



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

Monday, April 8, 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.

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17.	Committee of the Whole	
18.	Adjournment	



**City of Saint John
Common Council Meeting
Monday, April 8, 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:

4:00 p.m., 8th Floor Boardroom, City Hall

- 1.1 Approval of Minutes 68(1)
- 1.2 Litigation Update 68(1)(f)
- 1.3 Land Matter 68(1)(d)
- 1.4 Employment Matter 68(1)(j)
- 1.5 Financial Matter 68(1)(c)



**Ville de Saint John
Séance du conseil communal
Lundi 8 avril 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 séance 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 au paragraphe 68(1) de la *Loi sur la gouvernance locale*. Le conseil/comité prendra une ou des décisions à cet égard au cours de la séance publique :

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

- 1.1 Approbation du procès-verbal – paragraphe 68(1)
- 1.2 Question du litige - alinéa 68(1)f)
- 1.3 Question relative aux biens-fonds – alinéa 68(1)d)
- 1.4 Question d'emploi - alinéa 68(1)j)
- 1.5 Question financière – alinéa 68(1)c)

Séance ordinaire

1. Ouverture de la séance

2. Approbation du procès-verbal

- 2.1 Procès-verbal de la réunion du 25 mars 2019

3. Adoption de l'ordre du jour

4. Divulgations de conflits d'intérêts

5. Questions soumises à l'approbation du conseil

- 5.1 Ville de Hampton – Collaboration régionale en lien avec l'aréna (recommandation : recevoir de l'information)

- 5.2 Modification au contrat de location en bloc de l'aréna au cours de l'été (recommandation dans le rapport)
- 5.3 Demande de permis pour événements spéciaux pour P.R.O. Tournoi de hockey Kids Dickie Crossman (recommandation dans le rapport)
- 5.4 Renouvellement du logiciel – ClearRisk (recommandation dans le rapport)
- 5.5 Convention de permis avec le Saint John Arts Centre pour un projet de muraille (recommandation dans le rapport)
- 5.6 Soumission pour les mélanges de béton bitumineux (recommandation dans le rapport)
- 5.7 Contrat n° 2019-16 Revêtement d'asphalte 2019 (recommandation dans le rapport)
- 5.8 Projets de construction de routes 2019 (Recommandation :) recevoir de l'information)
- 5.9 Tour du marché de la ville – Phase 2; rénovations et aménagement intérieurs (recommandation dans le rapport)
- 5.10 Services d'essai des matériaux et d'inspection de la construction pour 2019 et 2020 (recommandation dans le rapport)
- 5.11 Séance d'information publique : rue Mecklembourg (de la rue Sydney à la rue Wentworth) (recommandation : recevoir de l'information)
- 5.11 Séance d'information publique : rue Wentworth (de la rue Union à la rue Wellington) – Réfection du réseau d'aqueduc, d'égouts sanitaires et pluviaux et reconstruction de la rue (recommandation : recevoir de l'information)
- 5.13 Services d'ingénierie : rue Prospect Ouest – Améliorations à la station de relèvement des eaux usées et aux égouts (recommandation dans le rapport)
- 5.14 Société dentaire du Nouveau-Brunswick – Fluoruration de l'eau dans les municipalités (Recommandation : recevoir de l'information)

6. Commentaires présentés par les membres

7. Proclamation

- 7.1 Semaine nationale des opérateurs en télécommunication – du 14 avril au 20 avril 2019

8. Délégations et présentations

9. Audiences publiques – 18 h 30

- 9.1 Modification proposée d'un règlement de zonage avec rapport du Comité consultatif d'urbanisme recommandant une modification – 86-88, rue Regent
- 9.2 Modifications proposées au plan municipal et aux règlements de zonage avec rapport du Comité consultatif d'urbanisme recommandant des modifications –40, promenade Mountain View (présentation du personnel recommandée)
- 9.3 Modifications proposées au règlement de zonage avec rapport du Comité consultatif d'urbanisme recommandant des modifications – 175, rue Hilyard (présentation du personnel recommandée)

10. Étude des arrêtés municipaux

- 10.1 Modification proposée au plan municipal – Politiques relatives aux centres commerciaux régionaux
- 10.2 Modification proposée au plan municipal – 1007-1019, avenue Millidge
- 10.3 Modification au Règlement sur les restrictions de poids (1^{re} et 2^e lecture)

11. Interventions des membres du conseil

- 11.1 Modification au règlement sur le stationnement (conseiller Reardon et conseiller MacKenzie)

12. Affaires municipales évoquées par les fonctionnaires municipaux

- 12.1 Estimation de la croissance démographique – Présentation du personnel
- 12.2 Mise à jour sur les réparations de la route – Présentation du personnel
- 12.3 Mise à jour sur la flotte – Présentation du personnel
- 12.4 Intervention d'urgence lors de crue printanière – Présentation du personnel

13. Rapports déposés par les comités

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

15. Correspondance générale

- 15.1 Demande d'achat de billet/Demande de commandite – Club Rotary de Saint John
- 15.2 Demande d'achat de billets – Centre pour jeunes Kennebecasis Valley Oasis
- 15.3 Demande d'achat de billets – Comité des célébrations de Saint John Canada

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
MARCH 25, 2019 AT 6:00 PM
IN THE COUNCIL CHAMBER

Present: Mayor Don Darling
Deputy Mayor Shirley McAlary
Councillor-at-Large Gary Sullivan
Councillor Ward 1 Blake Armstrong
Councillor Ward 1 Greg Norton
Councillor Ward 2 Sean Casey
Councillor Ward 2 John MacKenzie
Councillor Ward 3 Donna Reardon
Councillor Ward 4 David Merrithew
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin
Deputy City Manager N. Jacobsen
City Solicitor J. Nugent
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
Common Clerk J. Taylor
Deputy Common Clerk P. Anglin

1. Call to Order

2. Approval of Minutes

2.1 Minutes of March 11, 2019

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

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

MOTION CARRIED.

3. Approval of Agenda

Moved by Deputy Mayor McAlary, seconded by Councillor Norton:

RESOLVED that the agenda of this meeting be approved with the following modifications and additions:

- 17.1 Canadian Tire Jumpstart Program move forward on the agenda before Section 5. Consent Agenda
- 12.6 Demolition of Vacant, Dilapidated and Dangerous Building at 149 Broad Street (PID 00000604) – Remove from the agenda; defer for 2 weeks
- 17.2 Easement Acquisition from Fundamental Baptist Church of Lancaster Civic # 1170 Sand Cove Road
- 17.2 Summer Arena Rental Agreement
- 17.4 Committee Appointment – Develop Saint John
- 17.5 Safe Clean Drinking Water Project – Global Settlement

MOTION CARRIED.

4. Disclosures of Conflict of Interest

17.1 Canadian Tire Jumpstart Charities Playground

Deputy Commissioner T. O'Reilly, Mary Ann Gallagher Regional Manager of Canadian Tire Jumpstart Charities and Joel Girard East Side Canadian Tire, outlined the partnership to build the Canadian Tire Jumpstart Playground at Rainbow Park. The \$1M playground was supported 80% by Canadian Tire and 20% by the City of Saint John.

Jumpstart's vision is to create large-scale, accessible playgrounds in every province and territory across Canada. Leveraging universal design principals, Jumpstart's goal (mission) is to ensure that these playgrounds become the standard for inclusivity by creating imaginative and accessible spaces where children of all abilities can share in the magic of play.

The Mayor stated how thankful the City is to have been selected to have the accessible playground built in Saint John.

Moved by Deputy Mayor McAlary, seconded by Councillor McKenzie:

RESOLVED that the Committee of the Whole, having met on March 11, 2019, recommends that Common Council adopt the following resolution:

That the Common Council approves a Gift Agreement between Canadian Tire Jumpstart Charities ("**Jumpstart**") and the City of Saint John (the "**City**") upon the following terms and conditions, and authorizes the Mayor and Common Clerk to execute such an agreement:

1. Jumpstart shall

- a) arrange at its own expense for the construction and installation of an inclusive playground (the "**Playground**") at Rainbow Park;
- b) arrange for the aforesaid construction and installation of the Playground to be generally in accordance with the drawings in this regard submitted to Common Council at its meeting of March 11, 2019;

2. The City shall

- a) at its own expense undertake the site preparation work necessary to accommodate the construction and installation of the Playground including the installation of appropriate subsurface drainage systems, walkways and associated landscaping;
- b) provide to Jumpstart an Annual Report on the status of the Playground for the purpose of ensuring that the Playground, its walkways, landscaping, etc. are maintained in good condition;
- c) include in each Annual Operating Budget during the 15 year useful lifetime of the Playground sufficient funds to maintain the Playground in compliance with the City's policies and practices as well as all applicable standards;
- d) in the event of its default under the Agreement and if required by Jumpstart, make repayment to Jumpstart of the costs the latter incurred to the time of the default, but only in the event that the City has not remedied such default within 30 days of being advised in writing by Jumpstart of such default;

3. The City and Jumpstart shall each maintain general liability insurance in the amount of Five Million Dollars (\$5,000,000) naming the other as an additional insured as well as automobile liability insurance with a limit of not less than Two Million Dollars (\$2,000,000.00);

4. The Playground shall be named the Jumpstart Playground with corresponding onsite signage.

MOTION CARRIED with Councillor Casey voting nay.

5. Consent Agenda

5.1 That pursuant to Section 14 of the Police Act of the Province of New Brunswick, the Common Council of the City of Saint John does hereby appoint the following member of the Canadian Corps of Commissionaires as By-Law Enforcement Officer with the responsibility and authority to enforce provisions of the Parking Meter By-Law and the provisions of Section 5, Section 5.1, Section 7, Section 8, Section 15 and Section 16 of the Saint John Traffic By-Law, namely: Richard Patterson, Badge No. 9965.

And further that this appointment shall continue until such time as the appointee ceases to be a member of the Canadian Corps of Commissionaires or until the appointment is rescinded by Common Council, whichever comes first.

5.2 That as recommended by the City Manager in the submitted report *M&C 2019-30: Adoption of Updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee*, Common Council adopt the updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee as submitted.

5.3 That the submitted report *M&C 2019-54: Public Information Session: King Square South (Charlotte Street to Civic #12) & Queen Square North (Charlotte Street to Sydney Street)*, be received for information.

5.4 That the submitted report *M&C 2019-53: Public Information Session: Ellerdale Street (Valley Street to Margaret Street) - 200mm Water Main*, be received for information.

5.5 That as recommended by the City Manager in the submitted report *M&C 2019-52: 2019 Engineering Inspection Services*, Common Council authorize staff to establish supply agreements with the seven consulting firms as noted in the submitted report, at the hourly rates provided in this report totaling \$620,000 plus HST for the provision of engineering inspection services for 2019 Capital Program projects.

5.6 That as recommended by the City Manager in the submitted report *M&C 2019-63: Contract 2019-09: M-R-G Forcemain Renewal - Phase 1*, the contract be awarded to the low Tenderer, Galbraith Construction Ltd., at the tendered price of \$475,264.99 (including HST) as calculated based upon estimated quantities, and further that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

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 Purple Day - March 26, 2019

The Mayor declared March 26, 2019 as “Purple Day” in support of Epilepsy Awareness in the City of Saint John.

8. Delegations/Presentations

8.1 Saint John Arts Centre - Uber 5000 Mural Project

Referring to the submitted presentation, Executive Director Andrew Kierstead requested permission to have a mural painted on the Arts Centre building by Mural Artist Uber 5000. The funding for the project will be raised by public donations.

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:
RESOLVED that the *Saint John Arts Centre Mural Project* be referred to the City Manager for a license agreement to allow the Saint John Arts Centre Mural Project.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:
RESOLVED that the presentation *Saint John Arts Centre Mural Project* be received for information.

MOTION CARRIED.

8.2 Discover Saint John - Sean Yoro Mural Project

Referring to the submitted presentation, Executive Director Victoria Clarke advised that Discover Saint John has been working on a project that involves world renowned artist Sean Yoro returning to the City to create a new tidal mural.

The use of a portion of the Market Slip will be required as the project involves Mr. Yoro painting over sheets of steel from dismantled shipping containers hanging from the seawall. Upon completion the artwork may be moved to a new permanent location. In order to proceed, Discover Saint John requires a licence agreement with the City.

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the Discover Saint John - *Sean Yoro Mural Project* Presentation be received for information.

MOTION CARRIED.

8.2.1 Licence Agreement with Discover Saint John for Tidal Mural

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2019-50: Licence Agreement with Discover Saint John for Tidal Mural*,

1. That the City enter into a Licence agreement with Discover Saint John for \$1.00 to grant its agents, employees, partners and contractors access to and use a portion of the Market Slip seawall, floating dock and staging area being a portion of PID No. 55235113, as identified on a submitted Location map, for the steel installation, mural creation and further removal of same, subject to the following terms and conditions:
 - a. the Licence shall commence on July 15, 2019 and conclude at 11:59 pm (local time) on August 15, 2019;
 - b. that Discover Saint John shall, at no expense to the Licensor, obtain and maintain in full force and effect during the entire term of this Licence, a Commercial General Liability Insurance policy with policy limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury and property damage; which policy shall name the City as an additional insured and shall contain a cross-liability clause;
 - c. all damages, cost, claims, demands, actions, suits or other proceedings by whomsoever claimed, made, brought or prosecuted in any manner and whether in respect of property owned by others or in the Licensee does hereby indemnify and save harmless the Licensor from respect of damage sustained by others based upon or arising out of or in connection with the use of the Licensed Area; and
 - d. submission of engineered design plans to be prepared and stamped by a professional engineer (registered in New Brunswick) and submitted to the City of Saint John for review and acceptance by the Chief City Engineer or designate, plans for the securing of steel plates onto the seawall of the subject property and for the subsequent removal of same.

2. That the Mayor and Common Clerk be authorized to execute the Licence Agreement.

MOTION CARRIED.

9. Public Hearings 6:30 PM

10. Consideration of By-laws

10.1 Proposed Zoning By-Law Amendment 348 Rockland Road and 21 Canon Street (3rd Reading) with Section 59 Conditions

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-68 A Law to Amend the Zoning By-Law of The City of Saint John", 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 Numbers 00025791 and 55086128 from Neighbourhood Community Facility (CFN) to General Commercial (CG), be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 111-68 A Law to Amend the Zoning By-Law of The City of Saint John", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED 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 Numbers 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

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-68 A Law to Amend the Zoning By-Law of The City of Saint John", 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 Numbers 00025791 and 55086128 from Neighbourhood Community Facility (CFN) to General Commercial (CG), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-68 A Law to Amend the Zoning By-Law of The City of Saint John."

10.2 Proposed Zoning By-Law Amendment 97-99 Exmouth Street (3rd Reading) with Section 59 Conditions

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-69 A Law to Amend the Zoning By-Law of The City of Saint John", 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 Number 00015834 from Urban Centre Residential (RC) to General Commercial (CG), be read.

MOTION CARRIED with Councillor Reardon voting nay stating that in her opinion this allows too much commercial development in a residential area. This prevents the growth of a community.

The by-law entitled, "By-Law Number C.P. 111-69 A Law to Amend the Zoning By-Law of The City of Saint John", was read in its entirety.

Moved by Councillor Merrithew, seconded by Deputy Mayor McAlary:

RESOLVED 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.

MOTION CARRIED with Councillor Reardon voting nay.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-69 A Law to Amend the Zoning By-Law of The City of Saint John", 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 Number 00015834 from Urban Centre Residential (RC) to General Commercial (CG), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED with Councillor Reardon voting nay.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-69 A Law to Amend the Zoning By-Law of The City of Saint John".

10.3 Proposed Municipal Plan Amendment 179-185 Golden Grove Road (3rd Reading)
10.3.1 Proposed Zoning By-Law Amendment 179-185 Golden Grove Road (3rd Reading)
with Section 59 Conditions

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 106-16 A Law to Amend the Municipal Plan By-Law", 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 Numbers 55057848, 55057855 and 55201750, from Stable Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential to Stable Commercial classification, be read.

MOTION CARRIED.

The by-law entitled, "By-Law Number C.P. 106-16 A Law to Amend the Municipal Plan By-Law", was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 106-16 A Law to Amend the Municipal Plan By-Law", 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 Numbers 55057848, 55057855 and 55201750, from Stable

Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential to Stable Commercial classification, be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, “By-Law Number C.P. 106-16 A Law to Amend the Municipal Plan By-Law.”

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, “By-Law Number C.P. 111-70 A Law to Amend the Zoning By-Law of The City of Saint John”, adding Special Zone No.4 to the list of other zones in Section 2.2; adding Section 14.9 Special Zone No. 4 Permitted Uses; adding 14.9(2) Conditions of Use; adding 14.9(3) Zone Standards; and amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as being PID Numbers 55057848, 55057855 and 55201750, from Two-Unit Residential (R2) to Special Zone 4 (SZ4), be read.

MOTION CARRIED.

The by-law entitled, “By-Law Number C.P. 111-70 A Law to Amend the Zoning By-Law of The City of Saint John”, was read in its entirety.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED 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 Number 55201750, and modified February 15, 1979 and June 11, 1984.

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 179-185 Golden Grove Road, also identified as PID Numbers 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.

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 Number 55201750.

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "By-Law Number C.P. 111-70 A Law to Amend the Zoning By-Law of The City of Saint John", adding Special Zone No.4 to the list of other zones in Section 2.2; adding Section 14.9 Special Zone No. 4 Permitted Uses; adding 14.9(2) Conditions of Use; adding 14.9(3) Zone Standards; and amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.55 hectares, located at 179-185 Golden Grove Road, also identified as being PID Numbers 55057848, 55057855 and 55201750, from Two-Unit Residential (R2) to Special Zone 4 (SZ4), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, "By-Law Number C.P. 111-70 A Law to Amend the Zoning By-Law of The City of Saint John."

11. Submissions by Council Members

11.1 Queen Square West: Rain Garden Proposal (Councillor Reardon)

Councillor Reardon introduced the Rain Garden Proposal, and the work of ACAP and City staff to develop the proposal.

Moved by Councillor Reardon, seconded by Councillor MacKenzie:

RESOLVED that Common Council approve the construction of a rain garden in Queen Square West as proposed by ACAP Saint John and City staff.

MOTION CARRIED.

12. Business Matters - Municipal Officers

12.1 Regional Ice Strategy Update - Staff Presentation

Referring to the submitted report entitled *Regional Ice Strategy Update*, Commissioner Hugenholtz said the project has been ongoing for over a year, noting that a presentation was made to Council last September.

T. O'Reilly updated Council on the project, and what regional cooperation on the project would look like. A regional collaborative consensus for a cost sharing solution / model is encouraged with two key components: sustainability and fairness.

The Mayor commented that the Fundy Regional Service Commission did not reach a consensus for a solution, but is hopeful for consensus in the next meeting in April.

After May 1st, if consensus on a funding formula is not achieved, the City will explore non-resident user fees.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2019-57: Regional Ice Strategy Update*, Common Council:

1. Endorse Mayor Darling's motion he presented for consideration at the March 25, 2019 Regional Service Commission Board meeting that reads as follows:
 - a) Commit by May 1, 2019 to the following principles of a regional arena funding formula:
 - i. The formula shall redistribute the applicable total operating cost deficit of all regional arenas among taxpayers of the respective municipalities and LSDs based on proportion of usage in the respective jurisdictions,
 - ii. Operating cost deficits determined not to be applicable shall not be included in the funding formula and shall remain the responsibility of the host municipality.
 - b) Approves, only after commitments in (a) are obtained, external consulting services be hired to define the applicable operating cost deficits by accessing, and reviewing for consistency, usage and financial data related to each regional arena. The Commission agrees the applicable operating cost deficits and usage data defined by the consultant will be binding.
 - c) Commission Directors will provide a resource for the Staff Working Group to coordinate (b)
 - d) Commit to exploring further regional collaboration relative to arena management following a ratified arena funding agreement. Collaboration would include sharing resources, sharing arena Capital costs, and developing an arena supply plan that meets the current and future demands of users and/or is financially sustainable for the regional taxpayers.

2. Proceed with Saint John's alternate Plan B "non-resident user fee" approach in the absence of agreement from the Regional Service Commission as sought in (1a) by May 1, 2019.
3. Reconfirm that Saint John Common Council believes a co-operative regional approach is preferred over a solution that requires a form of non-resident user fees to advance the priorities of regional fairness and sustainability.

MOTION CARRIED.

12.2 Budget Simulator - Public Engagement - Staff Presentation

Commissioner Fudge introduced as part of the City's Long Term Financial Plan the Budget Simulator. This is a public engagement interactive tool that gives the public an opportunity to examine the budget items and make recommendations to create a budget and generate revenue. The tool is available on the City's website for the next three weeks. The results will be reviewed and themes reported back to Council.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the submitted presentation Budget Simulator - Public Engagement be launched to the public.

MOTION CARRIED.

12.3 Engineering Services - Musquash Water Pumping Station Upgrades

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2019-55: Engineering Services - Musquash Water Pumping Station Upgrades*, notwithstanding the City's Procurement Policy for Engagement of Professional Services, Common Council authorize staff to conduct direct negotiations with CBCL Limited to carry out engineering services for the Musquash Water Pumping Station Upgrades project.

MOTION CARRIED.

12.4 One Stop Development Shop Customer Service Enhancement - Staff Presentation

Referring to the submitted report entitled *One Stop Development Shop Customer Service Enhancement*, Commissioner Hamilton outlined the Customer Service enhancement in the One Stop Development Shop proposed as a priority deliverable for the City's Growth & Community Development Services in 2019.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the submitted report *M&C 2019-65: One Stop Development Shop Customer Service Enhancement*, be received for information.

MOTION CARRIED.

12.5 Winter Asphalt Maintenance – Staff Presentation

Commissioner Hugenholtz outlined the pothole component of the Winter Asphalt Maintenance Program.

Deputy Commissioner Hussey described the causation of potholes, the degrees of defects and temporary winter repairs. The City purchased 140 tonnes of cold mix and has used approximately 55 tonnes of recycled hot mix. The pothole count and patching day's statistics were presented.

Citizens support the program by calling the Customer Service line at 506-658-4455 to inform the City of the location of potholes.

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that the submitted report *M&C 2019-64: Winter Asphalt Maintenance*, be received for information.

12.6 Demolition of Vacant, Dilapidated and Dangerous Building at 149 Broad Street (PID 00000604)

The City Manager advised that the item has been withdrawn from the agenda to allow staff to engage with a new owner and will be brought back to Council with a recommendation in two weeks.

13. Committee Reports

14. Consideration of Issues Separated from Consent Agenda

15. General Correspondence

15.1 Saint John Police Force Tee Off for Mental Health – Sponsor Invitation Letter

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the *Saint John Police Force Tee Off for Mental Health – Sponsor Invitation Letter* be supported at the Gold Sponsor \$2000 level and paid from the Council ticket budget.

MOTION CARRIED.

16. Supplemental Agenda

17. Committee of the Whole

17.2 Easement Acquisition from Fundamental Baptist Church of Lancaster Civic # 1170 Sand Cove Road

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that as recommended by the Committee of the Whole having met on March 25th, 2019 Common Council approves the following:

1. That the City acquire an easement for municipal services in portions of PID numbers 395889 and 55152979, upon the terms and conditions set out in the Offer attached to M&C 2019-43; and
2. That the Mayor and Common Clerk be authorized to execute any document(s) necessary to finalize this transaction.

MOTION CARRIED.

17.3 Summer Arena Rental Agreement

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the Committee of the Whole having met on March 25th, 2019 Common Council approves the following:

That the Mayor and Common Clerk be authorized to execute the license agreement between the City of Saint John and Bezeau Skills Ltd. as attached to M&C 2019-56.

MOTION CARRIED.

17.4 Committee Appointment – Develop Saint John

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the Committee of the Whole having met on March 25th, 2019 Common Council approves the following:

Develop Saint John: to appoint Alanna Waberski for a 3 year term from March 25, 2019 to March 25, 2022.

MOTION CARRIED.

17.5 SCDWP – Global Settlement

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the Committee of the Whole having met on March 25th 2019 Common Council approves the following:

1. That the City approve the Global Settlement described to Committee of the Whole in closed session at its March 25th, 2019 meeting; and
2. That the Mayor and Clerk be authorized to execute the Minutes of Settlement effecting the Global Settlement in the form as attached to M&C 2019-65; and
3. That the Minutes of Settlement be made publically available once they are formally approved by Port City Water Partners.

MOTION CARRIED.

18. Adjournment

Moved by Councillor Armstrong, seconded by Councillor Sullivan:

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

MOTION CARRIED.

The Mayor declared the meeting adjourned at 9:57 p.m.



March 21, 2019

City of Saint John
Attention: Mr. Steve Bishop
Leisure Services Department
171 Adelaide Street
Saint John, New Brunswick
E2K 1W9

Dear Mr. Bishop:

On behalf of the residents of the Town of Hampton and the ice users of the Hampton Community Centre, I would like to thank you and your team for the help and support you gave us over the Christmas holidays. We really appreciated the loan of your ice resurfacer when ours went down. It was because of you and your team's efforts that we were able to open for the last week of the holidays.

This spirit of cooperation from community minded individuals moves Leisure Services forward and brings us together.

All the Best,

Ken Chorley
Mayor

COUNCIL REPORT

M&C No.	M&C 2019-73
Report Date	April 02, 2019
Meeting Date	April 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Summer Arena Bulk Rental Agreement Amendment

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 Common Council authorize the Mayor and Common Clerk to execute the license agreement between the City of Saint John and 707990 N.B. Inc. as attached to M&C 2019 – 73.

PREVIOUS REPORT

Common Council authorized the Mayor and Common Clerk to execute the license agreement between the City of Saint John and 707990 N.B. Inc. as attached to M&C 2019 – 56. A minor amendment is required to this agreement.

REPORT

Item 1.b. of the agreement that was attached to M&C 2019-56 indicated a period of time that ended June 30, 2019. The agreement attached to this report clarifies the period of time ending August 31, 2019. It was the intention of both parties that the arena could be used by the Licensee on both weekend days, 8:30 AM – 11:30 PM, May thru August. The amended agreement attached to this report reflects this.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor's Office has assisted with the preparation of the attached license agreement.

ATTACHMENTS

Amended License Agreement with 707990 N.B. Inc.

This License made in duplicate this ____ day of March, 2019.

BY AND BETWEEN:

The City of Saint John, having its City Hall at 15 Market Square, Saint John, New Brunswick, a body corporate by Royal Charter, confirmed and amended by Acts of the Legislative Assembly of the Province of New Brunswick, hereinafter called the "Licensor"

OF THE ONE PART

- and -

707990 N.B. Inc., a company duly incorporated under the laws of the Province of New Brunswick, having its head office at 42 Bayview Drive, in the City of Saint John, County of St. John, Province of New Brunswick, hereinafter called the "Licensee"

OF THE OTHER PART

WHEREAS the Licensor is the owner of premises known as the Hilton Belyea Arena located at 390 Lowell Street, Saint John, New Brunswick (the "Premises"); and

WHEREAS the Licensee has submitted a proposal to the Licensor for the use of the Premises save and except: the ice plant and maintenance room; ice-making equipment; canteen, office and storage rooms of minor hockey and figure skating and also the use by the Licensor, its officers, servants, agents, contractors and workers of a right of way for access to and from those parts of the Premises not hereby licensed; and

WHEREAS the Licensor has agreed to grant the within License upon the terms and conditions herein contained;

NOW THEREFORE THIS INDENTURE WITNESSETH that for and in consideration of the charges stipulated in this License and other good and valuable consideration, the receipt whereof is hereby acknowledged, the Licensor does hereby grant, subject to the terms, conditions, covenants and provisions herein contained, permission and license to the Licensee, its servants, agents, employees, contractors and invitees to enter into and upon and exit from the Premises during such days and periods of occupation and use as are more particularly set out below. All times referenced in this License are expressed in Atlantic Daylight Time and not otherwise.

1. The Licensee may occupy and use the Premises as follows:
 - (a) Between Monday and Friday from May 5th, 2019 to June 30th, 2019 between the hours of 4:30pm until 11:30pm, inclusive;
 - (b) Between Saturday and Sunday from May 5th, 2019 to August 31st, 2019 between the hours of 8:30am until 11:30pm, inclusive;
 - (c) Between Monday and Friday from July 1st, 2019 to August 31st, 2019 between the hours of 8:30am and 11:30pm, inclusive, but not otherwise, and

- (d) Notwithstanding Article 1(a) to (c) above, the Licensee shall not occupy or use the Premises on May 20th, 2019 (Victoria Day), July 1st, 2019 (Canada Day) and August 5th, 2019 (New Brunswick Day) collectively (the “License Period”).
 - 2. (i) The Licensee shall pay to the Licensor for the occupation and use of the Premises the amount of Ninety Three Thousand Dollars (\$93,000.00) plus HST during the License Period (the “License Fee”);
 - (ii) The payment of the License Fee shall be made to the Licensee by the Licensor by cash or certified cheque at the Office of the Commissioner of Finance, 9th Floor, City Hall Building, 15 Market Square, Saint John, New Brunswick, or such other place as may from time to time be designated by the Licensor in the following installments and before the date identified below for the payment of each installment:
 - (a) On or before May 1st, 2019 in the amount of Fifteen Thousand Five Hundred Dollars (\$15,500.00) plus HST for the month of May 2019;
 - (b) On or before June 1st, 2019 in the amount of Eighteen Thousand Nine Hundred Dollars (\$18,900.00) plus HST for the month of June 2019;
 - (c) On or before July 1st, 2019 in the amount of Twenty Nine Thousand Three Hundred Dollars (\$29,300.00) plus HST for the month of July 2019;
 - (d) On or before August 1st, 2019 in the amount of Twenty Nine Thousand Three Hundred Dollars (\$29,300.00) plus HST for the month of July 2019.
 - (iii) The ice-time purchased at the Premises pursuant to the terms of this License shall be used by the Licensee; however, the Licensee may re-sell its purchased ice-time to a third party/third parties, which shall abide by the terms of this Agreement and which may be prohibited by the Licensor from using the Premises at its sole discretion.
 - (iv) The Licensee shall provide to the Licensor on a weekly basis no later than the preceding Wednesday the Licensee’s schedule of ice use for the following week (Sunday to Saturday, inclusive), together with the contact information for at least one individual for the group using the ice each time. Should there be any changes to the schedule of ice use, the Licensee shall notify the Licensor in writing immediately of any such changes.
- 3. (i) The Licensor may terminate this License and the Licensee shall have no further recourse should the Licensee fail to pay the License Fee pursuant to the terms of this License or otherwise fail to meet any obligations, conditions or agreements stipulated in this License.
 - (ii) The Licensee may terminate this License upon the giving of advance written notice of Thirty (30) business days. Should such a termination occur, the Licensee shall be refunded a pro-rated share of the License Fee as calculated by reference to the days remaining during the License Period.

- (iii) Should the Licensee terminate this License without giving the advance written notice required in Article 3(ii) above, the Licensee shall be obligated to pay to the Licensor, as a penalty for providing inadequate written notice, the equivalent of Three (3) weeks of the License Fee, as calculated by reference to the applicable License Fee payable in the month(s) that are covered by the specific period in question.
4. (i) The Licensee shall keep in place during the full term hereof comprehensive general liability insurance in a minimum amount of Five Million (\$5,000,000.00) Dollars wherein the Licensor is named an “additional insured” and wherein there is a cross-liability clause, all of which also expressly covers and protects the Licensor in circumstances where the Licensee chooses to re-sell ice-time pursuant to Article 2(iii) above and which also expressly covers any allegations/claims of physical or sexual abuse;
- (ii) The Licensee shall provide a Certificate of Insurance to the Licensor at the time of the execution of this License evidencing the insurance coverage described in hereof and providing that coverage shall not be altered or cancelled without the insurers giving thirty (30) days’ notice in writing to the Licensor prior to any such alteration or cancellation.
5. The Licensee shall not have any claim against the Licensor for loss or damage of any nature, kind or description whatsoever arising from the exercise or purported exercise of the License herein granted, unless such loss or damage is due to the negligence of the Licensor or its employees, servants or agents.
6. Notwithstanding Article 4 hereof, the Licensee does hereby indemnify and save harmless the Licensor from all damages, claims, demands, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner and whether in respect of property owned by others or in respect of damage sustained by others based upon or arising out of or in connection with this License or anything done or purported to be done in any manner hereunder.
7. The Licensee and all the Licensee’s customers shall, at all times, comply with such rules and regulations in use by the Licensor from time to time as may be reasonably applicable, currently entitled “City of Saint John Parks & Recreation Arena Use Regulations”, a copy of which is attached hereto as **Schedule “A”**.
8. Except in accordance with the terms of this License, the Licensee shall not assign, transfer or otherwise by any act cause or permit this permission and license or any portion hereof to be assigned or transferred to any person(s) whomsoever.
9. The Licensee shall, upon the termination of this License, immediately and at its own expense, remove from the Premises any and all property brought or placed upon the Premises by the Licensee and shall restore the Premises to as good an order and condition as prevailed immediately prior to the commencement of the term hereof and in the event of the failure of the Licensee to do so with reasonable expedition, of which the Licensor shall be the sole judge, the Licensor may effect such removal and restoration at the Licensee’s own risk and expense, but the Licensor shall be by reason of any action taken or things required under this paragraph be entitled to compensation, reimbursement and indemnity from the Licensee.

10. The Licensors shall:
- (a) maintain the ice and operate the premises at the same standard used during the regular season;
 - (b) pay for all maintenance and operating costs;
 - (c) provide one experienced employee on site during the hours of operation;
 - (d) in the event of breakdown that causes the Premises to be unavailable for a day or any portion thereof, the Licensee shall be given a Five Hundred Dollar (\$500.00) credit per day up to a total maximum of Fifteen Thousand Dollars (\$15,000.00). Should any credit arise by operation of this paragraph, the Licensee shall be able to apply such credit toward ice time at any of the Licensors' four (4) arenas at the prevailing rates that apply at the time between the dates of November 1st, 2019 to March 30th, 2020 or November 1st, 2020 to March 30th, 2021. Under this arrangement, the Licensors shall provide the Licensee with a list of available dates and times by October 15th, 2019 or 2020, as applicable, and the Licensee shall, in turn, select the dates and times for which the credit will be used by not later than November 15th, 2019 or 2020, as applicable. Any credit that is not used before March 30th, 2021 shall expire and no longer be valid.
 - (e) The Licensors shall not lease any of its other Three (3) arenas to any other individuals or entities between May 5, 2019 and August 31, 2019 for activities that would be in direct competition with the activities of the Licensors, namely that of an ice hockey training school, and, during the aforementioned period, there shall be no ice surfaces in the Licensors' other Three (3) arenas.

IN WITNESS WHEREOF the parties hereto have set their corporate seals duly attested by the signatures of their properly authorized officers respectively the day and year first above written.

Signed, sealed and delivered

THE CITY OF SAINT JOHN

Don Darling, Mayor

Jonathan Taylor, Common Clerk

Common Council Resolution:
March ____, 2019

707990 N.B. Inc.

Per: _____
Andrew Bezeau, President

SCHEDULE “A”

CITY OF SAINT JOHN PARKS & RECREATION

ARENA USE REGULATIONS

- 1) Ice maintenance is completed at times mutually agreed by the Licensee and Licensor except that the Licensor at its sole discretion may cause ice maintenance to occur at any time to ensure the quality of the ice.
- 2) Should any booked period be sold to another user, the Licensor must be so advised. Should a dispute arise at the rink, the attendant will defer to the Licensee.
- 3) The City’s Arena Code of Conduct is in effect.
- 4) The Licensee is responsible for damages to the premises arising out of his use of the facility.
- 5) The arena attendant on duty is in complete charge of the facility, and his/her instructions are to be followed at all times.
- 6) All persons on the ice must wear skates.
- 7) No food or drink is allowed while skating.
- 8) The City of Saint John, its employees, and agents, cannot be held responsible for any personal injury suffered by any user as a result of the Licensee’s programs.

PROVINCE OF NEW BRUNSWICK
COUNTY OF SAINT JOHN

I, Jonathan Taylor, of the Town of Quispamsis, in the County of Kings and Province of New Brunswick, MAKE OATH AND SAY:

- 1. THAT I am the Common Clerk of The City of Saint John and have custody of the Common Seal hereof.
- 2. THAT the seal to the foregoing instrument affixed is the Common Seal of The City of Saint John and that it was so affixed by Order of the Common Council of the said City.
- 3. THAT the signature “Don Darling” to the said instrument is the signature of W. Donald Darling, Mayor of the said City, and the signature “Jonathan Taylor” thereto is my own signature.
- 4. THAT we are the proper officers to sign the foregoing instrument on behalf of The City of Saint John.

SWORN TO BEFORE ME)	
at the City of Saint John, in the)	
County of Saint John and)	
Province of New Brunswick)	
this ____ day of _____, 2019)	
)	
)	Jonathan Taylor
_____)	
)	
Commissioner of Oaths)	
Being a Solicitor)	
)	

COUNTY OF SAINT JOHN
PROVINCE OF NEW BRUNSWICK

I, Andrew Bezeau, of the _____ of _____, County of _____ and Province of New Brunswick, MAKE OATH AND SAY:

- 1. THAT I am the President of 707990 N.B. Inc., the licensee named in the foregoing instrument and have custody of the corporate seal of the said company and am duly authorized to make this affidavit.
- 2. THAT the seal affixed to the foregoing agreement and purporting to be the corporate seal of 707990 N.B. Inc. is the corporate seal of the said 707990 N.B. Inc., the contractor named in the foregoing instrument and it was affixed by the officer authorized to so affix the seal.
- 3. THAT the signature “Andrew Bezeau” subscribed to the said instrument is my signature and as I am duly authorized to execute the said instrument.
- 4. THAT the said document was executed as aforesaid at the _____ of _____, in the Province of New Brunswick on the ____ day of _____, 2019.

SWORN TO BEFORE ME at the _____ of _____, in the County of _____ and Province of New Brunswick this ____ day of _____, 2019

Commissioner of Oaths
Being a Solicitor

Andrew Bezeau

COUNCIL REPORT

M&C No.	2019-82
Report Date	March 29, 2019
Meeting Date	April 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Special Events License Application for P.R.O. Kids Dickie Crossman
Hockey Tournament***

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>Brad Adams</i>	<i>Tim O'Reilly / Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

City Staff recommends the following:

- Granting George Georgoudis, on behalf of Vito's Restaurant, permission to apply for a Special Events permit with the Province of New Brunswick to serve alcohol out of the warming area of the Hilton Belyea Arena on the dates of April 18-20th, 2019 in support of the Annual Dickie Crossman Hockey Tournament.

PREVIOUS RESOLUTION

N/A

REPORT

The 5th Annual Dickie Crossman Memorial Hockey Tournament will be hosted on April 18-20th, 2019 out of the Hilton Belyea Arena.

The coordinators of this event would like to serve alcohol as part of their event; and therefore, require municipal approval to obtain the associated permit from the Province of New Brunswick. Historically, permission and appropriate permits have been obtained for this event. Service is limited to the upstairs warming area and only during the regular operating hours of the arena. George Georgoudis, on behalf of Vito's Restaurants, will complete the Special Events application. Mr.

Georgoudis is the Acting Secretary of the Dickie Crossman Organizing Committee.

In 2018, the Dickie Crossman Committee Fundraised \$15,000 from this event and combined with their Annual Golf Tournament donated a total of \$40,000 to P.R.O. Kids. 2019 is trending in the same direction with the maximum number of 16 teams once again registered for the event. The positive reputation from this event has made it a marquee event for many local businesses to show their support for P.R.O. Kids.

STRATEGIC ALIGNMENT

This report aligns with Council's priorities related to supporting a vibrant city, by investing in arts, culture and recreation experiences that create a sense of community pride. Furthermore, it supports growth of the Positive Recreation Opportunities for Kids (P.R.O. Kids) program as committed to in the City's Parks & Recreation Master Plan, PlaySJ.

SERVICE AND FINANCIAL OUTCOMES

Now in its 18th year, the Dickie Crossman Memorial Foundation has been a champion donor to the P.R.O. Kids Program. Their continued generosity through their Annual Hockey and Golf Tournaments has risen over \$250,000 for P.R.O. Kids – thus impacting thousands of local youth living in poverty to become enrolled into extra-curricular recreation programming.

This single event in 2019 is forecasted to raise the sum of an additional \$15,000 for P.R.O. Kids.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

- City staff consulted with the event organizers. The Manager of P.R.O. Kids and Community Development sits on the Dickie Crossman Committee and is involved in all aspects of planning and facilitation of this event.
- City Parks and Recreation Department has been contacted and is supportive of this Event.

ATTACHMENTS

NB Special Events Permit Application

78-9264 (12/17)

**Licensing Application Form
Special Events**

**Demande de licence pour un
événement spécial**

**APPLICATION MUST BE RECEIVED 45 DAYS
PRIOR TO EVENT**

**LA DEMANDE DOIT ÊTRE REÇUE 45 JOURS
AVANT L'ÉVÉNEMENT**

Section A

Language Preference

☐ English

☐ French

Partie A

Langue de préférence

☐ Français

☐ Anglais

Section B Partie B

Organization, group or festival /
Organisme, groupe ou festival

Festival or Event
Festival ou événement

Mailing Address / Adresse postale

(city / municipalité)

(postal code / code postal)

(telephone / téléphone)

(fax number / télécopieur)

(e-mail / courriel)

Section C Partie C

First Contact Person / Première personne-ressource

(first name / prénom)

(last name / nom de famille)

(e-mail / courriel)

Telephone / Téléphone

(work / travail)

(home / domicile)

(fax / télécopieur)

Second Contact Person / Deuxième personne-ressource

(first name / prénom)

(last name / nom de famille)

(e-mail / courriel)

Telephone / Téléphone

(work / travail)

(home / domicile)

(fax / télécopieur)

Section D Partie D

List the activities where liquor will be stored, served and consumed. The Special Events can be held for a **maximum of seven days**. Public announcement or advertising of the activities is permitted.

Dressez la liste des activités pour lesquelles des boissons alcooliques seront entreposées, servies ou consommées. L'événement spécial peut se dérouler pendant **une période maximale de sept jours**. Les annonces publiques et les publicités sont autorisées.

Date	Hours / Heures	Building / Tent and Address Bâtiment ou tente et adresse	Type of Activity / Type d'activité	Expected Attendance / Assistance prévue

EVENT DESCRIPTION	DESCRIPTION DE L'ÉVÉNEMENT
If the function is to be held outside, this area must be fenced in. Please provide details of the type of activity and include a diagram in the area provided below.	Si l'événement doit avoir lieu à l'extérieur, il faut clôturer l'endroit où il se tiendra. Veuillez décrire en détail l'activité qui aura lieu et inclure un diagramme dans la section ci-dessous.

Diagram / Diagramme

Indicate the selling price for each of the following.			Indiquez le prix de vente des boissons alcooliques suivantes :	
Beer / Bière (12 oz.)	Draught / Bière pression (9 oz.)	Spirits / Spiritueux (1 oz.)	Wine / Vin (specify unit / précisez l'unité)	Coolers / Panachés (specify unit / précisez l'unité)
_____	_____	_____	_____	_____

Section E Partie E

Activities Operated By Concessionaires	Activités exploitées par des concessionnaires
--	---

List below any licensed establishment who will be providing liquor service for the activity(ies). Attach a copy of any agreements made in this regard.

Énumérez ci-dessous tout établissement titulaire d'une licence qui fournira un service de boissons alcooliques durant les activités. Joignez une copie de toute entente conclue à cet effet.

Name of licensed establishment / Nom des établissements titulaires d'une licence	Activity they will operate / Activité organisée	Date of Activity / Date de l'activité
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section F Partie F

Copies of approvals/letters, from the following departments, must be received (see Notice LIN: 0512 for details) prior to release of your licence.

Des copies des autorisations ou des lettres suivantes doivent être fournies au bureau central avant que votre licence puisse être délivrée (voir l'avis LIN: 0512 pour de plus amples renseignements).

- ☐ Municipal approval or authorization obtained through your Regional Service Commission. / Autorisation de la municipalité ou de la Commission de services régionaux.
- ☐ Department of Health requires sites to have available 1 washroom per 50 people. For further information, please consult with your local Health Protection Branch. / Le ministère de la Santé exige qu'il y ait une toilette par 50 personnes sur les lieux d'un événement spécial. Pour obtenir de plus amples renseignements, veuillez communiquer avec le bureau de la Direction de la protection de la santé dans votre région.

...4

☐ Fire Marshal's Office, Justice and Public Safety or local Fire Prevention Inspectors / Autorisation du Bureau du prévôt des incendies, du ministère de la Justice et de la Sécurité publique ou des inspecteurs régionaux en sécurité-incendie.

☐ Security and bartending arrangements / Dispositions relatives aux services de sécurité et aux serveurs

☐ Copy of advertisement / Matériel publicitaire

☐ List of committee members of organization / Liste des membres du comité organisateur de l'événement

☐ Letter from festival committee / Lettre du comité du festival

☐ Required fee - \$100 per day / Droits prescrits – 100 \$ par jour

Declaration

It is understood and agreed to that if the said event is not accurately identified on this document and/or it is not operated in accordance with the requirements of the *Liquor Control Act*, the policies, and the conditions attached to the special events licence, then the privileges of obtaining further special events licences may be suspended or cancelled at the discretion of the Department of Justice and Public Safety.

I certify that:

- I am at least 19 years of age.
- All information submitted in this application is true and correct.
- I have read and understand the conditions which are applicable to the licence applied for.

Déclaration

Il est compris et entendu que le ministère de la Justice et de la Sécurité publique peut, à sa discrétion, suspendre ou retirer les privilèges liés à l'obtention d'autres licences pour un événement spécial si les renseignements fournis relativement à l'événement faisant l'objet de la présente demande sont inexacts ou si les activités ne sont pas conformes aux dispositions de la *Loi sur la réglementation des alcools*, aux directives et aux conditions rattachées à la licence.

Je certifie que :

- j'ai au moins 19 ans;
- tous les renseignements fournis sont vrais et exacts;
- j'ai lu et compris les conditions applicables à la délivrance de la licence demandée.

Signature of Applicant /
Signature du demandeur

Date _____ 20 _____

COUNCIL REPORT

M&C No.	2019-61
Report Date	April 02, 2019
Meeting Date	April 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Software Renewal - ClearRisk

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>Ian Fogan</i>	<i>Kevin Fudge</i>	<i>John Collin</i>

RECOMMENDATION

Direct the Mayor and Common Clerk to execute the attached ClearRisk renewal.

EXECUTIVE SUMMARY

The ClearRisk system provides a Management Information System for Risk Management and Fleet. ClearRisk enables the direct reporting of claims, fleet work orders, parts and maintenance billing, fuel usage, lifecycle planning, claim management, Risk Management planning and a broad list of key performance indicators.

PREVIOUS RESOLUTION

At February 4, 2013 meeting of Council the following resolution was adopted:
RESOLVED that as recommended by the City Manager in the submitted report Software Agreement for Risk Management, Council approved the purchase of Risk Management software from ClearRisk Inc., and further that the Mayor and Common Clerk be authorized to execute the agreements with ClearRisk Inc. and Salesforce.com as submitted.

REPORT

The City commenced using ClearRisk for Risk Management Information System in 2013. The system allows for quick and accurate reporting of claims and insurance cost as well as Risk Management planning which lead to substantial insurance savings in 2015 of over \$500,000.

The cost for the Risk Management component is \$11,550 and forms part of the calculation of the City's overall Cost of Risk which is consistently lower than comparators in the public and private sectors.

Fleet began developing a Fleet Management Information System in partnership with ClearRisk in 2016 following a recommendation from an MBA student project in the summer of 2016. The project looked at the cost/benefits of alternative Fleet Management Information System and concluded that if the City of Saint John were to invest in the effort to develop their own system with ClearRisk, that the solution would likely provide the best quality system at the lowest price.

The cost for the Fleet component is \$14,850 which includes access for other departments to run their own reports on their fleet performance and planning for fleet replacement. When the City researched several other Fleet information systems the comparable price was 2 to 3 times the cost of the ClearRisk system.

Beyond Fleet's use of the system to gather work order, parts, fuel, labour and life cycle planning for the City's fleet, the ClearRisk system also allows for direct access to reports and costs of repairs for the different service delivery departments such as Police, Fire, Transportation and Environment Services and Water.

STRATEGIC ALIGNMENT

This aligns with the Council priority of Valued Service Delivery. Management information system such as ClearRisk enable value optimizing decisions and measure and report key performance indicators. Through these systems, Staff are able to make decisions to provide better front line services at the lowest possible cost to citizens and customers.

SERVICE AND FINANCIAL OUTCOMES

The cost of the systems are included in the Risk Management and Fleet budgets but enables management decisions in the planning and reporting of Fleet and Risk Management decisions.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

None

ATTACHMENTS

1. Original agreement with ClearRisk Inc. and Salesforce.com
2. Amendment to original agreement – Claims System
3. Amendment to original agreement – Fleet System

CLEAR RISK CLAIMS SERVICES AGREEMENT

THIS AGREEMENT is made at Saint John, in the Province of New Brunswick, this 4th day of FEBRUARY, 2013.

BETWEEN:

CLEAR RISK INC., a body corporate, organized and existing under the laws of the Province of Newfoundland and Labrador ("ClearRisk")

of the first part

AND:

The City of Saint John, a body corporate, by Royal Charter.
("Client")

of the second part

WHEREAS:

- A. ClearRisk provides a software product that manages claims and risk information ("ClearRisk Claims"); and
- B. ClearRisk has agreed to licence to Client and Client has agreed to licence from ClearRisk pursuant to the terms and conditions contained herein.

WITNESSETH that for and in consideration of the sum of one dollar (\$1.00) and the respective covenants and agreements of the parties contained herein and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by each of the parties), it is hereby agreed as follows:

1 Interpretation

1.1 Definitions

- a "Business Day" means any day other than Saturday, Sunday or a day that is a statutory holiday as observed by the City of St. John's, in the Province of Newfoundland and Labrador.
- b "ClearRisk" means Clear Risk Inc.
- c "Client" means The City of Saint John.
- d "ClearRisk Claims" has the meaning as set out in recital A. of this Agreement.
- e "Confidential Information" means any information, data, or know-how disclosed by one party (the "Discloser") to the other party (the

“Recipient”), including, but not limited to, that which relates to research, product plans, products, services, customers, markets, software, developments, inventions, processes, designs, drawings, engineering, hardware configuration information, marketing or finances. Confidential Information does not include information, technical data or know-how which:

- i is in the possession of the Recipient at the time of disclosure as established by the Recipient’s files and records immediately prior to the time of disclosure;
 - ii prior or after the time of disclosure becomes part of the public knowledge or literature, not as a result of any inaction or action of the Recipient; or
 - iii is approved for public release by Discloser in writing.
- f “Discloser” has the meaning as set out in Subsection 1.1e.
 - g “Event of Default” has the meaning set out in Section 8.1 hereto.
 - h “Party” means ClearRisk or Client and “Parties” ClearRisk and Client.
 - i “Policy” has the meaning as set out in Subsection 9.6a hereto.
 - j “Protected Parties” shall have the meaning set out in Section 9.4 hereto.
 - k “Recipient” has the meaning as set out in Subsection 1.1e.

1.2 Schedules and Recitals

The recitals to this Agreement are hereby incorporated into and form part of this Agreement. The following Schedules are attached hereto and form part of this Agreement:

Schedule “A”	Salesforce.com Additional Terms
Schedule “B”	Pricing of ClearRisk Claims

For greater certainty, Client acknowledges and agrees that the terms and conditions set forth in the attached Schedule “A” form part of this Agreement and Client agrees to be bound by those terms and conditions. Client acknowledges and agrees that the terms set out in the attached Schedule “A” terms imposed upon ClearRisk by its suppliers and a breach by Client of the terms and conditions set forth therein could impact and/or prevent Client from being able to access ClearRisk Claims.

2 Term

2.1 Term of Agreement

This Agreement comes into force as of the date hereof and has a term of three years from the date on which this Agreement comes into force unless it is renewed in accordance with the provisions of Section 2.2 hereto.

2.2 Renewal unless cancelled

This Agreement shall renew for succeeding one year terms unless a Party notifies the other Party in writing of its intention not to renew this Agreement no less than thirty (30) days prior to the next renewal date.

3 Grant of License

ClearRisk hereby grants to Client, subject to the terms and conditions of this Agreement (including the schedules attached hereto), a non-exclusive, non-transferable licence to use ClearRisk Claims.

4 Licence Fee

Client agrees to pay the fees and other charges for ClearRisk Claims and other services provided under this Agreement as specified in Schedule "B". All amounts payable hereunder are exclusive of any and all taxes, and Client is responsible for payment of such taxes (excluding taxes based on ClearRisk's net income). All prices are stated, and Client shall pay, in Canadian dollars. Payment received by ClearRisk after the due date shall be subject to a late fee equal to one and one-half percent (1.5%) per month, or, if less, the maximum amount allowed by applicable law. At the end of the initial three year term of this Agreement and any subsequent one year terms, ClearRisk may adjust the fee payable under this Agreement by providing Client written notice of such adjustment at least sixty (60) days prior to the beginning of the new term.

5 Intellectual Property

5.1 ClearRisk Claims

Subject to the limited rights expressly granted hereunder, ClearRisk reserves all rights, title and interest in and to ClearRisk Claims, including all related intellectual property rights. No rights are granted to Client hereunder other than as expressly set forth in this Agreement. ClearRisk retains all right, title and interest in and to ClearRisk Claims at all times, and regardless of the form or media in or on which the original or other copies may subsequently exist. Finally, any suggestions, ideas or inventions that Client, its employees or agents, voluntarily and optionally disclose to ClearRisk through any means will be used, or not used, by us at ClearRisk's sole discretion; and, ClearRisk will have no obligation to Client, its employees and/or agents regarding any ideas or inventions that Client, its employees and/or agent disclose through such means.

5.2 Content

The Parties hereto agree that Client shall retain all right, title and interest in any and all data Client provides for inclusion in the ClearRisk Claims. ClearRisk agrees that it will not share any data it receives from Client with any other party.

6 Confidentiality

6.1 Use of Confidential Information

It is agreed that the Confidential Information will only be used in ClearRisk Claims. The Recipient also undertakes not to use the Confidential Information or to allow its use by a third party for any personal, commercial or other purposes, or for any other reason whatsoever.

6.2 Unauthorized Disclosure

The Recipient agrees not to use the Confidential Information for any purpose other than that set forth in Section 6.1 of this Agreement. The Recipient will not disclose any Confidential Information to third parties except those directors, officers, employees, consultants and agents of the Recipient who are required to have the information in order to carry out the purpose set forth in Section 6.1 of this Agreement. The Recipient agrees that it will take all reasonable measures to protect the secrecy of and avoid disclosure or use of Confidential Information in order to prevent it from falling into the public domain or the possession of persons other than those persons authorized hereunder to have any such information, which measures shall include the highest degree of care that the Recipient utilizes to protect its own Confidential Information of a similar nature. The Recipient agrees to notify the Discloser in writing of any misuse or misappropriation of such Confidential Information that may come to its attention immediately upon discovery thereof.

6.3 Non-Discretionary Disclosure

Notwithstanding any of the foregoing provisions, the Recipient shall be entitled to make such disclosure, announcement, statement or communication which it reasonably believes is required by law or by any governmental or other regulatory authority provided that it first gives to the Discloser, if affected by the same, such advance notice thereof as is reasonably practicable in all the circumstances and provided that the Recipient uses all reasonable endeavours to comply with all reasonable directions of the Discloser regarding any action which the Discloser may wish to be taken to challenge legally the validity of such requirement.

7 Disclaimer of Warranty

USE OF CLEARRISK CLAIMS IS AT CLIENT'S OWN RISK. CLEARRISK PROVIDES

CLEARRISK CLAIMS ON AN "AS IS", "WHERE IS", BASIS WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS, IMPLIED OR STATUTORY, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, ACCURACY OR NON-INFRINGEMENT. CLEARRISK ALSO DISCLAIMS ALL LIABILITY WITH REGARD TO CLIENT'S VIEWING OF ANY WEB SITES THAT MAY BE LINKED FROM CLEARRISK CLAIMS. THIS DISCLAIMER OF WARRANTY CONSTITUTES AN ESSENTIAL PART OF THIS AGREEMENT. CLEARRISK MAKES NO WARRANTY THAT CLEARRISK CLAIMS IS ACCURATE, TIMELY, UNINTERRUPTED OR ERROR-FREE, THE RESULTS THAT MAY BE OBTAINED FROM THE USE OF CLEARRISK CLAIMS WILL BE RELIABLE, THE QUALITY OF ANY PRODUCTS OBTAINED OR PURCHASED THROUGH THE USE OF CLEARRISK CLAIMS WILL MEET CLIENT'S EXPECTATIONS OR ANY ERRORS IN CLEARRISK WILL BE CORRECTED.

8 Default and Termination

8.1 Events of Default

The Parties agree that an Event of Default shall include:

- a a breach by Client or ClearRisk of a term of this Agreement (including the Schedules);

8.2 Termination by Party upon Event of Default

- (i) Upon the occurrence of an Event of Default attributable to Client under this Agreement, then ClearRisk may issue a notice in writing of default and on failure of Client to remedy the same or cause the same to be remedied within thirty (30) Business Days' after the issuance of the notice, ClearRisk may at its option terminate this Agreement by notifying the Client in writing of its election so to do. In the event that this Agreement is terminated, such termination shall not prevent ClearRisk from collecting from Client any sums or payments accrued prior to termination.
- (ii) Upon the occurrence of an Event of Default attributable to ClearRisk under this Agreement, then Client may issue a notice in writing of default and on failure of ClearRisk to remedy the same or cause the same to be remedied within thirty (30) Business Days' after the issuance of the notice, Client may at its option terminate this Agreement by notifying ClearRisk in writing of its election so to do. In the event that this Agreement is terminated, such termination shall not relieve Client of any obligations that have accrued as of the date of such termination, including, without limitation, any sums or payments then due.

8.3 Irreparable Harm

Client agrees that should it breach or violate any obligations set out in this Agreement, ClearRisk may be irreparably harmed and that such harm may not be adequately compensated for in damages. Client further agrees that in the event that Client breaches its obligations set out in this Agreement, ClearRisk may have the right to seek and obtain immediate injunctive relief to enforce obligations under this Agreement in addition to any other rights and remedies it may have at law or equity.

9 Indemnification and Insurance

9.1 Indemnification by Client

Client agrees that it shall at all times promptly indemnify and hold ClearRisk safe and harmless from and against any and all actions, manner of actions, causes of actions, liabilities, claims, demands, suits, damages (incidental, direct, indirect, special, consequential or otherwise), losses, injuries, expenses (including, without limitation, legal fees on a solicitor and own client basis) or otherwise which may be brought against or suffered by ClearRisk for, arising from or in any way connected with a breach by Client or of this Agreement.

9.2 Indemnification by ClearRisk

ClearRisk agrees that it shall at all times promptly indemnify and hold Client safe and harmless from and against any and all actions, manner of actions, causes of actions, liabilities, claims, demands, suits, damages (incidental, direct, indirect, special, consequential or otherwise), losses, injuries, expenses (including, without limitation, legal fees on a solicitor and own client basis) or otherwise which may be brought against or suffered by Client for, arising from or directly connected with a breach by ClearRisk or of this Agreement.

9.3 Indemnification of Third Party Claims - Client

Client agrees that it shall at all times promptly indemnify and hold ClearRisk safe and harmless from and against any and all actions, manner of actions, causes of actions, liabilities, claims, demands, suits, damages (incidental, direct, indirect, special, consequential or otherwise), losses, injuries, expenses (including, without limitation, legal fees on a solicitor and own client basis) or otherwise which may be brought against or suffered by ClearRisk for, arising from or in any way connected with Client's use of ClearRisk Claims.

9.4 Indemnification of Third Party Claims – ClearRisk

Subject to Sections 7, and 9.5, ClearRisk agrees that it shall at all times promptly indemnify and hold Client safe and harmless from and against any and all actions, manner of actions, causes of actions, liabilities, claims, demands, suits, damages (incidental, direct, indirect, special, consequential or otherwise), losses, injuries, expenses (including, without limitation, legal fees on a solicitor and own client basis)

or otherwise which may be brought against or suffered by Client for, arising from or directly connected with a breach by ClearRisk of this Agreement.

9.5 Limitation of Liability

IN NO EVENT WILL A PARTY, OR THE PARTY'S DISTRIBUTORS, DISTRIBUTEES, SUPPLIERS (INCLUDING WITHOUT LIMITATION, SALESFORCE.COM), MERCHANT BUSINESS ASSOCIATES, ADVERTISERS, THIRD PARTY DEVELOPERS OR DISTRIBUTORS OF SUPPORTED SOFTWARE, OR ANY OF THE FOREGOING ENTITIES' OFFICERS, DIRECTORS, EMPLOYEES, OR AGENTS (COLLECTIVELY "PROTECTED PARTIES") BE LIABLE FOR ANY INDIRECT DAMAGES, INCLUDING, BY WAY OF ILLUSTRATION AND NOT LIMITATION, LOST PROFITS, LOST BUSINESS OR LOST OPPORTUNITY, OR ANY INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL OR EXEMPLARY DAMAGES, INCLUDING LEGAL FEES, ARISING OUT OF CLEARARRISK'S PRIVACY STATEMENT OR CLIENT'S USE OR INABILITY TO USE CLEARARRISK CLAIMS EVEN IF A PROTECTED PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT WILL PROTECTED PARTIES' MAXIMUM CUMULATIVE LIABILITY UNDER THIS AGREEMENT, EXCEED THE LESSER OF \$7,500.00 OR THE REVENUE ACTUALLY RECEIVED BY CLEARARRISK DIRECTLY ATTRIBUTABLE TO CLEARARRISK CLAIMS.

9.6 Insurance

ClearRisk agrees that:

- a That the property, assets, undertakings, activities and liability of ClearRisk are insured against risks, loss and/or damages under a policy of insurance (the "Policy") with insurers who are satisfactory to Client in amounts, for risks and otherwise on terms which are reasonable in relation to such assets and activities of ClearRisk and as is prudent having regard to the business conducted by ClearRisk. ClearRisk has a \$2,000,000 CGL and E&O.
- b That the Policy will, at a minimum, carry limits of not less than two million dollars (\$2,000,000.00) per claim and have a deductible of not more than ten thousand dollars (\$10,000.00).
- c That Client is named as an additional insured under the general liability insurance provisions of the Policy with respect to liability arising from or out of the ClearRisk Claims by Client.
- d That the Policy shall apply as primary insurance and contain an undertaking by the insurers to notify Client in writing not less than thirty (30) days' prior to any material change, cancellation or termination and that ClearRisk itself will notify Client within 48 hours of receipt of notification by insurers of any cancellation or termination of the Policy.

- e That certificates of insurance, together with copies of the coverage sheet, policy and any amending endorsements, in a form acceptable to Client, will be delivered to Client and ClearRisk upon execution of this Agreement, and upon every renewal of the Policy for so long as this Agreement remains in effect.
- f That there has been no default or failure by the party or parties insured under the provisions of such Policy which would prevent the recovery by the Party or Parties insured there under of the full amount of any insured loss.

10 Miscellaneous

10.1 Further Assurances

The Parties and each of them shall at any time and from time to time do, execute, acknowledge and deliver or cause to be done, executed, acknowledged and delivered all such further acts, deeds, assignments, transfers, conveyances, powers of attorney and assurances as may be reasonably required so as to accomplish and carry into effect the intentions of this Agreement.

10.2 Waiver of Breach

No delay or omission of either of the Parties to exercise any right or power accruing upon any default or breach under this Agreement shall impair any such right or power or shall be construed to be an acquiescence therein or waiver of any such default or breach or of any right or power accruing upon any such default or breach or any subsequent default or breach under this Agreement.

10.3 Waiver of Terms

None of the conditions, covenants or agreements contained in this Agreement may be waived in whole or in part unless such waiver be in writing and signed by the Party in whose favor the representations, warranties, conditions, covenants or agreements so waived operate.

10.4 Assignment and Sublicences

Client shall not be permitted to assign this Agreement or any of its obligations hereunder, without the prior written consent of ClearRisk, which consent may be withheld by ClearRisk in its sole discretion. Client also agrees that it shall not have the right to grant sublicences under this Agreement.

10.5 Notice

Any notice or other document required or permitted to be given to any party hereunder shall be validly given if delivered personally (including by courier service) or sent by facsimile transmittal addressed to the addressee thereof at the following respective addresses:

(a) if to ClearRisk at:

40 Aberdeen Avenue
Suite 006
St. John's, NL
Canada A1A 5T3

Attention: Ray Dillon
Email: rdillon@clearrisk.com
Fax: (709)730-3542; and

(b) if to Client at:

15 Market Square
P.O. Box 1971
Saint John, New Brunswick
E2L 4L1

Attention: Ian Fogan
Email: ian.fogan@saintjohn.ca
Phone: (506)632-6845
Fax:

Any notice or other document if delivered shall be deemed to have been received by and given to the addressee on the date of delivery, and if given by facsimile transmittal shall be deemed to have been received by and given to the addressee on the next Business Day following the day of sending. Any party may at any time give notice in writing to the others of any change of address for these purposes. In the event of actual or threatened postal interruption in Canada, no such notice shall be deemed to have been received until it has in fact been received by the party for whom it is intended.

10.6 Rules of Interpretation

Words importing the singular number shall include the plural and vice versa and words importing the use of any gender shall include all genders. Headings used in this Agreement are for convenience of reference only and shall not constitute a part of this Agreement for any other purpose including, without limitation, its interpretation. Expressions such as "hereof", "hereunder" and "hereby" shall be construed as referring to the entire Agreement and not only to the particular Article, section, subsection or clause in which they appear. In determining beneficial ownership by a person, such person shall be considered as having a beneficial ownership interest in the assets of any company controlled, directly or indirectly, by such person. This Agreement shall not be construed or interpreted so as to create any rights to or be enforceable by any person who or which is not now, or does not in future become, a party to this Agreement.

10.7 Governing Law

This Agreement shall be construed in accordance with the laws of the Province of New Brunswick and the laws of Canada applicable therein and each of the parties hereby irrevocably attorns to the exclusive jurisdiction of the courts of such Province.

10.8 Business Days

In the event that any act is required hereunder to be done, any notice is required hereunder to be given, or any period of time is to expire hereunder on any day that is not a Business Day, such act shall be required to be done or notice shall be required to be given or time shall expire on the next succeeding Business Day.

10.9 Severability

The invalidity or unenforceability of any provision or part of any provision of this Agreement shall not affect the validity or enforceability of any other provision or part thereof, and any such invalid or unenforceable provision or part thereof shall be deemed to be separate, severable and distinct, and no provision or part thereof shall be deemed dependent upon any other provision or part thereof unless expressly provided for herein.

10.10 Counterparts and Facsimiles

This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and all of which when taken together shall constitute one and the same agreement, and may be delivered by any of the parties to any other party by facsimile transmittal.

10.11 Time of the Essence

Time shall in all respects be of the essence of this Agreement.

10.12 Currency

All dollar amounts referred to herein refer to lawful money of Canada.

10.13 Enurement

This Agreement and everything contained herein shall enure to the benefit of and be binding upon each of the Parties hereto and their respective successors and permitted assigns as fully and as effectually as if the same had been mentioned herein.

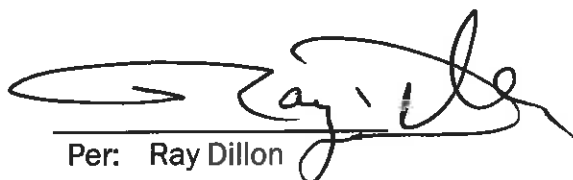
10.14 Entire Agreement

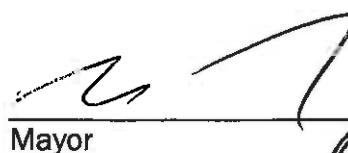
This Agreement, including the schedules attached hereto, is the entire agreement between the parties made to date regarding the subject matter and supersedes any prior agreements or understandings between the parties relating to its subject matter. No modification or variation of this Agreement shall be effective unless in writing signed by the Parties.


IN WITNESS WHEREOF the signature of a duly authorized director of each of ClearRisk and Client were hereunto affixed in accordance with their rules and regulations in that behalf contained, the day and year first before written.

CLEAR RISK INC.

City of Saint John


Per: Ray Dillon


Per: Mayor


Per: Common Clerk



Resolution Date: FEBRUARY 4th, 2013



Schedule "A" to ClearRisk Claims Services Agreement – Additional Terms – Salesforce.com Terms

Customer Full Legal Name:	City of Saint John
Customer Address:	15 Market Square, P.O Box 1971, Saint John, New Brunswick, E2L 4L1

These SFDC Service Terms of Use ("Agreement") are between salesforce.com, inc., a Delaware corporation with its principal place of business at The Landmark @ One Market, Suite 300, San Francisco, California 94105 ("SFDC") and the party named above. This Agreement is effective, once the Agreement is signed by Customer below, as of the Acceptance Date (the "Effective Date").

1. DEFINITIONS

"Affiliate" means any entity which directly or indirectly controls, is controlled by, or is under common control with the subject entity. "Control," for purposes of this definition, means direct or indirect ownership or control of more than 50% of the voting interests of the subject entity.

"AppExchange" means the online directory of applications that interoperate with the Services, located at <http://www.salesforce.com/appexchange> or at any successor websites.

"Customer" means the non-SFDC party named above and its Affiliates.

"Customer Data" means all electronic data or information submitted by Customer to the Services.

"Malicious Code" means viruses, worms, time bombs, Trojan horses and other harmful or malicious code, files, scripts, agents or programs.

"Acceptance Date" means the date on which SFDC accepts an order from the Reseller for Services subscriptions on behalf of Customer.

"Reseller" means the independent entity from which Customer has purchased subscriptions to the Services.

"Services" means the online, Web-based platform services provided by SFDC via <http://www.salesforce.com> and/or other designated websites as described in the User Guide, that are ordered by Customer from a Reseller, including associated offline components defined as part of the Services in the User Guide but excluding Third Party Applications.

"Third-Party Applications" means online, Web-based applications and offline software products that are provided by third parties including but not limited to Reseller, interoperate with the Services, including but not limited to those listed on the AppExchange.

"User Guide" means the online user guide for the Services, accessible via <http://www.salesforce.com>, as updated from time to time.

"Users" means individuals who are authorized by Customer to use the Services, for whom subscriptions to a Service have been purchased, and who have been supplied user identifications and passwords by Customer (or by SFDC at Customer's request). Users may include but are not limited to employees, consultants, contractors and agents of Customer, or third parties with which Customer transacts business.

2. SERVICES

- a. **Provision of Services.** Subject to Customer's payment of all applicable fees and its compliance with the terms of this Agreement, SFDC shall make the Services available to Customer pursuant to this Agreement.
- b. **User Subscriptions.** Services are User subscriptions and may be accessed by no more than the specified number of Users. Additional User subscriptions that are added during the subscription

term will be prorated for the remainder of the subscription term in effect at the time the additional User subscriptions are added and the added User subscriptions shall terminate on the same date as the pre-existing User subscriptions. User subscriptions are for designated Users and cannot be shared or used by more than one User, but may be reassigned to new Users replacing former Users who no longer require ongoing use of the Services.

- c. **SFDC Responsibilities.** SFDC shall: (i) provide to Customer basic support for the Services at no additional charge. SFDC will not provide support for any Third Party Applications, including but not limited to an application provided to Customer by Reseller, or any customizations, extensions or and code provided by any third party, including but not limited to Reseller. SFDC will use commercially reasonable efforts to make the Services available 24 hours a day, 7 days a week, except for: (a) planned downtime (of which SFDC shall give at least 8 hours notice via the Services and which SFDC shall schedule to the extent practicable during the weekend hours from 6:00 p.m. Pacific time Friday to 3:00 a.m. Pacific time Monday), or (b) any unavailability caused by circumstances beyond SFDC's reasonable control, including without limitation, acts of God, acts of government, flood, fire, earthquakes, civil unrest, acts of terror, strikes or other labor problems (other than those involving SFDC employees), or Internet service provider failures or delays. SFDC will provide the Services only in accordance with applicable laws and government regulations.
3. **Customer Responsibilities.** Customer shall (i) be responsible for Users' compliance with this Agreement, (ii) be solely responsible for the accuracy, quality, integrity and legality of Customer Data and of the means by which it acquired Customer Data, (iii) use commercially reasonable efforts to prevent unauthorized access to or use of the Services, and notify SFDC promptly of any such unauthorized access or use, and (iv) use the Services only in accordance with the User Guide and applicable laws and government regulations. Customer shall not (a) make the Services available to anyone other than Users, (b) sell, resell, rent or lease the Services, (c) use the Services to store or transmit infringing, libelous, or otherwise unlawful or tortious material, or to store or transmit material in violation of third-party privacy rights, (d) use the Services to store or transmit Malicious Code, (e) interfere with or disrupt the integrity or performance of the Services or third-party data contained therein, or (f) attempt to gain unauthorized access to the Services or their related systems or networks.

