



The City of Saint John

Date: July 17, 2021
To: Planning Advisory Committee
From: Growth & Community Services
Meeting: July 20, 2021

SUBJECT

Applicant: Malcolm Boyd
Landowner: W/L Holdings Inc.
Location: 85-87 and 91 King Street
PID: 00037093 and 00039982
Plan Designation: Uptown Primary Centre
Existing Zoning: Uptown Commercial (UC)
Application Type: Zoning By-law 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 Zoning By-law. Common Council will consider the Committee's recommendation at a public hearing on Monday, August 23, 2021.

The *Community Planning Act* authorizes the Planning Advisory Committee to grant reasonable variances from the requirements of the Zoning By-law. The Committee can impose conditions.

EXECUTIVE SUMMARY

The Proposal is to develop a twelve storey, mixed-use commercial and residential building at 85-87 and 91 King Street, to be known upon completion as 99 King Street. The application seeks an amendment to the height map established within the Central Peninsula Secondary Plan and the Zoning By-law, as well as a variances related to the upper storey step backs and transparency at the ground floor of the building.

Staff has assessed the proposal against the applicable policies of the Municipal and Secondary Plans and are recommending approval of the application for the following reasons:

- The proposed development advances the aspirations of the Municipal and Secondary Plan to increase density in the urban core by increasing the housing supply and also further contributing to the framing of King Street and King Square.
- The proposed building will incorporate ground (and lower floor) commercial which will help maintain an active streetscape and will be compatible with the adjacent commercial uses along King Street and Charlotte Street.
- While the height exceeds the allowable height established in the Central Peninsula Secondary Plan and Zoning By-law, the density as proposed can be accommodated through the use of architectural elements which will provide visual breaks in the massing of the building and link the base of the building to adjacent buildings reinforcing the pedestrian realm. This includes strategically located cornices as well as the use of contrasting materials and a colour palette that draws inspiration from the surrounding built form context of the site.

Staff acknowledges that this particular site has remained vacant for almost ten years, and while various owners have sought reinvestment in the property, the redevelopment of the site brings with it challenges that have been difficult to overcome. The developer has moved forward with the demolition of this vacant building and is seeking to transform this neglected property into a community asset. The new building will provide a mixture of commercial spaces and residential uses including re-establishing an active ground floor commercial space and providing approximately ninety-three new residential units. The redevelopment of 91 King Street represents the completion of one of the Big Moves established within the Central Peninsula Secondary Plan and contributes to the overall growth and development of the community.

Staff recommends approval of the amendment to the Maximum Building Height map, with the proposed conditions contained in the Staff recommendation. The Planning Advisory Committee will consider the variance request related to the upper storey step backs and the reduction of the transparent area of the ground floor of the Charlotte Street façade. Approval of the step back variance is recommended on account of the variances being reasonable due to the use of architectural features to create visual variations in the building's design to achieve the

design outcomes intended by the step back requirement. Approval of the reduction in the transparent area is recommended on account of that the proposed design is intended to complement the City Market.

RECOMMENDATION

1. That Common Council proceed with an Amendment to Schedule “G” of the Zoning By-law, By-law Number CP-111, to increase the maximum building height from 28 metres and 42 metres to 55 metres for the parcel of land having an area of approximately 1709 square metres, located at 85-87 and 91 King Street, also identified as PID Numbers 00037093 and 00039982.
2. That, subject to Third Reading being given Amendment to Schedule “G” of the Zoning By-law mentioned above, the Planning Advisory Committee grant variances to:
 - a) allow for the building to be developed without the provision of 3 metre façade step backs at elevations of 14 metres and 24 metres; and,
 - b) reduce the transparent area of the ground floor façade along Charlotte Street from 50% to approximately 30%.
3. That, the granted variances be subject to the following conditions:
 - a) That the development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the developer 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;
 - b) That the developer submit a Traffic Impact Statement as it relates to new vehicle trips and changing traffic patterns on South Market, Charlotte Street and King Square North and at the developer’s responsibility and expense to implement any recommended transportation network improvements to mitigate the any traffic impacts related to this development;
 - c) That the developer enter into a License Agreement with the City of Saint John to use the City owned land known as South Market to access the parking garage;
 - d) That the developer submit a Wind Study which is to demonstrate no adverse effects to the public realm as it relates to the incremental impact of building height from 28 and 42 metres to 55 metres;

