



J. D. Irving, Limited
300 Union Street
Saint John, NB
E2L 4Z2

March 17, 2022

Mr. Ben Peterson
Heritage Officer
Growth and Community Services
City of Saint John
PO Box 1571
Saint John, NB E2E 4L1

Dear Mr. Peterson:

Re: Request to Remove Properties from Heritage Conservation Area

J.D. Irving, Limited is requesting the removal of three properties from the King Street East Heritage Conservation Area. The three properties include 111 King Street East (PID 00016337) as well as two adjoining properties (PID 0016345 and 0016352). The properties are located on the north side of King Street East and are commonly referred to as the "Brown House Properties".

The Brown House Properties are important to J.D. Irving, Limited and not a candidate for sale given their adjacency to our Corporate Headquarters. In 2017 we constructed a parking garage serving our head office and we also incorporated a section of Elliot Row into the development. This recent work has certainly improved the streetscape of the area and we would like to ensure the surrounding area, including the nearby section of King Street East, is aligned with this development.

The reason to request removal of the Brown House Properties from the King Street East Heritage Conservation Zone is because the building located at 111 King Street East has been vacant for several years (since 2016) and it is severely deteriorated and in a dilapidated condition. The building is beyond feasible repair. Please see Appendix 1 attached to this letter, which sets out the recent history of the building together with a summary of the engineering findings by Dillion Consulting.

Further, the Brown House does not add value to the King Street East streetscape (separated by two vacant lots) and does not fit the same architectural period or style of the dominant streetscape and therefore is of little heritage significance. Please see Appendix 2 to this letter which is a supporting opinion of architect Denis Nadeau (Nadeau Savoy Ellis) and which includes a 2016 opinion from architect, Jeff Van Dommelin.

We are interested in rehabilitating the site and are proposing a children's playground and historical park. This concept is illustrated in Appendix 3. This proposal is in keeping with the recent work done on Elliot Row as well as the adjacent Loyalist

Burial Ground landscape, and we believe it would be a significant benefit to the neighbourhood.

Lastly, attached as Appendix 4, is an Urban Planning Assessment prepared by Ms. Jennifer Brown (Dillon Consulting). Ms. Brown reviewed our request to remove the three properties from the Heritage Conservation Zone together with our proposal to construct a children's playground and historical park on the affected properties, and has provided an urban planning analysis.

If you require any additional information, please do not hesitate to contact me.

Yours truly,



Christopher MacDonald
Vice President, Government Relations

attachments

Appendix 1

Brown House Properties

Recent History and Condition Report Highlights

March 2022

Background



- 111 King Street East (Brown House) has been unoccupied since mid 2016 due to poor living conditions and concerns for safety.
- JDI received a “First Notice – Dangerous & Vacant” from the City dated May 29, 2018 with respect to the Brown House.
- The City’s notice confirmed that the building was “vacant or unoccupied, and dilapidated and its condition poses a hazard to the safety of the public”.
- The City’s notice provided the option of repairing or demolishing the building.

Background



- JDI responded on June 19, 2018 agreeing with the City's assessment and confirming we were prepared to demolish the building.
- JDI made application to demolish the building which the City denied because the building is in a heritage conservation area.
- JDI commissioned Dillon Consulting to conduct a condition assessment of the Brown House.
- The following slides provide an overview of Dillon's assessment.