4. THIRD-PARTY PROVIDERS

- a. **Acquisition of Third-Party Products and Services.** Any acquisition by Customer of third-party products or services, including but not limited to Third-Party Applications and implementation, customization and other consulting services provide to Customer by Reseller, and any exchange of data between Customer and any third-party provider, including but not limited to Reseller, whether directly or indirectly by way of an application provided by Reseller or otherwise, is solely between Customer and the applicable third-party provider. SFDC does not warrant or support third-party products or services, whether or not they are designated by SFDC as "certified" or otherwise, and whether or not they come from an authorized SFDC Reseller.
- b. **Third-Party Applications and Customer Data.** If Customer installs or enables Third-Party Applications for use with Services, including but not limited to applications provided to Customer by Reseller, Customer acknowledges that SFDC may allow providers of those Third-Party Applications to access Customer Data as required for the interoperation of such Third Party Applications with the Services. SFDC shall not be responsible for any disclosure, modification or deletion of Customer Data resulting from any such access by Third-Party Application providers or through such providers' applications.
- c. **Google Services.** Service features that interoperate with Google services depend on the continuing availability of the Google application programming interface ("API") and program for use with the Services. If Google Inc. ceases to make the Google API or program available on reasonable terms for the Services, SFDC may cease providing such Service features without entitling Customer to any refund, credit, or other compensation.

5. SERVICE TERMS

- a. **User Subscriptions.** If Customer is in breach of this Agreement SFDC may, without limiting its other rights and remedies, suspend Customer's access to the Services upon notice to Customer.

6. PROPRIETARY RIGHTS

- a. **Reservation of Rights.** Subject to the limited rights expressly granted hereunder, SFDC reserves all rights, title and interest in and to the Services, including all related intellectual property rights. No rights are granted to Customer hereunder other than as expressly set forth herein.
- b. **Restrictions.** Customer shall not (i) permit any third party to access the Services except as permitted herein or in an Order Form, (ii) create derivative works based on the Services, (iii) copy, frame or mirror any part or content of the Services, other than copying or framing on Customer's own intranets or otherwise for its own internal business purposes, (iv) reverse engineer the Services, or (v) access the Services in order to (a) build a competitive product or service, or (b) copy any features, functions or graphics of the Services.
- c. **Ownership of Customer Data.** As between SFDC and Customer, Customer exclusively owns all rights, title and interest in and to all Customer Data.
- d. **Suggestions.** SFDC shall have a royalty-free, worldwide, transferable, sublicenseable, irrevocable, perpetual license to use or incorporate into the Services any suggestions, enhancement requests, recommendations or other feedback provided by Customer, including Users, relating to the operation of the Services.
- e. **Federal Government End Use Provisions.** SFDC provides the Services, including related software and technology, for ultimate federal government end use solely in accordance with the following: Government technical data and software rights related to the Services include only those rights customarily provided to the public as defined in this Agreement. This customary commercial license is provided in accordance with FAR 12.211 (Technical Data) and FAR 12.212 (Software) and, for Department of Defense transactions, DFAR 252.227-7015 (Technical Data – Commercial Items) and DFAR 227.7202-3 (Rights in Commercial Computer Software or Computer Software Documentation). If a government agency has a need for rights not conveyed under these terms, it must negotiate with SFDC to determine if there are acceptable terms for transferring such rights, and a mutually acceptable written addendum specifically conveying such rights must be included in any applicable contract or agreement.

7. CONFIDENTIALITY

- a. **Definition of Confidential Information.** As used herein, "Confidential Information" means all confidential information disclosed by a party ("Disclosing Party") to the other party ("Receiving Party"), whether orally or in writing, that is designated as confidential or that reasonably should be understood to be confidential given the nature of the information and the circumstances of disclosure. Confidential Information of Customer shall include Customer Data; Confidential Information of SFDC shall include the Services; and Confidential Information of each party shall include the terms and conditions of this Agreement and all Order Forms, as well as business and marketing plans, technology and technical information, product plans and designs, and business processes disclosed by such party. However, Confidential Information (other than Customer Data) shall not include any information that (i) is or becomes generally known to the public without breach of any obligation owed to the Disclosing Party, (ii) was known to the Receiving Party prior to its disclosure by the Disclosing Party without breach of any obligation owed to the Disclosing Party, (iii) is received from a third party without breach of any obligation owed to the Disclosing Party, or (iv) was independently developed by the Receiving Party.
- b. **Protection of Confidential Information.** Except as otherwise permitted in writing by the Disclosing Party, (i) the Receiving Party shall use the same degree of care that it uses to protect the confidentiality of its own confidential information of like kind (but in no event less than reasonable care) not to disclose or use any Confidential Information of the Disclosing Party for any purpose outside the scope of this Agreement, and (ii) the Receiving Party shall limit access to Confidential Information of the Disclosing Party to those of its employees, contractors and agents who need such access for purposes consistent with this Agreement and who have signed confidentiality agreements with the Receiving Party containing protections no less stringent than those herein.
- c. **Protection of Customer Data.** SFDC shall maintain appropriate administrative, physical, and technical safeguards for protection of the security, confidentiality and integrity of Customer Data. SFDC shall not (a) modify Customer Data, (b) disclose Customer Data except as compelled by law in accordance with the "Compelled Disclosure" section below or as expressly permitted in

writing by Customer, or (c) access Customer Data except to provide the Services and prevent or address service or technical problems, or at Customer's request in connection with customer support matters.

- d. **Compelled Disclosure.** The Receiving Party may disclose Confidential Information of the Disclosing Party if it is compelled by law to do so, provided the Receiving Party gives the Disclosing Party prior notice of such compelled disclosure (to the extent legally permitted) and reasonable assistance, at the Disclosing Party's cost, if the Disclosing Party wishes to contest the disclosure. If the Receiving Party is compelled by law to disclose the Disclosing Party's Confidential Information as part of a civil proceeding to which the Disclosing Party is a party, and the Disclosing Party is not contesting the disclosure, the Disclosing Party will reimburse the Receiving Party for its reasonable cost of compiling and providing secure access to such Confidential Information.

8. WARRANTIES, EXCLUSIVE REMEDIES AND DISCLAIMERS

- a. **SFDC Warranties.** SFDC warrants that (i) the Services shall perform materially in accordance with the User Guide, and (ii) subject to the "Google Services" section above, the functionality of the Services will not be materially decreased during a subscription term. For any breach of either such warranty, Customer's exclusive remedy from SFDC shall be to terminate this Agreement as provided in the "Termination for Cause" section below.
- b. **Mutual Warranties.** Each party represents and warrants that (i) it has the legal power to enter into this Agreement, and (ii) it will not transmit to the other party any Malicious Code (except for Malicious Code previously transmitted to the warranting party by the other party).
- c. **Disclaimer.** EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER PARTY MAKES ANY WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, AND EACH PARTY SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

9. MUTUAL INDEMNIFICATION

- a. **Indemnification by SFDC.** SFDC shall defend Customer against any claim, demand, suit, or proceeding ("Claim") made or brought against Customer by a third party alleging that the use of the Services as permitted hereunder infringes or misappropriates the intellectual property rights of a third party, and shall indemnify Customer for any damages finally awarded against, and for reasonable attorney's fees incurred by, Customer in connection with any such Claim; provided that Customer (a) promptly gives SFDC written notice of the Claim, (b) gives SFDC sole control of the defense and settlement of the Claim (provided that SFDC may not settle or defend any Claim unless it unconditionally releases Customer of all liability), and (c) provides to SFDC all reasonable assistance, at SFDC's expense.
- b. **Indemnification by Customer.** Customer shall defend SFDC against any Claim made or brought against SFDC by a third party alleging that the Customer Data, or Customer's use of the Services in violation of this Agreement, infringes or misappropriates the intellectual property rights of a third party or violates applicable law, and shall indemnify SFDC for any damages finally awarded against, and for reasonable attorney's fees incurred by, SFDC in connection with any such Claim; provided that SFDC (a) promptly gives Customer written notice of the Claim, (b) gives Customer sole control of the defense and settlement of the Claim (provided that Customer may not settle or defend any Claim unless it unconditionally releases SFDC of all liability), and (c) provides to Customer all reasonable assistance, at Customer's cost.
- c. **Exclusive Remedy.** This "Mutual Indemnification" section states the indemnifying party's sole liability to, and the indemnified party's exclusive remedy against, the other party for any type of Claim described in this section.

10. LIMITATION OF LIABILITY

- a. **Limitation of Liability.** IN NO EVENT SHALL EITHER PARTY'S LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, EXCEED IN THE AGGREGATE THE TOTAL AMOUNT PAID BY CUSTOMER TO RESELLER FOR THE SFDC SERVICES, OR

WITH RESPECT TO ANY SINGLE INCIDENT, THE LESSER OF \$500,000 OR THE AMOUNT PAID BY CUSTOMER TO RESELLER FOR THE SFDC SERVICES IN THE 12 MONTHS PRECEDING THE INCIDENT.

- b. **Exclusion of Consequential and Related Damages.** IN NO EVENT SHALL EITHER PARTY HAVE ANY LIABILITY TO THE OTHER PARTY FOR ANY LOST PROFITS OR REVENUES OR FOR ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, COVER OR PUNITIVE DAMAGES HOWEVER CAUSED, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, AND WHETHER OR NOT THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE FOREGOING DISCLAIMER SHALL NOT APPLY TO THE EXTENT PROHIBITED BY APPLICABLE LAW.

11. TERM AND TERMINATION

- a. **Term of Agreement.** This Agreement commences on the Effective Date and continues until all User subscriptions granted in accordance with an applicable Reseller Order have expired or been terminated.
- b. **Term of User Subscriptions.** User subscriptions commence on the start date specified in Reseller's order to SFDC for such subscriptions and continue for the subscription term specified therein.
- c. **Termination for Cause.** A party may terminate this Agreement for cause (i) upon 30 days written notice to the other party of a material breach if such breach remains uncured at the expiration of such period, or (ii) if the other party becomes the subject of a petition in bankruptcy or any other proceeding relating to insolvency, receivership, liquidation or assignment for the benefit of creditors.
- d. **Return of Customer Data.** Upon request by Customer made within 30 days after the effective date of termination, SFDC will make available to Customer for download a file of Customer Data in comma separated value (.csv) format along with attachments in their native format. After such 30-day period, SFDC shall have no obligation to maintain or provide any Customer Data and shall thereafter, unless legally prohibited, delete all Customer Data in its systems or otherwise in its possession or under its control.
- e. **Surviving Provisions.** The sections titled "Proprietary Rights," "Confidentiality," "Warranties and Disclaimers," "Mutual Indemnification," "Limitation of Liability," "Return of Customer Data," "Surviving Provisions" and "General Provisions" shall survive any termination or expiration of this Agreement.

12. GENERAL PROVISIONS

- a. **Export Compliance.** Each party shall comply with the export laws and regulations of the United States and other applicable jurisdictions in providing and using the Services. Without limiting the foregoing, (i) each of SFDC and Customer represents that it is not named on any U.S. government list of persons or entities prohibited from receiving exports, and (ii) Customer shall not permit Users to access or use Services in violation of any U.S. export embargo, prohibition or restriction.
- b. **Relationship of the Parties.** The parties are independent contractors. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary or employment relationship between the parties.
- c. **No Third-Party Beneficiaries.** There are no third-party beneficiaries to this Agreement.
- d. **Notices.** Except as otherwise specified in this Agreement, all notices, permissions and approvals hereunder shall be in writing and shall be deemed to have been given upon: (i) personal delivery, (ii) the second business day after mailing, (iii) the second business day after sending by confirmed facsimile, or (iv), except for notices of termination or an indemnifiable claim ("**Legal Notices**"), the first business day after sending by email. Notices to SFDC shall be addressed to the attention of its VP, Worldwide Sales Operations, with a copy to its General Counsel. All notices to Customer shall be addressed to the relevant Service system administrator designated by Customer. Legal Notices to Customer shall also be addressed to Customer's signatory of this Agreement or any person designated beneath the signature area below.

- e. **Waiver and Cumulative Remedies.** No failure or delay by either party in exercising any right under this Agreement shall constitute a waiver of that right. Other than as expressly stated herein, the remedies provided herein are in addition to, and not exclusive of, any other remedies of a party at law or in equity.
- f. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.
- g. **Assignment.** Neither party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other party (not to be unreasonably withheld). Notwithstanding the foregoing, either party may assign this Agreement in its entirety (including all Order Forms), without consent of the other party, to its Affiliate or in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets not involving a direct competitor of the other party. A party's sole remedy for any purported assignment by the other party in breach of this paragraph shall be, at the non-assigning party's election, termination of this Agreement upon written notice to the assigning party. Subject to the foregoing, this Agreement shall bind and inure to the benefit of the parties, their respective successors and permitted assigns.
- h. **Governing Law.** This Agreement, and any disputes arising out of or related hereto, shall be governed exclusively by the internal laws of the State of California, without regard to its conflicts of laws rules or the United Nations Convention on the International Sale of Goods.
- i. **Venue; Waiver of Jury Trial.** The state and federal courts located in San Francisco County, California shall have exclusive jurisdiction to adjudicate any dispute arising out of or relating to this Agreement. Each party hereby consents to the exclusive jurisdiction of such courts. Each party also hereby waives any right to jury trial in connection with any action or litigation in any way arising out of or related to this Agreement.
- j. **Entire Agreement.** This Agreement constitutes the entire agreement between SFDC and Customer and supersedes all prior and contemporaneous agreements, proposals or representations, written or oral, concerning its subject matter between SFDC and Customer. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and signed by the party against whom the modification, amendment or waiver is to be asserted. However, to the extent of any conflict or inconsistency between the provisions in the body of this Agreement and any exhibit or addendum hereto or any Order Form, the terms of such exhibit, addendum or Order Form shall prevail. Notwithstanding any language to the contrary therein, no terms or conditions stated in a Customer purchase order or in any other Customer order documentation (excluding Order Forms) shall be incorporated into or form any part of this Agreement, and all such terms or conditions shall be null and void.

CUSTOMER

By: _____

Print Name: _____

Title: _____

Date: _____

Name and/or title of person authorized to receive Legal Notices for customer (if different from above):

Schedule "B" to ClearRisk Claims Services Agreement – Pricing of ClearRisk Claims

1. **Annual Base Software License:** \$7,500 per year (includes 1 administrative user, 1 delegate user and e-form incident reporting)
2. **Account Creation & Setup, Data Import & Customization:** \$5000.
3. **Taxes:** The prices quoted are net of any applicable taxes.

COUNTY OF SAINT JOHN

PROVINCE OF NEW BRUNSWICK

I, Ray Dillon of the City of St. John's and Province of Newfoundland and Labrador, MAKE OATH AND SAY:-

1. THAT I am the CSMO of Clear Risk Inc., the contractor named in the foregoing instrument and have custody of the corporate seal of the said company and am duly authorized to make this affidavit.

2. THAT the seal affixed to the foregoing agreement and purporting to be the corporate seal of Clear Risk Inc., is the corporate seal of the said Clear Risk Inc., the contractor named in the foregoing instrument and it was affixed by the officer authorized to so affix the seal.

3. THAT the signature "Ray Dillon" subscribed to the said instrument is my signature and as CSMO I am duly authorized to execute the said instrument.

4. THAT the said document was executed as aforesaid at the City of St. John's in the Province of Newfoundland and Labrador on the 7th day of February, 2013.

SWORN TO before me at the
St. John's in the Province of
Newfoundland and Labrador,
this 7th day of

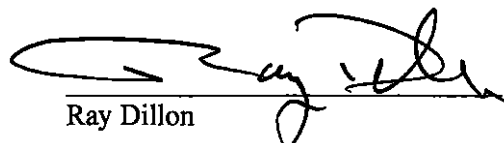
FE **DEANNE AYLWARD**

A Commissioner for Oaths in and for
the Province of Newfoundland and Labrador.
My commission expires on December 31, 2016.

Deanne Aylward

Commissioner of Oaths

Being a Solicitor


Ray Dillon



CERTIFICATE OF INSURANCE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder and imposes no liability on the insurer. This certificate does not amend, extend or alter the coverage afforded by the policies below.

1. CERTIFICATE HOLDER - NAME AND MAILING ADDRESS

City of Saint John

PO Box 1971

2A. INSURED'S FULL NAME AND MAILING ADDRESS

Clear Risk Inc.

P.O. Box 28185, St John's, NL A1B 4J8

2B. DESCRIPTION OF OPERATIONS/LOCATIONS/AUTOMOBILES/SPECIAL ITEMS
(but only with respect to the operations of the Named Insured)

Confirmation of Coverage

Saint John

NB

POSTAL
CODE

E2L 4L1

3. COVERAGES

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all terms, exclusions and conditions of such policies.

LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

TYPE OF INSURANCE	INSURANCE COMPANY AND POLICY NUMBER	EFFECTIVE DATE (M/d/yyyy)	EXPIRY DATE (M/d/yyyy)	LIMITS OF LIABILITY (Canadian dollars unless indicated otherwise)		
				COVERAGE	DED.	AMOUNT OF INSURANCE
COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE OR <input checked="" type="checkbox"/> OCCURRENCE <input checked="" type="checkbox"/> PRODUCTS AND / OR COMPLETED OPERATIONS <input type="checkbox"/> EMPLOYER'S LIABILITY <input checked="" type="checkbox"/> CROSS LIABILITY <input checked="" type="checkbox"/> TENANTS LEGAL LIABILITY <input type="checkbox"/> NON-OWNED AUTOMOBILES <input type="checkbox"/> HIRED AUTOMOBILES <input type="checkbox"/> POLLUTION LIABILITY EXTENSION	Trisura Guarantee Insurance Company HOP1000001	1/5/2013	1/5/2014	COMMERCIAL GENERAL LIABILITY BODILY INJURY AND PROPERTY DAMAGE LIABILITY - GENERAL AGGREGATE EACH OCCURRENCE PRODUCTS AND COMPLETED OPERATIONS AGGREGATE PERSONAL AND ADVERTISING INJURY LIABILITY MEDICAL PAYMENTS TENANTS LEGAL LIABILITY NON OWNED AUTOMOBILE	\$1,000	\$2,000,000 \$2,000,000 \$2,000,000 \$25,000 \$100,000
AUTOMOBILE LIABILITY <input type="checkbox"/> DESCRIBED AUTOMOBILES <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> LEASED AUTOMOBILES ** <input type="checkbox"/> <input type="checkbox"/> ** ALL AUTOMOBILES LEASED IN EXCESS OF 30 DAYS WHERE THE INSURED IS REQUIRED TO PROVIDE INSURANCE				BODILY INJURY AND PROPERTY DAMAGE COMBINED BODILY INJURY (PER PERSON) BODILY INJURY (PER ACCIDENT) PROPERTY DAMAGE		
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM (specify)				EACH OCCURRENCE AGGREGATE		
OTHER LIABILITY (SPECIFY) <input checked="" type="checkbox"/> Errors & Omissions Liability <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Trisura Guarantee Insurance Company HPL1000002	1/5/2013	1/5/2014		\$2,500	\$2,000,000

4. CANCELLATION

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavour to mail 30 days written notice to the certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

5. BROKER'S FULL NAME AND MAILING ADDRESS

Wedgwood Insurance Limited

P.O. Box 13370 85 Thorburn Road

St John's

NL

POSTAL
CODE

A1B 4B7

6. ADDITIONAL INSURED NAME AND MAILING ADDRESS

City of Saint John

PO Box 1971

BROKER'S CLIENT ID: LIVYE-1

Saint John

NB

POSTAL
CODE

E2L 4L1

SIGNATURE OF AUTHORIZED
REPRESENTATIVE

PRINT NAME

Jeanette V. Dawe

POSITION HELD

Account Manager - IBU

DATE

February 15, 2013

Wedgwood Insurance Limited

EMAIL ADDRESS

jvdawe@wedgwoodinsurance.com

CONTACT NUMBER

HOME
BUSINESS (709) 753-3210

CELL

FAX (709) 753-4406



TRISURA
GUARANTEE INSURANCE COMPANY

NOTICE OF TERMINATION TO THIRD PARTIES ENDORSEMENT

Endorsement No.: 4
Policy No.: HOP1000001

Effective Date Of Endorsement: January 5, 2013

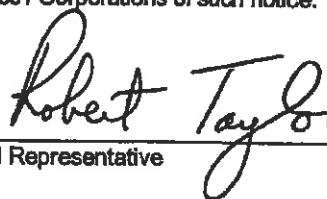
Issued To: Clear Risk Inc.

In consideration of the premium charged, it is hereby understood and agreed that the Insurer will mark its records to indicate that:

City of Saint John
PO Box 1971
Saint John, NB
E2L 4L1

is/are to be given notice concerning the termination or cancellation of the attached Policy as an entirety whether such termination or cancellation is effected by notice from the Insured or by the Insurer and the Policy shall be deemed to remain in force until at least 30 days after receipt by said Companies / Corporations of such notice.

All other terms and conditions remained unchanged.



Authorized Representative

**ClearRisk/City of Saint John
Agreement Addendum**

**CLAIMS MANAGEMENT
SYSTEM**

THIS ADDENDUM made at the City of St. John's, Province of Newfoundland and Labrador this _____ day of March 2019

BETWEEN:

CLEAR RISK INC., a body corporate, organized and existing under the laws of the Province of Newfoundland and Labrador ("ClearRisk")

AND: The City of Saint John

WHEREAS ClearRisk and Client entered into the ClearRisk Claims Services Agreement dated the 4th day of February 2013 and the Addendum to the ClearRisk Claims Services Agreement dated the 26th day of January 2016 (the "Services Agreement");

AND WHEREAS the parties wish to amend the Services Agreement as more particularly set out herein;

NOW THIS ADDENDUM AGREEMENT WITNESSES that, for and in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties hereto, being all of the parties to the Services Agreement, agree that the Services Agreement shall be amended as follows:

Article 2.1 be reverted back to its original form to the original ClearRisk Claims Services Agreement dated the 4th day of February 2013:

This agreement comes into force as of the date hereof and has a term of three years from the date on which this agreement comes into force unless it is renewed in accordance with the provisions of Section 2.2 hereto.

Article 2.2 be kept as is in its current form after the initial term of this agreement commencing on February 4th, 2019.

This agreement shall renew for succeeding one-year terms unless a party notifies the other party of its intention not to renew this agreement no less than thirty (30) days prior to the next renewal date.

Article 4.1 be added:

4.1 Annual Cost Escalation

Client agrees that all annual software license fees as specified in Schedule "B" will incur an annual price escalation of 5% annually.

Pricing of ClearRisk Claims to be increased by 10% immediately + 5% annual escalation to commence in 2020.

1. 2019 Breakdown

Item	# of Items	Current Cost	Cost + 10% increase
Primary Admin	1	\$6000	\$6600
Additional Admins	1	\$3000/user	\$3300/user
Delegate Users	2	\$500/user	\$550/user
Web Form(s)	1	\$1000	\$1100

This Addendum is supplementary to the Services Agreement and all other provisions of the Services Agreement shall remain in force, unless inconsistent with this present Addendum. Defined terms in this Services Amendment have the same meaning as the meaning given to them in the Services Agreement, unless otherwise expressly set forth in this Addendum.

IN WITNESS WHEREOF the parties have caused to be hereto affixed their respective corporate seals attested by the signatures of their duly authorized signing officers as of the date indicated first herein:

The City of Saint John

Per: _____

ClearRisk Inc.

Per: _____

**ClearRisk/City of Saint John
Agreement Addendum**

FLEET MANAGEMENT SYSTEM

THIS ADDENDUM made at the City of St. John's, Province of Newfoundland and Labrador
this _____ day of March 2019

BETWEEN:

CLEAR RISK INC., a body corporate, organized and existing under the laws of the Province
of Newfoundland and Labrador ("ClearRisk")

AND: The City of Saint John

WHEREAS ClearRisk and Client entered into the ClearRisk Claims Services Agreement
dated the 4th day of February 2013 and the Addendum to the ClearRisk Claims Services
Agreement dated the 26th day of January 2016 (the "Services Agreement");

AND WHEREAS the parties wish to amend the Services Agreement as more particularly set
out herein;

NOW THIS ADDENDUM AGREEMENT WITNESSES that, for and in consideration of the
mutual covenants and agreements contained herein, and for other good and valuable
consideration (the receipt and sufficiency of which is hereby acknowledged), the parties
hereto, being all of the parties to the Services Agreement, agree that the Services Agreement
shall be amended as follows:

Article 2.1 be reverted back to its original form to the original ClearRisk Claims Services
Agreement dated the 4th day of February 2013:

This agreement comes into force as of the date hereof and has a term of three years
from the date on which this agreement comes into force unless it is renewed in
accordance with the provisions of Section 2.2 hereto.

Article 2.2 be kept as is in its current form after the initial term of this agreement
commencing on February 4th, 2019.

This agreement shall renew for succeeding one-year terms unless a party notifies
the other party of its intention not to renew this agreement no less than thirty (30)
days prior to the next renewal date.

Article 4.1 be added:

4.1 Annual Cost Escalation

Client agrees that all annual software license fees as specified in Schedule "B" will incur an annual price escalation of 5% annually.

Pricing of ClearRisk Claims to be increased by 10% immediately + 5% annual escalation to commence in 2020.

1. 2019 Breakdown

Item	# of Items	Current Cost	Cost + 10% increase
Fleet Admins	2	\$3000/user	\$3300/user
Delegate Users	15	\$500/user	\$550/user

This Addendum is supplementary to the Services Agreement and all other provisions of the Services Agreement shall remain in force, unless inconsistent with this present Addendum. Defined terms in this Services Amendment have the same meaning as the meaning given to them in the Services Agreement, unless otherwise expressly set forth in this Addendum.

IN WITNESS WHEREOF the parties have caused to be hereto affixed their respective corporate seals attested by the signatures of their duly authorized signing officers as of the date indicated first herein:

The City of Saint John

Per: _____

ClearRisk Inc.

Per: _____

COUNCIL REPORT

M&C No.	2019 - 71
Report Date	April 01, 2019
Meeting Date	April 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: License Agreement with Saint John Arts Centre for Mural Project

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>Curtis Langille</i>	<i>Kevin Fudge/Ian Fogan</i>	<i>John Collin</i>

RECOMMENDATION

1. That the City enters into a License agreement with Saint John Arts Centre for \$1.00 to grant its agents, employees, partners and contractors access to and use a portion of the building facade at civic #20 Peel Plaza, being a portion of PID No's. 37499 and 37481, for the mural creation, subject to the following terms and conditions:
 - a. the License shall commence on June 1, 2019 and conclude at 11:59 pm (local time) on July 31, 2019;
 - b. that Saint John Arts Centre shall, at no expense to the Licensor, obtain and maintain in full force and effect during the entire term of this Licence, a Commercial General Liability Insurance policy with policy limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury and property damage; which policy shall name the City as an additional insured and shall contain a cross-liability clause; and
 - c. all damages, cost, claims, demands, actions, suits or other proceedings by whomsoever claimed, made, brought or prosecuted in any manner and whether in respect of property owned by others or in the Licensee does hereby indemnify and save harmless the Licensor from respect of damage sustained by others based upon or arising out of or in connection with the use of the Licensed Area.
2. That the Mayor and Common Clerk be authorized to execute the License Agreement.

EXECUTIVE SUMMARY

Saint John Arts Centre (SJAC) is planning to have a renowned artist come to the City in June to July of this year to paint a mural. The mural will be painted over portions of the east and south facing walls of the Arts Centre building. The mural will be designed by artist Allan Ryan (Uber 5000) and be approved by the SJAC mural committee. The Committee would reserve the right to paint over the mural at some point in the future. If permission is granted, the mural would be set to proceed in June of this year.

The terms and condition contained in the recommendation of this report will be included in a License agreement that will provide SJAC and their agents the access they requested and also protect the City against any unforeseen circumstances.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

Providing for entrepreneur opportunities in the City's Uptown Core aid in creating a livable community that is vibrant and diverse, while providing an integrated approach to economic development.

REPORT

Further to the comments contained in the Executive Summary.

City departments and agencies have been advised and are supportive of Saint John Arts Centre proposal to use a portion of the building (non-brick) facades to facilitate the painting of a mural to draw attention to the SJAC offering New Brunswick College of Craft and Design foundation courses starting this September. The terms and conditions as set out in the recommendation contained in this report will facilitate the proposal and protect the interests of the City of Saint John. These conditions are similar to a recent license granted by the City for Discover Saint John to create a mural adjoining the Market Slip.

SERVICE AND FINANCIAL OUTCOMES

There are no financial costs to the City associated with this project, while the tourism benefits to the City and drawing attention to the new courses being offered in the fall by the Arts Centre will be immeasurable.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Facility Management and Risk Management were all advised of this proposal and their input has been provided into this report where applicable. The City Solicitor's office has reviewed a very similar report involving Discover Saint John and was satisfied with the recommendation to Council.

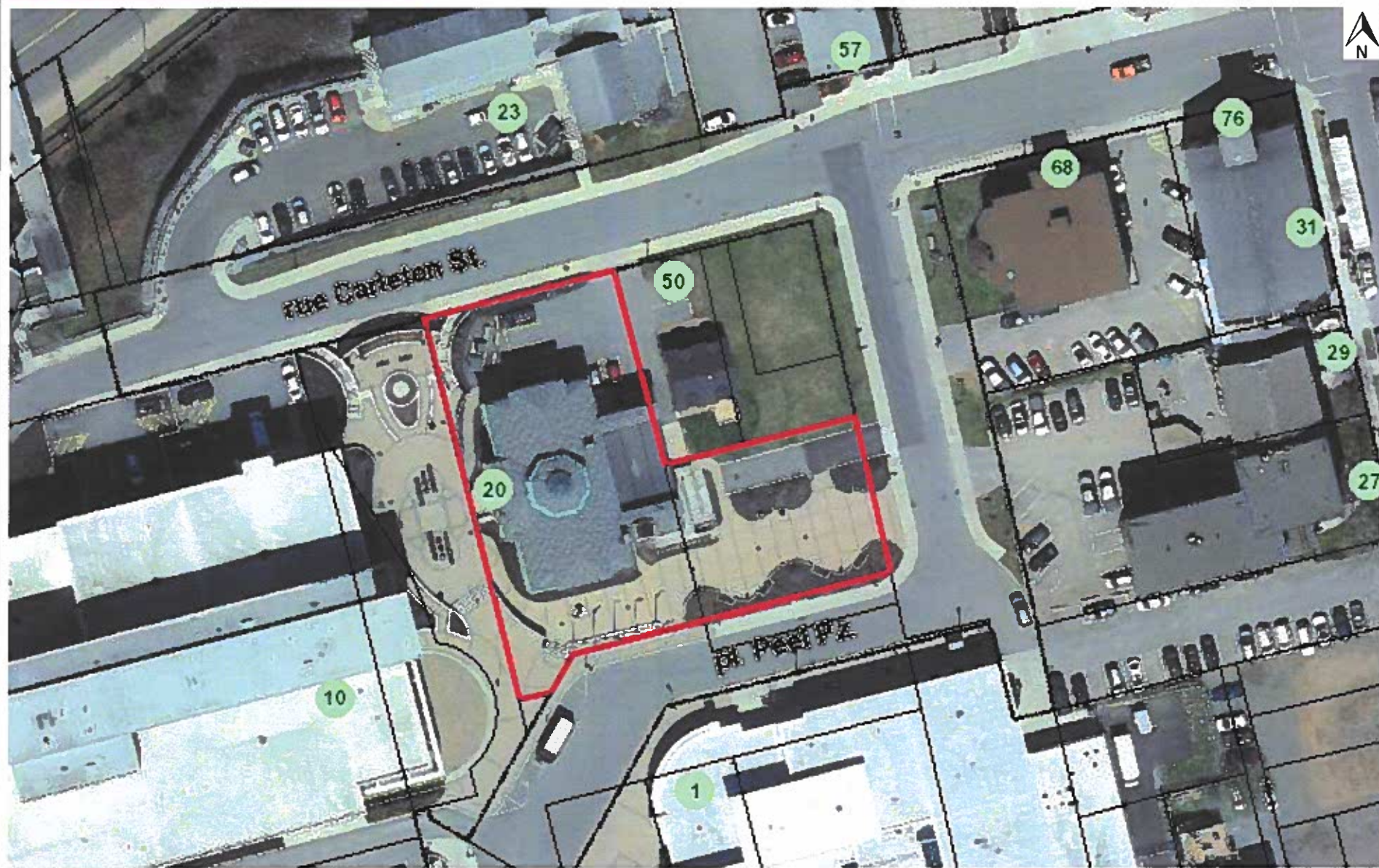
ATTACHMENT

Location Map



SAINT JOHN

Saint John Arts Centre: 20 Peel Plaza



Printed: 04/01/19 9:30:15 AM

COUNCIL REPORT

M&C No.	2019-76
Report Date	April 2, 2019
Meeting Date	April 8, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Tender for Asphaltic Concrete Mixes

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>Amy Dobson</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that the seasonal tender for the supply of asphaltic concrete mixes be awarded as follow:

- Pre Construction Season (start of plant til May 5, 2019) - NRB Construction Company Ltd.
- Construction Season (May 6 to November 8, 2019) - NRB Construction Company Ltd.
- Post Construction Season (November 9, 2019 to plant close) - Galbraith Construction Ltd.

EXECUTIVE SUMMARY

Every year the City of Saint John issues a tender for the supply of asphaltic concrete mixes to secure a source of asphalt for its various roadway maintenance initiatives. The tender closed on March 26th, with two bids meeting the City's requirements. The bid received from NRB Construction was low for the before and during construction seasons and Galbraith Construction for the after construction season.

PREVIOUS RESOLUTION

This is an annual program.

REPORT

Each year the City of Saint John tenders for the establishment of a supply agreement for the provision of asphaltic concrete mixes to guarantee a supply of asphalt. This product is used by Transportation and Environment Services for a variety of tasks, including asphalt restoration of water cuts, roadway and sidewalk repairs, roadway overlays, and miscellaneous maintenance projects.

There are traditionally three seasons for asphalt: the normal construction season when production is high and product is readily available; and the pre and post-construction seasons, when production is low and higher costs are incurred to produce the product. Bidders are asked to quote a price for the pre-season, another price for the construction season, and a third price for the post-season. In this instance, the recommended bidder is the lowest bid for each “season”.

MTO Performance Graded Asphalt Cement Price Index

In 2009, the City of Saint John adopted the use of the Ontario Ministry of Transportation performance grade asphalt cement price index in all its asphalt related tenders. In summary, an end of season adjustment is made for each monthly change in the MTO Price Index and applied to the asphalt at time of purchase, with the Tender Opening date being the base month. Adjustments are only made if month over month price fluctuation is greater than 5%.

The formula is:

PA = Payment adjustment for asphaltic cement in dollars

T = Posted MTO Price Index for the month of tender opening

P = Posted MTO Price Index for the month the asphalt was purchased

Q = Quantity of asphaltic cement in tonnes

When $P > 1.05 T$, the Contractor receives additional payment as follows:

$$PA = (P - 1.05T) \times Q.$$

When $P < 0.95 T$, the City receives a credit as follows:

$$PA = (0.95T - P) \times Q.$$

STRATEGIC ALIGNMENT

The asphaltic concrete mixes procured through this award are used in various roadway surface maintenance programs such as: the Saint John Water cut reinstatement program, patch work, and the overlay program; all of which align with the Council’s goal of investing in strategic road improvements.

SERVICE AND FINANCIAL OUTCOMES

The total estimated value of the 2019 supply contract is approximately \$1 million for all of Transportation and Environment Services’ roadway maintenance programs (being \$675,000 +/- for the patch work, roadway and sidewalk maintenance, and the overlay programs; and \$325,000 +/- for the Saint John Water cut reinstatement program).

The purchase of asphaltic concrete mixes is a planned expenditure and funds to cover the programs are included in the 2019 Operating Budget (over multiple service budget lines).

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

A public tender call was issued on March 12, 2019 and closed on Tuesday, March 26, 2019 with two compliant bids received. The results of the tender (excluding HST and haulage rates) are:

		GALBRAITH CONSTRUCTION LTD.			NRB CONSTRUCTION COMPANY LIMITED		
		Before Season Start date til May 05	Construction Season May 06 – Nov 08	After Season Nov. 09 til Close	Before Season Start date til May 05	Construction Season May 6 - Nov.8	After Season Nov. 09 til Close
1	SUPERPAVE 19.5mm /TONNE (.3 to <3 million ESALS)	\$80	\$77	\$80	\$90	\$74	\$85
2	SUPERPAVE 9.5mm/TONNE (.3 to <3 million ESALS)	\$85	\$80	\$85	\$95	\$79	\$90
3	SUPERPAVE 4.75mm/TONNE (.3 to <3 million ESALS)	\$100	\$98	\$105	\$103	\$87	\$98
OPENING DATE		May 06, 2019			April 22, 2019		
CLOSING DATE		November 30, 2019			November 29, 2019		

Staff of Materials Management and Transportation & Environment Services have reviewed the tenders and have found them to be complete and formal in every regard. Staff believe that both tenderers have the necessary resources and expertise to perform the work. Due to the fact that the low bidder in the “Before Season” (Galbraith) does not open their plant until the Construction season begins, the “Before Season” will be awarded to NRB Construction. With the exception mentioned above, all items are being awarded to the lowest bidder.

The above process is in accordance with the City’s Procurement Policy and Materials Management support the recommendation being put forth.

ATTACHMENTS

No attachments

COUNCIL REPORT

M&C No.	2019- 78
Report Date	March 26, 2019
Meeting Date	April 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Contract No. 2019-16 Asphalt Resurfacing 2019

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>Rod Mahaney</i>	<i>Michael Hugenholtz/Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that Contract No. 2019-16: Asphalt Resurfacing 2019 be awarded to the low Tenderer, Galbraith Construction Ltd., at the tendered price of \$5,886,959.54 (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 2019-16: Asphalt Resurfacing 2019 to the low Tenderer.

PREVIOUS RESOLUTION

November 05, 2018; 2019 Water & Sewerage Utility Fund Operating Program Approved.

July 30, 2018; 2019 General Fund Capital Program Approved.

December 18, 2018; 2019 General Fund Operating Program Approved.

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.

REPORT

BACKGROUND

The 2019 General Fund Operating Budget for Transportation and Environment Services and the 2019 General Fund Transportation Capital Program include provisions for the resurfacing of a number of streets in the City. This is an annual program to upgrade and maintain deteriorating street surfaces under the maintenance and capital resurfacing programs.

This contract includes all work associated with the resurfacing of a total of 34 streets or segments of streets. This work consists generally of the supply of all necessary labour, materials and equipment for the placement of approximately 23,960 tonnes of Superpave hot-mix asphalt. Also included in this contract is the installation of approximately 8,557 lineal meters of concrete curb and 3,563 lineal meters of 1.5 meter sidewalk.

TENDER RESULTS

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

1. Galbraith Construction Ltd., Saint John, NB	\$5,886,959.54
2. Classic Construction (2012) Ltd., Saint John, NB	\$5,953,677.08
3. NRB Construction Company Ltd., Saint John, NB	\$6,193,442.88
4. Debly Enterprises Ltd., Saint John, NB	\$6,305,748.71

The Engineer's estimate for the work was \$7,298,600 including HST.

ANALYSIS

The tenders were reviewed by staff and were found to be formal in all respects. The tender from Debly Enterprises Ltd. contained a minor error in mathematics that required correction in accordance with specification article 2.11 u) (i).

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. The asphalt production and placement processes will be closely monitored to ensure conformance with project specifications. Work is expected to begin the last week of April and continue until October 15, 2019.

FINANCIAL IMPLICATIONS

The Contract includes work that is charged against various Operating and Capital Budgets. 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	\$ 6,879,000
Project net cost	\$ 5,688,000
Variance (Surplus)	\$ 1,191,000

It is the intention of City staff to make full use of this budget surplus by adding additional streets to the 2019 asphalt resurfacing contract with the payment to be made at the approved contract unit prices. Staff will report back to Council with a proposed list of additional streets for asphalt resurfacing and for approval to increase the amount of contract 2019-16 accordingly.

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.

SERVICE AND FINANCIAL OUTCOMES

Asphalt pavements, and concrete curb and sidewalks are essential infrastructure which directly impacts the quality of life in our community. Roadway infrastructure is important to the economic health of the community and citizens expect these assets to be maintained to an acceptable standard. Proper and timely maintenance of all roadway assets will ensure public safety, extend service life of the asset, and achieve best value for the investment.

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.	2019-79
Report Date	March 29, 2019
Meeting Date	April 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: 2019 Roadway Construction Projects

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>Brian Keenan</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that Common Council receive and file this report.

EXECUTIVE SUMMARY

The City of Saint John has a number of major construction projects under both the General Fund and Utility Fund Capital Programs that will have a significant impact on traffic arteries. A map identifying the location of 2019 City projects is attached. Projects that will have a more significant impact on traffic are highlighted later in this report.

PREVIOUS RESOLUTION

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

July 30, 2018; 2019 General Fund Capital Program Approved.

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.

REPORT

Staff of local road authorities - New Brunswick Department of Transportation and Infrastructure (NBDTI), Gateway Operations and the City of Saint John met on March 20, 2019 to exchange information on planned construction projects and to consider effects of the construction on the transportation network and traffic in the Saint John region. Also included were local utilities Saint John Energy, Enbridge Gas, Emera Brunswick Pipeline, Bell Aliant and Rogers Communication. The 2019 construction season will again have many large projects with impacts to traffic flows. The meeting was productive with groups sharing information on major projects that will impact traffic flows during the 2019 construction season.

The purpose of this report is to update Council on current and planned roadway construction and the steps being taken to help mitigate impacts on users of the transportation network.

Route 1 and Interchanges

Work will be taking place this season by Gateway Operations:

- Mill Street Overpass Structure – Deck Rehabilitation (Northbound lanes) starting in late April with an estimated duration of 4 months – lane reductions will be required.
- Market Place Structure. Detours will be required for 2-3 days.
- Riverview Drive Structure – lane reductions will be required.
- Celebration Street – Gabion Retaining Wall Replacement.

NBDTI Projects

NBDTI will be undertaking the following projects in 2019:

- Red Head Road – replacement of Culvert No. 2 – will be a single lane of alternating traffic with temporary traffic lights in place during construction.
- Hickey Road @ Little River – bridge work – design details still underway
- Reversing Falls Bridge – Foundation Rehabilitation (East Abutment) – minimal impact on traffic flow anticipated at this time.
- Route 7 – Kings County/Saint John County Line to Route 177 Overpass – paving
- Route 7 – South bound lanes near Grand Bay/Westfield Interchange – Culvert Replacement
- Martinon Structure – work underneath structure

- Wall Street Overpass – work on drains (lane reductions for one week)
- Coldbrook Structure – replace deck (3 to 4 days)
- Route 100/Rothesay Avenue – Intersection realignment and signalization – Final design details not yet available but expect some disruption to traffic, lane reductions, partial/temporary closures as required for construction activities. Traffic notifications to be in place well in advance of work.

Saint John Energy Projects

Saint John Energy will be undertaking utility work that involves some excavation at the following locations: Mystery Lake Drive/Coldbrook Crescent, Wyatt Crescent, Bermuda Court, Danells Drive, Alingham Crescent, Angus Court, Ian Street, MacNaughton Place, and Bayside Drive (transformer pads). Cabling work not requiring excavation will be undertaken at Hilyard Street.

City Projects

The attached City of Saint John Projects Map for 2019 includes projects under several categories:

- Asphalt Maintenance Resurfacing
- Water and Sewer Construction
- Street Reconstruction
- Safe Clean Drinking Water Project

Generally, the Asphalt Maintenance Resurfacing projects are carried out in stages: asphalt cold milling, structure adjustments and paving. These projects are normally of short duration with each location taking a few days to complete depending on length of roadway to be resurfaced. The construction duration will be longer for those locations where concrete curbs/sidewalks are included.

Water & Sewer Renewals require trench excavation in roadways and will result in lane reductions, but there will be full road closures only in special cases where buried infrastructure is complex and significant work is being carried out simultaneously in various sections of the closed roadway.

Street Reconstruction projects normally involve underground infrastructure renewals and replacement of roadway granulars in preparation for new curb, sidewalk and asphalt installations. This type of construction work normally requires full road closure.

Some remaining work continues on the Safe Clean Drinking Water Project at John T. McMillan Avenue.

From the Projects Map, the following projects will result in significant impacts to traffic flow:

- Metcalf Street (Main Street to Lansdowne Avenue) – Street Reconstruction – road closure and detour with access for local traffic.
- Mecklenburg Street (Wentworth Street to Sydney Street) - Street Reconstruction – road closure and detour with access for local traffic.
- Westmorland Road (Consumers Drive to McAllister Place) - Asphalt Maintenance Resurfacing – lane reductions.
- Rothesay Avenue (McLean Street to McAllister Drive) - Asphalt Maintenance Resurfacing – lane reductions.
- Charlotte Street (King Square North to King Square South) and King Square North (Sydney Street to Charlotte Street) and King Square South (Charlotte Street to Sydney Street) and Sydney Street (King Square South to Union Street) - Asphalt Maintenance Resurfacing – lane reductions, possible road closure two consecutive Sundays.
- Manawagonish Road (Fairville Boulevard to Westgate Drive) - Asphalt Maintenance Resurfacing - lane reductions.
- Chipman Hill (King Street to Union Street) – Street Reconstruction – road closure and detour with access for local traffic.
- King Square South (Charlotte Street to Civic #12 King Square South) – Water & Sewer Construction – lane reductions.
- Queen Square North (Charlotte Street to Sydney Street) - Street Reconstruction – road closure and detour with access for local traffic.
- Wentworth Street (Union Street to Elliot Row) - Street Reconstruction – road closure and detour with access for local traffic.

Traffic disruption could be subject to change depending on particular design and/or construction circumstances. Detailed traffic control plans will be developed with contractors and design consultants for all major construction projects. In addition to those identified above, other planned projects shown on the Projects Map should be less disruptive.

There will also be normal operational and maintenance activities carried out by Saint John Water and Transportation & Environment Services crews. These are smaller in scope and usually only disrupt traffic on a street or street sections for a relatively short period. Staff have also communicated with other local utilities – Enbridge Gas, Bell Aliant and Saint John Energy – to exchange information about their work activities in order to coordinate respective programs and plans.

SERVICE AND FINANCIAL OUTCOMES

The planned roadway construction projects will result in improvements to the municipal infrastructure.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Communications – Construction Information

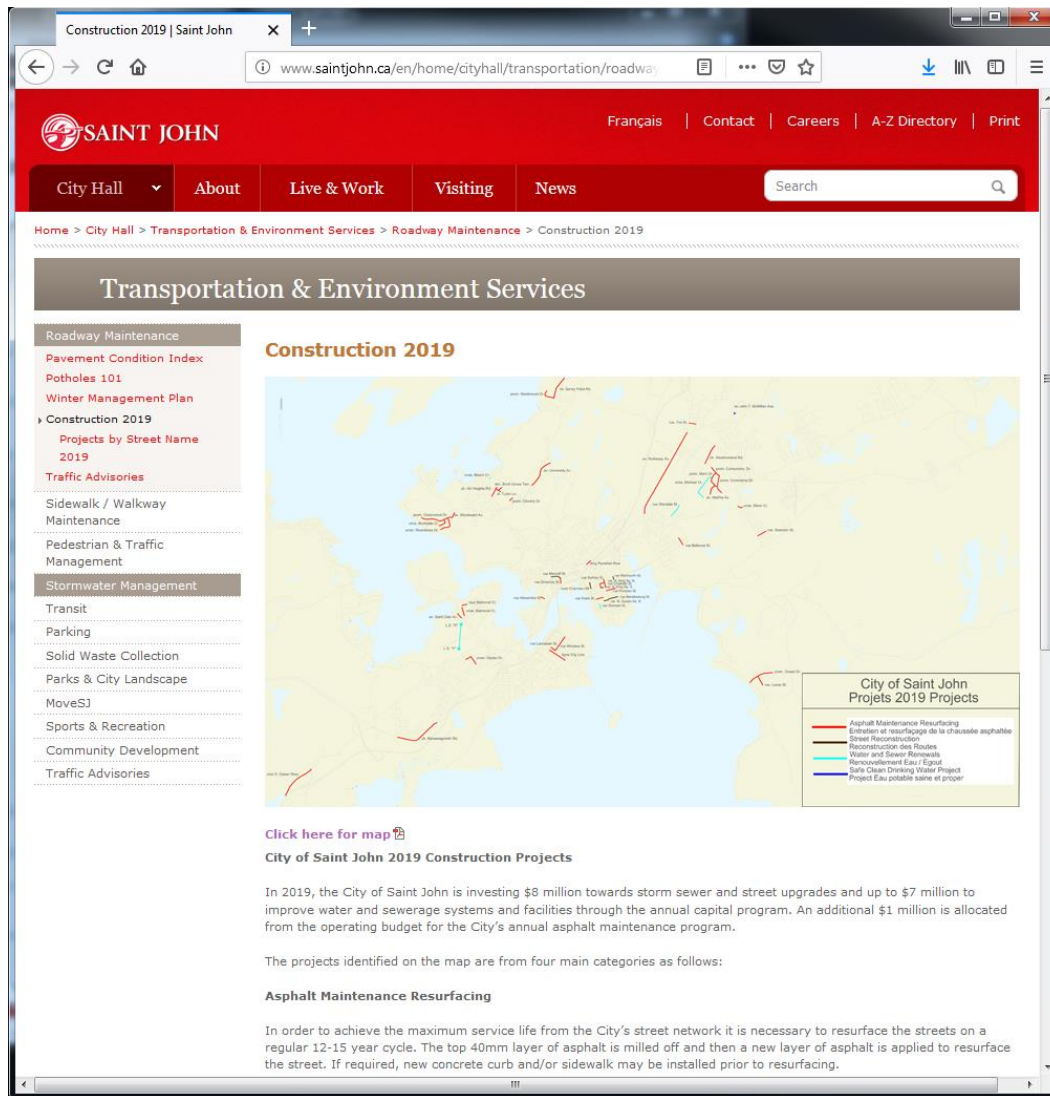
Keeping citizens informed is a key component of a successful construction season. Transportation & Environment Services, Engineering, SJ Water, Saint John Police and Communications will work together with SJ Transit, SJ Parking Commission, NBDTI, Gateway Operations and the various other utilities and contractors to ensure that the public is kept informed on projects, delays and changes to traffic patterns. The various groups will also work together to promote information regarding alternate routes and modes of transportation.

A coordinated communications campaign is being initiated to keep the public informed on construction progress throughout the season, along with impacts on the highway and road networks and various forms of transportation.

The following will be utilized to communicate information to the public:

- Public information sessions for major projects where required.
- The weekly construction updates report sent to the media and posted to the City's Website, sent via email notification, Twitter and Facebook each Friday. A sample of the weekly update is attached for information. Further information will be compiled as additional 2019 construction projects commence;
- "Spot" traffic advisories disseminated as required through various channels including media, email notification, Twitter and Facebook;
- Onsite information signage where needed and;
- Working with Destination Saint John and the Visitor Information Centres to keep visitors/tourists informed.

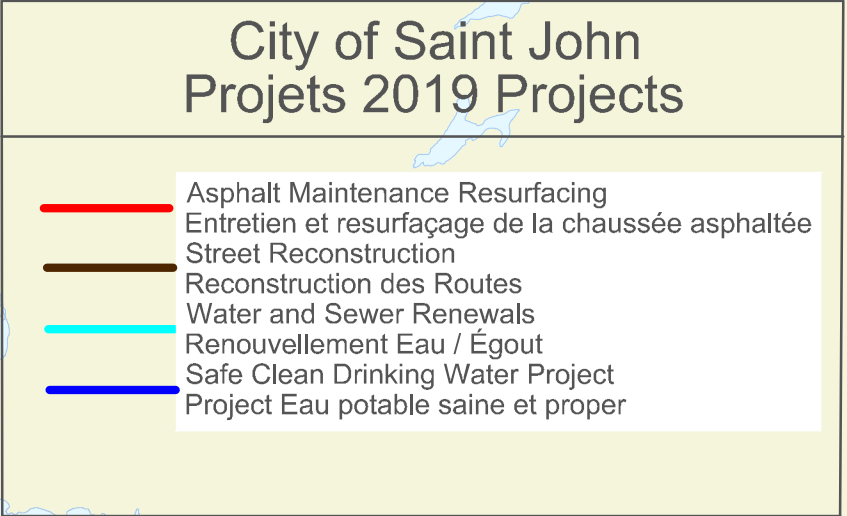
- Comprehensive project information posted on the City's website including a construction map, a list of all projects and an explanation of the work to be carried out and detailed information about large projects;



Many construction projects and activities have begun or are planned for the 2019 construction season. Agencies are coordinating their public communications effort and this will continue as projects progress. Despite these, the public should expect disruption to traffic flows. Patience and understanding on the part of all network users will be important.

ATTACHMENTS

- City of Saint John Projects Map
- City of Saint John Weekly Construction Update





Construction Update/Nouvelles hebdomadaires March 29, 2019 /le 29 mars 2019

Drive with Caution or Use Alternate Routes
Police Will Be Monitoring Traffic
Expect Traffic Interruptions

Conduisez prudemment ou utilisez un trajet de rechange.
La police surveillera la circulation.
S'attendre à des interruptions de la circulation.

CITY OF SAINT JOHN PROJECTS

CONTINUING / ENCOURS :

 <p><u>Reversing Falls Bridge (R215) Reduced to One Lane - City of Saint John</u></p> <p>The Department of Transportation and Infrastructure wishes to advise the motoring public that the Reversing Falls Bridge will be reduced to one lane commencing at 9 a.m. on Tuesday, January 29, 2019. This lane reduction is expected to be approximately until March 31, 2019 and is necessary to carry out maintenance on the structure. Signage will be in place.</p> <p>This is part of the ongoing work of the Department of Transportation and Infrastructure. The Department reminds motorists to reduce speeds and drive safely.</p>	 <p><u>Pont De Chutes Inversées (R215) réduit à une voie - Ville de Saint-Jean</u></p> <p>Le ministère des Transports et de l'Infrastructure tient à informer les automobilistes que le pont des chutes réversibles sera réduit à une voie à compter du mardi, 29 janvier 2019 9 heures am. Cette réduction de voie devrait durer environ le 31 mars 2019 et est nécessaire pour effectuer l'entretien de la structure. La signalisation sera en place.</p> <p>Cela fait partie des travaux en cours du ministère des Transports et de l'Infrastructure. Le ministère rappelle aux automobilistes de réduire leur vitesse et de conduire prudemment.</p>
 <p><u>Construction Update April 1 – April 5, 2019</u></p> <p><u>Safe Clean Drinking Water Project (SCDWP)</u></p>	 <p><u>Mise à jour de la construction 01 avril – 05 avril, 2019</u></p> <p><u>Projet Eau potable et salubre</u></p>
<p><u>Additional Infrastructure</u></p> <p><u>Component 3-2 – Latimer Lake Dam and Intakes</u></p> <p>Dredging operations and new intake pipe installation will continue at Latimer Lake. The public and motorists are advised that there will continue to be</p>	<p><u>Infrastructure additionnelle</u></p> <p><u>Élément 3-2 - Barrage de Lac Latimer et Prises d'eau</u></p> <p>Les opérations de dragage et l'installation de nouvelles conduites d'admission se poursuivront à Latimer Lake. Le public et les automobilistes sont avisés que la</p>

increased heavy truck traffic on Eldersley Avenue and Latimore Lake Road from Pipeline Road East to Bustin Blvd. **Please use extreme caution when making the turn on Eldersley Avenue and Pipeline Road East** as trucks are slowly pulling out of Pipeline Road East.

Component 5-2 – Rothesay Avenue

Two-way traffic will be slowed in both directions to allow for chamber inspection. Flag personnel will be present during this activity. From Thorne Ave. To Russell St.

circulation de camions lourds sur l'avenue Eldersley et le chemin Latimore Lake continuera d'augmenter, du chemin Pipeline Est au boulevard Bustin. **Faites très attention lorsque vous tournez sur Eldersley Avenue et Pipeline Road East**, car les camions quittent lentement Pipeline Road East.

Élément 5-2 – avenue Rothesay

La circulation dans les deux sens sera ralentie afin de permettre l'inspection des regards (passages pour hommes). Le personnel de signalisation sera sur place.

De l'avenue Thorne à la rue Russell.

COUNCIL REPORT

M&C No.	2019 - 80
Report Date	March 28, 2019
Meeting Date	April 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: City Market Tower – Phase 2 Interior Renovations and Fit-Up

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>Samir Yammine</i>	<i>Kevin Fudge</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that the tender submitted by Eclipse Construction Services Ltd., for the City Market Tower Phase 2 Interior Renovations and Fit-Up, in the amount of \$3,162,806.30 plus HST be accepted. Further to the base tender amount, it is recommended that a contingency allowance be carried for this project in the amount of \$158,140.32 plus HST, for a total project cost of \$3,320,946.62 plus HST. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to award the City Market Tower Phase 2 Interior Renovations and Fit-Up to the lowest compliant bidder.

PREVIOUS RESOLUTION

The following previous resolutions were adopted by Common Council:

- 1) M&C 2015-199.
 - a. Approve the Contribution with the Atlantic Canada Opportunity Agency (Project No. 206167) and authorize its execution by the Mayor and Common Clerk;
 - b. Commit to allocating \$1,330,000 toward the Saint John City Market Upgrade Program, within the City of Saint John's capital budget prior to 2018, contingent on the Government of New Brunswick confirming its contribution of \$2,030,000

- 2) *M&C 2016-238. Approve the contribution Agreement between the City of Saint John and the Regional Development Corporation (Project No. 7807) and authorize its execution by the Mayor and Common Clerk;*
- 3) *M&C 2017-048. It is recommended that the tender submitted by Eclipse Construction Services., for the replacement of the Heritage Window Replacement, in the amount of \$853,252.85 including HST be accepted. Further to the base tender amount, it is recommended that a contingency allowance be carried for this project in the amount of \$35,000 plus HST, for a total amount of \$893,502.85 including HST. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.*
- 4) *M&C 2017-197. It is recommended that the tender submitted by Eclipse Construction Services Ltd., for the City Market Tower Phase 1 Envelope Rehabilitation and Structural Remediation, in the amount of \$2,013,249.47 plus HST be accepted. Further to the base tender amount, it is recommended that a contingency allowance be carried for this project in the amount of \$290,000 plus HST, for a total project cost of \$2,303,249.47 plus HST. Additionally, it is recommended that the Mayor and Common Clerk be authorized to execute the necessary contract documents.*

STRATEGIC ALIGNMENT

The City Market is a gem for the City of Saint John. The City Market is one of the most important public gathering spaces in the greater Saint John region. It is a place where regional vendors sell a range of goods as well as goods from around the world. The Market provides a range of merchandise that serves all residents of the community.

The City Market, the oldest continuing farmer's market in Canada, forms the historic centerpiece of the revitalized city center in Saint John. The City Market is a National Historic Site, which recognizes the Market's defining contribution to the identity and culture of Canada. In February 1988, the City of Saint John entered into a cost sharing agreement with the Federal Government (Environment Canada – Parks) for the restoration of the Saint John City Market. This agreement declared that the Saint John City Market “be of national historic and architectural significance”. An important stipulation in this agreement is as follows:

“The City will, at its own expense, and subject to the Conservation Report, operate, maintain, and protect the Market in its restored state for a period of forty-two (42) years...”.

As such, the City of Saint John has a responsibility under this agreement to maintain and protect the City Market in a restored state until the year 2030. This includes the Head Tower.

In addition to the above, in terms of strategic alignment, the Saint John City Market is also located in an intensification area (uptown primary centre), which aligns with Plan SJ. The proposed exterior and structural remediation work is part of the City Market Tower capital renewal which was identified as a high priority by the Common Council.

REPORT

BACKGROUND

In April, 2018, the City of Saint John completed Phase 1 of the City Market Tower. Phase 1 consisted of exterior and structure remediation works as well as replacement of windows, doors, roofs, rainwater leaders and gutters. Immediately after the completion of phase 1, staff in cooperation with the City's architect started working on the design and tender package of Phase 2 Interior Renovations and Fit-Up. The completion of Phase 2 will enable City Staff to move to the City Market Tower, which is expected to be in late November 2019.

ANALYSIS

The proposed scope of work of phase 2 consists of, but is not limited to, the following:

- Interior renovations of the City Market Tower floors, main stairwell and partial renovation of the market elevator lobby
- Replacement of the two boilers
- Supply and Installation of a new high efficiency heating and cooling system including a smart control system
- Supply and Installation of three high efficiency Energy Recovery Ventilators (ERV)
- Expanding of the electrical and boiler rooms
- Supply and installation of a new electrical service entrance
- Supply and installation of new lighting, power and communications distribution including lighting control
- Supply & installation of new exterior lighting system
- Modernizing of the existing elevator
- Structural remediation of interior timber systems, and interior brick load-bearing walls

SERVICE AND FINANCIAL OUTCOMES

The total cost to perform the City Market Tower Phase 2 Interior Renovations and Fit-Up, if awarded to the lowest bidder as recommended, will be \$3,320,946.62 plus HST. This includes the \$158,140.32 contingency allowance.

The cost of the project with the HST rebate applied (100% in this case) will be \$3,320,946.62.

The total cost has exceeded the approved original cost of the City Market interior renovation by approximately \$339,642.30 excluding contingency. This is due to the installation of new boilers, heating and electrical service entrance as well as increase in cost to the aluminum and steel materials. The original boilers and heating systems as well as the electrical service entrance are over 35 years old and have surpassed their expected useful life. However, staff have identified the following projects in the 2018 and 2019 capital budget, which are under budget or are not required to be done: Heat Pump Installation, Market Slip Steel Sheet, Harbour station expansion joint, leisure Services Offices window replacement, ammonia gas detection, Carleton community center HVAC upgrade. The total cost of these projects is approximately \$497,782.62, which would be allocated to the City Market Interior Renovation Project as per the capital budget policy.

Funding for this project is provided by a shared funding agreement with Regional Development Corporation (RDC) in the amount of \$401,000, Atlantic Canada Opportunity Agency (ACOA) in the amount of \$494,094.91, Federation of Canadian Municipalities (FCM) in the amount of \$900,000, NB Power Energy Program in the amount of \$12,789 with the remaining funds of \$1,513,062 provided from the 2018 & 2019 City of Saint John Capital budget envelope.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS – MATERIALS MANAGEMENT

A public tender call was issued on March 6, 2019 and closed on March 26, 2019. Four (4) companies responded to the tender call by submitting bids. The results are as follows:

Eclipse Construction Services Ltd.	\$ 3,162,806.30 plus HST
Bird Construction Group	\$ 3,238,000.00 plus HST
John Flood & Sons (1961) Ltd.	\$ 3,250,676.00 plus HST
Lindsay Construction Limited	\$ 3,439,000.00 plus HST

Staff of Materials Management have reviewed the tenders and have found them to be complete and formal in every regard. Staff believes that the low tenderer,

Eclipse Construction Services Ltd., has the necessary resources and expertise to perform the work, and recommend acceptance of their tender.

The above process is in accordance with the City's Procurement Policy and Materials Management support the recommendation being put forth.

ATTACHMENTS

N/A

COUNCIL REPORT

M&C No.	2019-77
Report Date	March 29, 2019
Meeting Date	April 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council:

SUBJECT: Materials Testing and Construction Inspection Services for 2019 and 2020

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>Rod Mahaney</i>	<i>Michael Hugenholtz /Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that the proposal from Gemtec Consulting Engineers and Scientists Limited, for Material Testing and Construction Inspection Services for 2019 and 2020 in the amount of \$683,660.05 including HST be accepted and that the Mayor and Common Clerk be authorized to execute the appropriate documentation in that regard.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council award the Materials Testing and Construction Inspection services for asphalt concrete, Portland cement concrete and soils compaction for the years 2019 and 2020 to Gemtec Consulting Engineers and Scientists Limited.

PREVIOUS RESOLUTION

July 30, 2018; 2019 General Fund Capital Program Approved.

December 18, 2018; 2019 General Fund Operating Program Approved.

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.

REPORT

BACKGROUND

The approved 2019 General Fund Capital and General Fund Operating Programs include funding for the Materials Testing and Construction Inspection Services.

A Request for Proposal (RFP) was advertised to engage an Engineering firm to carry out the following services for the above noted project:

- ◆ Asphalt Concrete Testing, Inspection, and Engineering Technical Services
- ◆ Portland Cement Concrete Field and Laboratory Testing, Inspection, and Engineering Technical Services; and
- ◆ Soils and Granular Materials Compaction, Testing, Inspection and Engineering Technical Services.

In each of these three areas there are significantly different services required in providing for inspection and testing. Asphalt concrete requires a number of tests on both its physical and chemical properties requiring sophisticated lab equipment and facilities. Portland cement concrete requires a number of field tests as well as a physical stress test for which the City does not possess the equipment. Soils compaction testing involves both field and laboratory evaluation for base/sub-base aggregate for road construction, retaining wall construction and other projects.

ANALYSIS

With a comprehensive terms of reference document developed by staff, a public call for proposals was made for Materials Testing and Construction Inspection Services. The Request for Proposal (RFP) closed on February 28, 2019 with responses received from the following four consulting engineering companies:

- ◆ Stantec Consulting Limited, Saint John, NB
- ◆ Gemtec Consulting Engineers and Scientists Limited, Saint John, NB
- ◆ EXP Services Inc., Saint John, NB
- ◆ Conquest Engineering Ltd., Saint John, NB

A Review Committee consisting of staff from Materials Management and Transportation & Environment Services was formed to evaluate submissions.

Each member completed an independent review of the submissions and a joint discussion was held to develop the final ranking of submissions. The Review

Committee came to a conclusion on their recommendation, which follows later in the report.

The evaluation process uses the expertise of a variety of staff from Purchasing, Engineering and Operations to ensure a thorough review of the various submissions. Care must be taken to ensure that the necessary level of effort and expertise is being directed to the various tasks involved in the work, while still ensuring that costs to be incurred are appropriate and controllable. It is for these reasons that cost, although very important, cannot be the sole nor most critical deciding factor in making the selection of a consulting engineering firm.

The Committee was tasked with the role of reviewing each submission against the proposal evaluation criteria as defined in the proposal call document. These criteria consisted of the following:

1. **Quality and Completeness** – Does the proposal address all of the needs raised? Is the proposal presented in an organized and professional manner?
2. **Consultant's Experience** – Has the consultant demonstrated a level of expertise with the requirements of this project?
3. **Experience of Employees / Sub-consultants** – Has the consultant demonstrated a level of expertise for the employees of the company and sub consultants listed?
4. **Methodology** – Does the approach to the project outlined in the proposal address, in a realistic sense, attainable goals and is it in keeping with the City's expectations for the project?
5. **Cost** – Cost will be a factor, however not the only factor to be considered. Is the price quoted in line with the City's estimate for the work and has it allowed for each aspect of the project to be adequately addressed?

After careful, independent consideration of presentation, company experience, personnel and technical proposal, the Review Committee met to analyze the findings of each member. After completion of the "technical" evaluation, the financial proposals were opened and addressed. These had been submitted in separate, sealed envelopes.

After due consideration, the Review Committee selected the submission of Gemtec Consulting Engineers and Scientists Limited, as the best proposal based on an overall rating of the evaluation criteria - presentation, company experience, personnel, technical proposal and cost. The submission from Gemtec Consulting Engineers and Scientists Limited, met all of the requirements of the proposal call, in a manner acceptable to the committee, and with the lowest cost of the submitted proposals.

POLICY – ENGAGEMENT OF ENGINEERING CONSULTANTS

The costs incurred by the consultant will be paid in accordance with the terms of the Request For Proposal at the rates submitted and accepted in the consultants proposal not to exceed the Recommended Hourly Rates as contained in The Association of Consulting Engineering Companies – New Brunswick fee guideline.

SERVICE AND FINANCIAL OUTCOMES

The proposed cost of work from Gemtec Consulting Engineers and Scientists Limited, to provide Materials Testing and Construction Inspection Services for this project is \$683,660.05 including HST, based on estimated quantities. This cost is based on providing the requested services for a period of 2 years (\$333,537.95 in 2019 and \$350,122.10 in 2020). The cost to cover these services are included in the Operating and General Fund Capital Program Budgets.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Materials Management facilitated the RFP process to solicit proposals from Engineering Consultants for the Material Testing and Construction Inspection Services. The committee was tasked with the role of reviewing each submission against the proposal evaluation criteria as defined in the proposal call document.

In accordance with the City's policies and procedures, separate assessments of the technical and financial aspects of the submissions were undertaken by the evaluation committee members. The above process is in accordance with the City's Procurement Policy and Materials Management support the recommendation being put forth.

ATTACHMENTS

N/a

COUNCIL REPORT

M&C No.	2019-69
Report Date	March 27, 2019
Meeting Date	April 08, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Public Information Session: Mecklenburg Street (Sydney Street to Wentworth Street)

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>Brent McGovern / Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that this report be received and filed.

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of a Public Information Session that will be held in relation to the Mecklenburg Street (Sydney Street to Wentworth Street) – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction project, and to update Council on the status of the project.

PREVIOUS RESOLUTION

July 30, 2018; (M&C 2018-219) 2019 Water & Sewerage Utility Fund Capital Program Approved.

July 30, 2018; (M&C 2018-219) 2019 General Fund Capital Program approved

REPORT

The approved Water & Sewerage Utility Fund and General Fund Capital Programs include projects for the design and reconstruction of Mecklenburg Street from Sydney Street to Wentworth Street.

Staff looks forward to the tender closing on April 16, 2019. Construction is expected to begin in July 2019 and continue until September, 2019. This is a major project that will impact the local area during construction.

It is for these reasons that staff have decided to hold a Public Information Session to allow local residents and business owners an opportunity to view the project design drawings, ask questions and give their feedback. The Public Information Session will be held at the Trinity Church (Bennett Room) at 115 Charlotte Street on Wednesday, April 17, 2019, from 2-4 p.m. and 6-8 p.m. This report is being provided for the information of Council and to extend an invitation to any Councillors who may wish to attend the Public Information Session.

The Public Information Session will be advertised on the City's website and copies of the attached notice will be delivered door to door in the project area.

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.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

Mecklenburg Public Information Session Notice



The City of Saint John

PUBLIC INFORMATION SESSION

MECKLENBURG STREET (SYDNEY STREET TO WENTWORTH STREET) **– WATER, SANITARY AND STORM SEWER RENEWAL AND STREET RECONSTRUCTION**

The City of Saint John will be installing new infrastructure on Mecklenburg Street from Sydney Street to Wentworth Street. There will be new water main, sanitary sewer, and storm sewer installed, including renewal of existing services to each residence up to the property line. New curb and sidewalk will be installed and full road reconstruction will be undertaken including the addition of a grass median and trees.

Construction is planned to begin in July and is expected to continue into September 2019. Prior to construction, another notice will be distributed to inform residents and business owners of the actual construction schedule. Although there will be water interruptions and delays in traffic, it is our intent to keep these inconveniences to a minimum.

This project is part of the City's ongoing commitment to continually improve its infrastructure.

This project is part of the 2019 City of Saint John Water & Sewerage Utility Fund Capital Program and the General Fund Capital Program.

Representatives from the City of Saint John will be available to answer questions related to the project. The public is invited to attend an information session on this project on the following date and times:

Date: Wednesday, April 17, 2019

Time: 2:00 – 4:00 pm and 6:00 – 8:00 pm

**Location: Trinity Church (Bennett Room)
115 Charlotte Street**

For further information about this project contact the City of Saint John Transportation and Environment Services at (506) 658-4455.

COUNCIL REPORT

M&C No.	2019-70
Report Date	April 01, 2019
Meeting Date	April 08, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Public Information Session: Wentworth Street (Union Street to Elliot Row) – 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>Brent McGovern / Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that this report be received and filed.

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of a Public Information Session that will be held in relation to the Wentworth Street (Union Street to Elliot Row) – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction project, and to update Council on the status of the project.

PREVIOUS RESOLUTION

February 25, 2019; Contract 2019-01: Wentworth Street (Union Street to Elliot Row) – Water, Sanitary and Storm Sewer Renewal and Street Reconstruction Awarded.

REPORT

The approved Water & Sewerage Utility Fund and General Fund Capital Programs include projects for the design and renewal of the watermain and sanitary sewer, the installation of a new storm sewer and full street reconstruction on Wentworth Street from Union Street to Elliot Row.

The tender for Wentworth Street has closed and the contract was awarded to TerraEx Inc. at the February 25, 2019 Council meeting. Construction is expected

to begin in late April, 2019 and continue until August, 2019. This is a major project that will impact the local area during construction.

It is for these reasons that staff have decided to hold a Public Information Session to allow local residents and business owners an opportunity to view the project design drawings, ask questions and give their feedback. The Public Information Session will be held at the Boys & Girls Club of Saint John at 1 Paul Harris Street on Thursday, April 11, 2019, from 2-4 p.m. and 6-8 p.m. This report is being provided for the information of Council and to extend an invitation to any Councillors who may wish to attend the Public Information Session.

