Subject: Hughes Surveys and Consultants Inc.

Landowner: W & S Holdings Ltd, City of Saint John, and the New Brunswick Highway Corporation

Location: 251-361 Riverview Drive

PID: 00415992, 00393975, 55147540, 55226047, 55226054, 55206411 (portion), and an undeveloped portion of Algonquin Place

Existing Plan Designation: Park and Natural Areas and Stable Residential.

Proposed Plan Designation: Stable Residential

Existing Zoning: Two-Unit Residential (R2), Park (P) and Unzoned

Proposed Zoning: Low-Rise Residential (RL)

Application Type: Municipal Plan Amendment and Rezoning

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. Common Council
will consider the Committee recommendation at a public hearing on Monday, June 15, 2020.

EXECUTIVE SUMMARY

The applicant is proposing a development of the site at 251-361 Riverview Drive, which would involve the construction of eleven townhouse units. A Municipal Plan Amendment is required to re-designate a portion of the site from Park and Natural Area to Stable Residential. A rezoning is also required to rezone the site from Two-Unit Residential (R2), Park (P) and an un-zoned area to Low-Rise Residential (RL).

Staff recommend approval of the Municipal Plan Amendment and Rezoning as it conforms to the intent of the Municipal Plan and surrounding neighbourhood context.

RECOMMENDATION

1. That Common Council re-designate, on Schedule A of the Municipal Development Plan, a parcel of land with an area of approximately 2734 square metres, located at 251-361 Riverview Drive, also identified as portions of PID Nos. 55226054, 00415992, 55147540, 55206411 (an undeveloped portion of the New Brunswick Route 1 right-of-way), and an undeveloped portion of Algonquin Place, from Park and Natural Area to Stable Residential.

2. That Common Council re-designate on Schedule B of the Municipal Development Plan, a parcel of land with an area of approximately 2734 square metres, located at 251-361 Riverview Drive, also identified as portions of PID Nos. 55226054, 00415992, 55147540, 55206411 (an undeveloped portion of the New Brunswick Route 1 right-of-way), and an undeveloped portion of Algonquin Place, from Park and Natural Area to Stable Residential.

3. That Common Council rezone a parcel of land having an area of approximately 2594 square metres, located at 251-361 Riverview Drive, also identified as PID Numbers 00415992, 00393975, and 55147540, from Two-Unit Residential (R2) to Low-Rise Residential (RL).

4. That Common Council rezone a parcel of land having an area of approximately 675 square metres, located at 251-361 Riverview Drive, also identified as PID Numbers 55226047, and 55226054, from Park (P) to Low-Rise Residential (RL).

5. That Common Council rezone a parcel of land having an area of approximately 1345 square metres, located at 251-361 Riverview Drive, also identified as an undeveloped portion of Algonquin Place and a portion of PID 55206411 (an undeveloped portion of...
the New Brunswick Route 1 right-of-way), currently unzoned to Low-Rise Residential (RL).

6. That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, impose the following conditions on the parcel of land having an area of approximately 4614 square metres, located at 251-361 Riverview Drive, also identified as PID Numbers 00415992, 00393975, 55147540, 55226047, 55226054, a portion of PID 55206411 (an undeveloped portion of the New Brunswick Route 1 right-of-way) and an undeveloped portion of Algonquin Place:

(a) The development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of buildings and structures, garbage enclosures, outdoor storage, driveway accesses, vehicle and bicycle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features; and

(b) The above elevation and site plans be attached to the building permit application for the development of the parcel of land.

DECISION HISTORY

On October 10, 2006 Common Council denied an application to rezone a 2770 square metre portion of the site (PID's 55147540, 55147540 and 00415992) from “Park (P)” Park to “R-2” One and Two Family Residential. The basis for the denial was a Staff recommendation related to the lack of sanitary sewer infrastructure serving the site.

