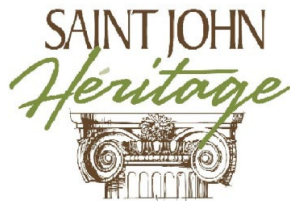




The City of Saint John



REQUEST FOR REMOVAL  
OF DESIGNATION  
22-0159

JDI LIMITED  
111-119 KING STREET EAST  
(PID 00016337, 0016345 &  
0016352)

Date	2022-06-10
To:	Heritage Development Board
From:	Growth and Community Services
Prepared by:	Melissa Wakefield/Morgan Lanigan
Approved by:	Jennifer Kirchner

**SUBJECT**

Application to remove the property at 111-119 King Street East from designation under *HC-1 Saint John Heritage Conservation Areas By-Law*.

**EXECUTIVE SUMMARY**

This is an application for a site-specific amendment to remove designation under the *Saint John Heritage Conservation Areas By-law*. The subject property features a Colonial Revival style building which was constructed on a corner lot circa 1941. The age of the building separates it from the predominately Victoria era construction of the surrounding buildings. The applicant has suggested an alternative use for the site which would involve the development of a park for public use.

**DISCUSSION**

This is an application to remove a property situated at 111-119 King Street East from the King Street East Heritage Conservation Area by way of a site-specific amendment to the *Saint John Heritage Conservation Areas By-law*.

**OVERVIEW**

The applicant, J.D. Irving Limited (JDI), submitted a request for the removal of the heritage designation on title of the properties located at 111-119 King Street East in the King Street East Heritage Conservation Area in March 2022. The application indicates that the proposed By-law amendment will facilitate the demolition of the existing building located at 111 King Street East and will allow for the redevelopment of site into a community play park.

The applicant’s request is unique in this case as most prior requests for the removal of properties from the *Heritage Conservation Areas By-law* have either been undertaken with the intention to maintain the existing structure or to facilitate the redevelopment of the site with a new building. In this situation, the applicant is proposing on replacing the existing residential building with a publicly accessible community park. Because the applicant wishes to retain the properties, they have chosen not to proceed through the bylaw-recommended process for demolition and instead are seeking the removal of the heritage



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designation. This invites an important policy consideration in terms of which scenario provides the stronger public benefit: is it by retaining the heritage architecture or is it through the creation of a privately maintained but publicly accessible park space?

Applications for the removal of designation are weighed on their own merit. Previous applications for de-designation do not generally provide reliable precedents as the circumstances of each building in each Heritage Conservation Area are unique. Staff's analysis for both the designation of new buildings and the maintenance of existing designations rests on an analysis of the public benefits achieved by the regulation of development and the provision of subsidies, with a view to retain significant architectural integrity.

The following analysis will delve into the details of this key question to make recommendations to both the Heritage Development Board and Common Council to assist them in exercising their due diligence and statutory powers. It should be acknowledged that rendering a decision on this matter require various lenses, some of which fall within the authority of the Heritage Development Board while others fall with Common Council. The Heritage Development Board's mandate is to consider requests based on a heritage lens, including alignment with the Heritage Conservation Areas By-law. Common Council are also expected to render decisions through a heritage lens but are also expected to render decisions based on a more holistic consideration of an application, including the consideration of the public benefit.

#### **KING STREET EAST HERITAGE CONSERVATION AREA AND THE BROADER NEIGHBOURHOOD**

The properties are located within the King Street East Heritage Conservation Area which was created in 2007 by Common Council. This conservation area was created to recognize the importance of the area and to highlight the role it plays in illustrating the architectural history of Saint John.

The Great Fire of 1877 fortunately only razed three blocks of King Street East on the south side from the Courthouse to Pitt Street. Because King Street East is one of the widest streets in the Central Peninsula it became a barrier to the destruction and prevented further destruction. Other factors that may have limited the fire include the nearby location of the Fire House, Hook & Ladder Company, and the focus on saving the Courthouse and St. John Presbyterian Church. Subsequently, several of the buildings on the street pre-date 1877.