The Public Information Session will be advertised on the City's website and copies of the attached notice will be delivered door to door in the project area.

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 this section of Wentworth Street. In addition, this project provides the opportunity to improve the streetscape with the installation of grass medians and street trees.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

Wentworth Street Public Information Session Notice



The City of Saint John

PUBLIC INFORMATION SESSION

WENTWORTH STREET (UNION STREET TO ELLIOT ROW) – WATER, SANITARY AND STORM SEWER RENEWAL AND STREET RECONSTRUCTION

The City of Saint John will be installing new infrastructure on Wentworth Street from Union Street to Elliot Row. There will be new water main, sanitary sewer, and storm sewer installed, including renewal of existing services to each residence up to the property line. New curb and sidewalk will be installed and full road reconstruction will be undertaken including the addition of grass medians on both sides of the street and trees on the odd civic number side of the street.

Construction is planned to begin in April and is expected to continue into August 2019. Prior to construction, another notice will be distributed to inform residents and business owners of the actual construction schedule. Although there will be water interruptions and delays in traffic, it is our intent to keep these inconveniences to a minimum.

This project is part of the City's ongoing commitment to continually improve its infrastructure.

This project is part of the 2019 City of Saint John Water & Sewerage Utility Fund Capital Program and the General Fund Capital Program.

Representatives from the City of Saint John will be available to answer questions related to the project. The public is invited to attend an information session on this project on the following date and times:

Date: Thursday, April 11, 2019

Time: 2:00 – 4:00 pm and 6:00 – 8:00 pm

**Location: Boys & Girls Club of Saint John
1 Paul Harris Street**

For further information about this project contact the City of Saint John Transportation and Environment Services at (506) 658-4455.

COUNCIL REPORT

M&C No.	2019-67
Report Date	March 27, 2019
Meeting Date	April 08, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Engineering Services: Prospect Street West – Sanitary Lift Station & Sewer Improvements

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>John Campbell</i>	<i>Brent McGovern /Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that the proposal from Crandall Engineering Ltd., for engineering design and construction management services for the Prospect Street West – Sanitary Lift Station & Sewer Improvements project in the amount of \$82,000.75 including HST be accepted and that the Mayor and Common Clerk be authorized to execute the appropriate documentation in that regard.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council award the Engineering services for the Prospect Street West - Sanitary Lift Station & Sewer Improvements project to Crandall Engineering Ltd.

PREVIOUS RESOLUTION

July 30, 2018; (M&C 2018-219) 2019 Water & Sewerage Utility Fund Capital Program approved.

STRATEGIC ALIGNMENT

This report aligns with Council's Priority for Sustainable Infrastructure.

REPORT

BACKGROUND

The approved 2019 Water & Sewerage Utility Fund Capital Program includes funding for design of a new pumping station, land acquisition and required piping to direct flows to the sewer on Main Street West for treatment.

A Request for Proposal (RFP) was advertised to engage an Engineering firm to carry out the following services for the above noted project:

- ◆ Part A – Site Surveys, Preliminary Investigation and Data Collection
- ◆ Part B – Preliminary Design, Cost Estimates and Design Report
- ◆ Part C – Conduct Public Consultation Process
- ◆ Part D – Detailed Design
- ◆ Part E – Tender Period Services, Materials Testing & Inspection, Red Books and Record Drawings
- ◆ Part F – Construction Management

PURPOSE

The purpose of this report is to make a recommendation for consulting engineering services for this project.

ANALYSIS

With a comprehensive terms of reference document developed by staff, a public call for proposals was made for consulting engineering services. The Request for Proposal (RFP) closed on February 28, 2019 with responses received from the following four consulting engineering companies:

- ◆ Dillon Consulting Limited, Saint John, NB
- ◆ Crandall Engineering Ltd., Saint John, NB
- ◆ R.V. Anderson Associates Limited, Moncton, NB
- ◆ CBCL Limited, Saint John, NB

A Review Committee consisting of staff from Materials Management, Transportation & Environment Services and Saint John Water was formed to evaluate submissions.

Each member completed an independent review of the submissions and a joint discussion was held to develop the final ranking of submissions. The Review Committee came to a conclusion on their recommendation, which follows later in the report.

The evaluation process uses the expertise of a variety of staff from Purchasing, Engineering and Operations to ensure a thorough review of the various submissions. Care must be taken to ensure that the necessary level of effort and expertise is being directed to the various tasks involved in the work, while still ensuring that costs to be incurred are appropriate and controllable. It is for these reasons that cost, although very important, cannot be the sole nor most critical deciding factor in making the selection of a consulting engineering firm.

The Committee was tasked with the role of reviewing each submission against the proposal evaluation criteria as defined in the proposal call document. These criteria consisted of the following:

1. **Quality and Completeness** – Does the proposal address all of the needs raised? Is the proposal presented in an organized and professional manner?
2. **Consultant's Experience** – Has the consultant demonstrated a level of expertise with the requirements of this project?
3. **Experience of Employees / Sub-consultants** – Has the consultant demonstrated a level of expertise for the employees of the company and sub consultants listed?
4. **Methodology** – Does the approach to the project outlined in the proposal address, in a realistic sense, attainable goals and is it in keeping with the City's expectations for the project?
5. **Cost** – Cost will be a factor, however not the only factor to be considered. Is the price quoted in line with the City's estimate for the work and has it allowed for each aspect of the project to be adequately addressed?

After careful, independent consideration of presentation, company experience, personnel and technical proposal, the Review Committee met to analyze the findings of each member. After completion of the "technical" evaluation, the financial proposals were opened and addressed. These had been submitted in separate, sealed envelopes.

After due consideration, the Review Committee selected the submission of Crandall Engineering Ltd. as the best proposal based on an overall rating of the evaluation criteria - presentation, company experience, personnel, technical proposal and cost. The submission from Crandall Engineering Ltd. met all of the requirements of the proposal call, in a manner acceptable to the committee, and was the lowest cost of the submitted proposals.

POLICY – ENGAGEMENT OF ENGINEERING CONSULTANTS

The costs incurred by the consultant will be paid in accordance with the terms of the Request For Proposal at the rates submitted and accepted in the consultants proposal not to exceed the Recommended Hourly Rates as contained in The Association of Consulting Engineering Companies – New Brunswick fee guideline. The Construction Management component of this project fee is based on an estimated 8 week construction period. The final fee will be calculated based on the actual construction management period.

SERVICE AND FINANCIAL OUTCOMES

The proposed cost of work from Crandall Engineering Ltd., to provide engineering design and construction management services for this project is \$82,000.75 including HST. This cost is based on an estimated 8 week construction management period. An amount of \$100,000 is included in the 2019 Water & Sewerage Utility Fund Capital Program for engineering design services.

Engineering fees to cover the costs of design and construction management generally do not exceed 15–20% of the total overall project cost, depending on the nature of the project and the engineering services required. This upset fee is approximately 13% of the total overall project cost, which is considered appropriate for this type of work.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Materials Management facilitated the RFP process to solicit proposals from Engineering Consultants for the Prospect Street West – Sanitary Lift Station & Sewer Improvements project. The committee was tasked with the role of reviewing each submission against the proposal evaluation criteria as defined in the proposal call document.

In accordance with the City's policies and procedures, separate assessments of the technical and financial aspects of the submissions were undertaken by the evaluation committee members. The above process is in accordance with the City's Procurement Policy and Materials Management support the recommendation being put forth.

ATTACHMENTS

N/a



Saint John City Council
15 Market Square
PO BOX 1971
Saint John , NB E2L 4L1

March 27, 2019

Dear Mayor and Council,

The New Brunswick Dental Society continues to monitor municipal water fluoridation across the country. This past fall we were eager to receive a new report provided by the Canadian Agency for Drugs and Technologies in Health (CADTH) which reviewed the existing literature and research into the use of fluoride in municipal water systems as a method of reducing dental decay. CADTH is an independent group of highly-qualified researchers who focus on providing in-depth examination of existing research, which can then be used by municipalities and other decision-makers.

The reports are now published in their final form and are available here:

<https://www.cadth.ca/community-water-fluoridation-programs-health-technology-assessment>

This extensive examination of the current information on fluoride led our Board to determine that the addition of fluoride to municipal water systems continues to be a beneficial practice. We are sharing the information with you so that you may take advantage of this research for any future discussions you might have on the issue.

We trust that you will find the reports useful and informative but remain willing to discuss this further should you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Suzanne Drapeau-McNally". The signature is stylized with loops and a long horizontal stroke at the end.

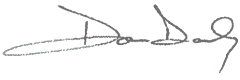
Dr. Suzanne Drapeau-McNally
President, New Brunswick Dental Society



The City of Saint John

PROCLAMATION

- WHEREAS:*** emergencies can occur at any time requiring police, fire or emergency medical services; and
- WHEREAS:*** when an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and
- WHEREAS:*** the safety of our police officers, firefighters and paramedics is dependent upon the quality and accuracy of information obtained from citizens contacting the Public Safety Communications Centre; and
- WHEREAS:*** the Public Safety Communications Centre is the first link to citizens seeking emergency services; and
- WHEREAS:*** every year during the second week of April, the telecommunications personnel in the public safety community are honored nationally; and
- WHEREAS:*** April 14 - 20, 2019, is recognized as National Public Safety Telecommunicators Week; and
- WHEREAS:*** National Public Safety Telecommunicators Week is a time to celebrate and thank the Public Safety Communications Centre Operators for their compassion, understanding and professionalism in their performance of duty serving the public.

NOW THEREFORE: I, ***Mayor Don Darling,***  of ***Saint John*** do hereby proclaim the week of April 14 to April 20, 2019, as “National Public Safety Telecommunicators Week”, in honour of the men and women whose diligence and professionalism keep our city and citizens safe.

In witness whereof I have set my hand and affixed the official seal of the Mayor of the City of Saint John.





86-88 Regent Street

Public Hearing Presentation to Common Council

2019 April 8



Growth & Community Planning Team
Growth & Community Development Services



Proposal

- Rezone site from Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2)
 - Convert existing building to dwelling unit
- Rescind Section 59 Conditions

Site Location



Site Aerial



Site Photos



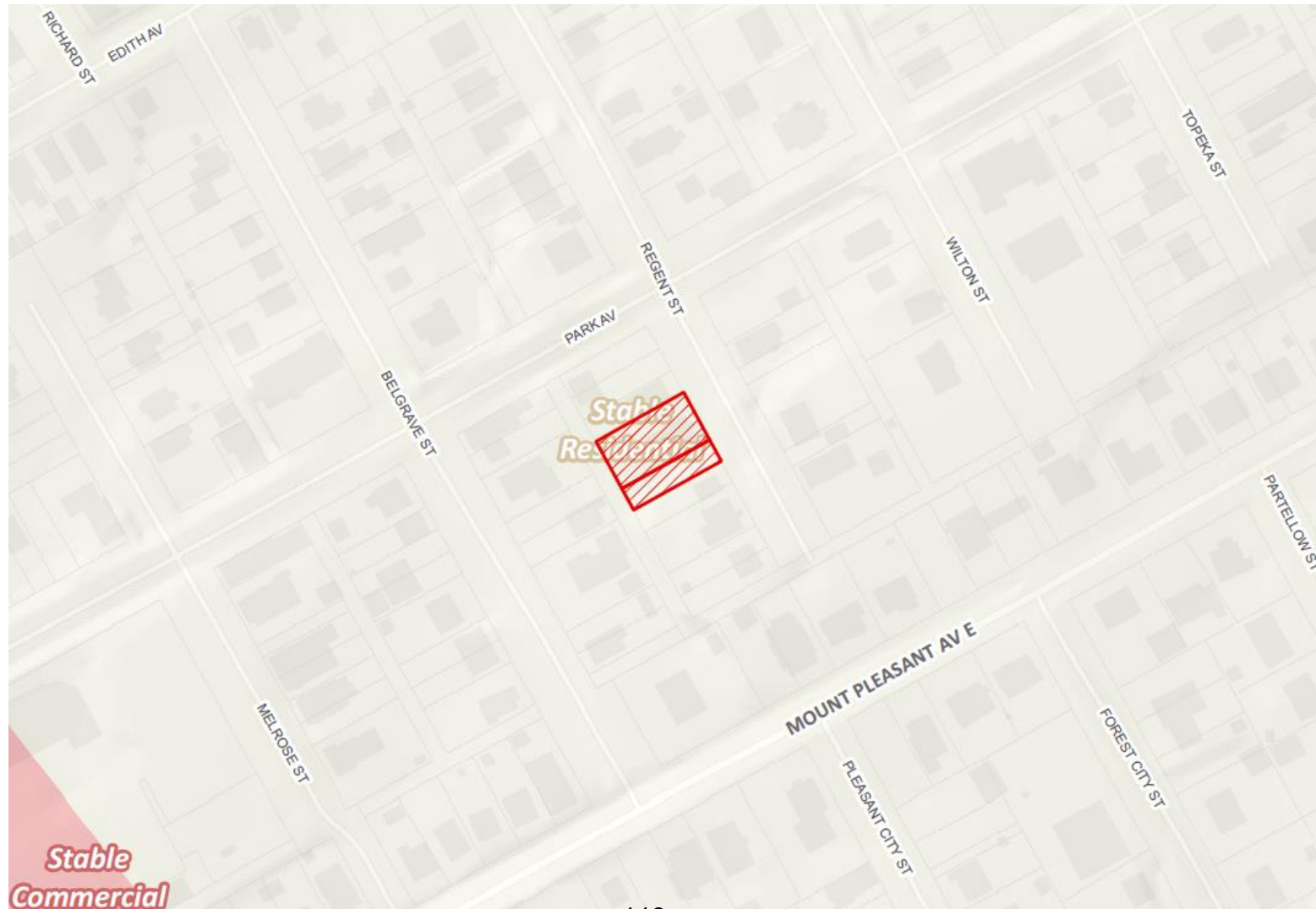
Site Photos



Site Photos

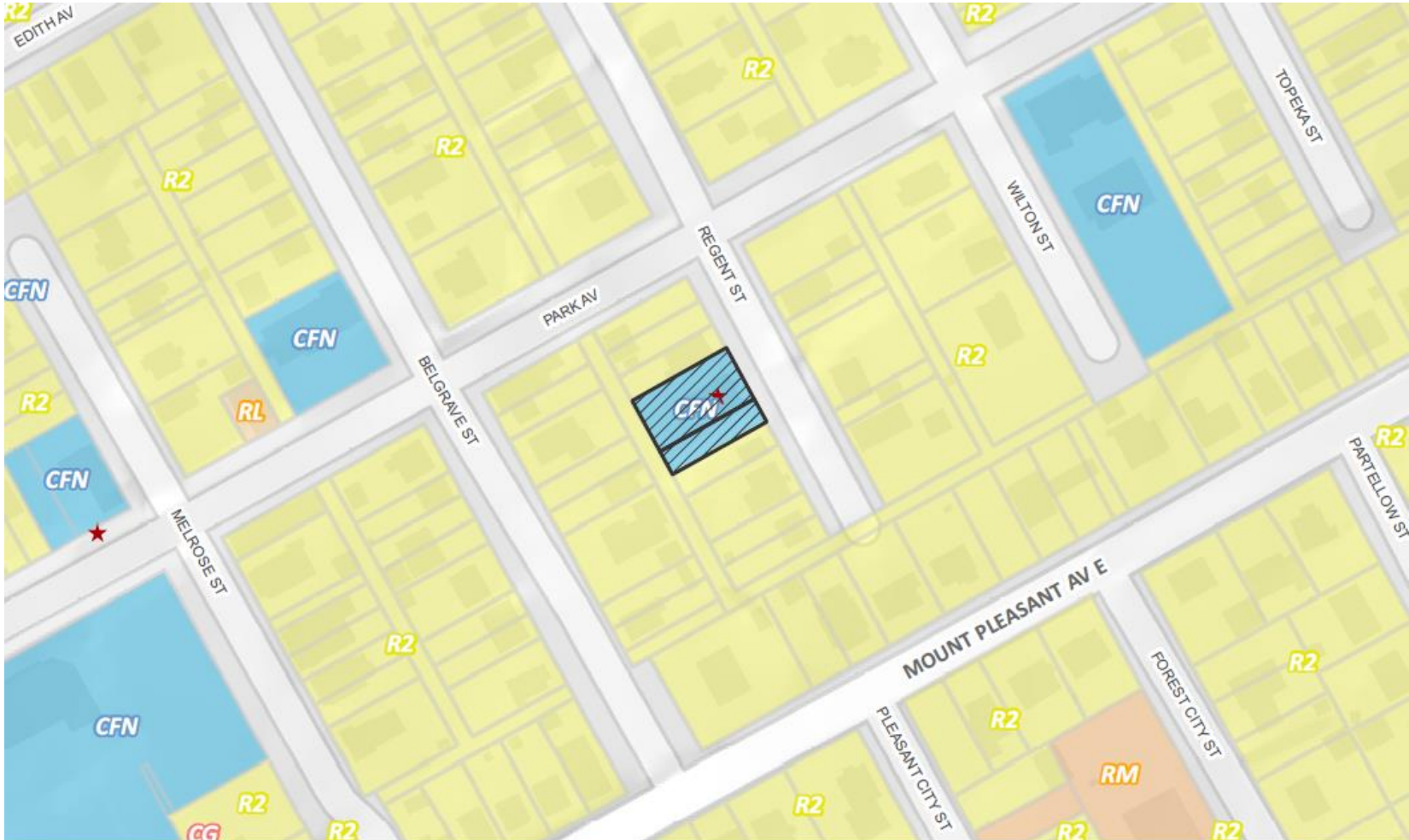


Future Land Use



- Stable Residential designation
- Meets intent of Policy LU-88
 - Reuse of institutional building
 - Additional residential use in neighbourhood
 - Serviced site
 - Elements of building design relate to surrounding context
- Conforms to Municipal Plan criteria for land use designation

Zoning



- Rezone from Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2)
 - Establish dwelling unit
- Rescind existing Section 59 conditions
 - Limits use of site

Staff Recommendation

- Rezone site from CFN to R2
- Rescind Section 59 condition



Public Engagement

- Website advertisement – March 18, 2019
- Letter to area landowners - March 15, 2019
- No letters received
- Applicant's Agent spoke at PAC Meeting – agreement with recommendation



PAC Recommendation

- PAC adopted Staff recommendation
 - Rezone from Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2)
 - Rescind existing Section 59 conditions



PLANNING ADVISORY COMMITTEE

March 27, 2019

His Worship Mayor Don Darling and
Members of Common Council



The City of Saint John

Your Worship and Councillors:

**SUBJECT: Proposed Rezoning and Section 59 Amendment
86-88 Regent Street**

On February 25, 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 March 26, 2019 meeting.

Mr. John Bujold, agent for the property owners Fabian Duguay and Stephen and Linda Jarvis appeared before the Committee and was in agreement with the Staff Recommendation contained in the report. No other persons appeared before the Committee and no letters were received regarding the application.

Upon considering the Staff report and comments by the applicants' agent the Committee adopted the Staff Recommendation.

RECOMMENDATION:

1. That Common Council rezone a parcel of land having an area of approximately 727 square metres, located at 86 and 88 Regent Street, also identified as PID Nos. 00343178 and 55233597 from Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2).
2. That Common Council rescind the Section 39 (now Section 59) conditions imposed on the January 4, 1993 rezoning of the property located at 86 and 88 Regent Street, also identified as PID Nos. 00343178 and 55233597.

Respectfully submitted,



Rick Stephen
Vice Chair

Attachments



The City of Saint John

Date: March 22, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Tuesday, March 26, 2019**

SUBJECT

Applicant: Fabian Duguay and John Bujold on behalf of Stephen and Linda Jarvis

Owner: Fabian Duguay and Stephen and Linda Jarvis

Location: 86-88 Regent Street

PID: 00343178 and 55233597

Plan Designation: Stable Residential

Existing Zoning: Neighbourhood Community Facility (CFN)

Proposed Zoning: **Two-Unit Residential (R2)**

Application Type: Rezoning and Section 59 Amendment

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, April 8, 2019**.

SUMMARY

The application seeks to allow for the conversion of the existing lodge/community centre building into a residential use and allow for other uses permitted in the Two-Unit Residential zone.

RECOMMENDATION

1. That Common Council rezone a parcel of land having an area of approximately 727 square metres, located at 86 and 88 Regent Street, also identified as PID Nos. 00343178 and 55233597 from Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2).
2. That Common Council rescind the Section 39 (now Section 59) conditions imposed on the January 4, 1993 rezoning of the property located at 86 and 88 Regent Street, also identified as PID Nos. 00343178 and 55233597.

DECISION HISTORY

During the rezoning of properties containing institutional uses in 1981 and in conjunction with the development of the institutional zoning this property was omitted. As a result of a building permit application to conduct significant repair to the building in 1993, the City initiated a rezoning application to rezone the site to IL-1 Neighbourhood Institutional (the precursor to the current Neighbourhood Community Facility (CFN) zone) from Two-Unit Residential (R2). This City-initiated rezoning was approved by Common Council on January 4, 1993 and eliminated the non-conforming status of the property.

ANALYSIS**Proposal**

The applicant, Fabian Duguay is proposing to convert the existing building, which formerly contained a lodge, into a residential dwelling. As the Neighbourhood Community Facility (CFN) zone does not permit a dwelling, a rezoning is required. The adjacent site (PID 55233597) is also zoned Neighbourhood Community Facility (CFN) and is included in the application to rectify the institutional zoning of an adjacent residential property. A separate subdivision application for an associated boundary adjustment is being processed by the Development Officer.

Site and Neighbourhood

The lodge is situated on a 502 square metre parcel (PID 00343178) with the adjacent 225 square metre parcel (PID 55233597) forming part of a residential property. The surrounding

neighbourhood is zoned Two-Unit Residential (R2) and contains a mix of single and two-unit dwellings.

Municipal Plan

The subject site is designated Stable Residential in the Municipal Plan. The Stable Residential designation is typically applied to built-out neighbourhoods where limited change is anticipated. Municipal Plan Policy LU-88 stipulates any redevelopment in these areas generally be permitted only through a rezoning process where compliance with specific requirements is evident. An analysis of the proposal's adherence to the policy's criteria is summarized in the table below:

Criteria	Staff Comments
The proposed land use is desirable and contributes positively to the neighbourhood.	The proposal facilitates the habitation and reuse of an otherwise vacant building.
The proposal is compatible with surrounding land uses	The surrounding neighbourhood is residential. The proposal will increase uniformity of uses in a well-established residential neighbourhood.
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	As the structure is existing, it is fully integrated into the surrounding neighbourhood. It is notable that the proposal does not detail changes to the structure or the site that would require changes to access or servicing. Should substantial changes be made to the site or structure, adherence to this policy must be maintained.
Site design features that address such matters as safe access, buffering and landscaping, site grading, and stormwater management are incorporated	As there are no proposed changes to the site, conformity to this requirement is assumed. Any future changes to the site must be in keeping with the Municipal Plan and appropriate bylaws.
A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan	The massing, roofline and scale of the building relate well to the surrounding residential dwellings in the neighbourhood. Given this, it meets the intent of the Urban Design principles of the Municipal Plan.
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	Although not located directly on the corridor, the re-use of the building for residential purposes contributes to the stability of the area thereby achieving the intent of the policy.

the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas	
--	--

The proposed rezoning conforms to the applicable policies of the Municipal Plan.

Rezoning and Section 39 Amendment

The subject site is zoned Community Neighbourhood Facility (CFN) consistent with fraternal lodges and community centres. The applicant is proposing to renovate the existing structure for residential purposes. Considering the neighbourhood character and adjacent zoning, it was determined the Two-Unit Residential (R2) zone would accommodate the immediate intent of the applicant to use the existing structure as a single dwelling while also accommodating possible future uses consistent with the community context.

At the time the property was rezoned to the IL-1 Neighbourhood Institutional Zone in 1993, Common Council imposed a Section 39 (now Section 59) condition limiting the use to a community centre (lodge). This condition was recommended by Staff as the smaller lot size was not considered appropriate for institutional uses that may require a larger lot such as an elementary school. Staff recommend that this condition be rescinded in conjunction with the proposed rezoning.

Conclusion

Staff supports the proposed rezoning to facilitate the conversion of the lodge to a dwelling. The rezoning meets the intent of the Municipal Plan as it represents an adaptive re-use of an institutional building while maintaining the surrounding neighbourhood character. An approved rezoning is required prior to the applicant obtaining a Change of Use permit and appropriate building permits. An occupancy permit must be obtained prior the structure being used as a residence.

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 and reuse of an existing vacant building to a use which would create tax base growth.

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 March 15, 2019. The public hearing for the rezoning was advertised on the City's website beginning on March 18, 2019.

SIGNATURES AND CONTACT

Prepared:



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

Reviewed:



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

Approved:



Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Mark Reade
Phone: (506)721-0736
E-mail: mark.reade@saintjohn.ca
Project: 19-9

APPENDIX

Map 1: **Site Location**
Map 2: **Municipal Plan**
Map 3: **Zoning**
Map 4: **Aerial Photography**
Map 5: **Site Photography**



Map 1 - Site Location

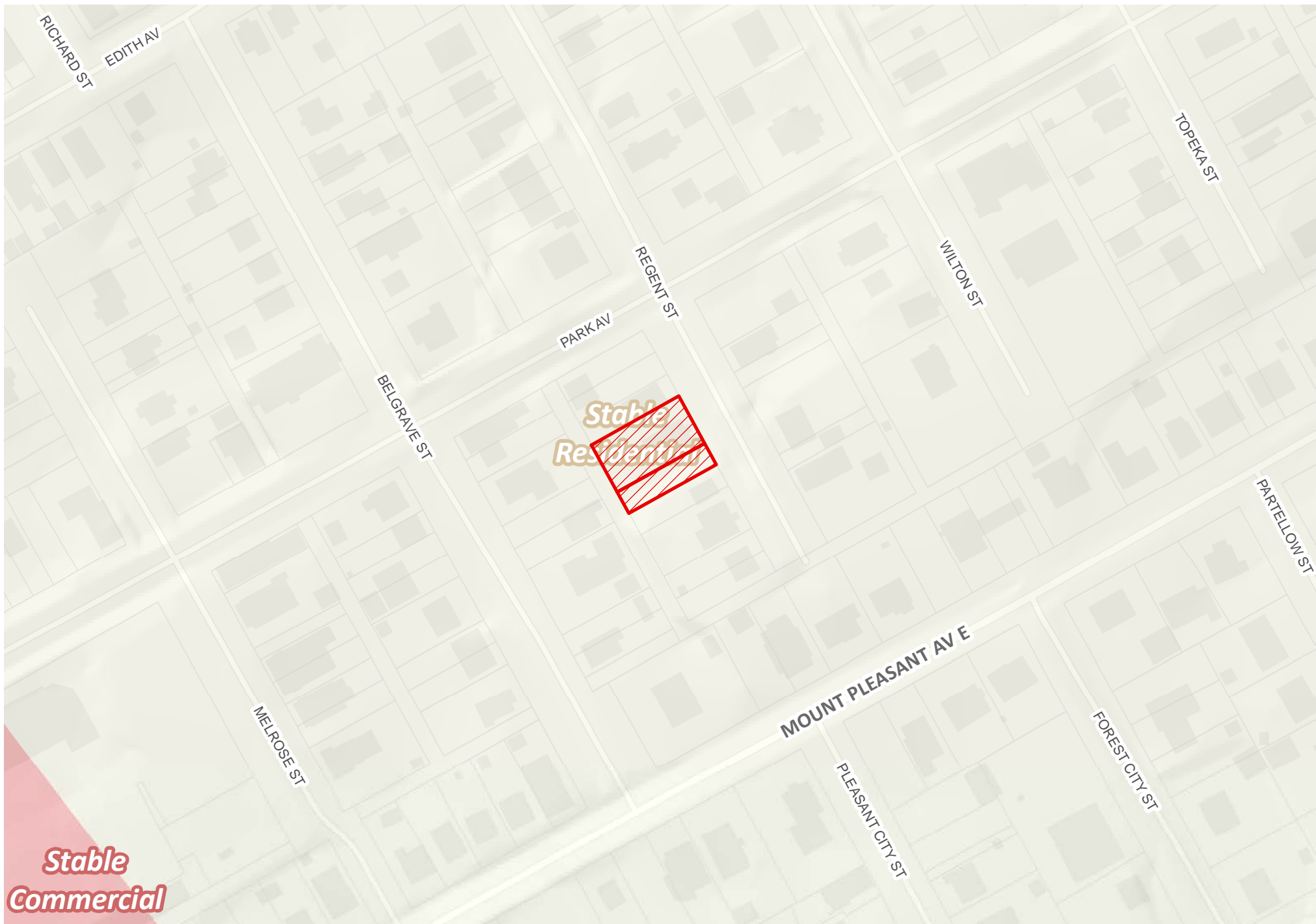
Fabien Duguay and Stephen and Linda Jarvis - 86-88 Regent Street

127

The City of Saint John
Date: March-11-19

0 50





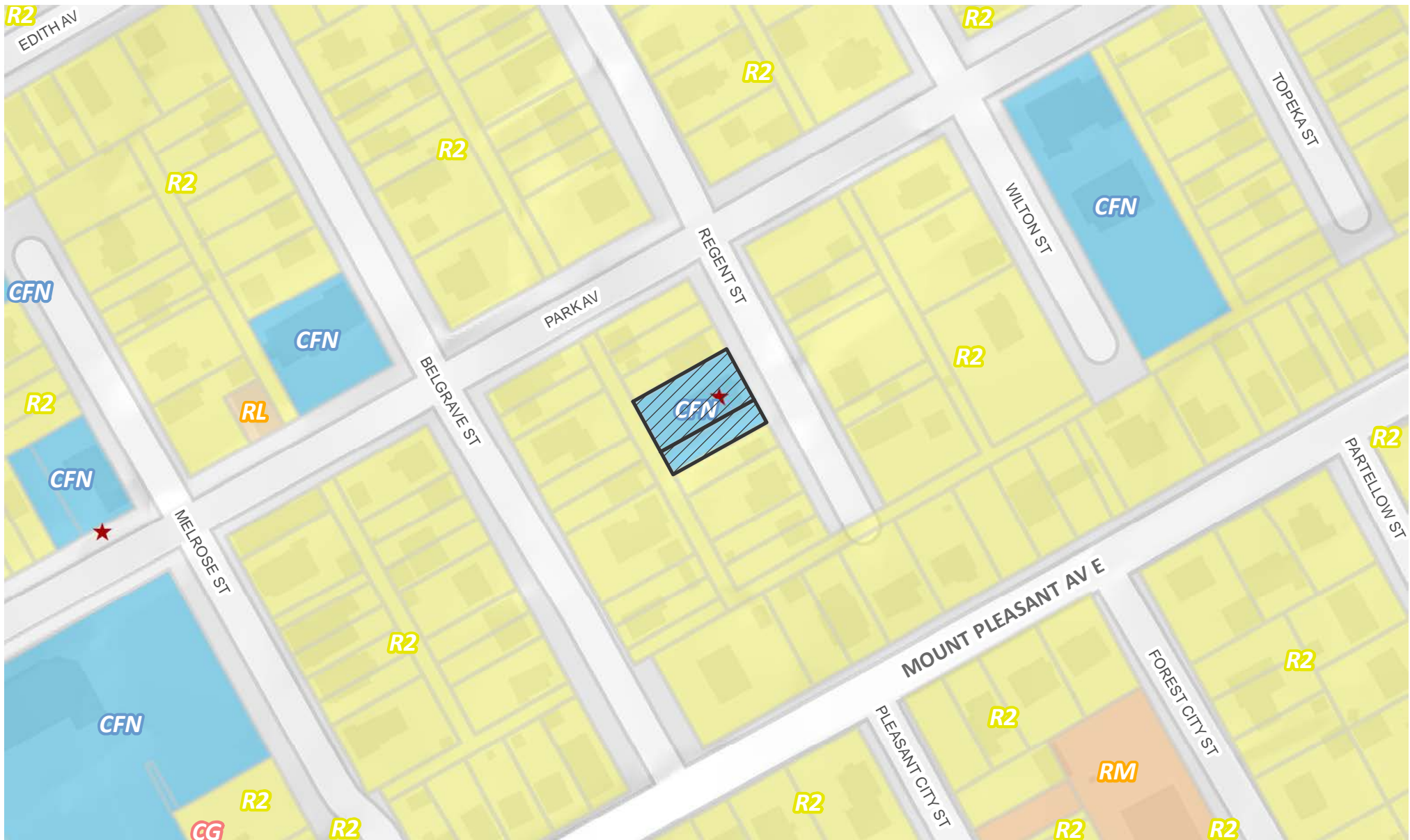
Map 2 - Future Land Use

Fabien Duguay and Stephen and Linda Jarvis - 86-88 Regent Street

128

The City of Saint John
Date: March-11-19





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

★ Section 59 Conditions

Map 3 - Zoning

Fabien Duguay and Stephen and Linda Jarvis - 86-88 Regent Street

129

The City of Saint John
 Date: March-11-19





Map 4- Aerial Photography

Fabien Duguay and Stephen and Linda Jarvis - 86-88 Regent Street

130

The City of Saint John
Date: March-11-19

0 25 m





Map 4A - Aerial Photography

Fabien Duguay and Stephen and Linda Jarvis - 86-88 Regent Street

131

The City of Saint John
Date: March-11-19





View of site from Regent Street



View of site showing property to south



View of site showing property to north



View along Regent Street looking south

Map 5 - Site Photography

Fabien Duguay and Stephen and Linda Jarvis - 86-88 Regent Street



LOCATION	CIVIC ADDRESS :	88 Regent Street	PID #:	55233597 and 00343533	
STAFF USE	HERITAGE AREA: Y / N INTENSIFICATION AREA: Y / N FLOOD RISK AREA: Y / N APPROVED GRADING PLAN: Y / N				
	APPLICATION #:		DATE RECEIVED:		
			RECEIVED BY:		
APPLICANT INFORMATION	APPLICANT		EMAIL	PHONE	
	Stephen and Linda Jarvis				
	MAILING ADDRESS		POSTAL CODE		
	88 Regent Street Saint John, NB E2J 1H1				
	CONTRACTOR		EMAIL	PHONE	
	MAILING ADDRESS		POSTAL CODE		
APPLICANT INFORMATION	OWNER		EMAIL	PHONE	
	MAILING ADDRESS		POSTAL CODE		
PRESENT USE: Residential PROPOSED USE: Residential					
CHECK ALL THAT APPLY	BUILDING		PLANNING	INFRASTRUCTURE	HERITAGE
	<input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ADDITION <input type="checkbox"/> DECK <input 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
DESCRIPTION OF WORK	Rezone portion of 88 Regent Street from CFN to R2 in conjunction with rezoning application of adjacent parcel at 86 Regent Street (Fabian Dugay). Rescind Seciton 39 conditions relating to use of CFN zoned portion of site as a lodge.				

☐ 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
commonclerk@saintjohn.ca
 (506) 658-2862



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.

Applicant Name

Applicant Signature

Date

Stephen Jarvis

Linda Jarvis

February 11, 2019



Council Application

GROWTH & COMMUNITY DEVELOPMENT SERVICES
CITY OF SAINT JOHN

CIVIC ADDRESS	88 Regent Street	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) 658-2911 for further information.

Rezone portion of property at 88 Regent Street from CFN to R2 and rescind Section 39 conditions relating to use of CFN zoned lands as a lodge facility. FEE PAID UNDER APPLICATION FOR ADJACENT LAND (HTE PROJECT NUMBER 19-9)

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

February 11, 2019
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.

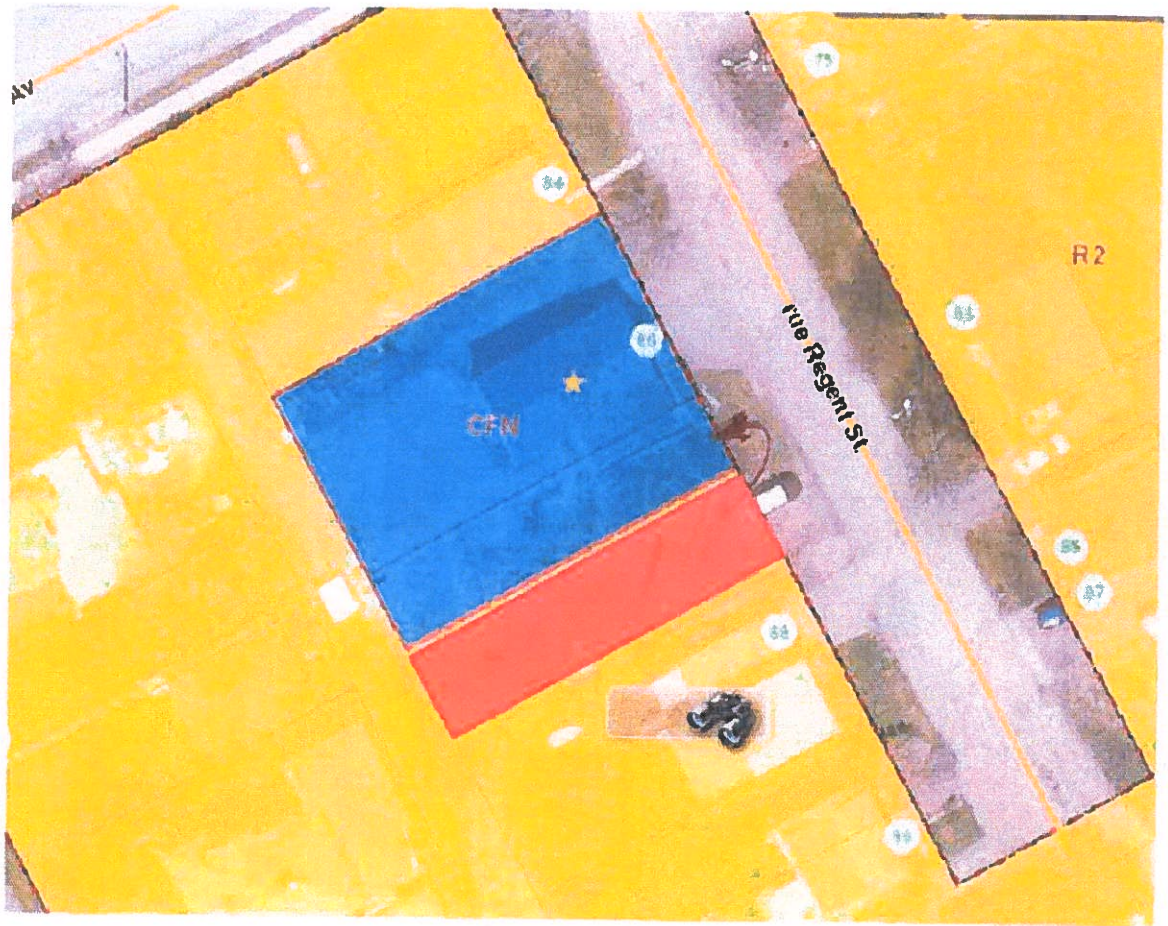
CIVIC ADDRESS	86 Regent St	APPLICATION #	19-9	FEE PAID	<input checked="" type="radio"/> Y <input type="radio"/> N
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TYPE OF APPLICATION		
<input checked="" type="checkbox"/> Section 39 Amendment		
<input type="checkbox"/> Tier 1 Variance Variances not greater than 25% of a numeric standard Service Fee: \$50 plus \$10 per additional variance	<input type="checkbox"/> Tier 2 Variance Variances greater than 25% of a numeric standard Service Fee: \$100 plus \$20 per additional variance	<input type="checkbox"/> PAC Variance Variances considered by the Planning Advisory Committee Service Fee: \$300 plus \$60 per additional variance

DETAILED DESCRIPTION OF APPLICATION Attach site plans, building elevations, floor plans, and other documentation to fully describe the application.
Address: Fabien Duguay 3523 Loch Lomond Rd Saint John NB E2N 1B9 506-644-9750

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.	
* Fabien Duguay Registered Owner or Authorized Agent	_____ Additional Registered Owner
* January 09 2019 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.	



REDUCE EG REGENT ST.

FROM CFW TO R-2 & RESCHW

SECTION 39 C.WORTH

\$2500

**PROPOSED ZONING BY-LAW AND SECTION 59
AMENDMENT**

**PROJET DE MODIFICATION DE L'ARRÊTÉ DE
ZONAGE ET L'ARTICLE 59**

RE: 86 AND 88 REGENT STREET

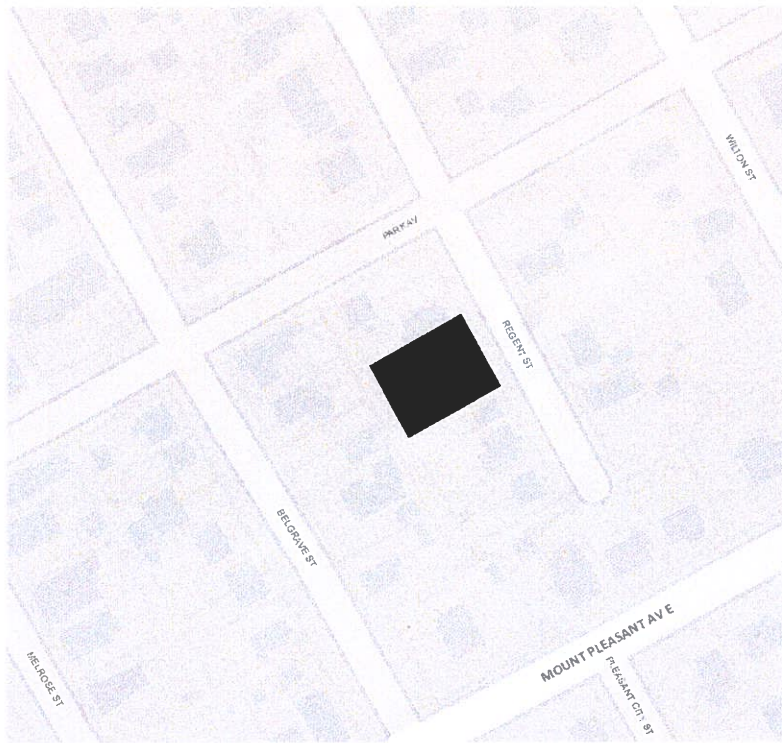
OBJET: 86 ET 88, RUE REGENT

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 on **Monday, April 8, 2019 at 6:30 p.m.**, by:

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 le **lundi 8 avril 2019 à 18 h 30:**

1. Rezoning a parcel of land having an area of approximately 727 square metres, located at 86 and 88 Regent Street, also identified as PID Nos. 00343178 and 55233597 from **Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2)** as illustrated below.
2. Amending the Section 59 conditions imposed on the January 4, 1993 rezoning of the property located at 86 and 88 Regent Street, also identified as PID Nos. 00343178 and 55233597 to permit a revised proposal.

1. Rezonage d'une parcelle de terrain d'une superficie d'environ 727 mètres carrés, située au 86 et 88, rue Regent, et portant les NIDs 00343178 et 55233597 de **zone d'installations communautaires de quartier (CFN) à zone résidentielle bifamiliale (R2)** comme le montre la carte ci-dessous.
2. Modification des conditions de l'article 59 imposées relativement au rezonage du 4 janvier 1993 de la propriété située au 86 et 88, rue Regent, et portant les NIDs 00343178 et 55233597 pour permettre la préparation d'une proposition révisée.



REASON FOR CHANGE:

To allow for the conversion of a former community center /lodge to allow residential and other uses permitted in the Two-Unit Residential zone.

RAISON DE LA MODIFICATION:

Permettre la transformation d'un ancien pavillon / centre communautaire afin de permettre un usage résidentiel et d'autres usages permis dans la zone résidentielle bifamiliale.

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.

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.

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

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

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

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

Jonathan Taylor, Common Clerk
658-2862

Jonathan Taylor, Greffier communal
658-2862

**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 727 square metres, located at 86 and 88 Regent Street, also identified as PID Nos. 00343178 and 55233597 from Neighbourhood Community Facility (CFN) to Two-Unit Residential (R2)

- 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^o 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 727 mètres carré, située au 86 et 88, rue Regent, et portant les NIDs 00343178 et 55233597 de zone d'installations communautaires de quartier (CFN) à zone résidentielle bifamiliale (R2) comme le montre la carte ci-dessous

- 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 -



40 Mountain View Drive (Calabria Estates)

Presentation to Common Council
April 8, 2019




Growth & Community Planning Team
Growth & Community Development Services




Proposal

- 126 unit residential development served by private streets
- Phase One: six storey multiple dwelling unit (78 units)



2



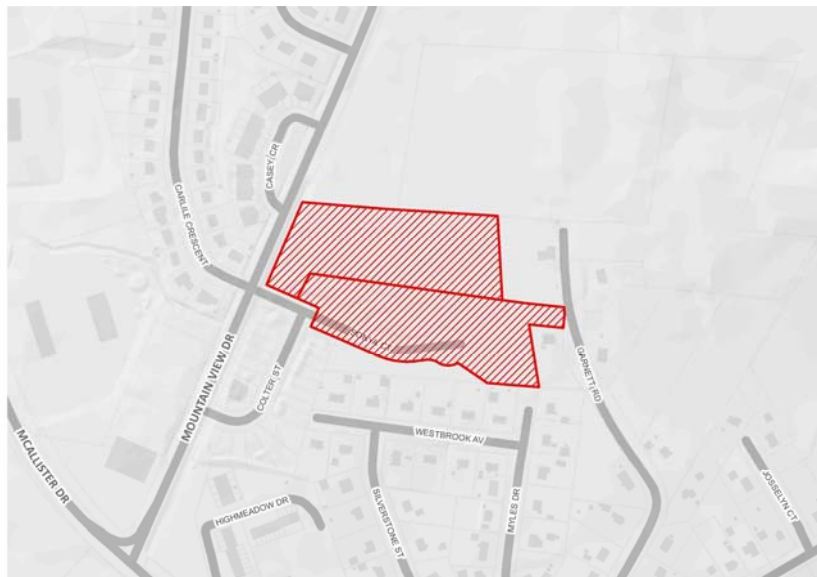
Conceptual Layout Plan



Proposal

1. Amend Municipal Plan Designations
 - Schedule B – Generalized Future Land Use
2. Rezone Property from RH and R2 to ID
3. Amend Section 59 Conditions
 - Staff recommend discharge existing (Appendix A) and apply conditions (a) through (i).
4. Assent to one or more Subdivision Plans and grant Local Government Service Easements

Site Location



Site Aerial



Site Photos - Aerial




SAINT JOHN

Site Photos - Aerial




SAINT JOHN


Site Photos




Existing storm pond on adjacent LPP lands




Existing cul-de-sac on Sonya Court




Existing infrastructure north side of Sonya Court




Mountain View Dr (north)




Mountain View Dr (south)




Myles Drive terminus



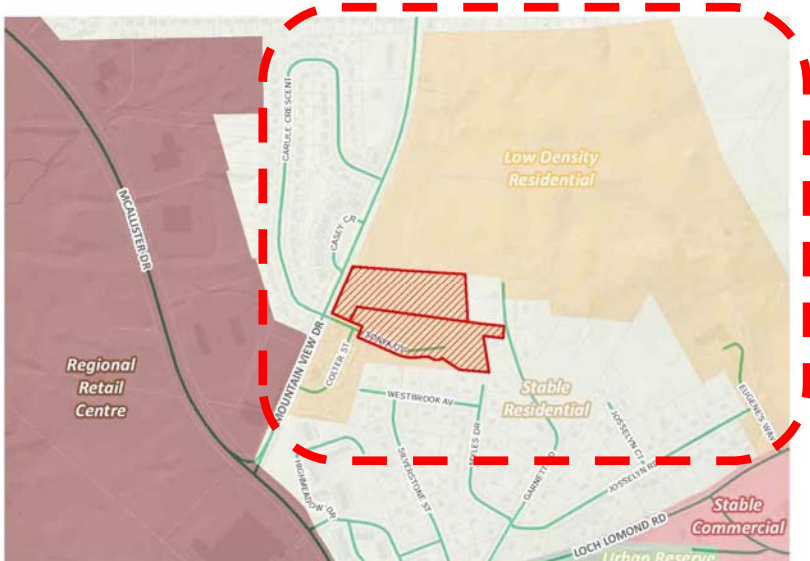
Myles Drive terminus




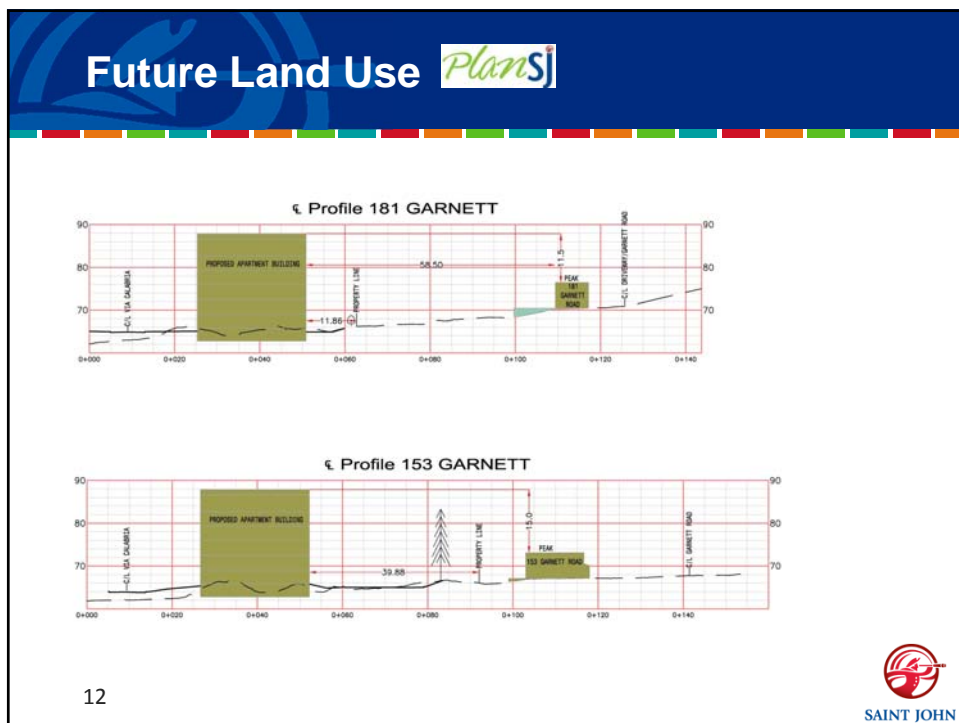
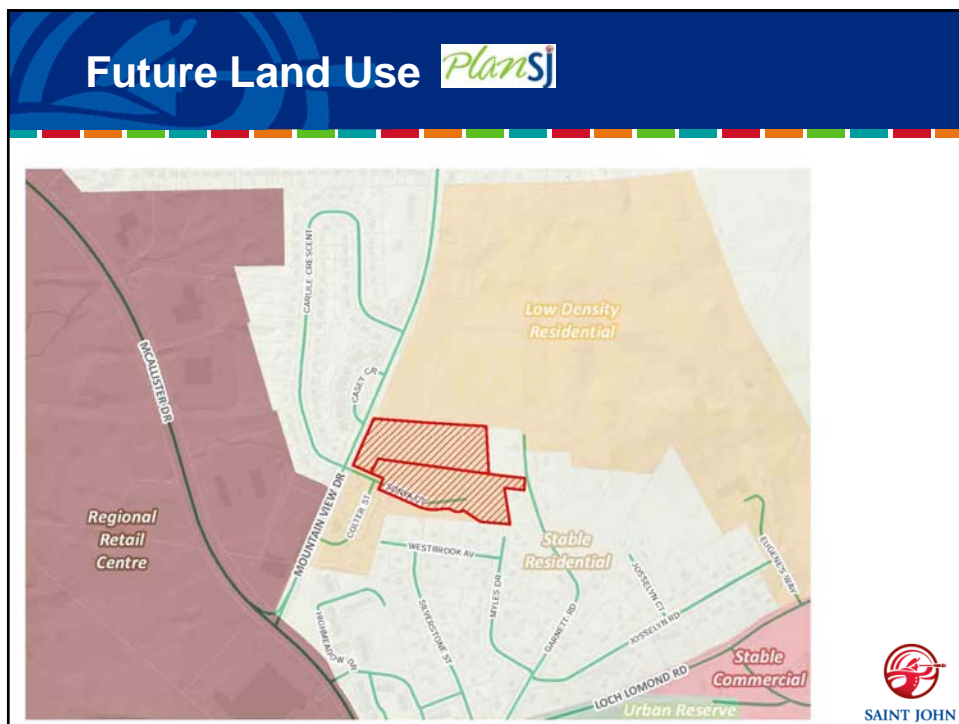
Public hydrant Myles Drive

9


Future Land Use Plans







Future Land Use

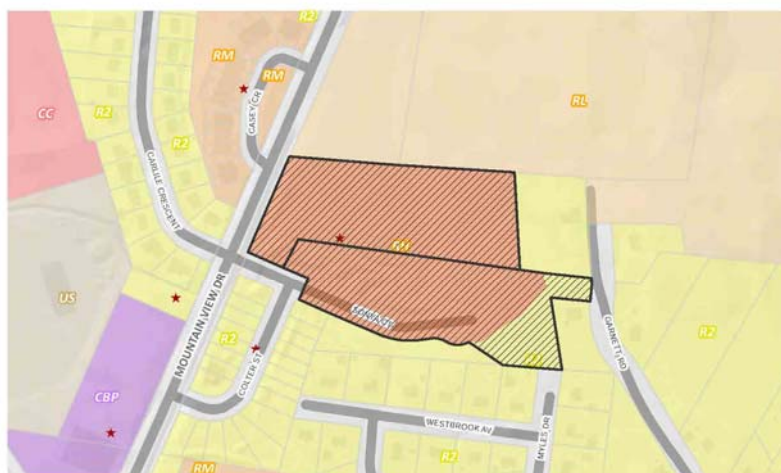
- **Policy LU-4: Council shall not consider changing designation unless proposal meets criteria a-g.**

LU-4 Policy Criteria	Staff Comment
a) Consistent with intent of Municipal Plan	✓
b) Necessary by virtue of land designated to accommodate the development	✓
c) Enhances community and quality of life	✓
d) Efficiently uses infrastructure	✓
e) Does not negatively impact use and enjoyment of adjacent lands	✓
f) Appropriate use within designation being sought and consistent with its policies	✓
g) Adequately addresses and mitigates environmental impacts	✓



SAINT JOHN

Zoning



(CBP) Business Park Commercial
 (CC) Corridor Commercial
 (R2) Two-Unit Residential
 (RH) High-Rise Residential
 (RL) Low-Rise Residential
 (RM) Mid-Rise Residential
 (US) Utility Service

★ Section 39 Conditions



SAINT JOHN

Zoning

LU-51 Policy Criteria	Staff Comment
a) Property near a collector/arterial street and transit routes	✓
b) Property located at periphery of low density residential neighbourhoods	✓
c) Appropriately designed for area and encouraged in suitable sites for infill	✓
d) Compatible with surrounding land uses	✓
e) Sufficient on-site parking and green space	✓
f) Site design features address safe access, buffering, landscaping, grading, and stormwater management	✓
g) High quality building design consistent with Urban Design Principles of the Municipal Plan	✓

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SAINT JOHN

Subdivision

- Section 14(8) of Subdivision By-law limits the use of Private Streets to following criteria
 1. Development located in the PDA
 2. Development consists of cluster townhouse dwellings
 3. Development serviced by Municipal Water, Sanitary Sewer and Storm sewer
- Proposal meets intent of the use of private streets under the Subdivision By-law
- Planning Advisory Committee approved use of Private Streets (Required under Community Planning Act)

16



SAINT JOHN

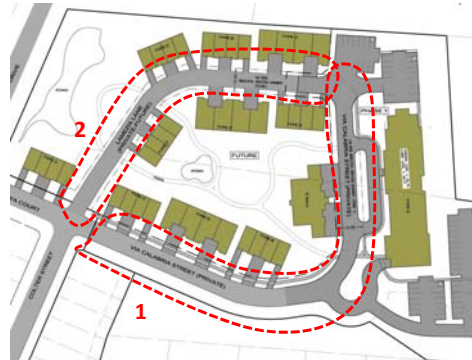
Design of Private Streets

1. "Via Calabria Street"

- Remains private
- Reconfigures cul-de-sac
- Extends north
- Built to City's General Specifications

2. "Lamezia Lane"

- Intersects Via Calabria Street
- Built to City's General Specifications for private streets



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SAINT JOHN

Traffic Circulation

- 2008 Traffic Report for prior proposal of 190 units resulted in installation of signalized intersection
- No adverse traffic impacts anticipated as a result. The proposal is for 126 units.

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SAINT JOHN

Emergency Access

- Controlled Emergency access connection initially recommended by staff for added public safety and connectivity at Myles Drive.
- No requirement for connection in Subdivision By-law
- PAC recommended to remove access.
- Staff have reviewed and are satisfied with PAC recommendation.



Public Engagement

- Website ad (Municipal Plan) – January 18, 2019
 - 7 letters received in response
- Applicant Neighbourhood Meeting – February 19, 2019
 - 20 Residents in attendance in support of application but opposed to idea of dog park on adjacent LPP and any form of connection to adjacent neighbourhood
- Letter to area landowners – March 15, 2019
- Website ad (Public Hearing) – March 18, 2019
- PAC Meeting – March 26, 2019
 - 16 Members of Public in attendance
 - 4 Letters received in advance of meeting



Staff Recommendation

1. Plan Amendment
2. Rezoning
3. Section 59 Conditions
 - Approve conditions a – i. (i) “creation of a controlled access between the development and Myles Drive with suitable entry mechanism for emergency vehicles.”
4. Municipal Service Easements
5. Approval of using private streets and authorizing street names
6. Grant necessary variances from subdivision by-law.
 - Staff have reviewed PAC’s amendment to remove condition 3(i) with SJ Fire and are in agreement the amendment will have no adverse effect and recommend approval.

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PAC Recommendation – Plan Amendment and Rezoning

1. Change designation in Municipal Plan from *Low Density Residential* to *Low to Medium Density Residential*.
2. Rezone property from High-Rise Residential (RH) and Two-Unit Residential (R2) to Integrated Development (ID).

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PAC Recommendation – Section 59 Conditions

3. That Common Council discharge existing Section 39 conditions and impose the following new Section 59 conditions

- a) Limit maximum units to 167
- b) Require a detailed site plan
- c) Limit permitted uses to those allowed in existing zone
- d) Limit development to Part 9 of the Zoning Bylaw (Uses Permitted in Other Zones)
- e) Stormwater system remain private and developer's responsibility
- f) Engineered site service plan and stormwater submission for Phase One
- g) Right-of-way access to the existing stormwater pond and Land for Public Purpose parcel adjacent to the development.
- h) Any gated accesses shall provide a suitable entry mechanism for emergency vehicles and operational vehicles of the City.

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SAINT JOHN

PAC Recommendation – Service Easements

4. That Common Council assent to one or more subdivision plans, in one or more phases, in general accordance with the Conceptual Layout attached for Calabria Estates Subdivision at 40 Mountain View Drive, and with respect to the vesting of any Local Government Services Easements to be determined during detailed design.

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SAINT JOHN

PLANNING ADVISORY COMMITTEE



The City of Saint John

March 26, 2019

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Municipal Plan Amendment, Rezoning, and Section 59
Amendment
40 Mountain View Drive (Calabria Estates)**

On March 11, 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 March 26, 2019 meeting.

Rick Turner, of Hughes Surveys, was in attendance on behalf of the applicant. Mr. Turner was generally in agreement with the staff recommendation but noted opposition to Part 3(i) of the staff recommendation, regarding the provision of a connection from the development to Myles Drive, and requested that the Committee remove this condition. He noted that at a neighbourhood engagement meeting held by the proponent, adjacent landowners were unanimously opposed to the connection, although in support of the development as a whole.

There were approximately 16 residents in attendance respecting the application. Ms. Darlene Hersey, of Silverstone Drive, appeared before the Committee. Ms. Hersey noted she was not in opposition to the development but raised strong concern regarding staff's recommendation to Council regarding a connection to Myles Drive. She noted that the connection, albeit controlled and provided for emergency access only, may introduce additional vehicular traffic into the neighbourhood. Ms. Hersey referenced a prior development proposal and Council's decision in 2008 to impose a condition that restricted access for development exclusively to Mountain View Drive.

Mr. Larry Fournier requested clarification regarding details of sewage flow and site servicing, which staff noted would be worked out during the detailed design phase.

Following questions of clarification from the applicant and staff, the Committee considered the report and staff's recommendation. It was clarified from staff that the access connection was of additional benefit to public safety but not a requirement by law. The Committee voted to amend the staff recommendation, thereby removing condition 3(i) respecting Council imposing a condition that there by a controlled emergency access connecting the development to the Myles Drive neighbourhood to the south.

RECOMMENDATION:

1. That Common Council redesignate on Schedule B of the Municipal Development Plan, 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*.
2. That Common Council rezone land with an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID Nos. 00313429 and 00426452, from High-Rise Residential (RH) and Two-Unit Residential (R2) to Integrated Development (ID).
3. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), hereby discharges the agreement dated the 21st day of January, 2010 between North Star Holdings Ltd., and the City of Saint John, respecting the property identified in the said agreement by PID numbers 00313429 and 00426452 and which agreement was made pursuant to the provisions of Section 39 of the *Community Planning Act* in effect at that time (Chapter C-12, *RSNB 1973*); and,

Further Be It Resolved that Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act* the following condition upon the Property having an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID numbers 00313429 and 00426452, the following conditions upon the development and use of the land:

- a. That any development of the site shall be limited to a maximum of 167 units and generally adhere to the Conceptual Layout, Context, Landscaping Plans, and Elevation Plans attached to this report.
- b. That any development of the site be in accordance with a detailed site plan to be prepared by the developer and subject to the approval of

the Development Officer, indicating the location of all buildings, structures, parking areas, driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This final site plan is to be attached to the application for the building permit for the respective part or phase of the proposed development.

- c. That the permitted uses of the Integrated Development (ID) Zone be limited to those outlined in the High-Rise Residential (RH) Zone of the Zoning By-law.
 - d. That any development of the site shall be subject to Part 9 of the Zoning By-law regarding Uses Permitted in Other Zones.
 - e. That the owner, developer and/or successors shall maintain ownership of all proposed stormwater ponds and associated stormwater collection systems (sewer mains, manholes, catch basins, etc). All stormwater related infrastructure shall be considered private.
 - f. That an engineered site servicing plan and stormwater submission shall be submitted for the full build out of the development with the Building Permit for "Phase One" of the development, which consists of the six storey multiple unit dwelling. Phase One shall comprise the full inclusive build out of the underground infrastructure and street construction of the proposed Private Street "Via Calabria Street", and the proposed stormwater ponds.
 - g. That the owner, developer and/or successors shall enter into an agreement with the City to provide right-of-way access to the existing stormwater pond and Land for Public Purpose parcel adjacent to the development.
 - h. That any gated accesses shall provide a suitable entry mechanism for emergency vehicles and operational vehicles of the City.
4. That Common Council assent to one or more subdivision plans, in one or more phases, in general accordance with the Conceptual Layout attached for Calabria Estates Subdivision at 40 Mountain View Drive, and with respect to the vesting of any Local Government Services Easements to be determined during detailed design.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rick Stephen", is written over the printed name.

Rick Stephen
Vice Chair

Attachments

- 1 – Staff Presentation
- 2 – Report to Planning Advisory Committee dated March 22, 2019
- 3 - Letters to Planning Advisory Committee



The City of Saint John

Date: March 22, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Wednesday, March 26, 2019**

SUBJECT

Applicant: Hughes Surveys & Consultants Inc.

Owner: 048367 N.B. Ltd.

Location: 40 Mountain View Drive

PID: 00313429 and 00426452

Plan Designation: Low Density Residential

Proposed Designation: Low to Medium Density Residential

Existing Zoning: High-Rise Residential (RH) and Two-Unit Residential (R2)

Proposed Zoning: Integrated Development (ID)

Application Type: Municipal Plan Amendment, Rezoning, Section 59 Amendment, and Variance

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. The Subdivision By-law authorizes the Planning Advisory Committee to approve the creation of a lot with access other than a public street and authorize new street names. The

Committee recommendation will be considered by Common Council at a public hearing on **Monday, April 8, 2019**.

SUMMARY

The proposal is to rezone 3.25 hectares of land north of Sonya Court (to be renamed) to Integrated Development (ID) for the purpose of constructing an approximately 126 unit residential development consisting of a mixture of townhouses and multiple unit dwellings, including one six storey building. To enable a height of six storeys, a Municipal Plan Amendment is required to change the designation of the subject property from *Low Density Residential* to *Low to Medium Density Residential*, as the former designation limits multiple dwellings to four storeys in height. The development will be serviced by private streets and therefore requires variances from the Subdivision By-law. In addition, Section 59 amendments are required to set out new conditions as part of the Integrated Development (ID) Zone. Staff recommend approval of the application based on the proposal's alignment with the goals and applicable policies of the Municipal Plan and City By-laws. The proposal is well suited for the neighbourhood, a key suburban intensification designated in PlanSJ, the City's Municipal Plan.

RECOMMENDATION

1. That Common Council redesignate on Schedule B of the Municipal Development Plan, 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*.
2. That Common Council rezone land with an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID Nos. 00313429 and 00426452, from High-Rise Residential (RH) and Two-Unit Residential (R2) to Integrated Development (ID).
3. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), hereby discharges the agreement dated the 21st day of January, 2010 between North Star Holdings Ltd., and the City of Saint John, respecting the property identified in the said agreement by PID numbers 00313429 and 00426452 and which agreement was made pursuant to the provisions of Section 39 of the *Community Planning Act* in effect at that time (Chapter C-12, *RSNB 1973*); and,

Further Be It Resolved that Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act* the following condition upon the Property having an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as PID numbers 00313429 and 00426452, the following conditions upon the development and use of the land:

- a. That any development of the site shall be limited to a maximum of 167 units and generally adhere to the Conceptual Layout, Context, Landscaping Plans, and Elevation Plans attached to this report.
 - b. That any development of the site be in accordance with a detailed site plan to be prepared by the developer and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas, driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This final site plan is to be attached to the application for the building permit for the respective part or phase of the proposed development.
 - c. That the permitted uses of the Integrated Development (ID) Zone be limited to those outlined in the High-Rise Residential (RH) Zone of the Zoning By-law.
 - d. That any development of the site shall be subject to Part 9 of the Zoning By-law regarding Uses Permitted in Other Zones.
 - e. That the owner, developer and/or successors shall maintain ownership of all proposed stormwater ponds and associated stormwater collection systems (sewer mains, manholes, catch basins, etc). All stormwater related infrastructure shall be considered private.
 - f. That an engineered site servicing plan and stormwater submission shall be submitted for the full build out of the development with the Building Permit for "Phase One" of the development, which consists of the six storey multiple unit dwelling. Phase One shall comprise the full inclusive build out of the underground infrastructure and street construction of the proposed Private Street "Via Calabria Street", and the proposed stormwater ponds.
 - g. That the owner, developer and/or successors shall enter into an agreement with the City to provide right-of-way access to the existing stormwater pond and Land for Public Purpose parcel adjacent to the development.
 - h. That any gated accesses shall provide a suitable entry mechanism for emergency vehicles and operational vehicles of the City.
 - i. That a controlled emergency access shall be created between the parking area south of the multiple unit dwelling and Myles Drive. This is to be a controlled access to prohibit vehicular circulation and shall be the responsibility of the developer to maintain and provide a suitable entry mechanism for emergency vehicles and operational vehicles of the City. The controlled emergency access connection shall be built to a City standard to the satisfaction of the City Chief Engineer or designate.
4. That Common Council assent to one or more subdivision plans, in one or more phases, in general accordance with the Conceptual Layout attached for Calabria Estates

Subdivision at 40 Mountain View Drive, and with respect to the vesting of any Local Government Services Easements to be determined during detailed design.

5. That the Planning Advisory Committee approve the access to all proposed lots from the proposed private street network, suitable for the passage of motor vehicles, as being advisable for the proposed development of land. And further that the Committee authorize the approval of new street names "Lamezia Lane" and "Via Calabria Street." This approval only comes into effect should Common Council give Third Reading to the proposed rezoning to the Integrated Development (ID) Zone; and,
6. That The Planning Advisory Committee grant the following variances from the Subdivision By-law:
 - a. A variance to permit a Private Street serving a form of development other than a Cluster Townhouse Dwelling; and
 - b. A variance from the requirements from subsections 14(8)(b)(i) and 22(1)(f) of the Subdivision By-law to allow for dwelling units in the proposed subdivision to be serviced by a storm sewer system other than a Municipal Storm Sewer System.These variances only come into effect should Common Council give Third Reading to the proposed rezoning to the Integrated Development (ID) Zone.

DECISION HISTORY

On August 18, 2008, Common Council gave second reading to the rezoning of 5.6 hectares of land that encompassed the subject property for the purposes of providing for a residential development which included three four storey condominiums. Council initially tabled the rezoning so staff could arrange a meeting between the applicant and rate payers' associations in the surrounding area to address concerns raised at the public hearing. At third reading, Council approved Section 39 conditions that were introduced to address residents' concerns relative to traffic, screening, and prohibiting vehicular access onto Westbrook Ave and Garnett Road.

Later on in 2010, Common Council approved amendments to the existing Section 39 conditions to increase the maximum number of buildings permitted on the property from three to four, with no increase to the number of units.

In 2012, Common Council directed the City Solicitor to prepare an agreement between the City and North Star Holdings Ltd. respecting the construction of municipal infrastructure, including a sanitary lift station for the subject property and larger 26.1 hectare area. The lift station was built as a result of the agreement.

Records of all Council decisions have been provided in Appendix A.

ANALYSIS

Proposal

The developer, 048367 N.B. Ltd., proposes to construct a residential development of approximately 126 units served by private streets off Mountain View Drive. The attached Conceptual Layout Plan indicates a 78 unit 6 storey multiple unit dwelling, an 8 unit multiple unit dwelling, and mix of townhouses. The townhouses will be clustered around an open space with a network of trails, landscaped and water features, with a private stormwater system managed by a stormwater pond located to the northwest, connecting to the smaller feature pond at the centre of the open space area.

The developer proposes that the development be divided into two large parcels, dividing the 6 storey multiple unit dwelling from the remainder of site to potentially facilitate being incorporated into respective condominium entities. The developer is further interested in implementing controlled accesses onto the premises to prohibit non-resident vehicles from entering. Construction of the six storey multiple unit dwelling will constitute the first phase of the project, with the remainder of the buildings shown on the Conceptual Layout Plan being built out in a succeeding phase two. The Integrated Development (ID) zone has been requested to provide flexibility with zoning and landscaping standards given the integrated nature of the development and its ownership.

Site and Neighbourhood

The subject property has been vacant since site preparations began in 2008 as part of a previous proposal. The site has been partially prepared included clearing of land and grading, with the Sonya Court cul-de-sac completed in 2015. Water and sewer mains were constructed along Sonya Court, but the street was never vested to the City and remains private property. A sanitary lift station was built to service the previous proposal and surrounding 26.1 hectare area. Traffic signals were installed at Mountain View Drive based on a traffic impact study completed in 2008.

To the south of the subject property is a 2,745 metre strip of Land for Public Purpose (LPP), which provides a buffer from residences along Westbrook Avenue. The LPP is forested and contains a small stormwater pond. Garnett Road runs to the east of the subject property. Two largely undeveloped parcels lie to the north of the property. The land is largely forested except for the parcel fronting Mountain View Drive, which was disturbed as part of the previous proposal. The area to southwest of the site, while not the subject of this proposal, has also been acquired by the developer. This area is zoned Two-Unit Residential (R2) and remains subject to existing Section 39 conditions that require landscaping and fencing between Residents of Westbrook Avenue and a berm between the property at Highmeadow Drive.

The subject property is serviced by public transit off Mountain View Drive, a collector street that is within easy access of the McAllister area regional commercial destination. PlaySJ, the City's Recreational Plan, proposes Mountain View Drive as a future trail and bikeway route. In terms of infrastructure and connectivity, Mountain View Drive is lacking in basic facilities such as piped stormwater and sidewalks.

Municipal Plan

Under the Municipal Plan's Schedule A: City Structure, the subject property lies within the Forrest Hills / Lakeside Suburban Intensification Area, which follows Mountain View Drive to Lynn Avenue and comprises a significant portion of undeveloped land in the Primary Development Area targeted for development.

The proposal to amend the Municipal Plan's Schedule B: Future Land Use Map would redesignate the property from *Low Density Residential* to *Low to Medium Density Residential*. This amendment is generally consistent with the policies and directions of the Municipal Plan to focus density within key growth areas in the City's Primary Development Area.