111 King Street East – Front View





111 King Street East Exterior





Evidence of Moisture Damage





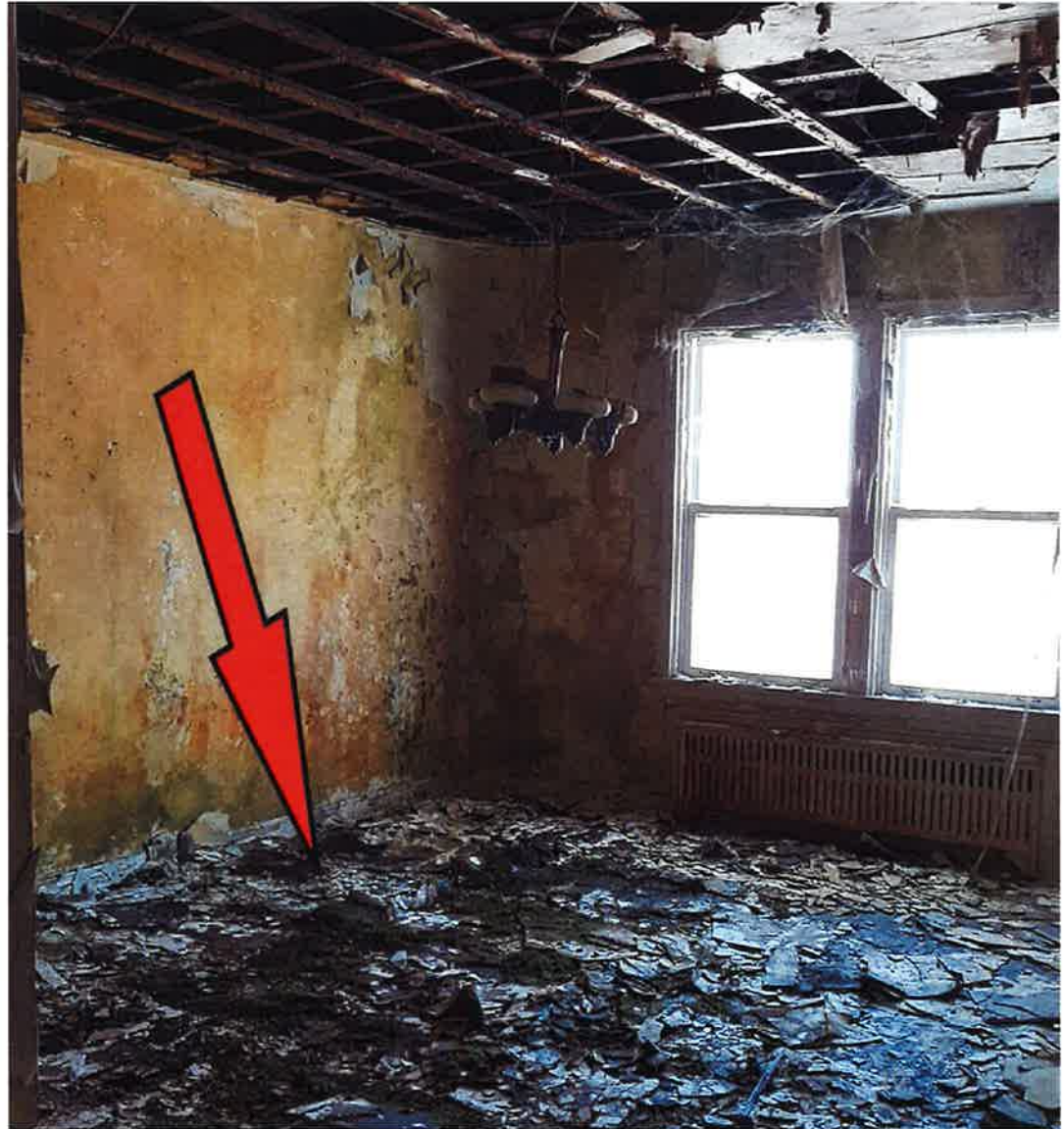
Moisture Damage and Moulds on Floor Joists (Typical)



Deteriorated Ceilings & Wall Finishes (Typical)



Evidence of
Significantly
Dilapidated Room



Dillon Consulting - Conclusions



1. Structural:

- Severely deteriorated and dilapidated condition
- In Dillon's opinion, this long list of defects has resulted in a building which is unsightly and a hazard to the safety of the public.

2. Mould:

- Estimates that over 50% of the walls/ceilings and other building surfaces may be impacted by some level of mould growth.
- It would be a health risk to enter the building without appropriate PPE.
- Given the results of the visual mould assessment and the extent of the deterioration: the building is beyond any feasible repair.

3. Hazardous Building Materials:

- Highly suspect environmentally unfriendly building materials (eg PCBs).