- e) As part of future development approvals, that the developer submit design flows for both water and sanitary, as well as a storm water management and site servicing plans.
 - f) That the site and building plans, including floor plans and building elevations, be in substantial conformity with the design prepared for the project as shown on plans prepared by Murdock Boyd Architects on behalf of W/L Holdings Inc. for the multiple unit residential and commercial development at 85-87 and 91 King Street and include the following elements:
 - i. A 1.8-metre setback from the property line on Charlotte Street.
 - ii. Incorporation of cornices between the third and fourth storeys and the tenth and eleventh storeys.
 - iii. Building façade materials to be in accordance with the materials shown on the coloured renderings including:
 - 1. A masonry style façade featuring contemporary materials in a limestone colour on the lower three storey portion of the building.
 - 2. A façade featuring contemporary materials on the residential storeys four to twelve. Storeys four to ten shall feature a limestone colour and storeys eleven and twelve will feature a charcoal colour.
4. That Common Council authorize an Agreement between the City and the Developer pursuant to section 131 of the *Community Planning Act* for the following public benefits associated with the development:
- 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.

DECISION HISTORY

No previous decisions have been rendered for the subject property.

ANALYSIS

Proposal

Malcolm Boyd of Murdoch Boyd Architects on behalf of W/L Holdings has applied to amend Schedule G of the City's Zoning By-law in order to facilitate the redevelopment of two, newly vacant parcels located at the intersection of Charlotte Street and King Street. The proposed building will be a mixed-use development featuring three floors of commercial uses and nine floors of residential units, resulting in the creating of 93 residential units. The two lowest floors (located predominately below grade) will provide 57 internal parking spaces.

The building will provide 93 residential units including 1-bedroom and 2-bedroom units. The size of the units have yet to be established but will generally range in size from approximately 830 square feet to 2550 square feet.

Site and Neighbourhood

The site is two newly vacant lots located within the City's Uptown neighbourhood at the north-west corner of Charlotte Street and King Street. The development site is located across Charlotte Street from King's Square. The property is located directly south of the historic City Market and is adjacent to the Trinity Royal Heritage Conservation Area, and as such, the property is not fall within Heritage designation.

The surrounding area is largely zoned for commercial uses, with the exception being the nearby parks. The development site, along with the lands located immediately north, south and west of the site are zoned Uptown Commercial (CU). King's Square and the nearby Loyalist Burial Ground are zoned Park (P). The existing established area largely features ground floor commercial and institutional uses, with residential uses located on the upper floors of some buildings.

While the building located at 85-87 King Street was in use until the demolition, 91 King Street has been vacant for over ten years. A number of interested parties have purchased the property with the intent to revitalize the site including the vacant building. The redevelopment of the property has been met with various challenges including the financial viability of renovating the vacant building at 91 King Street, which had been impacted by water damage, contained asbestos and would have required substantial repair and renovation. In order to move forward with a viable project, the developer chose to undertake the challenge of demolishing the property, which required extensive asbestos abatement. The new development site will incorporate both 91 King Street and the adjacent 85-87 King Street, thus allowing for a larger building to be constructed.

Municipal Plan and the Central Peninsula Secondary Plan

Municipal Plan (PlanSJ)

The proposed development is located within the portion of the City designated as the Uptown Primary Centre. The Uptown Primary Centre is home to the highest intensity of mixed-use development and is the location of a wide variety of commercial, institutional, financial, cultural and government uses. New high density residential uses are strongly encouraged to be located within the Uptown Area and are encouraged, where appropriate, to incorporate active ground floor uses including commercial development. The Central Peninsula Secondary Plan was established as a guide for the future development of the Uptown Primary Centre and the surrounding lands within the Central Peninsula.

Central Peninsula Secondary Plan (CPSP)

With regards to the Secondary Plan, the site is located in the Uptown Core. The Uptown Core is considered to be the epicentre of the Central Peninsula and the entire City. The area is noted for its heritage assets including King's Square which serves as an anchor for the neighbourhood. Key directions for this area include:

- Mid-rise and tall buildings to accommodate full build-out and to capitalize on market and zoning provisions for commercial and residential density.
- Prominent heritage buildings to inform new, contemporary built form elements and infill opportunities.
- Where appropriate, buildings will incorporate non-residential ground floor uses to maintain and enhance a vibrant, pedestrian-oriented urban environment, animating the public realm.
- Street wall heights are regulated through setbacks and step backs to maintain a comfortable, human-scaled built environment.
- Corner buildings feature well-designed entrances that transition the corner. Existing civic spaces are strengthened to support green space and recreation amenities in the core; new civic spaces along the waterfront will support increased access to the waterfront.
- New infill development will feature a mix of uses and high-quality design which will maintain and enhance urban form.
- A mix of structured and dense, on-street parking to accommodate residents, employees, and visitors.