Building Height

Policy LU-58 of the Municipal Plan limits buildings within the *Low Density Residential* designation to a height not exceeding four storeys, unless permitted in a Neighbourhood Plan or Structure Plan. To ensure compatibility, building height of the proposal will be limited to the six storeys described in the Conceptual Layout and Site Context plans. The Site Context plan demonstrates how the profile of the multiple unit dwelling relates to the nearest homes off Garnett Road.

Increasing the density per hectare

The *Low to Medium Density Residential* designation aims to achieve a residential density of between 35-90 units per net hectare in the area as a whole. The change in designation should have no effect on density to the subject property as a Section 59 condition is being proposed to limit the maximum number of units to 167. This level of density is recommended as it strikes a balance between consistency with the adjacent neighbourhood and with previous servicing/traffic studies, while providing flexibility for the applicant.

Policy LU-4 of the Municipal Plan outlines the following criteria for Council to consider changing the designation of lands on the Future Land Use map (Schedule B) through a Municipal Plan Amendment:

Criteria	Staff Comment
a. Is consistent with the general intent of the Municipal Plan and further advances the City Structure;	The proposal is consistent with the goals of the Municipal Plan and advances the City Structure in terms of degree of change and density. The property lies within a suburban intensification area, which sets considerable growth goals described below.
b. Is necessary by virtue of a lack of supply of quality land already designated in the Municipal Plan to accommodate the development;	The Municipal Plan targets 40% of new growth and development to be accommodated within suburban intensification areas. Much of the growth to date has been in Stable Residential Areas and not Suburban Intensification Areas, making this a key area for development in view of Municipal Plan policy.
c. Enhances the community and the quality of life offered to residents of the City;	The proposal makes use of vacant land and an unoccupied street. In addition to deterring unwanted activities and putting more "eyes on the street," the proposal will offer an

	increased number of housing options in the area. The site plan and landscaping plan indicate how the property will be beautified. These enhancements are expected to provide benefits to the wider neighbourhood.
d. Efficiently uses available infrastructure;	The proposal lies within the Primary Development Area and can make ready use of existing infrastructure both in terms of the by-product of a previously unfinished development and existing neighbourhood and regional amenities such as transit.
e. Does not negatively impact the use and enjoyment of adjacent lands and neighbourhoods;	It is anticipated that the development will have no negative impact on adjacent lands. There is a significant buffer of forested Land for Public Purposes between the subject property and properties to the south.
f. Is an appropriate use within the land use designation being sought for the property, and the proposal is consistent with the specific policies regulating development in the designation; and	The proposal is suited for the Low to Medium Density Residential designation, which permits a range of low to higher density housing types as per Policy LU-51.
g. Adequately addresses and mitigates any significant environmental impacts.	There are no mapped watercourses or wetlands within the subject property or its vicinity.

Rezoning

Policy LU-51 of the Municipal Plan enables higher density buildings in the *Low to Medium Density Residential designation* through a rezoning process. In reviewing this policy, staff found the proposal to be in compliance with the relevant policy criteria:

Criteria	Staff Comment
a. Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;	The subject property is within close proximity of Mountain View Drive a collector street and is located on a transit route.
b. Subject lands are located at the periphery of low density residential neighbourhoods;	The property is located on the periphery of largely undeveloped lands and an existing low density residential neighbourhood.
c. Subject lands are appropriately designed for the area in which it is located and is encouraged in suitable sites for infill development;	The property is well suited for infill developed, with site preparation already undertaken and City investment already made, as per a prior proposal.
d. Subject lands are compatible with surrounding land uses;	Adequate measures have been taken to ensure appropriate distance from existing development and buffering is in place.
e. Sufficient on-site parking and green space is provided;	In accordance with the Conceptual Layout and Landscaping Plans, there is ample on-site parking and green space to be provided;
f. Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated; and	Site design features will be completed in the detailed design. The attached conceptual designs upon review do not raise any concerns. All street and stormwater systems will be required to meet municipal standard.

g. An exterior building design of high quality is provided that is consistent with the Urban Design Principles of the Municipal Plan.	The proposed development achieves all of the Municipal Plans general objectives around Urban Design by providing significant park and amenity space for future residents around the site. The proposal clusters the townhouse units together and locates the multiple dwelling in a manner that buffers the impact of the taller building from the proposed townhouse units and adjacent neighbourhood. In addition, building entrances generally face the street and the proposed architectural design is of a high quality and creates a unified design approach to the community and is of a mid-rise, human scale in terms of massing.
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Integrated Development (ID) Zone

The Integrated Development (ID) zone has been sought to provide additional flexibility and to be developed in a manner that is integrated in terms of landscaping, setbacks, and amenity requirements. A staff review was conducted of the Conceptual Layout and found that the proposal is well aligned with the standards within the High-Rise Residential (RH) and Low-Rise Residential (RL) zones, with is sufficient shared amenity space concentrated in the rear yards of the properties.

As part of Section 59 conditions, it is recommended that the current uses in the High-Rise Residential (RH) zone be permitted within the Integrated Development (ID) zone, along with “Part 9 – Uses Permitted In All Zones,” so to provide for minor changes of use without triggering a rezoning or Section 59 amendment process.

Traffic Circulation and Connectivity

In 2008, a traffic impact study was conducted by ADI Limited to determine existing problems as well as analyze a future development scenario for a 190 unit proposal on the subject property. As part of the findings of the report, the City paid for and installed traffic signals and a traffic island at the corner of Mountain View Drive and McAllister Drive. Given the fewer number of units contemplated under this proposal, no traffic circulation issues are anticipated as a result.

In terms of connectivity, staff propose that the development provide a controlled access from the southeast portion of the site to Myles Drive for emergency vehicles and municipal operations only. Council’s policy under the Municipal Plan encourages overall improvement of connectivity of transportation systems.

Policy TM-8 states that Council shall “Endeavour to connect existing dead-end streets with new and existing streets to improve the overall connectivity of the transportation system.” The Subdivision By-law Part 14(2) states that “Streets (both private and public) within a proposed Subdivision must connect to all Abutting Future Streets of any adjoining Subdivision.”

In 2008, Council imposed a Section 39 condition that all access be oriented towards Mountain View Drive, as a result of concerns raised from area ratepayers’ associations (further detailed in Appendix A).

While connectivity of subdivisions are desirable for enhancing access and optimizing operations, it is recognized that given the private nature of the development it would be inappropriate to require a vehicular connection.

The emergency access has been reviewed by the Saint John Fire Department and the preference is that two access routes be provided (Myles Drive and Mountain View Drive) for fire apparatus staging purposes. The access would allow for utilization of a fire hydrant off Myles Drive. This access is being proposed on the basis of addressing residents' concerns for vehicular circulation and providing for multiple approaches for emergency access vehicles for the purposes of enhancing public safety.

The emergency access would be of benefit to the neighbourhood but is not a requirement. As such, staff propose the connection be implemented by a Section 59 condition imposed by Council with the rezoning of the land.

Variances

Subdivision By-law

Under the Community Planning Act, it is the jurisdiction of the Planning Advisory Committee to consider authorizing access other than a public street. As the development is serviced entirely by private streets, this authorization is required. In addition to this, the following variances from private street parameters set out in the Subdivision By-law are required. With these variances, the proposal is still able to meet the intent of the Subdivision By-law.

Section 14(8) of the Subdivision By-law limits the use of Private Streets to the following criteria:

1. The development is located in the Primary Development Area;
2. The proposed development consists of cluster townhouse dwellings; and
3. The proposed dwellings are serviced by Municipal Water, Sanitary Sewer and Storm Sewer.

Access to Multiple Unit Dwelling

The site is located in the Primary Development Area; however, the proposed private streets serve a multiple unit building in addition to the townhouse dwellings. The intent of this requirement was to specifically permit private streets for forms of residential development which provide a higher density form of development and an ownership structure such as a condominium association, which would fund and maintain the ongoing operation and maintenance of the private streets. In this case, the intent of the by-law is met through the provision of a higher density housing form in an urban area of the city. This is also justification for approval of the lot(s), block(s) or parcel(s) of land which do not abut a Public Street in accordance with Subsection 15(2) of the Subdivision By-law.

Private Stormwater System

Subsection 14(8)(b)(i) of the Subdivision By-law allows for Private Streets to be developed where Municipal Water, Municipal Sanitary Sewer and Municipal Storm Sewer is provided. This is also a requirement through subsection 22(1)(h) of the by-law requiring the provision of Municipal Storm Sewer infrastructure by the Developer.

Servicing for the proposed development includes Municipal Water and Municipal Sanitary Sewer that would be located within easements in the private streets with stormwater management being provided via a private system. The provision of the private system requires a variance from the requirements of subsections 14(8)(b)(i) and 22(1)(h) of the Subdivision By-law. Staff recommend approval of the variance as the design of storm water management within the proposed development, including the internal collection system, will be subject to the review and approval of the City's Chief City Engineer or Designate.

While staff recommend the Committee approve these variances, the variances would only come into effect following approval of the rezoning by Common Council. Given this staff recommends a condition making the variances conditional on the approval of the development by Common Council through the provision of Third Reading.

Design of Private Streets

Private streets are required to be designed to the city's General Specifications which provide for sidewalks, concrete curbing and roadway surfaces having asphalt paving to ensure emergency and vehicular traffic can be accommodated. The private street network may be owned and maintained by a private entity but would be suitable for fire, emergency and municipal maintenance vehicles. In addition to the preliminary design details provided in the Conceptual Layout, the applicant has indicated design details of "Lamezia Lane" and "Via Calabria Street" (See Applicant Submission 7). Phase One of the proposal will consist of the full build out of the extension of "via Calabria Street" to provide for access to the six storey multiple dwelling. The remaining private street network will follow with the construction of a subsequent phase.

Area Improvements

As part of the application, the developer has requested a number of improvements to be made by the City that would contribute to the greater neighbourhood. These include the following:

- Signage and landscaping of intersection of Mountain View Drive/McAllister Drive to identify the Forest Hills community;
- Sidewalks and burial of power lines on Mountain View Drive on northern boundary of developer's property beginning at Sonya Court;
- Garbage collection
- Drainage Issues near Myles Drive/Westbrook Avenue

These requests are actively being considered by the City outside of this application process, with certain items understood to be more immediate than others. Mountain View Drive is currently lacking any curbing/stormwater infrastructure, which greatly increases the cost of sidewalks. Generally, dwelling units over four units would be privately serviced for garbage collection.

Servicing and Local Government Service Easements

A preliminary review of servicing has not yielded any concerns with respect to water/sewer capacity. It is recommended that Council assent to all necessary Local Government Service Easements as shown generally on the Conceptual Layout. These easements, to be finalized

through the submission of a tentative subdivision plan, would cover the private street network and provide access to municipally-owned infrastructure.

Conclusion

The proposal adds density to one the City's suburban intensification area. It represents an efficient use of land and existing infrastructure and supports the smart growth policies in the Municipal Plan. The proposal is anticipated to have a positive effect on the neighbourhood by making use of vacant land. The proposal would add new residential density and a variety of housing forms in an intensification area which is in close proximity to transit, employment, and the McAllister Regional Retail Centre. On the basis of the proposal's conformity with Municipal Plan policy and provisions set out in other City By-laws, staff recommend approval of the proposal.

ALTERNATIVES AND OTHER CONSIDERATIONS

Alternatives

No alternatives proposed.

ENGAGEMENT

Proponent

The applicant hosted a public meeting on February 19th, 2019 at Threshold Ministries on Mountain View Drive to solicit feedback from residents in the area. The conceptual site plan was shared with members of the public and opportunities to discuss issues such as storm drainage/landscaping, traffic, and site servicing/land use were provided. 20 residents signed in to the meeting. Feedback from residents was solicited via comment cards, of which 14 were filled out. Residents were in approval of the development; however, noted concern for any connection to Myles Drive and opposed the idea of a dog park being included in the concept as a possible use of adjacent LPP. The dog park concept has since been retracted by the developer as a possibility. The emergency access connection to Myles Drive, which was suggested initially by the City for investigation, would be subject to a condition imposed by Council.

Plan Amendment 30 day Period

Following public presentation of the Municipal Plan Amendment, as required by the *Community Planning Act*, there was a 30 day period open to receive any objections. Seven letters from residents were received. While objections do not pertain directly to the Plan Amendment, they

offer insight into neighbours' concerns for the overall development. These objections have been summarized in a table below with staff's response.

Opposition	Staff Response
Any connection from the development to Myles Drive – 6	See Page 8.
A dog park and any removal of greenspace at LPP that would increase sound pollution - 2	The developer has since retracted the dog park concept for LPP following a neighbourhood meeting. Should any dog park be proposed in the future it would have to be vetted through the city, as the parcel is city-owned.

Concerns	Staff Response
Potential flooding and inability of stormwater system to meet weather events as a result of development - 3	Development will be required to deal with all stormwater on-site as per Drainage By-law.
Light pollution from parking lot	Development will be required to meet the requirements of the Zoning By-law regarding light trespass
Garbage removal does not result in unsightly piles	This topic is currently under discussion with Transportation and Environment Services.
Berms should remain in place on the rear yards of the homes between Westbrook Ave and Mountain View Drive	Section 59 conditions will remain in place for the properties at 9 and 12 Westbrook Avenue related to the landscaping and screening. (These PIDs are not subject to this application).

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 March 15, 2019. The public hearing for the rezoning was advertised in the Public Notices section of the City website on March 18, 2019.

SIGNATURES AND CONTACT

Prepared:



Andrew Reid , MCIP, RPP
Planner

Reviewed:

Approved:



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



Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Andrew Reid
Phone: (506) 658-4447
E-mail: andy.reid@saintjohn.ca
Project: 19-11, 19-12, 19, 13

APPENDIX

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

Map 5: **Site Photography**

Applicant Submission 1: **Conceptual Layout Plan**

Applicant Submission 2: **Context Plan**

Applicant Submission 3: **Landscaping Plan (East)**

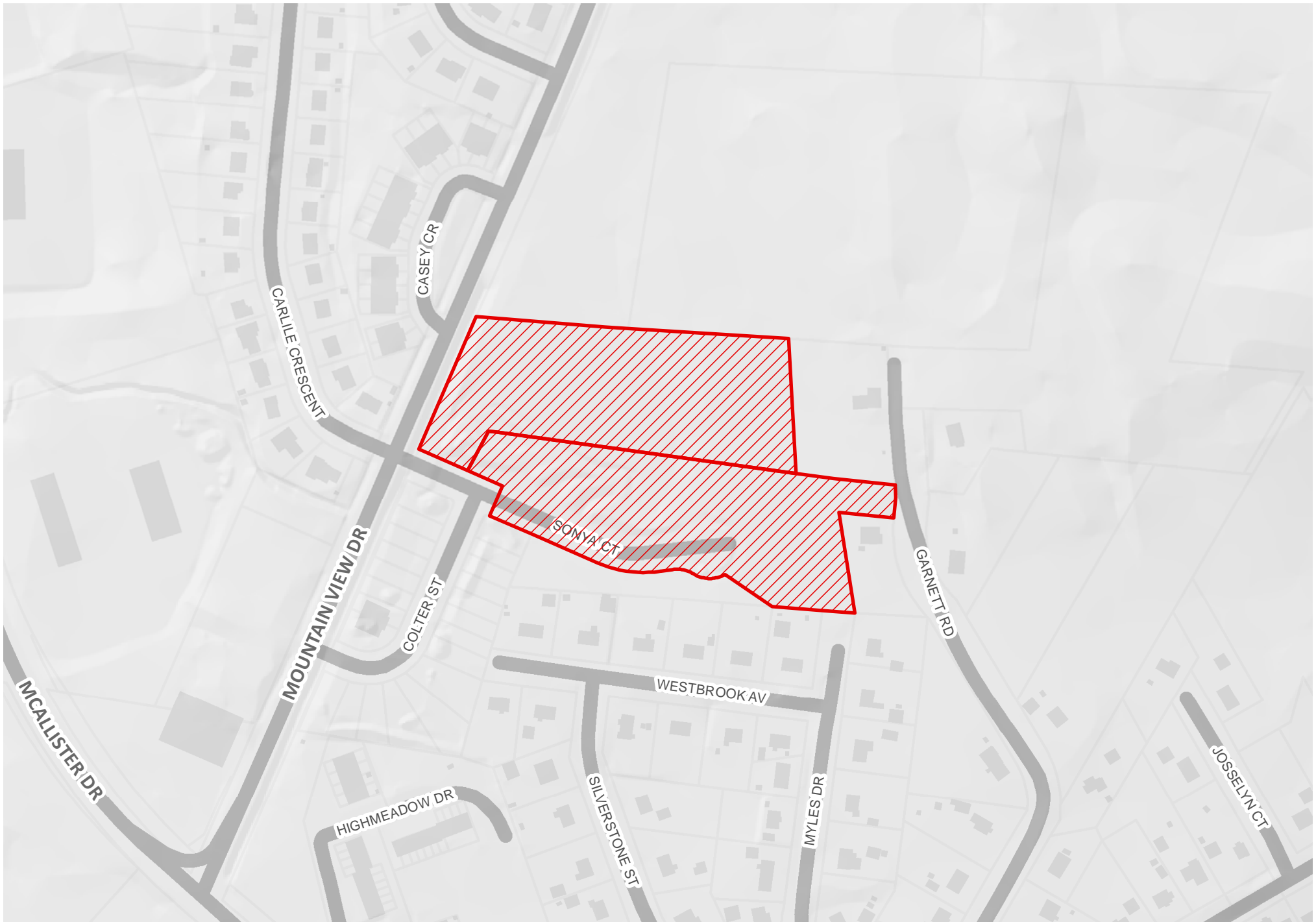
Applicant Submission 4: **Landscaping Plan (West)**

Applicant Submission 5: **Building Renderings**

Applicant Submission 6: **Letter of Intent**

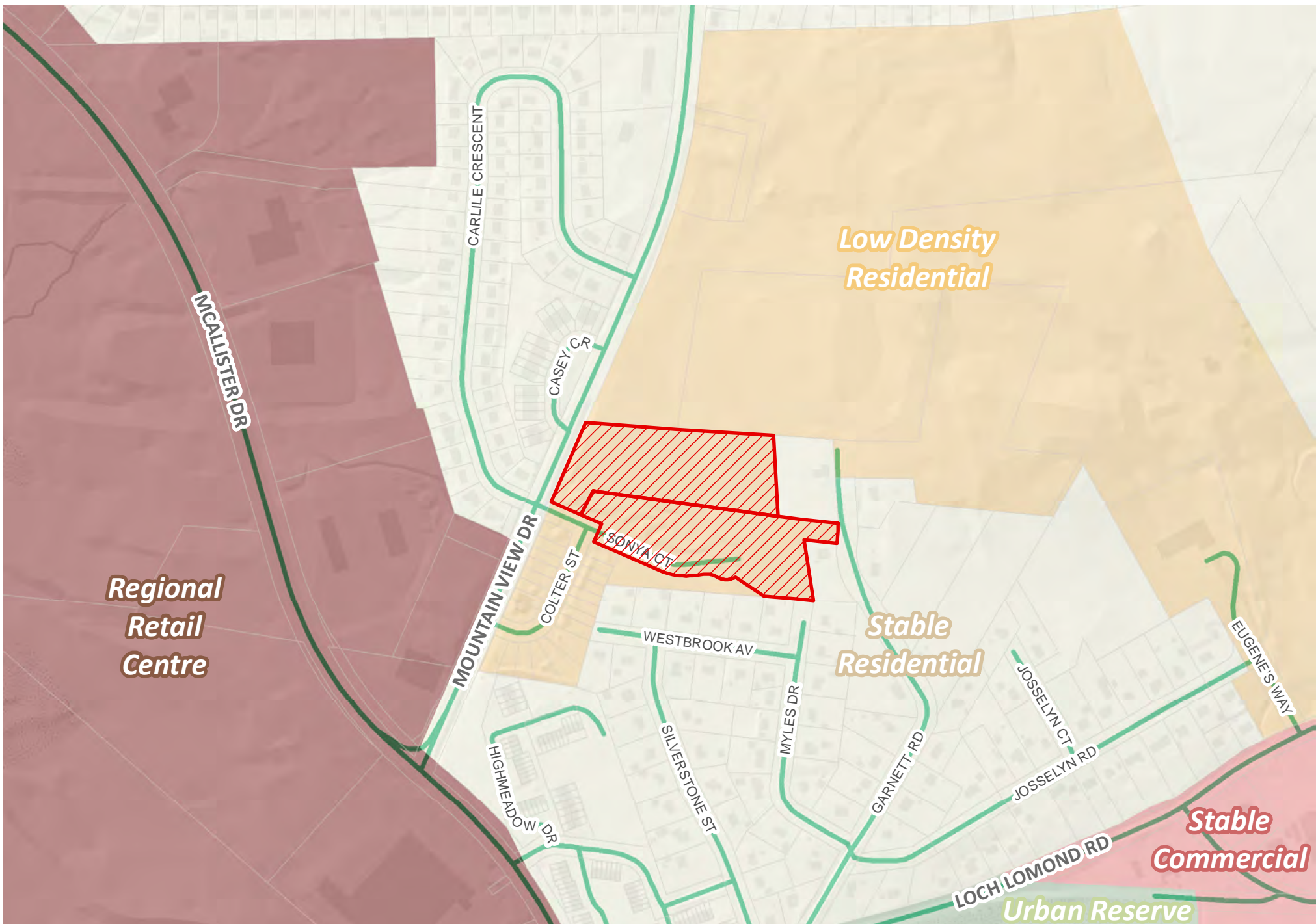
Appendix A: Decision History

Appendix B: Letters Received During Public Presentation Period



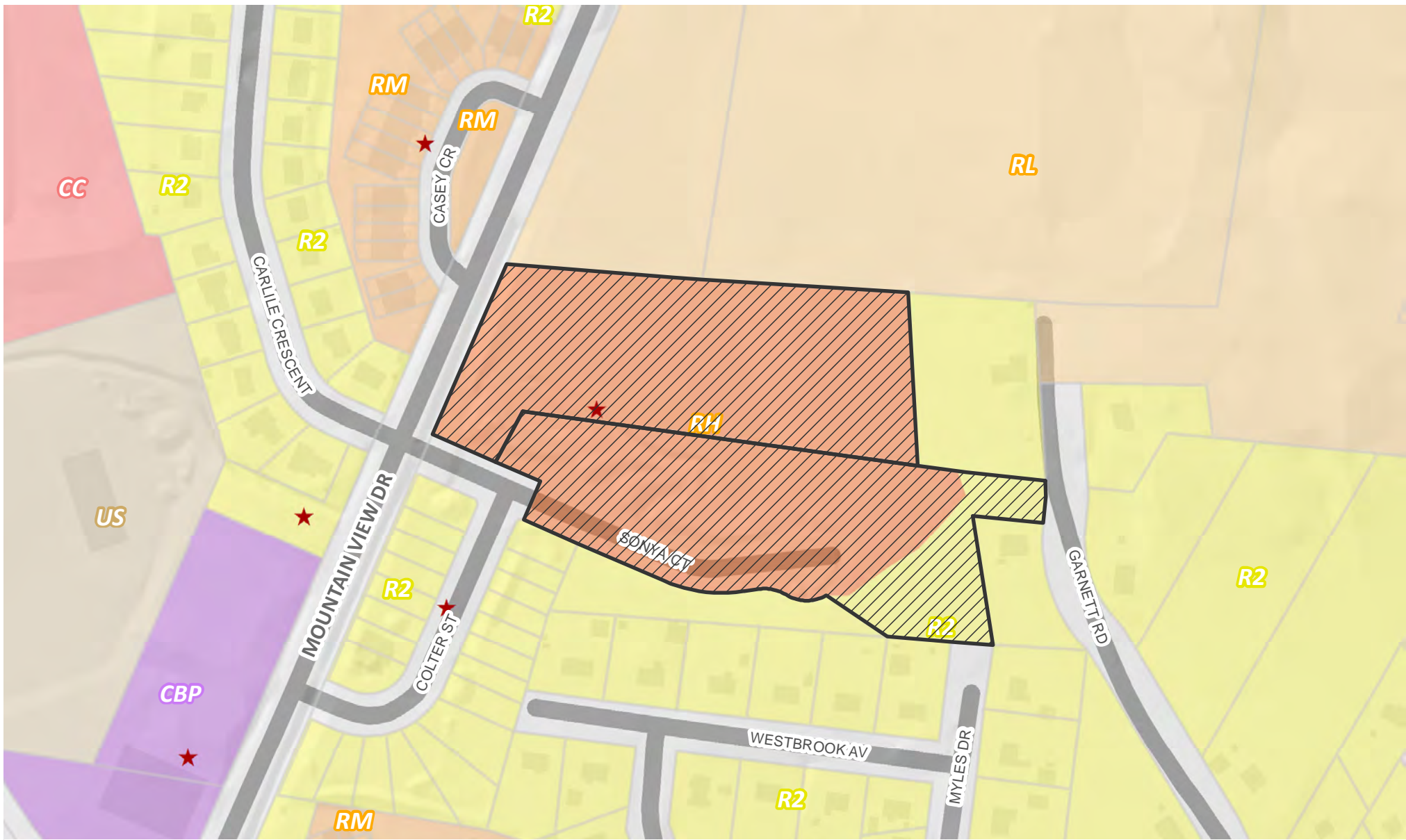
Map 1 - Site Location
Hughes Surveys - 40 Mountain View Drive





Map 2 - Future Land Use
Hughes Surveys - 40 Mountain View Drive



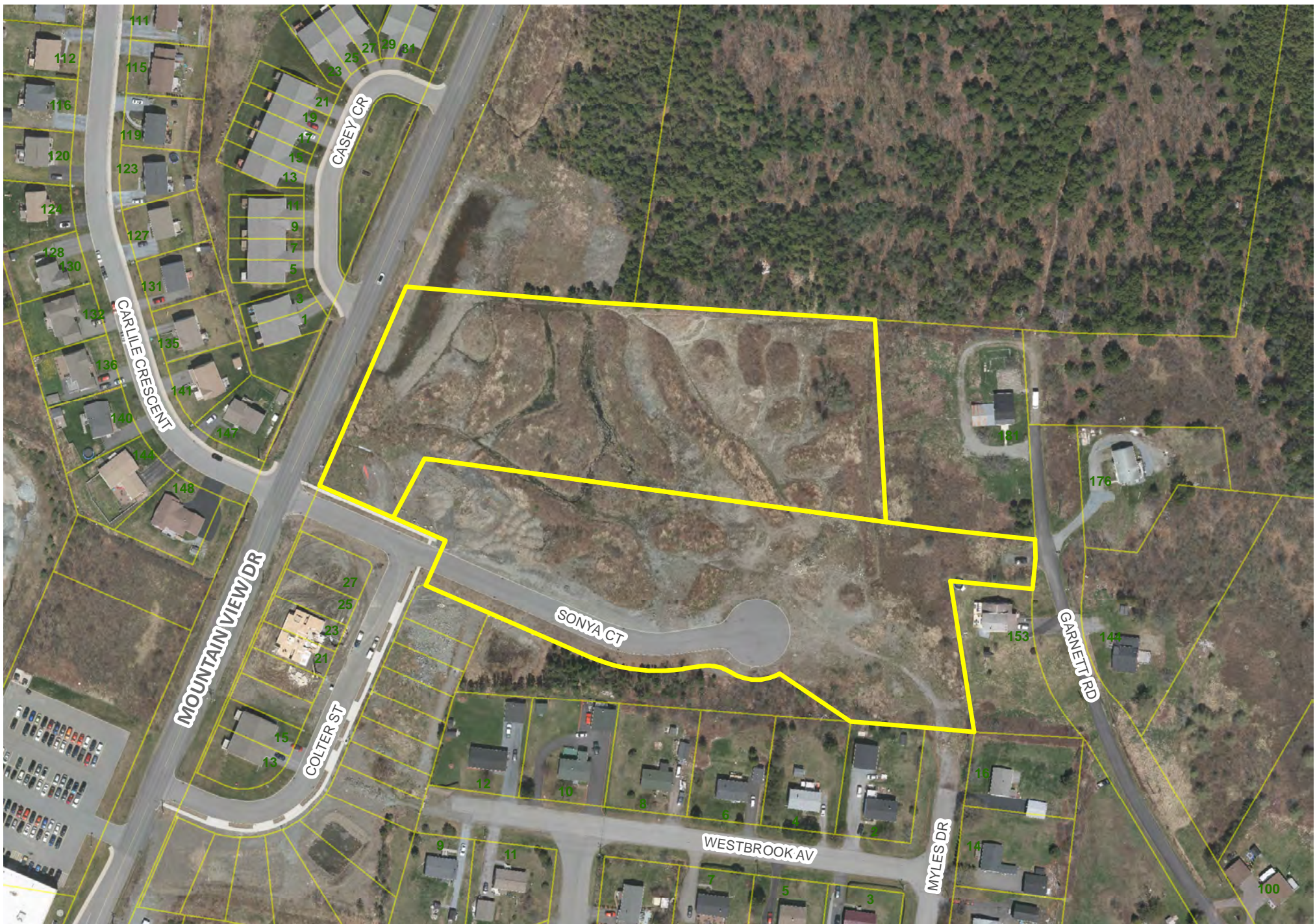


- (CBP) Business Park Commercial (RM) Mid-Rise Residential
- (CC) Corridor Commercial (US) Utility Service
- (R2) Two-Unit Residential
- (RH) High-Rise Residential
- (RL) Low-Rise Residential

★ Section 39 Conditions

Map 3 - Zoning

Hughes Surveys - 40 Mountain View Drive



Map 4 - Aerial Photography

Hughes Surveys - 40 Mountain View Drive

172

The City of Saint John
Date: January-22-19

0 50 m





Facing subject property from Sonya Crt and Mountain View Dr



Facing subject property from South East



Existing storm pond on adjacent LPP lands



Existing cul-de-sac on Sonya Court



Existing infrastructure north side of Sonya Court



Mountain View Dr (north)



Mountain View Dr (south)



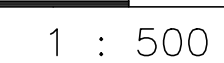
Myles Drive terminus

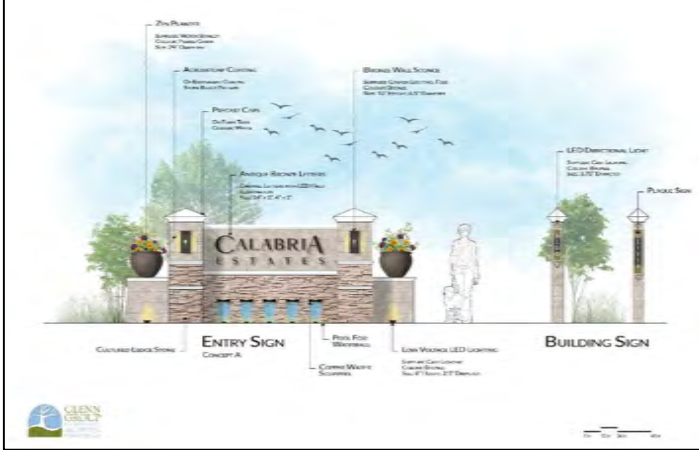
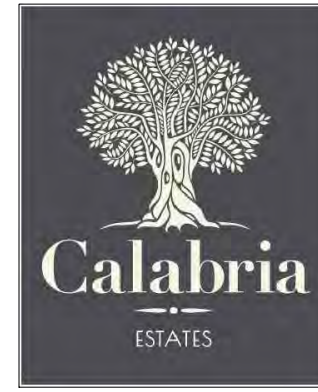
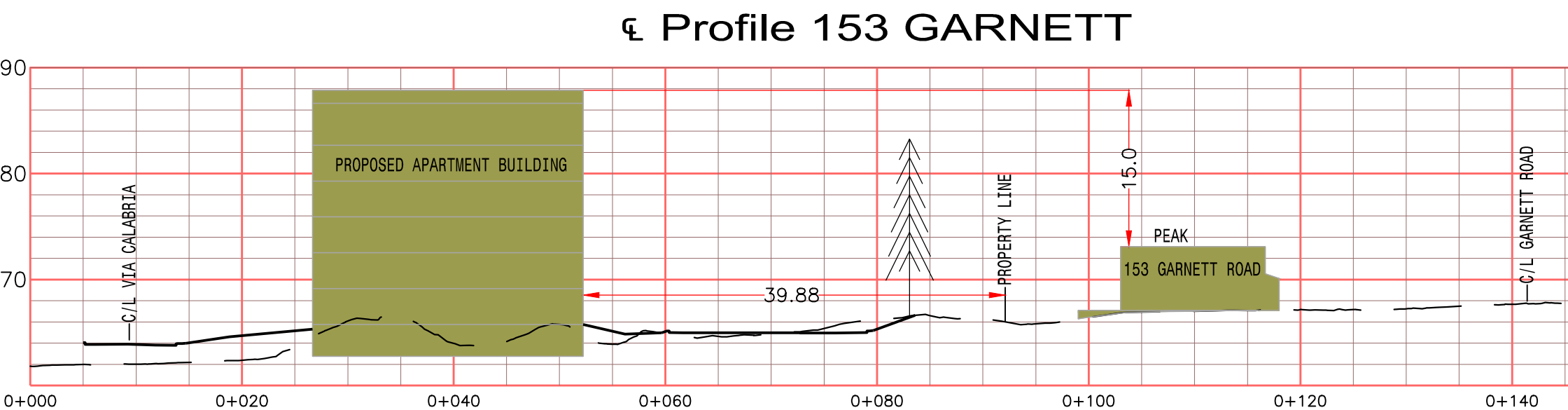
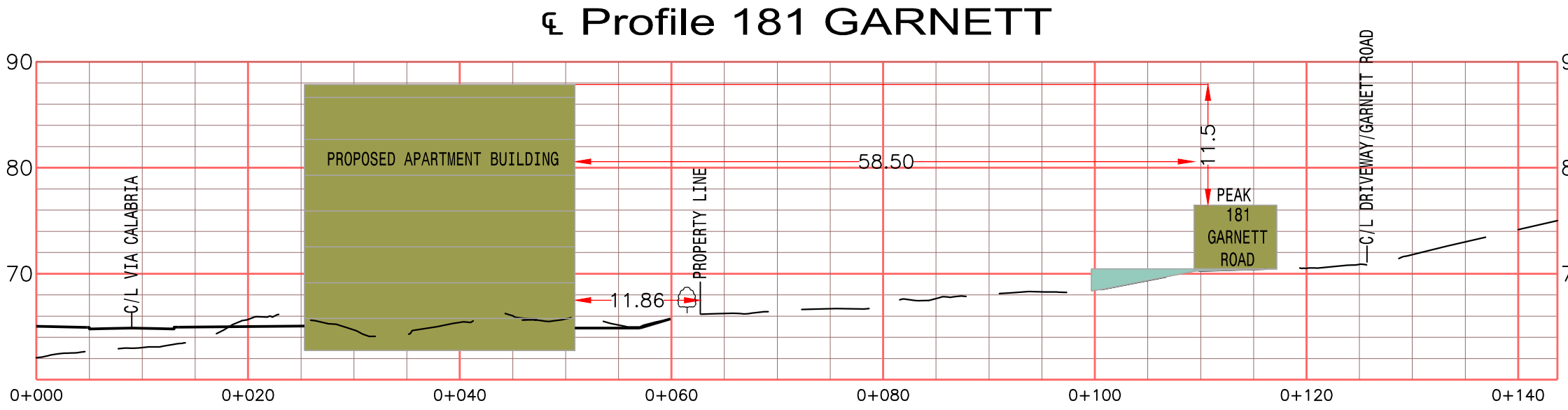
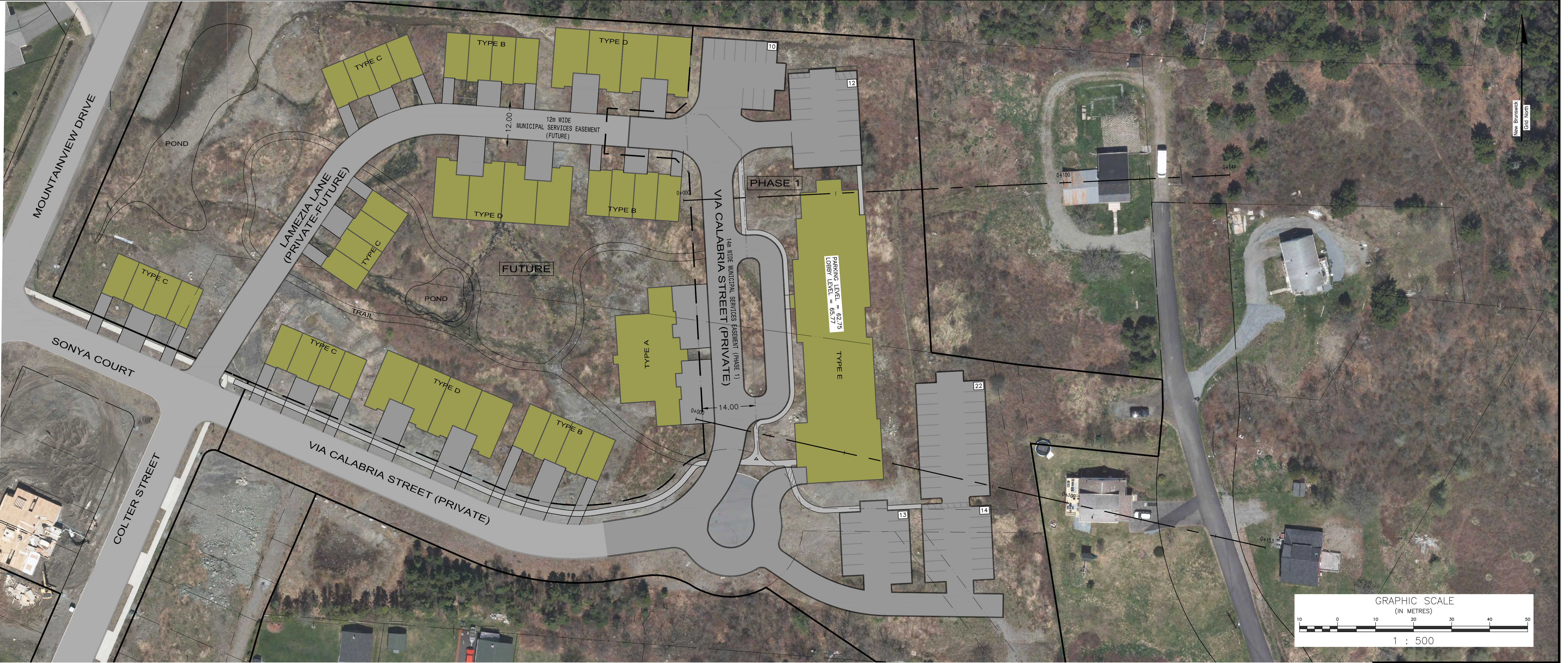


Myles Drive terminus



Public hydrant Myles Drive

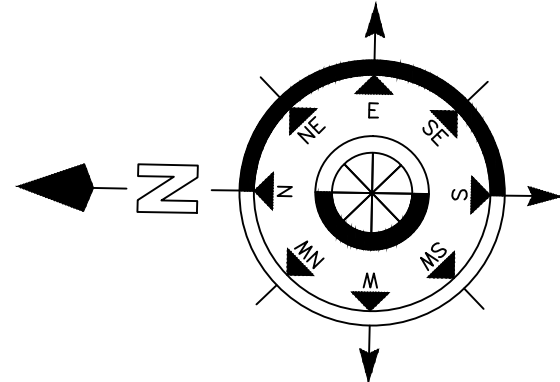




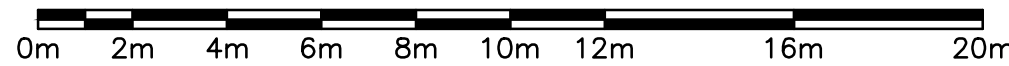
CONTEXT PLAN
Apartment Development
&
Garnett Road

27-FEBRUARY-2019
Sheet 2 of 3

Applicant Submission 3 - Landscaping Plan (East)



SCALE : 1:250



PRELIMINARY SAMPLE OF PROPOSED PLANTS

Trees and Shrubs		CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
		T86	4	Acer ginnala 'Flame'	Flame Amur Maple	100 mm	pot
		T177	15	Acer pseudoplatanus	Plaintree Maple	50 mm	wb
		T195	24	Acer rubrum 'Autumn Flame'	Autumn Flame Red Maple	50 mm	wb
		T215	1	Acer saccharinum	Silver Maple	50 mm	wb
		T229	1	Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple	50 mm	wb
		T374	54	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	2.5 m	pot
		T481	128	Berberis thunbergii 'Aurea Nana'	Dwarf Golden Barberry	30 cm	pot
		T487	95	Berberis thunbergii 'Royal Burgundy'	Royal Burgundy Barberry		
		T560	18	Betula papyrifera	Paper Birch	200 cm	wb
		T645	28	Buxus microphylla koreana 'Green Gem'	Green Gem Boxwood	30 cm	pot
		T1329	11	Clethra alnifolia 'Hummingbird'	Hummingbird Summersweet	50 cm	pot
		T1333	66	Clethra alnifolia 'Ruby Spice'	Ruby Spice Summersweet	50 cm	pot
		T1536	33	Cornus sericea 'Flaviramea'	Yellowtwig Dogwood	50 cm	pot
		T1359	9	Cornus alba 'Bud's Yellow'	Bud's Yellow Dogwood	50 cm	pot
		T2019	37	Daphne x burkwoodii	Burkwood Daphne	30 cm	pot
		T2416	4	Euonymus alatus 'Compactus'	Dwarf Burning Bush	50 cm	pot
		T3140	25	Hydrangea macrophylla 'Endless Summer'	Endless Summer Hydrangea	50 cm	pot
		T3174	4	Hydrangea paniculata	Lace Hydrangea	50 cm	pot
		T3338	52	Ilex verticillata 'Berry Poppins'	Berry Poppins Winterberry	40 cm	pot
		T3339	8	Ilex verticillata 'Mr. Poppins'	Mr Poppins Winterberry	40 cm	pot
		T4437	3	Magnolia stellata 'Centennial'	Centennial Magnolia	125 cm	pot
		T4598	2	Malus floribunda 'Makamiki'	Mamamiki Crabapple	45 mm	wb
		T4600	1	Malus floribunda 'Profusion'	Profusion Crabapple	45 mm	wb
		T4716	4	Microbiota decussata	Russian Cypress	20 cm	pot
		T5153	9	Picea glauca	White Spruce	150 cm	wb
		T5065	17	Physocarpus opulifolius 'Summer Wine'	Summer Wine Ninebark	50 cm	pot
		T5489	6	Pinus strobus	White Pine	150 cm	pot
		T6331	18	Rhododendron 'Purple Gem'	Purple Gem Rhododendron	30 cm	pot
		T6789	3	Robinia pseudoacacia 'Frisia'	Golden Locust	45 mm	wb
		T7511	1	Salix Matsudana 'Tortuosa'	Tortuosa Cork Screw Willow	45 cm	wb
		T7976	4	Spiraea nipinnica 'Snowmound'	Snowmound Spiraea	30 cm	pot
		T8044	33	Stephanandra incisa 'Crispa'	Cutleaf Stephanandra	30 cm	pot
		T8032	18	Spiraea x vanhouttei	Bridal Wreath Spiraea	50 cm	pot
		T8153	6	Syringia meyeri 'Palibin'	Palibin Dwarf Lilac	120 cm	pot
		T8289	14	Syringia vulgaris 'Klager's Dark'	Klager's Dark Lilac	100 cm	pot
		T8389	28	Taxus cuspidata 'Capitata'	Clipped Pyramidal Japanese Yew	100 cm	pot
		T9024	2	Weigela florida 'Variegata'	Variegated Weigela	50 cm	pot
<hr/>							
Perennials							
		P790	31	Calamagrostis x acutiflora 'Avalanche'	Avalanche Calamagrostis	1 litre	pot
		P1970	52	Hemerocallis hybrid 'Purple Sage'	Purple Sage Daylily	1 gal	pot
		P1955	314	Hemerocallis hybrid 'Atlas'	Atlas Daylily	1 gal	pot
		P1956	26	Hemerocallis hybrid 'Chicago Fire'	Chicago Fire Daylily	1 gal	pot
		P2015	102	Hemerocallis x hybrida 'Purple d'Oro'	Purple d'Oro Daylily	1 gal	pot
		P2202	32	Hemerocallis x hybrida 'Apple Tart'	Apple Tart Daylily	1 gal	pot
		P2355	14	Hosta 'August Moon'	August Moon Hosta	1 gal	pot
		P2394	92	Hosta 'Gold Edger'	Gold Edger Hosta	1 gal	pot

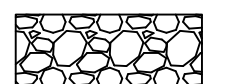
REVISIONS

No.	DESCRIPTION	DATE
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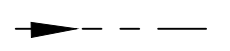
KEY MAP



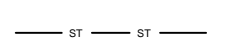
LEGEND



ROCK SWALE



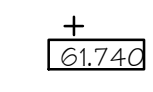
SWALE CENTRE LINE



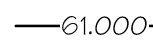
PROPOSED STORM LINE



NEW BENCH



PROPOSED SPOT ELEVATION



PROPOSED CONTOUR

EXISTING CONTOUR

EXISTING CONTOUR

DETAIL REFERENCE NODE



DETAIL NUMBER

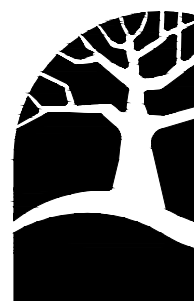


SHEET NUMBER

NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES.
2. FIELD SURVEY COMPLETED ON JAN. 29, 2002 BY HUGHES SURVEYS.
3. ALL COMPUTATIONS PERFORMED AND COORDINATES SHOWN ON THIS PLAN ARE BASED ON NEW BRUNSWICK STEREOGRAPHIC DOUBLE PROJECTION AND THE NAD 83 DATUM. ELEVATIONS AS REALIZED BY SERVICE NEW BRUNSWICK ADJUSTED CIRCUMFERE SURVEY MONUMENTS.
4. CONTOURS ARE GEODETIC DATUM IN METRES AND COLLECTED FROM LIDAR DATA PROVIDED BY GEONBC.
5. LOCATION AND TYPE OF UNDERGROUND SERVICES WERE DERIVED FROM VARIOUS SOURCES AND ARE APPROXIMATE ONLY. ACTUAL LOCATION SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITY.
6. ROAD DISTANCES TO LANDSCAPE ARCHITECT.
7. ALL DIMENSIONS, MEASURED FACE TO FACE.
8. RESTORE ALL DISTURBED AREAS TO ORIGINAL CONDITIONS OR BETTER.

STAMP



**GLENN
GROUP** LTD
LANDSCAPE
ARCHITECTS &
PARK PLANNERS
PH: (506)455-2473
FAX: (506)459-2685

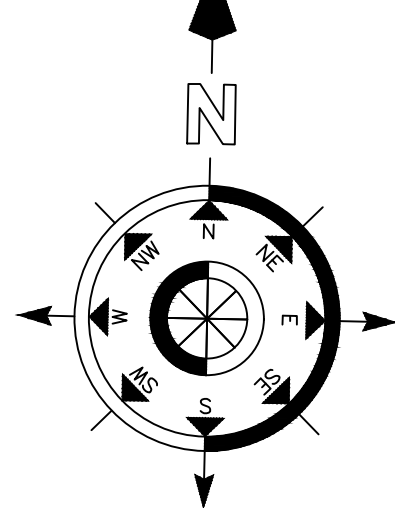
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CALABRIA ESTATES
SAINT JOHN , NB

DRAWING NAME

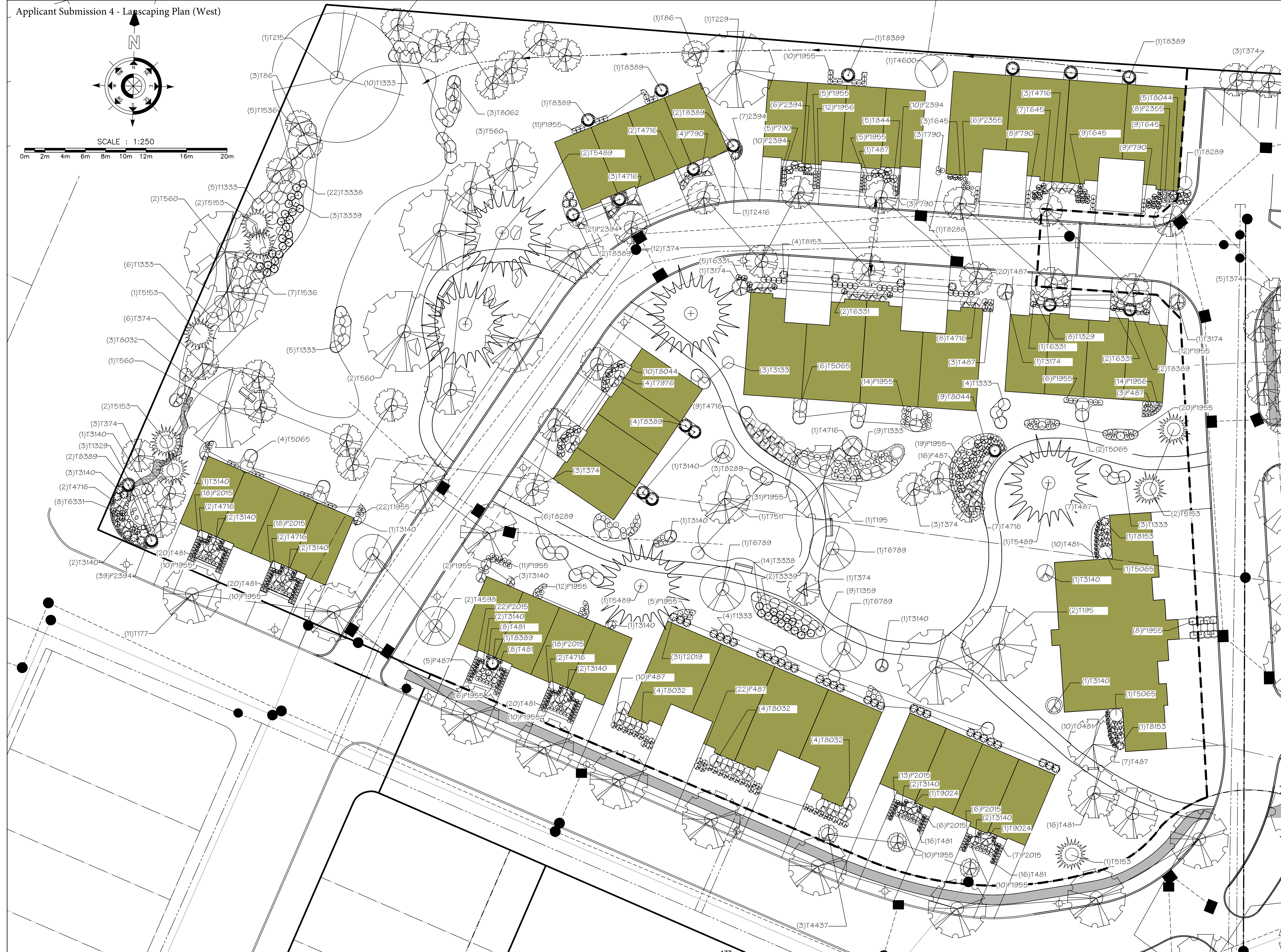
LANDSCAPE PLAN

DATE PRINTED: 3.8.2019	DESIGNED BY: DKG, BP
DRAWN BY: MB	CHECKED BY: DKG
CLIENT PROJECT No.:	GG PROJECT NO: 1902
SCALE: 1:250	DATE: 01.03.2019
SHEET NUMBER L4	



SCALE : 1:250

0m 2m 4m 6m 8m 10m 12m 16m 20m



REVISIONS

No.	DESCRIPTION	DATE
1	ISSUED FOR REVIEW	01.03.2019

KEY MAP



LEGEND

	ROCK SWALE
	SWALE CENTRE LINE
	PROPOSED STORM LINE
	NEW BENCH
	PROPOSED SPOT ELEVATION
	PROPOSED CONTOUR
	EXISTING CONTOUR

DETAIL REFERENCE NODE

	DETAIL NUMBER
	SHEET NUMBER

NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES.
2. FIELD SURVEY COMPLETED ON JAN. 29, 2002 BY HUGHES SURVEYS.
3. ALL COMPUTATIONS PERFORMED AND COORDINATES SHOWN ON THIS PLAN ARE BASED ON NEW BRUNSWICK STEREOGRAPHIC DOUBLE PROJECTION AND THE NAD83(CGRS) ELLIPSOID AS REALIZED BY SERVICE NEW BRUNSWICK ADJUSTED COORDINATE SURVEY MONUMENTS.
4. CONTOURS ARE GEODETIC DATUM IN METRES AND COLLECTED FROM LIDAR DATA PROVIDED BY GEONB.CA
5. LOCATION AND SIZE OF UNDERGROUND SERVICES WERE DERIVED FROM VARIOUS SOURCES AND ARE APPROXIMATE ONLY. ACTUAL LOCATION SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITY.
6. REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT.
7. ALL DIMENSIONS, MEASURED FACE TO FACE.
8. RESTORE ALL DISTURBED AREAS TO ORIGINAL CONDITIONS OR BETTER.

STAMP



PROJECT TITLE

CALABRIA ESTATES
SAINT JOHN , NB

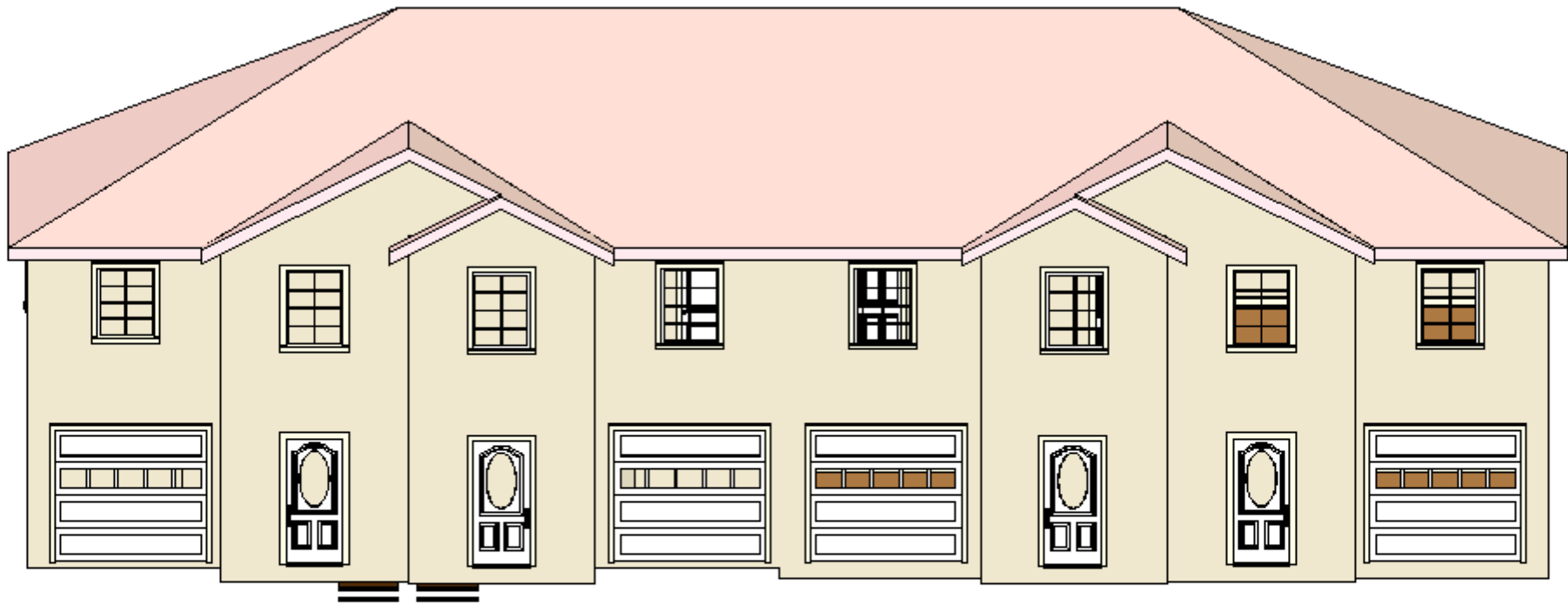
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LANDSCAPE PLAN

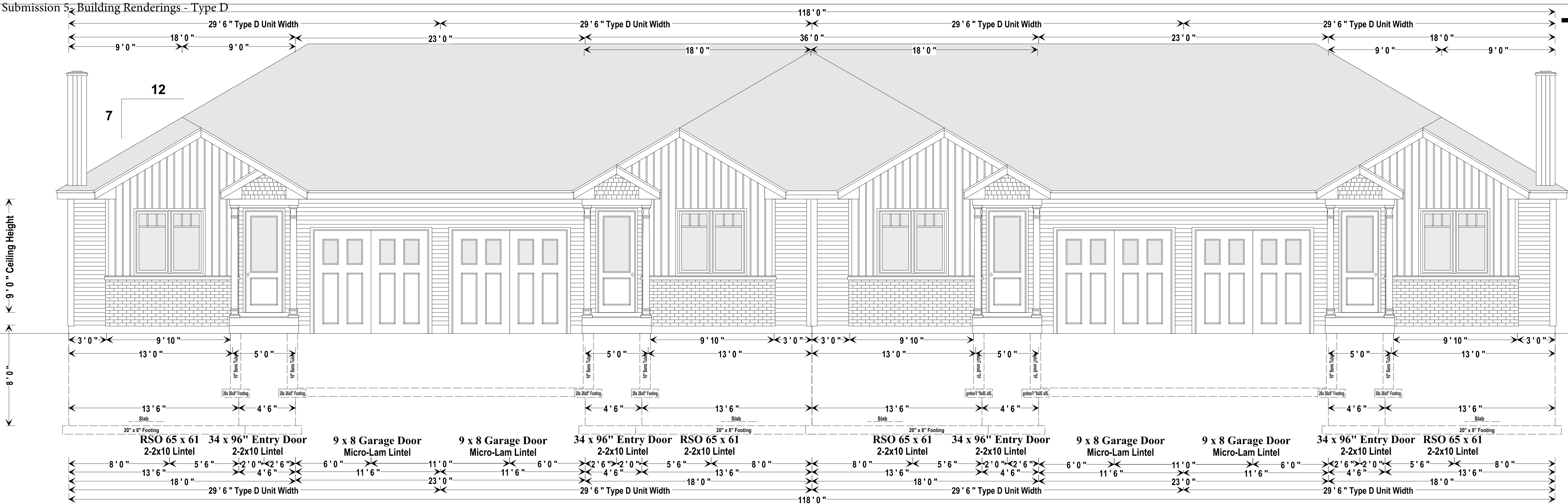
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DRAWN BY: MB	CHECKED BY: DKG
CLIENT PROJECT No.:	GG PROJECT NO: 1902
SCALE: 1:250	DATE: 01.03.2019
SHEET NUMBER L3	

Applicant Submission 5- Building Renderings - Type A









Type D
Front

Of: 6

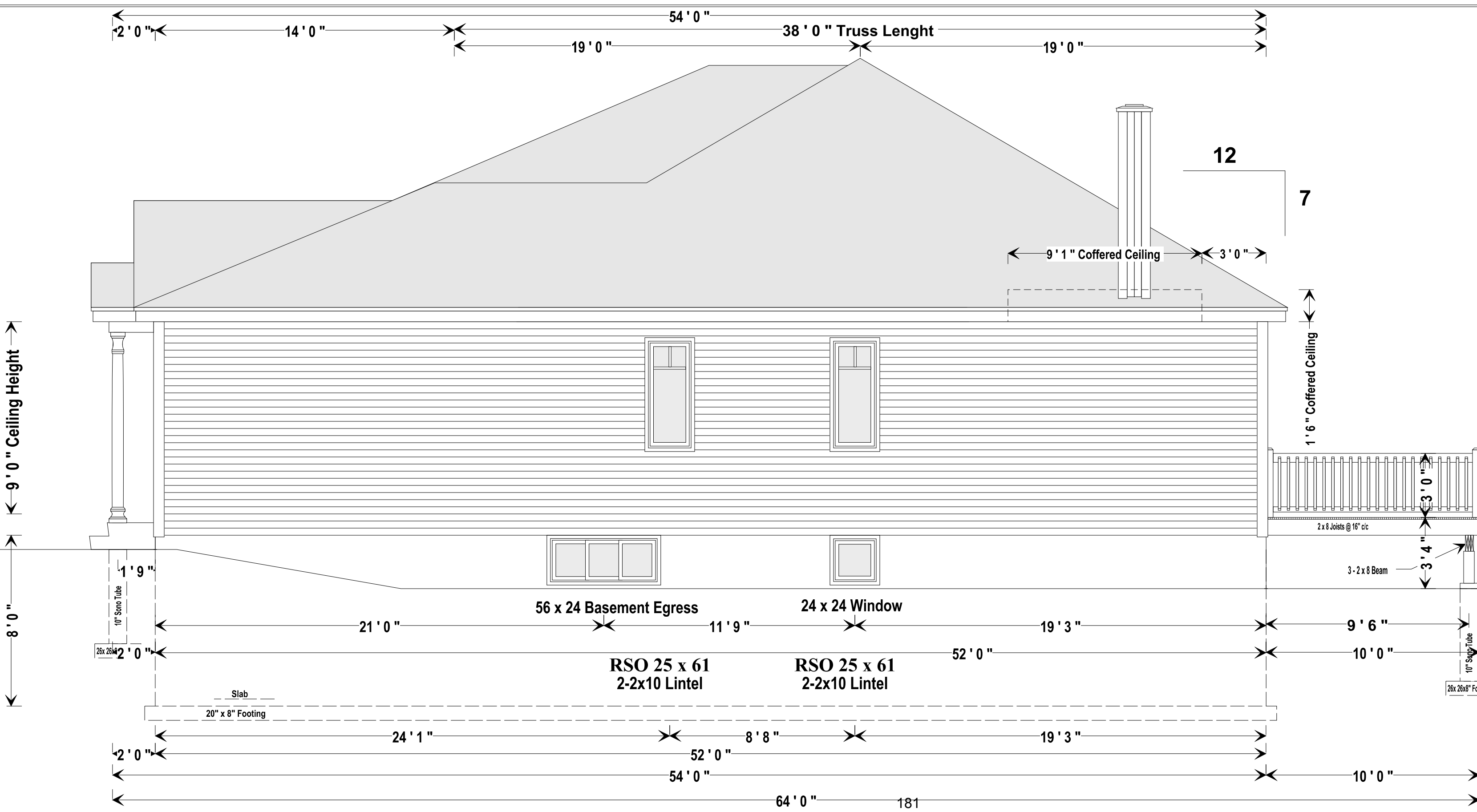
Page: 1

Date: Nov. 26, 2018

Drawing: Front & Side 1

For Date: Calabria Estates - Homes "TYPE - D"

Scale: 1/4" = 1' - 0"



Side 1

Living Area = 1,087 ft²
Garage Area = 272 ft²



CALABRIA PLACE

FRONT ELEVATION

ROBERT L. BOYCE, ARCHITECT



Calabria Estates Proposal

By 048367 N. B. Ltd.

This is to introduce *Calabria Estates* (pronounced Ca.leb.ria), named after the Calabria Region in Italy, which will soon become one of Saint John's premier developments. It will see PID 00313429 and 00426452 developed following a strict development concept in accordance with a proposal committed to by the developer. The landscaping concept provided commits to a strong focus on landscaping for this premier development that goes well beyond City bylaw requirements.

External control of the development concepts will be through the acceptance of the project under an Integrated Development (ID) zoning designation. Many of the developments concepts are explained below.

STREET AND SERVICING STANDARDS

Via Calabria Street (Sonya Extension)

This section, from the existing public portion of Sonya Court to the cul-de-sac, is proposed to be built to match the existing developed portion of Sonya Court. The cross section will match that shown in S045-300 of the City of Saint John General Specifications and will have full curb, grassed median and sidewalk.

Lamezia Lane (North – South Section)

The section of Lamezia Lane extending northward from the cul-de-sac is proposed to have an 8m wide driving surface. It will be curbed and will have a median and sidewalk on the eastern side of the street. Pavement structure, curb and sidewalks are to be to City standards for local streets.

Lamezia Lane (East - West Section)

This section of Lamezia Lane is proposed to have an 8m wide driving surface. It will be curbed but there will be no sidewalk. With the amount of driveways and the presence of the interior walkways, sidewalks are not seen as necessary. Pavement structure and curbing are to be to City standards for local streets.

Pedestrian and Emergency Access to Myles Drive

This is proposed to be 6m wide and will be curbed from the cul-de-sac up to the end of the parking lots. Beyond that no curbing is proposed. There will be a gate just past the end of the curbing and entrance to the last parking lot.

STORM WATER MANAGEMENT PLAN

The SWMP assumes that approximately 90% of the site storm water will be detained in a pond at the bottom of the slope fronting Mountain View. The remaining 10% of the site is located above the cul-de-sac on Sonya. This upper area consists mostly of surface parking. The surface parking will be engineered to detain storm water within the three terraced parking lots and storm pipes. If additional parking is required a portion or all of the area designated as “Future Parking Area” will be engineered and constructed to detain storm water.

The intention is to have the pond as an attractive landscape feature. The pond depth will be limited to 0.6m except in central areas where pools will be located to facilitate a floating fountain which serves to aerate the pond to minimize algae growth. A small detention pond is also planned for the landscaped courtyard area to detain a small amount of water and serve primarily as a landscape focal point. An overflow pipe will direct water to the lower larger detention pond. All storm water on Lamezia will be diverted through storm structures to the lower detention pond. A decorative recirculating waterfall/pond feature is planned as part of the entry sign experience.

The slopes and depth of water are such that a barrier fence is unwarranted.

ENTRANCE GATES

Gates at the west end of Lamenzia Lane will be controlled by an onsite manager that the City can call to gain access or the gates can be open on scheduled maintenance days. The gateway is a design element to enhance the main entrance and provide a sense of place. Unobstructed access to the townhouse area will be open to traffic from the opposite end of Lamenzia Lane at its intersection with Via Calabria Street. .

FUTURE PARKING

The concept plan shows an area designated as “Future parking if required”. Until the project is underway and the market is identified it is difficult to establish what the parking demand will be. The developer requires the flexibility to add future parking if the project demands it.

LANDSCAPING

The landscaping concept provided commits to a strong focus on landscaping for the proposed premier development that goes well beyond City bylaw requirements. The preliminary planting list shown on the submitted Landscaping Plans for **Calabria Estates** is intended to be an example of the quality and atmosphere the developer envisages and is committed to.

PREPARED BY
HUGHES SURVEYS &
CONSULTANTS INC.

AREA IMPROVEMENTS

The developer has raised a number of concerns that they respectfully request the City to consider participating in making some of site improvements to enhance the neighbourhood. They relate to improvements that will enhance the intensification area in general and support the developer's project. Since the Forest Hills area is a designated intensification area these improvements and the proponents project will be a catalyst for future development of other lands in the area.

Timeframes have been assigned based on the developers projected construction schedule so the City can consider it in their capital budgets for future years. This is proposed so City staff can review the request and formulate a resolution in their recommendations to Council.

Item	Proposed Improvement	Responsible Party	Suggested Timeframe	Note
1	Dog Park on Land for Public Purposes for neighbourhood usage.	City to build based on agreed to plans and development would be responsible for on-going maintenance.	Fall 2020	
2	Signage and landscaping of intersection of Mountain View Drive and McAllister Drive to identify the Forest Hills community and reflect its sense of quality.	City	Summer 2019 when Colter Street model homes are ready.	Building permits have been applied for.
3	Sidewalks and burial of power lines on Mountain View Dr along northern boundary of our property starting at Sonya Ct.	City	Fall 2020	
4	City to pick up the garbage for the townhouses area only as has been the practice for other similar planned community developments in the City of Saint John.	City	At completion of each four unit townhouse block.	Apartments buildings are not included in this request.

TIMING OF SITE PREPARATION

To ensure a timely construction of the main apartment building the developer will work with City staff to determine when pre-approval site preparation can commence under the present approvals that exist for the site. Subsurface conditions are shale rock in some areas where excavation will be up to 2 metres deep. The optimum time to do the rock excavation is now since winter weather conditions do not hinder progress.

The merits to allowing pre-approval site preparation are as follows:

- The developer will be able to plan a construction schedule that will avoid harsh weather conditions at critical stages later in the project (ex: being closed in prior to next fall/winter) ;
- The most disruptive work, site rock excavation, can take place during the time of year when most neighbours are less likely to be engaged in outside activities.
- This will optimize the timing to bring the main structure to market and allow it to be included in the assessment role at the soonest time possible;
- It will be putting civil contractors to work during a time when many of their staff are off work due to seasonal conditions;
- Transporting of material to be removed from the site can take place prior to weight restrictions being imposed.

If excavation in accordance with City bylaws under the present approval can be expedited the developer is prepared to take out a building permit for excavation only for a four storey apartment building. The building will have the same footprint as is set out in the present application.

The developer recognizes there is a chance that the present proposal may not get approved but the advantage of having site work started now can work for either scenario, under the present approvals or the new proposal if approved. From the developers standpoint the advantages out-weigh the risk.

We look forward to working with staff to advance the timely dispatch and success of the project.

Respectfully submitted

HUGHES SURVEYS & CONSULTANTS INC.



Richard Turner

Appendix A - Decision History

On April 23, 2012, it was resolved that as recommended by the Committee of the Whole, having met on April 23, 2012, the City Solicitor be directed to prepare an appropriate agreement between the City and North Star Holdings Ltd. to articulate the responsibility of both parties with respect to the construction of municipal infrastructure related to the development of 40 Mountain View Drive comprising 5.6 hectares and that the Mayor and Common Clerk be authorized to execute said agreement reflective of the following terms and conditions:

- The City is to upfront all costs directly related to the sanitary lift station servicing the 26.1 hectare site, as identified in the City Manager's report to Committee of the Whole (Closed Session) dated June 17th, 2011.
- North Star Holdings Ltd. is to assume all responsibility for the costs associated with storm water management infrastructure for the Project, as identified in City Manager's report to Committee of the Whole (Closed Session) dated June 17th, 2011.
- Provided that it is determined that the City has authority to impose and does, in fact, impose a levy to recover the costs incurred by the City with respect to the design and construction of the Sanitary Lift Station, such levy shall be calculated in accordance with the following formula: Total cost divided by area of drainage basin equals levy per gross hectare developed.
- Notwithstanding the City's previous program of development financial incentives or any future development financial assistance programs, the parties agree that:
 - The City will pay a materials rebate to North Star Holdings Ltd. as per the practice in place on June 21, 2010 under the Subdivision By-law, as it then existed, for all eligible costs associated with the Project.
 - Residential Infrastructure Assistance ("RIA") costs will be paid by the City to North Star Holdings Ltd. in accordance with the practice in place on June 21, 2010 to a maximum of/not to exceed \$50,000.
 - The City will forgive North Star Holdings Ltd. of paying any levy, if collected in the future, for the Project.
 - In return, North Star Holdings Ltd. will surrender any and all rights to any additional assistance from the City under any existing or future development financial assistance programs for the Project.
- Provided that it is determined that the City has authority to impose and does, in fact, impose a levy to recover the costs incurred by the City with respect to the design and construction of the Sanitary Lift Station, North Star Holdings Ltd. shall be obligated to pay such levy in respect of lands falling outside the bounds of the Project.
- North Star Holdings Ltd. will coordinate and execute all of the work required for the design and construction of the Sanitary Lift Station and the City will not assume ownership of the Sanitary Lift Station until the work is completed in a manner satisfactory to the Chief City Engineer or his designate.

On January 18, 2010, it was resolved that Common Council amend the Section 39 conditions imposed on the September 15, 2008 rezoning of the property located at 40 Mountain View Drive, also identified as PID numbers 00313429 and 00426452, to read as follows:

The development and use of the parcel of land rezoned to "RM -2" High Rise Multiple Residential, located on the north side of proposed Cooper Court (to be renamed), with an area of approximately 2.4 hectares, being proposed Lot 08-1, also identified as being

portions of PID numbers 313429 and 426452, is subject to the following terms and conditions:

- The use of Lot 08-1 is limited to a maximum of four separate buildings containing a total maximum of 167 dwelling units and maximum height of four storeys, together with associated amenity areas and parking facilities;
- The developer must design and implement a detailed site drainage plan/brief, subject to the approval of the Chief City Engineer or his designate, indicating the manner in which storm water collection and disposal will be handled;
- The developer must complete an engineering water and sewer analysis in order to determine the impact this development will have on the existing water and sewer infrastructure and also to ensure that this proposal does not exceed current capacity of existing systems;
- The developer must provide a traffic study demonstrating that the existing street network can accommodate the volume of traffic anticipated as a result of the development, or appropriate infrastructure improvements be implemented at the expense of the developer to the satisfaction of the Chief City Engineer or his designate;
- The developer must pave all parking areas, loading areas, manoeuvring areas and driveways with asphalt and enclose them with cast-in-place concrete curbs to protect the landscaped areas and to facilitate proper drainage;
- The developer must provide all utilities underground on the site;
- The developer must landscape all disturbed areas of the site not occupied by buildings, driveways, walkways and parking areas;
- The site shall not be developed except in accordance with a detailed site plan, landscaping plan and building elevation plans, prepared by the developer and subject to the approval of the Development Officer, indicating the location of all buildings, parking areas, driveways, loading areas, signs, exterior lighting, exterior building materials and finishes, landscaped areas and other site features;
- The approved plans mentioned in conditions (b) and (h) must be attached to the application for building permit for the development, except that such plans are not required for permit applications for site preparation;
- All site improvements (excluding landscaping), street work and extensions of municipal services and utilities must be completed prior to the occupation of any building on the site; and the landscaping must be completed within one year of building permit approval;
- All vehicular access to Lot 08-01 shall be oriented exclusively toward Mountain View Drive and not toward Garnett Road

On September 15, 2008, Common Council gave Third Reading to the rezoning with additional Section 39 conditions that were formulated to address concerns expressed by the ratepayers associations.