ANALYSIS

Proposal
The applicant is proposing to construct an 11-unit townhouse development on the site, which would include three buildings (two-four unit buildings and one-three unit building). The townhouse units would front onto Riverview Drive and a private driveway would provide access to the rear of the units and site.

Site and Neighbourhood
The site totals 4614 square metres and is located on the northwest area of Riverview Drive on the Harbour side of the Throughway. The site includes land owned by the developer along with two City-owned parcels and a portion of a Public Street (Algonquin Place). The City-owned lands and Public Street are subject to a purchase and sale agreement, with the portion of Algonquin Place subject to a street closure process. The site also includes a parcel of land currently owned by the Province (New Brunswick Highway Corporation) that is subject to an agreement of purchase and sale between the developer and the Province. The site has approximately 130 metres of frontage on Riverview Drive. Current zoning of the site is mixed
with portions having Park (P) and Two-Unit Residential (R2) zoning along with unzoned portions (Algonquin Place and Provincial lands). A steep bank is located along the northern edge of the property adjacent to Saint John Harbour.

Most of the lots on Riverview Drive contain large, older dwellings and many of those overlooking the Saint John Harbour have water access traditionally and presently used for fishing and boating access. A mix of dwelling types including single unit, two-unit and multiple unit dwellings are found along the street. Lands along Riverview Drive are zoned Two-Unit Residential (R2) with a large area along the western portion of the street zoned Park (P).

**Municipal Development Plan and Rezoning**

**Municipal Plan**

A 2734 square metre portion of the site is currently designated as Park and Natural Area on Schedule B of the Municipal Plan. This area, at the rear of the site, adjacent to Saint John Harbour, has this designation due to its adjacency to the Harbour. This area includes portions of three parcels of land (PID5s 55226054, 00415992, and 55147540), an undeveloped portion of the New Brunswick Route 1 right-of-way (PID 55206411) and an undeveloped portion of Algonquin Place.

The area currently designated as Park and Natural Area includes portions of the site to be developed with buildings and the site access. This requires a re-designation to Stable Residential. An analysis of the proposal with respect to the relevant policies of the Municipal Plan is provided in Attachment 2. Key findings of this assessment are summarized as follows:

- The proposed re-designation along with the site and building design of the proposed development is consistent with the surrounding neighbourhood context, which has residential development along the north side of Riverview Drive adjacent to the Saint John Harbour.
- Development of the site is infill of a vacant parcel of land that makes use of existing municipal services, a key direction established in the Municipal Plan. The development connects to new sanitary sewer infrastructure installed in this area in conjunction with the Harbour Cleanup project. This eliminates servicing issues associated with the previous development application for the site.
- There is a minimum vertical separation of approximately 12 metres between the water and developed portions of the site. The proposed development is within an area where development is permitted in accordance with the Provincial Coastal Areas Policy as it is 30 metres inland of the Higher High Water Large Tide (HHWLT). The site is also at an elevation that is at least 6 metres higher than 2018 and 2019 flood levels and above sea rise elevations assessed in the City’s Climate Change Plan.
- Building construction will be setback from the bank of the watercourse, which provides an undeveloped, landscaped area adjacent to the watercourse. This provides an open space area for habitat and a linkage along the Harbour.
From the above summary and the analysis of conformance with the Municipal Plan Policies (Attachment 2), Staff are of the opinion that the proposed development achieves the intent of the Municipal Plan. This is based on the proposed development respecting the intent of the Plan through providing an undeveloped area adjacent to the watercourse. This area contains a steep slope and will remain in its undeveloped state. In addition, the development proposal was circulated to the Provincial Department of Environment and Local Government and no Provincial approvals are required. The site and building design of the proposal also compliments the surrounding neighbourhood context.

Rezoning

A rezoning to Low-Rise Residential (RL) is required to permit the proposed townhouse units. The Low-Rise Residential (RL) zone permits a maximum of six townhouse units per lot, which would allow for the three and four-unit buildings, which are proposed to be on three separate lots. The immediate area along Riverview Drive includes single unit, two-unit and multiple dwellings of older housing stock. The proposed townhouses provide an additional housing form in the neighbourhood, enabling increased housing choice in an area that is close to central areas of the City and amenities.