The buildings on King Street East are primarily from the Victorian Era and the large majority fit into one of three styles: Italianate, Second Empire, and Queen Anne. The general alignment of the building faces on the street are a great attribute to the harmony of the streetscape, despite differences in design, materials, and style. Much of the construction on King Street East was the result of being a relatively affluent area of the city and the home to former mayors and top business owners such as the McAvity family. Aside from one general store, Irving Oil's new parking garage, Loyalist Burial Grounds, the old Saint John Courthouse, the street consists solely of residential buildings.

Of the three properties under consideration by this process, one historic building remains on the site, the Paikowsky Residence. Buildings previously located on the remaining parcels of land have been previously demolished, creating the existing gap in an otherwise continuous heritage streetscape.

#### **ARCHITECTURAL INTEGRITY AND HERITAGE VALUE**

The Paikowsky Residence was constructed in 1941, much later than most examples within the Heritage Conservation Area. Despite this, the building presents a distinct and historic style, known as Colonial

Revival. This style of building was popular between the years of 1880 and 1960 and it is believed that nearly 40% of new homes built during this period were of the Colonial Revival style.

Generally, the Colonial Revival style took certain design elements - front façade symmetry, front entrance fanlights and sidelights, pedimented doorways, porches and dormers - and applied them to larger scale buildings. These colonial era details could be combined in a great variety of ways, creating many subtypes within this style.

In the 1940s and 1950s a more simplified version of the Colonial Revival style became popular for homes, usually featuring a two-storey building, a side-gabled or hipped roof, classically inspired door surrounds and windows, shutters and dormers.<sup>1</sup>

According to the Historic Places Registry, the character-defining elements of this Colonial Revival building include:

- The historic corner upon which it stands
- Its hipped roof
- Symmetrical façade
- Window placement and proportions
- Multi-paned double-hung windows
- Wood shutters
- A transom window above the door
- Fan-shaped pediment over the entrance
- Dentils in the pediment

All the character-defining elements of its façade are still intact. Consequently, given the limited domestic residential construction during the early years of the Second World War, the Paikowsky Residence represents a rare, intact, and quintessential example of this unique simplified Colonial Revival style in Saint John.

The residence was built on the site of the former St. John Presbyterian Church which had been built in the early 1840s and was later the site of the world's first YMCA in the same building. Of the few photographs of the church on record, one can easily see the similarities with the Paikowsky residence in its overall massing and symmetry.

This is important to note not only to demonstrate the similarities in the buildings but to illustrate the size and scale of the urban design that has been present on this site for nearly 200 years. In the second photograph showing the intact and original surroundings of the church (top centre), its importance in framing the corner and edges of the Loyalist Burial Grounds are clearly visible, as is its full occupancy of the site. These are important aspects of good urban design and will be touched upon later in the report.

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<sup>1</sup> <http://www.phmc.state.pa.us/portal/communities/architecture/styles/colonial-revival.html>



From the by-law, Heritage Value means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present, or future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, design, location, spatial configurations, uses and cultural associations or meanings. Individual structures on a street each contribute to the heritage value of the conservation area. The buildings within these areas form the cohesive historic streetscape.

The building at 111-113 King Street East has its own history and is part of the King Street East story. This 1940s structure has a different heritage value to its Victorian neighbors on the street. In 2016, the applicant had applied to demolish the Paikowsky Residence through the process outlined in the Heritage Conservation Areas Bylaw. This request was based on an argument that the structure did not contribute to the heritage value of the conservation area. This request was refused by the Heritage Development Board (HDB), who felt that the building was compatible and contributes to the King Street East Heritage Conservation Area.