On July 29, 2008 the Planning Advisory Committee considered an application to undertake a residential subdivision development consisting of two-family dwellings and multiple-unit condominium apartment buildings at 40 Mountain View Drive. This proposal required a rezoning from "RS -2" One and Two Family Suburban Residential to "RM -2" High Rise Multiple Residential and "R-2" One and Two Family Residential as well as approval of a dwelling group as a conditional use, subdivision and variances to increase the maximum permitted number of driveways onto the proposed Colter Street.

Staff recommended approval of the proposed development with a number of conditions. The Planning Advisory Committee recommended approval of the rezoning with the conditions recommended by staff, but also included recommendations that all vehicular access to proposed Lot 08-1 be oriented exclusively toward Mountain View Drive rather than Garnett Road and that Third Reading be withheld until such time as a traffic study was completed. Due to concerns regarding the proposed streets and connection of the development to Westbrook Avenue and Garnett Road, the Committee recommended that Council not approve the proposed Forest Hills Estates Subdivision, Phase 4 Subdivision Plan.

At the Public Hearing of August 5, 2008 Common Council tabled the proposed rezoning until August 18, 2008 so that staff could arrange a meeting between the applicant, North Star Holdings Ltd. represented by Bob Darling, and the two ratepayer's associations in the surrounding area. Staff facilitated a meeting with the ratepayer's associations and the developer on August 12, 2008 and a draft consensus emerged at the conclusion of the meeting. After meeting with their membership on August 14, 2008, the ratepayer's associations provided the Commissioner of Planning and Development with written acknowledgement of their agreement with the following consensus position:

A revised development proposal will be provided showing the following:

- *No change to any of the zoning lines.*
- *No connection from the proposed Colter Street to Garnett Road.*
- *No connection from Westbrook Avenue to Mountain View Drive.*
- *No connection from Myles Drive to Colter Street.*
- *In place of the extension of Westbrook Avenue, a new street will extend from Colter Street south and then west to Mountain View Drive. The land fronting on this street will be rezoned to R2 with this proposal by the parties acknowledge the developer's intent to seek rezoning of this property to accommodate future townhouse development.*
- *Colter Street will extend east from Mountain View Drive and terminate in a cul de sac east of the proposed development.*
- *All other elements of the proposal are to be carried forward from the proposal originally submitted for rezoning including the specific construction proposed.*

The developer will provide the following buffering and landscaping:

- *Appropriate landscaping and/or wood fencing will be provided adjacent to lots 6 and 9 Westbrook Avenue (civic nos. 9 and 12). If fencing is provided, it will be located on the Westbrook Avenue properties and those property owners will be responsible for all maintenance and future capital costs.*
- *The southern boundary of the subject property from Mountain View Drive to the southwestern corner of the property at 9 Westbrook Avenue (abutting the northern boundary of Scottish Enterprises Limited and Loch Lomond Holdings Limited) will be landscaped with an earthen berm and landscaping on top of the berm.*
- *All landscaping and buffering plans shall be subject to the approval of the Development Officer of the City of Saint John.*

The parties acknowledge that the City of Saint John has not formally reviewed this revised proposal and it has not been referred to other agencies for comment. City staff will provide a professional recommendation to Council on the revised proposal after concluding this review which may or may not support the revised application.

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 subdivsion 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,

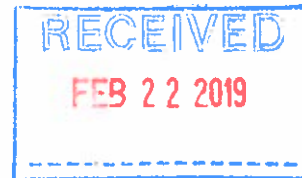


Doug Maclean

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 .

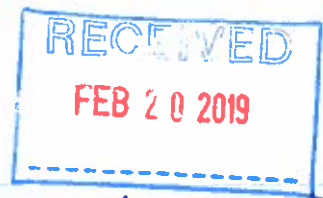
Dog Parks are normally part of larger recreational areas (ie. SJ Dog Park – Hawthorne Ave. Ext., Chown Field-Paul Harris Street, Little River Reservoir Park, and other options are Rockwood Park and Irving Nature Park.) These Dog Parks are not directly adjacent to residential lots where a group of dogs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

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

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





12 Westbrook Avenue
Saint John, NB
E2J 3B2
March 15, 2019

Planning Advisory Committee
c/o City of Saint John
Growth and Community Development Services
P.O. Box 1971
Saint John, NB
E2I 4L1

Att: Planning Advisory Committee

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,

John & Deborah McAulay

1903190523

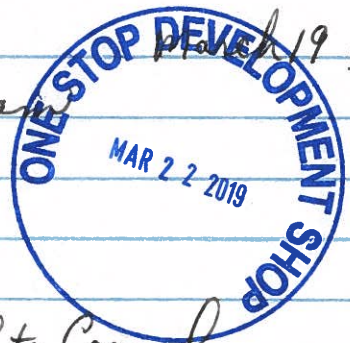
3757 B3K



Planning Advisory Committee
City of Saint John
Town and Community Development Services
P.O. Box 1971
Saint John NB
A1L 4L1

N AMENDMENT - 40 MOUNTAIN VIEW DRIVE

From David & Darlene Cunningham
4 Westbrook Ave
E253B2



March 19, 2019

To Planning advisory Committee & City Council

This letter is about the rezone of
40 Mountain View Drive

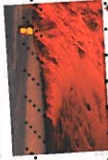
Living at 4 Westbrook Avenue for 40 yrs. has been good. We have lived with water running across the back yard all this time. This problem has increased when Mr. Darling removed top soil from his lot, he also cut down most of the trees. We were glad that he left 20' tree line but it did not help with the water problem.

1. I would hope the 20' tree line will remain, or add to it.
2. Put Drain line behind Westbrook Ave.
3. The Apartment building remain at 4 stories
4. Low density residential; not medium density
5. No Dog Park.
6. Does gated community mean fence all around?

Darlene Cunningham
David Cunningham

1903210450

3757 B3K



CANADA

visory Committee c/o

John,

207

+ Community Development Services

Box 1971 Saint John N.B.

E2L 4L1

From: [onestop](#)
To: [Burgess, Aimee](#)
Subject: FW: 40 mountain road
Date: March-14-19 4:16:59 PM

Paula Hawkins
One Stop Development Shop
Permitting & Inspection Services
10th floor – City Hall
Saint John, NB E2L 4L1
(506)658-2911
paula.hawkins@saintjohn.ca
onestop@saintjohn.ca

From: Valeen Aubin [mailto:valeen18@hotmail.com]
Sent: March-14-19 2:31 PM
To: onestop
Subject: Re: 40 mountain road

Sorry I forgot to include my name
Thank you
Valeen Aubin

From: Valeen Aubin <valeen18@hotmail.com>
Sent: March 14, 2019 2:25:51 PM
To: onestop@saintjohn.ca
Subject: 40 mountain road

To whom it may concern,
I am a resident of Garnett Road and can not make it to the meeting due to working night shift. I have a very big concern about this project we just moved here to Saint John back in May of last year. We came from the country and wanted to buy a house here in the city. We looked at a few different places and nothing fit until we seen this house here on 181 Garnet Road. We fell in love with how quiet it was how much it felt like you still lived in the country but had amazing city views. We plan on raising a family here because of the country feel and the convenience of living in the city, these apartment and townhouses would ruin everything, there would be no more privacy, no more amazing views at all, No More Country feel. I sure do not want to be out around my yard and looking into the backs of these apartment buildings/townhouses, that's not why I moved to Saint John, that is not why I bought this piece of property. This street is a very close-knit community I know when we first initially looked into buying this property we were told a long time ago that they tried to build on that land that is for sale and all of the neighbors got together and put a hold on it because we all know what this little tiny Road has to offer.

I know about a month ago or so they were here digging giant test holes to test the soil I'm assuming it's the same company and I do not appreciate that they were digging on part of my land I even called the city to put in a complaint and they were going to look into it (and by the

way I did not hear anything back). If they are getting away with things like this what are they going to do when and if they build here on this property. I went out and was even trying to talk to the people that were here working on my property they wouldn't even come near me so I told them to get off of my land which they did but they had no right to be on my land. I really hope these plans do not go through I do not want to lose my little piece of heaven here in the city. We love it here

From: [onestop](#)
To: [Burgess, Aimee](#); [Reid, Andy \(Planning\)](#)
Subject: FW: 40 Mountain rd development
Date: March-27-19 9:41:22 AM

This was an email that came in yesterday at 3pm

Paula Hawkins
One Stop Development Shop
Permitting & Inspection Services
10th floor – City Hall
Saint John, NB E2L 4L1
(506)658-2911
paula.hawkins@saintjohn.ca
onestop@saintjohn.ca

From: Samantha Aubin [<mailto:samaubin2014@gmail.com>]
Sent: March-26-19 3:06 PM
To: onestop
Subject: 40 Mountain rd development

To whom it may concern,

I am a resident of 181 Garnett Rd and can not make it to the meet tonight as planned. I do NOT approve the opposed build... My wife and I bought our home last May and we bought this property solely on the amazing city views and privacy we have... I do not want that view obstructed by a huge 6 story apartment building and town houses... There are so many more lots available in the city to build something this big that wouldn't obstruct any residents views., For one example, Consumers Drive... I am aware that this was tried before and was shut down and I have hopes that it again gets shut down tonight!!!

Thank you for your time.
Sincerely,

Samantha Aubin

LOCATION	CIVIC ADDRESS :	40 Mountain View Drive	PID # :	PID 00313429 and 00426452	
STAFF USE	HERITAGE AREA: Y / N	INTENSIFICATION AREA: Y / N	FLOOD RISK AREA:	Jan. 16, 2019	
	APPLICATION #:	19-0011	DATE RECEIVED:	Aimee and Andrew	
			RECEIVED BY:		
APPLICANT INFORMATION	APPLICANT Hughes Surveys & Consultants Inc. on behalf of 048367 N. B. Ltd.		EMAIL rick.turner@hughessurveys & Consultants Inc.	PHONE 506-634-1717	
	MAILING ADDRESS		POSTAL CODE		
	575 Crown Street, Saint John , NB E2L 5E9				
	CONTRACTOR /DEVELOPER		EMAIL	PHONE	
	048367 N. B. Ltd.		jprocca@nbnet.nb.ca	506-647-2660	
	MAILING ADDRESS		POSTAL CODE		
048367 N. B. Ltd. C/O Hughes Surveys & Consultants Inc, 575 Crown Street, Saint John , NB E2L 5E9					
APPLICANT INFORMATION	OWNER		EMAIL	PHONE	
	048367 N. B. Ltd.		jprocca@nbnet.nb.ca	506-647-2660	
	MAILING ADDRESS		POSTAL CODE		
	048367 N. B. Ltd. C/O Hughes Surveys & Consultants Inc, 575 Crown Street, Saint John , NB E2L 5E9				
PRESENT USE: Residential		PROPOSED USE: Residential			
CHECK ALL THAT APPLY	BUILDING		PLANNING	INFRASTRUCTURE	HERITAGE
	<input checked="" 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		<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> PAC APPLICATION <input checked="" type="checkbox"/> COUNCIL APP <input checked="" 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
DESCRIPTION OF WORK	This application is for the purposes of proposing amending the Municipal Plan designation from <i>Low Density Residential</i> to <i>Low to Medium Density Residential</i> . It is also proposed to rezone the subject properties from <i>High Rise Residential</i> and <i>Two-Unit Residential Zones</i> to <i>Integrated Development (ID) Zone</i> . Additional detail is provided in the Council application for rezoning.				

☐ 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 1E5
 (506) 639-2662



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.

Hughes Surveys & Consultants Inc, on behalf
 of 048367 N. B. Ltd. - Richard Turner

048367 NB Ltd. - Represented by John P. Rocca

Applicant Name

Owners Authorization

Applicant Signature

Owners Signature

Date

Date



HUGHES SURVEYS & CONSULTANTS INC.

NB LAND SURVEYORS, CONSULTING ENGINEERS

January 14, 2019

Mr. Mark Reade, MCIP
Growth & Development Services
City of Saint John
10th Floor, City Hall
Saint John, NB

Re: PID 00313429 and 00426452 – Application for Municipal Plan Amendment and Rezoning to Integrated Development (ID) Zone

Dear Mark,

Attached is a listing of the submitted package for the above noted application. Details of the proposal are outlined in the application and plans for what is anticipated to be a premier project marketed under the name Calabria Estates.

Once you have reviewed the enclosed material if you have any questions, please do not hesitate to contact me. A digital submission to Onestop has been delivered.

We trust you will find the application meets your needs for processing the same.

Yours truly,
Hughes Surveys & Consultants Inc.

Richard Turner

CC John P. Rocca

**Calabria Estates
Table of submitted documents,
Municipal Plan Amendment to *Low to Medium Density Residential*
and Rezoning Application to Integrated Development,
40 Mountain View Drive.**

Listed below are the submitted documents and plans for the above noted application. A digital submission of the documents and plans is provided through the city Onestop portal.

Note that a separate payment of \$1000 is being made to cover the Municipal Plan amendment to change from *Low Density Residential* to *Low to Medium Density Residential* classification.

- General Application Form;
- Council Application Form;
- Council Application Proposal Outline Calabria;
- Subdivision Application Form;
- Variance Application Form;
- Our clients cheque in the amount of \$2500 for the rezoning application fee;
- Our clients cheque in the amount of \$500 for the subdivision application fee;
- Our clients cheque in the amount of \$300 for the variance application fee;
- Concept, context and profile plans;
- Concept plans for the proposed 98 unit apartment building;
- Landscaping plan for eastern portion of site;
- Landscaping plan for western portion of site;
- Stormwater management plan with grading for eastern portion of site;
- Stormwater management plan with grading for western portion of site;
- Tentative Plan showing proposed subdivision details;
- Table of unit and bedroom counts for project;
- Type A building elevation plan & floor plans;
- Type B building elevation plan & floor plans;
- Type C building elevation plan & floor plans;
- Type D building elevation plan & floor plans.

CIVIC ADDRESS	40 Mountain View Drive	APPLICATION #		FEE PAID	Y	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 59 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.

PID 00313429 and 00426452 – This application is for the purposes of proposing amending the Municipal Plan designation from Low Density Residential to Low to Medium Density Residential. It is also proposed to rezone the subject properties from High Rise Residential and Two-Unit Residential Zones to Integrated Development (ID) Zone.

See attached pages and submitted plans for details.

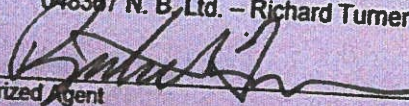
Myles Drive

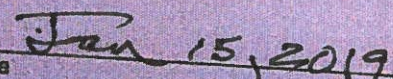
An Easement for Municipal Services exists extending from Sonya Court to Garnett Road and Myles Drive. The Certificate of Registered Ownership does not indicate there are any other easements or restrictive covenants affecting the property. There are Section 39 conditions which are proposed to be amended through this application process.

AUTHORIZATION

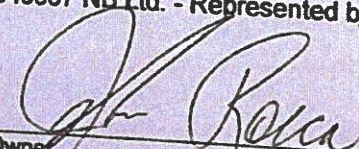
As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as 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.

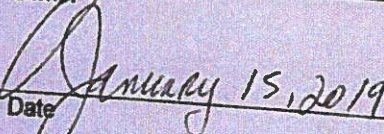
Hughes Surveys & Consultants Inc. on behalf of
048367 N. B. Ltd. – Richard Turner


Authorized Agent


Date Jan 15, 2019

048367 NB Ltd. - Represented by John P. Rocca


Owner


Date January 15, 2019

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.

Calabria Estates Proposal

By 048367 N. B. Ltd.

This is to introduce *Calabria Estates* (pronounced Ca.leb.ria), named after the Calabria Region in Italy, which will soon become one of Saint John's premier developments. It will see PID 00313429 and 00426452 developed following a strict development concept in accordance with a proposal committed to by the developer. The landscaping concept provided commits to a strong focus on landscaping for this premier development that goes well beyond City bylaw requirements.

External control of the development concepts will be through the acceptance of the project under an Integrated Development (ID) zoning designation. Many of the developments concepts are explained below.

STREET AND SERVICING STANDARDS

Via Calabria Street (Sonya Extension)

This section, from the existing public portion of Sonya Court to the cul-de-sac, is proposed to be built to match the existing developed portion of Sonya Court. The cross section will match that shown in S045-300 of the City of Saint John General Specifications and will have full curb, grassed median and sidewalk.

Lamezia Lane (North – South Section)

The section of Lamezia Lane extending northward from the cul-de-sac is proposed to have an 8m wide driving surface. It will be curbed and will have a median and sidewalk on the eastern side of the street. Pavement structure, curb and sidewalks are to be to City standards for local streets.

Lamezia Lane (East - West Section)

This section of Lamezia Lane is proposed to have an 8m wide driving surface. It will be curbed but there will be no sidewalk. With the amount of driveways and the presence of the interior walkways, sidewalks are not seen as necessary. Pavement structure and curbing are to be to City standards for local streets.

Pedestrian and Emergency Access to Myles Drive

This is proposed to be 6m wide and will be curbed from the cul-de-sac up to the end of the parking lots. Beyond that no curbing is proposed. There will be a gate just past the end of the curbing and entrance to the last parking lot.

STORM WATER MANAGEMENT PLAN

The SWMP assumes that approximately 90% of the site storm water will be detained in a pond at the bottom of the slope fronting Mountain View. The remaining 10% of the site is located above the cul-de-sac on Sonya. This upper area consists mostly of surface parking. The surface parking will be engineered to detain storm water within the three terraced parking lots and storm pipes. If additional parking is required a portion or all of the area designated as "Future Parking Area" will be engineered and constructed to detain storm water.

The intention is to have the pond as an attractive landscape feature. The pond depth will be limited to 0.6m except in central areas where pools will be located to facilitate a floating fountain which serves to aerate the pond to minimize algae growth. A small detention pond is also planned for the landscaped courtyard area to detain a small amount of water and serve primarily as a landscape focal point. An overflow pipe will direct water to the lower larger detention pond. All storm water on Lamezia will be diverted through storm structures to the lower detention pond. A decorative recirculating waterfall/pond feature is planned as part of the entry sign experience.

The slopes and depth of water are such that a barrier fence is unwarranted.

ENTRANCE GATES

Gates at the west end of Lamenzia Lane will be controlled by an onsite manager that the City can call to gain access or the gates can be open on scheduled maintenance days. The gateway is a design element to enhance the main entrance and provide a sense of place. Unobstructed access to the townhouse area will be open to traffic from the opposite end of Lamenzia Lane at its intersection with Via Calabria Street. .

FUTURE PARKING

The concept plan shows an area designated as "Future parking if required". Until the project is underway and the market is identified it is difficult to establish what the parking demand will be. The developer requires the flexibility to add future parking if the project demands it.

LANDSCAPING

The landscaping concept provided commits to a strong focus on landscaping for the proposed premier development that goes well beyond City bylaw requirements. The preliminary planting list shown on the submitted Landscaping Plans for **Calabria Estates** is intended to be an example of the quality and atmosphere the developer envisages and is committed to.

PREPARED BY
HUGHES SURVEYS &
CONSULTANTS INC.

AREA IMPROVEMENTS

The developer has raised a number of concerns that they respectfully request the City to consider participating in making some of site improvements to enhance the neighbourhood. They relate to improvements that will enhance the intensification area in general and support the developer's project. Since the Forest Hills area is a designated intensification area these improvements and the proponents project will be a catalyst for future development of other lands in the area.

Timeframes have been assigned based on the developers projected construction schedule so the City can consider it in their capital budgets for future years. This is proposed so City staff can review the request and formulate a resolution in their recommendations to Council.

Item	Proposed Improvement	Responsible Party	Suggested Timeframe	Note
1	Dog Park on Land for Public Purposes for neighbourhood usage.	City to build based on agreed to plans and development would be responsible for on-going maintenance.	Fall 2020	
2	Signage and landscaping of intersection of Mountain View Drive and McAllister Drive to identify the Forest Hills community and reflect its sense of quality.	City	Summer 2019 when Colter Street model homes are ready.	Building permits have been applied for.
3	Sidewalks and burial of power lines on Mountain View Dr along northern boundary of our property starting at Sonya Ct.	City	Fall 2020	
4	City to pick up the garbage for the townhouses area only as has been the practice for other similar planned community developments in the City of Saint John.	City	At completion of each four unit townhouse block.	Apartments buildings are not included in this request.

TIMING OF SITE PREPARATION

To ensure a timely construction of the main apartment building the developer will work with City staff to determine when pre-approval site preparation can commence under the present approvals that exist for the site. Subsurface conditions are shale rock in some areas where excavation will be up to 2 metres deep. The optimum time to do the rock excavation is now since winter weather conditions do not hinder progress.

The merits to allowing pre-approval site preparation are as follows:

- The developer will be able to plan a construction schedule that will avoid harsh weather conditions at critical stages later in the project (ex: being closed in prior to next fall/winter) ;
- The most disruptive work, site rock excavation, can take place during the time of year when most neighbours are less likely to be engaged in outside activities.
- This will optimize the timing to bring the main structure to market and allow it to be included in the assessment role at the soonest time possible;
- It will be putting civil contractors to work during a time when many of their staff are off work due to seasonal conditions;
- Transporting of material to be removed from the site can take place prior to weight restrictions being imposed.

If excavation in accordance with City bylaws under the present approval can be expedited the developer is prepared to take out a building permit for excavation only for a four storey apartment building. The building will have the same footprint as is set out in the present application.

The developer recognizes there is a chance that the present proposal may not get approved but the advantage of having site work started now can work for either scenario, under the present approvals or the new proposal if approved. From the developers standpoint the advantages out-weigh the risk.

We look forward to working with staff to advance the timely dispatch and success of the project.

Respectfully submitted

HUGHES SURVEYS & CONSULTANTS INC.



Richard Turner

PREPARED BY
HUGHES SURVEYS &
CONSULTANTS INC.

CIVIC ADDRESS	40 Mountain View Drive	APPLICATION #		FEE PAID	Y	N
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TYPE OF APPLICATION



Instrument

Documents requiring Development Officer endorsement for registration
 Service Fee: \$50

Tier 1 Subdivision

Lot boundary adjustments, consolidations, and new lots along an existing street
 Service Fee: \$250 plus \$50 per new building lot



Tier 2 Subdivision

Subdivisions involving the construction of a street
 Service Fee: \$500 plus \$100 per new building lot

DETAILED DESCRIPTION OF APPLICATION

Attach the instrument or tentative subdivision plan, whichever is applicable, and any additional documentation to fully describe the application. Tentative subdivision plans must adhere to the requirements of Section 49 of the *Community Planning Act of New Brunswick*. In the case of a Tier 2 Subdivision, the submission of a preliminary proposal and a Pre-Application Meeting with City staff is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.

Calabria Estates Proposal

This application is to request approval for a Subdivision Plan to:

- Make a provision for future lots 18-01 and 18-02 by adjusting the boundaries between PID # 00313429 and 00426452. Tentative approval to adjust the boundaries is requested at this time but will take place at a later date, if required;
- Creation of joint Municipal Services Easements and Public Utility Easements are proposed and the submitted plan illustrates their approximate configuration;
- A provision for right of ways over the Private Accesses to benefit and burden Lots 18-01 and 18-02;
- And create an emergency and pedestrian access from Sonya Court to Myles Drive.

ENCUMBRANCES

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

An Easement for Municipal Services exists extending from Sonya Court to Gamett Road and Myles Drive. The Certificate of Registered Ownership does not indicate there are any other easements or restrictive covenants affecting the property. There are Section 39 conditions which are proposed to be amended through this application process.

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.

Hughes Surveys & Consultants Inc. on behalf of
 048367 N.B. Ltd. - Richard Turner

048367 NB Ltd. Represented by John P. Rocca

Registered Owner or Authorized Agent

Additional Registered Owner

Date

January 4, 2019

Date

January 4, 2019

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.



Variance Application

GROWTH & COMMUNITY DEVELOPMENT SERVICES
CITY OF SAINT JOHN

CIVIC ADDRESS	40 Mountain View Drive	APPLICATION #		FEE PAID	Y	N
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TYPE OF APPLICATION		
<input type="checkbox"/> Tier 1 Variance Variances not greater than 25% of a numeric standard Service Fee: \$50 plus \$10 per additional variance	<input type="checkbox"/> Tier 2 Variance Variances greater than 25% of a numeric standard Service Fee: \$100 plus \$20 per additional variance	<input checked="" type="checkbox"/> PAC Variance Variances considered by the Planning Advisory Committee Service Fee: \$300 plus \$60 per additional variance

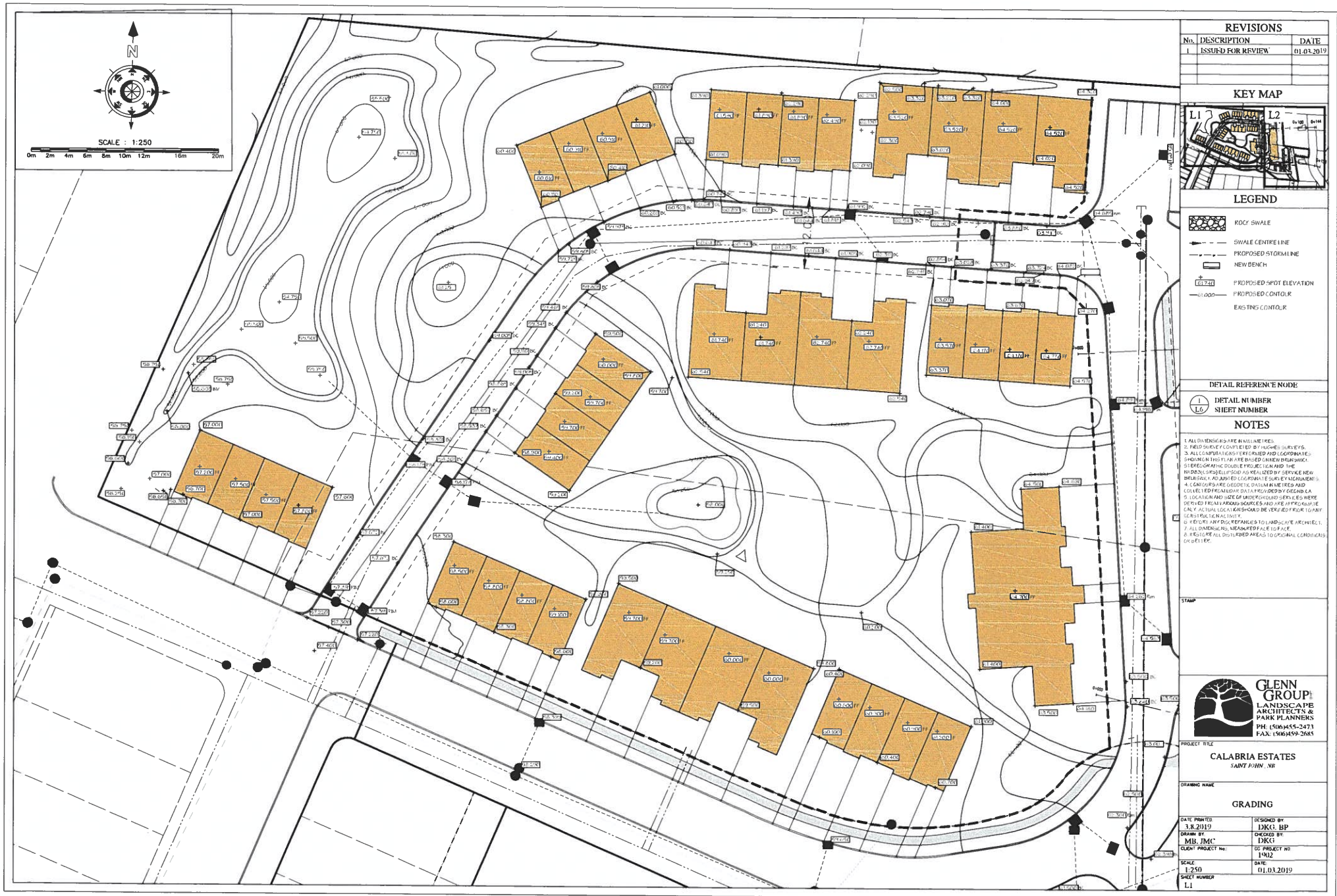
DETAILED DESCRIPTION OF APPLICATION Attach site plans, building elevations, floor plans, and other documentation to fully describe the application.
Calabria Estates.
A variance is respectfully requested to allow the development to proceed using an access to most units by a private street system constructed and maintained by the developer and other variances as may be required to carry out the development generally in accordance with the submitted plans. See submitted plans for details.

ENCUMBRANCES Describe any easements, restrictive covenants, and other encumbrances affecting the land.
An Easement for Municipal Services exists extending from Sonya Court to Garnett Road and Myles Drive. The Certificate of Registered Ownership does not indicate there are any other easements or restrictive covenants affecting the property. There are Section 39 conditions which are proposed to be amended through this application process.

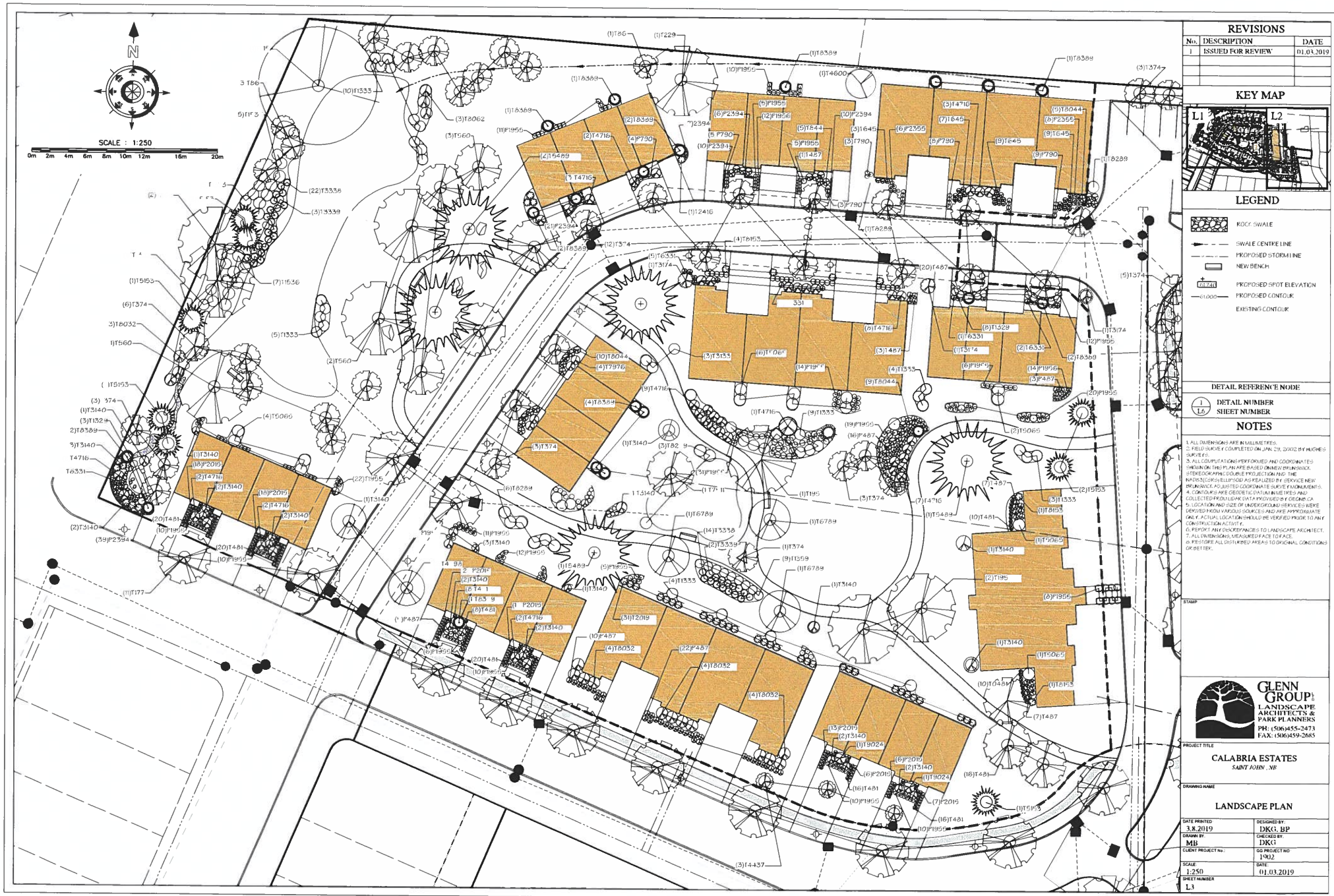
AUTHORIZATION As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct 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.	
Hughes Surveys & Consultants Inc. on behalf of 048367 N.B. Ltd. - Richard Turner Registered Owner or Authorized Agent	048367 NB Ltd. - Represented by John P. Rocca Additional Registered Owner
Date January 4, 2019	Date January 4, 2019

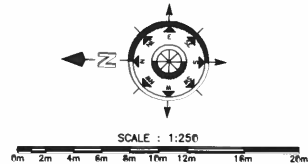
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Variance Application Form 20/01/2017



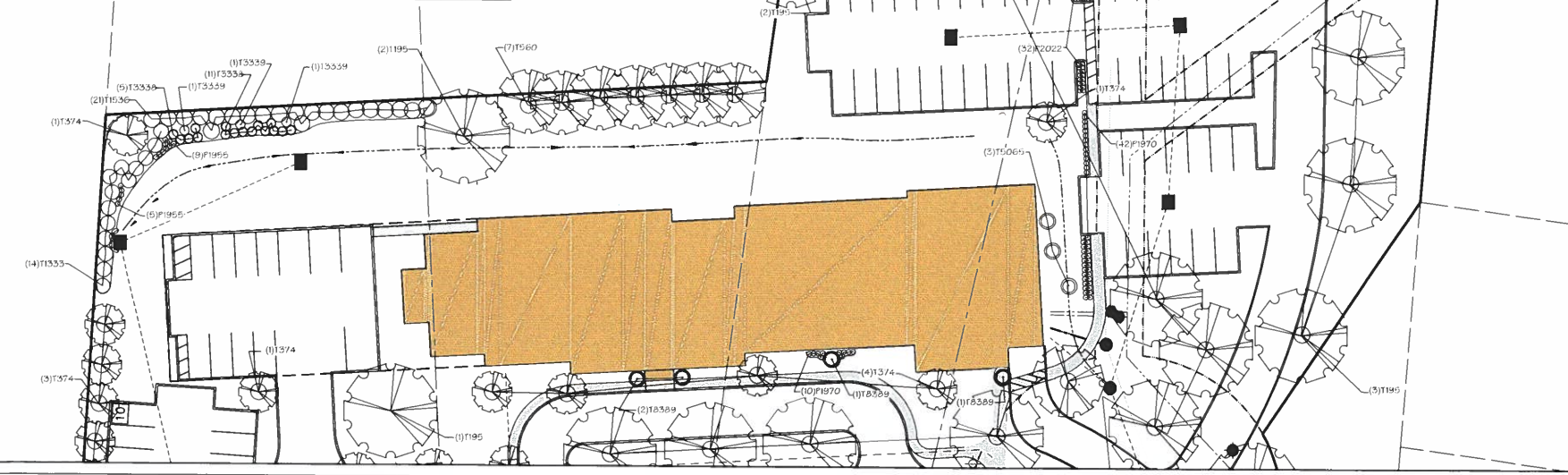


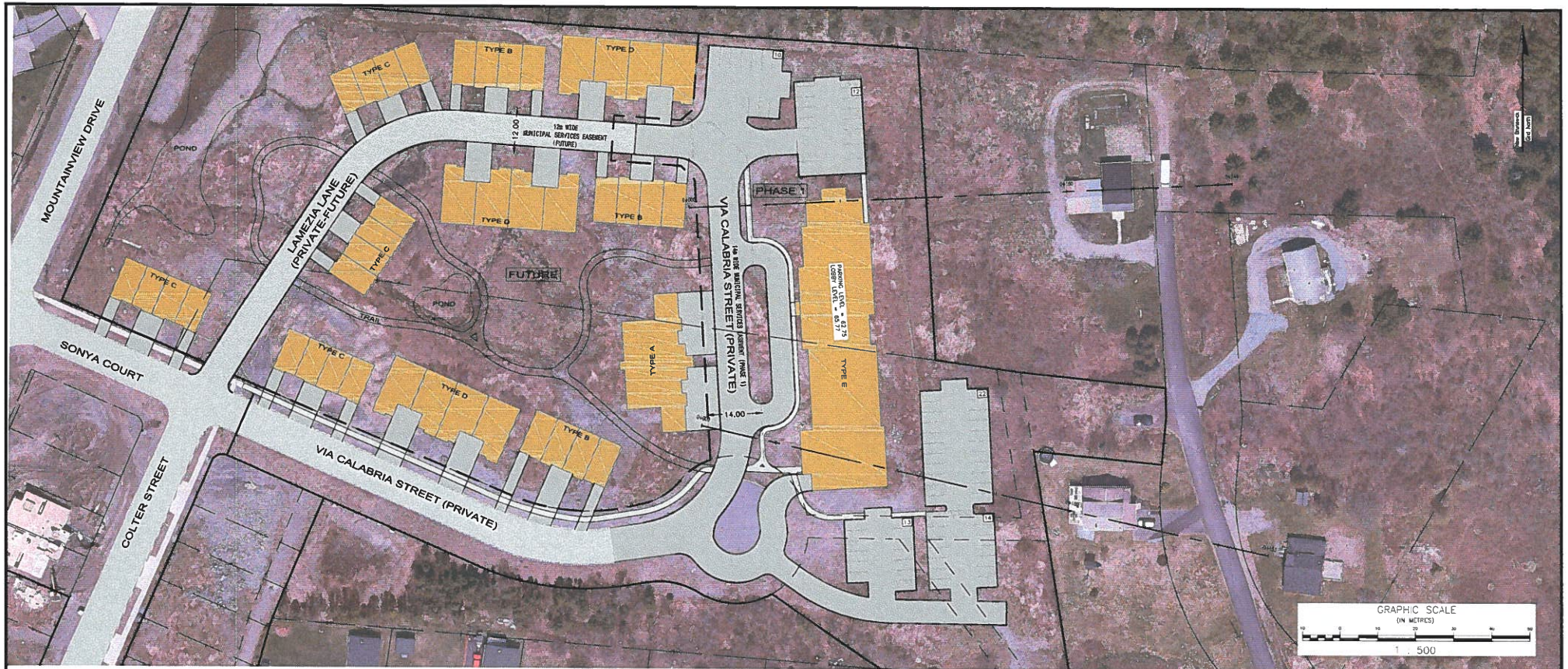




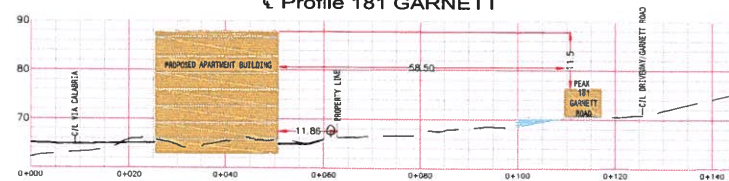
PRELIMINARY SAMPLE OF PROPOSED PLANTS

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
T86	4	Acer glabrum 'Flame'	Flame Ash Maple	100 mm	pot
T177	15	Acer pseudoplatanus	Platanus Maple	50 mm	wb
T185	24	Acer rubrum 'Autumn Flame'	Autumn Flame Red Maple	50 mm	wb
T215	1	Acer saccharum	Silver Maple	50 mm	wb
T224	1	Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple	50 mm	wb
T374	54	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Starberry	2.5 m	pot
T481	128	Berlinia thurbergii 'Aurea Nana'	Dwarf Golden Barbary	30 cm	pot
T487	95	Berlinia thurbergii 'Royal Burgundy'	Royal Burgundy Barbary	30 cm	pot
T560	18	Betula papyrifera	Paper Birch	200 cm	wb
T645	28	Buxa microphylla 'Green Gem'	Green Gem Boxwood	30 cm	pot
T1529	11	Celtis laevifolia 'Hummingbird'	Hummingbird Summersweet	50 cm	pot
T1533	66	Celtis laevifolia 'Ruby Spice'	Ruby Spice Summersweet	50 cm	pot
T1536	33	Cornus sericea 'Flamingo'	Yellow Dogwood	50 cm	pot
T1539	9	Cornus alba 'Eddie's Yellow'	Bud's Yellow Dogwood	50 cm	pot
T2019	37	Daphne x burwoodii	Burwood Daphne	30 cm	pot
T2446	4	Eubonymus alatus 'Compactus'	Dwarf Burning Bush	50 cm	pot
T3140	25	Hydrangea macrophylla 'Endless Summer'	Endless Summer Hydrangea	50 cm	pot
T3174	4	Hydrangea paniculata	Lace Hydrangea	50 cm	pot
T3335	52	Ilex verticillata 'Berry Poppins'	Berry Poppins Winterberry	40 cm	pot
T3338	9	Ilex verticillata 'Mr. Poppins'	Mr. Poppins Winterberry	40 cm	pot
T4437	3	Maeghelia elliptica 'Centennial'	Centennial Magnolia	125 cm	pot
T4595	2	Makia floribunda 'Makia'	Mumukshu Crabapple	45 mm	wb
T4600	1	Makia floribunda 'Profusion'	Profusion Crabapple	45 mm	wb
T4716	41	Microbiota decussata	Russian Cypress	20 cm	pot
T5153	9	Picea glauca	White Spruce	150 cm	wb
T5165	17	Physocarpus opulifolius 'Summer Wine'	Summer Wine Noddy	50 cm	pot
T5489	6	Prunella coccinea	White Rose	100 cm	pot
T6331	18	Rhododendron 'Purple Gem'	Purple Gem Rhododendron	30 cm	pot
T6789	3	Rubus pseudacacia 'Frisia'	Golden Locust	45 mm	wb
T7531	1	Sakaki 'Makia' (Tortuosa)	Tortuosa Corn Dogwood	45 mm	wb
T7976	4	Spirea nipponica 'Snowmound'	Snowmound Spirea	30 cm	pot
T8044	33	Stephanandra incisa 'Crispa'	Cutleaf Stephanandra	30 cm	pot
T8032	18	Spirea vanhouttei	Bridal Wreath Spirea	50 cm	pot
T8153	6	Syringa meyeri 'Palmer'	Palmer Dwarf Lilac	120 cm	pot
T8289	14	Syringa vulgaris 'Lager's Dark'	Lager's Dark Lilac	100 cm	pot
T8359	28	Taxus cuspidata 'Capitata'	Clopped Pyramidal Japanese Yew	100 cm	pot
T8394	2	Wegelia floribunda 'Vanessa'	Vanessa Japanese Yew	50 cm	pot
Ferns and Shrubs					
P1940	31	Calamagrostis x acutiflora 'Avalanche'	Avalanche Calamagrostis	1 metre	pot
P1970	52	Hemerocallis hybrid 'Purple Swan'	Purple Swan Daylily	1 1/4	pot
P1950	314	Hemerocallis hybrid 'Atlas'	Atlas Daylily	1 1/4	pot
P1956	26	Hemerocallis hybrid 'Chicago Fire'	Chicago Fire Daylily	1 1/4	pot
P2015	102	Hemerocallis x hybrid 'Purple Affair'	Purple Affair Daylily	1 1/4	pot
P2022	32	Hemerocallis x hybrid 'Apple Tart'	Apple Tart Daylily	1 1/4	pot
P2355	14	Hosia August Moon	August Moon hosta	1 1/4	pot
P2394	42	Hosia Gold Edger	Gold Edger hosta	1 1/4	pot

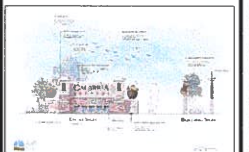
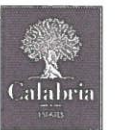
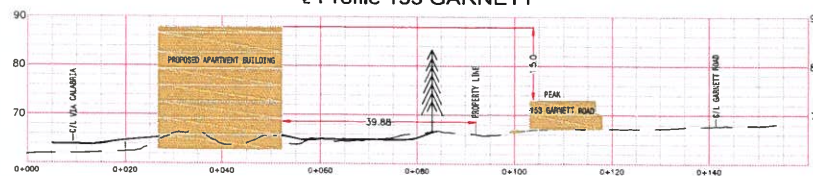




Profile 181 GARNETT



Profile 153 GARNETT



CONTEXT PLAN
Apartment Development
&
Garnett Road

27-FEBRUARY-2019
Sheet 2 of 3

Calabria Estates Subdivision

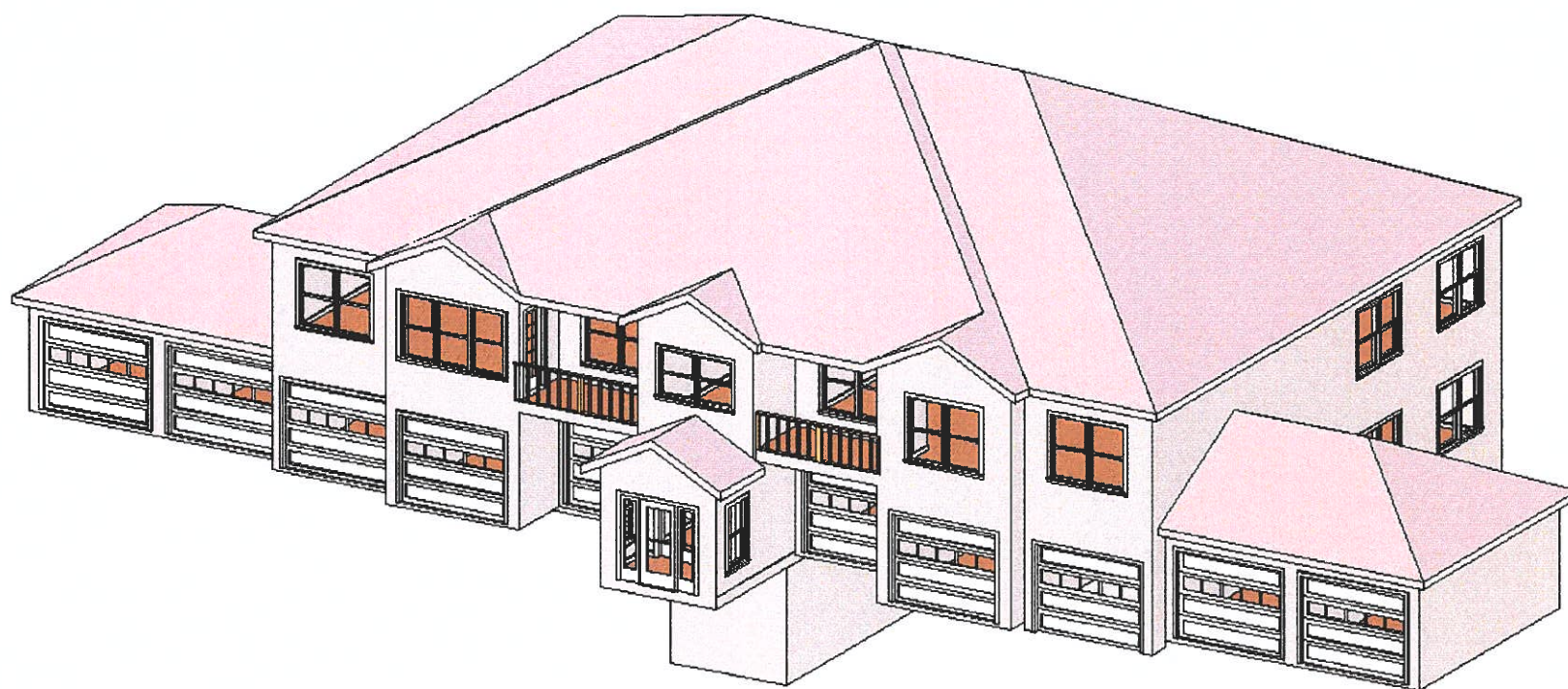
Townhouse Portion of Development - Unit and Bedroom Count

Building Type	Number of Buildings	Number of Units Per Building		Number of Bedroom Per Unit	Number of Bedrooms
A	1	8		2	16
B	3	3	B-1	2	18
		1	B-2	3	9
C	4	4		2	32
D	3	2	D-1	4	24
		2	D-2	2	12
				Bedroom Total	111

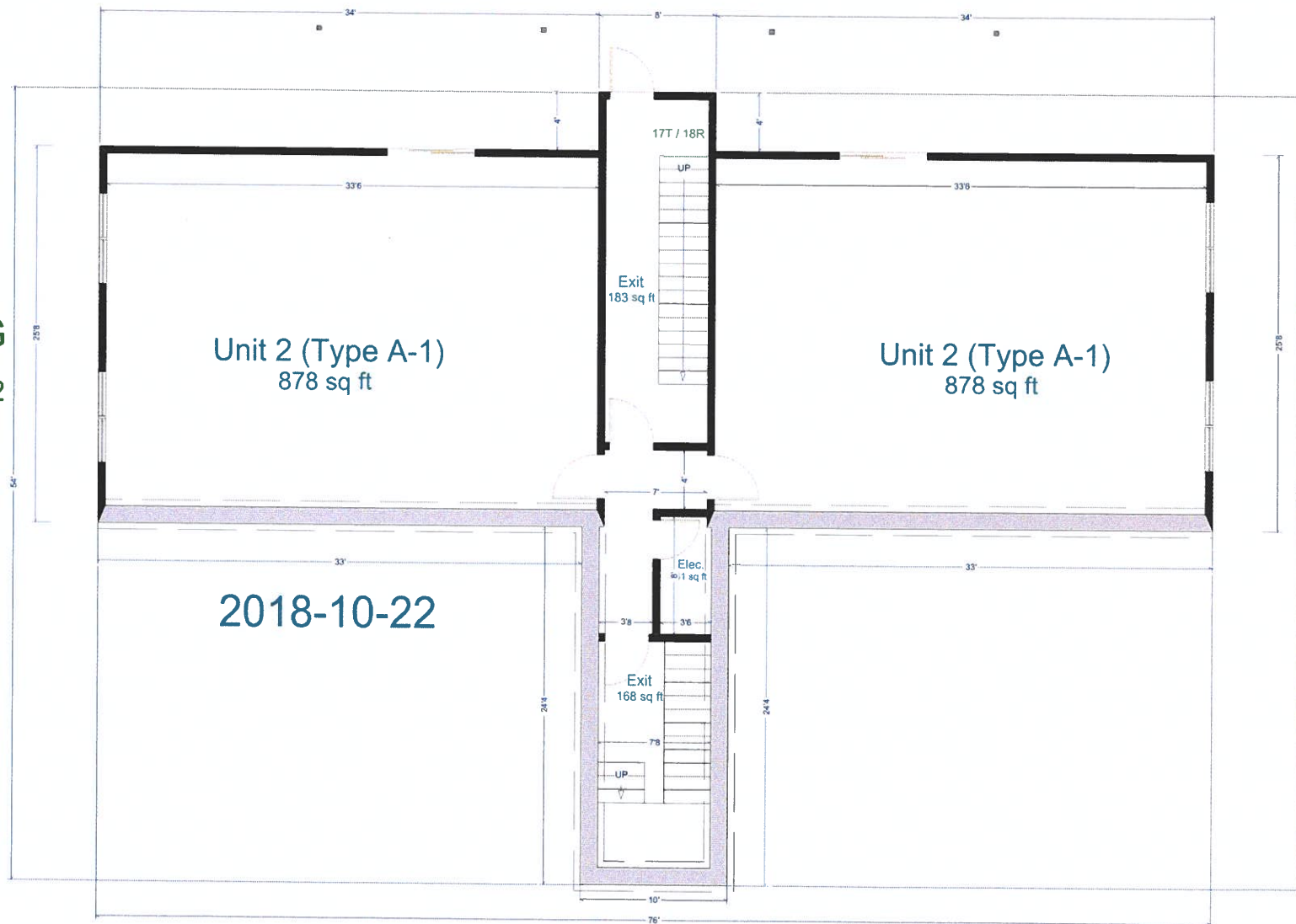
Aparment Building - Unit and Bedroom Count

Unit Type	Number of Units	Number of Bedrooms Per Unit	Number of Bedrooms
GUEST	1	1	1
A	6	2	12
E	2	1	2
C	66	2	132
G	8	2	16
M	5	2	10
N	5	2	10
O	5	2	10
		Bedroom Total	193

TOTAL BEDROOMS FOR DEVELOPMENT	304
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Basement Floor
 Building Type A - 10G
 Basement Area : 2,226 Ft²
 2 Type A-1 Units

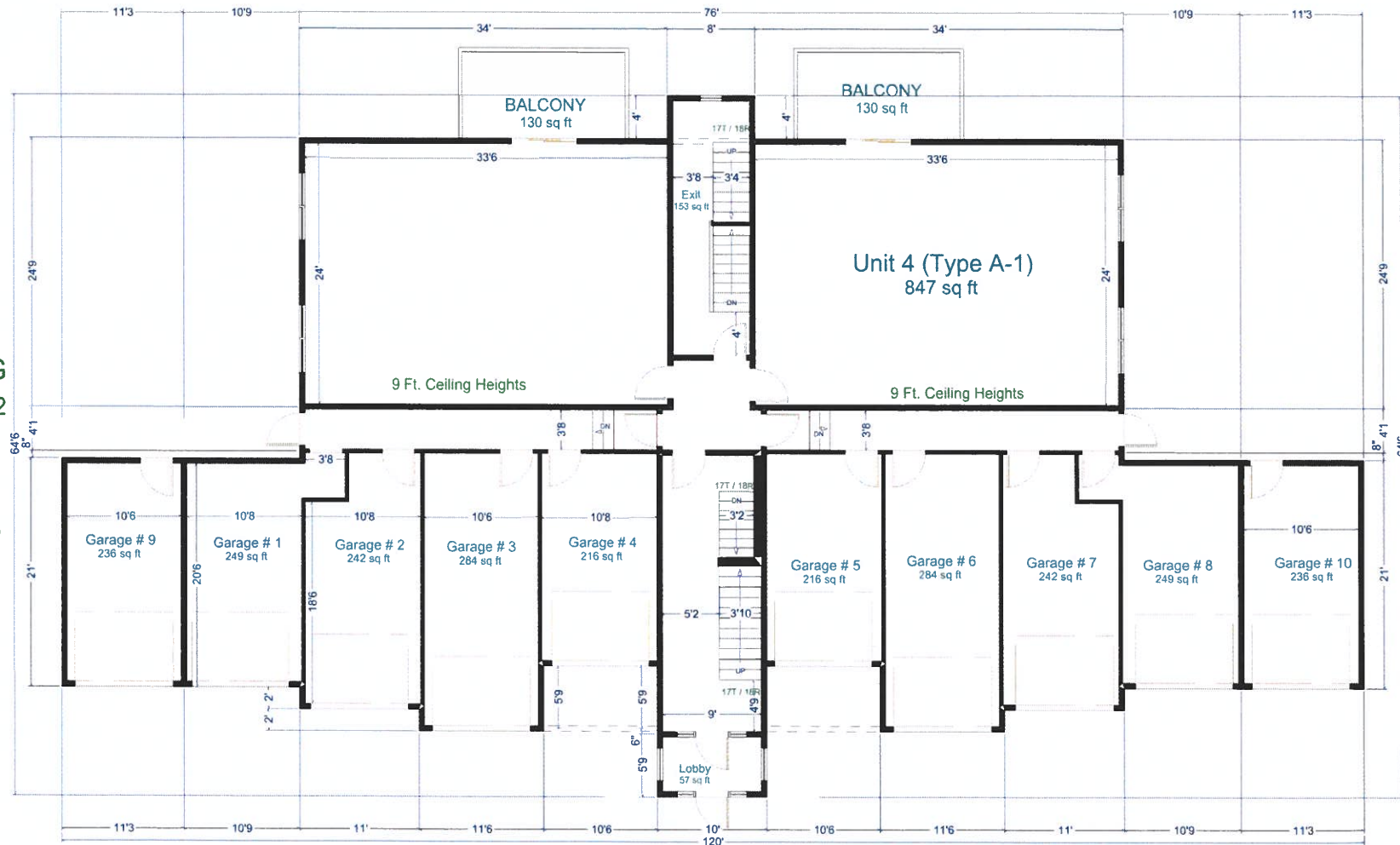


2018-10-24

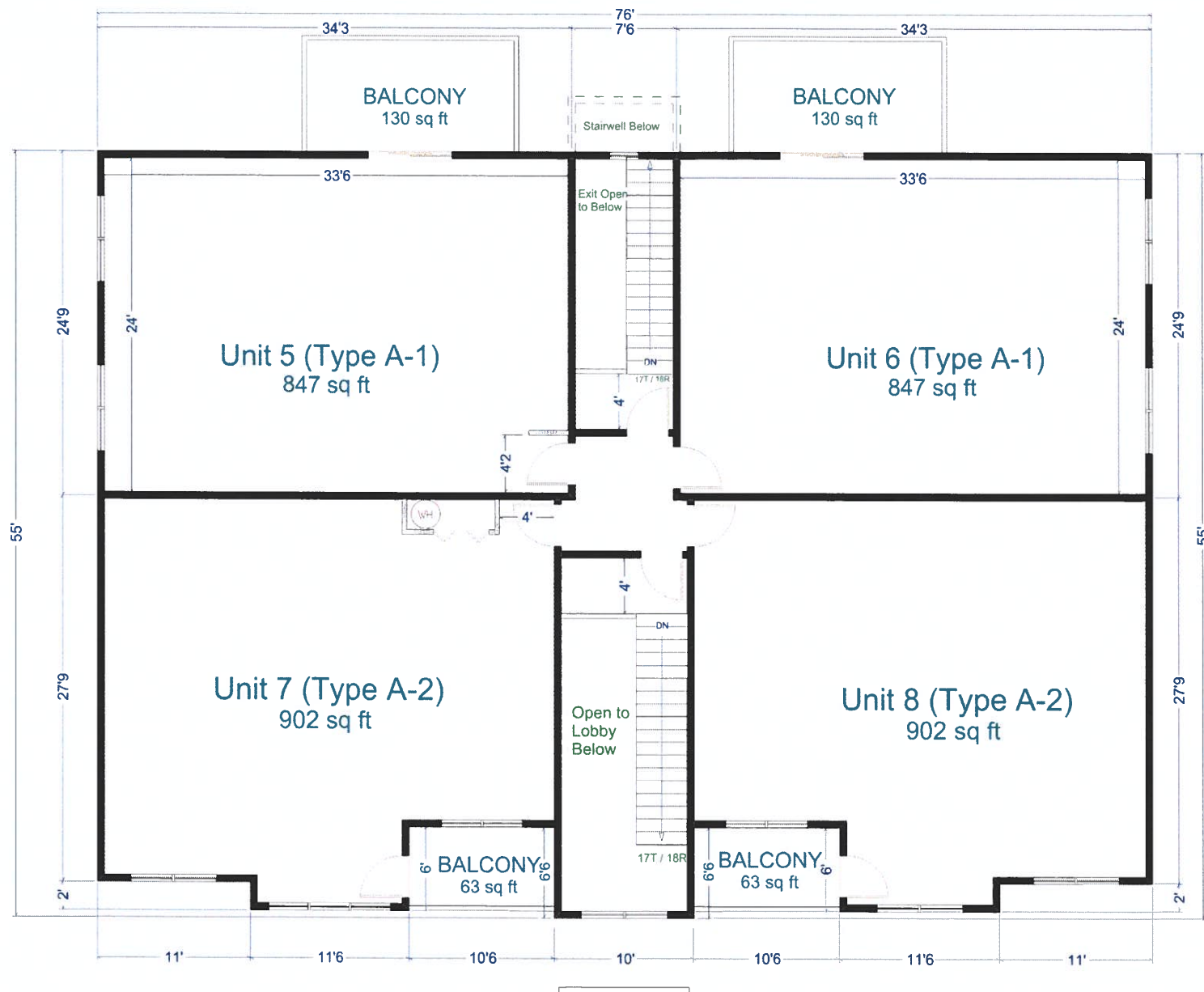
1st Floor
Building Type A - 10G
Total Floor Area : 11,125 Ft2
 Basement Area : 2,217 Ft2
 1st Floor Area : 4,927 Ft2
 2nd Floor Area : 3,981 Ft2

Bldg Size : 98' x 60'6" + 8'
 1 Type A-1 Units
 1 Type A-Handicapped
 10 Garages

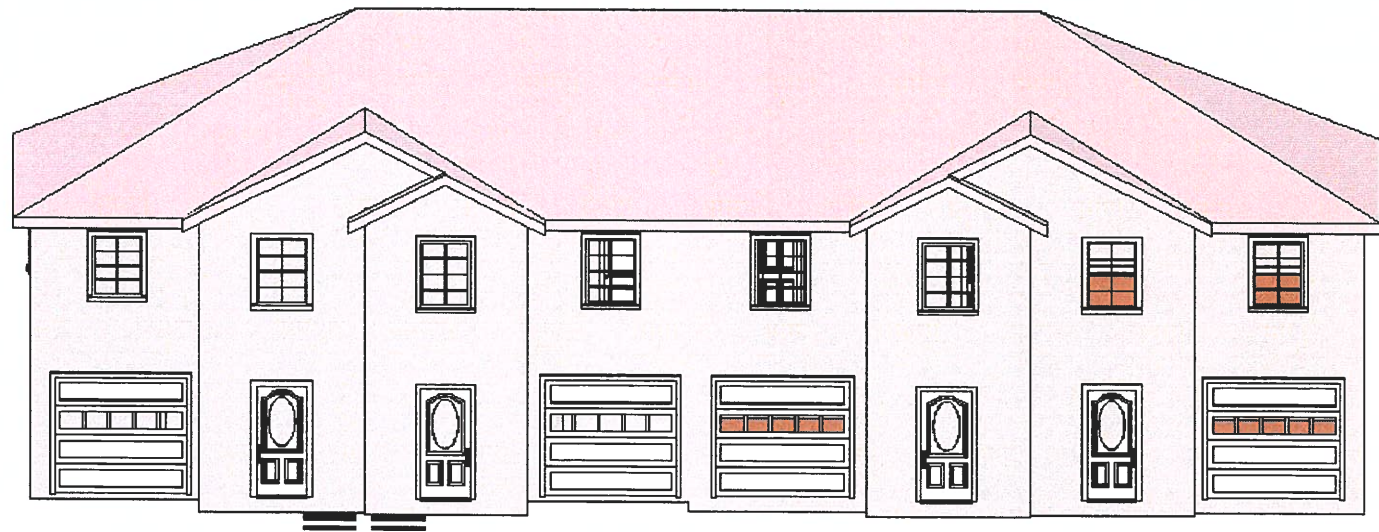
2018-10-24



Type A - 10G
 2nd Floor Area : 3,981 Ft2
 2 Type A-1 Units
 2 Type A-2 Units



2018-10-24

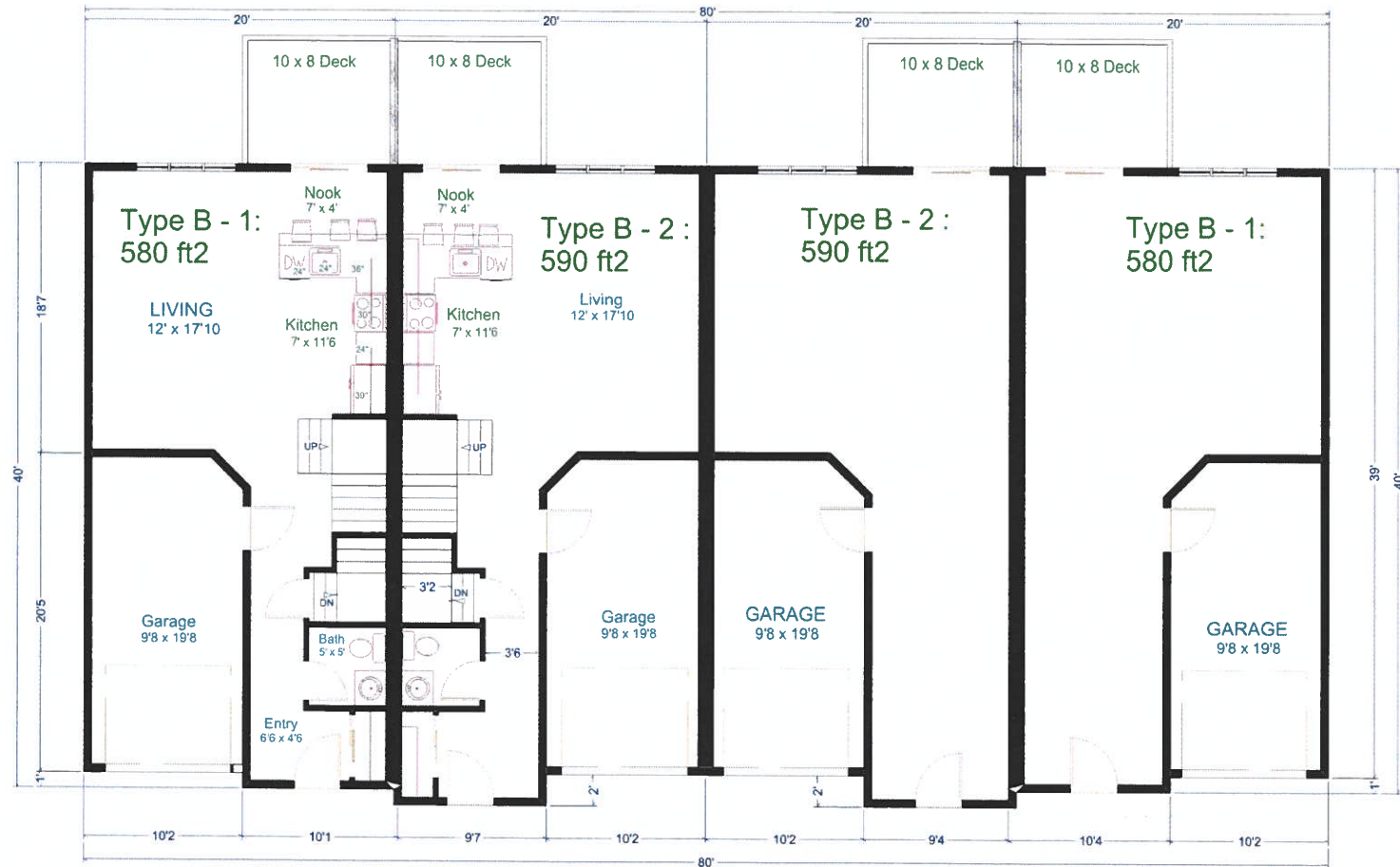


Type B - 4 Unit
2 Level Townhouses + Basements
Building Footprint = 80' x 41'

Type B-1 Living Area : 1,370 Ft²
Unit Footprints = 20' x 40' (39' + 1)
Main Floor Area : 580 Ft²
2nd Floor Area : 790 Ft²
Garage Area : 210 Ft²

Type B-2 Living Area : 1,390 Ft²
Unit Footprints = 20' x 41' (39' + 2)
Main Floor Area : 590 Ft²
2nd Floor Area : 800 Ft²
Garage Area : 210 Ft²

2018-10-23 Drawing



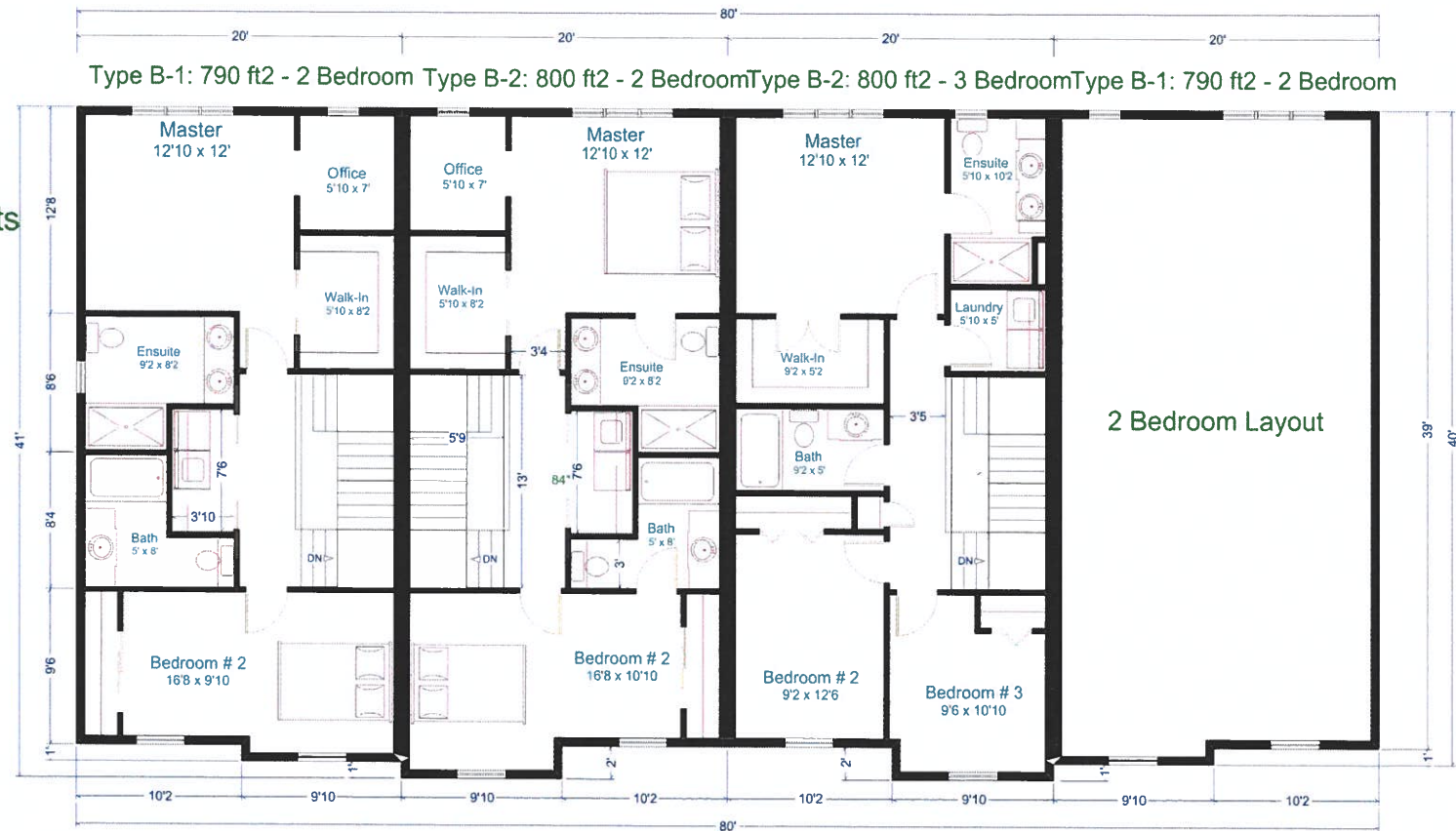
Type B - 4 Unit

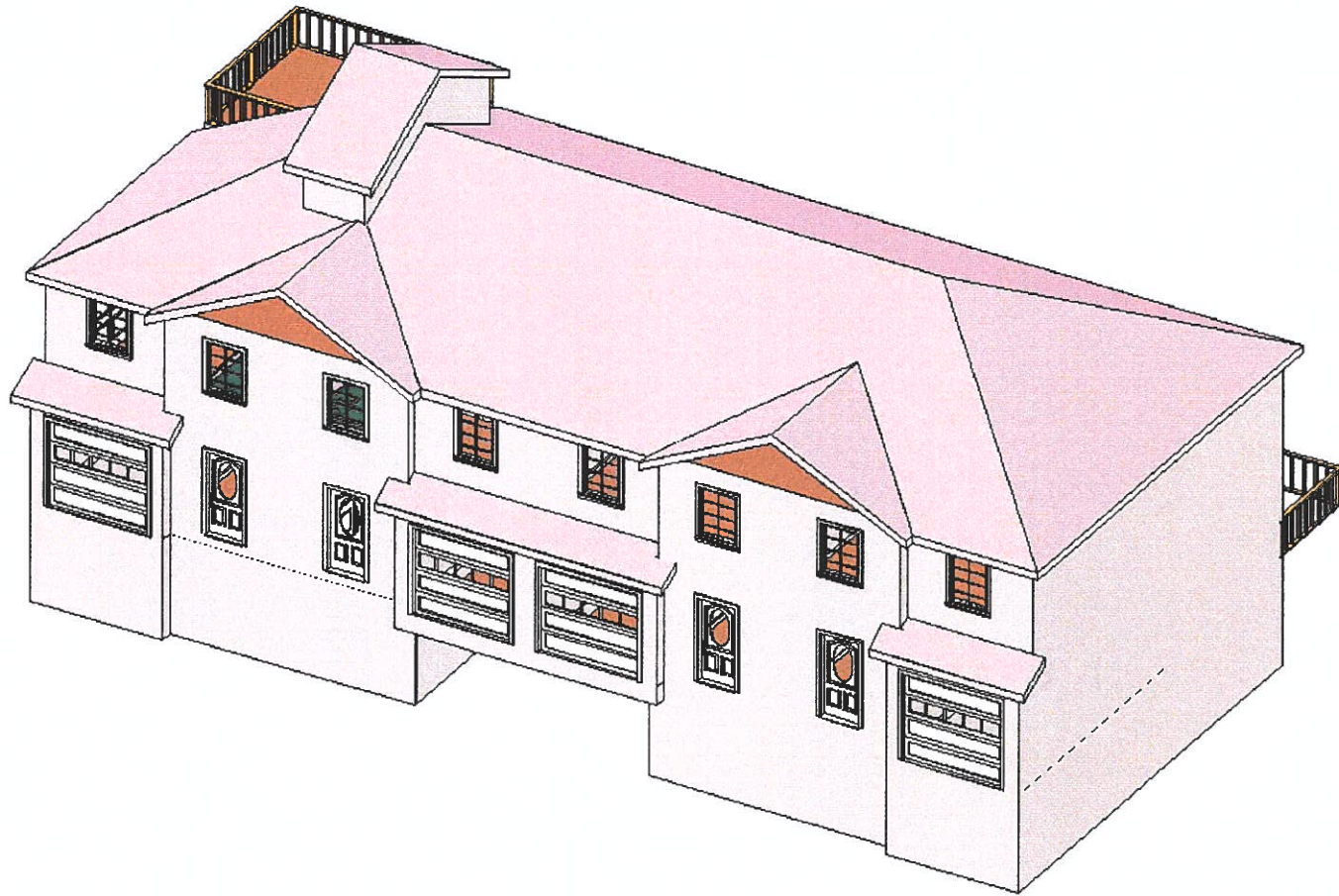
2 Level Townhouses + Basements
Building Footprint = 80' x 41'