The proposed development meets the Zoning By-law standards for parking, access and landscaping and generally meets the requirements of the Low-Rise Residential (RL) zone. Variances, to be processed through the Development Officer Variance process, are required from the zone standards to:

- Reduce the minimum front yard of the central building from 6 metres to between 2.16 metres and 2.7 metres, and the front yard for the northeast building from 6 metres to between 1 metre and 3.73 metres. Staff note this variance is within the built form context of the surrounding neighbourhood as buildings along Riverview Drive have front setbacks of this magnitude or less.

- Reduce the side yard of the southwest building from 2 metres to between 1.5 metres and 2 metres. As with the front yard setback variance, this reduction in side yard setback is within the context of the surrounding neighbourhood.

- Reduce the lot depth for a portion of the site from 30 metres to between 28.2 metres and 30 metres. Staff note this is reasonable given the configuration of the site.

Given the development’s general conformance with the Zoning By-law standards, Staff recommend approval of the rezoning to Low-Rise Residential (RL). Staff recognize a previous application to accommodate residential development was not recommended and subsequently denied by Common Council in 2006. The 2006 application occurred at a time when this area was not serviced by the City’s sanitary sewer collection system, as it currently is with the completion of the Harbour Clean Up project. An additional item raised during the 2006 rezoning process was the extension of Harbour Passage through this area. Staff note that since 2006 the City has completed the Trails and Bikeway Master Plan, which designates Riverview Drive as a
proposed Neighbourhood Route. Staff note the topography of the site and area, combined with multiple property owners and an existing built form, which includes many main buildings, accessory buildings and docks constructed in close proximity to the water, present constraints to a waterfront trail along the water’s edge. As a result, the Master Plan designates Riverview Drive as an on street, Neighbourhood Route for active transportation providing the desired linkage to the waterfront.

**Recommended Section 59 Conditions**
A standard Section 59 Condition is recommended requiring that site and building plans be prepared by the proponent and submitted with the building permit application to demonstrate conformance with the proposal evaluated through the rezoning application and with the standards of the Zoning by-law.

**Subdivision Considerations**
The subdivision of the site into three separate lots for the three-townhouse buildings is an administrative subdivision, processed at the Development Officer level. No Lands for Public Purposes or money in lieu of Land for Public Purposes is required, as the consolidation of five separate parcels, former street right-of-way and Provincial lands into three parcels, combined with the creation of individual part lots for the townhouse units do not create any new lots requiring Lands for Public Purposes.

The proposed plans meet the standards of the Subdivision By-law. Staff note that a Local Government Services Easement is required for an existing storm sewer located on the site and the necessary easement documentation can be prepared in conjunction with the transfer of the City-owned land and portion of Algonquin Crescent.

**Conclusion**
An eleven-unit townhouse development is proposed for the site. The required Municipal Plan Amendment and Rezoning can be supported as the proposal meets the intent of the Municipal Plan and fits within the existing neighbourhood context. A review of the proposed development with respect to past flooding and projected sea level rise elevations did not identify any concerns with the proposed development. A standard Section 59 condition requiring detailed site and building elevation plans the building permit stage is recommended.

**ALTERNATIVES AND OTHER CONSIDERATIONS**
No alternate considerations are recommended for this application.

**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 May 8, 2020. The Public Presentation
for the Municipal Plan Amendment was posted on the City’s website on February 26, 2020. The rezoning is scheduled for posting on the City of Saint John website beginning on May 22, 2020.