This building's history, which includes the location, the context of WWII when it was constructed, and its architectural style, is part of the narrative and the evolution of the streetscape. The Standards and Guidelines for the Conservation of Historic Places in Canada is the primary source for the Standards for Restoration included in the Saint John Heritage Conservation Areas By-law. The National Standards have established a comprehensive approach to the interpretation and understanding of a historic place:

*"The broad range of buildings that are considered historic varies from modest to monumental, ancient to recent, and private to public. Buildings in a heritage district may not be formally recognized individually, but may be recognized as contributing to the larger historic place. There is no typical historic building. Each is valued for its own reasons and faces its own challenges."*

The setting of a historic place can be as important as the structure itself. In this case, the building has co-existed within the historic streetscape for almost 75 years, which is the same length of time that the

former Church was active on the same site (1843-1917). This building sits at the north-west corner of the residential boulevard, the bookend to the historic King Street East.

The building has not lost any character-defining elements. There is potential for this building to be restored like we have seen with other rehabilitated heritage properties in this city. Urban corner lots that are built to the street help define the streetscape and pedestrian corridors by creating a strong street-wall. A building on a corner, in contrast to an open space, is important for the fabric of urban areas, especially historic streets since urban density is one of its defining characteristics.

### **APPLICANT SUBMISSION**

As noted in the application, a publicly accessible park is proposed to replace the existing residential building. As noted by the applicant,

“...recent work [to construct a parking garage serving our head office and incorporate part of Elliott Row into it] 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.”

As a result of desired retainment of property, the applicant has chosen not to proceed through the bylaw process for demolition and instead are seeking the removal of the heritage designation as means to demolish the existing structure. In support of their request, an application dated March 17<sup>th</sup>, 2022, was received by staff outlining the rationale for their request for removal of the property from the King Street East Conservation Area. The submission, which is included as an attachment, includes a summary of the request from the applicant (Christopher MacDonald on behalf of J.D. Irving Limited), a building condition overview and history, historical/contextual analysis of the Paikowsky Residence relative to its value to the King Street East streetscape provided by Nadeau Soucy Ellis Architects and Architects 4 (A4), documentation of the proposed park design, and a planning and policy analysis of the proposed design by Dillon Consulting.

Per the submission, the basis for their request for removal of the property from the Conservation Area is founded upon three primary arguments. The first of which being: the condition of the property is beyond feasible repair. As illustrated through the applicant supplied images of the building's interior, considerable moisture damage and mould is present. This issue affects much of the interior finishes and renders the building inhabitable. The property has been vacant since 2016, having been decommissioned from use on the basis it was no longer safe for human occupation. It is understood, per a building condition assessment completed by Dillon Consulting, that in addition to mould present, other hazardous materials such as PCB's have also been found within the building.

The second argument for removal is based upon the building having no contributing value to the King Street East historical streetscape. Per consultant analysis included in the applicant's submission, due to the year of construction relative to the remainder of the block, its differing architectural style and deterioration of the adjacent street wall along the north side of King Street East, the Paikowsky Residency is not compatible with the remainder of the streetscape and therefore of no heritage value.

As indicated in the application overview above, the applicant intends to rehabilitate the site for the purpose of creating a children's playground and historical park. The conceptual design presented in the

applicant's submission indicates the park will feature a playground structure surrounded by public benching and landscaped predominately via hardscaping. The Park is to be enclosed via fencing with the eastern edge of the park site providing additional access to the applicant owned parking garage structure that sits directly north of the site.

As a result of significant grade changes along the Carmarthen Street edge of the property, a retaining structure is also proposed. Considering the condition of the property and lack of heritage value (as presented in the submission), the applicant argues rehabilitation of the site as a park is a benefit to the neighbourhood. Consultant analysis of the proposed park project provided in Appendix 4 of the submission posits "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."

#### **STAFF ANALYSIS OF THE RATIONALE PROVIDED IN THE APPLICANT SUBMISSION**

There are no disagreements that the applicants' efforts to redevelop and maintain their adjacent properties have changed the area for the better. Considering the property's adjacency to these sites, retainment of the property by the applicant is a logical desire. The arguments put forward by the applicant, and supporting analysis provided by their consultants do however require further detailed review and discussion.