The CPSP acknowledges the opportunity for new infill developments to not only frame King's Square but to enhance King Street as a prominent civic corridor. The CPSP determined that certain strategic projects could act as a catalyst for further development within the Plan Area. Big Moves are noted as being catalytic projects that would define and shape key areas of the Central Peninsula and would spur further investment in their vicinity. The Plan identifies the need to reinforce the symbolic heart of the Central Peninsula as King's Square. The Square is currently framed by a number of iconic and historic buildings including the Imperial Theatre, the Saint John County Court House, City Market and the Irving Oil Limited Home Office, but four identified locations remain either vacant or underused. 91 King Street was identified as a

priority location for development due to its prominent location at the intersection of King Street and Charlotte Street and proximity to King's Square. The existing building had become vacant and derelict, leaving a large void in an overall active commercial streetscape. The redevelopment of the site would reactivate the space, enhance the streetscapes of both King Street and Charlotte Street and would help reinforce the role of King's Square within the Uptown neighbourhood.

The proposed development is also located along the prominent East-West Corridor within the Central Peninsula. Another Big Move, and specific policy (Policy U-3) of the CPSP is to enhance this corridor which is anchored by King's Square and the Central Waterfront. A key proposal within the CPSP to strengthen this linkage is to transform South Market into an animated and pedestrian-oriented laneway with improved street level access to the City Market. Improvements to this area are also envisioned to include outdoor patio and vendor space. The City intends to work with the developer through the preparation of the required legal mechanism which balances the use of a portion of South Market for access to the building with the vision established in the CPSP for a pedestrian priority street and continued use of the Street for events such as the Night Market and other activities related to the City Market.

The site at 91 King Street is prominently located at the intersection of Charlotte Street and King Street. Through redevelopment of the site with active ground floor uses, it will help further develop King Street as a more pedestrian friendly environment.

A detailed assessment of the proposal with respect to the policies of the Municipal Plan and CPSP is provided in Attachment 2. This assessment paid close attention to the proposed design of the building and how the architecture of the building addresses the Key Design Goals of the Plans. This report will highlight the connection between the proposed design and some of the key goals and objectives of the CPSP.

Staff note that while the height of the building is a departure from the direction established in the CPSP with a 28 metre and 42 metre maximum building height established for this area, compared with the proposed 55 metre building height, the proposed design mitigation measures ensure the development follows plan policies to ensure a compatible tall building design that complements the streetscape.

Building Design

Staff undertook an extensive design review in order to compare the submitted renderings to the design goals, objectives and policies outlined in both PlanSJ and the CPSP. Through this review, staff determined that the proposed design was representative of the intention of both Plans, and addressed the key design priorities for redevelopment within the Uptown Area, including the provision of an active ground floor use, connectivity to the pedestrian realm, suitability with the established built form and the use of design elements to address the height and building massing. Based on this review, staff determined that a third party design review would not be necessary due to the quality of the building design. The review undertaken by

staff is included in the attachments.

Framing King's Square

As mentioned earlier in this report, the CPSP identified the enhancement of King's Square as a Big Move for the Uptown Core. 91 King Street was identified as one of the four properties which would benefit from redevelopment in order to establish a more consistent streetscape framing the Square. King's Square is currently framed by a number of iconic buildings including both historic and contemporary structures. The existing buildings are diverse in height, ranging from the two-storey Service New Brunswick building to the eleven-storey Irving Oil Limited Home Office.

When examining the existing streetscapes, two prominent design elements emerge: red brick and the use of a neutral colour palette (cream/beige/light grey).

- Red Brick is a traditional building material that is found on buildings throughout the City, including the Trinity Royal Heritage Conservation Area, which is located adjacent to 91 King Street. It is the primary façade material of both the historic City Market and the more contemporary Service New Brunswick building.
- Cream/beige/light grey colours are featured in the majority of buildings that frame the square. These buildings range from historic to contemporary and the use of the neutral colour palette.

The design of 91 King Street has taken inspiration from the buildings that currently frame King's Square. The lower three storeys of the building will feature a primarily red brick clad façade, which will include a sandstone type trim to emphasize the entrances and windows. The middle portion of the King Street façade will feature a contemporary cladding in a limestone colour. Floors four to ten will feature the same contemporary cladding in the limestone colour. Storeys eleven and twelve will incorporate a contemporary cladding in a charcoal colour.