Type B-1 Living Area : 1,370 Ft²
Unit Footprints = 20'x40' (39' + 1')
B-1 Main Floor Area : 580 Ft²
B-1 2nd Floor Area : 790 Ft²

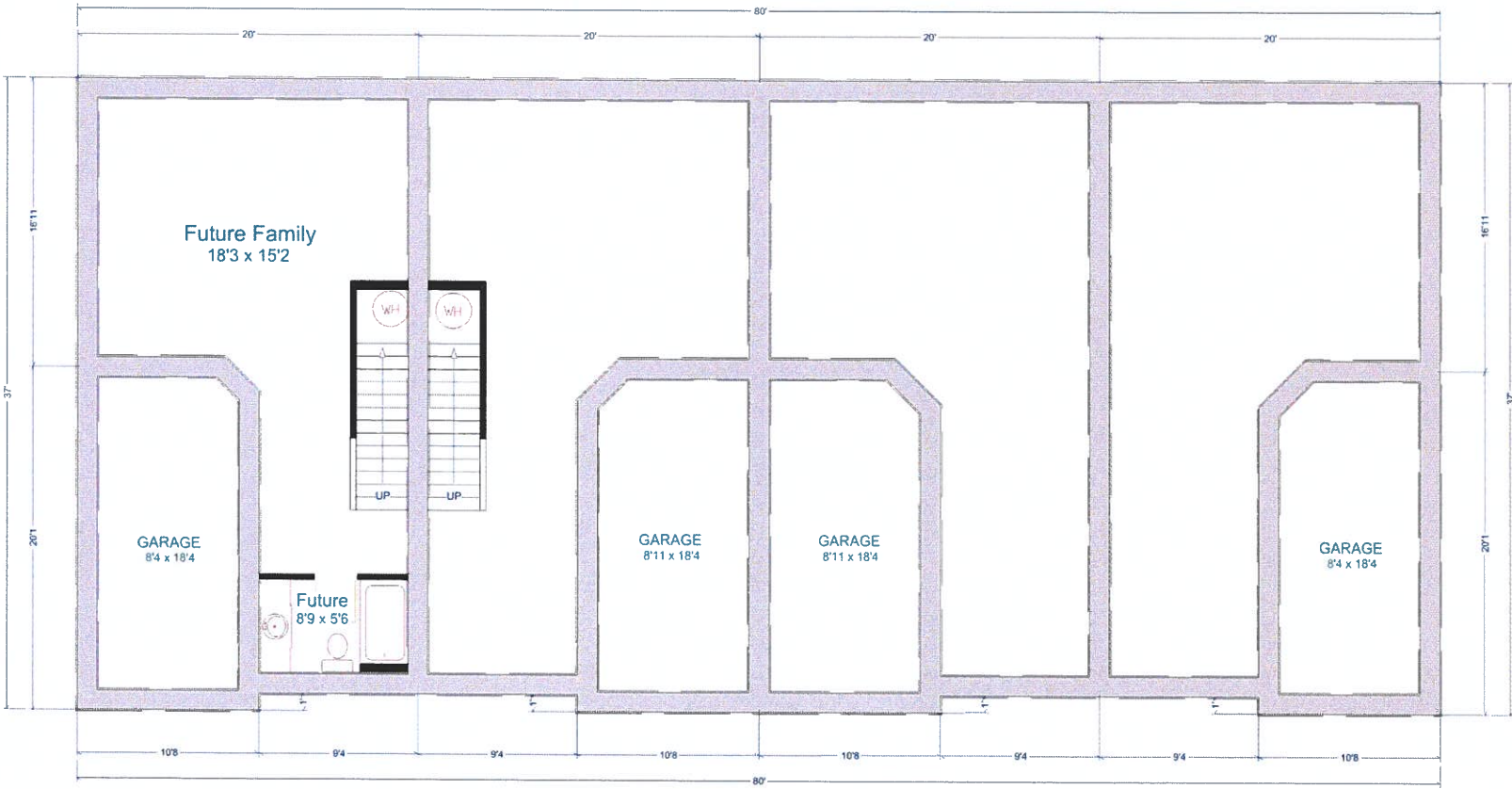
Type B-2 Living Area : 1,390 Ft²
Unit Footprints = 20'x41' (39' + 2')
B-2 Main Floor Area : 590 ft²
B-2 2nd Floor Area : 800 Ft²

2018-10-23 Drawing





Type C
Basement Plan



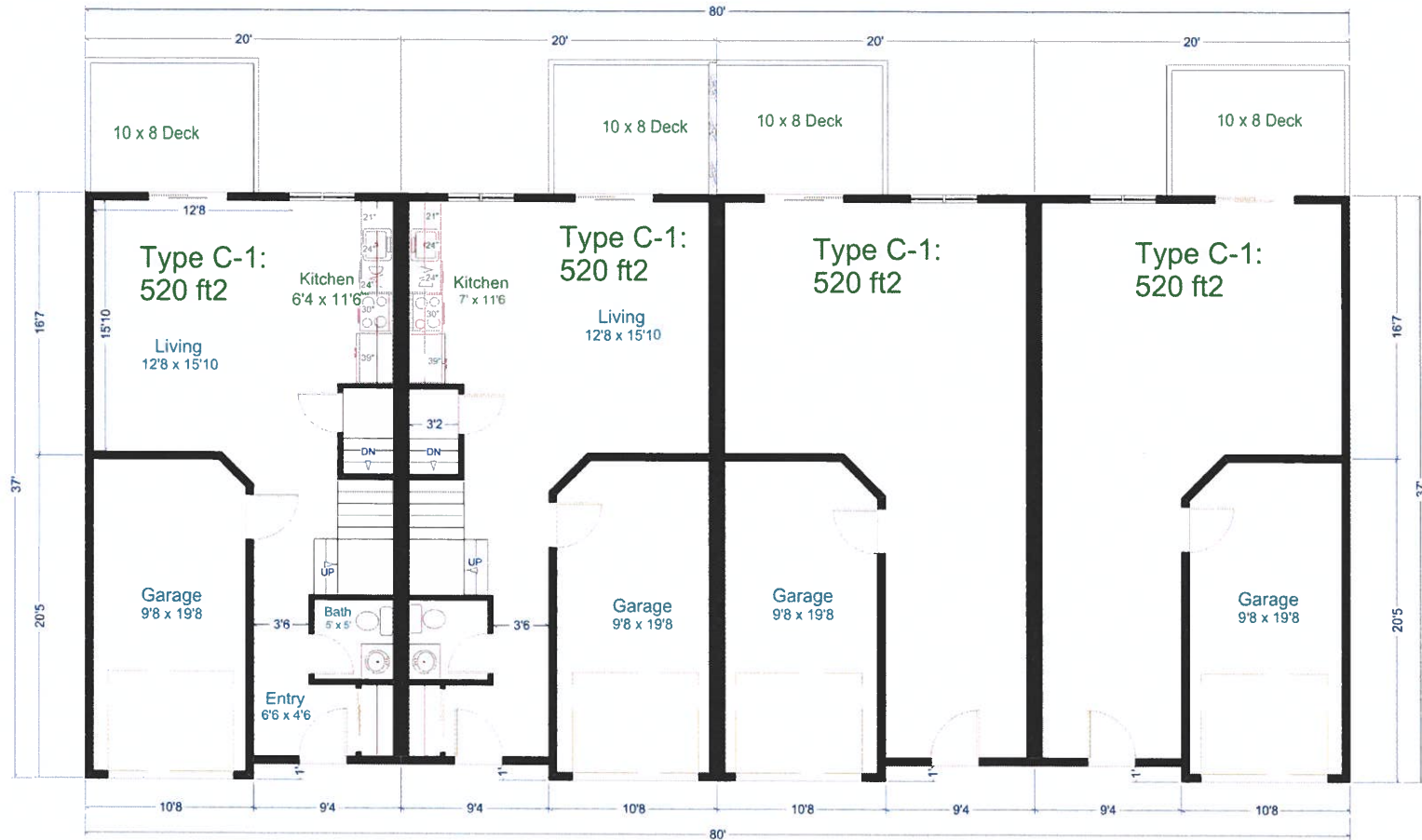
Type C
 4 - 2 Bedroom Townhouses
 2 Level with Basements
 & Roof Deck

Building Footprint = 80' x 37'

Type C-1 Living Area : 1,230 Ft2
 Unit Footprints = 20'x37' (36' + 1')

Main Floor Area : 520 Ft2
 2nd Floor Area : 710 Ft2
 Garage Area : 210 Ft2

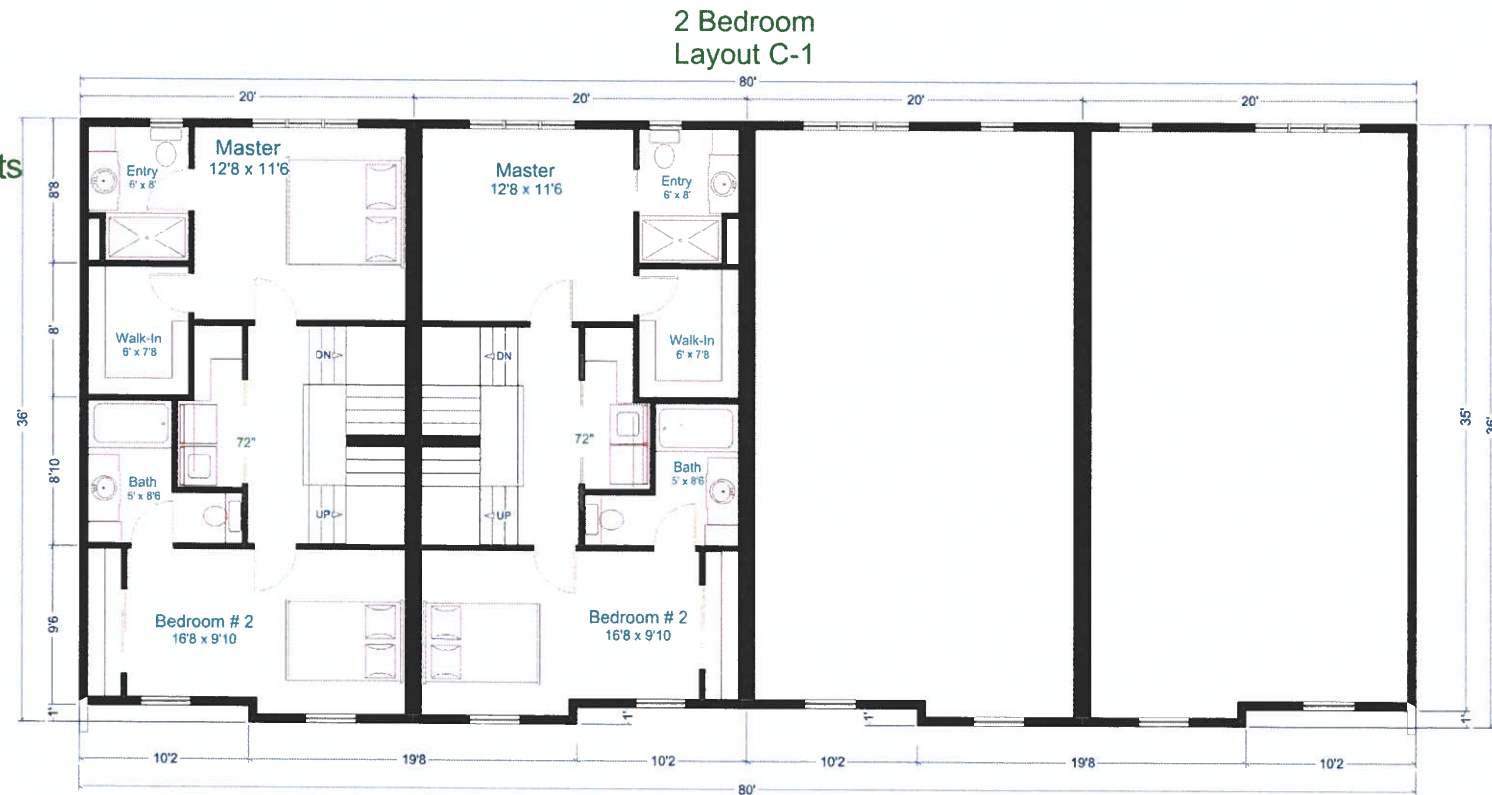
2018-10-23 Drawing



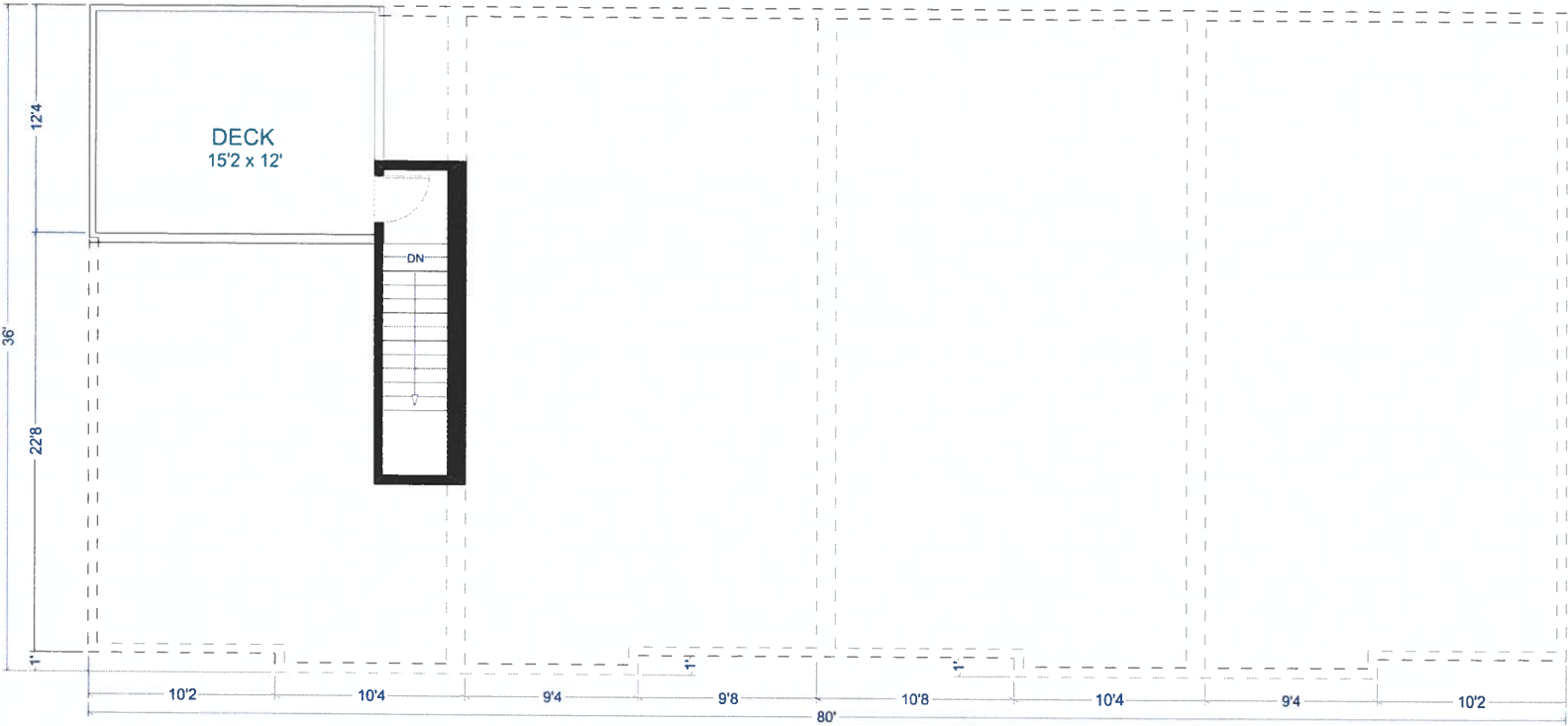
Type C - 4 Unit
2 Level Townhouses + Basements
Building Footprint = 80' x 37'

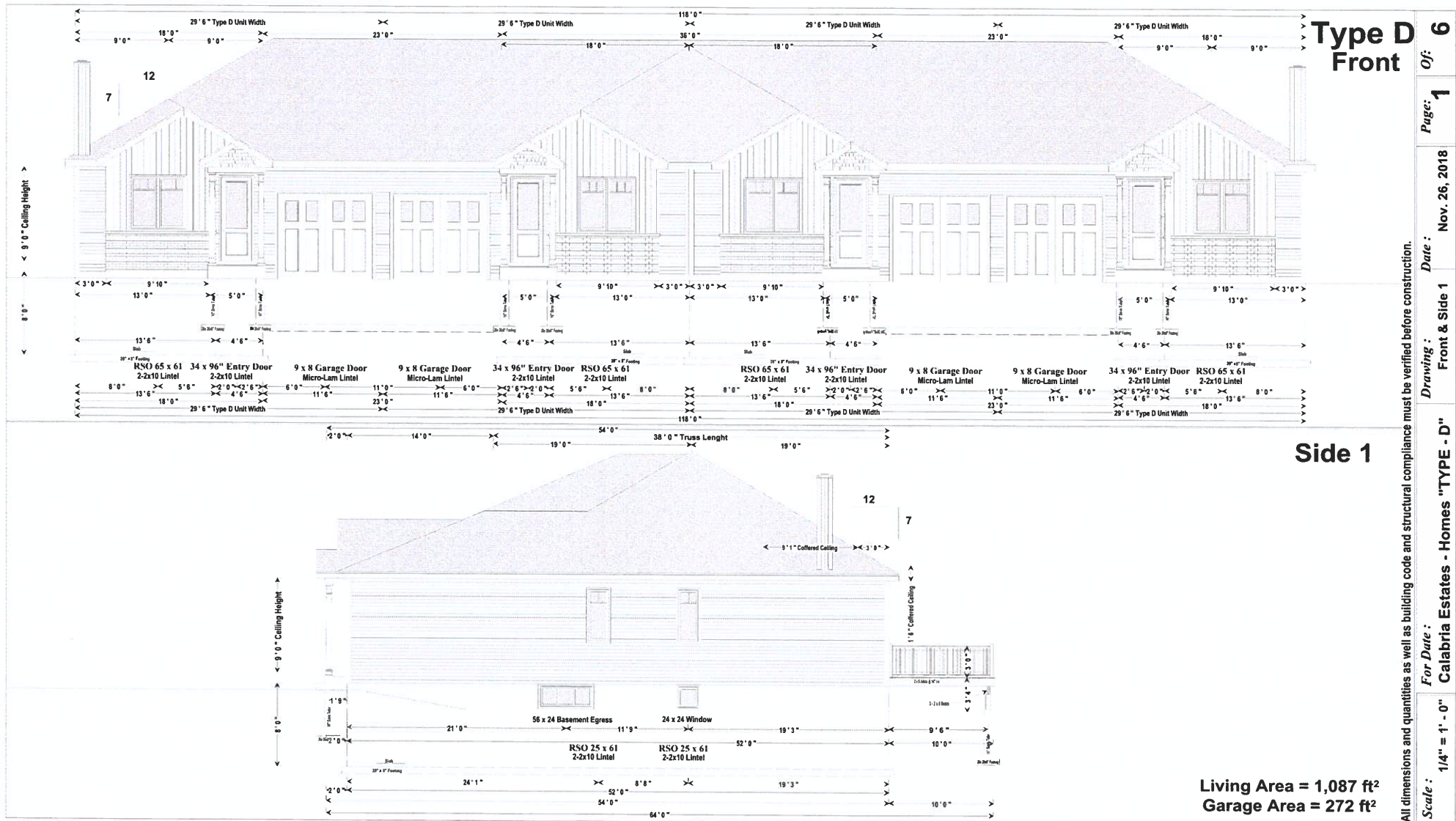
Type C-1 Living Area : 1,210 Ft²
Unit Footprints = 20'x37' (36' + 1')
Main Floor Area : 500 Ft²
2nd Floor Area : 710 Ft²

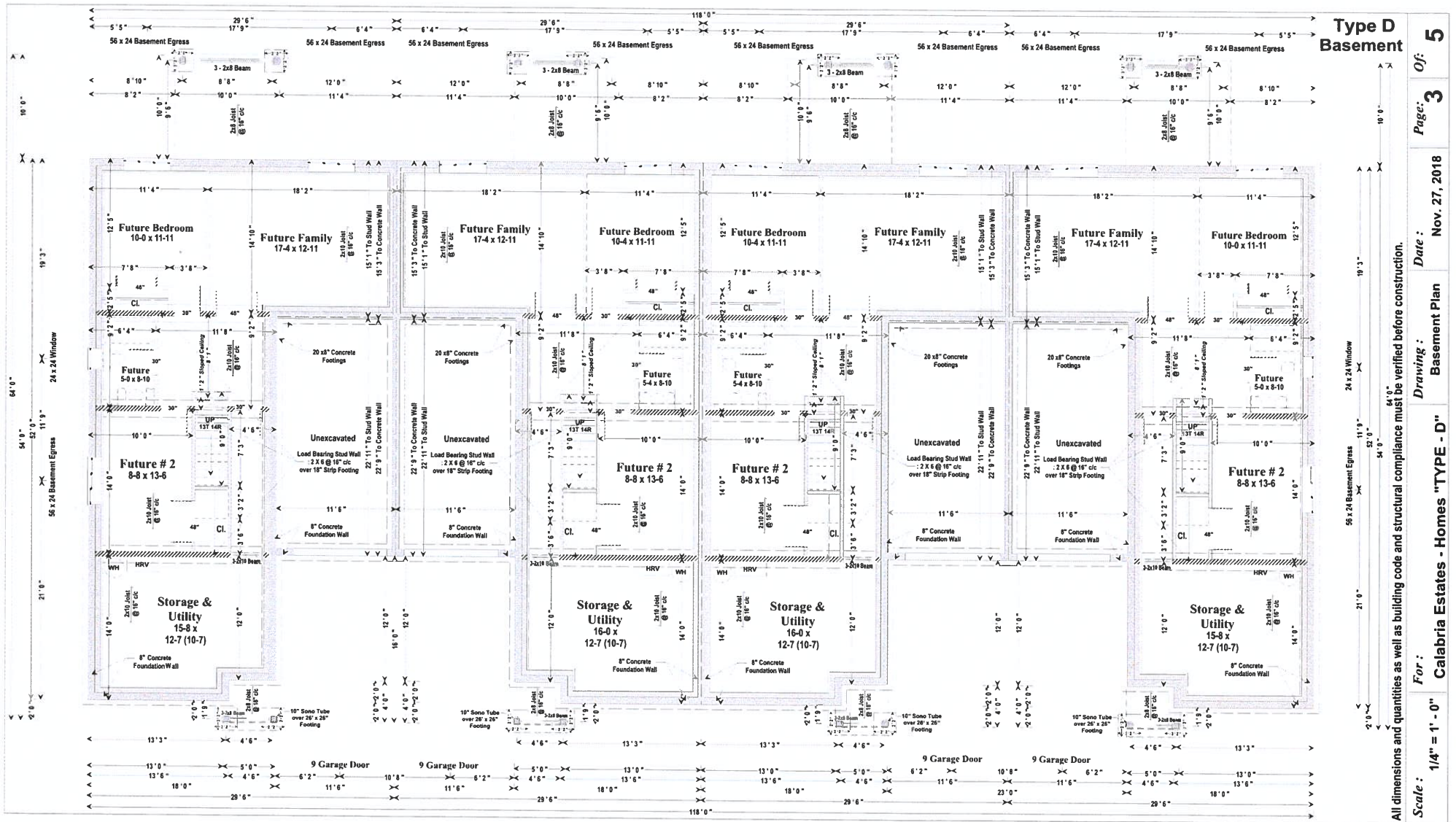
2018-10-23 Drawing

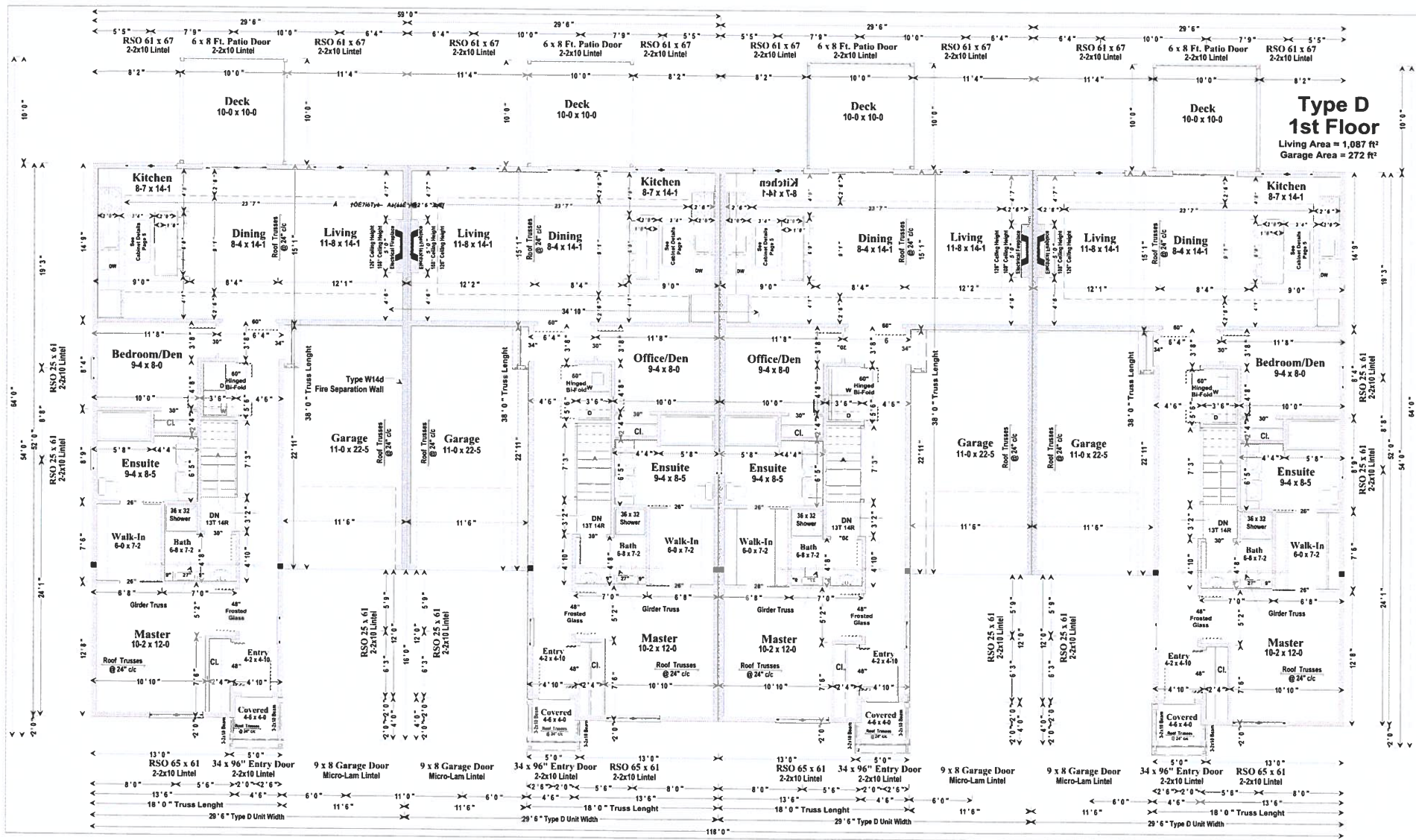


Type C - 4 Unit
Roof Deck









**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 B – Future Land Use, by redesignating 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* 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 B – Utilisation future des sols, afin de faire passer la désignation d'une parcelle de terrain d'une superficie d'environ 3,25 hectares, située au 40, chemin Mountain View, et portant les NID 00313429 et 00426452, de *Résidentiel à faible densité* à *Résidentiel à densité faible ou moyenne*.

- 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. Amending Schedule “A”, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.25 hectares, located at 40 Mountain View Drive, also identified as being PID Nos. 00313429 and 00426452, from High-Rise Residential (RH) and Two-Unit Residential (R2) to Integrated Development (ID).

- 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^o 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. 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 3.25 hectares, située au 40, chemin Mountain View, et portant les NID 00313429 et 00426452, de zone résidentielle d'immeubles d'habitation de grande hauteur (RH) et de zone résidentielle bifamiliale (R2) à zone d'aménagement intégré (ID);

- 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 -

COUNCIL REPORT

M&C No.	2019-81
Report Date	March 29, 2019
Meeting Date	April 08, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Proposed amendments to the Zoning Bylaw to address Self-Storage Facilities

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>Mark Reade</i>	<i>Jacqueline Hamilton</i>	<i>John Collin</i>

RECOMMENDATION

That Common Council adopt the following amended Staff recommendation which establishes self-storage facilities as a permitted use subject to standards in certain commercial zones and recommends approval of Section 59 amendments to enable the proposal for a self-storage facility at 175 Hilyard Place:

1. That Common Council amends subsection 11.4(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the Business Park Commercial (CBP) Zone:
“-Self-Storage Facility, subject to paragraph 11.4(3)(f);”
2. That Common Council amends subsection 11.4(3) of The City of Saint John Zoning By-law by adding the following:
“(f) A lot containing a Self-Storage Facility permitted in subsection 11.4(1) shall not be located within 60 metres of an Urban Centre Residential (RC) zone.”
3. That Common Council amends subsection 11.7(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the General Commercial (CG) Zone:
“-Self-Storage Facility;”
4. That Common Council amends The City of Saint John Zoning By-law by deleting paragraph 6.1(k) and replacing it with the following:

(k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of

an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be screened in accordance with the following:

- (i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth of 1.5 metres completely around the storage area or self-storage facility;
 - (ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and
 - (iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.
- 5. That Common Council rescinds the Section 59 conditions imposed on the July 3, 1973 rezoning of the property located at 175 Hilyard Street, also identified as a portion of PID No. 55228118, and amended on October 28, 1991.
- 6. 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 1.84 hectares, located at 175 Hilyard Street, also identified as PID No. 55228118:
 - 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) That the owner and/or successors shall enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

EXECUTIVE SUMMARY

During the March Planning Advisory Committee meeting, the Committee approved a recommendation to amend the original staff recommendation associated with application for 175 Hilyard Street to require self-storage facilities to be approved as a conditional use subject to the approval of the Committee, rather than as a permitted uses in certain commercial zones as had been recommended by staff. The purpose of this report is to provide a revised Staff Recommendation that addresses the concerns raised by the Planning Advisory Committee related to the South Central Peninsula, while ensuring a streamlined approach to approvals that reducing red tape and creates certainty for customers.

PREVIOUS RESOLUTION

On February 25, 2019 Common Council referred the planning application from Haldor (1972) Limited to establish a self-storage facility at 175 Hilyard Street to the Planning Advisory Committee for a report and recommendation.

STRATEGIC ALIGNMENT

It is in the interest of The City of Saint John to have a zoning framework that promotes a competitive business environment for investment.

REPORT

Haldor (1972) Limited has applied for a text amendment to the Zoning By-law and an amendment to the existing Section 59 conditions that relate to a portion of the Hilyard Place site to allow for the development of a self-storage facility. The facility would be within a portion of the existing Hilyard Place complex (Building D) and exterior to the building in the eastern portion of the site immediately adjacent to the Tim Horton's property. The Hilyard Place site is zoned Business Park Commercial (CBP) which does not permit a self-storage facility.

The original recommendation contained in the Staff Report was to amend the Zoning By-law to include a self-storage facility as a permitted use in both the Business Park Commercial (CBP) and General Commercial (CG) zones through a text amendment to the Zoning By-law. The staff recommendation included amendments to the Zoning Bylaw to require additional landscaping where self-storage facilities abut residential areas. Specific to the 175 Hilyard Street site, a Section 59 condition was recommended by Staff requiring the preparation of a landscaping plan by the proponent for approval of the Development Officer in conjunction with the Building Permit application. This landscaping plan will ensure increased landscaping along the Main Street and Hilyard Street frontages.

Two letters were received expressing concerns with the proposal and an area resident appeared before the Committee expressing opposition to the proposed development on the Hilyard Place site. Concerns expressed by the resident at the meeting and in their correspondence to the Committee are summarized in Appendix A along with a commentary from Staff.

These resident concerns largely relate to the visual impact of the external self-storage units, the proximity of other sites zoned Business Park Commercial (CBP) to the Uptown Core and conformity with the Municipal Plan with respect to the employment density. With respect to the concerns about the visual impact from area residential properties, staff advise that this is very challenging to regulate from a land use perspective. The focus of the recommended approach is rather to ensure that adequate buffering is provided from a street level perspective to address public views. In this particular case, owing to the topography, it is not possible to fully screen the views from the residential area along Harbour Terrace and Moore Street, which is at a higher elevation. In staff's opinion, the applicant's proposal for enhanced landscaping combined with the single storey height for the external self-storage units is a reasonable means to ensure the visual compatibility of the development in its context.

In response to the concerns from the area residents and input from Planning Staff, the Committee recommended that a self-storage facility be instead made a conditional use in the Business Park Commercial (CBP) and General Commercial (CG) zones and not a permitted use. Conditional Uses are land uses which are subject to the approval of the Planning Advisory Committee. While Staff appreciate the intention behind the Committee's decision to propose an amendment to the staff recommendation, the conditional use approach, recommended by the Committee, can create uncertainty and unnecessary red tape for developments that otherwise conform to the recommended zoning standards.

The approach taken in developing the City's current Zoning By-law was to limit the number of conditional uses as an effort to streamline the approvals process. This was achieved through taking a broader approach to permitted uses and by providing appropriate development standards in the by-law. This approach reduces red tape and provides a more predictive development environment for residents and the business community.

As an alternative to the PAC recommendation, staff are recommending amendments to address the concerns raised by PAC (refer to recommendation 2 in the recommendation section of the report) which would see a self-storage facility added as a permitted use in the Business Park Commercial (CBP) and General Commercial (CG) zones with an additional spacing requirement to further mitigate the impacts of development on Business Park Commercial (CBP) zoned sites in proximity to the southern portion of the Central Peninsula. This includes a standard that requires self-storage facilities in the Business Park Commercial (CBP) to be located a minimum distance of 60 metres from a property having Urban Centre Residential (RC) zoning. This would limit the

potential to construct a self-storage facility within the Business Park Commercial (CBP) zoned properties along Lower Cover Loop and provide a level of control for areas identified for mixed-use intensification in the Municipal Plan.

Staff note that impacts of the proposal are minimal as self-storage facilities are a less intensive use than warehousing, which is currently permitted as-of-right in the Business Park Commercial (CBP) zone. The external self-storage units which are proposed represent an interim use to generate a degree of financial return on a site during a time when economic conditions may not be able to support a standalone building such as an office or retail use.

To summarize, the recommendation presented in this report for the development proposal for 175 Hilyard Street and related Zoning By-law amendments to regulate self-storage facilities is consistent with the policies and directions contained in the Municipal Plan and upholds the One Stop Development Shop's commitment towards a customer-centric experience, including a reduction in red tape and enhanced consistency for customers.

SERVICE AND FINANCIAL OUTCOMES

Not Applicable

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The original planning application was circulated to Infrastructure Development, Develop Saint John, Buildings and Technical Services and the Saint John Fire Department for review and comment.

ATTACHMENTS

Appendix A – Key Resident Concerns and Staff Commentary

Appendix A – Key Resident Concerns and Staff Commentary	
Resident Concern	Staff Commentary
Is this application consistent with the Employment Areas, Business Centres, and Primary Corridors provisions of the Municipal Plan?	<p>The Municipal Plan notes that development within Employment Areas will be at lower densities than other areas as these uses generally require more land area.</p> <p>The Plan envisions Business Centres as accommodating land uses which are more automobile dependent; require loading and storage space and/or a warehousing component or which require more site or floor area that can be accommodated in the Primary Centres. Self-storage facilities meet these criteria as these are an automobile oriented use not typically accessed by foot traffic and a form of warehousing requiring a larger floor area.</p>
Are the zoning amendments consistent with the Municipal Plan for all CBP-zoned areas?	<p>The CBP zoning is found in a number of locations: Maritime Opportunity Centre on Manawagonish Road, the Boars Head Road / Woodward Avenue area, along Lancaster Avenue, Technology Drive, Lower Cove Loop and Crown Street, the Mark Drive / Loch Lomond Road area and the former Loch Lomond Mall. All of these areas are considered automobile-oriented areas. While most of these areas are largely developed the amendments also propose increased landscaping for self-storage facilities abutting residential areas.</p>
Is the draft South Central Neighbourhood Plan released to the public consistent with the Municipal Plan? What is said regarding the subject site, specifically, and, generally, for other CBP-zoned sites within the Neighbourhood Plan area?	<p>The Draft Plan has yet to be adopted and as a result is not legally binding. It contains no specific land use recommendations for the Hilyard Place site only the broader goal of improving active transportation along the Main Street corridor through improvements in the right-of-way.</p> <p>With respect to areas on the periphery of the Central Peninsula, the draft Neighbourhood Plan proposes reinvestment and intensification of key sites including the former Sugar Refinery site, redevelopment of the Barrack Green Armouries and infill along Lower Cove Loop and Charlotte and Crown Streets as a long term direction. Most of the CBP zoned sites in these areas are currently developed with business and light industrial uses.</p> <p>Staff are recommending amendments to address the concerns raised by PAC (refer to recommendation 2 in the recommendation section of the report) which would include an additional spacing requirement to further mitigate the impacts of development on Business Park Commercial (CBP) zoned sites in proximity to the southern portion of the</p>

	Central Peninsula.
<p>Is self-storage considered to be high intensity? Immediately adjacent to the most intense development area of the City, the Uptown, does this application represent the evolution of the hierarchy intended by the Municipal Plan? How is the intended hierarchy met in CBP-zoned areas elsewhere through the City?</p> <p>Does this application and the addition of self-storage areas throughout the CBP-zoned lands “revitalize existing communities through compact development”?</p> <p>The staff recommendation is that this “is a reasonable interim project until such time that the overall parcel can be redeveloped.” The municipal plan states that developments “support the long-term health of the urban core.” How does the Municipal Plan. How does the Municipal Plan or Zoning By-Law define between “interim” and “long term” projects? What provisions should be added to this application to ensure it is only for the interim and not the long term?</p>	<p>Self-storage is considered to be a low intensity development. The proposal conforms to the Municipal Plan by directing lower intensity development to areas designated Business Centre in the Plan.</p> <p>The Plan seeks to “Revitalize existing communities through compact development, context appropriate infill, and promoting infill development on vacant and underused properties.” The proposal is considered to be context appropriate infill on an underutilized portion of the development site.</p> <p>The potential “interim” versus “long term” nature of the development is more of a question of land economics and market conditions. While external self-storage units are proposed, these can represent an interim use to generate a degree of financial return on a site during a time when economic conditions may not be able to support a standalone building such as an office or retail use. The potential for a larger redevelopment of the site in the future is not lost as the proposal only includes developing a portion of site (1320 sq.m.) with external units.</p>
<p>The CBP Zone supports buildings up to 24m in height. Does this application and future self-storage applications support the notion of “grow up, not out”?</p> <p>Should the proposed building be 1-storey, is a building 50% less than the minimum considered context-appropriate at this location?</p> <p>Is a 1-storey building in CBP zones throughout the city considered context-appropriate to promote design excellence as part of the future city structure?</p>	<p>The minimum number of stories is a variable standard with the 2 story minimum height requirement intended for main buildings that contain a higher intensity or mix of uses such as an office building or a multi-tenant building. A one story building is appropriate at this location given the surrounding context (Tim Horton’s and Building D are one story structures.)</p>
<p>Are self-storage uses considered to contain “significant employment?” How does the addition of self-storage uses to this site affect the Business Area designation?</p> <p>How does the addition of self-storage uses to this site affect the Employment Area designation?</p> <p>How does staff correlate the rejection of self-storage in other zones on the grounds of significant employment opportunities yet promote it on the subject site and all other CBP-zoned lands despite the Municipal Plan’s clear direction that these lands are also to contain “significant employment?”</p>	<p>Self-storage is a use that has a lower level of employment than compared with other land uses such as office development. Business Centres are also areas envisioned to accommodate land uses which are more automobile dependent, require loading and storage space and/or a warehousing component or which require more site or floor area that can be accommodated in the Primary Centers. The self-storage facility conforms to this requirement.</p> <p>The City’s planning regulations do not regulate the number of employees in the Zoning By-law. The permitted uses in the CBP zone contain varying levels of employment intensity from higher (office, laboratory) to lower (personal</p>

	service, warehousing). Office buildings exist (three buildings which are two stories each) within the development which provide for a higher overall density of employment and level of activity that supports alternative transportation modes such as walking and cycling. The proposed approach of providing for self-storage facilities as a permitted use in the CBP zone provides for the Primary Centres (Uptown and UNBSJ/Hospital Plateau) to accommodate more intensive employment uses.
<p>The staff report does not, however, make mention of residential properties immediately adjacent to the subject site or any specific considerations for them and, therefore, does not fully measure the impacts. The adjacent residential properties are at a substantial elevation (nearly 50 feet) above the subject property. The proposed screening will be inconsequential to the impact that would be faced by these homeowners, particularly with respect to views and light spill.</p> <p>What measures should be added to sufficiently address noise, light, and visibility issues due to inadequate screening from adjacent residential properties that are at high elevations?</p> <p>If sufficient remedies are not available, should the development be permitted to proceed regardless?</p>	<p>The “adjacent residential” area is 87 metres away from the portion of the site where the self-storage units will be located and is separated from the subject site by Main Street and City-owned land. While private views are not regulated or protected via the Zoning By-law, the proposed single story buildings seek to minimize the impacts on the view shed given the lower elevation of the site with respect to the surrounding properties and Main Street.</p> <p>The existing view could be considered less than ideal now given a portion of the site is a gravel lot that will be occupied by a building should the application be approved. The Zoning By-law requires that light cannot be directed off-site onto adjacent properties.</p> <p>Noise issues would be regulated through the City’s Noise By-law.</p>
What data do you have to support the conclusion that this application and the proposed Zoning By-Law amendments will create substantial job opportunities as outlined by the Municipal Plan for Business Centres, Employment Areas, and Primary Corridors?	Self-storage facilities are a compatible business use and serve a market need to provide a service both to businesses and residents in need of temporary storage space.



175 Hilyard Street

Public Hearing Presentation to Common Council

2019 April 8



Growth & Community Planning Team
Growth & Community Development Services



Proposal

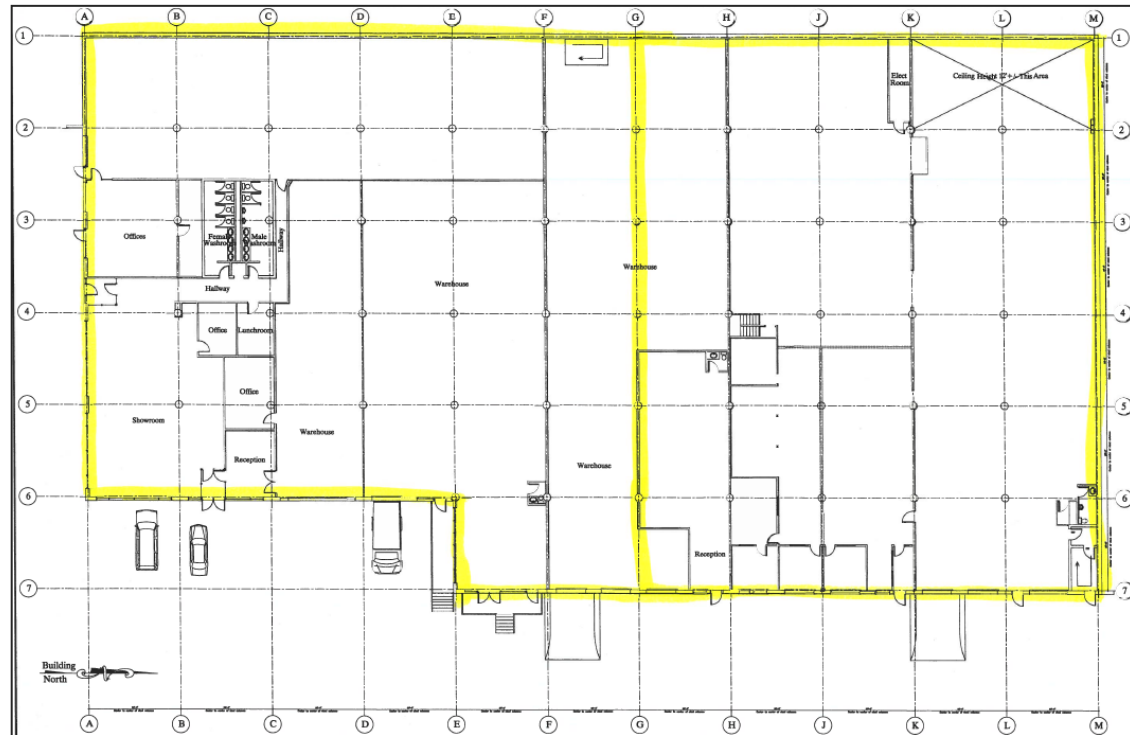
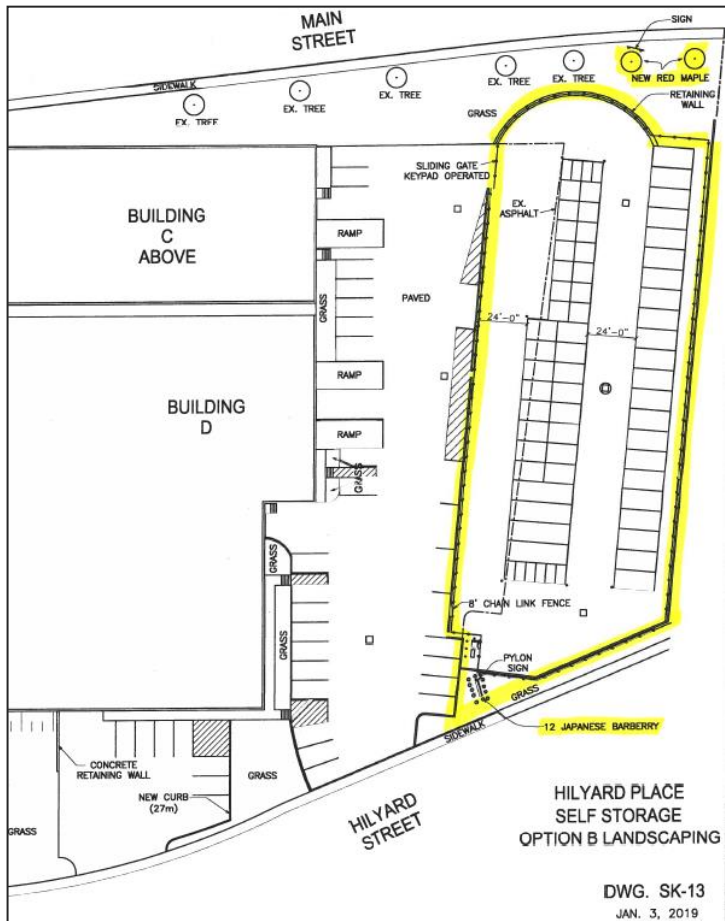
- Text Amendment to Business Park Commercial (CBP) zone
 - Self-storage facility as a permitted use
- Amend Section 59 Conditions
- Broader Text Amendment
 - Self-storage facility as a permitted use in the General Commercial (CG) zone
 - Landscaping standards



Site Location



Site / Building Plans



Site Aerial



Site Photos



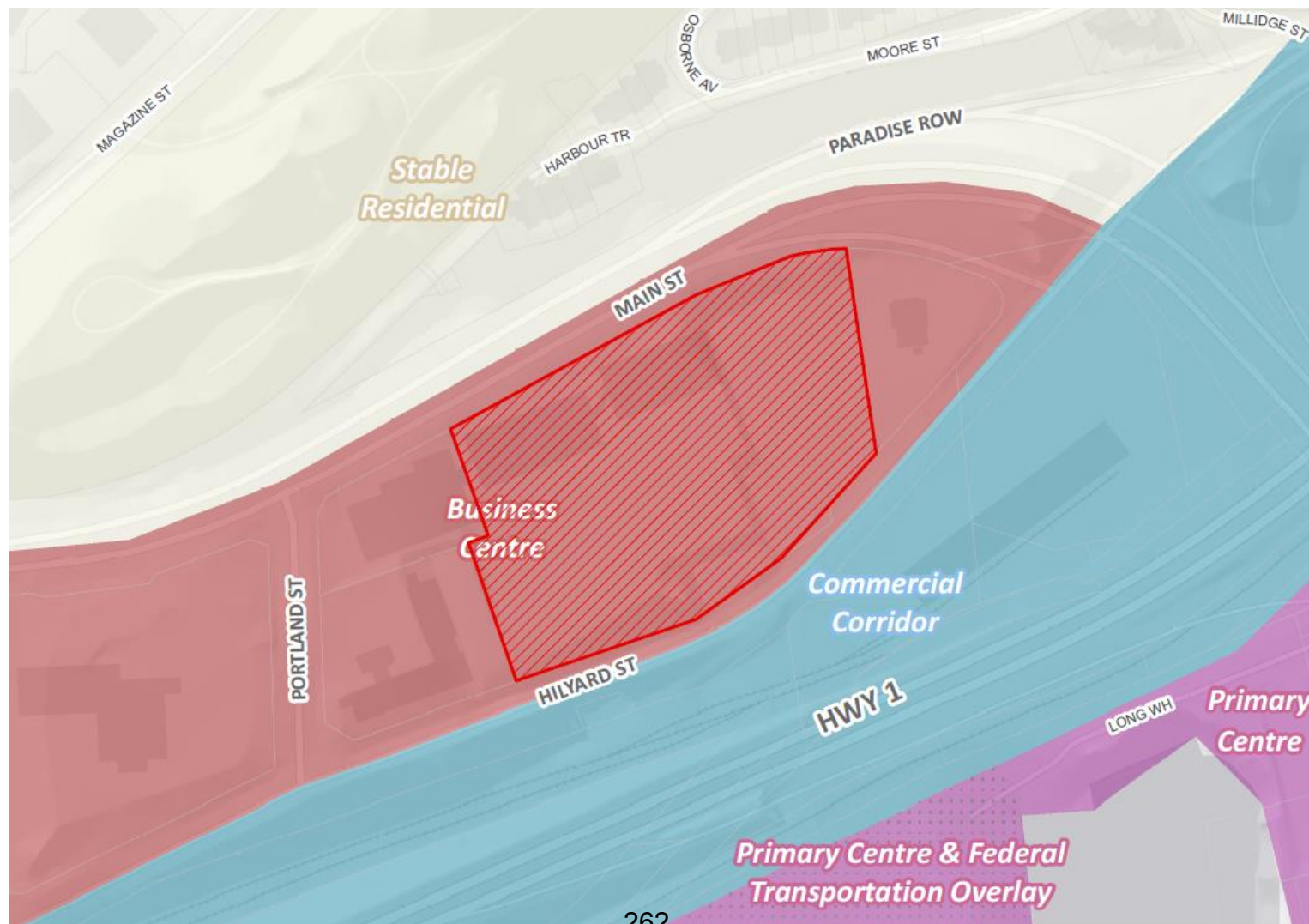
Site Photos



Site Photos

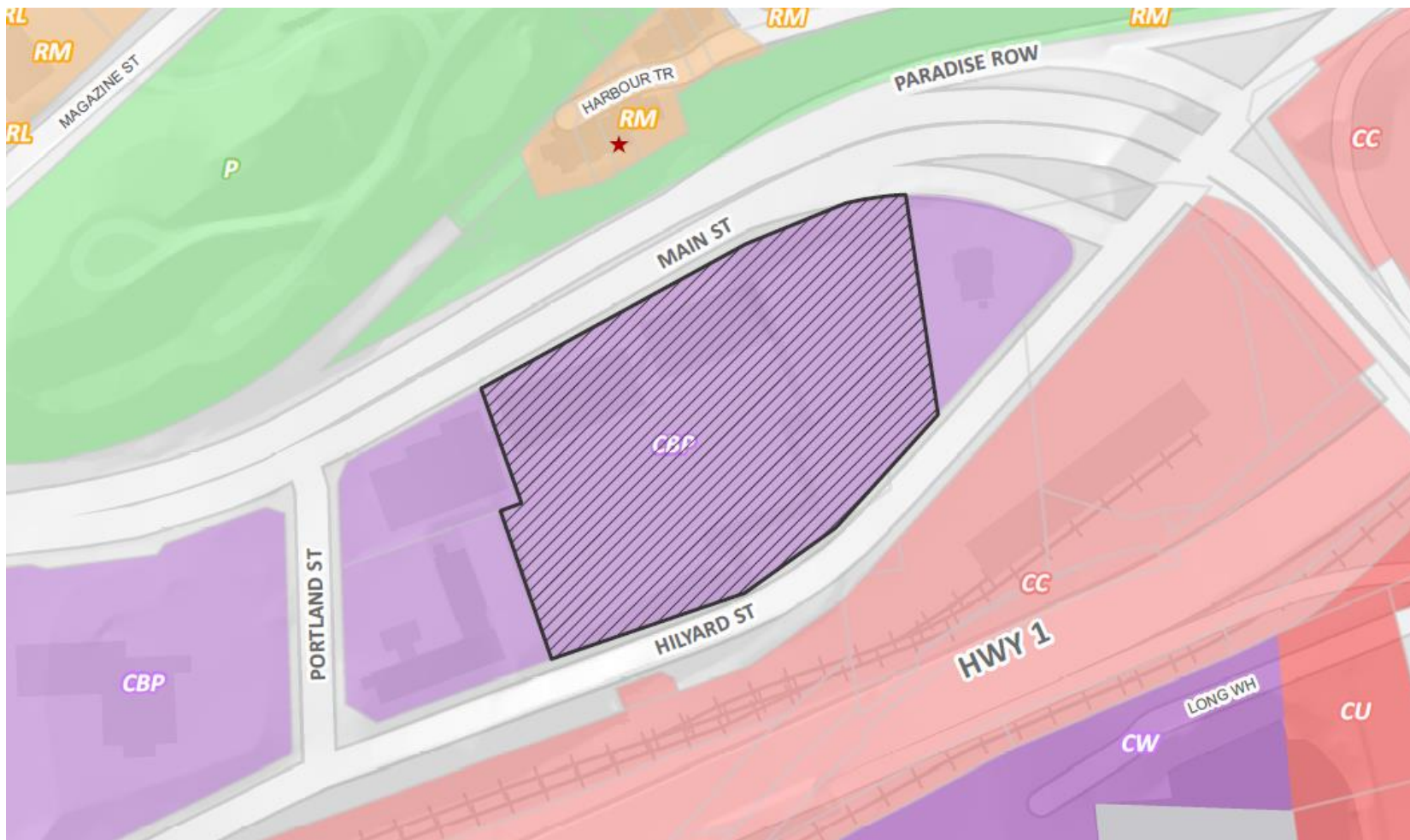


Future Land Use



- Business Centre Designation
- Meets intent of Policy LU-64, LU-65 and LU-70
 - Automobile dependent use with larger floor area
 - Urban Design - landscaping
 - Serviced site on collector road
 - Future redevelopment – external units can be viewed as interim use
- Conforms to Municipal Plan criteria for land use designation

Zoning



- Add Self Storage Facility as permitted use
 - Business Park Commercial (CBP) zone
 - General Commercial (CG) zone
 - Landscaping standards abutting residential
- Rescind existing Section 59 conditions
 - Limits the use of a portion of the site
- New Section 59 Conditions
 - Landscaping Plan
 - Easement

Staff Recommendation

- Zoning By-law
 - Add 'Self-storage facility' as permitted use to CBP and CG zones
 - Add landscaping standards for facilities within 15 metres of a residential zone
- Section 59 conditions
 - Rescind October 1991 conditions that limit use of a portion of site
 - New Conditions
 - Landscaping Plan
 - Easement for water main

Public Engagement

- Website advertisement – March 18, 2019
- Letter to area landowners - March 15, 2019
- One letter received expressing concerns
- One letter received expressing opposition
- Applicant attended PAC Meeting – agreement with Staff Recommendation
- Area resident appeared at PAC meeting
 - Visual impact of external units
 - Proximity of other CBP sites to Uptown Core
 - Anticipated employment levels



PAC Recommendation

- PAC adopted an amended recommendation – outlined in letter from PAC Chair
 - Add 'Self-storage facility' as conditional use to CBP and CG zones
 - Establishment of this use on a site would require PAC approval through a conditional use application



Recommendation

- **Amended Staff recommendation**
 - Amended Staff recommendation that addresses PAC concerns about proximity of CBP zones in South Central Peninsula
 - Maintains approach with current Zoning By-law to eliminate a number of conditional uses & reduce red tape



PLANNING ADVISORY COMMITTEE

March 27, 2019



The City of Saint John

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Proposed Rezoning and Section 59 Amendment
175 Hilyard Street**

On February 25, 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 March 26, 2019 meeting.

Mr. Rod Adams, of the Northrup Group, representing Haldor (1972) Ltd., appeared before the Committee and was in agreement with the Staff Recommendation contained in the report.

Mr. Morgan Lanigan of Harbour Terrace, appeared before the Committee and expressed concerns with the application and conformance to the policies of the Municipal Plan, particularly with the external portion of the development. Mr. Lanigan questioned the introduction of self storage units as a permitted use in the Business Park Commercial zone as opposed to providing an approval for such facilities on a site-by-site basis. He suggested a potential compromise of eliminating the exterior storage units from the proposal.

In response to questions from the Committee, Staff provided an overview of the locations of Business Park Commercial (CBP) zoned areas within the City, noting these areas included areas that had Business Park or Restricted Industrial zoning under the former by-law including areas along Crown Street, the periphery of the Central Peninsula, Woodward Avenue, the Maritime Opportunity Centre on Sand Cove Road, the former Loch Lomond Mall and areas in the vicinity of Loch Lomond Road and Mark Drive. Staff noted self-storage is proposed for inclusion as a permitted use in the Business Park Commercial (CBP) zone as this land use is automobile oriented and has a larger land area and building floor area requirement, which conforms to the policies of the

Business Centre designation. Staff noted the employment density is expected to be lower in these areas compared to the Primary Centres (Uptown and UNBSJ/Regional Hospital) which have land uses with higher concentrations of employees. Staff noted while a variance is required for the one-storey height of the external units, they fit within the surrounding context as both Building D and the adjacent Tim Hortons building were single storey buildings and warehousing is a use that generally requires a single storey floor area.

Mr. Adams noted the internal and external storage units serve different segments of the market with the exterior units providing a higher degree of vehicle access where users can park a vehicle directly at the door of the storage unit for ease of loading. With respect to the proposed one storey height, he noted the portion of the site where the external units are proposed is lower and the single storey building will have less impact on views given the lower height. Mr. Adams noted the buildings could be stick-built or pre-engineered, both of which have different overall heights and exterior treatments. He noted they plan to conduct periodic audits of what clients are storing to ensure there are no hazardous or prohibited materials and that he expected the exterior buildings would be sprinklered.

Committee members expressed concern with the potential implications of allowing this as a permitted use with respect to impacts to adjacent properties in sensitive areas such as the area along Lower Cover Loop where the Business Park Commercial (CBP) zoning currently exists.

Staff noted the Central Peninsula Neighbourhood Plan is a draft plan, not yet adopted and has no applicability to the proposal and that if the Committee had concerns regarding the proposal they could impose an additional Section 59 condition or recommend that it be made a conditional use that would require the Committee's approval on a case by case basis.

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

Upon considering the Staff report, comments made by the applicant and the area landowner and letters, the Committee adopted an amended the Staff Recommendation which recommends that the use of a "self-storage facility" added as a conditional use to the Business Park Commercial (CBP) and General Commercial (CG) zones instead of a permitted use. The amended recommendation is provided below for Common Council's consideration.

RECOMMENDATION:

1. That Common Council amend subsection 11.4(2) of The City of Saint John Zoning By-law by adding the following to the list of conditional uses in the Business Park Commercial (CBP) Zone:
“-Self-Storage Facility;”
2. That Common Council amend subsection 11.7(2) of The City of Saint John Zoning By-law by adding the following to the list of conditional uses in the General Commercial (CG) Zone:
“-Self-Storage Facility;”
3. That Common Council amend The City of Saint John Zoning By-law by deleting paragraph 6.1(k) and replacing it with the following:
 - (k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be screened in accordance with the following:
 - (i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth of 1.5 metres completely around the storage area or self-storage facility;
 - (ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and
 - (iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.
4. That Common Council rescind the Section 59 conditions imposed on the July 3, 1973 rezoning of the property located at 175 Hilyard Street, also identified as a portion of PID No. 55228118, and amended on October 28, 1991.

5. 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 1.84 hectares, located at 175 Hilyard Street, also identified as PID No. 55228118:
- 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) That the owner and/or successors shall enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

Respectfully submitted,



Rick Stephen
Vice Chair

Attachments



The City of Saint John

Date: March 22, 2019

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Tuesday, March 26, 2019**

SUBJECT

Applicant: Haldor (1972) Ltd.

Owner: Haldor (1972) Ltd.

Location: 175 Hilyard Street

PID: 55228118

Plan Designation: Business Centre

Existing Zoning: Business Park Commercial (CBP)

Application Type: Zoning By-law Text Amendment and Section 59 Amendment

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, April 8, 2019**.

SUMMARY

The applicant is seeking approval to redevelop a portion of the existing building and the eastern portion of the site into a self-storage facility. The Business Park Commercial (CBP) Zone does

not permit this use, so a text amendment to allow for the proposed self-storage facility as a permitted use is recommended. An amendment to the Section 59 conditions affecting the eastern portion of the site is also recommended to allow for the redevelopment.

As a result of the application, Staff has proactively undertaken a review of the applicability of self-storage facilities as a permitted use in other commercial zones and also recommends the addition of a self-storage facility as a permitted use to the General Commercial (CG) zone and an amendment to the landscaping requirements to require a treed buffer when these facilities are located adjacent to a residential area.

RECOMMENDATION

1. That Common Council amend subsection 11.4(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the Business Park Commercial (CBP) Zone:
“-Self-Storage Facility;”
2. That Common Council amend subsection 11.7(1) of The City of Saint John Zoning By-law by adding the following to the list of permitted uses in the General Commercial (CG) Zone:
“-Self-Storage Facility;”
3. That Common Council amend The City of Saint John Zoning By-law by deleting paragraph 6.1(k) and replacing it with the following:
 - (k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be screened in accordance with the following:
 - (i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth of 1.5 metres completely around the storage area or self-storage facility;
 - (ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and
 - (iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.

4. That Common Council rescind the Section 59 conditions imposed on the July 3, 1973 rezoning of the property located at 175 Hilyard Street, also identified as a portion of PID No. 55228118, and amended on October 28, 1991.
5. 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 1.84 hectares, located at 175 Hilyard Street, also identified as PID No. 55228118:
 - 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) That the owner and/or successors shall enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

DECISION HISTORY

Common Council approved the Hilyard Place development in 1973 in accordance with the North End Renewal Scheme. The original concept included a mix of office, light industrial and warehousing uses in the four building complex. A 1991 Section 59 amendment to the Integrated Development (ID) zoning of the site approved the construction of a donut shop, auto repair shop and retail space for the western portion of the site and the adjacent parcel to the west and included requirements for signage and preparation of detailed building and elevation plans by the developer. The donut shop (Tim Horton's) was the only component of the 1991 proposal that was constructed and a portion of the lands subject to the 1991 Section 59 resolution have been incorporated into the subject Hilyard Place parcel.

Various other Section 59 amendments between 1973 and the adoption of the current zoning by-law in 2015 dealt with amendments to the signage scheme on the site. With the change in site zoning from Integrated Development (ID) to Business Park Commercial (CBP) with the adoption of the current by-law, the signage provisions are now governed by the Business Park Commercial (CBP) zone standards and not the 1973 proposal as amended.

ANALYSIS

Proposal

The applicant is proposing to convert part of Building D, which fronts onto Hilyard Street into a self-storage facility. The proposal will include additional exterior self-storage units in the

eastern portion of the property adjacent to the lot currently occupied by Tim Hortons. The site is zoned Business Park Commercial (CBP) which does not permit a self-storage facility. A text amendment is proposed to add self-storage facility a permitted use to the Business Park Commercial (CBP) zone.

In addition, Staff has reviewed the applicability of self-storage facilities in other commercial zones and determined that adding the use to the General Commercial (CG) Zone would be appropriate.

Site and Neighbourhood

The 1.84 hectare site includes three two-storey buildings fronting on Main Street and a fourth Building, 175 Hilyard Street (Building D), located underneath the building at 600 Main Street and the parking area to the rear of this building. An office building is located southwest of the site at the intersection of Hilyard Street and Portland Street and a drive-thru restaurant is located east of the site along Hilyard Street. The site and surrounding properties along Main Street are zoned Business Park Commercial (CBP). Lands on the opposite side of Hilyard Street are zoned Corridor Commercial (CC) and include a railway corridor and warehouse.

Municipal Plan

The site is designated as Business Centre in the Municipal Plan. These are areas of light industrial and commercial development generally located along arterial streets outside of the Primary or Regional Centres. Policies LU-64, LU-65 and LU-67 provide criteria to assess development proposals in the Business Centre designation. An evaluation of this application against these policies is provided below:

Criteria	Staff Comments
These areas are envisioned to accommodate land uses which are more automobile dependent, require loading and storage space and/or a warehousing component or which require more site or floor area that can be accommodated in the Primary Centres.	The proposed self-storage facility meets these criteria as it is an automobile oriented use not typically accessed by foot traffic and is a form of warehousing.
Consideration is given to urban design, landscaping, and restrictions on outdoor storage.	All storage will either be located within a building or screened by enhanced landscaping which is proposed along the Main Street and Hilyard Street frontages.
Site suitability including road access and servicing	Water and sanitary sewer servicing is available and access to the site will be from Hilyard Street via an existing driveway.
Recognize that in the future there may be an opportunity to redevelop the lands generally bounded by Main Street, Chesley Drive, and	Staff note this portion of the site where the exterior self-storage units are proposed is at a lower elevation than Main Street and thus

Hilyard Street to accommodate more urban forms of development. It is Council's intention to work with the proponents of any such redevelopment to prepare appropriate plans to redevelop this area with a more urban character, such as those found in the adjoining areas in the Uptown and the Old North End.	cannot be easily developed with uses that relate to an active pedestrian streetscape along Main Street. In addition, the existing floorplate of Building D provides limited visibility along the Hilyard Street corridor for an active frontage. Staff note that while external self-storage units are proposed, these can represent an interim use to generate a degree of financial return on a site during a time when economic conditions may not be able to support a standalone building such as an office or retail use.
---	---

Based on the above assessment, the proposal conforms to the criteria established in the Plan for the Business Centre designation.

Zoning

Currently self-storage facilities are only permitted in the Corridor Commercial (CC), Light Industrial (IL) and Medium Industrial (IM) zones. To accommodate the applicant's proposal, a text amendment to the Zoning By-law is required to add a self-storage facility as a permitted use in the Business Park Commercial (CBP) zone. As part of the application review, Staff have reviewed the applicability of adding this use to the list of permitted uses in the City's other commercial zones.

Existing self-storage facilities within Saint John were constructed under the former Zoning By-law. An overview of these sites, their current zoning and planning considerations of past approvals are presented below.

Location	Current Zoning	Past Approval Considerations
999 Fairville Boulevard	Corridor Commercial (CC)	A self-storage facility was considered as a permitted use in the former I-4 Heavy Industrial Zone, the former zoning of the site.
77-81 Golden Grove Road	Corridor Commercial (CC)	Site was rezoned to Special Zone 8 in 2002 which allowed for a self-storage facility as a permitted use along with other general business (former B-2 zone) uses. Section 39 conditions required a site plan showing landscaping and a

		variance was granted to reduce the required front yard landscaping to 3 metres.
651 Somerset Street	General Commercial (CG)	Permitted through a Section 39 Amendment in 1991 to the I-1 (Light Industrial) zoning which also permitted other Light Industrial uses. Section 39 conditions included the requirement for a landscaping plan as part of the required permit package with previous approvals requiring a 3 mere landscaped front yard.
1382 Hickey Road	Corridor Commercial (CC)	The site was rezoned to Special Zone 12 in 2002 which allowed for a self-storage facility as a conditional use along with other general business (former B-2 zone) uses as permitted uses.
70 Thorne Avenue	Corridor Commercial (CC)	The site was rezoned to Special Zone 12 in January 2006 and conditional use approval was granted by the Planning Advisory Committee.
101 Woodward Avenue	Business Park Commercial (CBP)	The conversion of building into self-storage facility (with internal access) was approved as a conditional use in 2015 under the former IR (Restricted Industrial) zoning. With the change of this site's zoning to Business Park Commercial (CBP) with the current zoning by-law it is considered a non-conforming use.

Staff are of the opinion that self-storage facilities are an appropriate use to be added as a permitted use in the Business Park Commercial (CBP) zone as the zone currently permits warehousing as a permitted use and these areas are generally located along major arterial and

collector streets. The General Commercial (CG) zone is also considered an appropriate zone for this additional permitted use as it is intended to accommodate medium scale commercial development that serves the broader community.

Within the Uptown Commercial (CU) and Campus Research Commercial (CRC) zones, self-storage facilities would not be considered appropriate as it would conflict with the underlying Primary Centre designation of the Municipal Plan which seeks to have more employment intensive land uses located in these zones. These uses would also potentially conflict with the existing and envisioned built form within the Uptown Commercial (CU) zone. While accommodating larger scale, automobile oriented development, the Regional Commercial (CR) zone is not considered an appropriate zone as it is also focused on providing more employment intensive land uses such as retail and service uses. The Mixed Commercial (CM), Local Commercial (CL) and Rural General Commercial (CRG) zones are also not considered appropriate for the addition of self-storage facilities as a permitted use as the intent of these zones is for smaller scale development that serves the daily commercial needs of surrounding residential areas.

Staff note that both the General Commercial (CG) and Business Park Commercial (CBP) zones require landscaped side and rear yards having a minimum depth of 7.5 metres which serves to mitigate the impact of future facilities on adjacent residential zones. Staff also proposes an amendment to the landscaping requirements found in Section 6.1(k) of the Zoning By-law that would require a treed buffer between self-storage facilities and adjacent residential areas.

Staff believe that the inclusion of self-storage within the Business Park Commercial (CBP) and General Commercial (CG) zones will support an additional avenue for future self-storage developers to identify an applicable zone to suit the scale of the development and the neighborhood context the use is intended. Staff believe this proactive approach is well-warranted with the expected growing demand for self-storage in the coming years.