Appendix 2

March 15, 2022

Douglas S. Dean, MBA, P. Eng.
Director of Project Engineering
J. D. Irving, Limited
300 Union Street
Saint John, NB
E2L 4M3

Object: Design and construction of a Playground and Historical Park on King Street East

Mr. Dean,

We have reviewed the documentation regarding the proposed construction of a playground and historical park at the corner of King Street East and Carmarthen Street. There is a lot of pertinent information that is gathered in the 2016 submission and we feel the architect's analysis is relevant to today's times. *(see attached architect's analysis for more information)*

We would add that King Street East has two (2) streetscapes: an urban streetscape and a park streetscape. Streetscape is not just defined by buildings. It is also defined by the landscape and by the trees, especially in a Downtown. Central Park in New York City is a perfect example of the two streetscapes. The park on one side, and the buildings on the other.

We would argue that the proposed playground and historical park emphasizes the park streetscape on Carmarthen Street and provides an excellent transition from urban streetscape to park streetscape on King Street East.

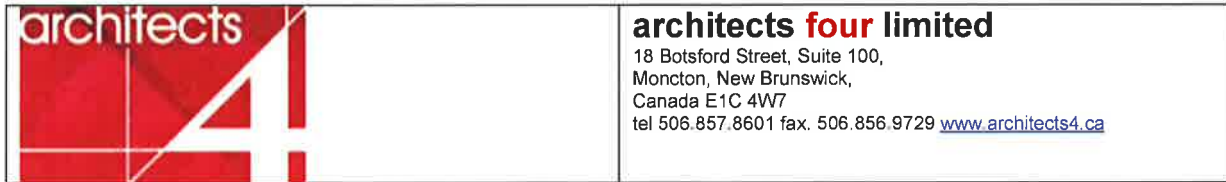
King's Square and Loyalist Burial Ground are "heritage" streetscape. And providing a playground and historical park on King Street East provides the missing link for these parks.

Regards,



Denis Nadeau, Architect
B.ARCH, AANB, NSAA, OAQ, LEED AP

Appendix C – Architect Opinion



King Street East Heritage Conservation Area – Re: ‘Brown House’

The predominate building form along King Street East is two and three storey mansard, gable end or flat roof construction pre-dating the current ‘Brown’ house on the north-east corner of King Street East and Carmarthen intersection. The hip roof of the ‘Brown’ house is out of context with the period architecture of the predominate streetscape. There is a mix of both wood clapboard siding and brick façade materials. The height of this building is inconsistent with the dominant streetscape.



Brown House

**More Significant
Period
Architecture of
King Street East**

Current Aerial North View Streetscape



Current Aerial South View Streetscape



Current Street View Looking East on King Street East

With the removal of the second and third buildings on the north side of King Street East (West End in from Carmarthen), now vacant lots, there no longer exists a continuous streetscape. The stand-alone hip roof 'Brown' house no longer offers any strength to the Heritage Streetscape. Furthermore, the existing building on the south side of King Street E. at Carmarthen intersection certainly does not fit the character of the Heritage

Conservation Area. I would venture to assess the more significant buildings remaining of period architecture during the settlement of King Street E. commences slightly east of the Carmarthen intersection, with a wonderful collection of Heritage properties (some defaced with vinyl siding), however a consistent streetscape with consistent building heights and roof forms.

The proposed heritage monument green space recognizing the more significant history of this site pre-dating the 'brown' house offers an opportunity to enhance the historic significance of the King Street East Heritage Conservation Area by integrating interpretative panels with text and visuals documenting the history of this area with images of the past glory for all to learn, see and experience. This would function as a commencing point of King Street E. Conservation Area while recognizing the community presence of the previous Church structure.

As an Architect, I value the repurposing or restoration of heritage properties where practical and if the building would contribute to the Heritage Conservation streetscape, however the 'Brown' house no longer reinforces the streetscape (in this case separated by two vacant lots), does not fit the same architectural period or style of the dominant streetscape, and the site has a more significant 'history' worth conveying and presenting to the public.