Relationship to the City Market

The proposed development is located within close proximity to a number of notable and landmark buildings. Of particular importance is the proximity to the historic City Market, located to the north of the development site along Charlotte Street. The Saint John City Market is the oldest continuing farmer's market in Canada and is a National Historic Site. The building is noted for its formal entry façade located on Charlotte Street.

When reviewing the proposed design for 91 King Street, it becomes apparent that the design has acknowledged the prominence of the City Market on the streetscape and has used it to inform the proposed building's design. The Charlotte Street façade (known as the Market Tower) of the City Market is four storeys in height and features red brick construction featuring buff sandstone articulation¹. The façade is noted for its prominent arched central main entranceway as well as the arched windows which are visible on the second to fourth floors.

¹ Canada Historic Places, *City Market – Statement of Significance*. 2006/12/01. www.historicplaces.ca

The first three storeys of the proposed building will incorporate a red brick material and will feature a sandstone type trim. The applicant has indicated the intention for the placement of the third storey cornice to largely align with the cornice separating the third and fourth storeys of the City Market. Both the Charlotte Street and King Street entranceways of the proposed development have taken inspiration from the City Market and will incorporate the use of a prominent archway.

In addition, it should be noted that the proposed building has been designed with an additional setback from the property line of Charlotte Street. Through setting back the building by approximately 1.8 metre, the façade of the proposed building will align with the Charlotte façade of the City Market. This will ensure that the prominence of the City Market on the Charlotte streetscape will not be diminished by the redevelopment of 91 King Street.

Active Streetscape and Pedestrian Realm

The final design element to be given a more detailed review is the ability for the proposed development to support and maintain both an active streetscape and a comfortable public realm. The proposed building is a mixed-use development which will include commercial uses on the first three storeys. The placement of commercial uses on the ground floor of the proposed development aligns with the established streetscape on both Charlotte Street and King Street. Through the placement of commercial uses on ground floors, it promotes a more active streetscape by providing uses that encourage visitation from the public.

Active ground floor uses within the building conform to Policy BD-13 of the CPSP which is implemented through Schedule I of the Zoning By-law which establishes primary commercial corridors, including the King Street and Charlotte Street frontages of the building along which non-residential uses are encouraged. The applicant is proposing ground floor commercial uses which conform to the direction established in the CPSP and Schedule I of the Zoning By-Law.

The proposed development has been selective in choosing a location for the proposed loading dock and the access to the internal parking garage. The proposed loading dock will be located adjacent to South Market and is setback from the building's façade. The applicant has indicated that any future commercial tenants would establish specific timeframes for deliveries and that during the remainder of the day, there is an opportunity to activate the space for public use including supporting of the Night Market. The parking garage access will be located off of South Market, which will prevent the Charlotte Street and King Street facades from being disrupted by vehicular traffic. The developer will be required to enter into a License Agreement with the City to allow the use of South Market for access to the parking garage. This will help ensure the safety of pedestrians and will help promote a consistent commercial streetscape.

In addition, although the current zoning will enable the construction of a building without a setback, the developer is proposing to provide a front yard setback for the Charlotte Street façade. By setting back the building by approximately 1.8 metres, it will align the Charlotte Street façade with that of the City Market. Not only will this proposed setback ensure a

consistent street wall along Charlotte Street, it will also provide an enhanced pedestrian space for public use. This pedestrian space will help support pedestrian movement and the space could be animated by the future commercial tenants.

Zoning By-Law

Uptown Commercial (CU) Zone

The development site is zoned Uptown Commercial (CU). This zone is intended to allow for the greatest mix and highest density of uses within the City, including large mixed-use developments. The CU zone supports a large range of commercial, community and residential uses and is highly compatible with the type of development indicative of the Uptown neighbourhood. It should be noted that the Uptown Commercial zone does not include limitations on the types of cladding materials that can be utilized on building façades. The developer has indicated that the commercial floors will largely feature the use of a red brick material and the remaining façade will utilize contemporary materials. Contemporary materials may include cementitious panels, metal wall panels (including steel or aluminum composite or concrete panels). The developer will finalize the type of contemporary materials being utilized during the detail design of the building.

