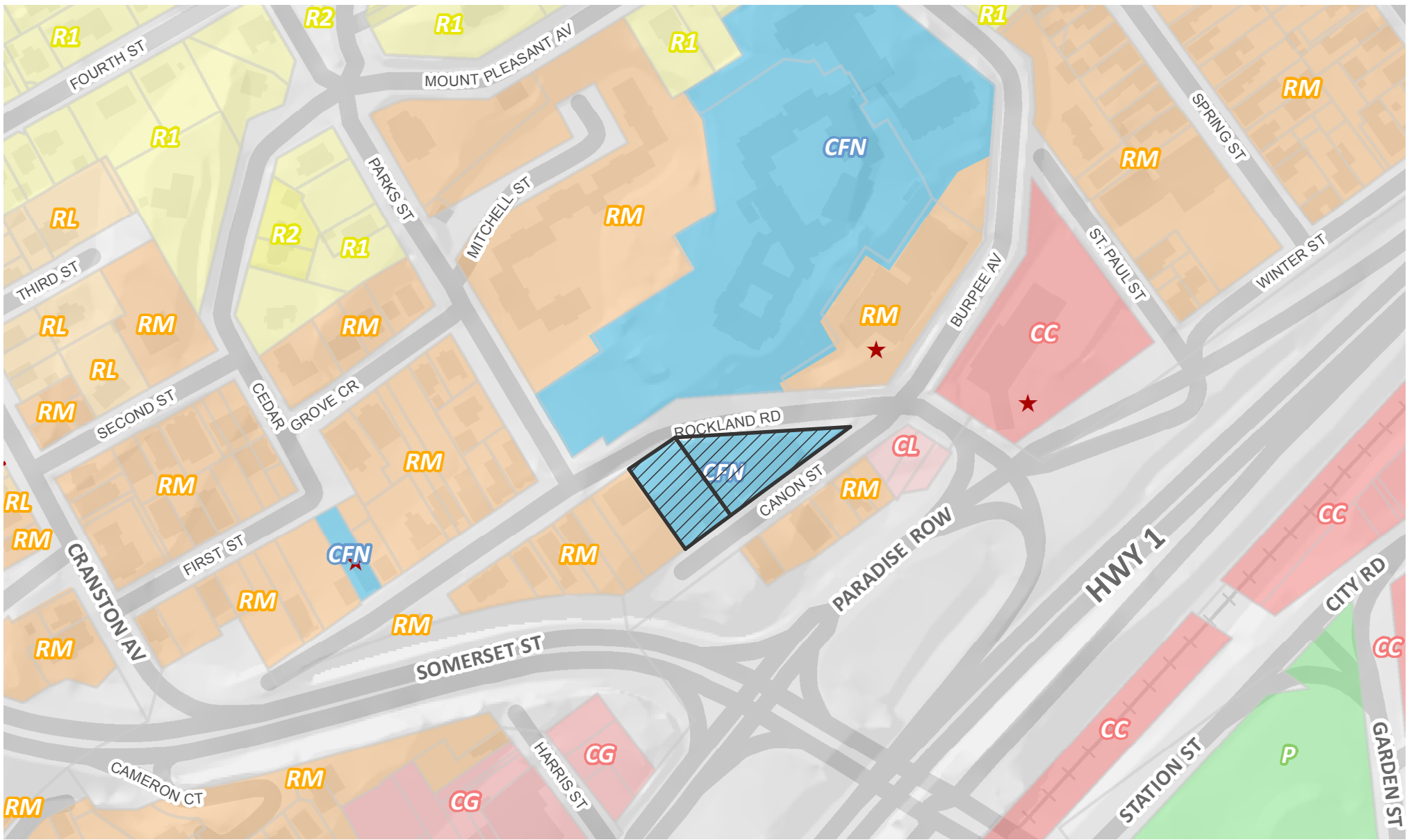


Map 1 - Site Location
Natasha Tobias - 348 Rockland Road



Map 2 - Future Land Use
 Natasha Tobias - 348 Rockland Road





- | | |
|--|---------------------------|
| (CC) Corridor Commercial | (R1) One-Unit Residential |
| (CFN) Neighbourhood Community Facility | (R2) Two-Unit Residential |
| (CG) General Commercial | (RL) Low-Rise Residential |
| (CL) Local Commercial | (RM) Mid-Rise Residential |
| (P) Park | |

★ Section 39 Conditions

Map 3 - Zoning

Natasha Tobias - 348 Rockland Road





Map 4 - Aerial Photography

Natasha Tobias - 348 Rockland Road





Rockland Road facing east



Rockland Road facing west



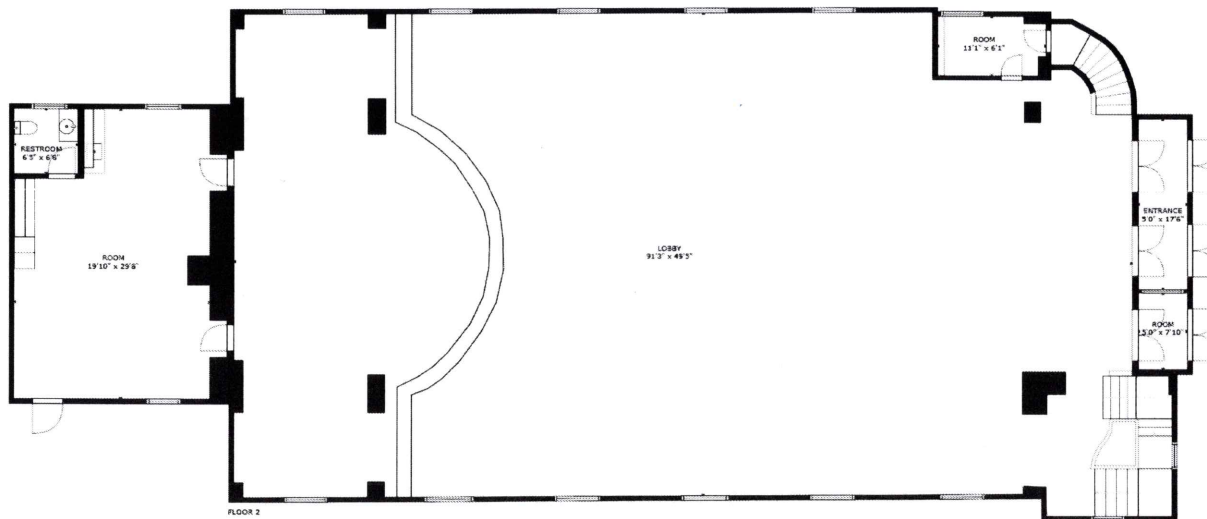
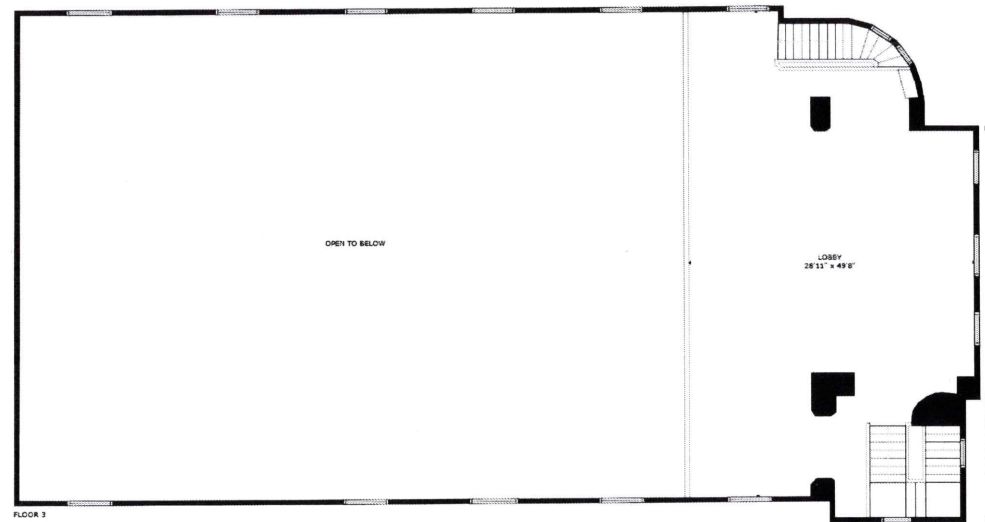
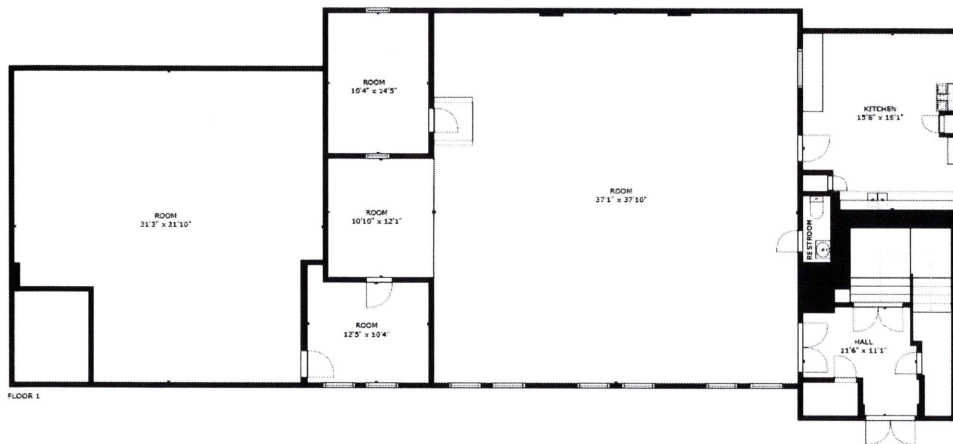
Rockland Road and Canon Street facing west



Canon Street



Canon Street facing east



GROSS INTERNAL AREA
 FLOOR 1: 3440 sq ft, FLOOR 2: 5362 sq ft
 FLOOR 3: 1359 sq ft
 TOTAL: 10160 sq ft

SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.



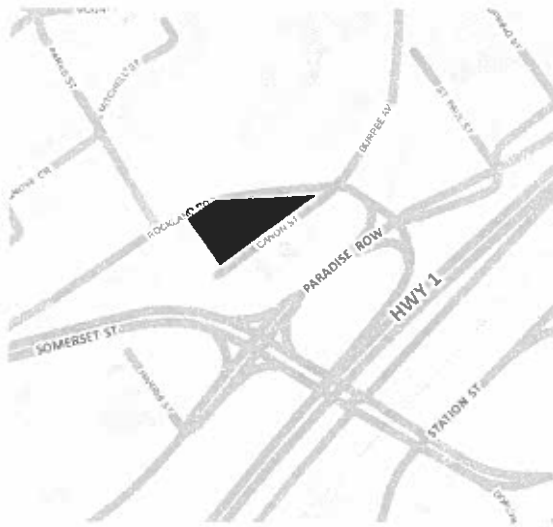


**PROPOSED ZONING BY-LAW
AMENDMENT**

**RE: 348 ROCKLAND ROAD AND 21 CANON
STREET**

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room, City Hall, on **Monday, March 11, 2019 at 6:30 p.m.**, by:

Rezoning parcels of land having an area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street, also identified as PID Nos. 00025791 and 55086128, from **Neighbourhood Community Facility (CFN)** to **General Commercial (CG)**, as illustrated below.



REASON FOR CHANGE:

To permit the operation of a banquet hall and event venue.

**PROJET DE MODIFICATION DE
L'ARRÊTÉ DE ZONAGE**

**OBJET: 348, CHEMIN ROCKLAND ET 21,
RUE CANON**

Par les présentes, un avis public est donné par lequel le conseil communal de The City of Saint John indique son intention d'étudier la modification suivante à l'Arrêté de zonage de The City of Saint John, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow, à l'hôtel de ville, le **lundi, 11 mars 2019 à 18 h 30** :

Rezonage les parcelles de terrain d'une superficie d'environ 2847 mètres carrés, située au 348, chemin Rockland et 10, rue Canon, et portant le NID 00025791 et 55086128, de **zone d'installations communautaires (CFN)** à **zone commerciale générale (CG)** comme le montre la carte ci dessous.



RAISON DE LA MODIFICATION:

Permettre l'utilisation d'une salle de banquet et d'un lieu de l'événement.

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

Written objections to the amendment may be sent to the undersigned at City Hall.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Jonathan Taylor, Common Clerk
658-2862

Toute personne intéressée peut examiner le projet de modification au bureau du greffier communal ou au bureau du service de la croissance et du développement communautaire à l'hôtel de ville situé au 15, Market Square, à Saint John, au Nouveau-Brunswick., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.

Veuillez faire part de vos objections au projet de modification par écrit à l'attention du soussigné à l'hôtel de ville.

Si vous avez besoin des services en français pour une réunion de Conseil Communal, veuillez contacter le bureau du greffier communal.

Jonathan Taylor, Greffier communal
658-2862

LOCATION	CIVIC ADDRESS:	310 Rockland Road		PID #:	31625	
STAFF USE	HERITAGE AREA:	Y / N	INTENSIFICATION AREA:	Y / N	FLOOD RISK AREA:	Y / N
	APPROVED GRADING PLAN:	Y / N				
	APPLICATION #:	19-0002		DATE RECEIVED:	Jan 4, 2019	
				RECEIVED BY:	Aimee + Andrew R.	
APPLICANT INFORMATION	APPLICANT	NADASHA TORRES		EMAIL	INFO@NADASHAWEBDESIGNANDPRINTS.COM	
				PHONE	506-651-3903	
	MAILING ADDRESS	42 LEVISTONE STREET ST. JOHN NB		POSTAL CODE	E2L 1J1	
	CONTRACTOR			EMAIL		
				PHONE		
	MAILING ADDRESS	SAME AS ABOVE		POSTAL CODE		
	OWNER	S		EMAIL		
	MAILING ADDRESS			POSTAL CODE		
CHECK ALL THAT APPLY	PRESENT USE:		PROPOSED USE:			
	BUILDING		PLANNING		INFRASTRUCTURE	
	<input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> DECK <input checked="" type="checkbox"/> CHANGE OF USE <input type="checkbox"/> MINIMUM STANDARDS		<input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> POOL <input type="checkbox"/> DEMOLITION <input type="checkbox"/> SIGN <input type="checkbox"/> OTHER		<input type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> PAC APPLICATION <input checked="" type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER	
	<input type="checkbox"/> STREET EXCAVATION <input type="checkbox"/> DRIVEWAY CULVERT <input type="checkbox"/> DRAINAGE <input type="checkbox"/> WATER & SEWERAGE <input type="checkbox"/> OTHER		<input type="checkbox"/> HERITAGE DEVELOPMENT <input type="checkbox"/> HERITAGE SIGN <input type="checkbox"/> HERITAGE INFILL <input type="checkbox"/> HERITAGE DEMO <input type="checkbox"/> OTHER			
	- Main Floor Banquet Hall - Basement Storage - Ducting Unit					

☒ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

General Collection Statement

This information is being collected in order for the City of Saint John to deliver an existing program / service; the collection is limited to that which is necessary to deliver the program / service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer.

City Hall Building
 8th Floor - 15 Market Square
 Saint John, NB E2L 1E8
common.levistone@saintjohn.ca
 (506) 638-2862



I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

"By submitting a complete permit application, the applicant grants permission to City inspectors to enter the land, building or premises at all reasonable times for the purposes of conducting inspection(s) associated with the permit."

[Signature]
 Applicant Signature

Date

Council Application

GROWTH & COMMUNITY DEVELOPMENT SERVICES
CITY OF SAINT JOHN

CIVIC ADDRESS		APPLICATION #		FEE PAID	Y	N
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TYPE OF APPLICATION

☐

Land for Public Purposes
Release

Service Fee: \$300

☐

Non-Conforming Use

Service Fee: \$200

☐

Satisfactory Servicing

Service Fee: \$200

☐

Section 39 Amendment

Service Fee: \$2,500

☒

Zoning By-law Amendment

Service Fee: \$2,500

☐

Zoning By-law Amendment with
a Municipal Plan Amendment

Service Fee: \$3,500

DETAILED DESCRIPTION OF APPLICATION

Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2811 for further information.

*Please see attached -
Rezoning from CFN to CQ.*

ENCUMBRANCES

Describe any easements, restrictive covenants, and other encumbrances affecting the land.

AUTHORIZATION

As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.

[Signature]

Registered Owner or Authorized Agent

Additional Registered Owner

Date

Date

The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.

CIVIC ADDRESS		APPLICATION #		FEE PAID	Y	N
----------------------	--	----------------------	--	-----------------	----------	----------

TYPE OF APPLICATION		
<input type="checkbox"/> Land for Public Purposes Release Service Fee: \$300	<input type="checkbox"/> Non-Conforming Use Service Fee: \$200	<input type="checkbox"/> Satisfactory Servicing Service Fee: \$200
<input type="checkbox"/> Section 39 Amendment Service Fee: \$2,500	<input checked="" type="checkbox"/> Zoning By-law Amendment Service Fee: \$2,500	<input type="checkbox"/> Zoning By-law Amendment with a Municipal Plan Amendment Service Fee: \$3,500

DETAILED DESCRIPTION OF APPLICATION
Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.
<i>Please see attached.</i>
<i>Rezoning from (CFN) to (CG) General Commercial.</i>

ENCUMBRANCES
Describe any easements, restrictive covenants, and other encumbrances affecting the land.
<i>NONE</i>

AUTHORIZATION
As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.
<div> <div> <i>*</i> _____ Registered Owner or Authorized Agent </div> <div> _____ Additional Registered Owner </div> </div> <div> <div> _____ Date </div> <div> _____ Date </div> </div>
The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.

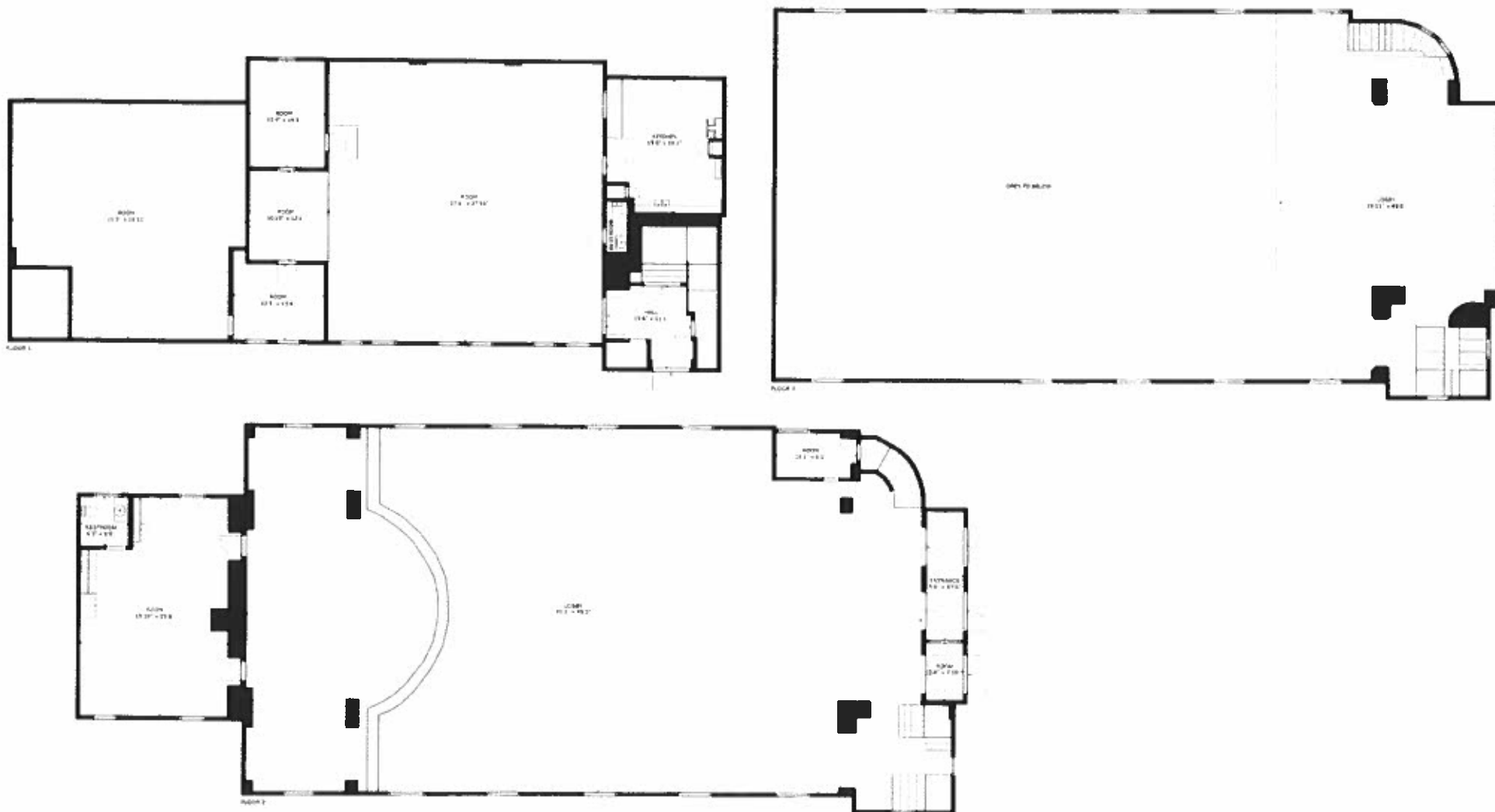
Hello again, We are looking to purchase The Holy Trinity Church located at 370 Rockland Road, Saint John NB. We recently, just this year, purchased The Cornerstone Baptist Church located at 42 Leinster Street in Saint John and have renovated it into a wedding and events venue and we are beyond successful with so many bookings all through the year. As of right now we have The Cornerstone booked out every Saturday from June until the end of October in 2019 for weddings and also some Friday nights and Sundays as well are booked for weddings. We also have many corporate events booked throughout the rest of the year on weekends and also during the week. On top of weddings and corporate events we also have art shows, music concerts and even comedy shows booked here as well. Way more than we could have ever imagined this place to turn out to be. We are so thrilled.

So, we now are in need of more space. We have been looking at different properties in our area for storage for some time now. We are presently paying for storage units to store our tables, chairs and décor as there is not enough room at The Cornerstone. We also need a place to maintain the thousands of linens we have. We came across the Holy Trinity Church. It not only can be another amazing venue for us to have and renovate to hold all of our weddings and events, but it also has a full finished basement to store our tables, chairs and linens. It is perfect for us and would be an amazing asset to our business. Since owning the Cornerstone, we have had to refuse clients for dates that they were requesting as we already have the venue

booked. We now could offer them our second location. Cornerstone 2.0! On top of the beautiful church that we would use for our venue and the full finished basement for storage and laundry, this new location come with a small home! The old rectory! This would be amazing for us to live there. Right now, we are living in the old kid's school room on the second floor of The Cornerstone with paintings of Jonah and the whale and Noah's ark all over the place. We would love a place to call home. The rectory has beautiful hardwood floor and lots of bedrooms and washrooms and even a kitchen and laundry facilities for our own personal use.

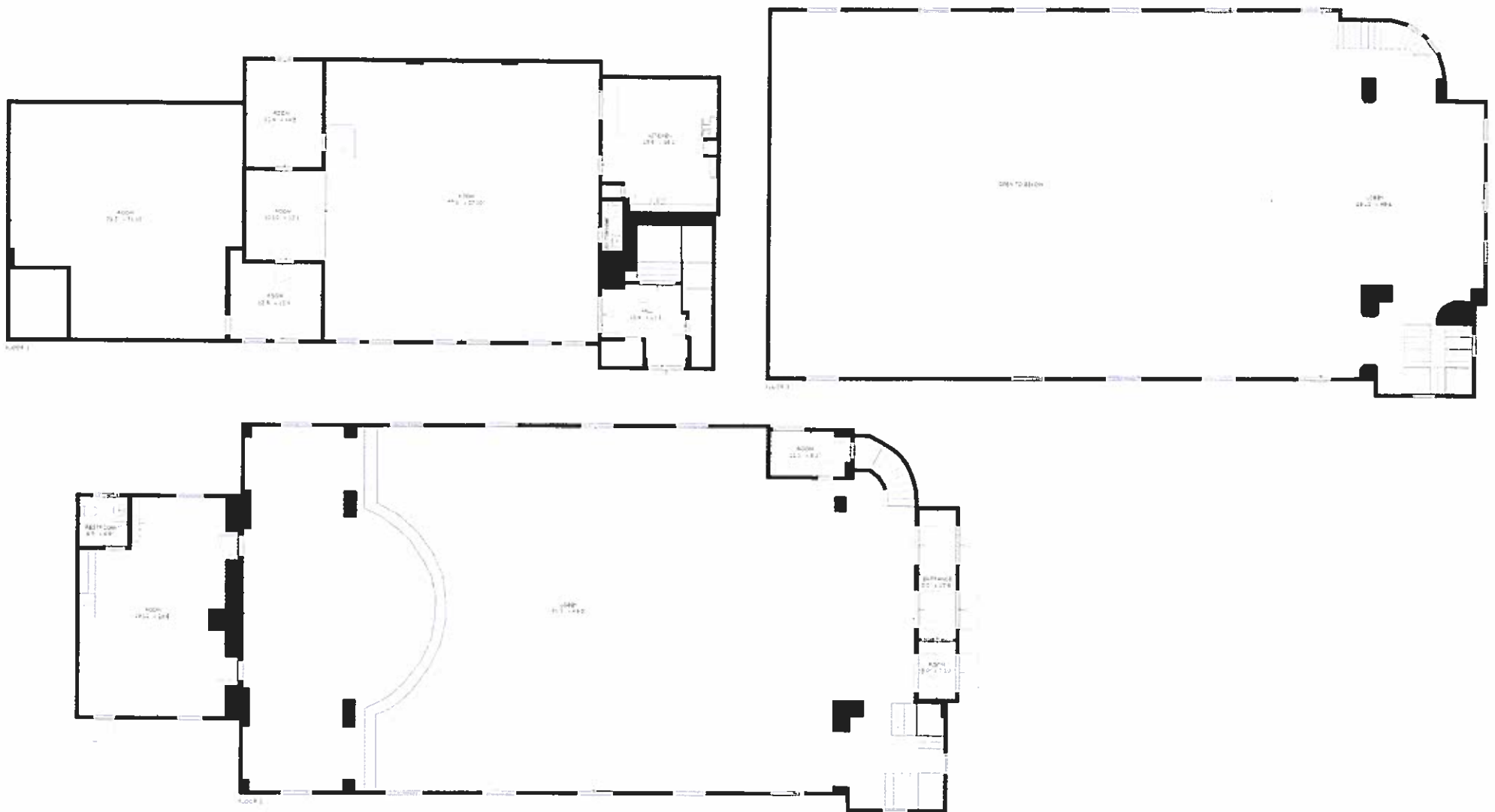
I have a rendering design being done and have told just a handful of people and so far I have 8 brides who would like to rent out our new space and are wanting to give me a down payment to save their date for them. I know once the rendering is complete and I put this on Social media it will explode, and we will be overwhelmed with pre-bookings just like we did with the Cornerstone.