Jeff VanDommelen

Context Analysis

Excerpt from 'Municipal Registration Form for Local Historic Places' (pg. 3) for subject property

| Statement of Significance (Mandatory Documentation) | |
|--|---|
| Description of historic place | The Paikowsky Residence is a two storey wooden apartment building with basement built during WWII on King Street in the City of Saint John. |
| Heritage value of historic place | <p>The heritage value of the Paikowsky Residence is recognized as a part of the King Street East Streetscape (formerly Great George Street). This streetscape has many architecturally significant homes and the architecture displayed in this home, although built in a more modern time than most of the buildings along the street, has helped maintain the value of the streetscape.</p> <p>The heritage value of the property that this home was built upon is also worthy of mention in terms of the history of this streetscape. St. John Presbyterian Church was built on this site in the early 1840's and stood here along with the adjacent parsonage for a century. In 1920 the YWCA used the church building as a recreation centre. Therefore this site is a piece of the rich history of the YWCA in Saint John. The first YWCA in Canada was formed in Saint John by Agnes Blizzard in 1873. In 1936 the YWCA obtained the church building and sold it in 1941. The old church was torn down and changed the 100 year contextual view of this corner lot and in 1941 this present structure was built.</p> <p>A significant event that has characterized the City of Saint John was the Great Fire of 1877 and it has been stated that no building in the city received more attention on that day than St. John Presbyterian church, situated at the southwest corner of a densely populated section of the city, there was a great danger that should it become ignited the flames would sweep down with fast fury over Union, Patrick, Erin, and Brussels Streets as far as Haymarket Square. A very slight change of wind might have produced this added calamity. The whole opposite side of King Street was consumed and from Saint John church to the water's edge was swept of all buildings, but the church, was saved and with it the homes of thousands.</p> <p>The Paikowsky family owned this home from 1942 until 1965. Jacob Paikowsky lived on one side and Morton Paikowsky lived on the other.</p> |

Comments:

-  The streetscape is no longer continuous with three vacant lots to the east, Carmarthen Street and the Loyalist Burial Ground park to the west of the Paikowsky house. This house now sits completely 'isolated' no longer contributing to the streetscape.
-  This 'Statement of Significance' acknowledges this house is built in a 'more modern time', therefore not consistent with the period architecture of the predominant streetscape or historical value.
-  This 'Statement of Significance' goes on to point out the 'property' has more significant historical value than the current house. The proposed Memorial Heritage Park would permit recognition of this aspect.
-  This 'Statement of Significance' goes on at length to record the more significant history of the proceeding church structure on this site and what the church represented on this site, and its surrounding. The current house was merely the resulting infill at a much later date, again with emphasis on the property itself.



Character Defining Elements Analysis

Excerpt from 'Municipal Registration Form for Local Historic Places' (pg. 4) for subject property

| | |
|---|---|
| <p>Character-defining elements</p> | <p>The character defining elements that define this building are as follows:</p> <ul style="list-style-type: none"> -The historic corner upon which it stands -Hipped roof -Window placement and proportions -Vertical slide windows -Transom window above the door -Fan shaped portico over the entranceway -Dentils in portico |
| <p>-4-</p> | |

Comments:

1) Historic Corner upon which it stands:

This is referring to the Property, not the house. This can be better represented by the proposed **Heritage Memorial Park** project on this site. Interpretation Panels and Monument with plaque can document and display the 'more significant' aspects and history of this property for the community and visitors.

2) Hip Roof:

The 'Hip Roof' roof form was not used during the period of the King Street East construction which predates the construction date of the Paikowsky house. Mansard Roofs, Gable Roof, and Flat Roofs dominate the King Street East collection of period architecture, with no other building constructed with a hip roof. The Hip Roof is also concern for ice and snow hazards directly onto sidewalk on two facades.



Hip Roof



Mansard Roof



Gable Roof



Flat Roof

continued

3) Window Placement and Proportion:

The Window Placement and Proportions are indicative of a more 'modern' era of architectural construction. The windows of the Paikowsky house have been placed functional for its intended use. There are no 'bays', or vertical trim elements unifying the ground and second floor windows. There is much less window 'trim' around windows and use of false shutters is not consistent with the dominant King Street East streetscape, all emphasizing this house is not of the same historic period of construction.



Regular Functional Placement of Windows



Vertical trim elements unifying windows.
Much taller window proportions.