Active Ground Floor Use Area

The property is located within the Active Ground Floor Use Area (Schedule I), which establishes streets within the Central Peninsula which requires or encourages active ground floor uses. The development site is located on a section of King Street and Charlotte Street, which require active ground floor uses. The development will include active ground floor uses on both the King Street and Charlotte Street façades and will not be requiring a variance to this requirement.

Uptown Parking Exemption Area

The property is located within the Uptown Parking Exemption Area (Schedule C), which allows for development to occur without the provision of onsite parking. The applicant has chosen to provide approximately 57 parking units within the lower storeys of the structure.

Amendment to the Height Map

In preparing the Central Peninsula Secondary Plan the height limits as established in the Zoning By-law, were created to help guide the locating of buildings based on the existing building heights in different areas of the Central Peninsula. The properties framing King's Square, with the exception of the City Market, have been earmarked for building heights up to 42 metres. The existing streetscape surrounding King's Square varies from parking lots and the Loyalist Burial Ground which do not contain any buildings to the Irving Oil Limited Home Office. A tall building (42 metres) is permitted by right for 91 King Street and the overall height allowance for the Uptown Commercial zone is solely tied to the heights established within the Height Map, thus allowing flexibility based on site specific considerations.

When assessing a variance to the height map should take into consideration a variety of factors, largely to determine whether or not the additional height for the proposed building would be suitable for its location and whether or not the incremental impacts can be

addressed. These considerations will vary depending on the proposed development site but will often include the following questions:

- What is the allowable height within the land use zone?
- What are the heights of the surrounding buildings?
- Will this proposed building impact any heritage buildings?
- Will the proposed building impact the pedestrian experience?
- Does the proposed design conform with the design principles for taller building?
 - Does it have a defined base, middle and top?
 - Does it utilize colours and materials to draw the attention to the lower storeys?

The two tallest buildings located adjacent to King's Square are the Admiral Beatty and the Irving Oil Limited Home Office. The Admiral Beatty is an eight-storey building constructed in 1925² and is approximately 33.1-metres tall. The Irving Oil Limited Home Office is a newer addition to the City. At 11-storeys tall, the building reaches a height of approximately 56.66-metres. Both of these buildings are noted as being some of the taller buildings located within the City of Saint John, with their location on corner lots helping to frame the streetscape. The proposed building, with a height of approximately 55-metres and its location on a corner lot, would be contextually appropriate given the other taller buildings in the area.

Height is an important component for the developer to provide the number of housing units and commercial square footage to make the project financially viable and to provide housing that responds to the demands and needs of the community. In this case, the developer has provided a mix of one and two-bedroom units that respond to multiple demographics within the market including single tenants, young couples, families requiring multiple bedrooms, and seniors. This approach works towards addressing the housing demand currently being experienced in the market and flexibility for future market demands.

A key consideration of building height is the impact on the public realm adjacent to the building in terms of the scale and massing of the building with respect to the pedestrian environment and impacts on shadows along Public Streets. The proposed building is a mixed-use development which will include commercial uses on the first three storeys. The placement of commercial uses on the ground floor of the proposed development will promote a more active public realm and focus the public's interaction with the building to the lower floors.

The proposed development has selected specific materials and colours in order to provide visual separation within the building. The first three-storeys of the building, which will be the home to the commercial uses, feature a façade that largely utilizes a red brick material with a sandstone type trim. A portion of the façade, located on King Street, will feature a limestone colour contemporary material, in order to provide a visual break along the longest portion of the building. The red brick portion of the façade takes inspiration from the adjacent City

² Canada Historic Places, *Admiral Beatty Hotel – Statement of Significance*. 2008/03/27.
www.historicplaces.ca

Market, which will help to establish a pedestrian-scale for the building through both design and active ground floor uses.

Between the third and fourth storeys, a cornice will be established to provide a visual separation within the façade, taking place of the required three-metre step back. This cornice is established at an elevation of 15.6 metres above average grade which relates favourably to the 14 metre elevation at which the step back is required, while relating to the façade of the City Market tower. The fourth to tenth storeys will feature a limestone-coloured façade featuring the use of contemporary materials. A second cornice will be located between the tenth and eleventh storeys, in place of the required three-metre step back. The upper two storeys will use a charcoal colour in a contemporary material, which will help bring focus to the lighter portions of the façade. In addition, balconies will be located on the south, north and west façades, which will provide an additional break in overall building design. It should also be noted that the design incorporates a step back on the western façade which overlooks the adjacent commercial building on King Street. This step back, to be located above the first cornice, will separate the residential portion of the proposed building from the adjacent commercial use.