Thank you for taking the time to review my application and look forward to working with all of you to hopefully make this happen for me.



GROSS INTERNAL AREA
 FLOOR 1: 3440 sq ft, FLOOR 2: 5362 sq ft
 FLOOR 3: 1359 sq ft
 TOTAL: 10160 sq ft

MEASURED BY: [REDACTED] DATE: [REDACTED] PROJECT: [REDACTED]



GROSS INTERNAL AREA
 FLOOR 1: 3440 sq ft, FLOOR 2: 5362 sq ft
 FLOOR 3: 1359 sq ft
 TOTAL: 10160 sq ft

DETAILED DIMENSIONS AND SPECIFICATIONS TO BE PROVIDED BY THE CLIENT





**BY-LAW NUMBER C.P. 111-
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1 Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning two parcels of land having a combined area of approximately 2,847 square metres, located at 348 Rockland Road and 21 Canon Street, also identified as PID Nos. 00025791 and 55086128 from from Neighbourhood Community Facility (CFN) to General Commercial (CG)

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

Mayor/Maire

Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

**ARRÊTÉ N° C.P. 111-
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE
ZONAGE DE THE CITY OF SAINT
JOHN**

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1 La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 2 847 mètres carré, située a 348, chemin Rockland et 21 rue Canon et portant le NIDs 00025791 and 55086128, de zone d'installations communautaires (CFN) à zone commerciale générale (CG)

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le * 2019, avec les signatures suivantes :

Première lecture -
Deuxième lecture -
Troisième lecture -



185 Golden Grove Road

Public Hearing Presentation to Common Council

2019 March 11



Growth & Community Planning Team
Growth & Community Development Services



Proposal

- Amend Municipal Plan Designations
 - Schedule A – City Structure
 - Schedule B – Generalized Future Land Use
- Rezone site
- Rescind Section 59 and 131 Conditions
- Permit a vehicle body and paint shop



Site Location

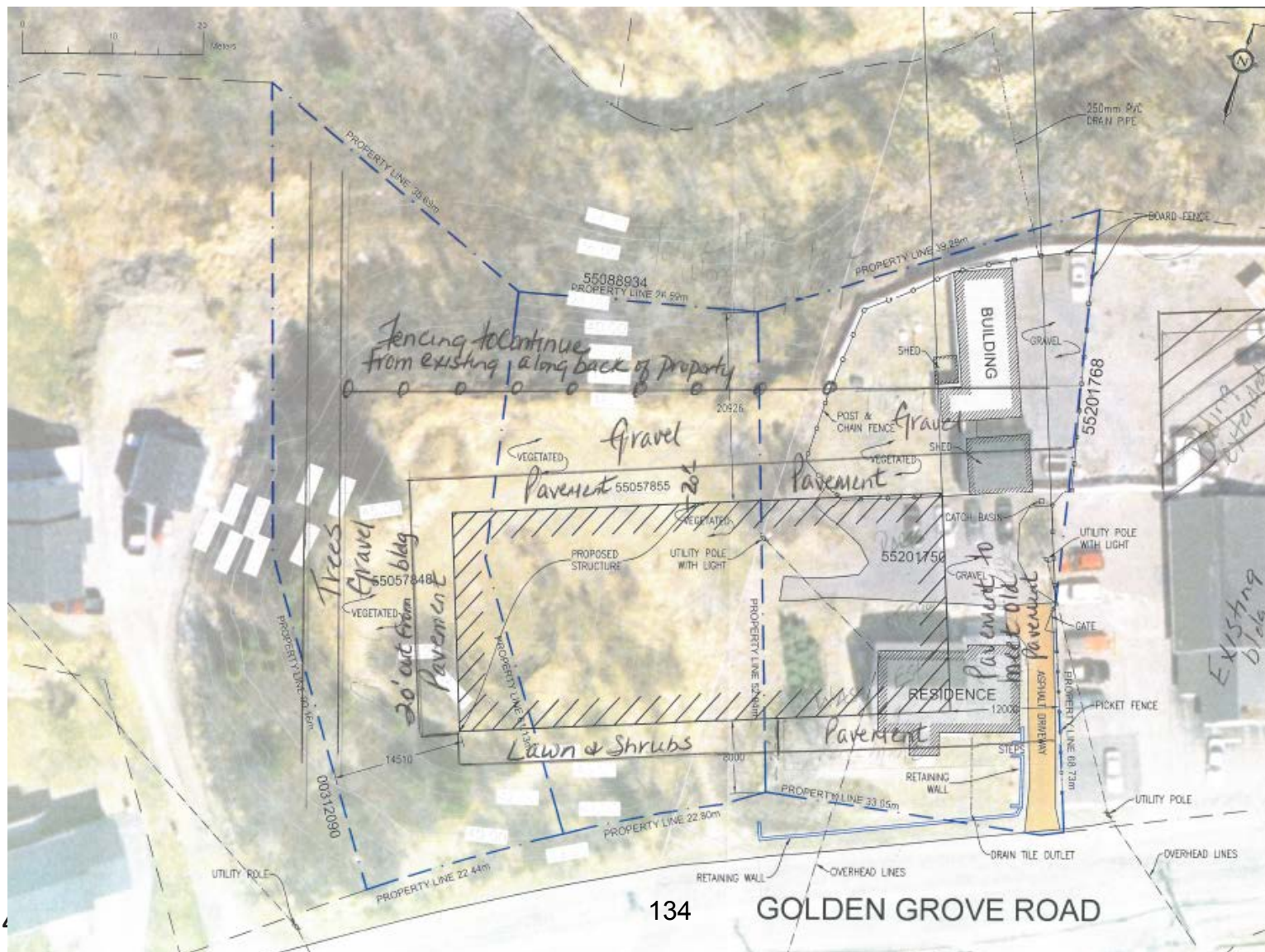


133

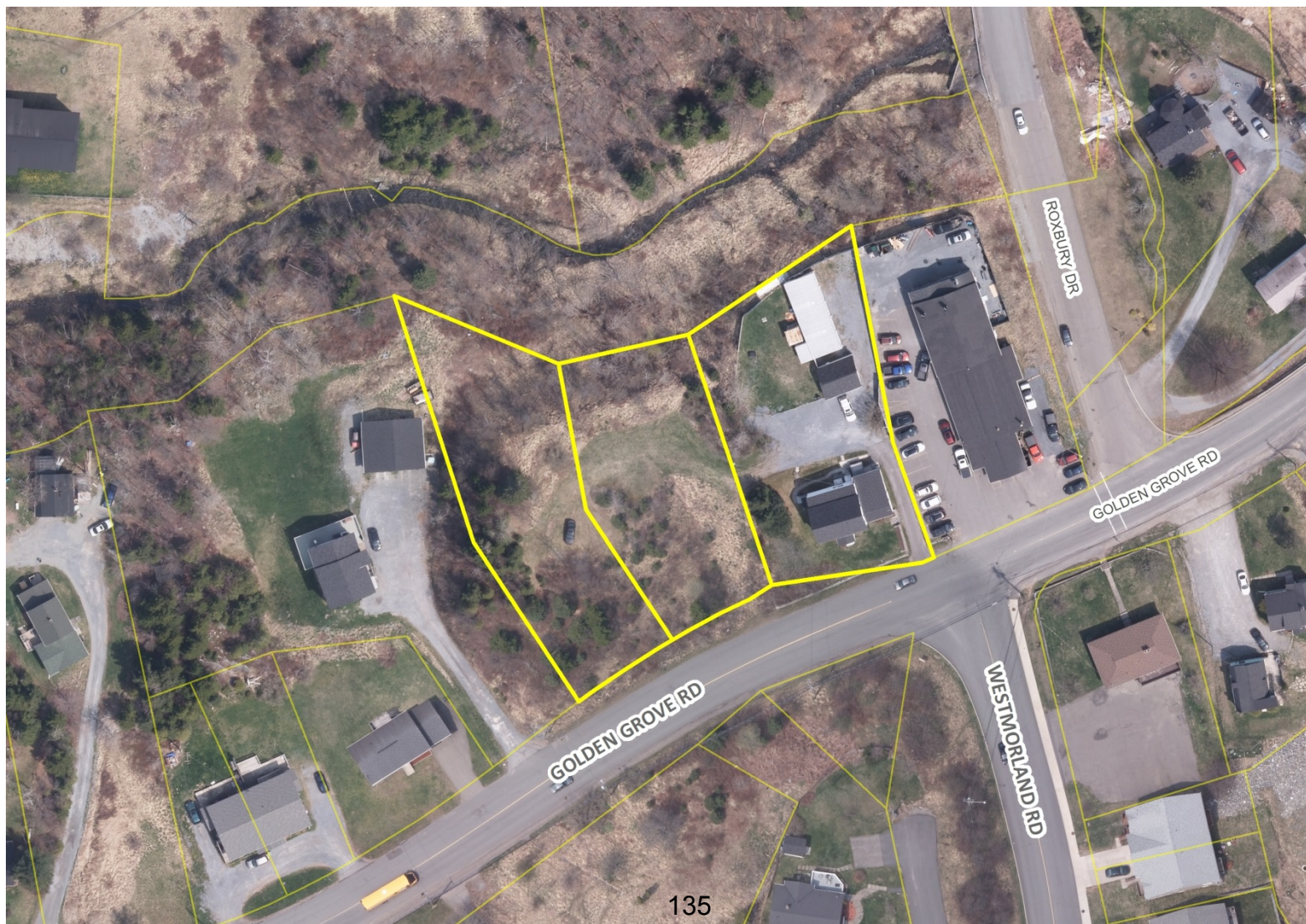


SAINT JOHN

Site Plan



Site Aerial



Site Photos



Site Photos



Site Photos



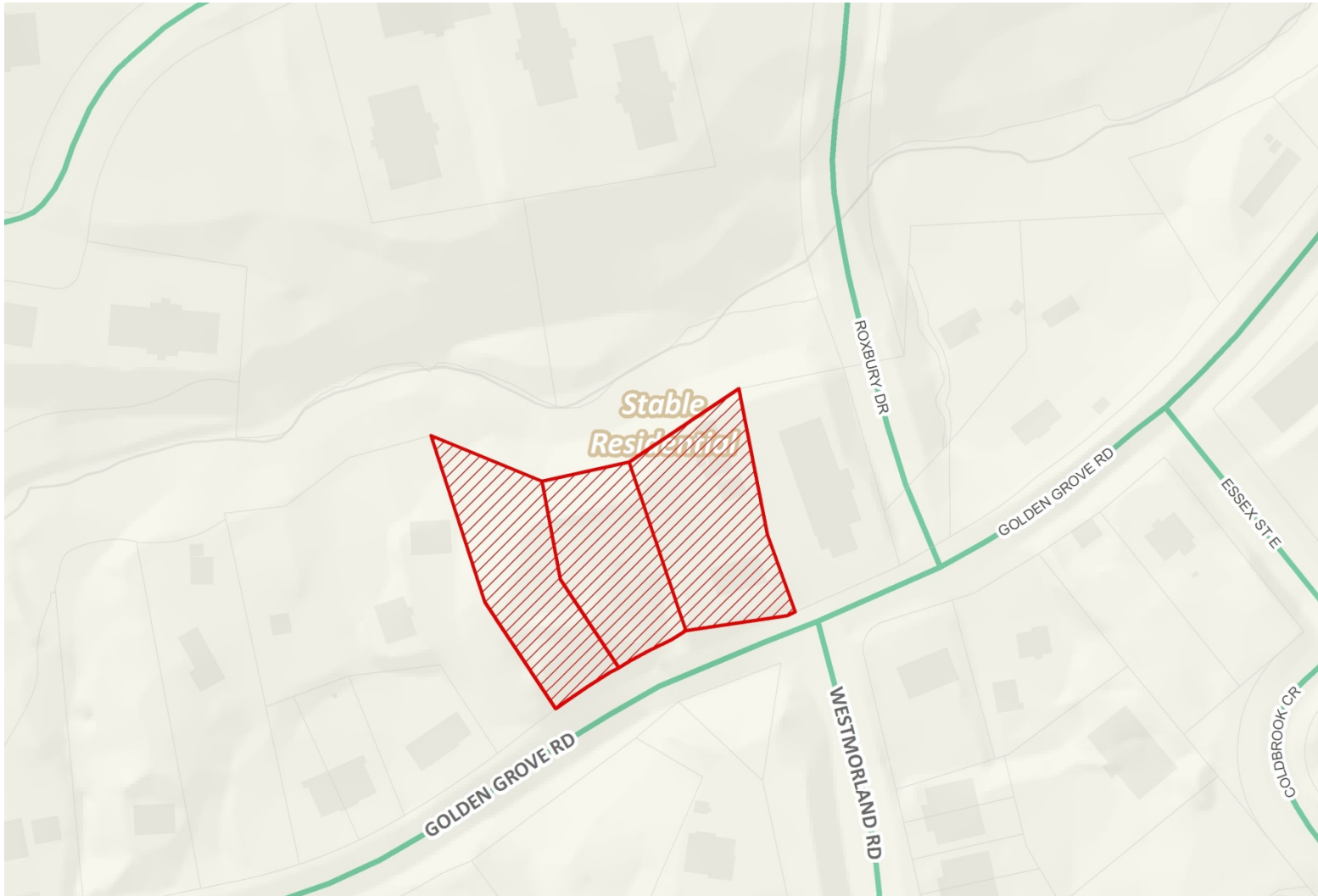
Site Photos



Site Photos

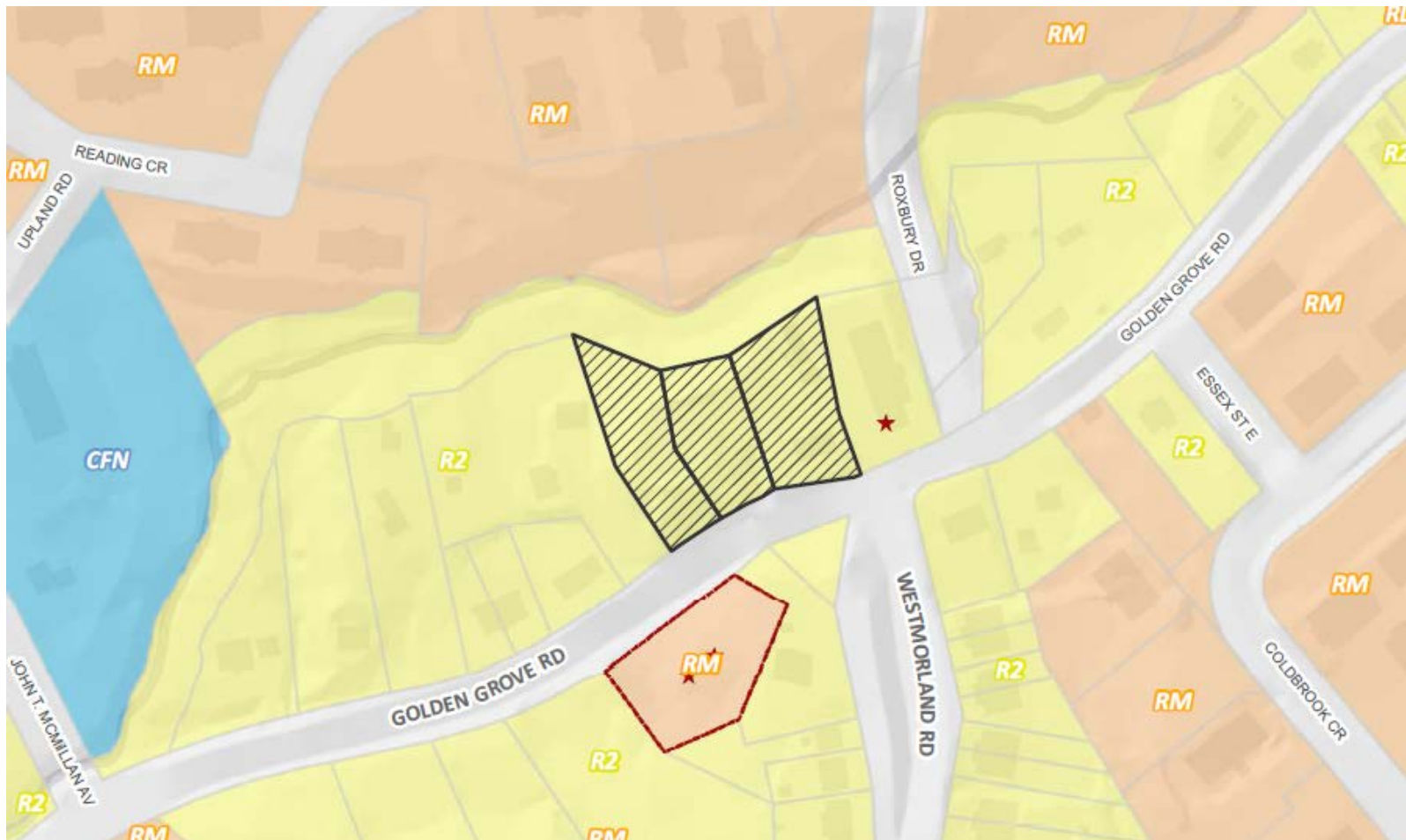


Future Land Use



- Meets intent of Policy LU-4 and LU-70
 - Expansion of existing use
 - Use permitted in select locations
 - Limit scope of commercial uses
 - Conditions related to site and building design
 - Serviced site on collector road

Zoning



- Special Zone
 - Based on Corridor Commercial Zone
 - Range of Commercial Uses
- Rescind existing Section 59 conditions
 - Signage, Outdoor Storage
- Discharge Section 101 (131) agreement
- Section 59 Conditions
 - Landscaping Plan
 - Building Plans
 - Access

Staff Recommendation

- Outlined on Pages 2 through 5 of Staff Report to PAC
- Municipal Plan
 - Schedule A - redesignate from Stable Area to Employment Area
 - Schedule B - redesignate from Stable Residential to Stable Commercial
- Zoning
 - Amend Zoning By-law to Adopt Special Zone 4
 - Rezone Site to Special Zone 4



Staff Recommendation

- Section 59 Conditions
 - Rescind conditions imposed PID No. 55201750 in 1976 and amended in 1979 and 1984
 - Impose conditions on rezoned site requiring detailed landscaping, building elevation and site access plans for City approval
- Section 131 (formerly 101) Agreement
 - Discharge March 19, 1997 agreement respecting PID No. 55201750

Public Engagement

- Website advertisement – December 21, 2018
- Letter to area landowners - January 4, 2019
- No letters received
- Applicant attended PAC Meeting – agreement with Staff Recommendation
- No other appearances at PAC meeting



PAC Recommendation

- PAC adopted an amended Staff recommendation – outlined in letter from PAC Chair
- Reduced scope of permitted uses in proposed Special Zone 4
- Recommended elimination of the following permitted uses from the proposed zone:
 - car wash,
 - light equipment sales and rental,
 - large recreational vehicle sales and service,
 - recycling bins,
 - redemption centre,
 - vehicle rental, and
 - vehicle sales and leasing



PLANNING ADVISORY COMMITTEE



The City of Saint John

February 22, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Municipal Plan Amendment, Rezoning and Section 59/131
Amendment
179-185 Golden Grove Road**

On January 28, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its February 20, 2019 meeting.

Mr. Scott Trites and Ms. Jocelyn Adams, the applicants appeared before the Committee and indicated they were in agreement with the staff recommendation. The applicants noted they have operated the existing vehicle body and paint facility adjacent to the site since 2009 and currently employ 13 staff and the expansion, if approved, will result in the hiring of 10 to 15 additional staff.

Committee members questioned the range of permitted land uses in the proposed Special Zone 4, with the applicants noting they were just requesting a vehicle body and paint shop. Staff responded that current practice is to provide for a range of appropriate land uses, based on the surrounding community context and appropriate zoning. This provides for a range of appropriate land uses allowing for the reuse of the site in the future, without the need for additional planning approvals.

The applicants noted that some vehicles were temporarily being stored off site and that the larger facility, if approved, would provide more on-site parking for vehicles undergoing work at the facility at the rear of the new building.

Committee members discussed the permitted uses within the proposed Special Zone, noting they did not have an issue with the proposed new vehicle body and paint shop given the existing shop adjacent to the site. The Committee proposed

a revision to the list of permitted uses in Special Zone 4 with the elimination of the following uses: car wash, light equipment sales and rental, large recreational vehicle sales and service, recycling bins, redemption centre, vehicle rental and vehicle sales and leasing.

No other persons appeared before the Committee regarding the application and no letters were received regarding the application.

After considering the report and the comments made by the applicant, the Committee adopted an amended the staff recommendation regarding the application with the amendment being the elimination of some of the permitted uses in the proposed Special Zone 4.

RECOMMENDATION:

1. That Common Council redesignate, on Schedule A of the Municipal Development Plan, parcels of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from Stable Area to Employment Area.
2. That Common Council redesignate, on Schedule B of the Municipal Development Plan, parcels of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from Stable Residential to Stable Commercial.
3. That Common Council amend The City of Saint John Zoning By-law by:
 - a. Adding the following to the list of Other zones in Section 2.2:
"Special Zone No. 4 SZ-4"
 - b. Adding the following as Section 14.9:
"14.9 Special Zone No. 4 (SZ-4)

14.9(1) Permitted Uses
Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory or secondary use, subject to paragraph 14.9(2)(a):
 - Accommodation;
 - Auction House;
 - Bakery;

- Banquet Hall;
- Business Office, subject to paragraph 14.9(2)(b);
- Business Support Service;
- Catering Service;
- Commercial Entertainment;
- Commercial Group;
- Communication Facility;
- Contractor Services, Household;
- Day Care Centre;
- Emergency Services Facility;
- Financial Service;
- Fleet Service;
- Funeral Service;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Recreational Vehicle Sales and Service, Small;
- Restaurant;
- Retail General;
- Sales Centre, Model Home;
- Self-Storage Facility;
- Service and Repair, Household;
- Technical or Vocational School;
- Transit Terminal;
- Vehicle Body and Paint Shop;
- Veterinary Clinic.

14.9(2) Conditions of Use

- (a) Outdoor Storage as an accessory or secondary use to a main use permitted in subsection 14.9(1) shall be subject to the following:
 - (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and

- including any gate constructed in the same manner and height as the enclosure;
- (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and
 - (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.
- (b) A Business Office permitted in subsection 14.9(1) shall not exceed 3,000 square metres in gross floor area.

14.9(3) Zone Standards

Standards for development in Special Zone 4 shall be as set out in subsection 11.5(4), and Parts 4 to 9 where this zone shall be considered a Corridor Commercial (CC) zone.

4. That Common Council rezone parcels of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from Two-Unit Residential (R2) to Special Zone 4 (SZ-4).
5. That Common Council rescind the Section 39 conditions imposed on the November 8, 1976 rezoning of the property and located at 185 Golden Grove Road, also identified as PID No. 55201750, and modified February 15, 1979 and June 11, 1984.
- 6.. That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following conditions upon the development and use of the parcels of land having a combined area of approximately 0.55 hectares, located at located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750:
 - a) All areas of the site not occupied by buildings, driveways, walkways, parking, storage or loading areas must be landscaped by the developer, in accordance with a detailed landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. This landscaping plan is to be prepared by the developer or their consultant and submitted for approval with the Building Permit application.

- b) The building elevations be submitted to the Development Officer for review and approval prior to issuance of a Building Permit.
 - c) A plan showing access to the site and adjacent facility must be prepared by the developer and submitted to Infrastructure Development and the Development Officer for approval prior to issuance of a Building Permit.
7. That Common Council discharge all covenants and conditions of the agreement, made pursuant to the provisions of Section 101 of the Community Planning Act in effect at that time between Douglas and Gloria Mitton as developer, and the City of Saint John, dated March 19, 1997 respecting the property located at 185 Golden Grove Road, also identified as PID No. 55201750.