4) Vertical Slide Windows:

Vertical Slide Windows is consistent with the dominant period architecture, however the proportions are not consistent. The windows are more 'squat', representing a lower 'floor to floor' height represented in a more modern era. The majority historical significant buildings have much larger (taller) windows or larger feature bay windows. The existing house windows have been covered with aluminum storm windows reducing the appearance historic windows.

5) Transom Window Above Door:

The second entrance facing Camarthen Street does not address the street level, with a full height stair on facade. This architectural element and placement of entry door to street is not consistent with the dominant historical King Street East period architecture. The garage doors are also a much more modern element on street facing facades.

6) Fan Shaped Portico Over the Entryway:

This architectural element could be considered applicable, however very minor compared to the overall building form.

7) Dentils in Portico:

Perhaps more significant is the lack of 'dentils' or 'corbels' at the cornice, much less craftsmanship or detailing compared to the earlier architecture representing the predominant King Street East historical streetscape.



Simplified Cornice
(no dentils or corbels)



Enriched Cornice details of earlier architectural detailing.



The last three items could be donated as directed by the Heritage Development Board.

Appendix 3



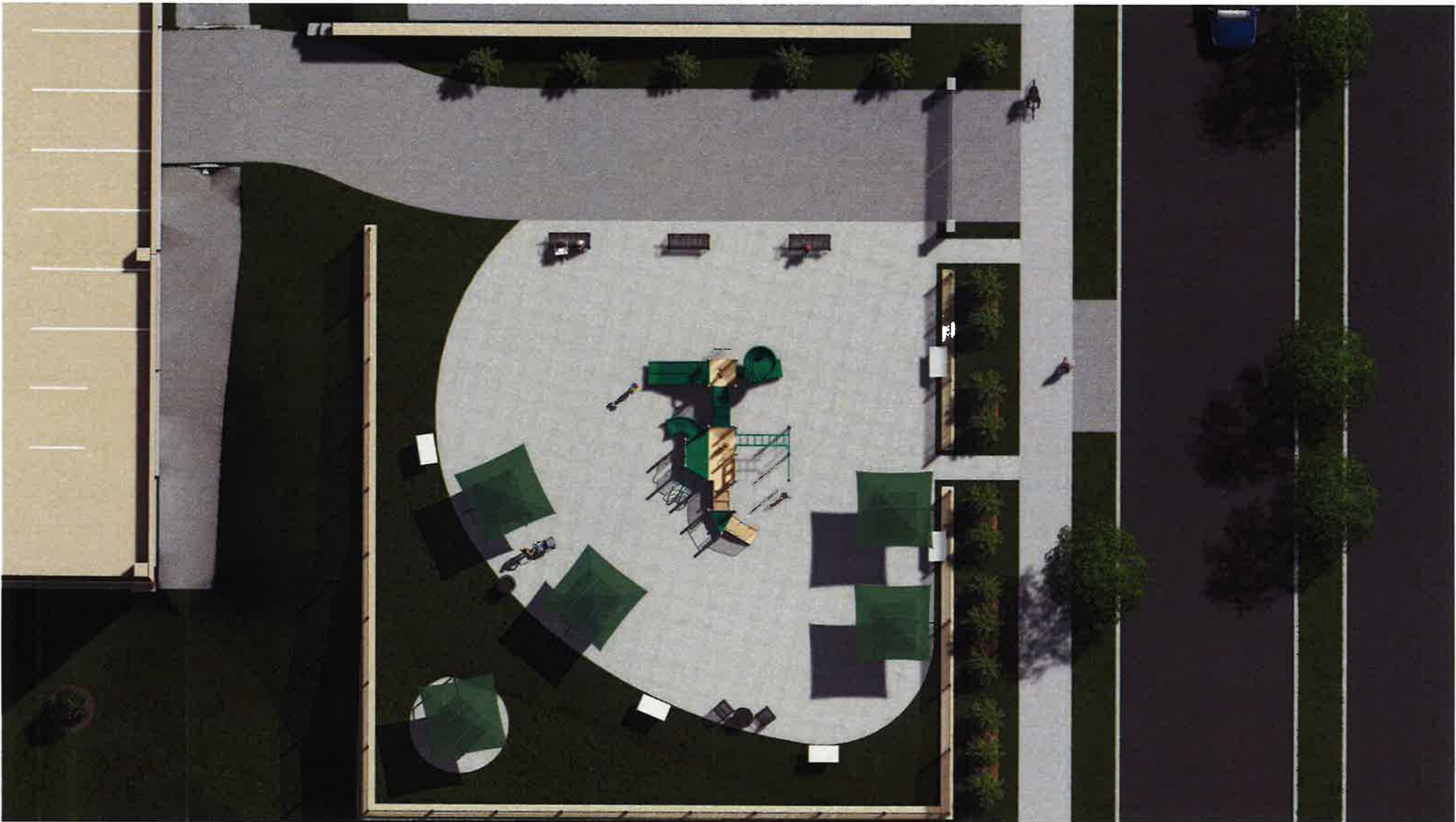












Appendix 4

March 16, 2022



Sent via Email

J.D. Irving, Limited
300 Union Street
Saint John, NB
E2L 4M3

Attention: Chris MacDonald
Vice President, Government Relations

King Street East Redevelopment Project – Urban Planning Assessment

Further to your request, Dillon Consulting Limited (Dillon) completed an Urban Planning Assessment on the redevelopment project proposed for 111, 115, and 119 King Street East (“Subject Site”). The following document provides an overview of the policy and regulations associated with the Subject Site as well as an urban planning analysis in the context of an application by J.D. Irving, Limited (“JDI”) to the City of Saint John’s Heritage Development Board for the removal of the Subject Site from the King Street East Heritage Conservation Area.

Proposal Overview

It is our understanding that the owners of the Subject Site wish to demolish the existing structure, remediate the site as needed, and construct a publicly accessible park at the site. The park would include playground equipment, public seating, and storyboards about the history of Saint John.

The Subject Site is within the King Street East Heritage Conservation Area. It is the preference of the property owner that the King Street East Heritage Conservation Area be amended to remove the Subject Site from the boundary of the area.

Site and Neighbourhood Context