APPROVALS AND CONTACT

<table>
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<tr>
<th>Author</th>
<th>Manager</th>
<th>Commissioner</th>
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<tbody>
<tr>
<td>Mark Reade, P.Eng., MCIP, RPP</td>
<td>Ken Melanson, P.Eng., MCIP, RPP</td>
<td>Jacqueline Hamilton, MCIP, RPP</td>
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</tbody>
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Contact: Mark Reade  
Telephone: (506) 721-0736  
Email: Mark.Reade@saintjohn.ca  
Application: 20-017

APPENDIX

Map 1: Site Location  
Map 2: Future Land Use  
Map 3: Zoning  
Map 4: Aerial Photography  
Map 5: Topography  
Attachment 1: Site Photography  
Attachment 2: Municipal Plan Policy Review  
Submission 1: Site Plan  
Submission 2: Elevation Plan
Map 1 - Site Location
Hughes Surveys & Consultants Inc.- 251-361 Riverview Drive

The City of Saint John
Date: March 11, 2020
Map 2 - Future Land Use
Applicant Name Inc. - 123 Winchestertonfieldville Court

The City of Saint John
Date: February 19, 2020
(P) Park
(R2) Two-Unit Residential
(RM) Mid-Rise Residential

Map 3 - Zoning
Hughes Surveys & Consultants Inc.- 251-361 Riverview Drive

The City of Saint John
Date: March 11, 2020
### Policy/Policies and Subject Area

**Policy LU-4**
Not consider changing the designation of lands on the Future Land Use map (Schedule B) through a Municipal Plan amendment, unless the proposal:

- **a.** Is consistent with the general intent of the Municipal Plan and further advances the City Structure;
- **b.** Is necessary by virtue of a lack of supply of quality land already designated in the Municipal Plan to accommodate the development;
- **c.** Enhances the community and the quality of life offered to residents of the City;
- **d.** Efficiently uses available infrastructure;
- **e.** Does not negatively impact the use and enjoyment of adjacent lands and neighbourhoods;
- **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
- **g.** Adequately addresses and mitigates any significant environmental impacts.

### Staff Comment

**Policy LU-4**
The change in designation from Parks and Natural Areas seeks to expand the developable area of the site, a portion of which is currently designated Stable Residential. This approach is consistent with the surrounding neighbourhood context, which has residential development along the north side of Riverview Drive adjacent to the Saint John Harbour.

Staff note the development site is serviced and the proposed 11-townhouse units are not expected to have a significant impact to adjacent residential properties or the surrounding neighbourhood.

The proposal also represents infill development of a vacant, serviced site.

While the site is located adjacent to Saint John Harbour, there is a marked elevation difference from the portion of the site where the townhouse units will be developed and the water’s edge, with the developed portions of the site being a minimum of 12 metres higher than the water. In addition, the New Brunswick Department of Environment and Local Government notes a Watercourse and Wetland Alteration Permit is not required.

### Stable Residential Policies

**Policy LU-86**
Create the Stable Residential designation on the Future Land Use map (Schedule B). Within the Stable Residential designation, housing of almost every form and density may be found and both the existing neighbourhood context and compatibility with the Municipal Plan goals will determine suitability of new proposals. Other compatible uses that may be found in the Stable Residential designation include convenience stores, home occupations,

### Stable Residential Policies

Staff note that while townhouse units are not currently found on this section of Riverview Drive, this area does not contain one homogeneous housing type, but instead a mix of single-unit, two unit and multiple unit dwellings. Staff also note the density of the proposed development is comparable to other housing forms and lot configurations found within the neighbourhood.
parks, and community facilities that are permitted in the designation without amendment to the Municipal Plan.

Policy LU-87 Intend that the areas designated Stable Residential will evolve over time from a land use and built-form perspective but that new and redeveloped land uses are to reinforce the predominant community character and make a positive contribution to the neighbourhood.

Policy LU-88 Ensure that significant new development and redevelopment in areas designated Stable Residential shall generally be permitted only through a rezoning process where compliance is demonstrated with the following requirements:

a. The proposed land use is desirable and contributes positively to the neighbourhood;

b. The proposal is compatible with surrounding land uses;

c. The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities and protective services can readily and adequately be provided;

d. Site design features that address such matters as safe access, buffering and landscaping, site grading and storm water management are incorporated;

e. A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and

f. The proposal is on a property identified as a Corridor on the City Structure map (Schedule A) or does not detract from the City’s intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.

