



COUNCIL REPORT

M&C No.	2024-166
Report Date	June 10, 2024
Meeting Date	June 24, 2024
Service Area	Growth and Community Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Amending the Section 131 Agreement for 99 King Street

OPEN OR CLOSED SESSION

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

AUTHORIZATION

Primary Author	Commissioner / Dept Head	Chief Administrative Officer
<i>Yeva Mattson</i>	<i>Amy Poffenroth / Pankaj Nalavde</i>	<i>J. Brent McGovern</i>

RECOMMENDATION

That Common Council assent to amending the Section 131 Agreement for 99 King Street as follows:

- a) That Section 1(b) of the agreement be amended to reflect the revised location of the awning as identified in the attached Site Plan; and
- b) That Section 2 of the agreement be deleted.

EXECUTIVE SUMMARY

The proponent has applied to amend the Section 131 Agreement for 99 King Street regarding the proposed public use of the loading bay and the location of the proposed awning. Assent of Common Council is recommended by Staff.

DECISION HISTORY

In 2021, a Zoning By-Law amendment to Schedule G: Central Peninsula Maximum Building Heights was completed. The amendment increased the maximum building height for the property identified as 99 King Street to 55 metres.

As part of this amendment, Common Council authorized an Agreement between the City and the Developer for a Section 131 Agreement, which was associated with proposed public benefits for the project. The public benefits included:

- a) The resurfacing of the upper portion of the City lands known as South Market to highlight the separation between the vehicular and pedestrian realms in order to implement a shared street design. This will include the use of decorative paving materials and may include the use of stamped concrete, subject to the approval of the Development Officer and alignment with the approved design for South Market;
- b) The establishment of a canopy between the proposed building and the City Market;
- c) Providing permission for the City of Saint John to utilize the loading dock for public uses including the Night Market and pedestrian use;
- d) The inclusion of a canopy to be placed over the loading doors and ramp, to enhance the space for public uses.

The applicant entered into a Section 131 Agreement January 12, 2022. A copy of the Agreement is attached to this report.

REPORT

The subject site is located in the City's Uptown, fronting onto Charlotte Street, King Street, and South Market and will be developed as a mixed-use commercial and residential building. As part of the detailed design of the proposed building, changes have occurred that will require an amendment to the Section 131 Agreement in order to facilitate the issuance of a building permit for the proposed development.

The applicant has applied for an amendment to Conditions 1 (b) and Condition 2 of the Section 131 Agreement. Condition 1 (b) outlines the location of the awning or canopy to be located between the new building and the City Market. Due to design changes, the applicant is proposing to limit the location of the awning to the parking entrance and associated pedestrian entrance located near the rear of the South Market building façade.

Condition 2 is associated with the use of the loading dock which was originally incorporated within the structure at the corner of Charlotte Street and South Market. Detailed design of the structure has eliminated the internal loading dock and has replaced it with an established loading zone to be located on South Market. Due to the change in the design, Condition 2 of the agreement, which would have permitted the loading dock to be used by the City for public use, is no longer feasible. This requires the elimination of Condition 2 of the agreement.

Staff has reviewed the proposed amendments and is of the opinion that the proposed changes to the Section 131 Agreement will not impact the overall integrity and public benefit of the project, and that the amendments are the result of necessary design changes that occurred

during the detailed design of the project. Staff recommend that Common Council assent to the proposed amendments to the agreement.

STRATEGIC ALIGNMENT

The proposed development aligns with the following elements of the City's 10-Year Strategic Plan:

- Grow our property tax base by 3% annually, including at least 1% of new build assessment.
- Grow our population to 85,000 from current population of 70,000.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The General Counsel Office reviewed and consented to the recommendation.

ATTACHMENTS

January 12, 2022 Section 131 Agreement – 99 King Street
Application Package