Respectfully submitted,



Eric Falkjar
Chair

Attachments



The City of Saint John

Date: February 15, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Wednesday, February 20, 2019**

SUBJECT

Applicant: Scott's Auto Body & Collision Ltd.

Owner: Douglas E. and Gloria M. Mitton

Location: 179-185 Golden Grove Road

PID: 55201750, 55057855 and 55087848

Existing Plan Designation: Stable Residential

Proposed Plan Designation: Stable Commercial

Existing Zoning: Two-Unit Residential (R2)

Proposed Zoning: Special Zone 4 (SZ-4)

Application Type: Municipal Plan Amendment and Rezoning, Section 59
Amendment and discharge of the conditions of an existing
Section 131 Agreement

Jurisdiction: The *Community Planning Act* authorizes the Planning
Advisory Committee to give its views to Common Council
concerning proposed amendments to the Municipal
Development Plan and Zoning By-law and proposed
amendments to Section 59 conditions. The Committee

recommendation will be considered by Common Council at a public hearing on **Monday, March 11, 2019**.

SUMMARY

The applicant has applied to amend the Municipal Plan Designation of the site and rezone the site to allow for the construction of a vehicle body and paint shop to be used in conjunction with an existing facility located to the east of the subject site.

Approval of the application is recommended with Section 59 conditions relating to access, landscaping and Development Officer approval of the proposed building elevations.

RECOMMENDATION

1. That Common Council redesignate, on Schedule A of the Municipal Development Plan, parcels of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from Stable Area to Employment Area.
2. That Common Council redesignate, on Schedule B of the Municipal Development Plan, parcels of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from Stable Residential to Stable Commercial.
3. That Common Council amend The City of Saint John Zoning By-law by:

- a. Adding the following to the list of Other zones in Section 2.2:
"Special Zone No. 4 SZ-4"
- b. Adding the following as Section 14.9:

"14.9 Special Zone No. 4 (SZ-4)

14.9(1) Permitted Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory or secondary use, subject to paragraph 14.9(2)(a):

- Accommodation;
- Auction House;
- Bakery;
- Banquet Hall;
- Business Office, subject to paragraph 14.9(2)(b);

- Business Support Service;
- Car Wash;
- Catering Service;
- Commercial Entertainment;
- Commercial Group;
- Communication Facility;
- Contractor Services, Household;
- Day Care Centre;
- Emergency Services Facility;
- Equipment Sales and Rental, Light;
- Financial Service;
- Fleet Service;
- Funeral Service;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Recreational Vehicle Sales and Service, Large;
- Recreational Vehicle Sales and Service, Small;
- Recycling Bins;
- Redemption Centre, subject to paragraph 14.9(2)(c);
- Restaurant;
- Retail General;
- Sales Centre, Model Home;
- Self-Storage Facility;
- Service and Repair, Household;
- Technical or Vocational School;
- Transit Terminal;
- Vehicle Body and Paint Shop;
- Vehicle Rental;
- Vehicle Sales and Leasing;
- Veterinary Clinic.

14.9(2) Conditions of Use

(a) Outdoor Storage as an accessory or secondary use to a main use permitted in subsection 14.9(1) shall be subject to the following:

- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;

- (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
- (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and
- (iv) When the yard is developed within 15 metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.

(b) A Business Office permitted in subsection 14.9(1) shall not exceed 3,000 square metres in gross floor area.

(c) A Redemption Centre permitted in subsection 14.9(1) shall be wholly contained within a building and not have any outdoor storage.

14.9(3) Zone Standards

Standards for development in Special Zone 4 shall be as set out in subsection 11.5(4), and Parts 4 to 9 where this zone shall be considered a Corridor Commercial (CC) zone.

- 4. That Common Council rezone parcels of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from Two-Unit Residential (R2) to Special Zone 4 (SZ-4).
- 5. That Common Council rescind the Section 39 conditions imposed on the November 8, 1976 rezoning of the property and located at 185 Golden Grove Road, also identified as PID No. 55201750, and modified February 15, 1979 and June 11, 1984.
- 6.. That Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19) the following conditions upon the development and use of the parcels of land having a combined area of approximately 0.55 hectares, located at located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750:
 - a) All areas of the site not occupied by buildings, driveways, walkways, parking, storage or loading areas must be landscaped by the developer, in accordance with a detailed landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. This landscaping plan is to be prepared by the developer or their consultant and submitted for approval with the Building Permit application.

- b) The building elevations be submitted to the Development Officer for review and approval prior to issuance of a Building Permit.
 - c) A plan showing access to the site and adjacent facility must be prepared by the developer and submitted to Infrastructure Development and the Development Officer for approval prior to issuance of a Building Permit.
7. That Common Council discharge all covenants and conditions of the agreement, made pursuant to the provisions of Section 101 of the Community Planning Act in effect at that time between Douglas and Gloria Mitton as developer, and the City of Saint John, dated March 19, 1997 respecting the property located at 185 Golden Grove Road, also identified as PID No. 55201750.

DECISION HISTORY

On November 8 1976, Common Council amended the Municipal Plan and rezoned the entire property at 185-187 Golden Grove Road (PIDs 55201750 and 55201768) from "RS-2" One and Two Family Suburban Residential to "I-1" Light Industrial to permit the operation of a vehicle body and paint shop. The rezoning was subject to Section 39 conditions relating to the operation of the shop and the development of the site. Common Council approved a Section 39 amendment to permit an expansion of the vehicle body and paint shop on February 18, 1979.

In January of 1981, Common Council amended the Municipal Plan designation and zoning for the property at 185 Golden Grove Road (PID 55201750) from Light Industrial back to Low Density Residential and from "I-1" Light Industrial to "RS-2" One and Two Family Suburban Residential in order to permit an addition to the existing dwelling at 185 Golden Grove Road. From a review of the file and associated Council Resolution, it appears the Section 39 conditions imposed in 1976 were never rescinded on the portion of the property rezoned to residential in 1981.

In June of 1984, Common Council amended the Section 39 conditions to permit a three square metre fascia sign to be placed on the vehicle body and paint shop at 187 Golden Grove Road and advised the previous owner to remove an existing freestanding sign from the property.

On November 21, 1995, the Planning Advisory Committee granted a variance to increase the total maximum ground floor area for accessory buildings from 108 square metres to approximately 143 square metres to permit the existing five-bay garage to remain on the subject site at 185 Golden Grove Road. At the meeting of July 23, 1996, the Committee recommended that Council authorize the execution of a Section 101 Agreement requiring that the five-bay garage be used only in conjunction with the residential use of the property. This agreement was executed and registered on March 26, 1997 as a condition of the Planning Advisory Committee's approval of a variance for the garage.

On May 20, 2009, the Planning Advisory Committee approved an amended subdivision plan that allowed for the sale of the vehicle body and paint shop at 187 Golden Grove Road which

was zoned "I-1" Light Industrial under the former Zoning By-law, and ownership of the adjacent residential dwelling at 185 Golden Grove Road to be maintained by the current owner. However, the Committee and Common Council denied the applicant's request for a Municipal Plan amendment and rezoning, which were made in effort to include the five-bay garage that is located on the property at Civic 185 Golden Grove Road as part of the sale of the vehicle body and paint shop. A fence separating the two properties to ensure that the garage would not be used as a part of the operations of the vehicle body and paint shop was added as a condition by the Committee to the approval of the subdivision of the property.

In December 7, 2009 Common amended the Section 39 conditions relating to the existing vehicle body and paint shop at 187 Golden Grove Road (PID 55201768) to permit the construction of an addition to the facility.

ANALYSIS

Proposal

The applicant is proposing to develop a new vehicle body and paint shop on three parcels of land (PIDs 55201750, 55057855 and 55087848) located immediately west of the existing vehicle body and paint shop at the 187 Golden Grove Road (PID 55201768). The new facility will be used in conjunction with the existing facility and will be approximately 1330 square metres in floor area and with an outdoor area to the rear of the building for the storage of vehicles undergoing repair. Access to Golden Grove Road would be from a shared driveway with the existing facility.

Site and Neighbourhood

The subject site is located on the north side of Golden Grove Road west of the intersection with Roxbury Drive and Westmorland Road and has an area of approximately 0.55 hectares. It currently contains a 3-unit dwelling (converted dwelling) and two accessory buildings in the eastern portion of the property with the western two-thirds of the site being largely open space. The site is currently zoned Two-Unit Residential (R2).

The surrounding area contains a mix of Mid-Rise Residential (RM) and Two-Unit Residential (R2) zoning.

Municipal Plan and Rezoning

Municipal Plan

The amendment to the Municipal Plan that has been requested by the applicant seeks the following changes to allow for the construction of a vehicle body and paint shop:

- redesignate the 0.55 hectare site (PIDs 55201750, 55057855 and 55087848) from Stable Area to Employment Area on Schedule A – City Structure of the Municipal Plan and

- redesignate the site from Stable Residential to Stable Commercial on Schedule B – Future Land Use of the Municipal Plan.

With respect to Schedule B of the Municipal Plan, areas designated as Stable Residential are existing neighbourhoods which are generally built-out and not anticipated to receive major change over the horizon of the plan. Within these areas, commercial development is envisioned at a limited scale, focused on the day-to-day needs of surrounding residents and households. Stable Commercial areas are lands which contain a mix of existing neighbourhood commercial areas that are generally built out but have the potential for greater mixed-use development during the planning period.

In assessing the Municipal Plan Amendment there are two key policies that must be considered:

- Policy LU-4 of the Municipal Plan which provides criteria to assess a requested change in the Municipal Plan designation.
- Policy LU-70 of the Plan which provides criteria for significant new development and redevelopment in Stable Commercial areas requiring a rezoning process.

An evaluation of this application against these policies is provided below:

<p>The proposal is consistent with the general intent of the Municipal Plan and further advances the City Structure.</p>	<p>The proposal represents an expansion and intensification of an existing use that was recognized through an exception in the Zoning By-law. Staff note that while the change from Residential to Commercial could be seen as a major departure, the existing vehicle body shop is a long standing use that has operated for some time without complaints from adjacent residents.</p>
<p>The proposal is necessary by virtue of a lack of supply of quality land already designated in the Municipal Plan to accommodate the development and does not detract from the City's intention to direct the majority of new commercial development to the Primary Centres, Regional Retail Centres, Business Centres, Commercial Corridors, Local Centres, and Mixed Use Centres.</p>	<p>The use of a vehicle body and paint shop is only permitted in limited areas of the City (lands zoned Commercial Corridor and Medium Industrial (IM)). In this particular case, the new facility will be used in conjunction with the existing facility situated adjacent to the site and represents an expansion to an existing operation.</p> <p>Although not specifically located on a designated corridor, Golden Grove Road is identified as a collector street in the Municipal Plan and given its role as a collector street, a level of commercial development is considered appropriate along this road.</p>

The proposal efficiently uses available infrastructure.	Water and sanitary sewer servicing is available. An engineered storm water submission, plan and design report will be required prior to issuance of a building permit.
The proposal does not negatively impact the use and enjoyment of adjacent lands and neighbourhoods.	While the proposed use could be considered an intensive commercial use, Staff are proposing the scope of future commercial uses be limited through the permitted uses of the proposed Special Zone along with Section 59 conditions relating to site development standards such as landscaping and building design.
The proposal adequately addresses and mitigates any significant environmental impacts.	The proponent will be required by applicable Provincial legislation to procuring all necessary environmental approvals relating to items such as air quality, and water course alteration. The application was circulated to the Provincial Department of Environment and Local Government and no issues have been identified.
Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated.	Section 59 conditions are proposed related to landscaping, site design and building design.
A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan.	Section 59 conditions are proposed related to landscaping, site design and building design.

In this particular case, the application essentially seeks the expansion of a legally permitted use further into an established residential area. Staff note from a review of enforcement complaints, no issues have been identified with the existing vehicle paint and body shop operation and note that on the more recent planning approvals no issues of concern were identified from area residents through the planning process. This provides an indication of the impact or apparent lack thereof, of the operation of the facility on the surrounding neighbourhood.

Largely, the amendment involves a change in designation to allow for the expansion of an existing commercial business from Stable Residential to Stable Commercial, both of which have some potential for future development and redevelopment over the horizon of the Plan. Impacts on the adjacent neighbourhood will be minimized through a defined set of specific land uses within the proposed Special Zone and Section 59 conditions which address site design features

such as landscaping and building design. Based on the above assessment, the proposal conforms to the criteria outlined in both Policy LU-4 and LU 70 of the Municipal Plan.

Zoning

The property is currently zoned Two-Unit Residential (R2) which does not permit a vehicle body and paint shop. The existing facility located east of the subject site was recognized as an exception during the preparation and adoption of the current zoning by-law which gives it legal standing from a land use perspective and allows for its expansion on the parcel of land it currently occupies. However, this does not provide for the expansion of the use to adjacent parcels of land.

A Vehicle Body and Paint Shop is a permitted use in three zones of the City's Zoning By-Law, the Corridor Commercial (CC), Light Industrial (IL) and Medium Industrial (IM) zones. Within the Corridor Commercial (CC) zone, the use is subject to the additional restriction that such a facility cannot be located adjacent to a residentially zoned lot. Given that the lands to the east, west and north are residentially zoned, the standards of the Corridor Commercial (CC) zone with respect to separation from residential uses cannot be met. This would require a rezoning to an industrial zone or a special, site specific zone that provides for a Vehicle Body and Paint Shop, and does not have the restriction related to the adjacency to a residential zone.

To accommodate the applicant's proposal, staff are recommending the site of the proposed new facility be rezoned to a special zone that would be based on the standards of the Corridor Commercial (CC) zone and provide for the Vehicle Body and Paint Shop to be located adjacent to a residentially zoned parcel. While this restriction does not exist with the two industrial zones, the intensity, type and scale of other permitted uses within the Light Industrial (IL) and Medium Industrial (IM) zones present additional compatibility uses with a residential area.

The proposed Special Zone would also provide for other appropriate commercial uses given the community context and employ the Corridor Commercial zoning standards (setbacks, landscaping, and parking requirements).

Permitted uses in the Corridor Commercial (CC) zone were reviewed based on their potential to result in minimal impacts on the surrounding neighbourhood while offering additional development potential for the site allowing for its potential reuse. Specifically, the following uses have been eliminated from the list of permitted uses on the site because these have the greatest potential to impact adjacent residential lands through noise, larger volumes of truck traffic or outdoor storage:

- Animal Shelter
- Bar, Lounge or Nightclub
- Distribution Facility
- Kennel
- Private Club
- Retail Warehouse
- Service Station
- Vehicle Repair Garage

- Landscape Material Supply
- Moving Services
- Warehouse Facility

In addition to the rezoning there are existing Section 59 conditions and a Section 131 (formerly Section 101) agreement that affect the easternmost parcel to be rezoned (PID 55201750) which contains the existing dwelling and residential garages. This parcel was originally part of the parcel where the existing vehicle paint and body shop is located but was rezoned and subdivided from the parent parcel in 1981 and 2009 respectively. The Section 59 conditions which relate to the operation of the existing facility were never rescinded from the 1981 rezoning. These conditions relate to outdoor storage and signage. Staff recommend the conditions pertaining to PID 55201750 be rescinded, for the new facility to be subject to the current provisions of the Zoning By-law.

Staff are also recommending the Section 131 (formerly Section 101) agreement that affects PID 55201750 be discharged. This agreement was entered into with the property owner relates to the five-bay garage in the rear portion of the property requiring that it only be used in conjunction with the existing dwelling on the property, as an accessory building to the dwelling.

Staff have reviewed the site plan provided with the application and finds that it generally meets the requirements of the Zoning By-Law and the proposed standards of the special zone. Refinements to the site plan will be required, through the addition of more detail to demonstrate compliance with other By-law requirements including paving of all outdoor storage and parking areas. Important considerations in the final site design to be submitted with the building permit application will be landscaping and buffering along the western and northern boundaries of the site. Staff note that site overlooking from adjacent parcels may be an issue. As a result, the final site design and associated landscaping must demonstrate how these views will be buffered, which may include berming and retention of existing trees. Staff propose three conditions, which will require Development Officer approval prior to obtaining a building permit: (1) that details of site landscaping required be provided in a landscape plan and as part of that plan not occupied by buildings parking or driveways be landscaped, (2) review of the elevations of the proposed building, and (3) a review of the site access.

Staff note a gravel parking area is shown on the plans submitted with the application and that the surfacing of the parking in the rear area of the site, and any associated variances, will be an item reviewed at the detailed design stage through the required stormwater management plan given the lack of municipal storm sewer on this section of Golden Grove Road.

Conclusion

The proposal meets the intent of the Municipal Plan and Zoning By-law, given the reasons outlined in the preceding sections of this report. Approval of the application is recommended subject to Section 59 conditions relating to preparation of building, site and landscaping plans, defined permitted uses for the site and provision of bicycle parking.

ALTERNATIVES AND OTHER CONSIDERATIONS

Alternatives

None.

Other Considerations

As part of the 2016-2022 term of Common Council, four key priorities have been identified:

1. Growth & Prosperity;
2. Vibrant and Safe City;
3. Valued Service Delivery; and
4. Fiscal Responsibility.

These priorities, although not Planning Policies, are goals for Common Council. This application would help fulfill Council's priority of Growth & Prosperity by supporting the retention of businesses that create job opportunities.

ENGAGEMENT

Proponent

The proponent has indicated they have informed area landowners and residents of the proposal.

Public

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on February 8, 2019. The public presentation for the Municipal Plan amendment was advertised on the City's website beginning on December 7, 2018 with the public hearing advertised on the City's website beginning on February 12, 2019.

SIGNATURES AND CONTACT

Prepared by:



Mark Reade, P.Eng., MCIP, RPP
Senior Planner

Approved by:



Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Mark Reade
Phone: (506) 721-0736
E-mail: mark.reade@saintjohn.ca
Project: 18-182

APPENDIX

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

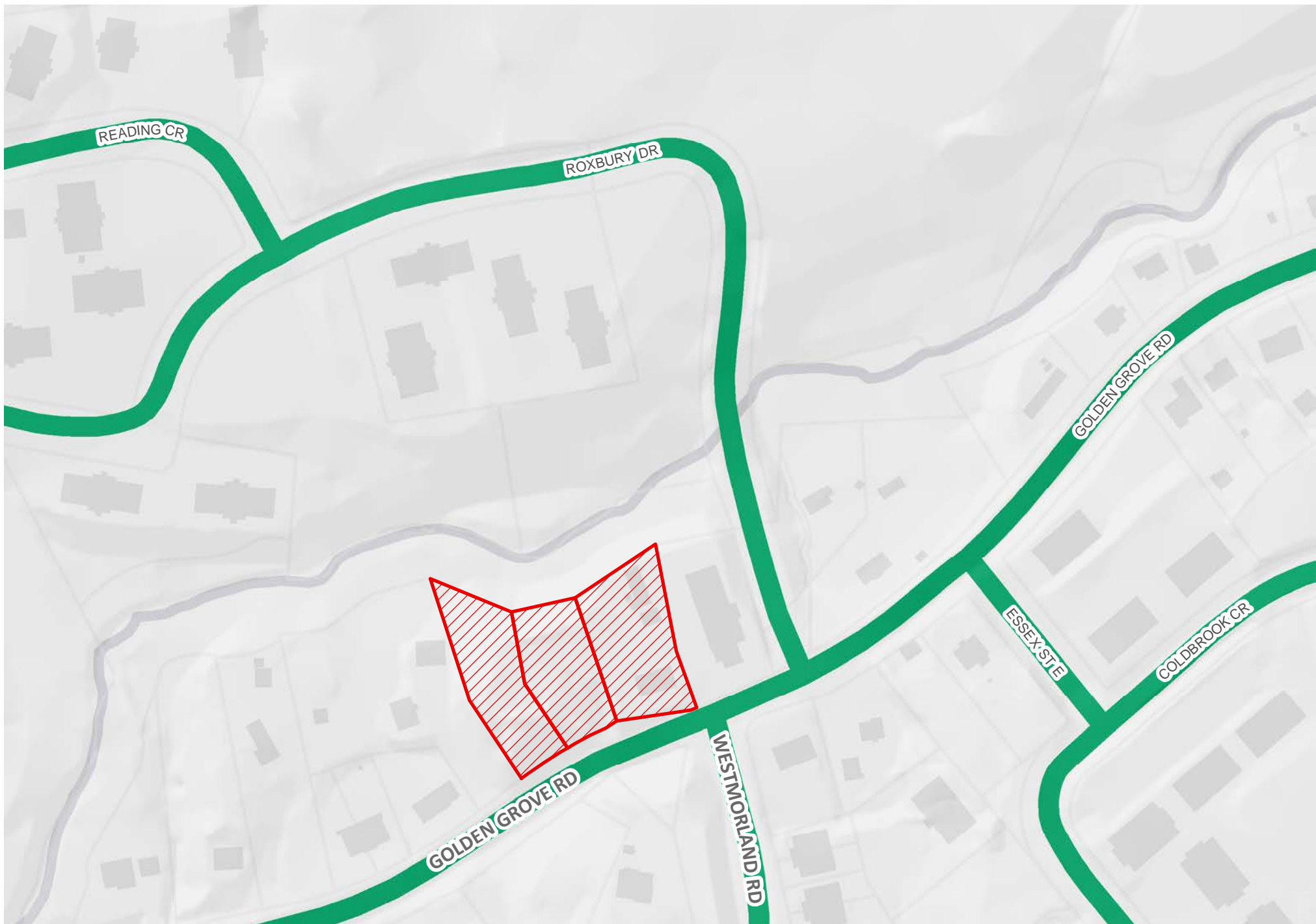
Map 4: **Aerial Photography**

Map 4A: **Aerial Photography**

Map 5: **Site Photography**

Submission 1: **Site Plan**

Submission 2: **Photos of Similar Facility**



Map 1 - Site Location

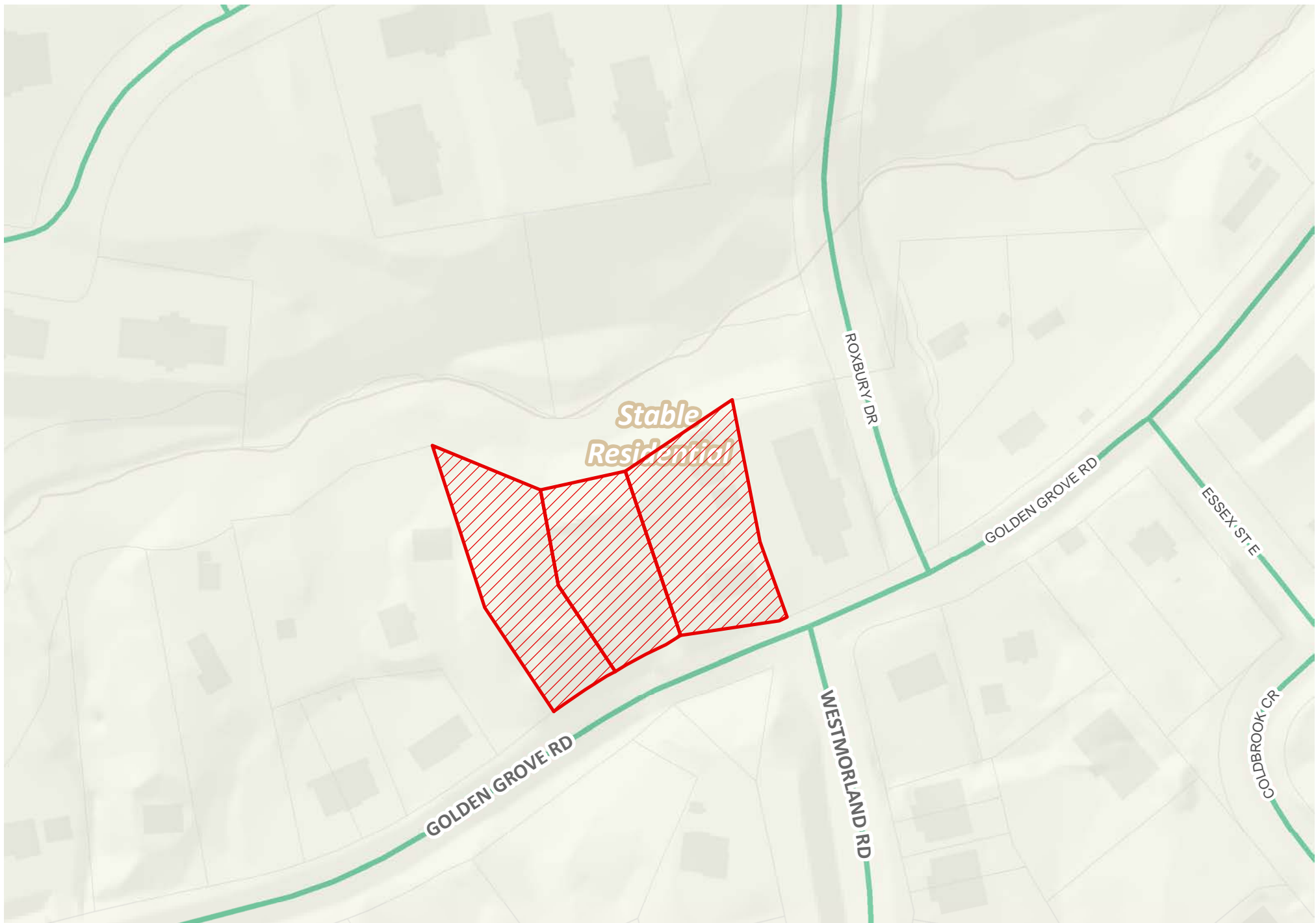
Scott's Autobody & Collision Inc. - 185 Golden Grove Road