The development of the proposed townhouse dwellings is subject to a rezoning process, which would result in the site being rezoned to Low-Rise Residential (RL).

Staff note further residential development in the neighbourhood is desirable and the level of density is comparable to that currently found in the neighbourhood.

The area’s servicing has been improved with completion of the City’s Harbour Clean-up Project which improved the sanitary sewer collection system. Riverview Drive is designated as a Neighbourhood Active Transportation Route in the City’s Trails and Bikeways Master Plan.

Section 59 conditions are recommended to ensure the constructed project conforms to the plans approved through the Municipal Plan Amendment and Rezoning process,

The project is proposing townhouse units as a built form. Given the small scope of the project (11-units) and the recent focus on multiple unit residential projects in the Primary Centres and Intensification Areas, Staff are of the opinion the project will not detract from the focus of the Municipal Plan in directing development to the Primary Centres and Intensification Areas.
**Re-designation of Park and Natural Areas**

Policy LU-110 Create the Park and Natural Areas designation on the Future Land Use map (Schedule B). Council intends that the Park and Natural Areas designation will permit a range of conservation and appropriate recreational land uses permitted in the City’s major regional and community parks, environmentally sensitive or significant areas, lands that are located adjacent to watercourses, lands adjacent to the City’s coastlines, estuarine areas, significant archaeological and geological sites, historic sites, designated heritage places and cemeteries. Council may permit commercial recreation uses in the Park and Natural Areas designation subject to appropriate standards in the Zoning Bylaw. Council may permit wind and solar energy development in the Park and Natural Areas designation outside of the Primary Development Area, subject to federal and provincial environmental approvals, conditions, and standards in the Zoning Bylaw. When reviewing an application for rezoning, refer back to Policy LU-95.

Policy LU-112 Regulate land use in and near environmentally sensitive or significant lands as well as lands adjacent to the City’s watercourses and coastlines through appropriate regulation in the City’s Zoning Bylaw, and is at a minimum consistent with Provincial standards.

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**Urban Design**

Policy UD-9 Ensure all development proposals generally conform to the following General Urban Design Principles:

a. That new development respect and reinforce the existing and planned context in which it is located through appropriate setbacks, landscaping, buildings, entrances, building massing, architectural style and building materials. Specifically, the built-form of new development shall be designed to align with the criteria established in Policies UD-9 and UD-10 of the Municipal Plan through the following design elements:

- Building entrances, which face Riverview Drive.
- A building design that responds to the sloping topography of the site through incorporation of walkout basements.

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**Redesigiation of Park and Natural Areas**

A portion of the site is currently designated as Park and Natural Area in the Municipal Plan as it is coastal land located along the edge of Saint John Harbour. While the site is located adjacent to Saint John Harbour, there is a marked elevation difference from the portion of the site where the townhouse units will be developed and the waters edge, with the developed portions of the site being a minimum of 12 metres higher than the water. In addition, the New Brunswick Department of Environment and Local Government (NBDELG) notes a Watercourse and Wetland Alteration Permit is not required.

The proposed development is within an area where development is permitted (30 metres inland of the Higher High Water Large Tide HHWLT) under the New Brunswick Coastal Areas Protection Policy. NBDELG notes that proper construction practices such as the prohibition of the operation of heavy machinery below the ordinary high water mark, proper material and equipment storage, and the removal of any debris or construction material from coastal lands will be required.