Looking at the first primary argument in support of de-designation noted above – "the condition of the property is beyond feasible repair" – the property faces significant challenges because of its present condition. As noted, though the property is not presently listed on the City of Saint John's dangerous buildings inventory, it is also not suitable for inhabitation and significant renovations would be required to return the building to a habitable state. The structural integrity of the building is unclear. As wood construction, the structure is better suited to withstand the effects of moisture damage over time, however the extent of moisture damage could not be fully appreciated without destructive investigation and/or moisture analysis of its structural members. Structural integrity aside, and not withstanding cost implications associated with this work, remediation of mould, moisture damaged finishes and other hazardous materials present, is not out of the realm of possibility. Wood construction is well recognized for its plasticity – that is, it is easily modified, mended and augmented compared to other structural systems.

With respect to public safety concerns created as a result of the hipped roof noted by the report provided by Architect 4, it is important to note there are no known documented incidents of ice and snow causing safety concerns over the building's 75-year life span. While public safety is of the utmost importance, the conditions are easily rectified by various means, such as ice melt cables, ice break spikes, snow fences and seasonal signage.

Considering the applicant's second argument for removal – "the building having no contributing value to the King Street East historical streetscape" – requires deeper analysis of its architectural style and examination of its contextual relevance to the neighbourhood. The applicant submission asserts -

*"... 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...[T]he hip roof [and height] of the 'Brown' house is out of context with the period architecture of the predominant*

*streetscape. ... [T]he 'Brown' house ... does not fit the same architectural period of style of the dominant streetscape, and the site has a more significant 'history' with conveying and presenting to the public [via a heritage park]."*

Dominance of one or two architectural styles in a streetscape does not invalidate the heritage value of other styles that may differ, and which highlight the evolution of a streetscape. Likewise, the heritage value of a property is not measured by the standards of another building style rather it should be measured against the standards of its own style and merits. This building style is the simplified Colonial Revival, which would, by its very nature, preclude much of the decoration and ornamentation that might be assessed as lacking.

The presence of vacant lots on a streetscape does not invalidate another building's heritage significance but it does change the surrounding context. This can sometimes be of benefit if the vacant lots serve to highlight a significant historic building, or the vacant lots exist as a representation of loss through a tragic event. In this instance, the presence of vacant lots does impact the block face and impacts the cohesive nature of the area. While it does not invalidate the streetscape or the heritage value of the area, it does impact the form and function of the area. The Heritage By-law has an established framework for addressing these gaps through the creation of infill development which are informed by the adjacent buildings. These projects can reconstruct and re-establish the missing built form.

The Paikowsky Residence itself aside, broader contextual review of the historical King Street East streetscape and neighbourhood by the applicants' consultants rightly suggests there are two streetscapes (park and urban) that work together to define the block. Per the consultants' example -

*"... King Street East has two (2) streetscapes: an urban streetscape and a park streetscape. ... Central Park in New York City is a perfect example ... The park on one side, and the buildings on the other. ... [t]he proposed playground and historical park ... provides an excellent transition from urban streetscape to park streetscape ..."*

The success of Central Park in New York City, however, is precisely because of the black and white interpretation of the urban fabric: one side is exclusively park, the other exclusively urban. Therefore, no transition exists in the Central Park example, rather the contrast is stark: a park framed by buildings on all sides. Following this line of reasoning, introduction of a park on the subject parcels would require design considerations to continue to provide adequate framing to the Loyalist Burial Grounds.