Section 59 Conditions

The eastern portion of the site at 175 Hilyard Street is subject to existing Section 59 conditions which limit this portion of the site to a specific development including a donut shop, auto repair shop and retail space. This condition will have to be rescinded to provide for the development of the external self-storage units in this portion of the site.

The applicant has provided plans detailing additional landscaping to be introduced around the street frontages in conjunction with the development of the external self-storage units. Staff has proposed Zoning By-law amendments to formalize landscaping requirements to be similar to outdoor storage, as part of this application. A Section 59 condition requiring a formalized landscaping plan at the time of permit application has also been proposed to ensure additional landscaping is provided as this site does not abut a residential zone and is visible from two adjacent streets.

There is an existing municipal water main through the site located in the parking area east of Building D. The City currently does not have an easement for this infrastructure. Staff recommend an additional Section 59 condition requiring the landowner to enter into an agreement with the City to provide a Local Government Services Easement to cover existing City infrastructure located within the parcel.

Conclusion

The proposal for 175 Hilyard Street is in keeping with plans of the Municipal Development Plan and is a reasonable interim project until such time that the overall parcel can be redeveloped. The proposed Zoning By-law amendments to add self-storage facility to the Business Park Commercial (CBP) and General Commercial (CG) Zones is a logical evolution of these zones and the proposed landscaping requirements should adequately screen any self-storage facility when in proximity to a residential zone.

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

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 March 15, 2019. The public hearing for the rezoning was advertised on the City's website beginning on March 18, 2019.

SIGNATURES AND CONTACT**Prepared:**

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

Reviewed:

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

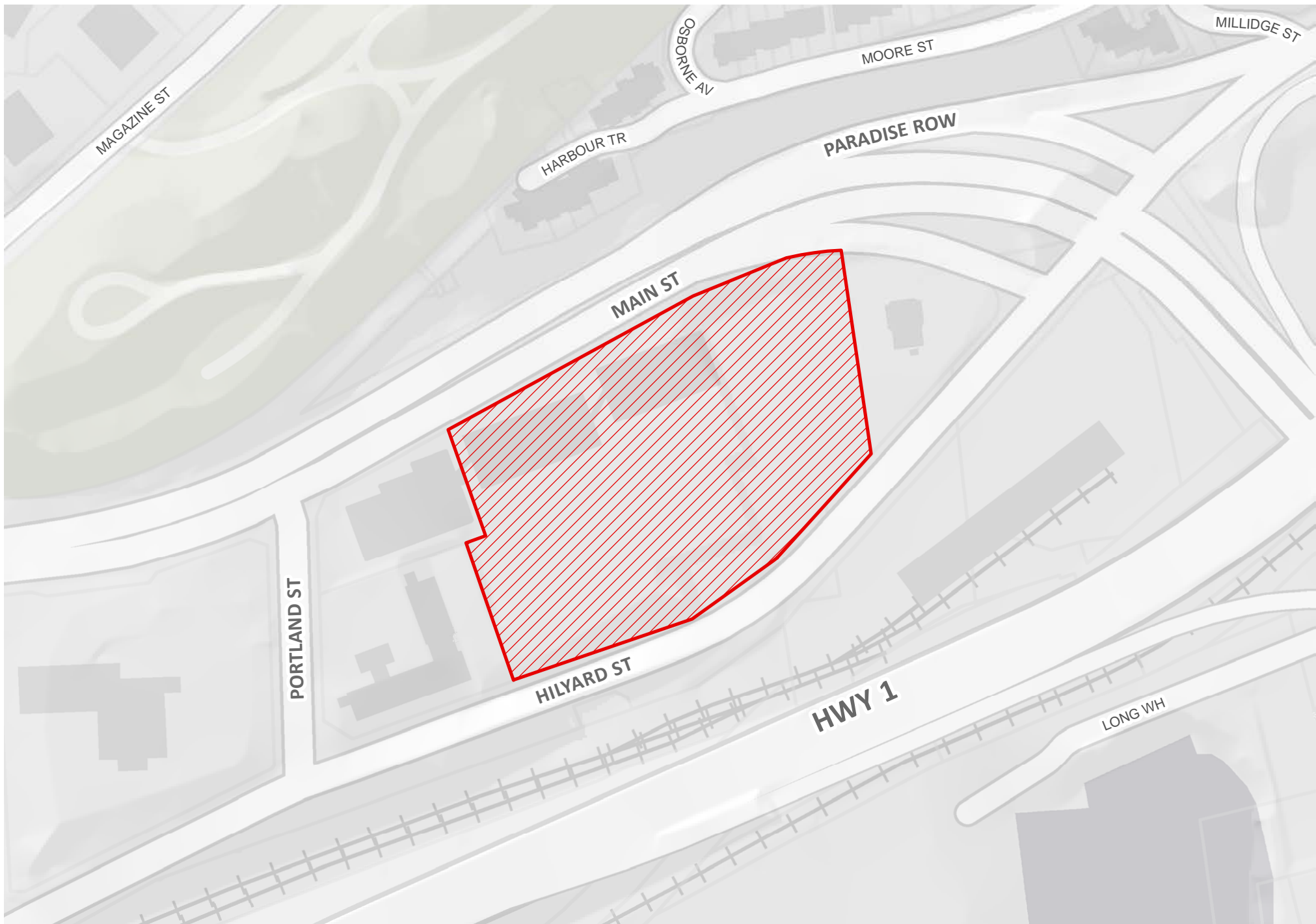
Approved:

Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Mark Reade
Phone: (506) 721-0736
E-mail: mark.reade@saintjohn.ca
Project: 19-29

APPENDIX

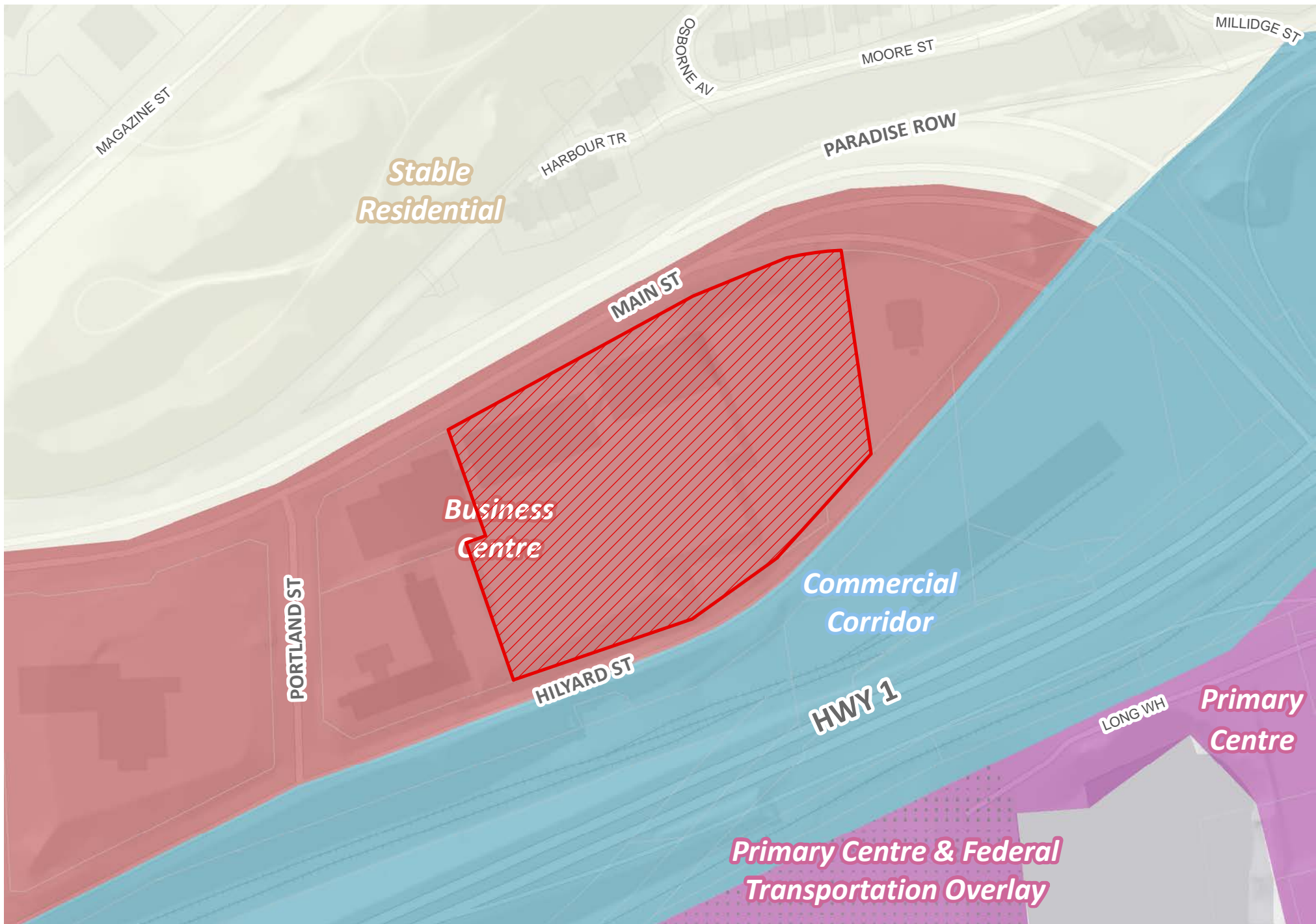
Map 1: **Site Location**
Map 2: **Municipal Plan**
Map 3: **Zoning**
Map 4: **Aerial Photography**
Map 5: **Site Photography**
Submission 1: **Site Plan**
Submission 2: **Floor Plan**



Map 1 - Site Location

Haldor (1972) Ltd. - 175 Hilyard Street

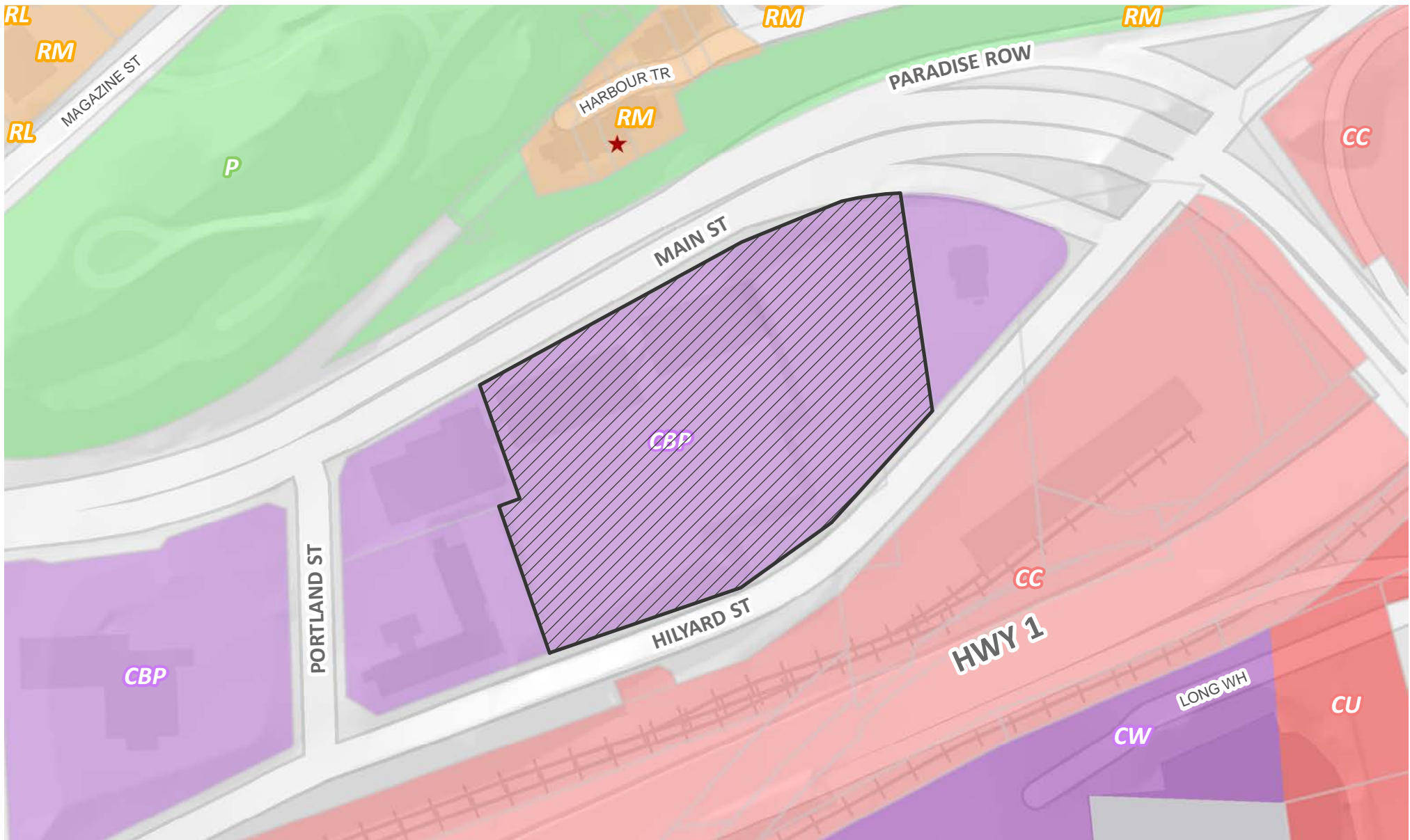




Map 2 - Future Land Use

Haldor (1972) Ltd. - 175 Hilyard Street





(CBP) Business Park Commercial (RL) Low-Rise Residential
 (CC) Corridor Commercial (RM) Mid-Rise Residential
 (CU) Uptown Commercial
 (CW) Waterfront Commercial
 (P) Park

★ Section 59 Conditions

Map 3 - Zoning

Haldor (1972) Ltd. - 175 Hilyard Street





Map 4 - Aerial Photography

Haldor (1972) Ltd. - 175 Hilyard Street

286

The City of Saint John
Date: March-05-19

0 50 m





Map 4A - Aerial Photography

Haldor (1972) Ltd. - 175 Hilyard Street

287

The City of Saint John
Date: March-05-19

0 25 m





View of site from north



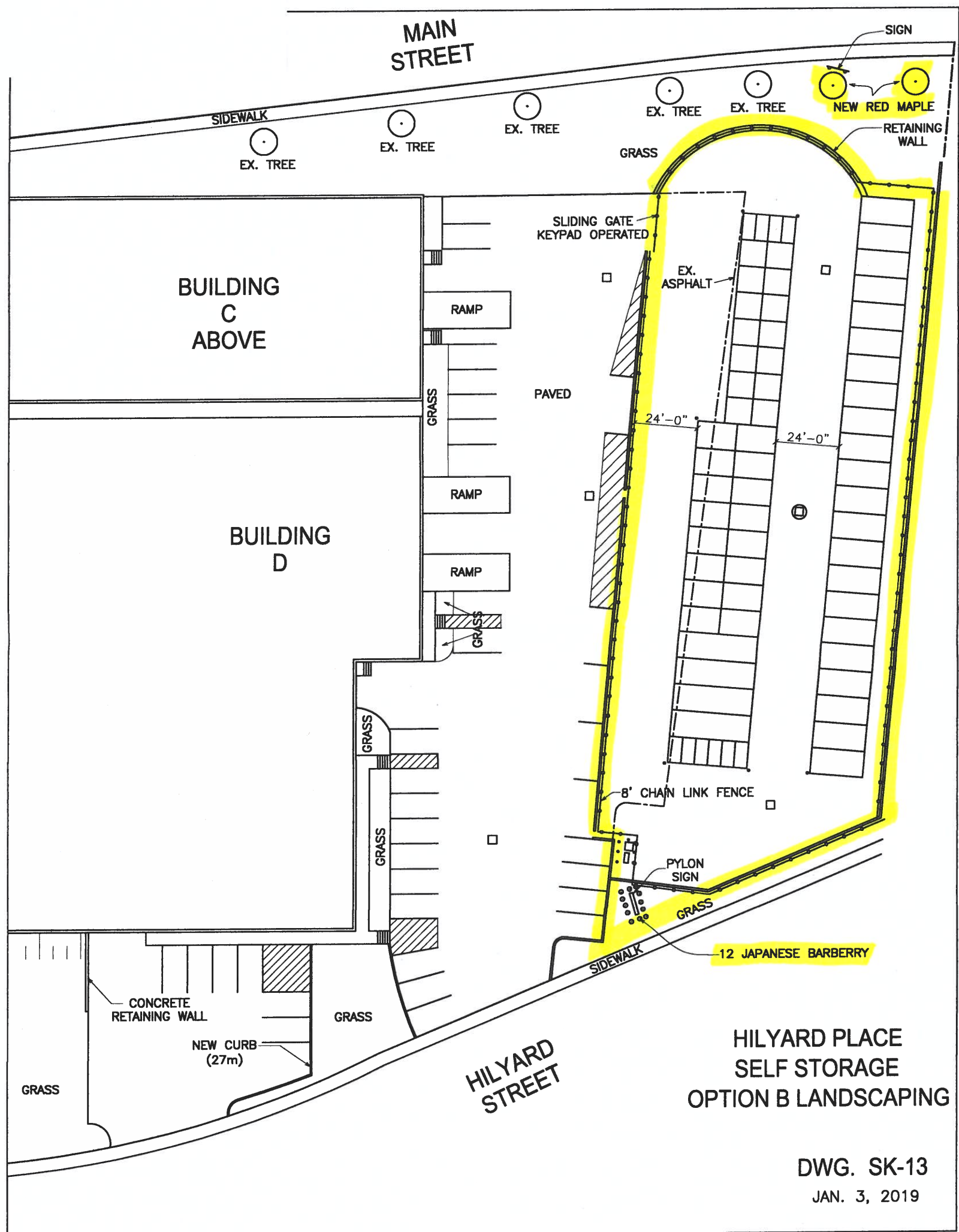
View from north showing Buildings A,B and C

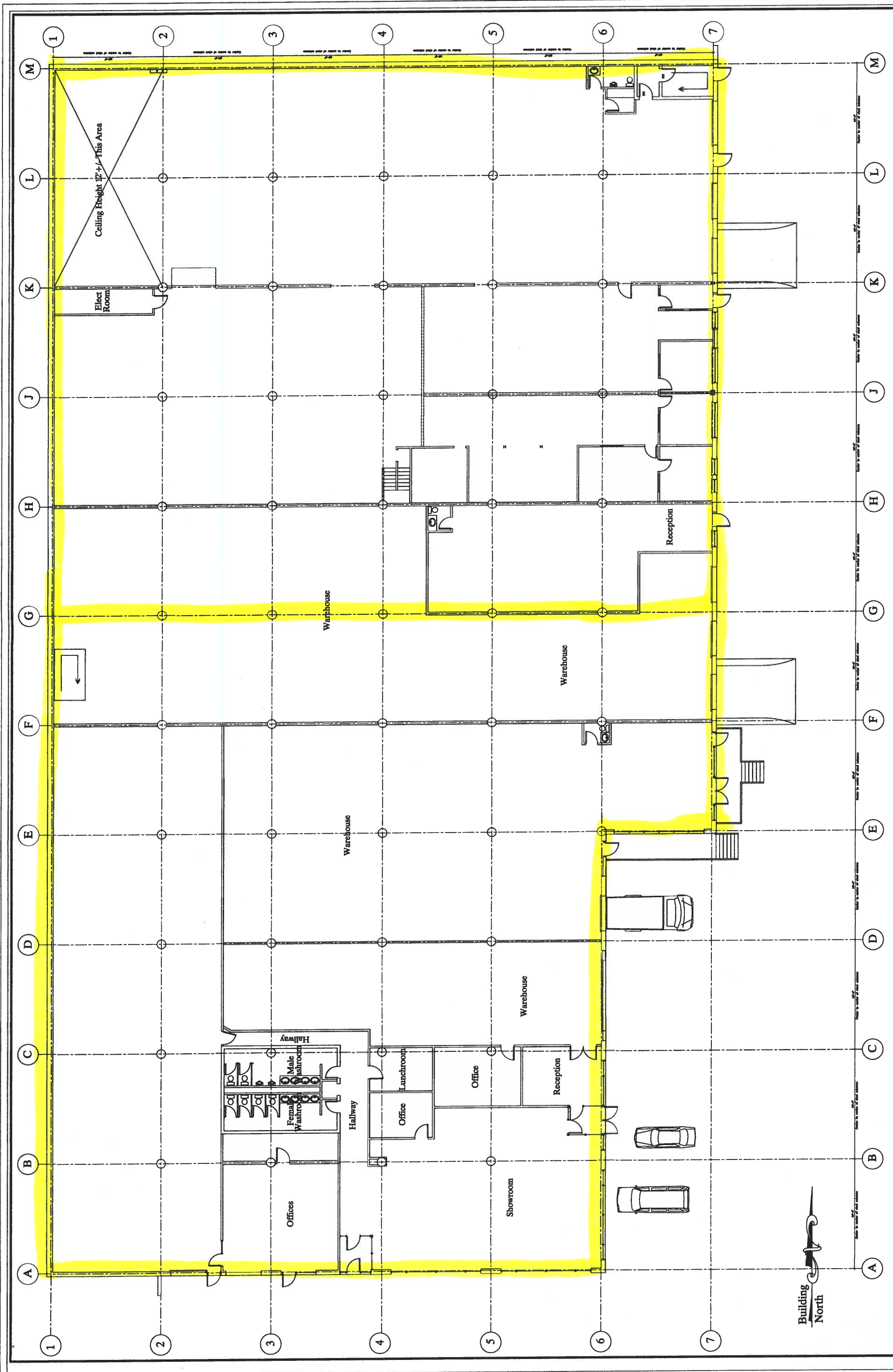


View of Building D from Hilyard Street



View of area proposed for external storage units





NORTHROP PROPERTIES
HILYARD PLACE BUILDING D

EXISTING CONDITIONS
AS BUILT DRAWING

Project Title: NOV. 4, 1989
Client: NOV. 4, 1989
Drawing Number: NOV. 4, 1989
Scale: 1/8" = 1'-0"
Drawing Title: HILD-EXPL1B

SCHEMATIC LAYOUT SKETCH
MAY CHANGE TO SUIT
ADDITIONAL SITE INFORMATION.

JIM BUCKLEY
Fundy Drafting Services
(833-1118)

March 20, 2019

Planning Advisory Committee:

RE: Proposed Zoning By-Law Amendment and Section 59 Amendment 175 Hilyard Street.

While applauding the developer for proposing to make use of this small “sliver” of land that will add financial value to the company business plan, as well as a wise business decision, most anyone would agree and find little objection to the proposal.

Therefore I wish to be clear we do not “strongly” object to the proposal but prefer to use this opportunity to offer another suggestion for the use of this property. May we suggest this property be turned into small green space with trees, shrubs, grass, pathways and a few benches? Simply put, turn this space into a beautiful public small park right in the middle of the commercial area of our city.

Why do we make this suggestion? We already have a long warehouse located across the street from this proposal and a short distance beyond is the “Long Wharf” property and proposing another warehouse type building at the “Front Door” of our city, simply seems to us the wrong direction to develop our city, “akin” to parking wrecked and derelict automobiles on the front lawn of your home that results in a very negative impression on those travelling by.

We are aware if the proposal offered by the company does not move ahead our city does lose much needed tax dollars, however we believe developing this small “sliver” of land into a green space would produce positive benefits for the company and the city with the added benefit to us, “the citizens” of our beautiful city.

This could be the catalyst needed to cause the other commercial property owners in this area rethink their situation at our city’s front door ...

John & Sylvia Watson
55 Moore Street,
Saint John, NB
E2K 5N1
657-3760

Burgess, Aimee

From: onestop
Sent: March-25-19 8:47 AM
To: Burgess, Aimee; Reade, Mark
Subject: FW: 175 Hilyard Street comment letter
Attachments: 175 Hilyard Street By-Law Amendment.pdf



Paula Hawkins
One Stop Development Shop
Permitting & Inspection Services
10th floor – City Hall
Saint John, NB E2L 4L1
(506)658-2911
paula.hawkins@saintjohn.ca
onestop@saintjohn.ca

From: Morgan Lanigan [<mailto:morgan.lanigan@ft2group.com>]
Sent: March-24-19 11:27 PM
To: onestop
Subject: Fwd: 175 Hilyard Street comment letter

----- Forwarded message -----

From: **Morgan Lanigan** <morgan.lanigan@ft2group.com>
Date: Sun, 24 Mar 2019 at 23:22
Subject: 175 Hilyard Street comment letter
To: Mark Reade <mark.reade@saintjohn.ca>, Kelly Lanigan <kellamont@hotmail.com>

Hi Mark --

Attached for PAC's consideration are comments from my wife and I with respect to the proposed Zoning Bylaw Amendment and Section 59 Amendments at 175 Hilyard Street for the meeting on March 26th, 2019.

...and it's a doozy.

Our letter is 9 pages in total and, unfortunately, it's quite critical of the staff report. We don't mean anything personal by it and, perhaps, you've contemplated the answers to the questions we've asked but we didn't see any mention to them in the staff report to our satisfaction.

We're happy to answer questions or provide clarification to anything contained herein if it's necessary. We intend to attend the PAC and Council meetings to elaborate further on the 6 main points of our cover letter. We also believe that there is a credible and successful compromise that can be worked out; I'll elaborate on that in person at the PAC meeting rather than making this beast any longer.

Cheers,

March 24, 2019

Attention: Planning Advisory Committee
% Erik Falkjar, Chairman

Re: Proposed Zoning By-Law Amendment and Section 59 Amendment
175 Hilyard Street

Committee Members:

We are writing this letter to express our concerns and objections related to the above noted application. Generally, they are as follows:

1. The staff report has failed to provide full analysis and advice to you on a number of critical items from the Municipal Plan and Zoning By-Law in contravention of Policy I-1 of the Municipal Plan.
2. This application and staff report does not consider the site-specific impacts of the high elevation of adjacent residential properties with respect to appropriate screening and noise.
3. The Zoning By-Law amendments should not be considered in the context of this site-specific application but should instead be reviewed and analyzed separately on its own merits; the staff report frequently conflates the two.
4. It is our opinion that the Municipal Plan and Zoning By-Law reflect the accepted minimum community standard and are not optional; applications should be approached from the perspective of "why they *cannot meet* the *minimum* community standard" rather than seen as "*opting out* of a *voluntary* standard."
5. The proposed use is inappropriate given the substantial amendments required to the municipal plan and zoning bylaw in order to justify its proposed location; it appears that future additional variances from the zone standards will also be required to execute the submitted application.
6. This application is premature given the South Central Peninsula Neighbourhood Plan is underway, encompassing this site, and its draft direction -- the result of extensive public feedback and which is required to support the municipal plan -- does not support this application.

Of course, the above items are only a summary of the points that, in our opinion, are required to be addressed before deciding the merits of this application. We intend to be present at the PAC and Council meetings to elaborate on these points. In the event of our absence at these public meetings, you will find on the attached pages more focused commentary for your consideration.

Sincerely,

Morgan and Kelly Lanigan
7 Harbour Terrace, Saint John, NB

Encl. (9 pages total)

Proposed Zoning By-Law Amendment and Section 59 Amendment
175 Hilyard Street

The items included herein represent additional commentary, concerns, observations, and questions to compliment letter from Morgan and Kelly Lanigan of 7 Harbour Terrace dated March 24, 2019 with respect to the above noted application. We have included a number of questions that we believe should be directed to staff and the applicant and for which we would appreciate answers, however, we leave this to your discretion given the quantity and breadth of the questions.

1. DEVELOPMENT APPROVALS CONSISTENT WITH MUNICIPAL PLAN

Section 12.1 of the Municipal Plan is firm that *"[The City shall] ensure all future planning, regulation and decision making by the City is aligned with the policies of the Municipal Plan."* Policy I-1 further clarifies that *"all forms of development approval including zoning amendments [...] shall be consistent with this Municipal Plan"* and *"[...] All neighbourhood plans [...] shall be in alignment with the Municipal Plan."*

○ COMMENTARY:

Section 12.1 and Policy I-1 are of the utmost importance with respect to this application. The words "ensure" and "shall" convey very rigid requirements that differ from softer words, such as "consider" or "should." The questions below, particularly #4, 5, and 6 relating to Employment Areas, Business Centres, and Primary Corridors, strongly suggest that the application is not consistent with the Municipal Plan in very substantial ways. The staff report indicates the development is "compliant with municipal plan criteria" but omits substantial relevant criteria as illustrated herein.

In addition, the South Central Neighbourhood Plan is still in development but a draft has been released. Preliminary reviews further suggest that this application is inconsistent from its intended direction which *shall be in alignment with the Municipal Plan*.

○ QUESTIONS TO STAFF:

- i. Is this application consistent with the Employment Areas, Business Centres, and Primary Corridors provisions of the Municipal Plan?
- ii. Are the zoning amendments consistent with the Municipal Plan for all CBP-zoned areas?
- iii. Is the draft South Central Neighbourhood Plan released to the public consistent with the Municipal Plan? What is said regarding the subject site, specifically, and, generally, for other CBP-zoned sites within the Neighbourhood Plan area?

2. HIERARCHY, INTENSITY, COMPACT DEVELOPMENT, AND BUILT FORM

The Municipal Plan makes a number of statements, such as:

- *“Creating a hierarchy of development with the highest intensity of uses in the Primary Centres and the lowest intensity in the Stable Areas and Rural Areas”*
- *“Supports the concept that smart cities grow up not out”*
- *“Revitalizes existing communities through compact development and infill within the existing developed areas”*
- *“Develops a built form that supports efficient, convenient and viable alternative choices for transportation including walking, cycling, and transit that support healthy lifestyles”*
- *“Supports the long term health of the urban core city centre by making choices that strengthen the urban core and saying “no” to choices that weaken the urban core”*

- COMMENTARY:

The staff report does not make mention of these topics, does not indicate how this site-specific application meets those intent or indicate how these criteria apply to CBP-zoned sites throughout the City. In light of Item 2 above and the presumption of 1-storey exterior storage buildings for this application, the application does not appear to support any of the statements above.

- QUESTIONS TO STAFF:

- i. Is self-storage considered to be high intensity? Immediately adjacent to the most intense development area of the City, the Uptown, does this application represent the evolution of the hierarchy intended by the Municipal Plan?
- ii. How is the intended hierarchy met in CBP-zoned areas elsewhere through the City?
- iii. The CBP Zone supports buildings up to 24m in height. Does this application and future self-storage applications support the notion of “grow up, not out”?
- iv. Does this application and the addition of self-storage areas throughout the CBP-zoned lands “revitalize existing communities through compact development”?
- v. How does this application and future self-storage applications in CBP zones support “efficient, convenient and viable alternative choices for transportation including walking, cycling, and transit”?
- vi. The staff recommendation is that this “is a reasonable *interim* project until such time that the overall parcel can be redeveloped.” The municipal plan states that developments “support the *long-term* health of the urban core.” How does the Municipal Plan. How does the Municipal Plan or Zoning By-Law define between “interim” and “long term” projects? What provisions should be added to this application to ensure it is only for the interim and not the long term?

3. **MINIMUM HEIGHT AND CONTEXT APPROPRIATE INFILL**

Item 11.4(4)j of the CBP Zone Standards requires a minimum building height of 2 storeys. Policy UD-7 of the Municipal Plan aims to “establish a height and built form framework in the Zoning Bylaw to ensure the intent for design excellence as part of the future City Structure is implemented.” City Structure Goal #2 in Section 2.1 of the Municipal Plan further requires “compact development, and context appropriate infill.”

- COMMENTARY:

Few details of the proposed external storage buildings are provided, however, the plans provided appear to illustrate typical 1-storey structures with individual roll-up doors. The staff report, however, does not discuss changes to the building height requirements as part of the By-Law Amendment. Further, the Zoning Bylaw has interpreted the Municipal plan to require a minimum of 2-storeys to be considered “context appropriate”. Buildings up to 24m (~7 storeys) are permitted in this zone.

- QUESTIONS TO THE APPLICANT:

- i. How do you propose to meet the minimum height requirements?

- QUESTIONS TO STAFF:

- i. Should the proposed building be 1-storey, is a building 50% less than the minimum considered context-appropriate at this location?
 - ii. Is a 1-storey building in CBP zones throughout the city considered context-appropriate to promote design excellence as part of the future city structure?

4. **EMPLOYMENT AREAS**

Per the Municipal Plan Structure Map, the CBP-zoned lands are identified as “Employment Areas.” Page 74 of the Municipal Plan states that “*The City’s Employment Areas are a foundational component of the Municipal Plan. A critical element to the creation of a successful urban area is the provision of an adequate supply of well located, high quality employment lands to accommodate the needs of business and industry. The City’s ability to retain existing employment uses and create new employment activity will largely dictate the degree of growth and development that will take place over the planning period.*” Furthermore, Policy UD-9 indicates that in Employment Areas, “[...] uses will be located and organized [...] to provide functional buildings that foster alternative transportation modes and limit any impacts on nearby Stable Areas.”

- COMMENTARY:

The staff report does not discuss the Employment Area designation as it relates to this application or to CBP zones in general. Noteworthy are the Municipal Plan’s reference to Employment Areas as both “foundational” and “critical” to the “degree of growth and development” over the next 25 years, however, most self-storage businesses are designed to be unstaffed or minimally staffed. This application and self-storage uses generally appear to

be low intensity and low employment uses that do not foster alternative transportation modes or best use of these critical and limited lands.

○ QUESTIONS TO THE APPLICATION:

- i. How many people are projected to be employed by this development after the completion of construction?

○ QUESTIONS TO STAFF:

- i. How does the addition of self-storage uses to this site affect the Employment Area designation?
- ii. How does the addition of self-storage uses to the CBP zone in general affect the degree of growth anticipated by the municipal plan?
- iii. Per Policy I-7 that states that Council shall *"have regard for the fiscal implications of all planning applications that require Council approval,"* how does low-intensity self-storage uses impact City finances and projections? What financial implications can be anticipated if the degree of growth anticipated is diminished by adding low-intensity uses to all CBP zones throughout the City?
- iv. Does this application or addition of self-storage uses to the CBP zone foster alternative transportation modes and limit impacts on Stable Areas?

5. **BUSINESS CENTRES**

The Municipal Plan designates these lands as "Business Centre." Page 78 of the Municipal Plan describes these Business Centres as "generally contain[ing] significant employment [...] and include the Main Street Commercial Area." Furthermore, Policy LU-66 specifically requires that "Specific redevelopment [...] of a Business Centre, if approved, will demonstrate enhanced connectivity to the streetscape."

The staff report goes on extensively that self-storage is not appropriate in many other zones because the *"Municipal Plan [...] seeks to have more employment intensive land uses located in those zones."* Yet, the municipal plan also calls this particular site an Employment Area and a Business Centre that shall *"generally contain significant employment but are not located in one of the Primary or Regional Centres and include the Main Street Commercial Area."*

○ COMMENTARY:

The Municipal Plan designates these lands as "Business Centre." The staff report does not discuss the Business Area designation as it relates to this application or to CBP zones in general. Noteworthy are the Municipal Plan's reference to Business Areas as containing "significant employment," however, most self-storage businesses are designed to be unstaffed or minimally staffed. This application does not appear to comply with this direction.

The adjacent Tim Hortons property addresses Main Street and a site review

shows that the slopes from Main Street are very gradual and likely do not exceed 1 to 2m from street elevation. There are many precedents throughout the City that have successfully conquered substantially more difficult site conditions, such as the Costco site where a mountain was essentially folded onto itself and took many, many months to prepare. There are no provisions anywhere in any regulation that we could find that considers the elevation of the land as an acceptable reason for not adhering to the requirements of the Municipal Plan.

In fact, the grades here could be considered an asset for a 2-storey building (as required by the Zone Standards): The full lower floor could be accessed via Hilyard Street while the upper floor would be sufficiently raised to properly meet Main Street and address the pedestrian connectivity required by LU-66 and LU-67 regarding the special urban opportunities afforded by this specific site.

○ QUESTIONS TO STAFF:

- i. Are self-storage uses considered to contain "significant employment?" How does the addition of self-storage uses to this site affect the Business Area designation?
- ii. Does this application or addition of self-storage uses to the CBP zone demonstrate enhanced connectivity to the streetscape?
- iii. The staff report recommends this application because the lot is "at a lower elevation than Main Street and thus cannot be easily developed with uses that relate to an active pedestrian streetscape along Main Street." Have other lots with similar or worse conditions been developed throughout the City? Are the conditions so extreme as to entirely prevent development or meeting the zone standards?
- iv. How do staff correlate the rejection of self-storage in other zones on the grounds of significant employment opportunities yet promote it on the subject site and all other CBP-zoned lands despite the Municipal Plan's clear direction that these lands are also to contain "significant employment?"

6. **PRIMARY CORRIDORS**

The Municipal Plan identifies Main Street as a "primary corridor." Section 2.3.3 of the Municipal Plan states *"Primary Corridors are locations for improved transit, active transportation, investments in streetscaping, public realm and urban design, and in some cases intensified land uses. [...] These Corridors serve the neighbourhoods they traverse with a broad range of uses at a scale and density suitable to support high levels of transit use. These are places where streetscaping improvements should be focused, and where urban design will be a priority."*

○ COMMENTARY:

Neither the staff nor the application describe how the establishment of low-intensity self-storage units will increase density to support transit, active

transportation, or produce investments in the streetscaping that makes urban design "a priority."

○ QUESTIONS TO STAFF:

- i. Does the scale and density of this proposed development support high levels of transit use?
- ii. What streetscaping improvements are necessary for this proposed development?
- iii. Does the development as proposed prioritize urban design?

7. LOADING SPACES

Per Policy 4.2.a of the Zoning By-Law, loading spaces are required for "[...] storage, warehouse, or any other purpose involving the frequent loading, shipping, or unloading [...]." Per Policy 4.3.e, loading spaces shall "have a minimum width of 3.5m [and] a minimum depth of 15m [...]"

○ COMMENTARY:

The application does not appear to address these points and the staff report makes no mention of how the applicant intends to meet these provisions. Per the submitted plans, with only 24' (7.3m) between buildings, it does not appear to be feasible to accommodate these requirements for the exterior storage buildings. Assuming loading doors on both sides, the buildings would need to be placed 4-times further apart than shown to meet this requirement.

○ QUESTIONS TO THE APPLICANT:

- i. How do you intend to meet the requirements of Policy 4.2.a and 4.3.e?

○ QUESTIONS TO STAFF:

- i. Do Policy 4.2.a and 4.3.e apply to this application?
- ii. How do Policy 4.2.a and 4.3.e apply to CBP-zoned properties throughout the City with respect to permitting self-storage facilities?

8. RESIDENTIAL SCREENING

The staff report suggests that self-storage areas should be screened from residential areas. The staff report does not, however, make mention of residential properties immediately adjacent to the subject site or any specific considerations for them and, therefore, does not fully measure the impacts.

○ COMMENTARY:

The adjacent residential properties are at a substantial elevation (nearly 50 feet) above the subject property. The proposed screening will be inconsequential to the impact that would be faced by these homeowners, particularly with respect to views and light spill.

The inadequate dimensions for the loading doors as outlined in Item 2 above will require substantial vehicle maneuvering, particularly for moving trucks and

cube vans equipped with noisy reverse beepers. Whereas many self-storage facility are open 24 hours a day, 7 days a week, the noise emanating from the exterior storage buildings could be considerable and disruptive. Because these elements cannot be adequately screened from residential properties, the exterior storage buildings should not be permitted.

- QUESTIONS TO THE APPLICANT:

- i. How do you propose to minimize or eliminate the noise, light, and visibility for adjacent residential properties that are at high elevations above the development?

- QUESTIONS TO STAFF:

- i. What measures should be added to sufficiently address noise, light, and visibility issues due to inadequate screening from adjacent residential properties that are at high elevations?
- ii. If sufficient remedies are not available, should the development be permitted to proceed regardless?

9. SUFFICIENT LANDS PROPERLY ZONED

The City has an obligation to ensure there are sufficient lands properly zoned for all uses. The staff report indicates that 3 zones currently allow self-storage uses. The staff report further looks at existing self-storage developments relevant to their current zoning; only one example was found to exist in a CBP zone and, presently, it is classified as a non-conforming use.

- QUESTIONS TO STAFF:

- i. Are there no other sites in the city that are appropriate for this development?
- ii. Is there not an adequate supply of properly zoned lots?
- iii. In light of an adequate supply of sufficiently zoned land, what further justification is there to require additional zones to carry self-storage as an approved use?
- iv. With only one similar self-storage non-conforming use found in a CBP zone, how does this one and only case justify acceptability across all CBP zones across the city?
- v. Is a non-conforming use not a recognition that the use is not considered appropriate against the current zoning by-law and that it's use is generally encouraged to be extinguished after it is abandoned or discontinued?

10. PROJECTED GROWTH OF SELF-STORAGE DEMAND

The staff report states that staff "believes this proactive approach [to adding self-storage to the CBP zone] is well warranted with the expected growing demand for self-storage in the coming years."

- COMMENTARY:

No relevant data has been provided by the staff report to support this claim or that the Municipal Plan has grossly miscalculated the available land for the reported growth of the self-storage market. Consequently, by permitting self-storage as a permitted use in the CBP zone, the Zoning By-Law could foresee all of Main Street, or the South End waterfront, or land next to the Ordnance Building filled exclusively with self-storage units. Is this what the Municipal Plan describes by Business Centre and Employment Areas? We vehemently disagree.

- QUESTIONS TO THE APPLICANT:

- i. Have you conducted any studies or have data to suggest that the growth and supply of self-storage units exceeds the projections and land supply provided in the Municipal Plan?

- QUESTIONS TO STAFF:

- i. How much demand and growth is anticipated in the self-storage market?
- ii. Was the projected growth in self-storage demand not considered in the Municipal Plan or changed substantially since it was written?

11. **COUNCIL'S PRIORITY OF GROWTH & PROSPERITY**

The staff report claims that "this application would help fulfill Council's priority of Growth & Prosperity by supporting the retention of businesses that create job opportunities." As described extensively above, no data was provided in the staff report to support this conclusion.

- COMMENTARY:

Many self-storage businesses are designed to be unstaffed or minimally staffed and the proliferation of these uses within the CBP zone could, as a matter of fact, reduce the amount of land available for high density, high intensity uses that are envisioned by the Municipal Plan to support the compact development of the City, bring significant employment opportunities, and promote the efficient use of our existing urban core infrastructure.

- QUESTIONS TO STAFF:

- i. What data do you have to support the conclusion that this application and the proposed Zoning By-Law amendments will create substantial job opportunities as outlined by the Municipal Plan for Business Centres, Employment Areas, and Primary Corridors?

LOCATION	CIVIC ADDRESS : 175 Hilyard Street	PID # : 55228118
STAFF USE	HERITAGE AREA: Y / N INTENSIFICATION AREA: Y / N FLOOD RISK AREA: Y / N APPROVED GRADING PLAN: Y / N	
	APPLICATION #: 19-29	DATE RECEIVED: Feb. 6, 2019
	RECEIVED BY: Aimee + Ken	
APPLICANT INFORMATION	APPLICANT: Haldor (1972) Ltd	EMAIL: jwheatley@northrupgroup.ca
	MAILING ADDRESS: PO Box 1289, Saint John, NB E2L 4G7	PHONE: 506-634-5717
	CONTRACTOR:	EMAIL:
	MAILING ADDRESS:	PHONE:
	OWNER: Haldor (1972) Ltd	EMAIL: jwheatley@northrupgroup.ca
	MAILING ADDRESS: PO Box 1289, Saint John, NB E2L 4G7	PHONE: 506-634-5717
PRESENT USE: Warehouse		PROPOSED USE: Warehouse & Self Storage
CHECK ALL THAT APPLY	BUILDING <input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ADDITION <input type="checkbox"/> DECK <input checked="" type="checkbox"/> CHANGE OF USE <input type="checkbox"/> MINIMUM STANDARDS	PLANNING <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
	INFRASTRUCTURE <input type="checkbox"/> VARIANCE <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> PAC APPLICATION <input type="checkbox"/> COUNCIL APP <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER	HERITAGE <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
DESCRIPTION OF WORK	Refer to attached	

☐ 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
 oneslop@saintjohn.ca
 (506) 658-2862



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.

Haldor (1972) Ltd

Applicant Name: Haldor (1972) Ltd

Applicant Signature: [Signature]

Date: Feb 5, 2019



Council Application

GROWTH & COMMUNITY DEVELOPMENT SERVICES
CITY OF SAINT JOHN

CIVIC ADDRESS 175 Hilyard Street APPLICATION # A-29 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.

Refer to attached

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 of Authorized Agent

Additional Registered Owner

MAY 5, 2019
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.

Council Application Form 2001/2017

Haldor (1972) Ltd.
Hilyard Place, Building "D" Self Storage
Re-zoning Application
February 5, 2019

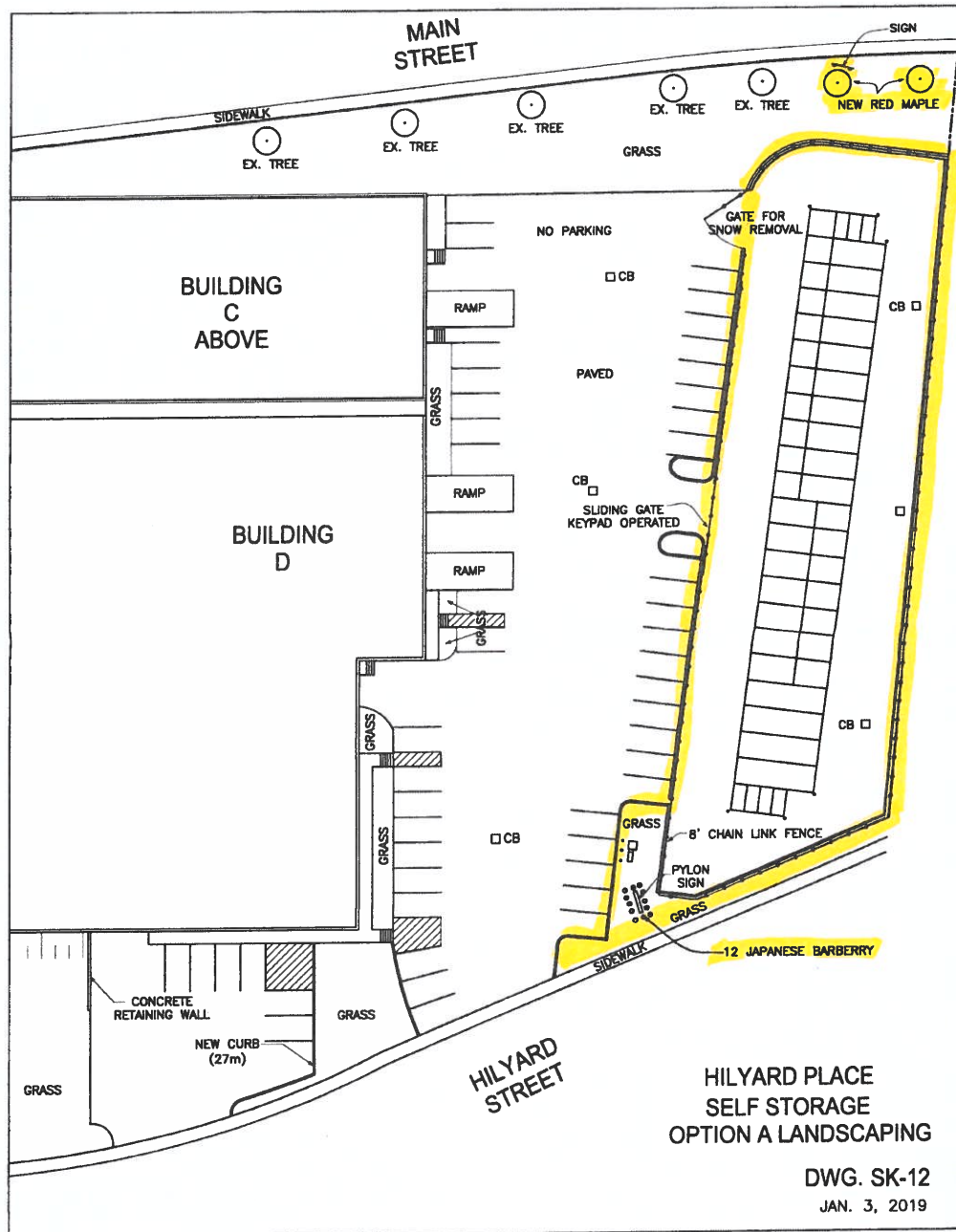
Haldor (1972) Ltd. is requesting a text amendment to the zoning bylaw to allow for the conversion of an existing warehouse space to a self-storage warehouse operation and to allow for the construction of new buildings adjacent to the existing warehouse also to be used for a self-storage facility.

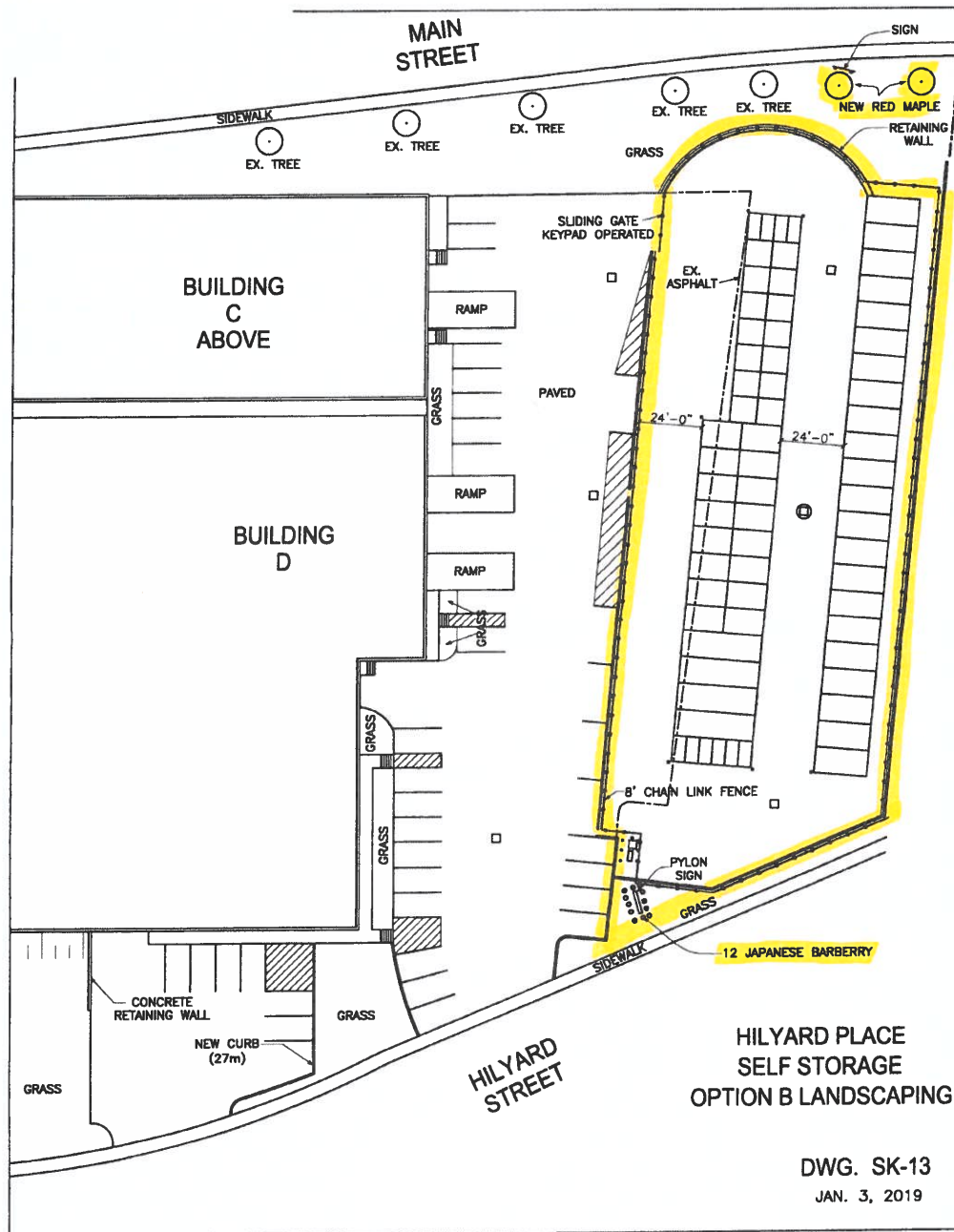
The existing warehouse facility is located in building Hilyard Place Building "D" located at civic address 175 Hilyard Street. The existing warehouse building and the site of the proposed new buildings are both located on property PID #55228118. The property is currently zoned CBP – Business Park Commercial.

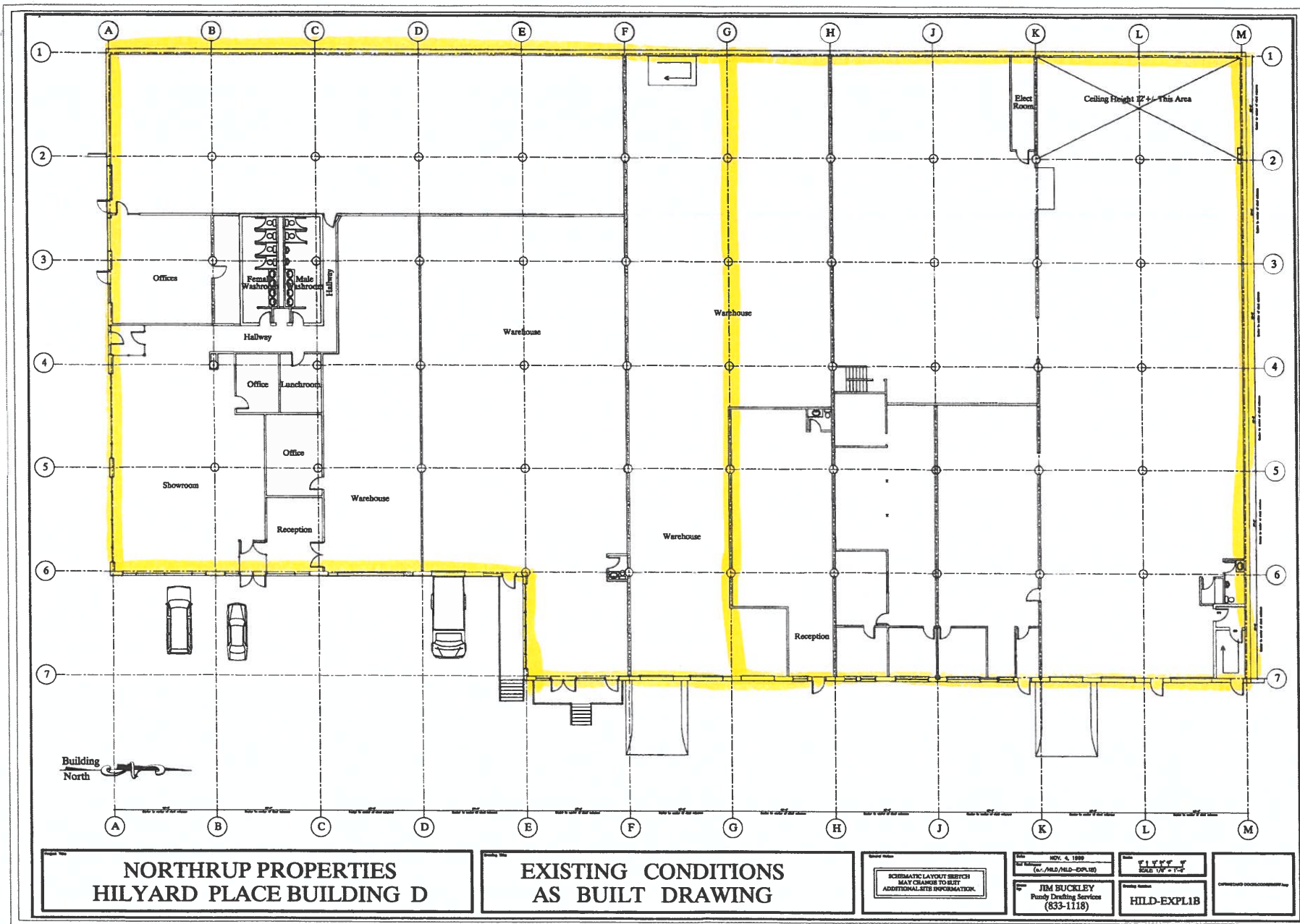
The current warehouse facility in Hilyard Place Building "D" occupies a space of approximately 38,750 sq. ft. as shown on the attached drawing "HILD-EXPL1B". It is anticipated that the first phases of the conversion to self-storage would encompass approximately 18,750 sq. ft. of Building "D", to be located between building column lines "G" to "M" and "1" to "7". Dependent on market demand the balance of the building would be converted to self storage use at a future date.

It is further anticipated that additional buildings of approximately 5,000 to 6,000 sq. ft. would be constructed on vacant land adjacent to Hilyard Building "D", layout options generally as shown on the attached drawings "Hilyard Place Self Storage Dwg. SK-12" and "Hilyard Place SelfStorage Dwg. SK-13". The exact sizes and layouts would be finalized prior to submitting a building permit application.

It is currently anticipated that access to the self-storage facility would utilize the existing building traffic entrances.







**PROPOSED ZONING BY-LAW AMENDMENT AND
SECTION 59 AMENDMENT**

RE: 175 HILYARD 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 on **Monday, April 8, 2019 at 6:30 p.m.**, by:

1. Amending subsection 11.4(1) by adding the following to the list of permitted uses in the Business Park Commercial (CBP) Zone:
“-Self-Storage Facility;”
- 2 Amending subsection 11.7(1) by adding the following to the list of permitted uses in the General Commercial (CG) Zone:
“-Self-Storage Facility;”
3. Introducing specific development standards for these facilities.
4. Amending the Section 59 conditions imposed on the July 3, 1973 rezoning of the property located at 175 Hilyard Street, also identified as a portion of PID No. 55228118, and amended on October 28, 1991, to permit a revised proposal.

**PROJET DE MODIFICATION DE L'ARRÊTÉ DE
ZONAGE ET L'ARTICLE 59**

OBJET: 175, RUE HILYARD

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 le **lundi 8 avril 2019 à 18 h 30:**

1. La modification du paragraphe 11.4(1) par l'adjonction de l'élément suivant à la liste d'usages permis dans la zone commerciale – parcs d'affaires (CBP):
« - entrepôt libre-service »
2. La modification du paragraphe 11.7(1) par l'adjonction de l'élément suivant à la liste d'usages permis dans la zone commerciale générale (CG):
« - entrepôt libre-service »
3. L'introduction de normes de développement spécifiques pour ces installations.
4. Modification des conditions de l'article 59 imposées relativement au rezonage du 3 juillet 1973 de la propriété située au 175, rue Hilyard , portant une partie de NID 55228118, et modifié le 28 octobre, 1991 pour permettre la préparation d'une proposition révisée.



REASON FOR CHANGE:

To permit a self-storage facility at 175 Hilyard Street and as a permitted use in the Business Park Commercial (CBP) and General Commercial (CG) zones and to introduce specific development standards for these facilities.

RAISON DE LA MODIFICATION:

Permettre un entrepôt libre-service au 175, rue Hilyard et suivant à la liste d'usages permis dans la zone commerciale – parcs d'affaires (CBP) et la zone commerciale générale (CG) et d'introduire des normes de développement spécifiques pour ces installations.

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.

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.

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

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

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

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

Jonathan Taylor, Common Clerk
658-2862

Jonathan Taylor, Greffier communal
658-2862

**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 subsection 11.4(1) by adding the following to the list of permitted uses in the Business Park Commercial (CBP) Zone:

“-Self-Storage Facility, subject to paragraph 11.4(3)(f);”

2 Amending subsection 11.4(3) by adding the following:

“(f) A lot containing a Self-Storage Facility permitted in subsection 11.4(1) shall not be located within 60 metres of an Urban Centre Residential (RC) zone.”

3 Amending subsection 11.7(1) by adding the following to the list of permitted uses in the General Commercial (CG) Zone:

“-Self-Storage Facility;”

4 Deleting paragraph 6.1(k) and replacing it with the following:

(k) Except as otherwise provided by this By-law, when outdoor storage or a self-storage facility is developed within 15 metres of an abutting lot in a Residential zone, the outdoor storage or self-storage facility shall be screened in accordance with the following:

(i) Excluding an opening no greater than 1.5 metres in width that is not oriented toward a street, coniferous trees or hedges, or any combination thereof, shall be planted and maintained in order to create a perimeter of vegetation having a minimum depth

**ARRÊTÉ N^o 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 du paragraphe 11.4(1) par l'adjonction de l'élément suivant à la liste d'usages permis dans la zone commerciale – parcs d'affaires (CBP):
« - entrepôt libre-service, sous réserve du paragraphe 11.4(3)f); »

2 La modification du paragraphe 11.4(3) par l'adjonction de l'élément suivant:

“(f) Un lot comportant un entrepôt libre-service permis par le paragraphe 11.4(1) ne peut être situé à moins de 60 mètres d'une zone résidentielle du centre-ville (RC).”

3 La modification du paragraphe 11.7(1) par l'adjonction de l'élément suivant à la liste d'usages permis dans la zone commerciale générale (CG) :

«- entrepôt libre-service »

4 Le paragraphe 6.1k) est supprimé et remplacé par ce qui suit :

k) Sauf disposition contraire du présent arrêté, les aires d'entreposage à l'air libre et les entrepôts libre-service, lorsqu'ils sont aménagés à moins de 15 mètres d'un lot attenant dans une zone résidentielle, sont subordonnés à ce qui suit :

(i) sauf pour une ouverture d'une largeur maximale de 1,5 mètre non orientée vers une rue, des conifères ou des haies, ou toute combinaison de ceux-ci, sont plantés et entretenus afin de créer un périmètre de végétation d'une profondeur minimale de 1,5 mètre entourant complètement l'aire d'entreposage ou l'entrepôt libre-service;

(ii) le périmètre de végétation prescrit par l'alinéa (i) a une hauteur minimale de deux mètres au moment de sa plantation lorsqu'il est situé dans une

of 1.5 metres completely around the storage area or self-storage facility;

(ii) The vegetation perimeter required by subparagraph (i) shall have a minimum height at the time of planting of two metres when located in a Residential zone or 2.5 metres when located in any other zone and be in accordance with paragraph 6.2(d); and

(iii) Notwithstanding the above, the outdoor storage area may instead be enclosed in accordance with section 5.5, or by any combination of permitted landscaping, structures or berms.

zone résidentielle ou de 2,5 mètres lorsqu'il est situé dans toute autre zone, et il est aménagé conformément au paragraphe 6.2d);

(iii) malgré ce qui précède, l'aire d'entreposage à l'air libre peut au lieu être entourée d'une clôture conforme à l'article 5.5 ou de toute combinaison d'aménagement paysager, de constructions et de levées.

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 -
Second Reading -
Third Reading -

Première lecture -
Deuxième lecture -
Troisième lecture -



The City of Saint John

April 2, 2019

His Worship Mayor Don Darling
And Councillors

Your Worship and Councillors

SUBJECT: Proposed Municipal Plan Amendment – Policies related to Regional Retail Centres

A Public Presentation was made on February 25, 2019 for proposed 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.

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, June 3, 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

Attachment



SAINT JOHN

P.O. Box 1971 Saint John, NB Canada E2L 4L1 | www.saintjohn.ca | C.P. 1971 Saint John, N.-B. Canada E2L 4L1

<p align="center">PROPOSED MUNICIPAL PLAN AMENDMENT</p> <p align="center">RE: POLICIES RELATED TO REGIONAL RETAIL CENTRES</p>	<p align="center">PROJET DE MODIFICATION DU PLAN MUNICIPAL</p> <p align="center">OBJET : POLITIQUES CONCERNANT AUX CENTRE RÉGIONAL DE COMMERCE DE DÉTAIL</p>
<p>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 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.</p> <p>A public presentation of the proposed amendment will take place at a regular meeting of Common Council on Monday, February 25, 2019 in the Ludlow Room, 8th floor of City Hall.</p>	<p>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, ce qui comprendrait la modification aux politiques du plan d'aménagement, y compris celles des sous-sections 2.3.2 Secteurs d'emploi, 3.5.2 Secteurs d'emploi et 4.3.5 Principes d'aménagement urbain applicables aux secteurs d'emploi, en plus des autres sous-sections et politiques pertinentes afin de prévoir l'aménagement urbain selon la désignation d'utilisation des sols pour un centre régional de commerce ou un mélange d'utilisations commerciales et résidentielles dans le cadre d'une proposition d'aménagement à utilisations mixtes.</p> <p>Une présentation publique du projet de modification aura lieu lors de la réunion ordinaire du conseil communal le lundi 25 février 2019 dans la dans la salle Ludlow, 8^{ème} étage de l'hôtel de ville.</p>
<p>REASON FOR CHANGE: 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.</p>	<p>RAISON DE LA MODIFICATION : Prévoir l'aménagement résidentiel dans le cadre de la désignation d'utilisation des sols pour un centre régional de commerce ou un mélange d'utilisations commerciales et résidentielles dans le cadre d'une proposition d'aménagement à utilisations mixtes.</p>
<p>Written objections to the proposed amendment may be made to the Council, in care of the undersigned, by March 27, 2019. Enquiries may be made at the office of the Common Clerk or 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.</p>	<p>Veuillez faire part au conseil par écrit de vos objections au projet de modification au plus tard le 27 mars 2019 à l'attention du soussigné. Pour toute demande de renseignements, veuillez 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.</p>
<p>Jonathan Taylor, Common Clerk 658-2862</p>	<p>Jonathan Taylor, Greffière communale 658 2862</p>



The City of Saint John

April 2, 2019

His Worship Mayor Don Darling
And Councillors

Your Worship and Councillors

SUBJECT: Proposed Municipal Plan Amendment – 1007-1019 Millidge Avenue

A Public Presentation was made on February 25, 2019 of 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 Nos. 00048397, and 00048389, from Stable Area and Park and Natural Area to Employment Area; and 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.

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, June 3, 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

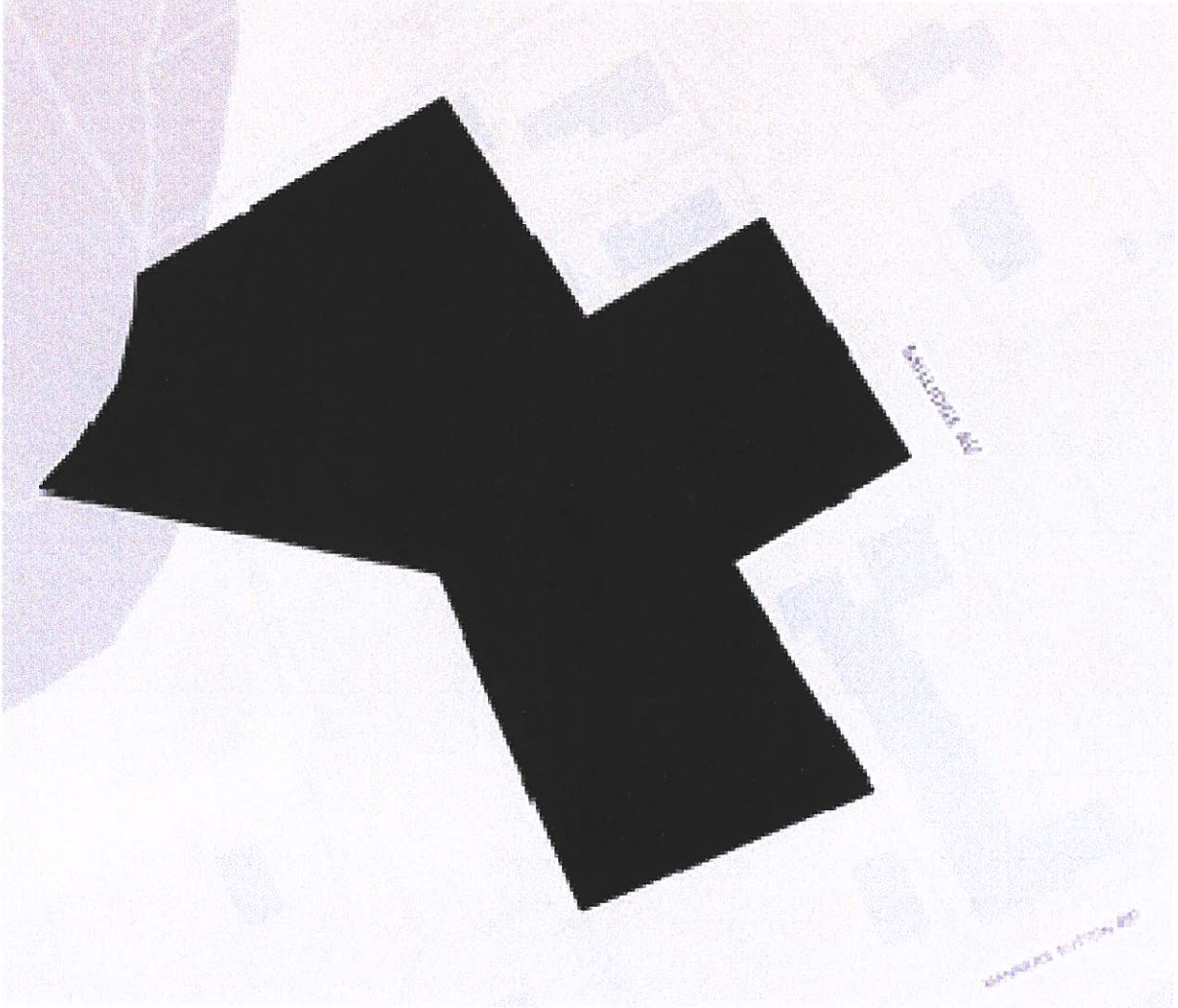
Attachment



SAINT JOHN

P.O. Box 1971 Saint John, NB Canada E2L 4L1 | www.saintjohn.ca | C.P. 1971 Saint John, N.-B. Canada E2L 4L1

<p align="center">PROPOSED MUNICIPAL PLAN AMENDMENT</p> <p align="center">RE: 1007-1019 MILLIDGE AVENUE</p>	<p align="center">PROJET DE MODIFICATION DU PLAN MUNICIPAL</p> <p align="center">OBJET : 1007-1019, AVENUE MILLIDGE</p>
<p>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:</p> <ol style="list-style-type: none"> 1. 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 Nos. 00048397, and 00048389, from Stable Area and Park and Natural Area to Employment Area as illustrated below; 2. Redesignate, on Schedule B of the Plan, the same parcel of land, from Stable Residential and Park and Natural Area to Stable Commercial. <p>A public presentation of the proposed amendment will take place at a regular meeting of Common Council on Monday, February 25, 2019 in the Ludlow Room, 8th floor of City Hall.</p>	<p>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 :</p> <ol style="list-style-type: none"> 1. Modifier la désignation, à l'annexe A du plan, d'une parcelle de terrain d'une superficie d'environ 7242 mètres carrés, située au 1007-1019, avenue Millidge, et portant les NID 00048397, et 00048389, afin de la faire passer de secteur stable et parc ou aire naturelle à secteur de d'emploi, comme il est indiqué ci-dessous; 2. Modifier la désignation, à l'annexe B du plan, de la parcelle de terrain précitée, afin de la faire passer de secteur résidentiel stable et parc ou aire naturelle à secteur commercial stable. <p>Une présentation publique du projet de modification aura lieu lors de la réunion ordinaire du conseil communal le lundi 25 février 2019 dans la dans la salle Ludlow, 8^{ème} étage de l'hôtel de ville.</p>

	
REASON FOR CHANGE: To construct a building for boat repair and large recreational vehicle sales and service.	RAISON DE LA MODIFICATION : Construire un bâtiment pour la réparation de bateaux et la vente et réparation de gros véhicules de plaisance.
Written objections to the proposed amendment may be made to the Council, in care of the undersigned, by March 27, 2019 . Enquiries may be made at the office of the Common Clerk or 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.	Veuillez faire part au conseil par écrit de vos objections au projet de modification au plus tard le 27 mars 2019 à l'attention du soussigné. Pour toute demande de renseignements, veuillez 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, Common Clerk 658-2862	Jonathan Taylor, Greffière communale 658 2862

COUNCIL REPORT

M&C No.	M&C 2019-75
Report Date	April 02, 2019
Meeting Date	April 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Weight Restriction By-Law Amendment

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 Common Council authorize 1st and 2nd Readings to an amendment to the City's Weight Restriction By-Law as attached to M&C 2019-75.

EXECUTIVE SUMMARY

The City's Weight Restriction By-Law allows the City to mitigate the impact that heavy vehicles impose on City streets. One mechanism in this by-law that achieves this goal is a reduction in the axle loading of trucks on streets during the spring when roads are particularly susceptible to damage.