167

The City of Saint John
Date: December-17-18

0 50





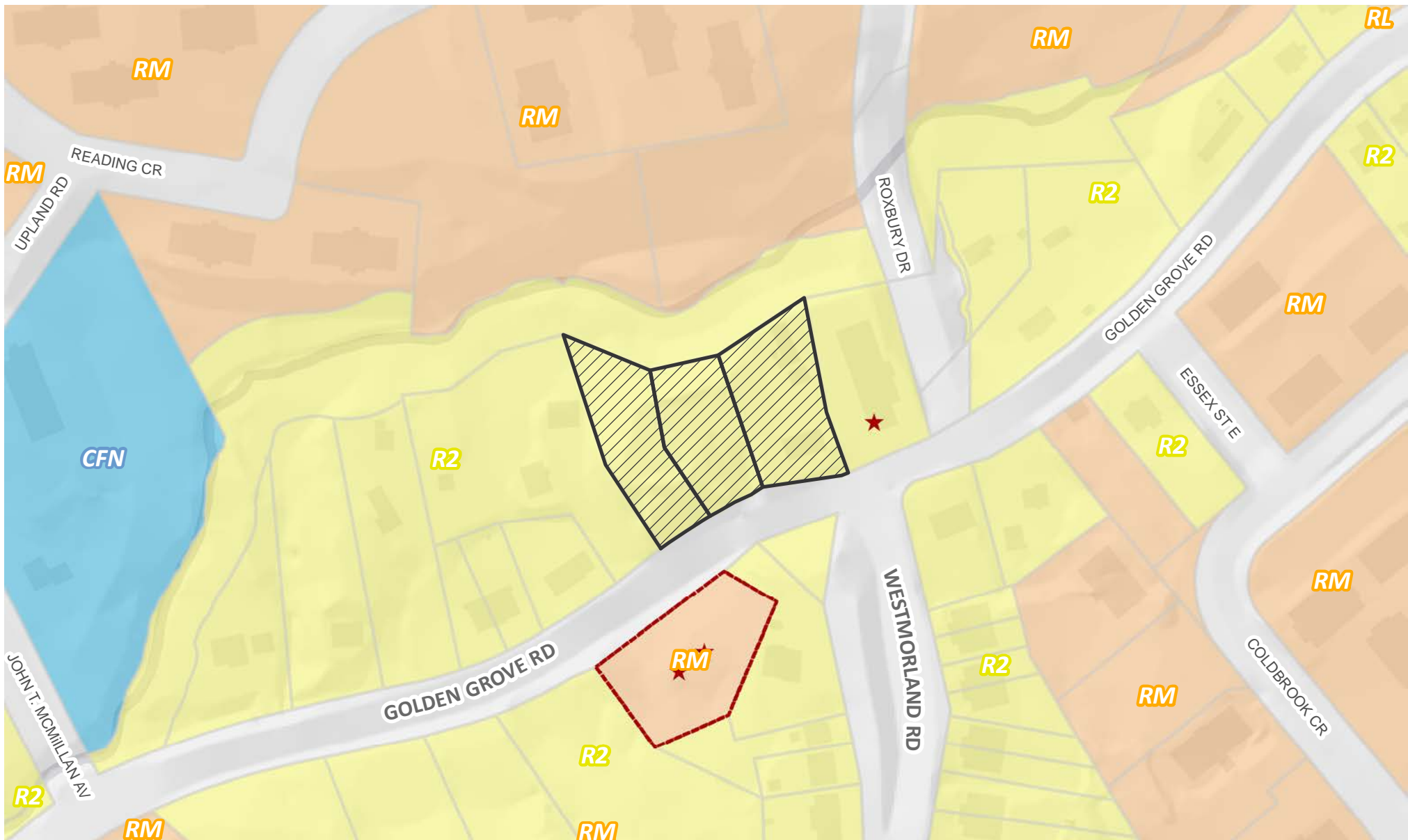
Map 2 - Future Land Use

Scott's Autobody & Collision Inc. - 185 Golden Grove Road

168

The City of Saint John
Date: December-17-18





- (CFN) Neighbourhood Community Facility
- (R2) Two-Unit Residential
- (RL) Low-Rise Residential
- (RM) Mid-Rise Residential

★ Section 39 Conditions

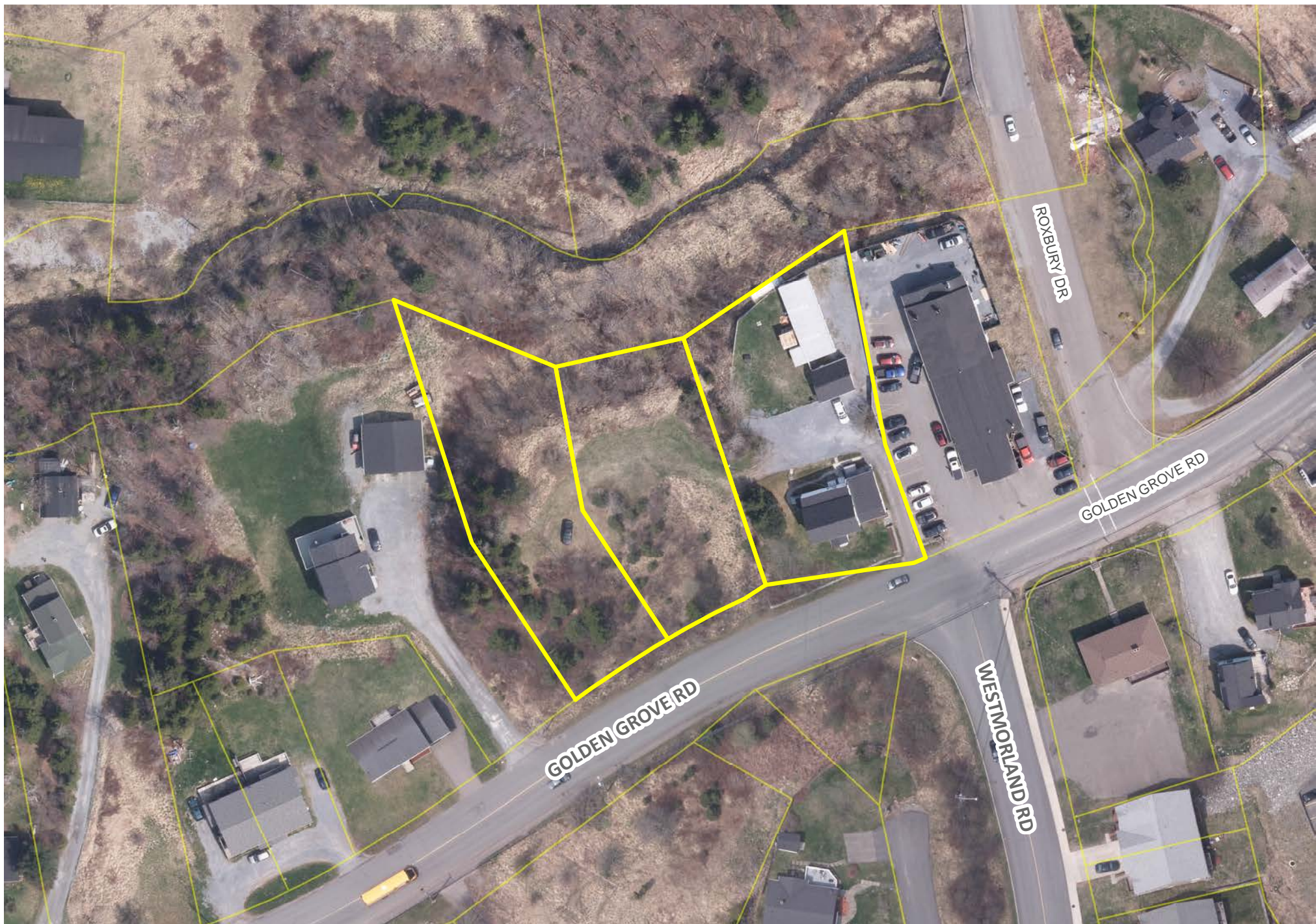
Map 3 - Zoning

Scott's Autobody & Collision Inc. - 185 Golden Grove Road

169

The City of Saint John
Date: February 14, 2020





Map 4 - Aerial Photography
Scott's Autobody & Collision Inc. - 185 Golden Grove Road

170

The City of Saint John
Date: December-17-18

0 25 m





Map 4A - Aerial Photography
Scott's Autobody & Collision Inc. - 185 Golden Grove Road

171

The City of Saint John
Date: January-24-19

0 50 m





View of Site from Golden Grove Road frontage.



View from rear of site looking west



View from Roxbury Drive looking south towards site



View of existing facility

Photos of Similar Facility





**PROPOSED MUNICIPAL PLAN
AMENDMENT, ZONING BY-LAW
AMENDMENT. SECTION 59 AMENDMENT
AND SECTION 101 AMENDMENT**

RE: 179-185 GOLDEN GROVE ROAD

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider amending the Municipal Development Plan and The City of Saint John Zoning By-law at its regular meeting to be held in the Ludlow Room on **Monday, March 11, 2019 at 6:30 p.m.**, by:

1. Redesignate on Schedule A of the Municipal Development Plan, parcels of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from **Stable Area** to **Employment Area** as illustrated below;
2. Redesignate, on Schedule B of the Plan, the same parcels of land, from **Stable Residential** to **Stable Commercial**.
3. Rezone the same parcels of land from **Two-Unit Residential (R2)** to a **special zone** that would permit a vehicle body and paint shop in addition to other commercial uses.
4. Amending the Section 59 conditions imposed on the November 8, 1976 rezoning of the property located at 185 Golden Grove Road, also identified as PID No. 55201750, to permit a revised proposal.
5. Amending the agreement, made pursuant to the provisions of Section 101 of the Community Planning Act in effect at that time between Douglas and Gloria Mitton as developer, and the City of Saint John,

**PROJET DE MODIFICATION DU PLAN
MUNICIPAL, L'ARRÊTÉ DE ZONAGE,
L'ARTICLE 59 ET L'ARTICLE 101**

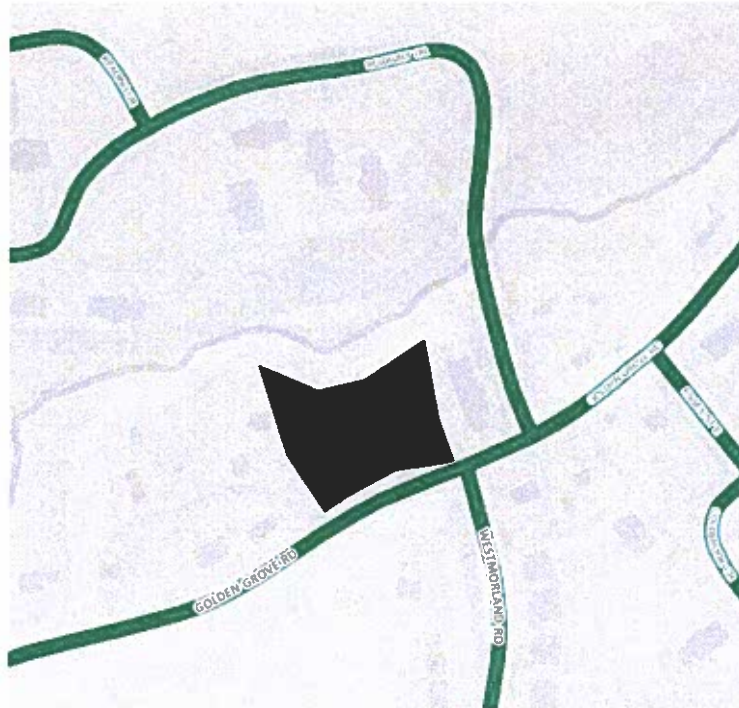
OBJET : 179-185, CHEMIN GOLDEN GROVE

Par les présentes, un avis public est donné par lequel le conseil communal de The City of Saint John indique son intention de modifier le plan d'aménagement municipal et l'arrêté de zonage de The City of Saint John, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow le **lundi 11 mars 2019 à 18 h 30**, en apportant les modifications suivantes :

1. Modifier la désignation, à l'annexe A du plan municipal, des parcelles de terrain d'une superficie d'environ 0.55 hectares, située au 179-185, chemin Golden Grove, et portant les NID 55057848, 55057855 et 55201750, afin de la faire passer de **secteur stable** à **secteur de d'emploi**, comme il est indiqué ci-dessous;
2. Modifier la désignation, à l'annexe B du plan municipal, des parcelles de terrain précitée, afin de la faire passer de **secteur résidentiel stable** à **secteur commercial stable**.
3. Modifier le zonage des parcelles de terrain précitée, de **zone résidentielle bifamiliale (R2)** à **une zone spéciale** qui permettra un atelier de débosselage et de peinture de véhicules en plus s d'autres usages commerciales.
4. Modification des conditions de l'article 59 imposées relativement au rezonage du 8 novembre 1976 et modifié le 15 février 1979 et le 11 juin 1984 de la propriété située au 185, chemin Golden Grove, portant le NID 55201750, pour permettre la préparation d'une proposition révisée.
5. Modification de l'entente conclue en vertu des dispositions de l'article 101 de la Loi sur l'urbanisme en vigueur à cette époque entre Douglas et Gloria Mitton en tant que

dated March 19, 1997 respecting the property located at 185 Golden Grove Road, also identified as PID No. 55201750, to permit a revised proposal.

promoteurs, et de la ville de Saint John le 19 mars 1997 concernant la propriété située au 185, chemin Golden Grove, portant le NID 55201750, pour permettre la préparation d'une proposition révisée.



REASON FOR CHANGE:

To construct a vehicle body and paint shop to be used in conjunction with the existing vehicle body and pant shop located at 187 Golden Grove Road..

The proposed amendment may be inspected by any interested person at the office of the Common Clerk, or in the office of Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

Written objections to the amendment may be sent to the undersigned at City Hall.

If you require French services for a Common Council meeting, please contact the office of the Common Clerk.

Jonathan Taylor, Common Clerk
658-2862

RAISON DE LA MODIFICATION :

Construire un atelier de débosselage et de peinture de véhicules. utilisée conjointement avec l' atelier de débosselage et de peinture de véhicules.existant au 187, chemin Golden Grove.

Toute personne intéressée peut examiner le projet de modification au bureau du greffier communal ou au bureau du service de la croissance et du développement communautaire à l'hôtel de ville situé au 15, Market Square, à Saint John, au Nouveau-Brunswick., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.

Veuillez faire part de vos objections au projet de modification par écrit à l'attention du soussigné à l'hôtel de ville.

Si vous avez besoin des services en français pour une réunion de Conseil Communal, veuillez contacter le bureau du greffier communal.

Jonathan Taylor, Greffière communale
658 2862

LOCATION	CIVIC ADDRESS:	185 Golden Grove Rd <i>vacant lots</i>		PID #:	55201150, 55057855																												
STAFF USE	HERITAGE AREA:	Y / N	INTENSIFICATION AREA:	Y / N	FLOOD RISK AREA:																												
	APPROVED GRADING PLAN:	Y / N																															
	APPLICATION #:	18-0182		DATE RECEIVED:	Sept 2018																												
APPLICANT INFORMATION	APPLICANT		EMAIL	PHONE																													
	Scotts Autobody & Collision Ltd.		scotttrites@fixauto.com	506-694-8769																													
	MAILING ADDRESS		POSTAL CODE																														
	187 Golden Grove Rd Saint John, NB		E2H 1X7																														
	CONTRACTOR		EMAIL	PHONE																													
	MAILING ADDRESS		POSTAL CODE																														
	OWNER		EMAIL	PHONE																													
CHECK ALL THAT APPLY	Doug Mitton		506-696-8542																														
	MAILING ADDRESS		POSTAL CODE																														
	185 Golden Grove Rd Saint John, NB		E2H 1X7																														
	PRESENT USE:		PROPOSED USE:																														
Home		Collision Centre																															
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	Demolish existing house and outbuildings to construct new collision centre																																

☐ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

General Collection Statement

This information is being collected in order for the City of Saint John to deliver an existing program service; the collection is limited to that which is necessary to deliver the program service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer.

City Hall Building
 8th Floor - 15 Market Square
 Saint John, NB E2L 1E8
communications@sjmjohn.ca
 (506) 658-2962



I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

By submitting a complete permit application, the applicant grants permission to City inspectors to enter the land, building or premises at all reasonable times for the purposes of conducting inspection(s) associated with the permit.

Applicant Signature

Date

[Signature]
 Aug 23/18

CIVIC ADDRESS	185 Golden Grove Rd	APPLICATION #	18-082	FEE PAID	<input checked="" type="radio"/> Y <input type="radio"/> N
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TYPE OF APPLICATION

<input type="checkbox"/> Land for Public Purposes Release Service Fee: \$300	<input type="checkbox"/> Non-Conforming Use Service Fee: \$200	<input type="checkbox"/> Satisfactory Servicing Service Fee: \$200
<input type="checkbox"/> Section 39 Amendment Service Fee: \$2,500	<input type="checkbox"/> Zoning By-law Amendment Service Fee: \$2,500	<input checked="" type="checkbox"/> Zoning By-law Amendment with a Municipal Plan Amendment Service Fee: \$3,500

DETAILED DESCRIPTION OF APPLICATION

Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.

Requesting current property to be rezoned to construct a new collision centre facility.

ENCUMBRANCES

Describe any easements, restrictive covenants, and other encumbrances affecting the land.

AUTHORIZATION

As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.



Registered Owner or Authorized Agent

Additional Registered Owner



Date

Date

The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.

- Purchase house and two vacant lots – leave the last lot as a buffer zone
- Build new shop to handle work flow. Two additions have been added to our current building over the last 7 years, which we have outgrown.
- Hire 10-15 more staff to handle work load
- Fence in area for a compound for cars under repair so that they are not seen from the road
- Lot will be landscaped
- We must stay in this area due to our contract with Fix Auto, as all Insurance work goes by postal codes
- I purchased the existing building in 2009 and have continued to make improvements to the building and land (new siding, windows, roof, aluminum entrance, pavement, landscaping, fenced in yard) to appeal to our neighbors and community
- We have had no complaints from the community since being here
- We currently have 13 employees
- Increased tax base for the City of Saint John
- Economical spin-off of hiring new employees

Photos of Similar Facility





**BY-LAW NUMBER C.P. 106-____
A LAW TO AMEND THE
MUNICIPAL PLAN BY-LAW**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Municipal Plan By-law of The City of Saint John enacted on the 30th day of January, A.D. 2012 is amended by:

1 Amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as PID Nos. 55057848, 55057855 and 55201750, from *Stable Area* to *Employment Area* classification;

2 Amending Schedule B – Future Land Use, by redesignating the same parcel of land from *Stable Residential* to *Stable Commercial* classification;

- all as shown on the plans attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

Mayor

Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

**ARRÊTÉ N° C.P. 106-____
ARRÊTÉ MODIFIANT L'ARRÊTÉ
RELATIF AU PLAN MUNICIPAL**

Lors d'une réunion du conseil communal, The City of Saint John a édicté ce qui suit :

L'arrêté concernant le plan municipal de The City of Saint John décrété le 30 janvier 2012 est modifié par :

1 la modification de l'annexe A – Structure de la municipalité, afin de faire passer la désignation d'une parcelle de terrain d'une superficie d'environ 0,55 hectares, située au 179-185, chemin Golden Grove, et portant les NID 55057848, 55057855 et 55201750, de *secteur stable* à *secteur d'emploi*;

2 la modification de l'annexe B – Utilisation future des sols, afin de faire passer la désignation de la parcelle de terrain précitée de *secteur résidentiel* à *secteur commercial stable*;

- toutes les modifications sont indiquées sur les plans ci-joints et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

Première lecture -
Deuxième lecture -
Troisième lecture -

**BY-LAW NUMBER C.P. 111-
A LAW TO AMEND
THE ZONING BY-LAW
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1. Adding the following to the list of Other zones in Section 2.2:
"Special Zone No. 4 SZ-4"
2. Adding the following as Section 14.9:

**"14.9 Special Zone No. 4 (SZ-4)
14.9(1) Permitted Uses**

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, which may include outdoor storage as an accessory or secondary use, subject to paragraph 14.9(2)(a):

- Accommodation;
- Auction House;
- Bakery;
- Banquet Hall;
- Business Office, subject to paragraph 14.9(2)(b);
- Business Support Service;
- Catering Service;
- Commercial Entertainment;
- Commercial Group;
- Communication Facility;
- Contractor Services, Household;
- Day Care Centre;
- Emergency Services Facility;
- Financial Service;
- Fleet Service;
- Funeral Service;
- Grocery Store;
- Health and Fitness Facility;
- Health Services Laboratory;
- Medical Clinic;
- Personal Service;

**ARRÊTÉ N° C.P. 111-
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE
ZONAGE DE THE CITY OF SAINT
JOHN**

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté sur le zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1. L'adjonction de l'élément suivant à la liste d'Autres zones d'article 2.2 :
« Zone spéciale n° 4 SZ-4 »
2. L'adjonction de l'article 14.9 qui se lit comme suit:

**« 14.9 Zone spéciale n° 4 (SZ-4)
14.9(1) Usages permis**

Les terrains, bâtiments et constructions ne peuvent être affectés qu'aux fins suivantes, ces fins pouvant comporter de l'entreposage à l'air libre en tant qu'usage accessoire ou secondaire, sous réserve du paragraphe 14.9(2)a) :

- atelier de débosselage et de peinture de véhicules,
- boulangerie;
- bureau d'affaires, sous réserve du paragraphe 14.9(2)b);
- centre de santé et de conditionnement physique;
- centre de vente par maisons-témoins;
- clinique médicale;
- clinique vétérinaire;
- divertissement à des fins commerciales;
- école de formation technique ou professionnelle;
- entrepôt libre-service;
- entreprise d'entretien et de réparation d'articles ménagers;
- épicerie;
- flotte;
- garderie;
- gare routière;
- hébergement;
- installation de communication;

- Pet Grooming;
- Recreational Vehicle Sales and Service, Small;
- Restaurant;
- Retail General;
- Sales Centre, Model Home;
- Self-Storage Facility;
- Service and Repair, Household;
- Technical or Vocational School;
- Transit Terminal;
- Vehicle Body and Paint Shop, subject to paragraph;
- Veterinary Clinic.
- installation de services d'urgence;
- institution financière;
- laboratoire de services de santé;
- maison d'enchères;
- restaurant;
- salle de réception;
- salon funéraire;
- service d'appui aux entreprises;
- service d'entrepreneur à domicile;
- service de traiteur;
- service personnel;
- studio de toilettage d'animaux familiers;
- vente au détail générale;
- vente et réparation de petits véhicules de plaisance.

14.9(2) Conditions of Use

- (a) Outdoor Storage as an accessory or secondary use to a main use permitted in subsection 14.9(1) shall be subject to the following:
- (i) The yard shall not occupy any required front or flankage yard or any area required for parking;
 - (ii) The yard shall be completely enclosed by a solid board-on-board fence or a chain-link fence entirely covered by filler strips woven into the mesh or a walled structure or a berm, or any combination thereof, having a minimum height of 2 metres and including any gate constructed in the same manner and height as the enclosure;
 - (iii) Notwithstanding the above, the yard may instead be screened in accordance with paragraph 6.1(k), or by any combination of permitted structures, berms and landscaping; and
 - (iv) When the yard is developed within 15

14.9(2) Conditions régissant les usages

- a) L'entreposage à l'air libre en tant qu'usage accessoire ou secondaire par rapport à un usage principal permis par le sous-article 14.9(1) est subordonné aux conditions suivantes:
- (i) la cour d'entreposage ne doit pas occuper une cour avant obligatoire, une cour de flanc obligatoire ou une aire de stationnement obligatoire;
 - (ii) la cour doit être entièrement fermée au moyen d'une clôture pleine de construction planche-sur-planche, d'une clôture à mailles losangées entièrement recouverte au moyen de languettes entrelacées dans les mailles, ou d'une construction fermée ou d'une levée, ou d'une combinaison de ces éléments, d'une hauteur minimale de 2 mètres, les barrières, s'il en est, devant être construites de la même manière et de la même hauteur que l'enceinte;
 - (iii) malgré ce qui précède, la cour peut, au lieu, être dissimulée conformément au paragraphe 6.1j), ou au moyen de toute combinaison des constructions, levées et aménagement paysager permis;
 - (iv) lorsqu'un aménagement est effectué dans la cour à moins

	metres of an abutting lot in a Residential zone, the yard shall also be in accordance with section 5.5.		de 15 mètres d'un lot attenant dans une zone résidentielle, la cour doit également être conforme à l'article 5.5.
	(b) A Business Office permitted in subsection 14.9(1) shall not exceed 3,000 square metres in gross floor area.		b) L'aire de plancher brute des bureaux d'affaires permis par le paragraphe 14.9(1) ne peut être supérieure à 3 000 mètres carrés.
14.9(3)	Zone Standards Standards for development in Special Zone 4 shall be as set out in subsection 11.5(4), and Parts 4 to 9 where this zone shall be considered a Corridor Commercial (CC) zone.	14.9(3)	Normes applicables à la zone Les normes d'aménagement dans la zone spéciale n° 4 doivent être conformes aux dispositions de paragraphe 11.5(4) et des parties 4 à 9, et la zone en question doit être considérée en tant que zone commerciale de corridor (CC).
3.	Amending Schedule "A", the Zoning Map of The City of Saint John, by rezoning a parcel of land having an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road., also identified as being PID Nos. 55057848, 55057855 and 55201750, from Two-Unit Residential (R2) to Special Zone 4 (SZ4).	3.	La modification de l'annexe «A», Plan de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 0.55 hectares, située au 179-185, chemin Golden Grove, et portant les NID 55057848, 55057855 et 55201750, de zone résidentielle bifamiliale (R2) à zone spéciale n° 4 (SZ-4).
	- all as shown on the plan attached hereto and forming part of this by-law.		- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.
IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:		EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :	

Mayor/Maire

Common Clerk/Greffier communal

First Reading	-	Première lecture	-
Second Reading	-	Deuxième lecture	-
Third Reading	-	Troisième lecture	-



March 11, 2019

His Worship Mayor Don Darling
And Councillors

Your Worship and Councillors

SUBJECT: Proposed Municipal Plan Amendment – 40 Mountain View Drive

A Public Presentation was made on January 28, 2019 of a proposed amendment to the Municipal Development Plan which would redesignate on Schedule B of the Municipal Development Plan, a parcel of land with an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID Numbers 00313429 and 00426452, from Low Density Residential to Low to Medium Density Residential to undertake a medium density residential development with a mix of housing types.