Planning Staff note the development is located above an elevation of 12 metres geodetic and that this is over 6 metres above the 2018 (5.73 metre) and 2019 (5.5 metre) peak flood levels. Projections completed for the City’s Climate Change Plan provide an upper level projection for sea level rise of between 6.6 metres and 6.8 metres geodetic.
achieve the following objectives for specific areas of the City:

i. In Stable Areas, as identified on the City Structure map (Schedule A), new development will be designed to respect and reinforce the physical character of the established neighbourhood, as set out in Policy UD-10;

b. Locating building entrances facing the public street;

c. Designing sites to incorporate existing natural features and topography;

d. Designing sites to protect, create and/or enhance important view corridors to the water or landmark sites or buildings;

e. Incorporating innovations in built form, aesthetics and building function to encourage high quality contemporary design that will form the next generation of heritage;

f. Where appropriate and desirable, encouraging active pedestrian-oriented uses and a high level of transparency at grade to reinforce and help animate the public realm;

g. Designing sites, buildings and adjacent public spaces as complete concepts with integrated functions;

h. Using quality, durable building materials and a consistent level of design and detail for all elements of the building;

i. Designing for visual interest by incorporating well-articulated building façades, landscaping, local history, public art and/or culture into sites and buildings;

j. Directing high-rise buildings to appropriate areas and ensuring their design is sensitive to the neighbourhood and/or heritage context;

k. Encouraging sustainability in design by:
   i. Utilizing reused, recycled, renewable or local building materials where possible;

| These provide a two-storey elevation at the rear of the building. |
| A single-storey elevation along the Riverview Drive frontage, which compliments the existing one and two storey buildings found along Riverview Drive. |
| Using materials and a residential building design which is similar to that found along Riverview Drive. |
| Providing vehicular access for the majority of units through a rear lane, which mitigates the impact on the Public Realm. |

The proposed subdivision also responds to the established pattern of lots on Riverview Drive, in particular the long and narrow waterfront lots on along the north side of the street. The proposed front and side setbacks are also consistent with the context of the surrounding neighbourhood.
ii. Using green building or neighbourhood standards;

iii. Designing for energy efficiency and alternative sources of energy;

iv. Designing for water conservation and on-site storm water management;

v. Promoting the conservation and adaptive re-use of existing buildings and designing sites to retain mature trees;

vi. Designing sites and buildings to work with, rather than against, the natural environment by designing according to the topography, hydrology, ecology and natural drainage patterns of the site and taking advantage of passive solar gain and natural light; and

vii. Using native vegetation for landscaping where appropriate.

l. Designing sites and buildings according to the Crime Prevention through Environment Design (CPTED) principles to promote safety and security, in balance with other urban design goals; and

m. Locating and screening parking and loading facilities so they are generally not visible from the street, particularly in Centres and Neighbourhood Intensification Areas;

n. Limit surface parking between the front of a building and the public street or sidewalk;

o. Design safe and direct access to buildings for pedestrians, cyclists and transit users by providing walkways from the public street, transit stops, and parking areas to main building entrances and including bike parking and end-of-trip facilities, where appropriate, and mid-block connections where possible;

p. Design sites and building accesses that are barrier-free, convenient and have clear signage; and
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<tr>
<th>Natural Environment and Storm water Management</th>
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<td><strong>Policy NE-22</strong> Enhance natural areas within the City by:</td>
<td><strong>The site design conforms to Policy NE-22 by providing an undeveloped area at the rear of the site adjacent to Saint John Harbour. This provides an open space area for habitat and a linkage along the Harbour. This area is proposed to remain in its undeveloped state given the steep topography.</strong></td>
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<td>a. Protecting and limiting development in environmentally sensitive areas including significant habitat areas, open spaces and areas with rich biodiversity;</td>
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<td>b. Minimizing the fragmentation of significant natural areas by limiting development in rural areas and linking natural areas, wherever possible, to maintain wildlife habitat and natural corridors; and</td>
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<td>c. Carefully analyzing and mitigating the impacts of resource uses on adjacent natural areas when considering development applications.</td>
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The Terraced Homes at Riverview Drive,
City of Saint John,
Saint John County, New Brunswick.