PREVIOUS RESOLUTION

N/A

REPORT

The construction of Irving Oil Limited's headquarters on King Square South is nearing completion. One of the contractors on this project, Irving Equipment Ltd., contacted City staff to advise they could not transport away a large crane used for the project because doing so would violate the City's Weight Restrictions By-Law.

The City's Weight Restriction By-Law reduces the maximum per-axle mass of various truck configurations to 80% of what is permitted in the Provincial Motor Vehicle Act during a Spring Weight Restrictions period on most City streets. In

southern New Brunswick, Spring Weight Restrictions started this year on March 11 and is expected to continue until May 12 (weather dependent).

The by-law exempts some City streets from this reduced axle mass limit during the Spring Weight Restriction period. Streets exempt include some arterial and collector streets and/or those that provide access to major industrial sites.

Several streets that Irving Equipment Ltd. would need to use to remove the crane from the site are subject to the 80% reduced mass limits. These include King Square South, Sydney Street from King Square South to Union, and Union Street from Sydney Street to Crown Street. These streets would need to be temporarily exempt from the by-law to permit the crane to be removed before the Spring Weight Restriction period ends. The attached by-law amendment would facilitate this.

Given that the intention of the City's Weight Restriction By-Law is to mitigate damage to City roadway and underground infrastructure, staff would facilitate additional measures to manage such risk in this case if Common Council is supportive of the recommended by-law change:

- The exemption would be in place for a specific and short period of time,
- A pre and post infrastructure condition assessment would be required by a third party Professional Engineer to identify if any damage is attributable to Irving Equipment Ltd.'s transport operation,
- An agreement would be in place to ensure Irving Equipment Ltd. would be responsible for damage attributable to Irving Equipment Ltd.'s transport operation, and
- A Saint John Police Force escort would accompany the transport operation.

City staff intend to return to Common Council at its April 22, 2019 Council meeting to seek approval to execute the agreement referenced above with 3rd Reading of the by-law amendment.

Staff note however there remains a risk that damage to roadway and particularly underground infrastructure attributable to the operation may not be identifiable between the pre and post condition assessments.

The additional length of time Irving Equipment Ltd. would need to wait to move the crane when the Spring Weight Restriction period ends without the amendment being approved (1-2 weeks) could be perceived as short. Irving Equipment Ltd. advised City staff that between the value of the crane, security risk, lost revenue and additional expenditure (including replacement rental), this period of time is significant to their organization. There is also a risk the Spring Weight Restriction period could extend beyond May 12.

STRATEGIC ALIGNMENT

Recommended in 2018 as part of Phase 2 of MoveSJ (City's updated Transportation Plan) was development of an Overweight/Oversize Load permitting system. The intent of this permitting system is to continue to seek a balance between supporting growth, including construction projects and industrial/heavy commercial operations, with the degree of City taxpayer subsidization of roadway infrastructure impacted by trucks that supports that growth. A more streamlined approach to addressing requested variances to the City's Weight Restriction regulations than the process described in this report that also ensures protection of City infrastructure is one outcome of this MoveSJ recommended scope of work.

Development of Overweight/Oversize Load permitting system will need to be prioritized within the City's overall Sustainability and Work Plans.

SERVICE AND FINANCIAL OUTCOMES

With the exception of City staff time invested to administer this process, this report is not expected to generate taxpayer expenses.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Solicitor's Office has assisted with the preparation of the attached Weight Restriction By-Law Amendment.

The Saint John Police Force (Traffic Unit) and the City's Growth & Community Services Department provided input.

ATTACHMENTS

Amendment to City of Saint John Weight Restrictions By-Law

**BY-LAW NUMBER MV-17
A LAW TO AMEND A BY-LAW
RESPECTING WEIGHT RESTRICTIONS
WITHIN THE CITY OF SAINT JOHN
ENACTED UNDER THE AUTHORITY
OF SECTION 262(1) OF THE MOTOR
VEHICLE ACT**

Be it enacted by the Common Council of
The City of Saint John as follows:

A By-Law of The City of Saint John
entitled "A By-Law Respecting Weight
Restrictions Within The City of Saint John Enacted
Under The Authority of Section 262(1) of The
Motor Vehicle Act" enacted on the 5th day of April,
A.D. 2004, is hereby amended as follows:

1 Schedule A is amended by adding the
following words under the following headings:

Connection Routes

King Square South between Charlotte Street
and Sydney Street only between April 27,
2019 and April 28, 2019, inclusive, and
between May 4, 2019 and May 5, 2019,
inclusive

Sydney Street between King Square South
and Union Street only between April 27,
2019 and April 28, 2019, inclusive, and
between May 4, 2019 and May 5, 2019,
inclusive

Union Street between Sydney Street and
Crown Street only between April 27, 2019
and between April 28, 2019, inclusive, and
May 4, 2019 and May 5, 2019, inclusive

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
_____, A.D. 2019 and signed by:

**ARRÊTÉ N° MV-17
ARRÊTÉ CONCERNANT LES
LIMITATIONS DE POIDS DANS
THE CITY OF SAINT JOHN
ÉDICTÉ EN VERTU DU
PARAGRAPHE 262(1) DE LA LOI SUR
LES VÉHICULES À MOTEUR**

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

Par les présentes, l'arrêté de The City of
Saint John intitulé « Arrêté concernant les
limitations de poids dans the city of Saint John
édicte en vertu du paragraphe 262(1) de la *loi sur
les véhicules à moteur* », édicte le 5 avril 2004, est
modifié comme suit :

1 L'annexe A est modifiée par l'adjonction des
mots suivants sous les titres suivants :

Routes de raccordement

carré King Sud entre rue Charlotte et rue
Sydney entre le 27 avril 2019 et le 28 avril
2019, inclusivement, et entre le 4 mai
2019 et le 5 mai 2019, inclusivement

rue Sydney entre carré King Sud et rue
Union entre le 27 avril 2019 et le 28 avril
2019, inclusivement, et entre le 4 mai
2019 et le 5 mai 2019, inclusivement

rue Union entre rue Sydney et rue Crown
entre le 27 avril 2019 et le 28 avril 2019,
inclusivement, et entre le 4 mai 2019 et le
5 mai 2019, inclusivement

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 / Greffière communale

First Reading -
Second Reading -
Third Reading -

Première lecture -
Deuxième lecture -
Troisième lecture -

Received Date	April 02, 2019
Meeting Date	April 08, 2019
Open or Closed	Open Session

His Worship Don Darling and
Members of Common Council

Your Worship and Councillors:

Subject: Amendment to Parking ByLaw

Background:

There have been a growing number of complaints by citizens that larger cube vans are parking on urban streets for extended periods of time both during business hours and over weekends. In many cases the vehicle is registered to an address in another municipality.

This impacts the ability to effectively remove snow and sweep streets in the spring. As an example, there is a great green space along Beaverbrook Ave but it is hidden for weeks by a large yellow cube vehicle. Neighbors are asking council to fix this situation by amending the bylaw to disallow extended storage parking of commercial vehicles.

Motion:

Refer to City Manager to amend the parking bylaw to allow the parking commissioners and city police powers to ticket and/or tow commercial vehicles that are parking on city streets for extended amounts of time.

Respectfully Submitted,

(Received via email)

Donna Reardon, Councillor Ward 3
John MacKenzie, Councillor Ward 2
City of Saint John



Saint John

Population Growth Estimates

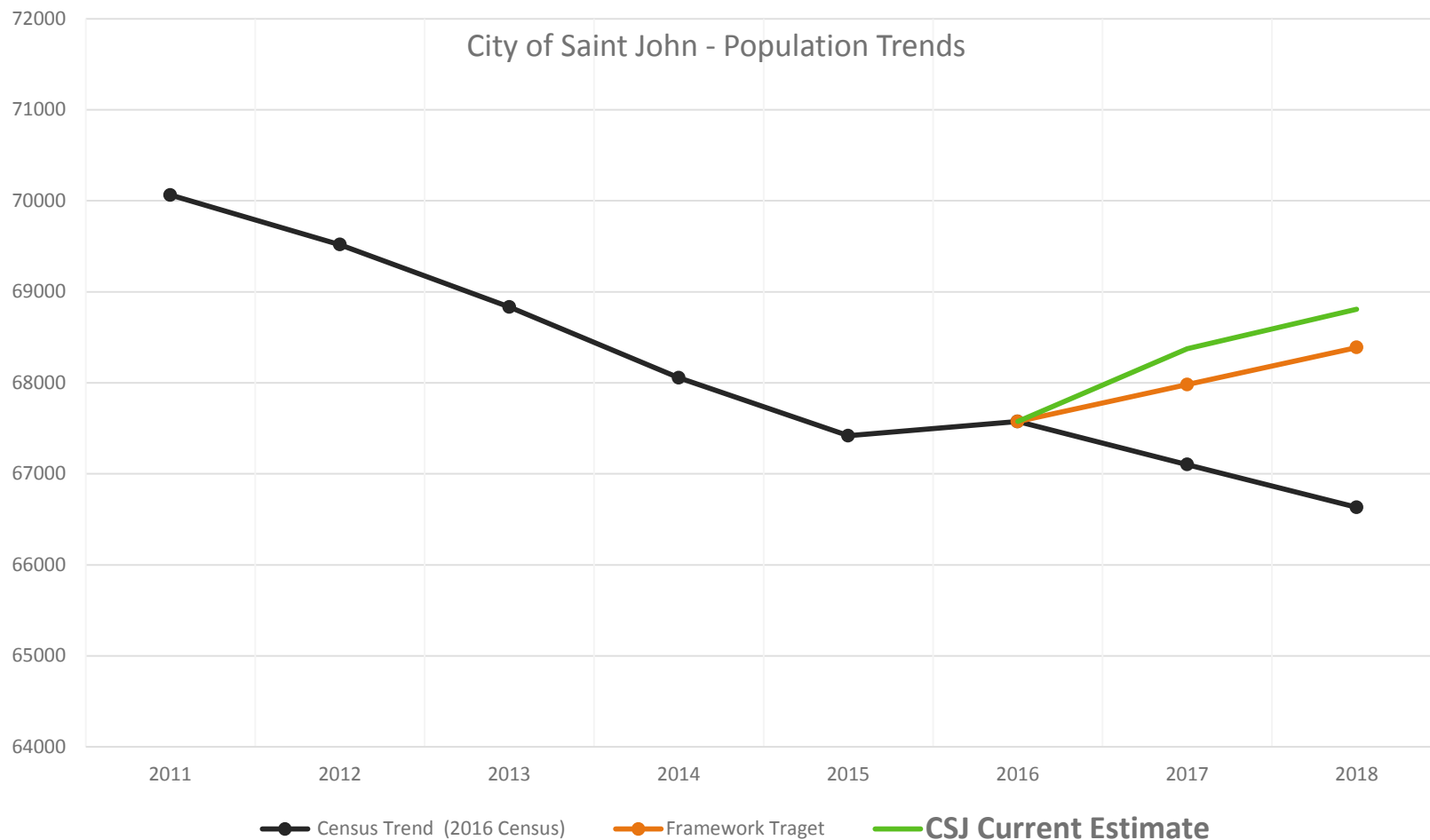


Saint John is Growing

- Statistics Canada just released their annual Demographic Estimates.
 - Saint John CMA has grown to 130,107 in 2018 (+558 People since 2017)
 - “The Saint John CMA posted positive population growth (+4.3 per thousand) for a third consecutive year after four years of population decline.” – Statistics Canada
- The Population of the City of Saint John is estimated to be 68,808 in 2018 (+432 people since 2017)
 - This represents an estimated increase of 1233 since the 2016 Census



City of Saint John Population Estimates



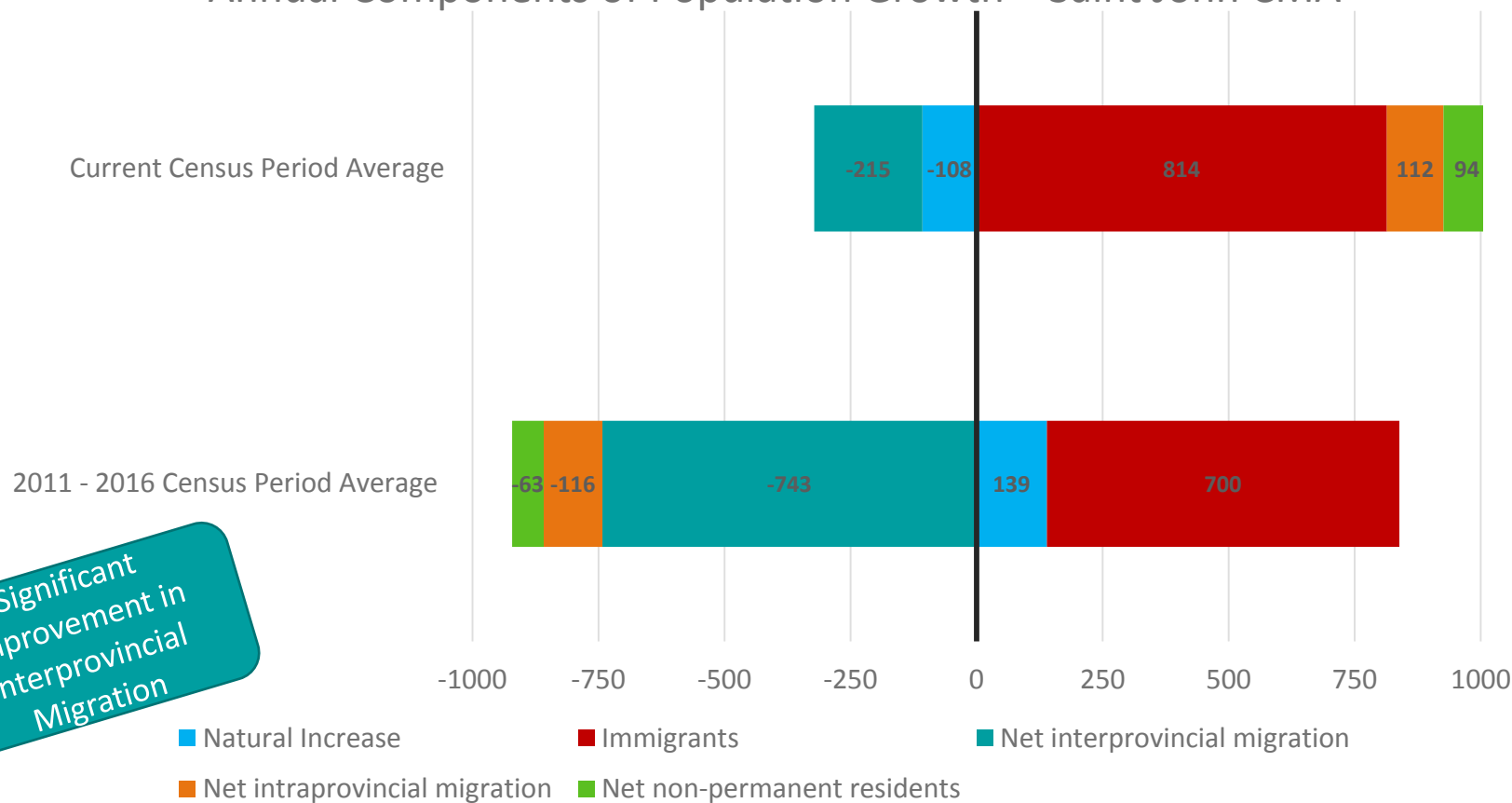
Source: City of Saint John



Components of Population Growth

91% of current growth is through immigration

Annual Components of Population Growth – Saint John CMA



Significant Improvement in Interprovincial Migration

Source: Statistics Canada

COUNCIL REPORT

M&C No.	2019-72
Report Date	March 29, 2019
Meeting Date	April 08, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: 2019 Asphalt Pavements Work

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>Rod Mahaney</i>	<i>Michael Hugenholtz / Brian Keenan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that this report be received and filed.

EXECUTIVE SUMMARY

Asphalt maintenance, surface repairs and new road construction are primary concerns of citizens and a priority of Common Council. This report updates Council on asphalt pavements work and associated funding allocated for Saint John roadways in 2019.

PREVIOUS RESOLUTION

November 5, 2018; 2019 Water & Sewerage Utility Fund Operating Program Approved.

July 30, 2018; 2019 General Fund Capital Program Approved.

December 18, 2018; 2019 General Fund Operating Program Approved.

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.

REPORT

The following funding allocations have been provided for maintenance and resurfacing of asphalt pavements under the General Fund Capital and Operating budgets, and under the Water and Sewerage Operating budget for utility cut reinstatements:

Asphalt Material (General Fund)	\$ 750,000
Asphalt Resurfacing (General Fund)	\$ 1,265,000
Asphalt Resurfacing (Capital Fund)	\$ 5,100,000
Utility Cut Reinstatements (W&S Fund)	\$ 740,000

Saint John Water has a requirement for the reinstatement of over 140 utility cuts resulting from water and/or sewer repairs undertaken during the past winter season with an overall average of 400 utility cuts requiring reinstatement each year. This is a planned expenditure with the funding for utility cut reinstatements included above.

In 2019 the utility cut reinstatements will be carried out by Transportation & Environment Services crews on behalf of SJ Water. In addition, substantial internal resources (personnel and equipment) are programmed in the General Fund for the in-house asphalt maintenance and repairs.

Longer-term preventative maintenance is multi-faceted and includes resurfacing, crack sealing, and some local area patching; all with the goal of extending service life of roadways. Resurfacing using contractor resources is planned for 34 street sections (45.60 lane kilometers) as shown in Appendix A. Notable in relation to this work are the adjustment of over 648 roadway structures (e.g. catch basins, manholes) in conjunction with the actual asphalt resurfacing.

The \$5,100,000 of funding under the Capital Program that has been provided includes provision for the replacement of existing curb and sidewalk in conjunction with the Asphalt Resurfacing Program on a number of street sections as identified in Appendix A. Existing curb and sidewalk will be replaced on sections of Balmoral Crescent, Dexter Drive, Hill Heights Road, Mark Drive, Ocean Drive and Swanton Street among others.

It is the intention of City staff to make full use of the budget surplus identified in M&C 2019-78 (Contract No. 2019-16 Asphalt Resurfacing 2019) by adding additional streets to the 2019 asphalt resurfacing contract with the payment to be made at the approved contract unit prices. A few weeks time is required for Staff to identify additional streets, make site visits and prepare quantity

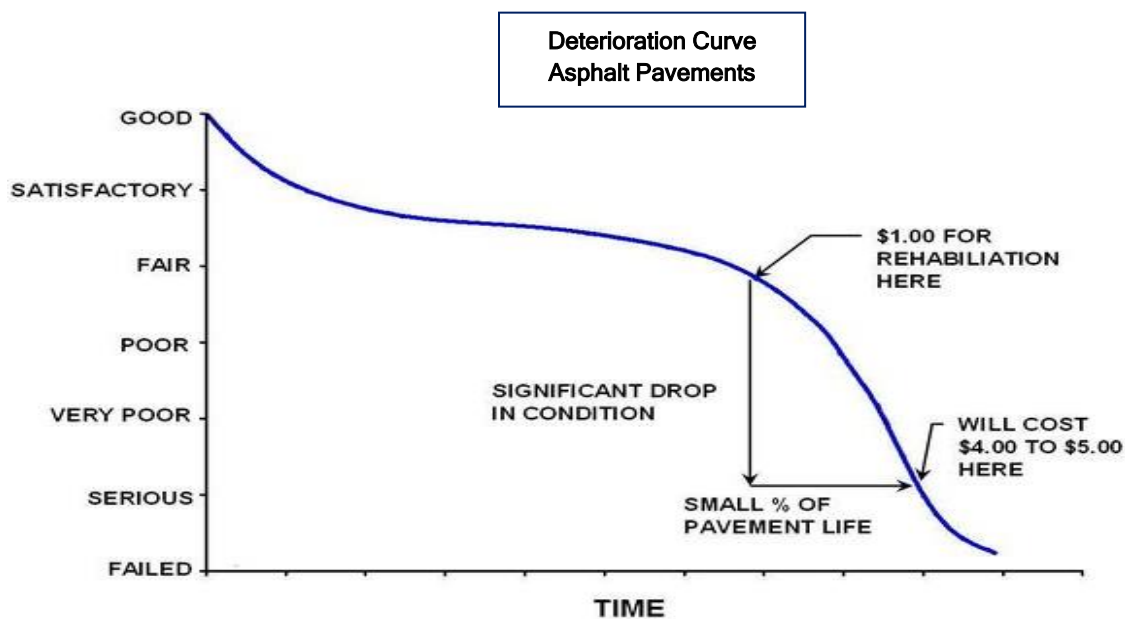
estimates. Staff will report back to Council with a proposed list of additional streets for asphalt resurfacing and for approval to increase the amount of contract 2019-16 accordingly.

Hot mix asphalt material is generally not available until late April each year. There are currently 142 Lane Kilometres of streets that are in the Reconstruction Category. General maintenance and repair work by City forces is planned for some of these street sections in 2019 but eventually these 142 Lane Kilometres of streets will need to undergo a full Reconstruction.

Under the General Fund Capital Program, the following streets will be given new asphalt surfaces through reconstruction in 2019:

- Chipman Hill (King Street to Union Street)
- Mecklenburg Street (Wentworth Street to Sydney Street)
- Metcalf Street (Main Street to Lansdowne Avenue)
- Queen Square North (Charlotte Street to Sydney Street)
- Wentworth Street (Union Street to Elliot Row)

Pavement Condition Index (PCI) The City utilizes MicroPAVER™, a statistical measure that requires a visual inspection process to evaluate and rate pavement condition. The PCI is a numerical index between 0 and 100. The resulting composite PCI summarizes the structural integrity and surface condition of each street section and predicts future maintenance and rehabilitation needs.



The overall average PCI at the end of construction season in 2018 for City of Saint John streets was about 77. Based on funding allocated for 2019, the overall average PCI is projected to remain at about 77.

SERVICE AND FINANCIAL OUTCOMES

Asphalt pavements, and concrete curb and sidewalks are essential infrastructure which directly impacts the quality of life in our community. Roadway infrastructure is important to the economic health of the community and citizens expect these assets to be maintained to an acceptable standard. Proper and timely maintenance of all roadway assets will ensure public safety, extend service life of the asset, and achieve best value for the investment.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

N/A

ATTACHMENTS

APPENDIX - 'A' Asphalt Resurfacing Street List for 2019



City of Saint John

City of Saint John

Transportation Department

Contract No.:	<u>2014 - 8</u>
Project Manager:	Rod Mahaney
Engineer:	
Project Description:	<u>Asphalt Resurfacing 2014</u>
Technicians:	Rodney Mahaney
Council's Approval to award contract:	
Date M & C approved	
Contractor's Name:	<u>Who won bid?</u>
Contractor's H.S.T. Number:	

Important Dates

Advertisement sent upstairs 1 wk prior to insertion in newspaper	
When Tender Closes:	
When Tender Awarded:	
Number of Days in Contract:	
Contract to be Completed By:	

Appendix A - 2019 Asphalt Resurfacing List

Street	Limits		Lane Klms	Curb	Sidewalk
	From	To			
Area Patching	Various Locations				
Alexandra Street	Douglas Avenue	Dead End	0.26	Yes	Yes
Balmoral Court	Balmoral Crescent	Dead End	0.28	Yes	
Balmoral Crescent	Russel Hill Drive	Civic # 356	0.44	Yes	Yes
Bellevue Street	Mount Pleasant Avenue East	End	0.57		
Birch Grove Terrace	Tudor Lane	Dead End	0.28	Yes	
Birchdale Crescent	Cedarwood Drive	Whitetail Lane	0.59		
Cedarwood Drive	Woodward Avenue	Civic # 102	1.77	Includes Traffic Circle	
City Line	Duke Street West	St. John Street	1.36	Yes	Yes
Clovelly Drive	Woodhaven Drive	Dead End	0.29		Yes
Commerce Drive	Consumers Drive	Loch Lomond Road	1.78		
Consumers Drive	Mall Entrance	Commerce Drive	0.95		
Dexter Drive	McAvour Drive	Greendale Crescent	1.11	Yes	Yes
Lancaster Street	Winslow Avenue	Duke Street West	0.53		
Hill Heights Road	Millidge Avenue	Dead End	0.74	Yes	Yes
King Square South	Charlotte Street	Sydney Street	0.46	Yes	Yes
Lucas Street	Ocean Drive	Dead End	0.75	Yes	Yes
Manawagonish Road	Fairville Boulevard	Westgate Drive	4.08		
Mark Drive	Martha Avenue	Michael Crescent	0.97	Yes	Yes
Martha Avenue	Mark Drive	Nason Road	0.76		
Ocean Drive	Red Head Road	Fay Street	2.30	Yes	Yes
Ocean Westway	King William Road	Dead End	2.18		
Rivershore Drive	Cedarwood Drive	Whitetail Lane	1.08		
Rothsay Avenue	McLean Street	McAllister Drive	10.54		
Saint Clair Avenue	Civic #282	Dead End	0.43	Yes	Yes
Sandy Point Road	Kennebecasis Drive	Beach Road	1.27		
Silver Crescent	Champlain Drive	York Street	0.32	Yes	
Swanton Street	Champlain Drive	Sherwood Drive	0.78	Yes	Yes
Sydney Street	King Square South	Union Street	0.86		
Tim Street	Rothsay Avenue	Simpson Drive	0.53		
Tudor Lane	Hill Heights Road	Civic # 49	0.36	Yes	Yes
University Avenue	Varsity Street	Sandy Point Road	1.89		
Westmorland Road	Consumers Drive	McAllister Place	3.11		
Winslow Street	Lancaster Street	Market Place	1.45		
Woodward Avenue	Boars Head Road	Cedarwood Drive	0.53		



2019 Asphalt Maintenance Program Transportation & Environment Services

April 2019



SAINT JOHN

Asphalt Maintenance Program 2019

The Roadway Maintenance Service provides motorists and cyclists with safe, functional roads and maintains accessibility of these roads through all seasons.

Asphalt Maintenance Program2019

Seven Main Elements:

- Pothole Patching
- Area Patching
- Utility Cut Reinstatement
- Crack Sealing
- Asphalt Resurfacing
- Asphalt Overlay Program
- Street Reconstruction

Asphalt Maintenance Program 2019



The following maintenance activities are undertaken by the City's Roadway Maintenance crews: pothole patching, area patching, utility cut program and the asphalt overlay program.

Under the direction of our Engineering team, and using contracted resources the asphalt resurfacing, street reconstruction and crack sealing programs are undertaken.

Asphalt Resurfacing Program 2019

Street	Limits		Lane Kms	Curb	Sidewalk
	From	To			
Area Patching	Various Locations				
Alexandra Street	Douglas Avenue	Dead End	0.26	Yes	Yes
Balmoral Court	Balmoral Crescent	Dead End	0.28	Yes	
Balmoral Crescent	Russel Hill Drive	Civic # 356	0.44	Yes	Yes
Bellevue Street	Mount Pleasant Avenue East	End	0.57		
Birch Grove Terrace	Tudor Lane	Dead End	0.28	Yes	
Birchdale Crescent	Cedarwood Drive	Whitetail Lane	0.59		
Cedarwood Drive	Woodward Avenue	Civic # 102	1.77	Includes Traffic Circle	
City Line	Duke Street West	St. John Street	1.36	Yes	Yes
Clovelly Drive	Woodhaven Drive	Dead End	0.29		Yes
Commerce Drive	Consumers Drive	Loch Lomond Road	1.78		
Consumers Drive	Mall Entrance	Commerce Drive	0.95		
Dexter Drive	McAvour Drive	Greendale Crescent	1.11	Yes	Yes
Lancaster Street	Winslow Avenue	Duke Street West	0.53		
Hill Heights Road	Millidge Avenue	Dead End	0.74	Yes	Yes
King Square South	Charlotte Street	Sydney Street	0.46	Yes	Yes
Lucas Street	Ocean Drive	Dead End	0.75	Yes	Yes
Manawagonish Road	Fairville Boulevard	Westgate Drive	4.08		
Mark Drive	Martha Avenue	Michael Crescent	0.97	Yes	Yes
Martha Avenue	Mark Drive	Nason Road	0.76		
Ocean Drive	Red Head Road	Fay Street	2.30	Yes	Yes
Ocean Westway	King William Road	Dead End	2.18		
Rivershore Drive	Cedarwood Drive	Whitetail Lane	1.08		
Rothsaway Avenue	McLean Street	McAllister Drive	10.54		
Saint Clair Avenue	Civic #282	Dead End	0.43	Yes	Yes
Sandy Point Road	Kennebecasis Drive	Beach Road	1.27		
Silver Crescent	Champlain Drive	York Street	0.32	Yes	
Swanton Street	Champlain Drive	Sherwood Drive	0.78	Yes	Yes
Sydney Street	King Square South	Union Street	0.86		
Tim Street	Rothsaway Avenue	Simpson Drive	0.53		
Tudor Lane	Hill Heights Road	Civic # 49	0.36	Yes	Yes
University Avenue	Varsity Street	Sandy Point Road	1.89		
Westmorland Road	Consumers Drive	McAllister Place	3.11		
Winslow Street	Lancaster Street	Mark Drive	1.45		
Woodward Avenue	Boars Head Road	Cedarwood Drive	0.53		
Total			45.60		

Asphalt Overlay Program 2019

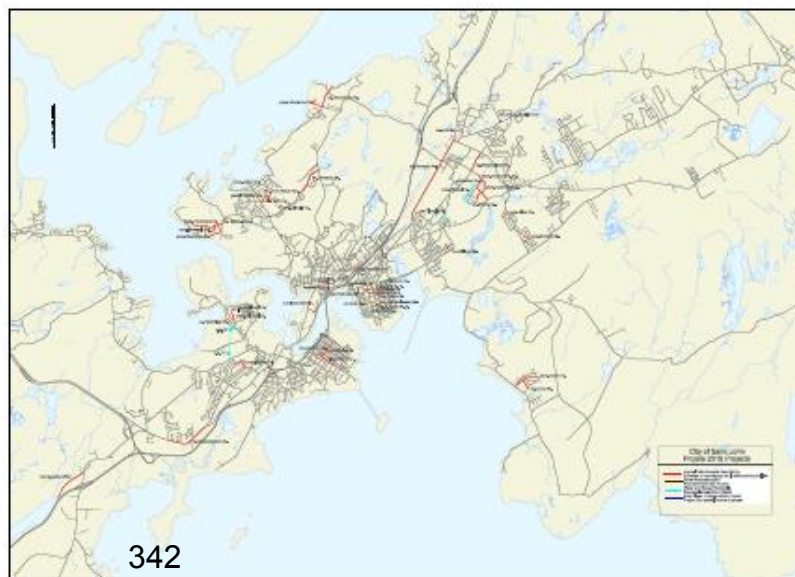
	Street Name	From	To
1	WESTMORLAND STREET	BAYVIEW CREDIT UNION	LOCH LOMOND RD
2	BELGRAVE STREET	EDITH AVENUE	MOUNT PLEASANT AVE E
3	SAINT CATHERINE STREET	LOCH LOMOND ROAD	MCLEAN STREET
4	BARKER STREET	SOMERSET STREET	CRANSTON AVENUE
5	MAGAZINE STREET	SOMERSET STREET	CIVIC 55
6	BRIDGE STREET	VICTORIA STREET	CIVIC #234
7	HOLLY STREET	MAIN STREET	VICTORIA STREET
8	SECOUDON DRIVE	KENNEBECASIS DRIVE	CIVIC #27
9	HIGHFIELD AVENUE	HIGHFIELD AVE	VICTORIA ROAD
10	SOUTH ROAD	STEVENS ROAD	DEAD END
11	NORTH ROAD	STEVENS ROAD	TO CIVIC 48 (EAST)
12	NORTH ROAD	STEVENS ROAD	DEAD END
13	STEVENS ROAD	RIDEAU STREET	RIVERSIDE LANE
14	WESTMOUNT ROAD	WESTFIELD ROAD	DEAD END
15	HAYES AVENUE	GAULT ROAD	DEAD END
16	DOWNSVIEW DRIVE	WESTGATE DRIVE	CIVIC #210
17	LATIMORE LAKE ROAD	ELDERSELY AVENUE	ESTATE DRIVE
18	GOLDEN GROVE ROAD	CIVIC #781	CIVIC #985
19	GOLDEN GROVE ROAD	CIVIC #2525	ARTERIAL
20	GOLDEN GROVE ROAD	MCGILL ROAD	CHURCHLAND ROAD
21	HILLCREST ROAD	MARILYN DRIVE	MEAHAN CRESCENT
22	WHIPPLE STREET	SEA STREET	FUNDY DRIVE

Other Significant Street Construction

- Metcalf Street, Mecklenburg Street, Chipman Hill, Wentworth Street and Queen Square North will undergo street reconstruction
- Some work remains on the Safe Clean Drinking Water Project at John T. McMillan Avenue
- NBDTI/Gateway Operations has work planned including the following:
 - Mill Street Overpass
 - Market Place Structure
 - Riverview Drive Structure
 - Red Head Road Culvert Replacement
 - Route 100/Rothesay Avenue – Intersection realignment and signalization

Communication

- Public Information Sessions for major projects
- Weekly Construction Updates
- Additional Traffic Advisories as necessary
- Construction Map and additional information on City's website



Q & A





Fleet Update

April 11th, 2019



SAINT JOHN

Purpose

Fleet Status Update

Current Projects

Upcoming Initiatives



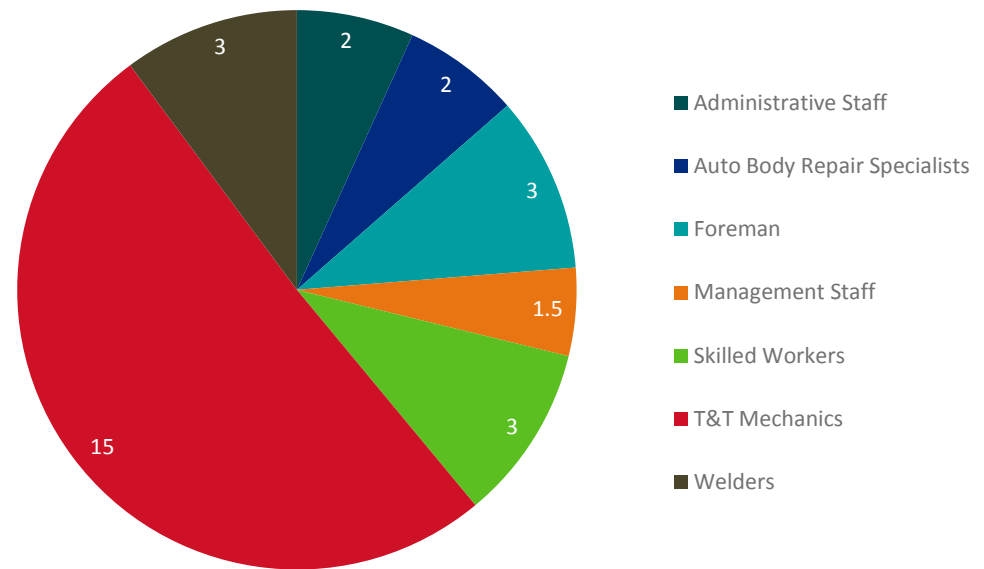
345



Fleet - Background

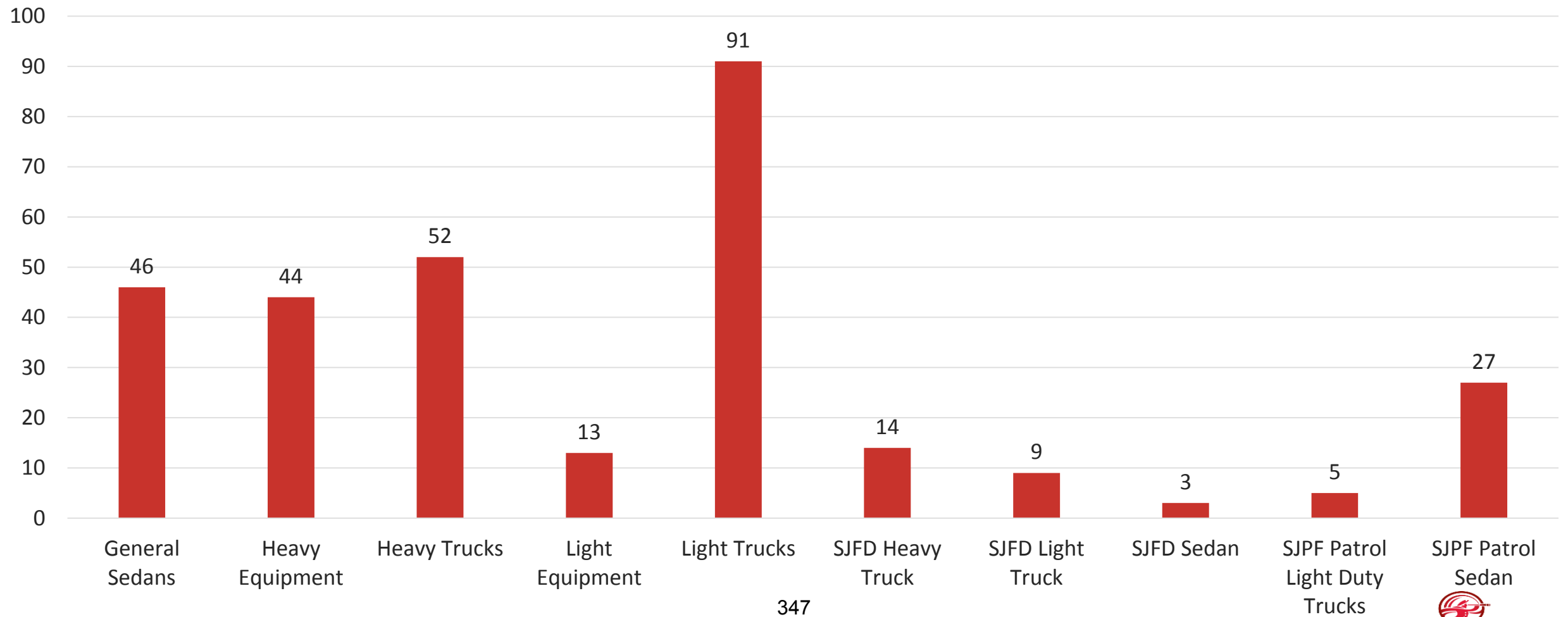
- Fleet Services (FS) has a full-time equivalent (FTE) complement of 29.5 staff to deliver fleet management services to other City Service Areas.
- Some of the services offered by Fleet Services include:
 - Acquisition, Disposal and Funding Services
 - Maintenance Services
 - Fuel Management Services
 - Licensing and Inspection Services
 - New Vehicle Training Services
 - Vehicle Pooling, Temporary or Rental Services

Fleet Services Staffing Breakdown



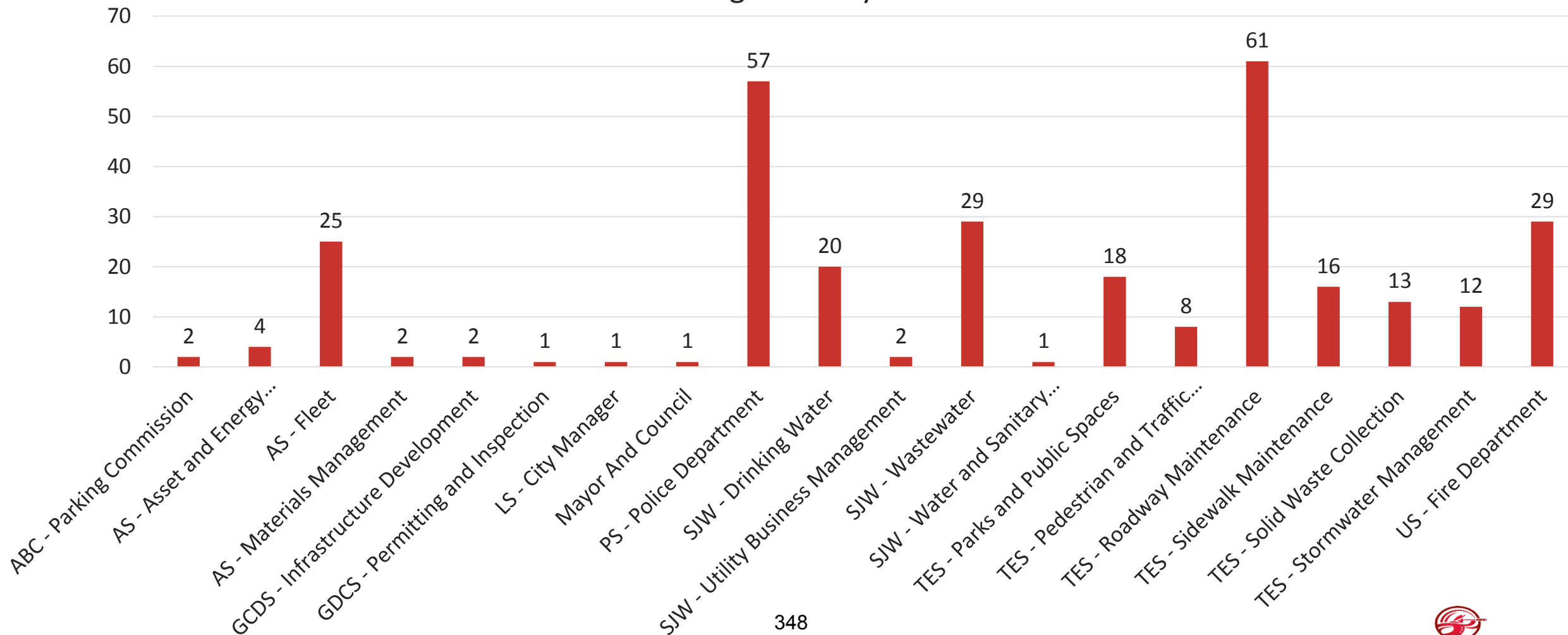
Fleet – Background Continued

Licensed Rolling Stock By Class Code



Fleet – Background Continued

Licensed Rolling Stock By Service Area



Last Presentation – Mercury Report

- Consultants – Mercury Associates Report (December 2011)
- 3 areas of focus;
 - Governance (policies and procedures),
 - Fleet Financial Business Model (billing to Service Areas) and,
 - Fleet Operations (information systems & training)
- 28 of 31 recommendations to be completed
- 3 remaining recommendations in progress: 1 in regards training and 2 in regards to Fleet facilities.


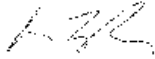
MERCURY

Fleet Policy – Approved January 2017

Guiding principle:

“All assets are owned by the City of Saint John”

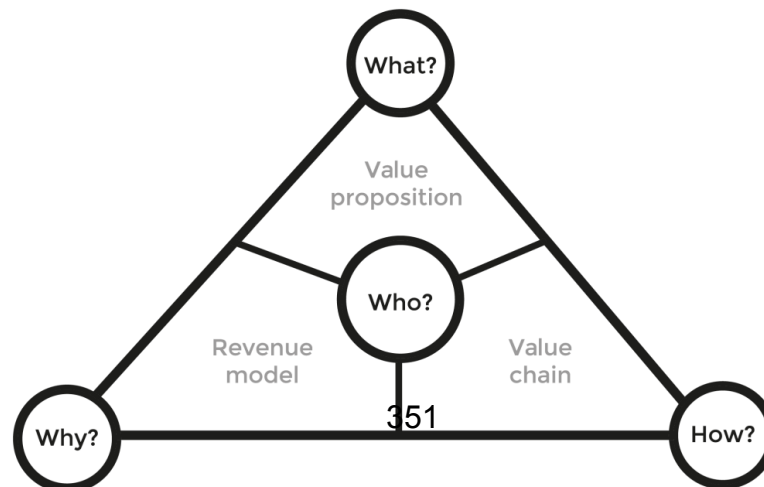
- Operations
- Responsible
- Environmental
- Standardization
- Acquisition
- Authorization

 SAINT JOHN		Title: Fleet Policy	
Subject: Fleet Management		Category: Policy	
Policy No.: 2017-012.01		M&C Report No.: 2017-012	
Effective Date: 2017 01 23		Next Review Date: (3 years) 2020 01 23	
Area(s) this policy applies to: Fleet Management and Operations		Office Responsible for review of this Policy: Administrative Services / Fleet Division	
Related Instruments: Vehicle Assignment Policy # 2107-012.02		Policy Sponsor: Commissioner Corporate Services, Commissioner Finance and Administrative Services	
Revision History:		Document Pages: This document consists of 9 pages.	
This Policy rescinds the Vehicle Policy adopted on November 25 th , 1990 as amended from time to time.			
<div style="border: 1px dashed black; padding: 10px; margin: 10px 0;"><p style="text-align: center;">Common Clerk's Annotation for Official Record</p><p>Date of Passage of Current Policy: January 23, 2017</p><p>certify that this Policy was adopted by Common Council as indicated above.</p><div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="text-align: center;"> _____ Common Clerk</div><div style="text-align: center;"> _____ Date</div></div></div>			
Date Created:	Common Council Approval Date:		Contact:
2017 01 17	2017 01 23		Fleet Services

Fleet Services Business Model

Fleet Services business model is a direct billing approach for applicable costs.

- Staff time is now charged toward a work order against a vehicle or piece of equipment.
- Direct billing provides accurate costs for the wear and tear on vehicles and equipment.
- This new direct billing, as recommended in the Mercury report (recommendation #11), has ensured a true and more equitable cost of service to the various Service Areas. The new process has increased the accuracy for cost of delivering services.
- Fleet Staff have focused on reducing overhead costs via control measures to ensure true overall costs for Service Areas.



Key Performance Indicators

- Fleet Wrench Time – Per Mechanic, Auto Body Specialist and Welder
- Work Orders – Fleet Staff, Service Area
- Total Kilometers per year – Entire Fleet / Fleet Pooling
- Total Reserved Hours per year – Fleet Pooling
- Total Usage Hours per year – Fleet Pooling / Heavy Equipment
- Total Idling Hours – Service Area, Lost Value of Fuel



Utilization – Current Continuous Improvement Project

Utilization 1.0 – People Movers (16 Sedans and 3 Light Trucks)

- Phase 1 – 11 Units Reduced (Auctioned Fall of 2017, \$155,268 Annualized Savings)
- Phase 2 – 4 Units To Be Reduced (To Be Auctioned Fall of 2019, Savings TBD)
- Phase 3 – Periodic Status Review (Fall of 2019)



Utilization – Future Continuous Improvement Projects

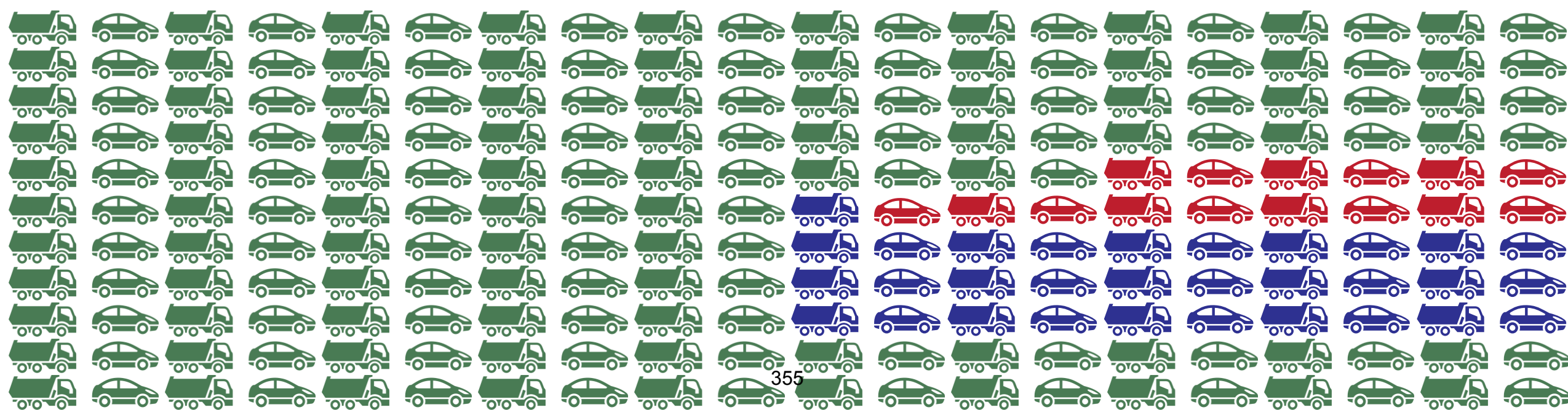
Utilization 2.0 – Equipment and Tool Boxes (100 Light Trucks – 1.5 Ton and Under)

Utilization 3.0 – Heavy Equipment and Trucks (44 Equipment and 52 Trucks)

- Versatility – Multi-use equipment and trucks to reduce overall rolling stock
- Size – Investigating operation and capacity of smaller equipment to perform same work
- Technology – Researching new advances to be more effective and efficient



- 220 Non-Emergency Fleet Vehicles – 174 Install Completed
- 46 Remaining – Saint John Water, Parking and Management
- Provides Real-time data, notifications and reporting



Idling - SOP

SOP Goals:

1. Reduce air pollution
2. Promote energy conservation
3. Reduce noise pollution
4. Reduce maintenance requirements



SOP Limitations:

1. Never be left idling when unattended.
2. Engine warm-up periods will not exceed three (3) minutes
3. Shut off whenever idling time is expected to exceed three (3) minutes.



AM I Idling? How's my Driving?



Am I Idling?
Call 1-506-???-????



How's My Driving?
Call 1-506-???-????

Recommendation

- City staff recommends Common Council receive and file this presentation.

Questions?

COUNCIL REPORT

M&C No.	# found on Sharepoint.
Report Date	Click here to enter a date.
Meeting Date	April 08, 2019
Service Area	Public Safety Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Spring Freshet Emergency Response

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>Josh Hennessy</i>	<i>Kevin Clifford</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended that Common Council adopt the following resolution:

RESOLVED that the Mayor and Common Clerk adopt the Spring Freshet Emergency Response Policy.

EXECUTIVE SUMMARY

The purpose of the Spring Freshet Emergency Response Policy for the City of Saint John is to define the parameters that would initiate an emergency response to flood water conditions during the annual Saint John River spring freshet and the resources and services the city would provide.

PREVIOUS RESOLUTION

The City of Saint John currently does not have a policy regarding response to annual flooding associated with the Saint John River spring freshet.

STRATEGIC ALIGNMENT

This policy aligns with Council's priority for a Vibrant, Safe City, specifically as it relates to ensuring the delivery of public safety services including communications.

SERVICE AND FINANCIAL OUTCOMES

The adoption of the Spring Freshet Emergency Response Policy will reduce the negative impact on the City of Saint John as a result of spring freshet flooding. The policy will minimize the disruption to service levels to residents that would have been exposed in the past. The Policy establishes customer service levels and clearly defines appropriate Saint John Emergency Measures Organization's activation for varying flood heights.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

- Transportation and Environment Services, City of Saint John
- GIS Services, City of Saint John

ATTACHMENTS

Spring Freshet Emergency Response Policy
Spring Freshet Emergency Response Presentation



SAINT JOHN

Subject: Spring Freshet Emergency Response	Category: Policy
Policy No.:	M&C Report No.:
Effective Date:	Next Review Date: (3 years)
Area(s) this policy applies to: City of Saint John employees; excludes elected officials, as well as members of agencies, boards, and commissions that manage their own devices.	Office Responsible for review of this Policy: Saint John Emergency Management Organization
Related Instruments:	Policy Sponsor: Director of Saint John Emergency Management Organization
	Document Pages: This document consists of 6 pages.
Revision History:	
<div style="border: 1px solid red; padding: 10px; text-align: center;"><p>Common Clerk's Annotation for Official Record</p><p>I certify that the Spring Freshet Emergency Response Policy was adopted by resolution of Common Council on Month-Day-Year.</p><p>I certify that the Spring Freshet Emergency Response Policy was approved by the City Manager on Month-day-Year</p><div style="display: flex; justify-content: space-around; margin-top: 20px;"><div style="text-align: center;"><hr style="width: 200px; border: 0; border-top: 1px solid black; margin: 0;"/> Common Clerk</div><div style="text-align: center;"><hr style="width: 200px; border: 0; border-top: 1px solid black; margin: 0;"/> Date</div></div></div>	
Contact: Mike Carr, Manager Saint John EMO/Division Chief Saint John Fire Department Telephone: (506) 721-3834 Email: mike.carr@saintjohn.ca	

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1. POLICY STATEMENT

The purpose of the Spring Freshet Emergency Response Policy (the “Policy”) for the City of Saint John (the “City”) is to define the parameters that would initiate an emergency response to flood water conditions during the annual Saint John River spring freshet and the resources and services the city would provide.

2. SCOPE

The Policy applies to an emergency response to the annual Saint John River spring freshet. The Policy does not apply to localized flooding within the City during severe weather events.

The 2018 flood in Saint John during the spring freshet mobilized an unprecedented distribution and use of City resources. The Policy sets out conditions that would trigger an emergency response and the deployment of City resources.

Emergency management responsibilities in Canada are shared by Federal, Provincial, and Territorial (FPT) governments and their partners, including Indigenous peoples, municipalities/communities and individual citizens who have a responsibility to be prepared for disasters and contribute to community resiliency.

There is no statutory requirement for the City to provide resources, nor prevent a property from flooding. However, the City will assist with the prevention of property flooding by making available sandbags to individual property owners within the City when the spring freshet flood emergency response level is met.

3. LEGISLATION AND STANDARDS

The following legislation and plans apply to the Policy:

- a) Emergency Management Framework of Canada: Third Edition
- b) Emergency Measures Act of the Province of New Brunswick
- c) Municipalities Act of the Province of New Brunswick
- d) Saint John Emergency Measures By-law
- e) Saint John Municipal Emergency Response Plan

4. ROLES AND RESPONSIBILITIES

Flood levels along the Saint John River during the spring freshet vary annually based on many environmental factors. Most years the impact is minimal, and an emergency response is not required as those living in flood-prone areas experience regular flooding annually, and therefore mitigation becomes a routine or habitual operation. However, during severe floods, such as the floods of 1973 (5.31 m); 2008 (5.2 m); and 2018 (5.76 m), emergency response was warranted requiring the Saint John Emergency Management Organization (SJEMO) to activate and allocate resources as necessary. Of these three relatively recent severe flood events in Saint John, 2008 was the lowest flood level to trigger

an emergency response. Therefore, the 2008 flood level will be used as the trigger for flood emergency response moving forward. Enhanced response for this flood level or higher will help mitigate the potential impacts on critical infrastructure and residential property.

To ensure the City has sufficient lead time for preparations, flood levels in the City of Fredericton region will be monitored for projected 2008 flood conditions in Saint John. Furthermore, at any time when it is projected by New Brunswick Emergency Measures Organization (NBEMO) that flood levels will reach emergency flood status; SJEMO will activate to Level 3 (Full Activation), and flood emergency response actions will begin.

Usually, two to three days' notice is available for potential flood waters. SJEMO will use the following table as a guideline for responding to specific flood levels that occur during the annual spring freshet.

Table 1

Flood Activation Levels and the Resulting Actions Based on Saint John River Flood Levels in Metres

Projected Flood Levels (metres)*	Actions	Lead Agency
Pre-flood	<ul style="list-style-type: none"> • Flood preparedness messaging • Resource inventory and preparation (staffing and equipment) • Confirm reception centre availability • Stakeholder engagement 	<ul style="list-style-type: none"> • Communications • TES • ESS • SJEMO
4.2 m Regular flood level	<ul style="list-style-type: none"> • SJEMO – Level 1 Activation – Enhanced Monitoring • Implement flood communication messaging 	<ul style="list-style-type: none"> • SJEMO • Communications
4.7 m	<ul style="list-style-type: none"> • SJEMO – Level 2 Activation – Partial Activation • Provide assistance on a case by case basis if an emergency exists. 	<ul style="list-style-type: none"> • SJEMO
>5.2 m Flood Emergency Response Level	<ul style="list-style-type: none"> • SJEMO – Level 3 – Full Activation • Implement a flood emergency response including the establishment of sandbag distribution centres. 	<ul style="list-style-type: none"> • SJEMO • TES
Post-Flood	<ul style="list-style-type: none"> • Damage assessment • Implement the Flood Recovery Plan 	<ul style="list-style-type: none"> • SJEMO

**Flood response levels are based on 2008 flood levels in Saint John, which include critical infrastructure impacts and effects on residential properties.*

5. MONITOR AND REVIEW

The Policy shall be reviewed every three (3) years by the Saint John Emergency Management Organization, or should changes or circumstances warrant.

6. IMPLEMENTATION

City resources committed to this type of emergency response will be determined through our normal emergency management processes.

During Spring Freshet Emergency Response

- Filled sandbags will be made available at distribution centres for pick up free of charge.
- City resources will not be used for delivery to specific locations.
- The number and location of distribution centres will depend on the situation.
- The City will maintain the capacity to establish up to three centres.

During Spring Freshet Emergency Recovery

- The City will assist in the removal of flood debris including sandbags.
- Separate instructions would be provided with clear direction on requirements for property owners to separate debris by type and place roadside.
- City resources will not operate on private property.

7. AUTHORIZATION

The Spring Freshet Emergency Response Policy Document is authorized under the authority of the City Manager, on the recommendation by the Director of the Saint John Emergency Management Organization.

8. RESOURCES

Resources reviewed for the development of the Policy included:

- Province of New Brunswick Historic Water Levels
- City of Fredericton Flood Playbook 2018

9. PROCEDURES

SJEMO will activate to the appropriate level of flood response according to projected flood levels.

Standard operating procedures for sandbag distribution centres shall be developed as appropriate by Transportation and Environment Services.

Flood-related messaging will be disseminated according to current standard operating procedures by the Communications Department.

10. GLOSSARY

- a) **Emergency Response:** To act immediately before, during, or after an emergency to manage its consequences and to minimize suffering and losses associated with the event.

- b) **Flood Emergency Response**: To act immediately before, during, or after a flood to manage its consequences and to minimize suffering and losses associated with flooding.
- c) **Flood Recovery Plan**: A plan intended to repair, restore and improve on conditions to an acceptable level through measures taken after a flood.
- d) **Federal, Provincial and Territorial (FPT)**: Government bodies that are responsible for the Emergency Management Framework in Canada
- e) **Level 1 Activation (Enhanced Monitoring)**: Continuous monitoring by all SJEMO members of an emergency situation that may require immediate municipal assistance.
- f) **Level 2 Activation (Partial Activation)**: Once notified, selected SJEMO members may be called in to assist in supporting ongoing efforts towards an emergency.
- g) **Level 3 Activation (Full Activation)**: All SJEMO members are to report to the EOC to provide direction, coordination, communication, and support during emergency operations.
- h) **Localized Flooding**: Describes situations where intense rainfall is expected to cause high run-off volumes in small catchments or in localized areas with minimal impact.
- i) **Saint John Emergency Management Organization (SJEMO)**: An Emergency Management Organization specific to Saint John, New Brunswick that has been instituted to create and implement a municipal all-hazard emergency management plan to mitigate hazards, prepare the community, and govern response and recovery activities within the boundaries of the City of Saint John as well as when providing mutual aid to neighbouring communities.
- j) **Spring Freshet**: A spring thaw resulting from snow and ice melt in rivers located in the northern latitudes of North America.
- k) **The City**: The City used in reference to represent the City of Saint John in New Brunswick, Canada.

11. INQUIRIES

Inquiries about the Spring Freshet Emergency Response Policy may be directed to the Director of Saint John Emergency Management Organization.

12. APPENDIX

Non-applicable



Spring Freshet Emergency Response Policy

April 8, 2019



SAINT JOHN

Purpose

The purpose of the Spring Freshet Emergency Response Policy for the City of Saint John is to define:

- the parameters that would initiate an emergency response to flood water conditions during the annual Saint John River Spring Freshet, and;
- the resources and services the city would provide

Rationale

- During the flood of 2018, the City of Saint John distributed sandbags to residents to protect their property.
- Severe flooding during the annual spring freshet has occurred most recently:
 - 1973
 - 2008 (Lowest flood levels)
 - 2018
- Therefore, the 2008 flood levels (5.2 m) will be used as the trigger for flood emergency response moving forward.
- Enhanced response for this flood level or higher will help mitigate the potential impacts on critical infrastructure and residential property.

Flood Activation Levels

Projected Flood Levels (metres)*	Actions	Lead Agency
Pre-flood	<ul style="list-style-type: none"> Flood preparedness messaging Resource inventory and preparation (staffing and equipment) Confirm reception centre availability Stakeholder engagement 	<ul style="list-style-type: none"> Communications TES ESS SJEMO
4.2 m Regular flood level	<ul style="list-style-type: none"> SJEMO – Level 1 Activation – Enhanced Monitoring Implement flood communication messaging 	<ul style="list-style-type: none"> SJEMO Communications
4.7 m	<ul style="list-style-type: none"> SJEMO – Level 2 Activation – Partial Activation Provide assistance on a case by case basis if an emergency exists. 	<ul style="list-style-type: none"> SJEMO
>5.2 m Flood Emergency Response Level	<ul style="list-style-type: none"> SJEMO – Level 3 – Full Activation Implement a flood emergency response including the establishment of sandbag distribution centres. 	<ul style="list-style-type: none"> SJEMO TES
Post-Flood	<ul style="list-style-type: none"> Damage assessment Implement the Flood Recovery Plan 	<ul style="list-style-type: none"> SJEMO

Implementation

During Spring Freshet Emergency Response

- Filled sandbags will be made available at distribution centres for pick up free of charge.
- City resources will not be used for delivery to specific locations.
- The number and location of distribution centres will depend on the situation.
- The City will maintain the capacity to establish up to three centres.

During Spring Freshet Emergency Recovery

- The City will assist in the removal of flood debris including sandbags.
- Separate instructions provided with clear direction on debris separation by type and place roadside.
- City resources will not operate on private property.
- City Spring Blitz Program will be impacted



Cost

2018 Flood

44,000 sandbags used = \$33,000 (@.75)

Sand = \$6,413.75

Total: \$39,413.75

2019 Flood Preparation

44,000 sandbags + sand = \$39,413.75

30,000 left over = -\$22,500

Sand Bags = \$10,500 (14,000 bags)

Sand = \$6,413.75

Total: \$16,913.75



Recommendation

The Spring Freshet Emergency Response Policy sets clear response actions based on specific flood levels that have been experienced over the last 45 years, increasing public safety and providing good customer service to our residents.

Therefore, it is recommended that Council adopts the Spring Freshet Emergency Response Policy

Subject: Rotary Club of Saint John Presents ARTHUR IRVING & GLEN COOKE - Request to City of Saint John

Friday, March 22, 2019

Common Clerk's Office, City Hall
P. O. Box 1971
Saint John, N. B. E2L 4L1
Attention: Colleen O'Connor, Common Clerks Office
commonclerk@saintjohn.ca
506 658-2862

Dear Common Council,

The Rotary Club of Saint John is looking forward to its annual Gala on Friday May 24th at the Delta Brunswick and we will be honouring two prominent Saint John Business People with our highest recognition of #ServiceAboveSelf, the Paul Harris Fellowship to – Mr. Arthur Irving and Glen Cooke. Funds raised at this event go toward our two major causes: At-risk-youth and isolated seniors.

I have attached the sponsorship page above and I am wondering if the City of Saint John would be interested in:

- a) Purchasing a table or tickets to the event
- b) Being an event sponsor

I realize timing is short, but would it be possible for you to apply for funding to cover a silver \$1500 sponsor level? This would give you 2 tickets to the event and recognize the City in the program, at the event, and on our website and face book.

Tickets are \$150 each with a tax receipt. A table of 8 is \$1000.

Thank you for the opportunity to be seen as an outstanding community supporter to improve the lives of others.

I look forward to hearing from you!

Thanks,

Sally Cummings



Direct: foundation@rocmaura.com Cell:(506) 651-1968

Join us Mondays 12:15 at the Union Club 125 Germain St.

Email: rotarysaintjohn@gmail.com

Visit: www.sjrotary.ca www.rotary.org

www.facebook.com/rotarysaintjohn www.twitter.com/SaintJohnRotary

Rotary GALA

Club of Saint John, NB

SPONSORSHIP OPPORTUNITIES



Rotary's highest recognition of "Service Above Self" is the Paul Harris Fellowship. Each year the Rotary Club of Saint John recognizes citizens and professionals whom have demonstrated the ideals of Rotary. These people have taken action to improve the lives of others.

Sponsorship enables you to position your company as an outstanding corporate citizen. You are supporting a sustainable and a well run charity and do so with a community of decision makers and influencers. Rotary events attract successful business people and professionals as well as media.

Why Rotary?

Rotary is the world's original service club. With over 30,000 clubs and 1 million members' worldwide, Rotary accomplishes what other charities cannot.

Rotary is 99.5 % of the way complete in our goal to eradicate Polio from the globe. Rotary is the only NGO with a permanent seat at the UN.

The Rotary Club of Saint John is dedicated to improving the lives of the city's at-risk youth and seniors. Funds raised from this event will be used to support Rotary causes: The Boys & Girls Club, The SJ Rotary Boys Choir, The Teen Resource Centre, and Camp Rotary (where the club sends disabled children each year for an unforgettable escape and a chance to have just plain fun).



to our community

SPONSORSHIP LEVELS

Title Sponsor:	\$ 10,000	Benefits: 2 Tables (16 guests) at Gala Event & Dinner Title Sponsorship in all print and radio advertising Recognition in Program and on Screens at event Recognition in Social Media and on Rotary Website Opportunity to address attendees
Platinum Sponsors:	\$ 5,000	Benefits: 1 Table (8 guests) at Gala Event & Dinner Platinum Sponsorship in all print and radio advertising Recognition in Program and on Screens at event Recognition in Social Media and on Rotary Website Opportunity to thank the guest speaker
Gold Sponsors:	\$ 2,500	Benefits: 4 Tickets to Gala Event & Dinner Sponsorship mention in all print and radio advertising Recognition in Program and on Screens at event Recognition in Social Media and on Rotary Website
Silver Sponsors:	\$ 1,500	Benefits: 2 Tickets to Gala Event & Dinner Recognition in Program and on Screens at event Recognition in Social Media and on Rotary Website
Friends of Rotary:	\$ 500	Benefits: 1 ticket at Gala Event & Dinner Recognition in Program and on Screens at event

Rotary 
Club of Saint John, NB

Kit Payne payn.kit@bellaliant.net (506) 849-4070 | Lisa Keenan lak@brentonkean.com (506) 632-8999
Corey Childs corey.childs@nb.aibn.com (506) 635-1491 | Mike Schulze mcdsaintjohn@aol.com (506) 634-2712
www.sjrotary.ca | www.rotary.org | rotarysaintjohn@gmail.com | [f RotarySaintJohn](https://www.facebook.com/RotarySaintJohn) | [t saintjohnrotary](https://www.instagram.com/saintjohnrotary)

March 5th, 2019



Mayor Don Darling
City of Saint John
Saint John, NB



Dear Mayor Darling,

The Power of Determination event is a major fundraiser for KV Oasis Youth Centre. KV Oasis opened its doors in Quispamsis in 2016 and offers daily support for youth, ages 12-25, from the Greater Saint John area. Programming at the Centre helps youth develop and learn new skills, engage with their peers, seek medical attention, and take care of their mental health. The survival of KV Oasis is imperative to families in our communities.

The 2018 Power of Determination event raised \$32,000 for the Centre, and we're pleased that this year's event will be held on Thursday, May 16th at Heritage Hall, Rothesay Netherwood School. Doors will open at 6 pm and dinner will begin at 7 pm.

We are excited to announce that our guest speaker will be the Honourable Frank McKenna who will be interviewed by James Mullinger – two individuals who are very passionate about our province!

Your purchase of tickets in 2017 & 2018 was very much appreciated and helped contribute to programming and activities run through the Centre. This year, we encourage you to purchase a table or to become a sponsor. Please review the following sponsorship opportunities:

\$1,000: Name on screen, thanked at event.

\$2,000: Name on screen/event poster, thanked at event, 2 tickets.

\$5,000: Name on screen/event poster, thanked at event, table.

\$10,000: Title sponsor or co-title sponsor, thanked at event, prominent logo on materials and slide at event, table.

To become a sponsor or to purchase a table, please contact Cortney Ellis, the Fundraising and Events Director, at (506) 847-2383 or cortney@kvoasis.com or myself Nancy Creamer Ervin at 646-1126 or nancy.creamerervin@td.com

Your support is vital to the continued success of KV Oasis Youth Centre. Thank you for your consideration, and we hope to see you on May 16th, 2019. It will be an event to remember!

Thank you very much for considering, Mayor Darling!

Best Regards,

A handwritten signature in black ink, appearing to read "Nancy Creamer Ervin".

Nancy Creamer Ervin
TD Wealth
Event Chair

CELEBRATE CANADA

SAINT JOHN NEW BRUNSWICK



AT A GLANCE

OVER 100,000+ VISITORS ANNUALLY TO THE SAINT JOHN CANADA DAY CELEBRATIONS

FULLY INCLUSIVE AND FREE EVENT WELCOMING ALL WALKS OF LIFE FOR OVER A DECADE

ELEVEN DAYS OF CELEBRATION EMBODYING THE TRUE SPIRIT OF WHAT IT MEANS TO BE CANADIAN

JUNE 21

National Indigenous Peoples' Day
Taste of the Boardwalk Summer Kick-off

JUNE 22

Live Entertainment

JUNE 23

Sunday Jazz on the Boardwalk

JUNE 24

Saint-Jean-Baptiste Day
7th Annual Poutine Challenge
ECMA Monday

JUNE 25

Senior's Tea
NB Talent Tuesday

JUNE 26

Saint John Idol XVII

JUNE 27

Canadian Multiculturalism Day
Country Star Competition

JUNE 28 & 29

Canada Day Weekend

JUNE 30
CANADA DAY COUNTDOWN

JULY 1
CANADA DAY


Dear Mayor & Council,

We have united for 365 days to truly celebrate our country, with its apex surrounding our communal birthday, July 1. We have revelled in the past and celebrated the moment that built our nation. We now turn our attention to the future and take this as our guiding principle as we reflect on the future of our nation.

Only with your support do we have the opportunity to host Saint John's official Canada Day celebrations, embodying the true spirit of what it means to be Canadian. It would be a great pleasure to partner with you in delivering our region's most extraordinary annual event, which has consistently been the largest of its kind for over a decade. Whether your desire is to sponsor and brand a particular activity, or to support the festivities in general, we have a variety of methods to highlight your participation in making these events successful.

Please contact our Canada Day Headquarters via the information provided within, or complete our attached information sheet and return to us, so that we might elaborate upon our concept of working with you, and how we strive to make this Canada Day of the great excellence to date!

Yours very truly,
Saint John Canada Celebrations Committee








Heather Peterson, Committee Chair

CELEBRATE CANADA

SAINT JOHN NEW BRUNSWICK





PATRIOT PARTNER

\$5,000

-  Recognition as Patriot Partner in all advertising pre, during and post event
-  Banners/signage displayed, boardwalk & interior
-  Logo placement on event website
-  Web link to your company website
-  VIP seating for four guests and \$500 in gift certificates
-  Recognition by Emcee as Patriot Partner throughout July 1 Celebrations





KANATA PARTNER

\$3,000

-  Recognition as Kanata Partner in advertising pre, during and post event
-  Logo placement on event website
-  Web link to your company website
-  VIP seating for four guests and \$300 in gift certificates




MAPLE LEAF PARTNER

\$1,500

-  Recognition as Maple Leaf Partner on signage during and post event
-  Logo placement on event website
-  VIP seating for four guests and \$150 in gift certificates
-  Web link to your company website

MOOSE PARTNER

\$1,000

-  Recognition as Moose Partner on signage during and post event
-  VIP seating for two and \$100 in gift certificates
-  Logo placement on event website

FRIEND

\$500

-  Logo placement on event website

OTHER

\$_____

CELEBRATE CANADA

SAINT JOHN NEW BRUNSWICK

THANK YOU FOR YOUR CONTRIBUTION TO THE SAINT JOHN CANADA DAY CELEBRATIONS AND THE CONTINUED DEVELOPMENT OF OUR COMMUNITY!

PLEASE INDICATE YOUR LEVEL OF SPONSORSHIP:

- | | | |
|--------------------------|--------------------|---------|
| <input type="checkbox"/> | PATRIOT PARTNER | \$5,000 |
| <input type="checkbox"/> | KANATA PARTNER | \$3,000 |
| <input type="checkbox"/> | MAPLE LEAF PARTNER | \$1,500 |
| <input type="checkbox"/> | MOOSE PARTNER | \$1,000 |
| <input type="checkbox"/> | FRIEND | \$500 |
| <input type="checkbox"/> | OTHER | \$_____ |

Please make cheques payable to:

**The Greater Saint John Canada Day Celebrations Committee
c/o One Market Square
Saint John N.B.
E2L 4Z6**

**Please forward completed form via fax 506-658-3605 or email
info@sjcanadaday.ca with indicated contact information below:**

Business Name:

Contact Name:

Mailing Address:

Email Address:

WE LOOK FORWARD TO CELEBRATING CANADA DAY WITH YOU!