The Subject Site is located on the corner of Carmarthen Street and King Street East. It consists of a two storey residential building of wood frame construction which has been vacant since 2016. The building has two distinct facades; the facade fronting onto King Street East being the primary façade, with the secondary façade fronting onto Carmarthen Street. The building is in a state of disrepair and is dilapidated with

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several windows and doors covered in plywood barriers and occasional instances of graffiti.

The existing building is part of the City's Vacant and Dangerous Building Program. This program monitors buildings for potential risks to public safety. As the potential risks to public safety increase, the program initiates a process that may lead to demolition. It is understood that the Subject Site is not considered a high risk property meaning it is not currently being considered for immediate demolition.

The surrounding area is mixed use in character with a combination of historic residential developments, an office building and parking garage, a fire station, and the Loyalist Burial Ground, a historic landmark that is also used as a pedestrian link to the City's Uptown. The residential development pattern along King Street East is generally compact, with buildings located close to the street line with minimal setbacks. King Street East presents a generally intact streetwall from its intersection with Crown Street to the Subject Site. There are three vacant lots between the structure on the Subject Site and the last occupied building at 123 King Street East (two of these vacant lots are owned by JDI).

Existing Conditions

In January of 2021, Dillon prepared a conditions assessment of the Subject Site. The assessment included a visual structural and mould assessment and an assessment for hazardous building materials. According to this assessment, the structural integrity of the building is compromised by defects including cracks in the exterior foundation walls, interior walls, and ceilings, moisture damage, roof leakage, signs of rot in the structural timbers, damage to the floors, walls, and ceilings, deteriorated roof rafters and decking, and a deteriorated exterior weather envelope. The structure of the building, specifically the rear section of the building that fronts onto Carmarthen Street, was deemed to be a hazard to public safety.

The mould assessment identified impacted building materials including the interior plaster walls and ceilings, and some wooden framing, trim work, and cabinetry displaying impacts. It was estimated that over 50 percent of the plaster walls, ceilings, and other building surfaces may be impacted by mould growth with the likelihood of mould also being present on insulating materials and within wall and ceiling cavities. Persons accessing the building are recommended to enter only with the appropriate Personal Protective Equipment (PPE) including Tyvek © suits, HEPA-filtered



respirators, eye protection, boots, and gloves. The assessment determined the water damage and subsequent mould-impacted building materials resulted in the structure being a hazard to public safety.