The required advertising has been completed, and attached you will find a copy of the public notice, and any letters of opposition or support received.

If Council wishes, it may choose to refer the matter to the Planning Advisory Committee for a report and recommendation and authorize the necessary advertising with a Public Hearing to be held on Monday, April 8th, 2019 in the Council Chamber at 6:30 pm, or not to proceed with the proposed amendment process and adopt a resolution to deny the application.

Respectfully submitted,

Jonathan Taylor
Common Clerk

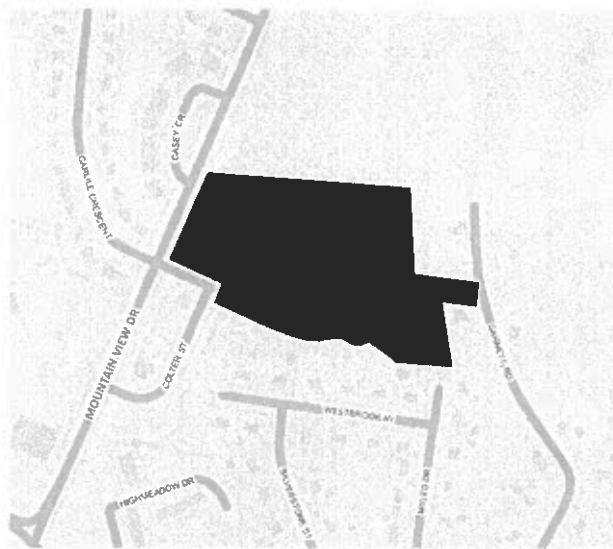


PROPOSED MUNICIPAL PLAN AMENDMENT

RE: 40 MOUNTAIN VIEW DRIVE

Public Notice is hereby given that the Common Council of The City of Saint John intends to consider an amendment to the Municipal Development Plan which would:

1. Redesignate on Schedule B of the Municipal Development Plan, a parcel of land with an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID Nos. 00313429 and 00426452, from **Low Density Residential** to **Low to Medium Density Residential** as illustrated below;



A public presentation of the proposed amendment will take place at a regular meeting of Common Council on **Monday, January 28, 2019** in the Ludlow Room, 8th floor, City Hall.

REASON FOR CHANGE:

To undertake a medium density residential development with a mix of housing types.

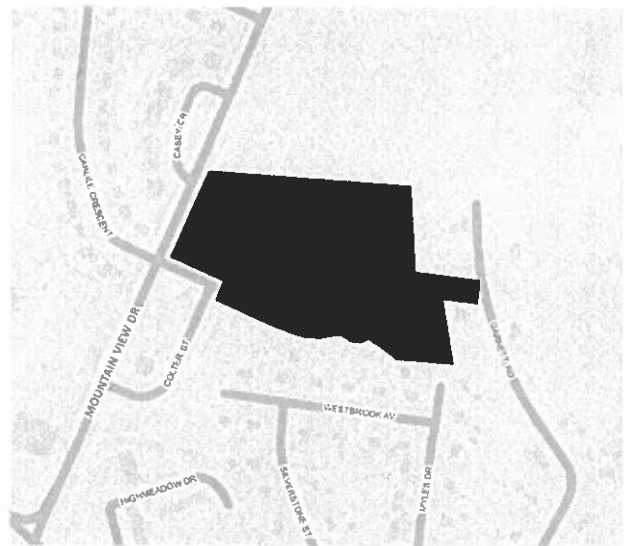
Written objections to the proposed amendment may be made to the Council, in care of the undersigned, by **February 27, 2019**. Enquiries may be made at the office of the Common Clerk or Growth and

PROJET DE MODIFICATION DU PLAN MUNICIPAL

OBJET : 40, CHEMIN MOUNTAIN VIEW

Par les présentes, un avis public est donné par lequel le conseil communal de The City of Saint John a l'intention d'étudier la modification du plan d'aménagement municipal comme suit :

1. Modifier la désignation, à l'annexe B du plan, d'une parcelle de terrain d'une superficie d'environ 3.25 hectares, située au 40, chemin Mountain View, et portant les NID 00313429 and 00426452, afin de la faire passer de **Résidentiel à faible densité** à **Résidentiel à densité faible ou moyenne**, comme il est indiqué ci-dessous;



Une présentation publique du projet de modification aura lieu lors de la réunion ordinaire du conseil communal le **lundi 28 janvier 2019** dans la salle Ludlow, 8^{ème} étage, à l'hôtel de ville.

RAISON DE LA MODIFICATION :

Entreprendre un développement résidentiel de densité moyenne avec une variété de types de logements.

Veuillez faire part au conseil par écrit de vos objections au projet de modification au plus tard le **27 février 2019** à l'attention du soussigné. Pour toute demande de renseignements, veuillez

Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.

Jonathan Taylor, Common Clerk
658-2862

communiquer avec le bureau du greffier communal ou le bureau de service de la croissance et du développement communautaire à l'hôtel de ville au 15, Market Square, Saint John, N.-B., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.

Jonathan Taylor, Greffière communale
658 2862

February 20, 2019

City of Saint John
15 Market Square
Saint John, N.B

Attn: Jonathan Taylor – Common Clerk

We are writing with regards to the municipal plan amendment for land at 40 Mountain View Drive. We live on Silverstone Street with our neighbours on Westbrook, Myles and Garnett.

We attended a meeting with the developer John Rocca on February 19th where he revealed plans for the property. It was an excellent meeting and all our concerns and questions were addressed. We are pleased that the property will be developed. The last owner cleared the property of most of the trees and did not proceed with much development. Since then we've had a lot more activity in our subdivision with ATV's that travel down our street coming from access from that property to Myles Drive which has for the most part been left open to foot traffic.

We have no issues with the buildings, landscape and plans for the property which we think will truly be an asset to our city. The **only issue** we have is the proposed emergency/pedestrian access to Myles Drive. We understand that there will be a gate installed by the parking lot and that it may be used in case of an emergency. We do not want this to be left open at all, even with a gate. In case of an Emergency the City's emergency vehicles could get to the 40 Mountain View property either from McAllister Dr to Mountain View or from Mountain Road to Mountain View. We are afraid that having access to Myles Drive now may lead to the road being fully opened at a later date. Currently there are many cars taking a short cut through our streets to get to McAllister Drive so this would cause much more traffic that our streets cannot handle. The last time the property was rezoned in 2008 the City of Saint John agreed with us that the property on Mountain View Drive would be a stand-alone sub division with access from Mountain View only. Myles, Westbrook and Garnett streets would not be accessed from this property and would remain closed.

In closing we appreciate the time you've taken to read our letter. As we've mentioned we are not opposed to the development whatsoever only the proposed Emergency/pedestrian access to Myles Drive.

Sincerely

Robert & Nicole Knox
14 Silverstone Street

City of Saint John

15 Market Square

Saint John NB

Attention: Jonathan Taylor Common Clerk

RE: Proposed Development at 40 Mountainview Drive

To Whom It May Concern:

Please carefully look at this development and do not approve anything which would endanger the homes and quality of life in my neighborhood. I am against the current proposed development because of several problems. If some changes are made and solutions are found I could support the plan.

A great majority of the residents of the James Myles subdivision are strongly opposed to the opening of Myles Drive to the proposed development. A gated entrance for emergency use is not wanted. Who would be responsible for clearing snow and road upkeep on such a right of way? Would this gate make noise? Opening our small neighborhood to the possibility of a big influx in traffic would be dangerous considering the large number of pedestrian traffic we get from Simonds High School. We do not have sidewalks. A thumbs up to open Myles Drive should mean an extensive upgrade to our neighbourhood for sidewalks and signage to make the streets safe.

Pull out a map. If you lived in Forest Hills or along Mountainview Drive which way would you walk to get to the businesses in the Hickey Road area. Which route would you drive? Please keep Myles drive closed.

A map showing the land elevations clearly shows the property behind Westbrook Avenue is on higher ground. Curbing around the parking areas would cause the water flowing down from the forested hills to be diverted into the James Myles Subdivision and cause flooding to our homes. We have ditches and culverts on Myles Drive and most other streets in the neighborhood. We do not have fancy new modern concrete sidewalks like they have in Champlain Heights and Forest Hills, but we pay the same tax rate. In the past powerful rainstorms have caused the closure of McAllister Drive. Removal of the forested area, the free flow of water from flat parking grounds and runoff from the downspouts of the large buildings would contribute to flooding. We have just experienced extreme winter weather of heavy rain and extreme freezing. With climate change this type of weather could become the norm. How will a frozen holding pond help or protect us from a sudden spring thaw accompanied by rainfall. A frozen pond will not thaw quick enough. What recourse do we have if we start getting water diverted to our properties?

The two large parking areas would require snowplowing. Where would the snow be piled? Would care be taken to open the storm drains in winter and fall? Large snow mountains would compound any flooding problems.

The water comes from the forested hills and floods the valley, including the Glen and the primary shopping mall district of the city. This extra run off will just add to the existing problems. Currently a

review is underway to address the flooding problems in the nearby **Golden Grove holding pond** and Glen Falls area. Should city planners and engineers first find a solution to this problem before proceeding with a project that could very well add to the flooding? Where is the water going to go? Please know the answer before approval. This new development and holding pond are uphill from the flood plain.

How many lights would be installed in the parking lots and on the apartment buildings? Where would they be placed? These should be directed away from our homes. Protection from light pollution should be considered. Flood lights are ugly and harmful to our health.

This subdivision has enjoyed a suburban life with a bit of a rural setting except for the noise of the nearby Irving Oil Refinery. We frequently see deer and other wildlife in the neighborhood. Many people enjoy extensive gardening and bird watching. This influx of traffic both vehicle and pedestrian would be a big adjustment.

Gobsmacked! A dog park is not something any sane person would want bordering on their property. A dog park would cause a daily nuisance of noise and agitate (cause barking) the dogs already living in our subdivision. This dog park would be on city property so anyone can come over park on the streets and take their dog inside the park. How could it be exclusive to folks living within the proposed development? It is public property. The proposed dog park borders every property along the north side of Westbrook Avenue. I think it is silly to think a dog park belongs in the middle of a residential area. The city recently closed several playgrounds for children, including one in nearby Champlain Heights. How can you justify spending tax dollars on recreation for dogs? Dog parks are trendy, but society has done fine without them for centuries. We already have dog parks at Rockwood Park and at the nearby Little River Reservoir (well within walking distance). A dog park simply does not belong in a residential area. The public greenspace should remain a greenspace with trees/shrubs. The trees would act as a sound barrier to help absorb and protect us from noise pollution, both from residential and industrial fall out including the City Works Department on McAllister Drive.

Another concern I have is garbage removal from this proposed development. Highmeadow Park and other townhouse developments in the city are on private property and do not receive the same door to door pick up service by the sanitation department. If your street is private property you pay for trash removal, but the city will pick up at certain private developments like Tartan Street and Highmeadow Park if the garbage is piled in designated areas. One designated area for Highmeadow residents to pile their garbage is located along Silverstone Street and it is a huge eyesore and the garbage blows throughout our neighbourhood. People entering our subdivision via Silverstone Street are getting a very bad first impression of the neighbourhood. Who will be responsible for garbage removal from this big influx of residents? Will the streets be private or public? Community garbage piles save the city from providing door to door pick up, but it is very ugly, and it attracts wildlife. Garbage piles allow residents to abuse the system because you cannot police who is improperly throwing garbage into the pile.

Please evaluate my concerns of safety, flooding, light pollution, garbage pollution, sound pollution and carefully decide what can be done. Keep the greenspace.

Please come visit this site and get a true vision of it's potential.

Thank you for your consideration of this matter,

Sharon Fournier

Larry Fournier

Sharon & Lawrence Fournier

2 Westbrook Avenue

Saint John NB

E2J 3B2

sharonfournier@hotmail.com

506 696-3753

Feb,15,2019

City of Saint John

15 Market Square

Saint John, N. B.

Attn. Jonathan Taylor-Common Clerk

This letter is to inform you of my objection to certain proposals to be implemented on property at 40 Mountain View Drive. This land has changed ownership from Bob Darling to John Rocca. The new owners have submitted designs and plans for new builds. The plans for these buildings themselves are NOT the issue. One issue isThe connection to Myles Drive and possibly a connection to Garnett Road (if needed in the future)!!

The discussion of amending previous decisions

by a former common council should not be entertained. We, the home owners of Silverstone, Westbrook, Myles and Garnett RD., have fought long and hard with said council and we WON the arbitration thus keeping any link to Myles Drive and Garnett Road from happening and thus maintaining the lifestyle we have come to enjoy.

This proposed link, of a Pedestrian Walkway and Emergency Vehicle Roadway, is simply 'A FOOT IN THE DOOR'. We all know that down the road this connection will be made a permanent connection thus opening our subdivision up to a huge volume of traffic. (high rise of 75 units plus multiple townhouse units).

Our subdivision has always had a high number of walkers , both elderly and young enjoying a stroll on our roads. These roads have NO CURBS OR SIDEWALKS thus exposing any walkers to danger should such a volume of traffic be funneled onto our roads.

I must state the I am not against the building of this developement. It is important for Saint John to have growth thus employment but not at our

expense!!!

Respectfully,

A handwritten signature in blue ink, appearing to read "D Maclean", with a stylized, cursive script.

Doug Maclean

6 Myles Drive

Saint John, N. B.

506-696-3548



12 Westbrook Avenue
Saint John, NB
E2J3B2
February 20, 2019

City of Saint John Common Council
Market Square
Saint John, NB

Att: Common Clerk

RE: PROPOSED MUNICIPAL PLAN AMENDMENT – 40 MOUNTAIN VIEW DRIVE

As part of the Calabria Estates Proposal by 048367 N.B. Ltd. under the section of Area Improvements, they are asking the City to build a Dog Park on the Land for Public Purposes.

This parcel of land borders the rear of most of the existing residential lots on Westbrook Avenue. The City owned land currently has a small storm water retention pond on it's western end and the rest is the original treed area which acts as a buffer to the proposed development. This parcel of land is an irregular shaped lot and has an average width of only 50 feet \pm .

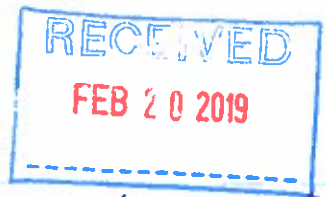
Dog Parks are normally part of larger recreational areas (ie. SJ Dog Park – Hawthorne Ave. Ext., Chown Field-Paul Harris Street, Little River Reservoir Park, and other options are Rockwood Park and Irving Nature Park.) These Dog Parks are not directly adjacent to residential lots where a group of dogs playing and barking could disrupt neighbouring residents.

We do not feel a Dog Park is an appropriate use for this parcel of land and we would appreciate your consideration of the above concerns.

Sincerely,

Two handwritten signatures in black ink. The first signature is "John D. McAulay" and the second is "Deborah McAulay".

John & Deborah McAulay



To Jonathan Taylor,
To the Council in care of the Undersigned.

This is my written objection to the
proposed municipal Plan Amendment
RE: 40 Mountain View Drive.

I am Brenda Partridge, and I live
at 6 Silverstone Street. I want to
keep our roads closed in the sub
division.

I agree with everything Darlene
Hersey (8 Silverstone St) has said, about
keeping our roads closed. I do not
want a huge influx in traffic and
thrift in our area. She also mentioned
getting ATVs racing up and down the
street, which I have seen and heard.

Thank you.

Brenda Partridge



January 28, 2019

City of Saint John
15 Market Square
Saint John, N.B.

Attn: Jonathan Taylor - Common Clerk

I am aware there is a request for a municipal plan amendment for land at 40 Mountain View Drive. Many years ago, our sub division was in a huge dispute with the previous owner because he wanted the roads opened in our sub division. Our sub division includes Westbrook Ave., Silverstone St., Myles Drive and Garnett Rd.

There was total disregard for our quality of living so it became necessary for us to form an association which is quite large and to defend our right to maintain our quality of living as taxpayers of the City of Saint John. After many months of council meetings and a meeting with the then owner and our association, it was agreed upon that our roads would remain closed and the property on Mountain View would be a stand alone sub division with access from Mountain View onto Colter St. As well, berms were to be built or left at the end of Westbrook Ave. and the Highmeadow Park area and at the end of Myles Drive. The previous owner did not live up to any of this and we have seen an increase in foot traffic, theft and property damage in our sub division because there is now clear foot access from our sub division to this noted property. As well, we also now have atvs racing up and down the roads due to the open access.

There are no sidewalks in our sub division, it is widely used by people who walk with their pets, their children and we often see kids out playing. The current infrastructure would not support an increase in traffic and will require the city to do upgrades. We all know there is no money for this.

I am not opposed to growth but the growth has to be proper. If you check, at one time Century 21 tried to build on this land and could not because of the amount of water that flows there. It was felt the land would not support that heavy a build. It is important the water table be considered because any change in the land could result in flooding for the residents who live on Westbrook Ave. and whose properties border this Mountain View property.

I am looking at the site map and it looks like a roadway to Garnett Rd is in picture, which means that road is looking like it may be opened to thru traffic. As a taxpayer who will be affected by this build, I am unable to support it without a guarantee of the following:

Roadways in our sub division are to remain closed as was agreed upon previously by the city of Saint John, with no direct access to this proposed sub division from Silverstone St., Westbrook Ave., Myles Drive or Garnett Road. There is no need for Myles drive to be opened to foot traffic or emergency vehicles. Access for emergency vehicles is quicker via McAllister Drive and Mountain View. Foot traffic should also be directed to Mountain View and McAllister Drive. There should be no need to this access via access to any of our streets in our sub division.

A study be done on the water that flows behind the homes on Westbrook Ave that border the Mountain View property to ensure that a build does not redirect and start flooding these homes. It appears contractor wants underground parking for a multi unit building. How many units and as previously stated, Century 21 could not build there due to the water and the land not supporting the build.

The tree line behind the homes on Westbrook Ave that border this Mountain View property remains and all berms that were agreed to previously be put in place.

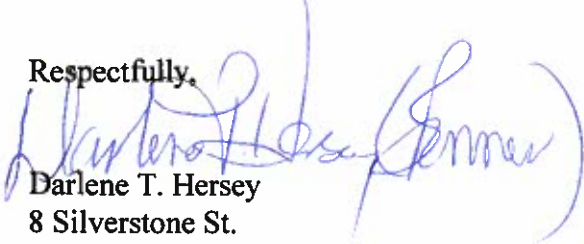
This proposed build at Mountain View be a stand alone sub division independent of any access to our sub division. Entry and exit should be from Mountain View onto Colter St. as was previously agreed upon.

As well, because of an increase of water use from this build, we need to ensure that a study is done that it will not affect water pressure in our sub division.

Again, I am not opposed to growth and for the most part, I think the concept is a good fit. The only concerns will be those noted above and without a guarantee these agreements remain in place that we had, it will be hard for me to support this build. As a taxpayer, I too have a right to live peacefully in my home which has been owned by my family and now me, since 1976 and not have my quality of living changed because a contractor wants to build.

Trusting you understand.

Respectfully,


Darlene T. Hersey
8 Silverstone St.

Saint John, N.B.
506-639-5051

Tom Wilson
Myles Drive

Feb.23/2019

City of Saint John
15 Market Square
Saint John N.B.

Jonathon Taylor-Common Clerk

Re: Concern about the proposed amendment for the land at 40 Mountain View Road .

I am writing regarding my concern for the opening of our streets to thru traffic from this proposed sub division .I recently purchased and completely renovated a home on Myles Drive for my elderly parents and myself .I chose this location for my home for a few reasons and wish to bring your attention to the following issues that will arise with this happening.

- Influx in traffic ,we now have a very quiet subdivision where you can sit out and enjoy the quiet of our back yard and deck with increased traffic this will not be possible
- We felt this was a safe subdivision but the more we are exposed to traffic, foot traffic and overall access to our neighbourhood we are exposing ourselves to the unknown
- We currently are without sidewalks (with nothing in the works for any going forward) my parents enjoyed walking but with increased traffic this will not be safe for them without sidewalks .Also for my granddaughter when she is visiting our home to walk or ride her bike.
- The traffic on Loch Lomond Road is congested in the early morning and evening supper hour we do not need to add to this.

I am not against development and the growth of our city, but at what point do we not consider our existing citizens and take in account the taxes we pay in the neighbourhood we chose to live in !

Yours sincerely,

Tom Wilson





CITY OF SAINT JOHN NEW BRUNSWICK

**A By-Law Respecting the
Closing of Roads, Streets or
Highways in The City of Saint
John**

**Arrêté relatif à la fermeture
des chemins, des rues ou des
routes dans The City of Saint
John**

By-Law Number LG-4

Arrêté numéro LG-4

An uncertified copy of this by-law
is available online

Une copie non certifiée de l'arrêté
est disponible en ligne

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RECITALS

WHEREAS, subparagraph 10(1)(p)(ii) of the *Local Governance Act*, S.N.B. 2017, c. 18 provides that a local government may make by-laws for municipal purposes respecting "... the temporary and permanent opening and closing of roads, streets and highways"; and

WHEREAS, the City from time to time might wish to exercise the authority, as referred to in the immediately preceding recital, to close a road, street or highway; and

WHEREAS, it is deemed desirable to establish the procedure to be followed by Common Council in considering whether to close any road, street or highway within the City;

NOW THEREFORE, the Common Council of The City of Saint John, enacts as follows:

Title

1 This By-Law may be cited as the *Road Closures By-Law* (hereinafter the "By-Law").

Definitions

2 The following definitions apply in this By-Law.

"**City**" means The City of Saint John (*municipalité*);

"**Common Council**" means the elected municipal council of the City (*conseil communal*);

Interpretation

3 Rules for interpretation of the language used in this By-law are contained in the lettered paragraphs as follows:

PRÉAMBULE

ATTENDU QUE, le sous-alinéa 10(1)p)(ii) de la *Loi sur la gouvernance locale*, L.N.-B. 2017, ch. 18 prévoit qu'un gouvernement local peut prendre des arrêtés concernant « ... la fermeture et l'ouverture permanentes et temporaires des chemins, des rues et des routes »; et

ATTENDU QUE, de temps à temps la municipalité peut décider d'exercer son autorité, comme précisé dans l'énoncé précédent, pour fermer un chemin, une rue ou une route; et

ATTENDU QUE, il est jugé souhaitable de mettre en place la procédure à suivre par le conseil communal pour décider de fermer un chemin, une rue ou une route dans la municipalité;

À CES CAUSES, le conseil communal de The City of Saint John édicte :

Titre

1 Le présent arrêté peut être cité sous le titre : *Arrêté concernant la fermeture des chemins* (ci-après « l'arrêté »).

Définitions

2 Les définitions qui suivent s'appliquent au présent arrêté.

« **municipalité** » désigne The City of Saint John (*City*);

« **conseil communal** » désigne les membres élus du conseil municipal de la municipalité (*Common Council*);

Interprétation

3 Les règles d'interprétation suivantes s'appliquent au présent arrêté comme suit :

(a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

(b) This By-law is to be read with all changes of gender or number required by the context.

(c) Each reference to legislation in this By-law is printed in *Italic font*. The reference is intended to include all applicable amendments to the legislation, including successor legislation. Where this By-law references other by-laws of the City, the term is intended to include all applicable amendments to those by-laws, including successor by-laws.

(d) The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws of the City or applicable provincial or federal statutes or regulations.

(e) If any section, subsection, part or parts or provision of this By-law, is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the ruling shall not affect the validity of the By-law as a whole, nor any other part of it.

a) Les titres, intertitres et numéros des dispositions ne servent qu'à faciliter la consultation de l'arrêté et ne doivent pas servir à son interprétation.

b) Le genre ou le nombre grammaticaux doivent être adaptés au contexte.

c) Les renvois législatifs paraissent en italique. Le renvoi à une loi vise également les modifications qui s'y appliquent, y compris toute législation de remplacement. Les renvois à d'autres arrêtés de la municipalité visent également les modifications qui s'y appliquent, y compris tout arrêté de remplacement.

d) Les obligations qu'il crée s'ajoutent à celles découlant d'autres arrêtés applicables de la municipalité ou des lois et règlements applicables des gouvernements fédéral ou provinciaux.

e) Si une disposition quelconque est déclarée invalide par un tribunal compétent pour quelque motif que ce soit, la décision n'entache en rien la validité de l'arrêté dans son ensemble ni de toute autre disposition.