In addition, although the current zoning will enable the construction of a building without a front yard setback, the developer is proposing to provide a front yard setback for the Charlotte Street façade. By setting back the building by approximately 1.8 metres, it will align the Charlotte Street façade with that of the City Market. Not only will this proposed setback ensure a consistent street wall along Charlotte Street, it will also provide an enhanced pedestrian plaza for public use. This pedestrian plaza will help support pedestrian movement and the space could be animated by the future commercial tenants.

The proponent has considered the effects the building will have on shadows cast onto adjacent public spaces including Charlotte Street, King Street and King's Square. Renderings (see submission 5) were provided for June 21st and December 21st and track the shadows during different periods of the day. The renderings incorporate other buildings in the area to highlight the overall pattern of shadowing in the vicinity. The proposed building will cast a shadow on a variety of public spaces (including King's Square and local streets) at different times throughout both scenarios. A brief summary of each scenario is included as an attachment to this report.

The proposed building will be a redevelopment of a previously built property along an established streetscape. An existing wind pattern has been established by the construction and location of a variety of buildings along both King Street and Charlotte Street. Staff is recommending a condition that will require the developer to submit a Wind Study as it relates to the incremental impact of changing the building height from 28 and 42 metres to 55 metres. The Wind Study may provide guidance into the development of the final building design as part of the building permit application and as a condition of development it will be required to implement any required mitigation measures.

Based on Staff's review of the proposal, the proposed building generally conforms to the

policies advanced in the Municipal Plan and Secondary Plan. The design of the building takes design inspiration from surrounding buildings with a specific connection drawn to the City Market, utilizes different materials, colours, and design elements to minimize the impact of the building's height and incorporates active commercial uses to promote a positive public realm.

Planning Advisory Committee Variances – Removal of the Façade Step Back Requirements and Reduction in the Ground Floor Transparency of Charlotte Street

While the standards of the Zoning By-law are mostly met, the proposed building and site design requires two variances from the standards of the Zoning By-law to:

- Approve the elimination of the 3-metre façade step back at the 14 metre and 24 metre elevations.
- To reduce the transparent area of the ground floor façade along Charlotte Street from 50% to approximately 30%.

Both proposed variances are considered a variance related to building design and fall within the Committee's jurisdiction. A review of each proposed variance is show in the table below.

Section	Standard	Variance Requested
15.2(a) (b)	<p>(a) Buildings oriented towards a street that are greater than 14 metres in height shall have a minimum step back at 14 metres for any additional storey(s). The step back shall have a minimum depth of 3 metres away from the street facing front façade.</p> <p>(b) Buildings oriented towards a street that are greater than 24 metres in height shall have a second minimum step back at 24 metres for any additional storey(s). The step back shall have a minimum depth of three metres away from the street facing front façade.</p>	To eliminate the required 3 metre façade step back at the 14 metre and 24 metre elevations.

Staff Response

Staff undertook a review of the proposed design to determine if the design was able to compensate for the removal of the step back requirement. The proposed design has incorporated several design measures to ensure a positive pedestrian experience at the street level and achieve the intended outcome of the step back requirement.

The first element for consideration is the use of façade materials and colours. The first three storeys of the building have incorporated a red brick material. The height of the red brick will align with the third storey cornice on the adjacent City Market, thus creating a connection between the scale of the commercial portion of the building and the adjacent buildings. Through the use of a bolder colour for the lower storeys, it draws attention away from the upper storeys and becomes the key focus for those experiencing the building. Storeys four through

ten are proposed to utilize a contemporary material in a sandstone colour. Lastly, the upper two storeys (floors eleven and twelve) will feature a contemporary material in a charcoal colour. The use of the darker colour on the upper two storeys will help to give the perception of shortening of the building height.³ The design approved for the development of 300 Sydney Street incorporated the use of darker colours on the upper storeys and utilized a bolder colour on the lower storeys, which board serve to create the perception of a shorter building.

The second design element is incorporating the use of cornices to achieve the intended design outcomes of the step back requirement and ensure a positive public realm at the street base level of the building. The use of cornices is a common architectural feature that can be found on many buildings throughout the Uptown neighbourhood. The use of the cornices will enhance the visual separation established through the compatible use of materials and colours. The lower cornice will be located between storeys three and four and the upper cornice will be placed between storeys ten and eleven. This cornice is established at an elevation of 15.6 metres above average grade which relates favourably to the 14 metre elevation at which the step back is required, while relating to the façade of the City Market tower.