The hazardous building material assessment identified the possibility of asbestos containing materials (ACMs), lead containing paint, PCB containing fluorescent lamp ballasts, mercury containing equipment, ozone depleting substances (ODS) and radioactive materials were observed throughout the building. The materials present a health risk to persons accessing the building and contribute to the building being a hazard to public safety. Appropriate PPE must be worn when assessing the building to avoid impacts of exposure to hazardous building materials.

The conditions assessment determined that due to the extent of the deterioration to the back section of the building, and the front section requiring a complete gutting down to the timber structure, the building is beyond feasible repair.

Policy Context

Plan SJ

The Subject Site is within the Uptown Primary Centre Land Use Designation in Plan SJ. A land use designation sets the intended direction for an area over the lifespan of the municipal plan. The Uptown Primary Centre is the City's employment, entertainment, and cultural hub and is intended to be a dense mixed-use area with a focus on people-oriented uses.

Parks, playgrounds, open spaces, and other public recreation amenities are considered under the Community Facilities section of Plan SJ. The intention of this section is to provide policy direction that supports right-sized amenities to support the sustainable development of complete communities. In the context of parks, the City's intention is to provide equitable access to park spaces, and increase the quality, quantity, and access to green spaces in the Uptown and Intensification Areas. The policy framework is specific in setting up a range of amenities, including a description of park classifications based on intended service boundaries or catchment areas. Neighbourhood Parks are described as those that serve residents within a catchment area radius of 0.8 kilometres. These are intended to take the form of playgrounds, tot lots, parkettes, and play areas distributed throughout the urban and suburban areas of the City.



Section 10.2.1 of Plan SJ includes a set of policies that support the proposed use of the Subject Site as a Neighbourhood Park.

| Policy # | Policy | |
|----------|--|----------------------------------|
| CF-8 | Ensure that each of the Intensification Areas fully serve their respective communities with high quality Neighbourhood Park spaces. | Proposal meets policy intention. |
| CF-9 | Ensure Neighbourhood Parks have adequate pedestrian and bike connectivity to and from the local community. | Proposal meets policy intention. |
| CF-10 | Encourage the development and/or improvement of Neighbourhood Parks and public green spaces in the Uptown, with special attention granted to areas on the Uptown Waterfront. | Proposal meets policy intention. |
| CF-11 | Cultivate community partnerships to provide maintenance and monitoring of Neighbourhood Park cleanliness. | Proposal meets policy intention. |

Plan SJ sets out a series of policies respecting urban design principles that are applied to new development and significant redevelopment in the Uptown Primary Centre. Policy UD-11(c) sets the tone for heritage streetscapes to be reinforced with compatibly scaled and designed development.

Central Peninsula Secondary Plan

The guiding principles of the Central Peninsula Secondary Plan include direction to create a high quality, pedestrian friendly, and distinctive public realm. The public realm includes those spaces and places shared by the community including streets, sidewalks, plazas, parks, waterfronts, trails, and open spaces. The policy direction for the South End found in section 2.2 encourages the establishment of pocket parks as a way to positively contribute to the public realm in a manageable scale. The Secondary Plan also sets the policy framework for the Heritage Infill that is progressive while respectful of the past.

Zoning

The Subject Site is within the Urban Centre Residential Zone of the City's Zoning By-law. This zone is intended to facilitate dense development patterns common of an urban area. The City generally applies the Urban Centre Residential Zone in the



Central Peninsula and the North End where a compact, urban development form has been established and is most desirable to continue.

Section 9.19(b)(iv) of the City's Zoning By-law permits a playground to occur in any zone except the Heavy Industrial zone.

Heritage

The Subject Site is within the King Street East Heritage Conservation Area as defined in the City's Heritage Conservation Areas By-law. In addition to the provisions of the Vacant and Dangerous Building Program, there are three pathways to achieving the required demolition of the existing structure at the Subject Site; the Heritage Development Board determining a building or structure has no public benefit; the site has been listed for sale and no reasonable offer has been made, signed, or executed; and an amendment to the Heritage Conservation Area to remove the property.