Closing

4 The City may by by-law and subject to the provisions hereof and to any applicable provisions of the *Highway Act* (R.S.N.B. 1973, c. H-5 and amendments thereto) close any road, street or highway within the territorial limits of the City.

Procedure

5 Prior to determining whether to close any

Fermeture

4 La municipalité peut, par arrêté et sous réserve des présentes dispositions et de toute disposition applicable de la *Loi sur la voirie* (L.R.N.-B. 1973, ch. H-5, ensemble ses modifications), fermer un chemin, une rue ou une route à l'intérieur des limites territoriales de la municipalité.

Procédure

5 Avant de décider de procéder à la fermeture d'un chemin, d'une rue ou d'une route,

road, street or highway, Common Council shall: le conseil communal :

(a) Fix a time and place for the consideration of objections to the proposed closing;

(b) Give notice of its intention to consider the enacting of a by-law for the closing of a road, street or highway by posting its intention on the City website for a period of not less than fourteen days preceding the time fixed under paragraph (a); and

(c) Hear and consider any written objections to the proposed closing and hear any person who wishes to speak for or against the proposed closing, at the time and place fixed under paragraph (a).

a) Détermine la date et le lieu pour l'examen des objections à la fermeture proposée;

b) Donne avis de son intention d'adopter un arrêté pour la fermeture d'un chemin, d'une rue ou d'une route en publiant son intention sur le site Web de la municipalité pour une période d'au moins quatorze jours précédant la date établie en vertu de l'alinéa a);

c) Entend et examine toute objection écrite à la fermeture proposée et entend toute personne qui désire s'exprimer en faveur ou contre la fermeture proposée, à la date et au lieu établis en vertu de l'alinéa a);

6 The notice under section 5 shall:

(a) Define the road, street or highway, or portion thereof, to be considered for closing;

(b) State the time and place fixed under paragraph 5(a),

(c) State whether the proposed closing is of a permanent or temporary nature, and if temporary, the proposed duration thereof;

(d) State, in the instance of a proposal which would apply to vehicular traffic only, that pedestrian traffic would not be affected;

(e) State the place where and the hours during which the proposed closing by-law may be inspected, and

(f) State the person together with the corresponding address to whom written objections may be sent.

6 L'avis donné en vertu de l'article 5 :

a) Précise le chemin, la rue ou la route ou toute partie de ceux-ci, pris en considération pour la fermeture;

b) Précise la date et le lieu établis en vertu de l'alinéa 5a);

c) Précise si la fermeture proposée est de nature permanente ou temporaire, et si elle est temporaire, la durée de cette fermeture proposée;

d) Indique, dans le cas d'une proposition qui ne s'appliquerait qu'à la circulation automobile, que la circulation piétonnière ne sera pas affectée;

e) Indique le lieu où et les heures au cours desquelles l'arrêté proposant la fermeture peut être examiné;

f) Spécifie le nom de la personne à qui et l'adresse où les objections peuvent être envoyées.

IN WITNESS WHEREOF the City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this By-Law the _____ day of _____, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau municipal sur le présent arrêté le _____ 2019, avec les signatures suivantes :

Mayor/Maire

Common Clerk/Greffier communal

First Reading	- February 25, 2019	Première lecture	- le 25 février 2019
Second Reading	- February 25, 2019	Deuxième lecture	- le 25 février 2019
Third Reading	-	Troisième lecture	-

COUNCIL REPORT

M&C No.	2019-048
Report Date	March 06, 2019
Meeting Date	March 11, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Demolition of vacant, dilapidated and dangerous building at 78-80
Victoria Street (PID376459)***

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Rachel Van Wart</i>	<i>J Hamilton /A Poffenroth</i>	<i>John Collin</i>

RECOMMENDATION

RESOLVED, that the building located at 78-80 Victoria Street, PID# 376459, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED, that said building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and

BE IT FURTHER RESOLVED, that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

EXECUTIVE SUMMARY

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the building at 78-80 Victoria Street. The hazardous conditions outlined in the Notice have not been remedied by the owner within the required time frame and staff is looking for authorization from Council to arrange the demolition of the building.

PREVIOUS RESOLUTION

N/A

REPORT

Inspections of the property at 78-80 Victoria Street, PID# 376459, have revealed that there is one building on the premise; a three-storey, three unit apartment building. Staff first became aware of the property's vacancy in June 2010 and began standard enforcement procedures. The property is located in the City's North End in an urban centre residential zone. The building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

For the reasons described in the attached Inspection Report, a Notice to Comply was issued on February 19, 2019, was posted to the building and served on the owner the same day as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. The Certificate of Registered Ownership lists an individual as the owner. The owner has been cooperative with the City and will allow the building to be demolished, therefore the Notice provided the owner with the minimum 15 days to remedy the conditions at the property. The owner did not file a formal appeal and did not take remedial action to comply with the requirements of the Notice. A compliance inspection was conducted on March 6, 2019 which revealed that the conditions which gave rise to the Notice have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service on the owner. Also included are photographs of the building. The *Local Governance Act* indicates that where a Notice to Comply has been issued arising from a condition where a building has become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the buildings' vacancy, dilapidation, unsoundness of structural strength and resulting hazard to the safety of the public. A copy of the letter advising of the Common Council Hearing date and affidavit is attached; it was served on the owner's partner on February 26, 2019 and posted to the building the same day.

STRATEGIC ALIGNMENT

Enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* aligns with Council's Vibrant, Safe City priority.

SERVICE AND FINANCIAL OUTCOMES

As is written in the *Local Governance Act* that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior to starting demolition activities at the property. Total cost of the demolition work is approximated at \$10,000 and will take about 2-4 weeks

before it is complete. Staff will seek competitive bidding in accordance with the City's purchasing policy and the cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor's Office provided ownership verification by obtaining the Certificate of Registered Ownership for the property. Additionally, the City Solicitor's Office registered the Notice to Comply with Service New Brunswick's Land Registry.

ATTACHMENTS

Notice to Comply

Affidavit of Service - Notice to Comply

Affidavit of Service - Notice of Common Council Hearing Letter

Photos

FORM 4
NOTICE TO COMPLY – DANGEROUS OR
UNSAFELY PREMISES
(Local Governance Act, S.N.B., 2017, c.18, s 132(2))

Parcel identifier:

PID #376459

Address: 78-80 Victoria Street, Saint John,
New Brunswick

Owner(s) or Occupier(s):

Name: Green, Ronald Joseph

Address: 2-17 Main Street, Saint John, New
Brunswick E2K 1G9

Local government giving notice: The City of Saint
John

By-law contravened: *Saint John Unsightly Premises
and Dangerous Buildings and Structures By-Law*, By-
law Number M-30 and amendments thereto (the “By-
law”).

Provision(s) contravened: Subsections 6(1), 6(2) and
6(3) of the By-law.

Conditions(s) that exist: The premise is unsightly by
permitting junk, rubbish, refuse and a dilapidated
building to remain on the premise. The building has
become a hazard to the safety of the public by reason of
being vacant or unoccupied and has become a hazard to
the safety of the public by reason of dilapidation and by
reason of unsoundness of structural strength. The
conditions of the building and premise are described in
Schedule “A”, a true copy of the inspection report dated
February 19, 2019 prepared by Catherine Lowe, EIT &
Rachel Van Wart, EIT, By-law Enforcement Officer,
reviewed and concurred in by Amy Poffenroth, P. Eng.,
By-law Enforcement Officer.

What must be done to correct the condition: The
owner is to remedy the conditions by complying with
the required remedial actions of the aforementioned
inspection report and bring the building and premises
into compliance with the aforesaid By-law.

In the event that the owner does not remedy the
condition of the building and premises in the time
prescribed by this Notice to Comply, the building may
be demolished as the corrective action to address the
hazard to the safety of the public and the premises may
be cleaned up.

In the event of demolition, all debris and items on the
premises will be disposed of as the corrective action to
address the hazard to the safety of the public.

The aforementioned remedial actions relating to the
demolition of the building and the disposal of debris and

FORMULE 4
AVIS DE CONFORMITÉ – LIEUX
DANGEREUX
OU INESTHÉTIQUES
(Loi sur la gouvernance locale,
L.N.-B. 2017, ch. 18, par. 132(2))

Numéro d’identification de la parcelle :

NID : 376459

Adresse : 78-80, rue Victoria, Saint John,
Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Green, Ronald Joseph

Adresse : 2-17 Main Street, Saint John,
Nouveau-Brunswick, E2K 1G9

Gouvernement local signifiant l’avis : The City of
Saint John

Arrêté enfreint : *Arrêté relatif aux lieux inesthétiques
et aux bâtiments et constructions dangereux de Saint
John*, Arrêté numéro M-30, ainsi que ses
modifications ci-afférentes (l’ « Arrêté »).

Disposition(s) enfreinte(s) : Les paragraphes 6(1),
6(2) et paragraphe 6(3) de l’Arrêté.

Description de la (des) situation(s) : Les lieux sont
inesthétiques en permettant la présence de ferraille,
de débris et le bâtiment délabré. Le bâtiment
est devenu dangereuse pour la sécurité du public du
fait de son inhabitation ou de son inoccupation et est
devenu dangereuse pour la sécurité du public du fait
de son délabrement et du fait de manque de solidité.
Les conditions du bâtiment et des lieux sont décrites à
l’annexe « A », une copie conforme du rapport
d’inspection en date du 19 février 2019 et préparé par
Catherine Lowe, IS & Rachel Van Wart, IS, agentes
chargé de l’exécution des arrêtés municipaux, révisé
et en d’accorde avec par Amy Poffenroth, ing., une
agente chargé de l’exécution des arrêtés municipaux.

Ce qu’il y a lieu de faire pour y remédier: La
propriétaire doit restaurer les conditions en se
conformant aux recommandations du rapport
d’inspection susmentionné et d’amener le bâtiment et
les lieux en conformité avec l’Arrêté.

Dans l’éventualité que la propriétaire ne remédient pas
le bâtiment et les lieux dans le temps prescrit par le
présent avis de conformité, le bâtiment pourront être
démolis comme mesure corrective compte tenu qu’il
représente un danger pour la sécurité du public et les
lieux pourront être nettoyés.

Dans l’éventualité de démolition, tous les débris et
autres items sur les lieux seront disposés comme
mesure corrective dans le but de remédier le danger
pour la sécurité du public.

Les mesures correctives susmentionnées relativement
à la démolition du bâtiment et la disposition des débris

items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

Date before which the condition must be corrected:¹

- a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 15 days of being served with the Notice to Comply.
- b) The repair related remedies must be complete within 60 days of being served with the Notice to Comply.

Date for giving notice of appeal: Within 14 days of being served with the Notice to Comply.

Process to appeal: The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

Potential penalty for not complying with notice within time set out in notice:² Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

Délai imparti pour y remédier :¹

- a) La démolition du bâtiment et le nettoyage des lieux doivent être complétés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 15 jours qui suivent la signification de l'avis de conformité.
- b) Les réparations reliées aux mesures doivent être complétées dans les 60 jours qui suivent la signification de l'avis de conformité.

Date limite pour donner l'avis d'appel: Dans les 14 jours qui suivent la notification de l'avis de conformité.

Processus d'appel : La propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8^e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti :² Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b)i).

Local government’s authority to undertake repairs or remedy:³ Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

Pouvoir du gouvernement local d’entreprendre des réparations ou de remédier à la situation :³ Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l’Arrêté, si un avis de conformité a été signifié aux termes de l’article 7 de ladite Arrêté et, que le propriétaire ou l’occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu’il est réputé confirmé ou tel qu’il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l’exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l’occupant et deviennent une créance de la municipalité.

Dated at Saint John the 19th day of February, 2019.

Fait à Saint John le ____ février, 2019.

Local government: The City of Saint John

Gouvernement locale : The City of Saint John

Signature of the officer of the local government:

Signature du fonctionnaire du gouvernement local:



Contact information of the officer of the local government:

Coordonnées du fonctionnaire du gouvernement local:

Name: Rachel Van Wart, EIT
Mailing address:

Nom : Rachel Van Wart, IS
Adresse postale:

Growth and Community Development Services

Service de la Croissance et du Développement Communautaire

The City of Saint John
15 Market Square
City Hall Building, 10th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

The City of Saint John
15 Market Square
Édifice de l’hôtel de ville, 10^e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Telephone: (506) 658-2911
E-mail: rachel.vanwart@saintjohn.ca
Fax: (506) 632-6199

Téléphone : (506) 658-2911
Adresse électronique: rachel.vanwart@saintjohn.ca
Télécopieur : (506) 632-6199

Corporate seal of the local government



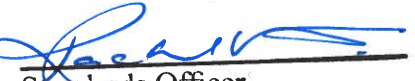
Sceau du gouvernement local

- Notes:**
1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
 2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
 3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

- Notes :**
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l’exécution des mesures de remédiation.
 2. Le paiement de l’amende n’a pas pour effet d’annuler l’obligation de se conformer à l’arrêté, à la norme ou à l’avis.
 3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l’avis commun d’évaluation et d’impôt foncier des gouvernements local et provincial.

I hereby certify that this document is a true copy of the original.

INSPECTION REPORT
Schedule "A"
78-80 Victoria Street
Saint John, New Brunswick
PID# 376459

Dated at Saint John,
this 17th day of
February 2019.

Standards Officer

Inspection Dates: June 7, 2018 & February 11, 2019
Inspections Conducted by: Catherine Lowe, EIT & Rachel Van Wart, EIT

Introduction

Inspections of the property at 78-80 Victoria Street, PID# 376459, have revealed that there is one building on the premise (the "Building"); a three-storey, three unit apartment building. Staff first became aware of the property's vacancy in June 2010 and began standard enforcement procedures. The Building has sustained two fires, one on June 11, 2010 and one on September 9, 2010. The property is located in the City's North End in an urban centre residential zone. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

There is an open building permit (BP16-546) that has been granted an extension until June 20, 2019. The description of work for this permit includes foundation repairs to the existing building and a slab for a future detached garage.

As per the *City of Saint John Zoning By-law*, the shipping container at the rear of the property is in contravention of the Zoning by-law and is not permitted on the property as it is classified as 'a container designed for commercial transport' that is functioning as an accessory structure.

8.17 Vehicle Bodies

Except as otherwise provided by this By-law, a container designed for commercial transport, a farm tractor, a motor vehicle, a road building machine, a tractor engine, a tractor trailer, or any other vehicle drawn, propelled or driven by any kind of power regardless of whether such vehicle has been modified or no longer functions or resembles a vehicle, shall not be permitted in any zone as a main building or structure or as an accessory building or structure.

Discussion

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Unsightly Premise Conditions

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises

- (a) any ashes, junk, rubbish or refuse;
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
- (c) a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
- (d) a dilapidated building.

1. There is junk, rubbish, and refuse on the property. These items include, but are not limited to; a shopping cart and multiple piles of lumber. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.

2. The Building is dilapidated. There is siding is missing from first floor of the front of the Building; the second and third floors of the front façade are covered in white vinyl siding. Pieces of plywood, lumber and other wood cover the foundation at the front of the Building. There are loose and broken stones at the right front corner of the Building, which may have previously been part of the foundation system. There is no siding on the rear exterior wall of the Building; old, loose, faded house wrap remains that blows in the wind. The paint is peeling from the wooden shingles on the right and left side of the Building. A section of the rear foundation is covered with plywood boards that are cracked in some locations. The entire Building structure is leaning significantly to the left. The aforementioned conditions are unsightly.

Vacant and Unoccupied

Subsection 6(2) of the By-law states:

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings in dilapidated condition that are known to be vacant can attract vandalism, arson and criminal activity. The property condition affects the quality of life of neighboring properties and negatively impacts property value of real estate in the area due to negative perceptions of unsafe and deteriorating conditions. The City of Saint John Finance department confirmed that the water has been turned off since April 2010. Saint John Energy confirmed that the power has been turned off and the meter has been removed in Apartment #2 since 2007 and Apartment #3 since 2010.
2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. Many vacant buildings in the North End area have recently been the target of arson. In 2010 this Building suffered two separate fires that both originated from the first storey of the Building. The Building is now a shell with wooden floors, walls, and ceiling members exposed. There is also an accumulation of plywood and lumber on the first storey. If a fire event were to occur in the Building it would quickly spread through the Building due to the lack of any material to impede the spread of the fire. The Building is in very close proximity to 82 Victoria Street. If a fire event were to occur within the Building it could potentially spread to the neighboring occupied building. This could cause significant damage to the building and endanger the lives of the occupants.
3. There is a concern for emergency personnel safety in the event of a fire or emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter the Building. The interior conditions of the Building are not known to firefighters which pose a hazard to their safety. The interior of the Building is entirely gutted. Many sections of the first storey are missing proper floor boards; instead plywood boards have been laid sporadically across the floor joists. This has left many holes and gaps that one could easily fall through to the foundation of the Building which could cause serious injury. On the second storey there are four metal cables anchored to the left and right walls that run the width of the Building. The cables are anchored approximately one foot in height above the floor. One cable is anchored at the top of the stairs on the left side of the Building so that it has to be stepped over from the top step. This creates a dangerous tripping hazard. These conditions are not known to emergency personnel and could pose a threat to their safety in an emergency situation.

Dilapidated Building Conditions

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

Exterior Conditions:

1. The exterior of the Building is dilapidated. The Building does not have a complete building envelop which can cause materials to rot and deteriorate. The rear exterior wall has no siding and is covered only by house wrap material. This condition has existed since 2012. Currently, this material is not tight to the Building as it should be, but is loose and flaps in the wind. On the front façade of the Building, house wrap is exposed around the front door and part of the ground floor wall. The lack of siding does not provide adequate protection of the structure. Rotten building materials can lead to damp and moldy conditions which could affect the health of any future tenants and can impact the structural integrity of the Building.
2. A front second storey window is broken. The Building directly abuts the sidewalk. If broken glass fell from this window a pedestrian on the sidewalk may be injured by the falling glass.
3. The foundation of the Building is not complete and is covered by plywood boards at the front and rear of the Building. The plywood boards do not provide full coverage of the foundation as there are many gaps between boards. This allows the elements to enter beneath the Building to the foundation. Sections of the foundation that are exposed at the front right and left side are cracked and appear deteriorated. A building permit was obtained to install a new foundation according to the specification outlined in a report by Fundy Engineering dated December 7, 2011. A permit was issued in 2011 but it expired and was closed in 2016 due to no work being completed. A second building permit was issued in 2016 again for the installation of the foundation. To date, no work has been completed and the foundation remains unfinished. An incomplete foundation can lead to deterioration of materials and structural instability. Also, the Building is leaning to the left and encroaching on the neighboring property at 82 Victoria Street. This condition is consistent with foundation issues.

Interior Conditions:

1. The interior of the Building is dilapidated. The Building has been stripped and is now a shell with only exposed wooden structural members and framing. The Building is missing the necessary habitable components such as flooring, drywall, and insulation. Many windows in the Building have been removed and covered with wooden panels. These conditions are a fire hazard. Buildings in the North End have recently been the target of arson. If a fire were to occur within the Building it would spread quickly as there is nothing to impede the spread of the fire. This is an extreme hazard to the safety of the public and emergency responders.
2. There is a lack of a complete building envelope, allowing the entry of animals, rodents and precipitation. The rear ell of the Building was demolished sometime between 2011 and 2012. The exterior wall was then wrapped with Tyvek house wrap and has remained in that condition to date. The house wrap has become loose and does not provide the rear wall with adequate protection from the elements. From inside the Building, the outside can be clearly seen

through sections of the rear wall that are no longer covered by the house wrap. There is also evidence of animals in the Building as feces was found on the third storey. In addition, a motion alarm system that notifies the Saint John Police Force of trespassing and criminal activity has been activated at least 10 times since 2015. Each time the alarm was activated, trespassers were not found. The motion detector alarms were likely activated by animals entering the Building. Animals such as raccoons can be aggressive, carry disease, and be a nuisance for neighbors.

3. The first storey of the Building does not have a proper floor. The floor joists of the Building are exposed, with sheets of plywood laid across the joists sporadically to allow passage through the first storey. Plywood must be laid according to the National Building Code of Canada in order to provide the required load bearing. As this has not been done on the first storey, the plywood could fail under load. Also, since the plywood does not properly cover the entire floor on the first storey, there are many holes and gaps in the floor between boards and floor joists. Falling through to the foundation of the Building would cause serious injury.
4. There are four metal cables anchored to the left and right walls of the Building on the second storey, each running the complete width of the interior of the Building. They are positioned approximately one foot above floor level, therefore needing to be stepped over carefully when walking through the second storey. One of the cables is anchored at the top of the staircase on the left side of the Building and must be stepped over from the top step. Anyone in the Building who is unfamiliar with its condition may not notice these metal cables. The cables are a serious tripping hazard.
5. The roof of the Building is dilapidated and leaking. Water damage can be seen on the floor boards in the same location on both the second and third storey floor. The water damaged area is larger on the third storey and likely becomes saturated during wet weather thus leaking water to the second storey. Water damaged material can become rotten if subjected to prolonged damp conditions. If this condition is not remedied the roof structure could become further deteriorated, eventually becoming structurally unsound.

Structurally Unsound Building Conditions

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The Building is structurally unsound and does not meet code standards. The Building is significantly leaning to the left, which is visible from the front view of the Building. In addition, framing members on the interior of the building show leaning to the left. The leaning of the structure is likely related to the foundation and soil conditions. According to a report by Fundy Engineering dated December 7, 2011, the foundation requires a number of repairs in order to meet National Building Code of Canada. Two separate building permits were issued by the City for repairs, yet neither permitted work has been completed. This has left the foundation exposed and subject to further deterioration. If this condition persists or the Building is subjected to a significant load (fire load, extreme weather conditions) the Building would be in danger of further structural failure and unsoundness.

2. There are four metal cables anchored to the left and right walls of the Building that run the width of the interior of the Building. The property owner has stated that these cables serve a structural support purpose. It is unclear if this condition does add any structural integrity. The cables are subject to tension forces. If a cable were to fail, the potential negative effect this would have on the structural integrity of the Building is unknown and could be severe. Also, if someone were on the second storey when a cable failed it could cause personal injury.

Required Remedial Actions

The owner must comply with one of the two options stated below:

Option 1: Remedy the conditions of the Building through all repair and remedial actions as follows:

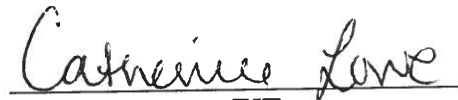
1. The Building must be must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.
2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.
3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the “Department”) for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.
4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.
5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the “*Saint John Building By-law*”).
6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

Option 2: Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:

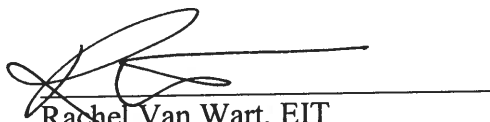
1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.
2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law*.
3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

Prepared by:



Catherine Lowe, EIT
Technical Services Officer
Growth and Community Development Services

Feb 19, 2019
Date


Rachel Van Wart, EIT
Technical Services Officer
Growth and Community Development Services

FEB 19 / 19
Date

Reviewed by and concurred in by:


Amy Poffenroth, P. Eng., MBA
Building Inspector
Deputy Commissioner
Growth and Community Development Services

February 19, 2019
Date

CANADA

PROVINCE OF NEW BRUNSWICK

COUNTY OF SAINT JOHN

CITY OF SAINT JOHN

AFFIDAVIT OF SERVICE

I, Catherine Lowe of the city of Saint John
_____ in the County of Saint John and Province of

New Brunswick MAKE OATH AND SAY AS FOLLOWS:

1. On the 19th day of February, 2019, I served
Ronald Green with the following documents:

- a Notice to Comply, attached hereto as Exhibit "A";
- a Notice of Appeal, attached hereto as Exhibit "B";

by leaving a copy with him / her at 106 Victoria Street,
Saint John, New Brunswick.

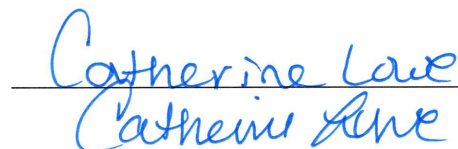
2. I was able to identify the person served by means of the fact that he / she
acknowledged to me he / she was

Ronald Green.

Sworn To before me at the
City of Saint John, N.B.,
on the 19th day of
February, 2019



RACHELA VAN WART
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DECEMBER 31ST, 2022


Catherine Lowe
Catherine Lowe

FORM 4
NOTICE TO COMPLY – DANGEROUS OR
UNSAFELY PREMISES
(Local Governance Act, S.N.B., 2017, c.18, s 132(2))

This is Exhibit "A"
Referred to in the Affidavit of

Parcel identifier:

PID #376459

Address: 78-80 Victoria Street,
New Brunswick

Owner(s) or Occupier(s):

Name: Green, Ronald Joseph

Address: 2-17 Main Street, Saint John, New
Brunswick E2K 1G9

Local government giving notice: The City of Saint
John

By-law contravened: *Saint John Unsightly Premises
and Dangerous Buildings and Structures By-Law*, By-
law Number M-30 and amendments thereto (the "By-
law").