The use of cornices to establish visual breaks on building facades has a long history of use within the City. Many historic buildings within the City, including the City Market and the Admiral Beatty, have utilized cornices to break up the building's massing. Contemporary buildings, such as The Wentworth, have also included this design feature.

14.1(4) (m) (i)	Front façades on the ground floor shall be comprised of a minimum of 50 percent ratio of transparent areas, except for residential uses, which shall have a minimum 25 percent ratio of transparent areas;	To reduce the minimum amount of transparency for the ground floor façade to 30%.
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Staff Response

The Developer has proposed this reduction in order to provide flexibility when finalizing the placement and size of the windows. This flexibility will enable the building façade to be designed to best meet the needs of the future ground floor commercial tenants.

Staff undertook a review of the proposed transparency reduction to determine if the proposed variance is appropriate and aligns with the general character of the area. As noted earlier in the report, the proposed development has taken design inspiration from the City Market. Staff undertook an assessment to compare the level of ground floor transparency of the Charlotte Street façade of the City Market to what is being proposed for this development.

Staff determined that approximately 46% of the ground floor of the Charlotte Street façade of the City Market is made up of transparent material. This is featured in the central entryway, 3

³ Pereira, Matheus, *The Role of Color in Architecture: Visual Effects and Psychological Stimuli*. June 9, 2018. www.archdaily.com/895498/the-role-of-color-in-architecture-visual-effects-psychological-stimuli

additional commercial entrances, and the seven ground floor windows.

The façade drawings indicate that approximately 35% of the ground floor will be transparent materials, whereas the coloured renderings indicate approximately 49% of the ground floor will be transparent. It should be noted that the coloured renderings provide a higher level of detail and establish a more pronounced central entryway with more defined windows. The final size and layout of windows and doors will be determined during the detailed design of the building. By granting this variance, it will provide the architect with the flexibility to finalize a design that is functional and will compliment the design of the City Market.

Based on the level of transparent materials found at the City Market, the request to reduce the percentage of transparent materials to below 50% is reasonable. The submitted drawing and rendering indicate that the transparent materials will range between 35% to 49% but it is acknowledged that the design and placement of the entryway and windows will be subject to change as the building design is fully developed.

Staff supports a reduction in the minimum amount of transparency from a minimum of 50% to a minimum of 30%, thus providing the architect with flexibility to finalize the building design.

Servicing and Traffic

The proposed redevelopment of 85-87 and 91 King Street benefits from the use of existing municipal infrastructure. Municipal water and sanitary sewer servicing is available to the development site due to the established infrastructure located within Charlotte Street and King Street. The City's Infrastructure Development Service Area has reviewed the proposed development. As part of future development approvals, the developer is required to submit design flows for both water and sanitary, as well as a storm water management and site servicing plans to ensure sufficient capacity exists for the development. The City has tentatively planned to undertake a full road reconstruction (including storm sewer) of a portion of Charlotte Street in 2023. This would include work from King Square South to Union Street and will be coordinated with the development.

The applicant is proposing to utilize South Market for access to the building's underground parkade and to facilitate the development of a loading dock for use by future tenants. The City is in support of the shared use of this street. City administration has been working with the developer to formalize the proposed shared use of the street including any requirements for infrastructure improvements, maintenance, and changes to traffic flow. Infrastructure Development is recommending a condition to require the applicant to develop a Traffic Impact Statement that addresses changes to traffic patterns, new vehicle trips and the functionality of the proposed parking garage and loading dock. A condition has been included in the staff recommendation.

It should be mentioned that the developer is currently undertaking the demolition of the two structures that existed on the subject site. As part of the demolition permit and street

occupancy, the applicant is required to repair any damage undertaken to the City's infrastructure including trees. The applicant is required to replace the 5 street trees that were removed along the frontage of Charlotte Street. If any additional street trees are damaged during the demolition or construction of the proposed building, the applicant will be required to replace them with a suitable replacement as established by City Staff.

Affordable Housing

The Municipal Plan notes that affordable housing is a core responsibility of the Government of New Brunswick and the Government of Canada, and that the City will support the provision of affordable housing whenever possible. To further support the development of affordable housing in Saint John, the City is currently completing an affordable housing strategy which is anticipated for completion in early 2022.