A property owner may apply to have the property removed from the Heritage Conservation Area. This requires an amendment to the City's Heritage Conservation Areas By-law. An amendment is guided by the Province's Heritage Conservation Act which requires a heritage board to provide a recommendation on changes to a municipal by-law, a council to hold a public hearing of objections, and public notice of the proposed amendment be provided. The by-law is amended through the council procedure described by Section 15 of the Local Governance Act.

Analysis

The overall intention of the application to the City is to demolish the existing structure at 111-113 King Street East. The building is in severe disrepair with the conditions assessment indicating it is not feasible to repair the existing structure to a level of safety aligned with human habitation. The required interventions include a full replacement of the building envelop materials, all interior walls and floors as well as replacement of a significant portion of the timber structure. The severity of the intervention is arguably unviable and does not guarantee that demolition will be avoided. The building is expected to continue to deteriorate at an accelerating rate. The structure will continue to be compromised as the building is left vacant and not weather tight.



As the building is part of the City's Vacant and Dangerous Building Program, it will continue to be monitored for risks to public safety. As the building is currently unsafe to enter without full PPE, it becomes more onerous to monitor the level of deterioration of the structural integrity. Accelerated deterioration is expected to cause the building to become a higher priority as time goes on. It is reasonable to conservatively assume the City's own program, should it continue to exist in the same capacity, will target the building for demolition within the next 5 years. Should the property be demolished through the Vacant and Dangerous Building Program, the site will remain vacant and undeveloped until the property owner intervenes.

The demolition of the building at the Subject Site is an eventuality and the process by which the building is demolished is, ultimately, inconsequential. The process by which it is requested to be removed is a determinant of the property owner's preference for a faster, more reliable process. Removing the Subject Site from the King Street East Heritage Area is a straightforward amendment to a City By-law. The demolition parameters provided for in the Heritage Conversation Areas By-law are discretionary and require, in this case, the Heritage Development Board to determine if the existing structure is structurally unsound enough to justify forgoing intervention. Removing the property from the Heritage Conservation Area removes the burden of discretionary decisions regarding the integrity of the existing building.

The Subject Site is on a well-travelled portion of King Street East, adjacent to the JDI Corporate Head Office and associated parking garage, and across the street from the Loyalist Burial Ground. The Loyalist Burial Ground is well-used by JDI employees and residents of the surrounding residential neighbourhood. The proposed playground and park space create a family-centred space in an area that is underserved by child-friendly infrastructure. The City's Municipal Plan encourages Neighbourhood Parks and collaboration with private entities to support the maintenance of playground infrastructure. The proposed playground and park space would continue to be privately owned and maintained by the property owner.

It is understood that the proposed future use of the Subject Site as a playground and park is not the preferred use for the site according to the City's Municipal and Secondary Plans. It is important to note, however, that what is being proposed is in keeping with the City's Plans and Zoning By-law. The highest and best use would likely target the site for redevelopment into a high density residential development, however, it is not required that a property owner fulfill the highest and best use for their property. They are required to operate within the parameters of the



municipality's development framework. If the Subject Site were a vacant lot, the proposed park would be permitted, in essence, as-of-right. The general area is changing. The pending closure of Prince Charles School, and presumably their playground, as well as increased residential intensity being experienced on the Central Peninsula, contributes to the need for more publicly accessible infrastructure. The proposed use of the Subject Site as a playground and park is in keeping with the spirit of the City's land use policy and regulations and represents the fulfillment of a need without public capital contributions.

Conclusion

The application to remove the Subject Site from the King Street East Heritage Conservation Area to facilitate the demolition of the existing building and redevelopment of the site as a park and playground is a reasonable and supportable request. The existing building is dilapidated and beyond feasible intervention or salvage. Its demolition and removal is a benefit to public safety and provides an opportunity to add a publicly accessible amenity in an area underserved by recreational infrastructure.

Closure

We appreciate the opportunity to provide comment on the proposed project at the King Street East site. Should you have questions about the information and analysis provided, please reach out to the undersigned.

Sincerely,

DILLON CONSULTING LIMITED


Jennifer Brown



Commercial Confidentiality Statement

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