Provision(s) contravened: Subsections 6(1), 6(2) and
6(3) of the By-law.

Conditions(s) that exist: The premise is unsightly by
permitting junk, rubbish, refuse and a dilapidated
building to remain on the premise. The building has
become a hazard to the safety of the public by reason of
being vacant or unoccupied and has become a hazard to
the safety of the public by reason of dilapidation and by
reason of unsoundness of structural strength. The
conditions of the building and premise are described in
Schedule "A", a true copy of the inspection report dated
February 19, 2019 prepared by Catherine Lowe, EIT &
Rachel Van Wart, EIT, By-law Enforcement Officer,
reviewed and concurred in by Amy Poffenroth, P. Eng.,
By-law Enforcement Officer.

What must be done to correct the condition: The
owner is to remedy the conditions by complying with
the required remedial actions of the aforementioned
inspection report and bring the building and premises
into compliance with the aforesaid By-law.

In the event that the owner does not remedy the
condition of the building and premises in the time
prescribed by this Notice to Comply, the building may
be demolished as the corrective action to address the
hazard to the safety of the public and the premises may
be cleaned up.

In the event of demolition, all debris and items on the
premises will be disposed of as the corrective action to
address the hazard to the safety of the public.

The aforementioned remedial actions relating to the
demolition of the building and the disposal of debris and

FORMULE 4
AVIS DE CONFORMITÉ – LIEUX
DANGEREUX
OU INESTHÉTIQUES
(Loi sur la gouvernance locale,
L.N.-B. 2017, ch. 18, par. 132(2))

Numéro d'identification de la parcelle :

NID : 376459

Adresse : 78-80, rue Victoria, Saint John,
Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Green, Ronald Joseph

Adresse : 2-17 Main Street, Saint John,
Nouveau-Brunswick, E2K 1G9

Gouvernement local signifiant l'avis : The City of
Saint John

Arrêté enfreint : *Arrêté relatif aux lieux inesthétiques
et aux bâtiments et constructions dangereux de Saint
John*, Arrêté numéro M-30, ainsi que ses
modifications ci-afférentes (l'« Arrêté »).

Disposition(s) enfreinte(s) : Les paragraphes 6(1),
6(2) et paragraphe 6(3) de l'Arrêté.

Description de la (des) situation(s) : Les lieux sont
inesthétiques en permettant la présence de ferraille,
de débris et le bâtiment délabré. Le bâtiment
est devenu dangereuse pour la sécurité du public du
fait de son inhabitation ou de son inoccupation et est
devenu dangereuse pour la sécurité du public du fait
de son délabrement et du fait de manque de solidité.
Les conditions du bâtiment et des lieux sont décrites à
l'annexe « A », une copie conforme du rapport
d'inspection en date du 19 février 2019 et préparé par
Catherine Lowe, IS & Rachel Van Wart, IS, agentes
chargé de l'exécution des arrêtés municipaux, révisé
et en d'accorde avec par Amy Poffenroth, ing., une
agente chargé de l'exécution des arrêtés municipaux.

Ce qu'il y a lieu de faire pour y remédier: La
propriétaire doit restaurer les conditions en se
conformant aux recommandations du rapport
d'inspection susmentionné et d'amener le bâtiment et
les lieux en conformité avec l'Arrêté.

Dans l'éventualité que la propriétaire ne remédient pas
le bâtiment et les lieux dans le temps prescrit par le
présent avis de conformité, le bâtiment pourront être
démolis comme mesure corrective compte tenu qu'il
représente un danger pour la sécurité du public et les
lieux pourront être nettoyés.

Dans l'éventualité de démolition, tous les débris et
autres items sur les lieux seront disposés comme
mesure corrective dans le but de remédier le danger
pour la sécurité du public.

Les mesures correctives susmentionnées relativement
à la démolition du bâtiment et la disposition des débris

items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

Date before which the condition must be corrected: ¹

- a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 15 days of being served with the Notice to Comply.
- b) The repair related remedies must be complete within 60 days of being served with the Notice to Comply.

Date for giving notice of appeal: Within 14 days of being served with the Notice to Comply.

Process to appeal: The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

Potential penalty for not complying with notice within time set out in notice:² Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

Délai imparti pour y remédier : ¹

- a) La démolition du bâtiment et le nettoyage des lieux doivent être complétés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 15 jours qui suivent la signification de l'avis de conformité.
- b) Les réparations reliées aux mesures doivent être complétées dans les 60 jours qui suivent la signification de l'avis de conformité.

Date limite pour donner l'avis d'appel: Dans les 14 jours qui suivent la notification de l'avis de conformité.

Processus d'appel : La propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8^e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti : ² Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b)i).

Local government's authority to undertake repairs or remedy:³ Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation :³ Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

Dated at Saint John the 19th day of February, 2019.

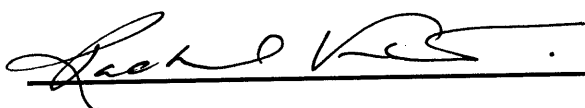
Fait à Saint John le ____ février, 2019.

Local government: The City of Saint John

Gouvernement locale : The City of Saint John

Signature of the officer of the local government:

Signature du fonctionnaire du gouvernement local:



Contact information of the officer of the local government:

Coordonnées du fonctionnaire du gouvernement local:

Name: Rachel Van Wart, EIT
Mailing address:

Nom : Rachel Van Wart, IS
Adresse postale:

Growth and Community Development Services

Service de la Croissance et du Développement
Communautaire

The City of Saint John
15 Market Square
City Hall Building, 10th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

The City of Saint John
15 Market Square
Édifice de l'hôtel de ville, 10^e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Telephone: (506) 658-2911
E-mail: rachel.vanwart@saintjohn.ca
Fax: (506) 632-6199

Téléphone : (506) 658-2911
Adresse électronique: rachel.vanwart@saintjohn.ca
Télécopieur : (506) 632-6199

Corporate seal of the local government



Sceau du gouvernement local

Notes:

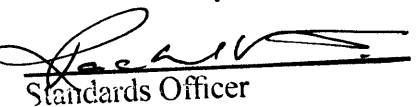
1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

Notes :

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

I hereby certify that this document is a true copy of the original.

**INSPECTION REPORT
Schedule "A"
78-80 Victoria Street
Saint John, New Brunswick
PID# 376459**

Dated at Saint John,
this 17th day of
February 2019.

Standards Officer

Inspection Dates: June 7, 2018 & February 11, 2019
Inspections Conducted by: Catherine Lowe, EIT & Rachel Van Wart, EIT

Introduction

Inspections of the property at 78-80 Victoria Street, PID# 376459, have revealed that there is one building on the premise (the "Building"); a three-storey, three unit apartment building. Staff first became aware of the property's vacancy in June 2010 and began standard enforcement procedures. The Building has sustained two fires, one on June 11, 2010 and one on September 9, 2010. The property is located in the City's North End in an urban centre residential zone. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

There is an open building permit (BP16-546) that has been granted an extension until June 20, 2019. The description of work for this permit includes foundation repairs to the existing building and a slab for a future detached garage.

As per the *City of Saint John Zoning By-law*, the shipping container at the rear of the property is in contravention of the Zoning by-law and is not permitted on the property as it is classified as 'a container designed for commercial transport' that is functioning as an accessory structure.

8.17 Vehicle Bodies

Except as otherwise provided by this By-law, a container designed for commercial transport, a farm tractor, a motor vehicle, a road building machine, a tractor engine, a tractor trailer, or any other vehicle drawn, propelled or driven by any kind of power regardless of whether such vehicle has been modified or no longer functions or resembles a vehicle, shall not be permitted in any zone as a main building or structure or as an accessory building or structure.

Discussion

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Unsightly Premise Conditions

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises

- (a) any ashes, junk, rubbish or refuse;
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
- (c) a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
- (d) a dilapidated building.

1. There is junk, rubbish, and refuse on the property. These items include, but are not limited to; a shopping cart and multiple piles of lumber. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.

2. The Building is dilapidated. There is siding is missing from first floor of the front of the Building; the second and third floors of the front façade are covered in white vinyl siding. Pieces of plywood, lumber and other wood cover the foundation at the front of the Building. There are loose and broken stones at the right front corner of the Building, which may have previously been part of the foundation system. There is no siding on the rear exterior wall of the Building; old, loose, faded house wrap remains that blows in the wind. The paint is peeling from the wooden shingles on the right and left side of the Building. A section of the rear foundation is covered with plywood boards that are cracked in some locations. The entire Building structure is leaning significantly to the left. The aforementioned conditions are unsightly.

Vacant and Unoccupied

Subsection 6(2) of the By-law states:

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings in dilapidated condition that are known to be vacant can attract vandalism, arson and criminal activity. The property condition affects the quality of life of neighboring properties and negatively impacts property value of real estate in the area due to negative perceptions of unsafe and deteriorating conditions. The City of Saint John Finance department confirmed that the water has been turned off since April 2010. Saint John Energy confirmed that the power has been turned off and the meter has been removed in Apartment #2 since 2007 and Apartment #3 since 2010.
2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. Many vacant buildings in the North End area have recently been the target of arson. In 2010 this Building suffered two separate fires that both originated from the first storey of the Building. The Building is now a shell with wooden floors, walls, and ceiling members exposed. There is also an accumulation of plywood and lumber on the first storey. If a fire event were to occur in the Building it would quickly spread through the Building due to the lack of any material to impede the spread of the fire. The Building is in very close proximity to 82 Victoria Street. If a fire event were to occur within the Building it could potentially spread to the neighboring occupied building. This could cause significant damage to the building and endanger the lives of the occupants.
3. There is a concern for emergency personnel safety in the event of a fire or emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter the Building. The interior conditions of the Building are not known to firefighters which pose a hazard to their safety. The interior of the Building is entirely gutted. Many sections of the first storey are missing proper floor boards; instead plywood boards have been laid sporadically across the floor joists. This has left many holes and gaps that one could easily fall through to the foundation of the Building which could cause serious injury. On the second storey there are four metal cables anchored to the left and right walls that run the width of the Building. The cables are anchored approximately one foot in height above the floor. One cable is anchored at the top of the stairs on the left side of the Building so that it has to be stepped over from the top step. This creates a dangerous tripping hazard. These conditions are not known to emergency personnel and could pose a threat to their safety in an emergency situation.

Dilapidated Building Conditions

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

Exterior Conditions:

1. The exterior of the Building is dilapidated. The Building does not have a complete building envelop which can cause materials to rot and deteriorate. The rear exterior wall has no siding and is covered only by house wrap material. This condition has existed since 2012. Currently, this material is not tight to the Building as it should be, but is loose and flaps in the wind. On the front façade of the Building, house wrap is exposed around the front door and part of the ground floor wall. The lack of siding does not provide adequate protection of the structure. Rotten building materials can lead to damp and moldy conditions which could affect the health of any future tenants and can impact the structural integrity of the Building.
2. A front second storey window is broken. The Building directly abuts the sidewalk. If broken glass fell from this window a pedestrian on the sidewalk may be injured by the falling glass.
3. The foundation of the Building is not complete and is covered by plywood boards at the front and rear of the Building. The plywood boards do not provide full coverage of the foundation as there are many gaps between boards. This allows the elements to enter beneath the Building to the foundation. Sections of the foundation that are exposed at the front right and left side are cracked and appear deteriorated. A building permit was obtained to install a new foundation according to the specification outlined in a report by Fundy Engineering dated December 7, 2011. A permit was issued in 2011 but it expired and was closed in 2016 due to no work being completed. A second building permit was issued in 2016 again for the installation of the foundation. To date, no work has been completed and the foundation remains unfinished. An incomplete foundation can lead to deterioration of materials and structural instability. Also, the Building is leaning to the left and encroaching on the neighboring property at 82 Victoria Street. This condition is consistent with foundation issues.

Interior Conditions:

1. The interior of the Building is dilapidated. The Building has been stripped and is now a shell with only exposed wooden structural members and framing. The Building is missing the necessary habitable components such as flooring, drywall, and insulation. Many windows in the Building have been removed and covered with wooden panels. These conditions are a fire hazard. Buildings in the North End have recently been the target of arson. If a fire were to occur within the Building it would spread quickly as there is nothing to impede the spread of the fire. This is an extreme hazard to the safety of the public and emergency responders.
2. There is a lack of a complete building envelope, allowing the entry of animals, rodents and precipitation. The rear ell of the Building was demolished sometime between 2011 and 2012. The exterior wall was then wrapped with Tyvek house wrap and has remained in that condition to date. The house wrap has become loose and does not provide the rear wall with adequate protection from the elements. From inside the Building, the outside can be clearly seen

through sections of the rear wall that are no longer covered by the house wrap. There is also evidence of animals in the Building as feces was found on the third storey. In addition, a motion alarm system that notifies the Saint John Police Force of trespassing and criminal activity has been activated at least 10 times since 2015. Each time the alarm was activated, trespassers were not found. The motion detector alarms were likely activated by animals entering the Building. Animals such as raccoons can be aggressive, carry disease, and be a nuisance for neighbors.

3. The first storey of the Building does not have a proper floor. The floor joists of the Building are exposed, with sheets of plywood laid across the joists sporadically to allow passage through the first storey. Plywood must be laid according to the National Building Code of Canada in order to provide the required load bearing. As this has not been done on the first storey, the plywood could fail under load. Also, since the plywood does not properly cover the entire floor on the first storey, there are many holes and gaps in the floor between boards and floor joists. Falling through to the foundation of the Building would cause serious injury.
4. There are four metal cables anchored to the left and right walls of the Building on the second storey, each running the complete width of the interior of the Building. They are positioned approximately one foot above floor level, therefore needing to be stepped over carefully when walking through the second storey. One of the cables is anchored at the top of the staircase on the left side of the Building and must be stepped over from the top step. Anyone in the Building who is unfamiliar with its condition may not notice these metal cables. The cables are a serious tripping hazard.
5. The roof of the Building is dilapidated and leaking. Water damage can be seen on the floor boards in the same location on both the second and third storey floor. The water damaged area is larger on the third storey and likely becomes saturated during wet weather thus leaking water to the second storey. Water damaged material can become rotten if subjected to prolonged damp conditions. If this condition is not remedied the roof structure could become further deteriorated, eventually becoming structurally unsound.

Structurally Unsound Building Conditions

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The Building is structurally unsound and does not meet code standards. The Building is significantly leaning to the left, which is visible from the front view of the Building. In addition, framing members on the interior of the building show leaning to the left. The leaning of the structure is likely related to the foundation and soil conditions. According to a report by Fundy Engineering dated December 7, 2011, the foundation requires a number of repairs in order to meet National Building Code of Canada. Two separate building permits were issued by the City for repairs, yet neither permitted work has been completed. This has left the foundation exposed and subject to further deterioration. If this condition persists or the Building is subjected to a significant load (fire load, extreme weather conditions) the Building would be in danger of further structural failure and unsoundness.

2. There are four metal cables anchored to the left and right walls of the Building that run the width of the interior of the Building. The property owner has stated that these cables serve a structural support purpose. It is unclear if this condition does add any structural integrity. The cables are subject to tension forces. If a cable were to fail, the potential negative effect this would have on the structural integrity of the Building is unknown and could be severe. Also, if someone were on the second storey when a cable failed it could cause personal injury.

Required Remedial Actions

The owner must comply with one of the two options stated below:

Option 1: Remedy the conditions of the Building through all repair and remedial actions as follows:

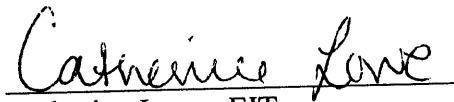
1. The Building must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.
2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.
3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the "Department") for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.
4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.
5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").
6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

Option 2: Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:

1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.
2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law*.
3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.

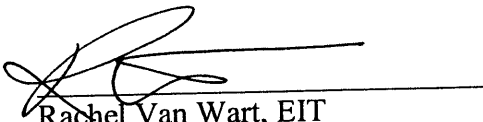
4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

Prepared by:



Catherine Lowe, EIT
Technical Services Officer
Growth and Community Development Services

Feb 19, 2019
Date



Rachel Van Wart, EIT
Technical Services Officer
Growth and Community Development Services

FEB 19 / 19
Date

Reviewed by and concurred in by:



Amy Poffenroth, P. Eng., MBA
Building Inspector
Deputy Commissioner
Growth and Community Development Services

February 19, 2019
Date

This is Exhibit "B"
Referred to in the Affidavit of
Catherine Lowe
Sworn before me at the City of
Saint John, New Brunswick
the 19th day of February 2019
Rachel [Signature]
Commissioner of Oaths

Schedule "A"

FORM 1
NOTICE OF APPEAL

Annexe « A »

FORMULE 1
AVIS D'APPEL

File No.: _____

N° du dossier : _____

BETWEEN :

ENTRE :

_____,
Appellant(s),

_____,
Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

Parcel Address: _____

Adresse de la parcelle : _____

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: _____

Nom : _____

Address: _____

Adresse : _____

Telephone: _____

Téléphone: _____

Name: _____

Nom : _____

Address: _____

Adresse : _____

Telephone: _____

Téléphone: _____

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in:

L'appelant ou les appelants susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui sont énoncés dans :

(a) a Notice that was given under section 7 of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*; or

(a) un AVIS qui a été donné en vertu de l'article 7 de l'Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux dans *The City of Saint John*; ou

(b) an Order that was issued under section 25 of the *Saint John Minimum Property Standards By-Law*;

(b) une ORDONNANCE qui a été émise en vertu de l'article 25 de l'Arrêté concernant les normes minimales régissant les résidences de Saint John

and therefore appeals to the *Saint John Substandard Properties Appeal Committee*.

et fait ainsi appel devant le *Comité des appels sur les résidences non conformes aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appelant(s) dans le présent appel sont les suivants (énoncer les motifs de façon

claire et concise) :

Dated at _____ the _____ day of _____, 20____.

Fait à _____ le _____ 20____.

Signature of owner or occupier

Signature du propriétaire ou de l'occupant

The appellant(s) intends to proceed in the English [] or French [] language (Please check the appropriate box).

L'appelant a ou les appelants ont l'intention d'utiliser la langue française [] ou anglaise [] (Veuillez cocher la case appropriée).

*Please forward your Notice of Appeal by registered mail to the Common Clerk within **fourteen (14) days** after having been given the Notice or Order at the following address:*

*Veillez faire parvenir votre AVIS D'APPEL par courrier recommandé au greffier communal dans les **quatorze (14) jours** qui suivent la notification de l'AVIS ou de l'ORDONNANCE à l'adresse suivante :*

Common Clerk's Office
15 Market Square, City Hall Building, 8th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Bureau du greffier communal
15 Market Square, Édifice de l'hôtel de ville, 8^e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Telephone: 506-658-2862
Facsimile: 506-674-4214

Téléphone : 506-658-2862
Facsimilé : 506-674-4214

Notes:

Notes :

1. A Notice or Order that is not appealed within **fourteen (14) days** after having been given or issued shall be deemed to be confirmed.
2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.
3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the Notice or Order, or extend the time for complying with the Notice or Order.
4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.

1. Un AVIS ou une ORDONNANCE dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'AVIS ou l'émission de l'ORDONNANCE est réputé confirmé.
2. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant ou les occupants qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut (peuvent) se faire représenter par un avocat.
3. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* peut confirmer, modifier ou annuler l'AVIS ou l'ORDONNANCE ou proroger le délai pour s'y conformer.
4. Le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant ou aux occupants des lieux, du bâtiment ou de la construction qui lui a (ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu

sa décision.

5. The owner(s) or occupier(s) who is provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* regarding a Notice, may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within ***fourteen (14) days*** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the by-law was not followed, or (b) the decision is unreasonable.

5. Le(s) propriétaire(s) ou l'occupant ou les occupants à qui une copie d'une décision a été fournie par le *Comité des appels sur les résidences non conformes aux normes de Saint John* concernant un AVIS peut (peuvent), dans les ***quatorze (14) jours*** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de l'arrêté n'a pas été suivie, ou (b) la décision est déraisonnable.

CANADA
PROVINCE OF NEW BRUNSWICK
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT


78-80 Victoria Street, SAINT JOHN, N.B. (PID number 376459)

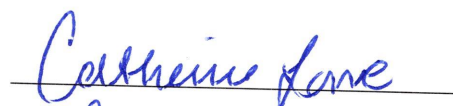
AFFIDAVIT OF SERVICE

I, Catherine Lane, of Saint John, N.B., Make Oath And Say As Follows:

1. I am employed by The City of Saint John in its Growth and Community Development Services Department. I have personal knowledge of the matters herein deposed except where otherwise stated.
2. On February 22, 2019, at approximately 3:34pm, I posted a copy of the attached Notice of Common Council Hearing Letter, marked Exhibit "A" to the front door of the building that is located at 78-80 Victoria Street, Saint John, N.B.

Sworn To before me at the
City of Saint John, N.B.,
on the 27th day of
February, 2019


RACHELA VAN WART
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DECEMBER 31ST, 2022


Catherine Lane



The City of Saint John

February 21, 2019

Case Number: 10-00291

Ronald Joseph Green
2-17 Main St
Saint John, NB
E2K 1G9

**Permitting & Inspection / Service des inspections et de l'application
By-Law Enforcement / Service d'Application des Arrêtés Municipaux**

Phone / Tél: (506) 658-2911
Fax / Téléc: (506) 632-6199

This is Exhibit "A"
Referred to in the Affidavit of
Catherine Lowe
Sworn before me at the City of
Saint John, New Brunswick
the 27th day of February 2019
[Signature]
Commissioner of Oaths

NOTICE OF COMMON COUNCIL HEARING

Dear Sir:

Re: 78 Victoria St, PID # 00376459
Dangerous and Vacant Building Program

On February 19, 2019, a Notice to Comply was issued for the above mentioned property which required remedial action to bring the building and premises into compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*. The Notice to Comply was posted on the said property on February 19, 2019.

The fourteen (14) day appeal period will expire on March 5, 2019. A compliance inspection will be carried out on March 6, 2019. If the property is not in compliance with the aforesaid By-law at the time of the inspection, City Staff will be attending the Common Council meeting scheduled on March 11, 2019 at 6:00pm p.m. to recommend that the building be demolished because it has become a hazard to the safety of the public by reason of dilapidation or by reason of unsoundness of structural strength. Please be advised that at this meeting, you can present evidence that the building is not dilapidated or structurally unsound; however, note that this meeting will be your only opportunity to do so.

Thank you for your cooperation. If you have any questions, don't hesitate to contact me at (506) 658-2911.

Regards,

[Signature]

Rachel Van Wart, EIT
Technical Services Officer



SAINT JOHN

P.O. Box 1971
Saint John, NB
Canada E2L 4L1

C.P. 1971
Saint John, N.-B.
Canada E2L 4L1

www.saintjohn.ca



78-80 Victoria Street, Saint John, New Brunswick
237
PID# 376459



78-80 Victoria Street, Saint John, New Brunswick
238
PID# 376459



239
78-80 Victoria Street, Saint John, New Brunswick
PID# 376459



78-80 Victoria Street, Saint John, New Brunswick
240
PID# 376459



78-80 Victoria Street, Saint John, New Brunswick
PID# 376459



78-80 Victoria Street, Saint John, New Brunswick
242
PID# 376459

Photo 6



78-80 Victoria Street, Saint John, New Brunswick
243
PID# 376459

Photo 7



78-80 Victoria Street, Saint John, New Brunswick
244
PID# 376459



245
78-80 Victoria Street, Saint John, New Brunswick
PID# 376459

Photo 9

COUNCIL REPORT

M&C No.	2019-35
Report Date	March 01, 2019
Meeting Date	March 11, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Response to Yacht Haven Lane Residents Presentation

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jennifer Brown/Jeff Hussey</i>	<i>Jacqueline Hamilton/Mike Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

That Common Council receive and file this report.

EXECUTIVE SUMMARY

The residents of Yacht Haven Lane appeared before Council on December 17, 2018 to request their private street be vested as public. The residents are asking for an increased level of service delivery as current services are provided for by a private trustee, Moorings of Millidgeville, which owns the Yacht Haven Lane right-of-way and several parcels of land at the entrance to the private development.

Yacht Haven Lane was intentionally developed and marketed as a private development with maintenance being the responsibility of the trustee, similar to a condominium development. The road is therefore classified in the “P2” category; P2 roads are not serviced by the City therefore it is the responsibility of the property owner to provide snow removal and surface maintenance. There is an easement in place to allow for the City to access and maintain underground infrastructure.

There are three categories for roads within the City limits, P1, P2 and, Public streets. P1 streets are private streets serviced by the City. These streets are generally part of the amalgamation agreements from 1967. These streets receive minimal surface maintenance and snow removal and curbside solid

waste collection. P2 Streets like Yacht Haven Lane, receive no maintenance services from the City. Public streets are owned and serviced by the City.

It is recommended Yacht Haven Lane maintain its P2 status as classifying it as a public street is not aligned with Council's priorities focused on fiscal responsibility. In considering this request, Council must consider the merit of other P2 streets being classified as public streets. Reclassifying Yacht Haven Lane sets an unrealistic precedent of increased service delivery throughout the City - a precedent the City is unable to meet due to the current challenging fiscal environment.