Currently within the municipal legislative context, the City's role is one of encouraging the development community to build affordable housing and reducing legislative barriers that exist through regulations such as the Zoning By-law. The proposed development provides a mix of one- and two-bedroom units that respond to multiple demographics within the market. Although not incorporating non-market housing units as defined by the Zoning By-law, introduction of new housing supply to the market will improve housing choice and help ease the historic low vacancy rates being experienced in the local market. The availability of new supply will over time will address housing demand and allow for a course correction in the market.

Economic Benefit

The construction of this proposed development will provide economic benefits to the City of Saint John both during and after construction. Based upon financial information provided by the applicant, the construction costs for the building are estimated to be \$35 to \$40 million. The construction period will spend approximately \$17 million on labour costs and will create 328 jobs and support economic recovery of the Uptown core post-pandemic.

Once the building has been completed, it is estimated that it will provide between \$380,000 and \$480,000 in annual property taxes, which will contribute to the City's goal of increasing the City's tax base. The three floors of commercial space will provide a location for business growth and development within the City, which will translate into new jobs for Saint John residents.

Public Benefit

In exchange for additional flexibility on building design components such as height or density, it is common in other jurisdictions to secure public benefit through "Density Bonusing". In lieu of a By law, added public benefits can be undertaken through Section 59 conditions, imposed by Council as part of the rezoning process or where the developer proposes to establish conditions for a development that are additional to those required by a zoning by-law in accordance with Section 131 of the Act.

Public benefits are not prescriptive but offered by the Proponent through a negotiation. These public benefits extend beyond the benefits achieved solely through the development or redevelopment of a property, including the removal of derelict buildings, the creation of jobs, and the introduction of new tax revenue. The Central Peninsula Secondary Plan identified 91 King Street as a priority development site within the Central Peninsula. The property's location on a prime corner within the Uptown establishes the site as a strategic location for redevelopment. In recent years, the building has sat vacant, negatively impacting the overall streetscape and City's image and creating a void within a prominent commercial corridor. The redevelopment of this property will transform the streetscape and help catalyse new development in the Uptown, introducing new residents to support the viability of the City Market and area businesses. It will also re-establish commercial uses, enhance the existing streetscape and will support a pedestrian friendly experience.

The developer has outlined some public benefits which can be incorporated into the design of the building and the future pedestrianization of South Market. In exchange for the provision of additional building height and a variance from the standards requiring façade step back at the upper stories of the building, the Developer has agreed to a package of public benefits that will primarily enhance the existing public realm located within South Market. Specific components of this public benefit package are:

- The provision of an enhanced front yard setback to establish a more robust pedestrian oriented area along Charlotte Street.
- The resurfacing of upper South Market to highlight the separation between the vehicular and pedestrian realms. 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.
- The establishment of a canopy between the proposed building and the City Market.
- Providing permission for the City of Saint John to utilize the loading dock for public uses including the Night Market and pedestrian use.
- The inclusion of a canopy to be placed over the loading doors and ramp, to enhance the space for public uses.

As the City will be preparing a detailed plan for the enhancement of South Market, the developer will work with the City to ensure that their proposed public benefits work in tandem with the City's design for the street. At this time, cost estimates cannot be established as the design work for the public realm improvements have not been completed.

The Staff Recommendation includes formalizing this approach through an agreement with the Developer.

Conclusion

Staff recommend approval of the application as it conforms to the overall intent of the Municipal Plan and Secondary Plan and provides density in a key intensification area while providing a building design that minimizes the impacts of additional height. This project will

revitalize the corner of King Street and Charlotte Street, replacing a vacant and derelict building with a new mixed-use development. The proposed building will re-establish active ground floor uses to the streetscape, will provide homes for residents in the Uptown core and will help support a pedestrian friendly environment. The development supports the objectives and policies of the Secondary Plan which has a goal of revitalizing the Central Peninsula as a place where people can live, work and play.

Given the analysis provided in this report, the amendment to the Maximum Height map is recommended. Urban Design and other considerations have been assessed by staff to ensure alignment with the design principles of both the Municipal Plan and the Secondary Plan with design conditions being incorporated into the recommendation.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives were considered by Staff.

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 July 9, 2021. Notice of the required Public Hearing will be posted on the City's website on July 30.

APPROVALS AND CONTACT

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APPENDIX

Map 1: Aerial Photography

Map 2: Future Land Use

Map 3: Zoning

Attachment 1: Site Photography

Attachment 2: Municipal Plan and Secondary Plan Policy Review

Submission 1: Site Plan, Floor Plans and Elevation Plans

Submission 2: Coloured Renderings

Submission 3: Shadow Renderings