PREVIOUS RESOLUTION

On December 17, 2018, Common Council resolved that the submitted report entitled *Yacht Haven Lane* be referred to staff to come back to Common Council with a report.

STRATEGIC ALIGNMENT

This report and recommendation aligns with Council's priorities specific to valued service delivery and fiscal responsibility.

REPORT

Residents of Yacht Haven Lane appeared before Council on December 17, 2018 to request their private road be vested with the City as a public street. The residents provided a presentation which focused on the provision of snow clearing as they explained other servicing such as infrastructure and street lighting had been provided and paid for by the developer of the original subdivision.

There is an extensive history of development applications associated with the parcel of land now known as Yacht Haven Lane. In the mid- to late-1990s, the City received several iterations of subdivision plans which varied in housing type and number. On May 10, 1999 Council approved a Municipal Plan Amendment and Rezoning subject to Section 39 (now 59) conditions to accommodate a 23 unit residential subdivision, "The Moorings of Millidgeville", with a mixture of single- and two-family dwellings. The Section 59 condition most relevant to this discussion required the individual deeds for all the proposed lots and part-lots to indicate the proposed Yacht Haven Lane is a private access that will not be maintained by the City.

Previous to Council's May 10, 1999 approval, the Planning Advisory Committee approved several variances to facilitate the proposed subdivision plan at Yacht Haven Lane. The variances are detailed as follows:

- a) To permit a right-of-way width of 15 metres (50 feet) for the proposed extension of Manners Sutton Road, whereas the Subdivision By-law requires a minimum width of 20 metres (66 feet);
- b) To permit a lot depth for proposed Lot 21, ranging from 25 to 30 metres (82 to 100 feet), whereas the Subdivision By-law requires a minimum depth of 30 metres (100 feet);
- c) To permit front yards of 6 metres (20 feet) for proposed lots 1 to 12 and 22 to 23, whereas the Zoning By-law requires minimum front yards of 7.5 metres (25 feet);
- d) To permit rear yards of 6 metres for proposed Lots 3 to 12, whereas the Zoning By-law requires minimum rear yards of 7.5 metres (25 feet);
- e) To permit side yards of 1.5 metres (5 feet) or larger for proposed Lots 1 to 12 and 22 to 23, whereas the Zoning By-law requires minimum side yards of 10 percent of the lot width; and
- f) To permit lot occupancies of up to 49 percent for proposed Lots 1 to 12, whereas the Zoning By-law permits a maximum lot occupancy of 40 percent.

The Moorings of Millidgeville subdivision was intentionally developed on a private street. The developer had identified a gap in the housing market and was seeking to respond. The development was described in the original application as providing a “relaxed lifestyle” to seniors and empty-nesters who had “...expressed interest in living in a single storey carefree unit where snow plowing, lawn care, etc., is provided”. The subdivision design took into account the constraints of the small peninsula on which the lots were to be created. In order to accommodate the desired number of units, the developer infilled parts of the peninsula, decreased the width of the right-of-way, and reduced the width of the turning circle. The private street was therefore built below the City’s specifications at the time of the approval and remains sub-standard today.

Municipal Operations expressed concerns with each development proposal submitted at the site, including the existing Yacht Haven Lane development. City Engineers expressed the necessity for individual deeds to proposed lots identify the street as private with no maintenance provided by the City. City Engineers also opposed the decrease in the right-of-way width, preferring it be built to City Specifications as they anticipated future residents would expect the City to carry out any major maintenance once it was required. Council and the Planning Advisory Committee placed conditions on the development which aimed to align with and mitigate the concerns presented by City Engineers.

It is not recommended Yacht Haven Lane be incorporated into the City’s inventory at this time. The degree of work necessary to have the right-of-way vested with the City is substantial:

- The right-of-way is privately owned and therefore would need to be acquired through private sale or expropriation;

- A subdivision application would be required to separate the right-of-way from the remaining building lots. This subdivision would be subject to Lands for Public Purposes (LPP). An exemption to this requirement requires Council approval;
- A Section 59 Amendment would be required to remove conditions pertaining to the development being on a private street;
- All property titles would need to be amended; and
- An analysis of the existing private services (asphalt, sidewalk, curbing, and lighting) would need to be undertaken to assess their condition and suitability within the City's standards and specifications. It is possible the current private standards could not be upheld once maintenance becomes required.

Where the development was purposefully created as a private street intentionally constructed below the City's road specifications of the day, Yacht Haven Lane is best suited as a private street. The residents on this street were fully aware of the private status of the road when they bought into the development.

SERVICE AND FINANCIAL OUTCOMES

The City has 1,160 lane kilometres within the City limits to which the City provides services; this includes all the P1 roads. There are approximately 30 lane kilometres that comprises the roads in the P1 category. Additionally, there are approximately 75 lane kilometres of P2 roads the City does not service.

The P1 roads serviced by the City which receive a minimal level of service and represent 2.6% of the serviceable lane kilometres within the City limits. The annual maintenance for these P1 roads costs approximately \$280,000. Most of these roads are not built to City specifications and lack proper road construction and drainage. If the City were to take full ownership of these roads, they would need to be brought up to the City's current road specifications for a rural road. The associated cost with this increase in City maintained infrastructure is estimated to be in excess of \$10 million.

The P2 roads, within the City limits, which currently receive no City service, represent approximately 6.5% of the City's total serviced road inventory. The estimated cost associated with the City assuming responsibility for winter maintenance on the P2 roads is approximately \$375,000 per year. If summer maintenance is also included this figure rises to over \$700,000. Alternatively, the City could take on this service within existing budgets by decreasing the level of service everywhere else.

If these streets were taken on as public streets then additional costs would also apply. The estimated cost of bringing these private roads up to the City's current road specifications for a rural road could be tens of millions of dollars plus

ongoing lifecycle costs. It would take a considerable amount of analysis to improve the level of certainty of this estimate.

The 2019 General Operating Budget is currently in a structural deficit position. This year the City is relying on over \$7million in short term financial assistance from the Province to balance the books. This amount is expected to rise in 2020 before ending in 2021. Closing this gap will likely require a combination of revenue increases and significant service reductions. The 2019 *State of the Infrastructure Report* pegged the infrastructure deficit at \$433 million. A decision to expand service delivery or to take on new infrastructure at this time would ~~be~~ erode the City's position even further on both of these fronts.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor was consulted on this file and has provided comment through this report.

ATTACHMENTS

1. Aerial imagery of Yacht Haven Lane with trustee lands highlighted



COUNCIL REPORT

M&C No.	M&C 2019-37
Report Date	March 01, 2019
Meeting Date	March 11, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Provincial Request for Deer Nuisance Program

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Tim O'Reilly/ Emilie Murphy</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

Your City Manager recommends that Common Council endorse a request to the provincial Minister of Energy and Resource Development that the Nuisance Deer Management Assistance Program be implemented within the territorial boundaries of The City of Saint John, and further that the Common Clerk be directed to provide the Minister with a copy of this resolution.

EXECUTIVE SUMMARY

In September of 2017, Common Council directed City staff to investigate ways to mitigate problems caused by the deer population, including liaison with the Province. Staff subsequently provided advice that a multi-faceted approach would provide the best means of reducing the deer population and/or managing the associated risks of property damage, vehicle accidents, and the spread of lyme disease. Through a series of Council reports since September 2017, staff sought support for, and followed up on several measures, including:

- Installing traffic warning signs now alert motorists in areas of higher risk deer accidents through the analysis of quality accident data available to the Saint John Police Force,
- Continuing and enhancing public communications that describe the risks of deer population in urban areas and suggests ways citizens can help control the population continues including the impact feeding deer has on encouraging higher urban deer populations, and
- Enhancing a by-law prohibiting feeding to further encourage residents not to feed deer.

City staff refers Council to the attached M&C 2019-18 for further background.

An available Provincial Nuisance Deer Management Assistance Program has also been suggested by staff. This program would encourage a reduction in the population of deer through an enhancement to the current provincial bow hunting regulations.

PREVIOUS RESOLUTION

At its February 25, 2019 meeting Common Council endorsed 3rd Reading of a by-law that would prohibit feeding of deer. Previous resolutions are also referenced in the attached M&C 2019-18.

REPORT

The Executive Summary section of this report and previous Council reports described staff's overall recommended plan to respond to Council's original motion from September 2017.

Staff does want to take this opportunity to reiterate that reducing the urban deer population or managing associated risks is not an easy problem to solve, particularly with any one solution. Best practices used in other jurisdictions highlight limitations of any one solution and identified the need for a multi-faceted approach as has been recommended by City staff for Saint John.

City staff is recommending the final approach to this overall plan, being a request to the Province to allow their Nuisance Deer Management Assistance Program to be implemented in Saint John, first in Millidgeville.

At your February 11, 2019 meeting, members of Council questioned different aspects of the recommended multi-faceted solution. At the suggestion of your City Manager, City staff committed to returning to Council at a future meeting to provide more detailed answers to questions.

Safety of Bow Hunting in Millidgeville as Part of Nuisance Program

One theme of questions asked by Council members at the February 11 meeting included how bow hunting could be safe in the neighbourhood. Specific paraphrased questions included:

1. Are the bow hunters involved in the program qualified?
2. What happens if a bow hunter trespasses on someone's property while hunting?

A suite of measures are in place as part of the Provincial Nuisance Program to help bow hunting be implemented as safely as possible:

- City staff has recommended the program be implemented in a small part of the City (Millidgeville) for the first year (2019) to help manage the program.
- A property owner must give permission for their property to be used for hunting. This allows property owners who wish not to participate in the program for any reason (safety concerns or otherwise) to opt-out without any action being taken.
- Bow hunters must not hunt within 100 metres of a dwelling on a property in which the owner did not give permission.
- The Provincial Department of Energy & Resource Development (DERD) will review each property for safety before it is approved for hunting. For instance, the Department completes site visits where hunting may occur within 100 metres of the dwelling on that property.
- Bow hunters are given map(s) with areas approved for hunting.
- Bow hunters must take a Provincially-endorsed mandatory hunter education course before being considered qualified to be issued a hunting permit. This course includes a practical shooting test to demonstrate accuracy.
- Although the course is taken once by a hunter, the Provincial Department of Energy & Resource Development (DERD) may refuse a hunter a hunting permit in a given year if the individual has obtained a criminal record or has previously violated hunting regulations.
- Property owners who are approved to use their property for hunting also get to choose the qualified hunter.
- Conservation Officers with the Provincial Department of Justice would make a presence during the hunting season to ensure compliance with the program and complete enforcement when necessary, including ensuring hunting is not being completed on unapproved property. These officers would have a better understanding than the Saint John Police Force of the hunting regulations and nuisance program details, including knowing which properties are part of the program.
- The Nuisance Program has been implemented for several years in other parts of the Province to allow opportunities for improvement.
- Although more related to hunting generally (hunting as part of the program can only be completed on approved property), property owners of larger properties (i.e. where bow hunting can occur further than 100 metres of the dwelling on that property) can place signs indicating “No Hunting” or red disks or red painted bands to mark a property as “No Hunting”. It would be a violation of the provincial hunting regulations for a hunter to ignore these signs.

Enforcement of the By-Law Respecting Feeding of Deer

The other theme of questions raised at the February 11 Council meeting considered enforcement of the new by-law, such as:

1. Do planting certain plants or trees that attract deer such as an apple tree be considered a violation?, and
2. How do complaints from a neighbour translate into someone being found in violation of the by-law and pay a fine?

One must “*feed or otherwise purposefully attract deer*” to be considered in violation of the by-law. The City would need to demonstrate in court that someone planted a tree to attract deer, which would be difficult to prove.

Someone must plead guilty or be found guilty in court before being considered in violation of the by-law and pay a fine. Proving guilt would be the City’s responsibility and would likely require multiple pieces of evidence. One complaint by a neighbour that results in a notice requesting compliance would not be sufficient. The neighbour that lodged the complaint would also need to be willing to testify under oath what they witnessed.

As previously reported to Council, resource limitations and competing legal priorities would make it difficult for the City to justify pursuing a charge in court. The additional challenge of limited evidence, sometimes being neighbours’ witness of the act and willingness to testify in court, would further hamper the ability to achieve successful enforcement. To be clear, pursuing successful enforcement in court is not expected. Staff’s consistent recommendation has been to only resource minor enforcement activities, issuing voluntary compliance request letters. In reality, staff believe the best outcome of having the by-law is to help encourage citizens not to feed the deer and achieves one of the several pre-requisites the DERD have identified in considering approving the Nuisance Program for the City.

Opportunities for Further Community Questions

DERD staff would coordinate a public information session with City staff prior to the 2019 hunting season if both Council and the Minister of DERD endorses the Nuisance Program for the City. Members of the community would be able to ask further questions about the program at this meeting. City staff will also ensure information is communicated to the public generally about the program.

STRATEGIC ALIGNMENT

A Nuisance Deer Management Program for the City would support Council’s priority of a Vibrant, Safe City and help improve the liveability of neighbourhoods in Millidgeville and beyond to support residential growth.

SERVICE AND FINANCIAL OUTCOMES

Please refer to M&C 2019-18.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Please refer to M&C 2019-18 for previously documented input.

The Provincial Department of Energy & Resource Development provided facts and advice for this report.

City staff discussed with the City's Chief of Police the role that the Saint John Police Force may play in this program, specifically related to compliance of bow hunters. Enforcing hunting rules would not be considered a core service that our police force provides. The Chief agrees with the plan to have Provincial Conservation Officers take the lead on related enforcement. The Chief recommends an effective public communications plan to include contacts for the Provincial officers when concerns arise from citizens related to the Nuisance Program. Even though enforcement would reside with the Province and the Police Force would direct calls for service accordingly, the Chief noted the risk of added initial calls for service to the Public Safety Communication Centre and Police Force. The Chief also noted the heightened obligation placed on the the police force to provide quality customer service regardless if the issue at hand is a core police service, including in customer requests related to the Deer Nuisance Program.

ATTACHMENTS

Draft letter to Minister of Energy & Resource Development

M&C 2019-18



The City of Saint John

February 26, 2019

Hon. Mike Holland, Minister of Energy and Resource Development
Hugh John Flemming Forestry Centre
P. O. Box 6000
Fredericton, NB
E3B 5H1

Hon. Mike Holland, Minister of Energy and Resource Development,

RE: Nuisance Deer Management Assistance Program

As per resolution of Common Council of the City of Saint John on February 11, 2019, please accept this letter as an official request for Saint John to be considered for inclusion in the Nuisance Deer Management Assistance Program (NDMAP) administered by the Department of Energy and Resource Development. As per pre-conditions stipulated in a letter from your department dated September 14th, 2018, the City of Saint John has:

1. Enacted a bylaw prohibiting the feeding of deer,
2. Allowed private property owners to protect their properties from deer by means of approved fences (current City bylaws already satisfy this requirement),
3. Issued a public survey to which 73.5% of respondents indicated that they are in support of a NDMAP, and
4. Are prepared to act as a receiver of applications from residents interested in receiving NDMAP permits.

City staff has worked with your department's staff to target and delineate a specific focus area for the NDMAP in 2019 (Millidgeville area), which may expand to other areas of the City in future years. City staff looks forward to continuing to work with DERD management biologists to ensure a positive and efficient implementation of the program.

Thank you for your consideration,

Don Darling
Mayor, the City of Saint John



SAINT JOHN

COUNCIL REPORT

M&C No.	M&C 2019-18
Report Date	February 05, 2019
Meeting Date	February 11, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Nuisance Deer Management Program

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Emilie Murphy, Tim O'Reilly</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATIONS

City staff recommends that Common Council:

1. Give first and second reading to "A By-Law Respecting the Feeding of Deer Within The City of Saint John" as attached to M&C 2019-18; and
2. Subsequent to third reading of the by-law described in (1), request of the provincial Minister of Energy and Resource Development that the Nuisance Deer Management Assistance Program be implemented within the territorial boundaries of The City of Saint John, and further that the Common Clerk be directed to provide the Minister with a copy of this resolution.

EXECUTIVE SUMMARY

In September of 2017, Common Council directed City staff to investigate ways to control the deer population in Millidgeville. Subsequently, a proposed nuisance deer management program has been endorsed by the majority of City residents who responded to a recent survey. The management program, which will be rolled out in the Millidgeville area first, allows bow hunters to take a deer on approved private property in addition to what a bow hunter would be permitted to hunt normally. The nuisance program is part of a larger suite of management solutions the City is implementing to mitigate the impacts deer have on public safety and property damage. Public communications, traffic signs in high risk deer accident areas, and enacting a by-law prohibiting feeding of deer solutions in addition to the proposed nuisance program.

In order to seek Provincial approval of the Nuisance Program, the City was required to complete 5 tasks. Staff is pleased to report that we are in a position to have all 5 tasks completed pending Council approval:

Requirement	Results
Conduct a public survey to document degree of support	Survey is complete and 73.5% of respondents support program ✓
Enact a "Don't Feed the Deer" by-law	By-law prepared for Council's consideration ✓
Allow property owners to protect their properties	City's existing by-laws allow for fencing with sufficient height ✓
City must receive and vet property owner approval requests	City staff will complete this with existing resources ✓
Formal request letter from Mayor and Council	Draft letter prepared for Council endorsement ✓

PREVIOUS RESOLUTION

In April 2018 (via M&C 2018-118) Common Council endorsed the following actions by City staff to assist managing the urban deer population and lyme disease in the City:

1. Continue a communication program that advises the public how they can help control the deer population and protect themselves against lyme disease,
2. Install Deer Crossing roadway warning signage on Millidge Avenue, University Avenue, Hickey Road, and Heather Way, and
3. Conduct an information session and a survey of property owners in the Millidgeville area with a follow-up report back to Common Council as first steps toward a possible Nuisance Deer Management Program.

In October 2018, City staff updated Council on this file via M&C 2018-279. It was clarified the survey would be expanded to all citizens and would be issued soon after the update to Council. The information session would happen after the Province considers approving the program for the City. Through discussions with the Province before and after the October update, the Province clarified the City can indeed limit the program to specific area(s) within the City. Staff continues to recommend a concentration in the Millidgeville area first as a pilot.

REPORT

City staff have been working on three of the outstanding requirements to consider seeking provincial approval of the Nuisance Program including the public survey, the by-law, and drafting the approval request letter that would be sent to the Province.

Public Survey

A survey had been issued to all residents of the City of Saint John in the Fall of 2018. Overall, 73.5% of respondents support the City implementing a Deer Nuisance Management Program. Details of the survey are attached to this report.

As part of the survey, residents provided postal codes in order to gather statistics based on neighbourhoods. 75% of respondents in the Millidville area supported the program, which was even higher than the City average. Recall this area also had high vehicle/deer accidents.

By-law and Enforcement

A new by-law "Respecting the Feeding of Deer in the City of Saint John" has been prepared to satisfy one of the Provincial requirements as attached to this report for Council's consideration.

City staff recommends a defined level of funded enforcement of this new by-law. The SPCA Animal Rescue currently has a service agreement with the City to enforce most aspects of the City's Dog Control By-law, and has provided a cost proposal for a minimal level of enforcement service for this new by-law. Enforcement would involve receiving and logging calls, and issuing one compliance enforcement letter at the cost of \$60 per incident, and a \$50 monthly fee. City staff would consider recommending \$5000 be approved as part of the 2020 General Fund Operating budget to support enforcement. There would be no further enforcement action expected beyond the issuing of compliance enforcement letters by the SPCA Animal Rescue. 2019 would be considered an educational year.

In 2013, consecutive reports by the City Solicitor and the Growth & Community Services Department addressed a prior Council resolution to enact such a by-law. The City Solicitor's report confirmed the City's authority to enact such a by-law and cautioned the practicality of residents being willing to lodge a complaint and testify against neighbours. The Growth & Community Services Department's report reiterated the difficulties of neighbours testifying against each other and clarified that the limitations of existing enforcement and legal resources, coupled with focus on other greater priorities, are not available to administer complaints and follow-up with a charge in Provincial Court when needed. Staff reiterate that expectations of enforcement beyond limited issuance of compliance letters (with the associated funding and SPCA agreement) needs to be managed.

Nuisance Deer Management Program Request Letter

A formal request to the Minister of Energy and Resource Development to include the City of Saint John in the Nuisance Deer Management program is attached in draft format for Council's consideration. This must be sent following the enactment of the bylaw.

Scope of 2019 Program

As discussed previously with Common Council, staff are recommending the Millidgeville area be the focus of the Nuisance Program in 2019 as shown outlined in red below. The area has been vetted with the Department of Energy and Resource Development for properties that would be likely candidates for the program.



Future Steps If and After Provincial Approval is Granted

Public Information Sessions – For those residents who have questions or concerns regarding the nuisance deer management program, ERD will host a public information session. This will happen once the City's formal request for participation in the program has been approved by the Minister, anticipated to

be arranged in the coming months. Furthermore, a public information fact sheet will be posted on the City of Saint John website as well as the ERD website. This fact sheet is attached to this report.

Program Implementation – All residents who are interested in participating in the program would have to apply to to ensure their individual property, or a grouping of neighbouring properties, qualifies for the program. City staff would vet the applicants to ensure that their PIDs are within the delineated boundary. ERD will assess each application on an individual basis to ensure there are no land layout or public safety concerns. If approved, the property owner would contact a licensed hunter and give them permission to shoot one antlerless deer (which would be in addition to their own tag) on their property. This program would take place during the regular hunting season only. City staff will maintain a list of licensed hunters and their area of residence, who are interested in participating in the program.

STRATEGIC ALIGNMENT

A Nuisance Deer Management Program for the City would support Council's priority of a Vibrant, Safe City and help improve the liveability of neighbourhoods in Millidgeville and beyond to support residential growth.

SERVICE AND FINANCIAL OUTCOMES

A Nuisance Deer Management Program would provide residents in areas of the City impacted by concentrated deer populations to have yet another tool (beyond the signage, communications and by-law) to help address their concerns.

Current City staff resources have been used to manage this project and are expected to be sufficient to implement the program, at least for the pilot planned for the Millidgeville area.

Limited planned enforcement would require \$5000 to be approved as part of the 2020 General Fund Operating budget, although Council would be able to consider this plan within the budget approval process. An agreement with SPCA Animal Rescue will also be required if funds in 2020 are approved.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Staff from the Province's Department of Energy and Resource Development have helped clarify the Nuisance Program requirements.

Staff from the City's Growth & Community Services Department have assisted in proposing the planned by-law enforcement plan.

The City Solicitor's Office has developed the proposed by-law.

The Cherry Brook Zoo has confirmed they would take deer to feed their animals if hunters wish not to keep them themselves.

ATTACHMENTS

A By-Law Respecting the Feeding of Deer Within The City of Saint John

Survey questions

Survey results

Map of results

Public Information Fact Sheet

Draft Letter to Minister



January 24, 2019

Don Darling, Mayor
15 Market Square
Saint John, NB E2L 4L1

Dear Mayor Darling,

As Executive Director of the Vimy Foundation, I want to thank you and your city for hosting special ceremonies and activities last year that commemorated the Centennial of the end of the First World War and the signing of the Armistice. A devastating war, the First World War was also an important moment for Canada. Thanks to our contributions, on and off the battlefield, Canada received a negotiating position at the Versailles Peace Conference in 1919 and furthered the case for consideration as an autonomous nation.

In 2006, the Vimy Foundation was formed with the mandate of preserving and promoting Canada's First World War legacy, as symbolized by the victory at Vimy Ridge in April 1917. Since then, the Foundation has designed and distributed more than 150,000 unique Vimy pins and medals, created high quality education resources for thousands of teachers and schools across Canada, facilitated, funded annual student 'pilgrimages' to Vimy, and completed the \$10 million Vimy Visitor Education Centre in France, opened in April 2017. Most recently, the Foundation opened the Vimy Centennial Park in a ceremony in November 2018, which was visited by Prime Minister Justin Trudeau, and Minister of Veterans Affairs Seamus O'Regan. Please visit www.vimyfoundation.ca to learn more about what we have accomplished.

The Vimy Foundation Centennial Park features one hundred Vimy Oaks, descendants of acorns collected from the battlefield by Canadian soldier Leslie Miller following the battle at Vimy in 1917 and is located adjacent to the famous Vimy Memorial. The space was designed by Canadian landscape architect Linda Dicaire, and includes pathways, educational signage, view planes of the Vimy monument, a bronze Bugler, commemorative flagpoles, and uniquely designed benches. It is already well visited and provides a space to reflect the battlefield and the monument.

Elements in the park are 90% sold, and include contributions from corporate Canada, local legions, provinces, NGO's, service clubs, cadets, individuals, and a \$350,000 gift from the Province of British Columbia; however, there is still time for the City of [name] to participate.

I am writing to you to request that the City of Saint John consider a First World War Legacy Gift in the form of a Vimy Centennial Bench (\$25,000) to be placed inside the picturesque and reflective setting of the Vimy Foundation Centennial Park, or a Vimy Oak tree (\$10,000), which are planted throughout the park. The City could dedicate either element to local veterans and serving army members and acknowledge the contribution of its citizens to the Canadian war effort in the First World War. The dedication would appear on the beautifully designed wall that encircles the park interior.

I welcome the opportunity to speak with you further about how your city could contribute a one-time, unique legacy gift in honour of Saint Johners who served so bravely a century ago.

Thank you for your consideration.

Yours sincerely,

Caitlin Bailey, *Executive Director (Interim)*
The Vimy Foundation

cbailey@vimyfoundation.ca or 416.595.1917