Design of the proposed park indicate a design connection with their office tower and adjacent parking garage. However, the perceived beauty in the existing streetscape is the variety of the individual buildings, their textures and details. That being said, architectural juxtaposition is well regarded as an appropriate tool to create distinction between old and new. The heritage bylaws for heritage infill development supports this strategy when appropriate as it serves to enhance the aesthetic value of heritage buildings. It is important to note the same heritage bylaws for infill development requires design review of proposed materiality and massing, form, etc. with the intent to ensure design excellence within the heritage fabric of the City. If the request were to be approved, it is recommended that the design for the park incorporate elements and design choices that will better connect the space to the existing streetscape.

**STAFF ANALYSIS OF THE REQUEST****STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA**

The Canadian Standards and Guidelines for the Conservation of Historic Places (the Standards) opens with the following statement:

*“The broad range of buildings... are considered historic varies from modest to monumental, ancient to recent, and private to public. Buildings in a heritage district... may not be formally recognized individually, but may be recognized as contributing to the larger historic place. There is no typical historic building. Each is valued for its own reasons...”*

This generally aligns with the approach that the City of Saint John has taken with respect to preserving its built heritage; creating a series of heritage conservation areas to recognize the larger historic aspects of neighbourhoods. Within those contiguous areas are a variety of buildings: those of stunning historical significance, others of minimal significance, buildings from various eras and styles, and buildings of no significance whatsoever or stripped of their character defining elements. It also covers vacant lands and establishes a set of standards of criteria for infill development and redevelopment of historic buildings. The Canadian Register of Historic places defines a heritage district as

*“a place comprising a group of buildings, structures, landscapes... and their spatial relationships where built forms are often the major defining features and where the collective identity has heritage value for a community.”*

As noted by the Standards and Guidelines, the “setting” or context contributes to the significance of a cultural landscape as it helps explain its origins, subsequent development and evolution over time. The setting includes visible boundaries (natural and/or manmade) that surround the site and beyond and includes more modern interventions on the setting as well. The ideal benefit of conversation areas as a means of heritage conservation is, according to the Standards and Guidelines, occurs at the macro scale. The applicant and their consultants have, for the most part, focused on the merits of the Paikowsky Residency alone.

The conservation of historic places is a public benefit and the City has recognized the value this benefit provides to its residents and its contribution to our understanding of the City’s history. Though built for and by the residents of the City themselves, the historic charm of the City is invariably a key component for the attraction of visitors and new residents. Consequently, the Standards do not contemplate the demolition of historic structures that have been deemed to have historical significance by a municipality.

Naturally, land use can evolve over time. The Standards and Guidelines acknowledge this fact stating

*“...when a required change in land use demands changes to the physical form of the landscape, it is important to carefully assess the viability of the proposed changes to avoid consecutive land use changes that might gradually erode the heritage value of the historic place.”*

The “historic corner upon which it stands” is identified in the Historic Places Register as one of the site’s character-defining elements. For over 200 years, these parcels have been occupied by buildings occupying the full site. The proposed change of use of this site to a park is a substantial change to the cultural



landscape and must, as recommended by the Standards, be closely assessed to avoid the gradual erosion of the King Street East Heritage Conservation Area. Further still, should the decision be made to allow the proposed park to be developed, the Standards include a robust section on heritage landscapes. Though focused on maintaining existing landscapes, the ideals and spirit of these guidelines warrant consideration in the park's design.

#### **SAINT JOHN HERITAGE CONSERVATION AREAS BY-LAW**

Section 9 of the Saint John Heritage Conservation Areas Bylaw (the Bylaw) permits the demolition of buildings in designated heritage conservation areas in accordance with several requirements. As noted above, in 2016 the applicant had attempted to demolish the building through the process outlined in a previous version of the City's Heritage By-law.

Remaining consistent across revisions, however, is the requirement to list the building for sale for a period of 12 months at a reasonable price and to accept reasonable offers within 10% of that price. Only if no sale has occurred under these terms may the HDB issue a demolition permit. The applicant has indicated their desire to retain the properties due to their connection to the neighbouring headquarters. As such, the prescribed process would not support their desire to retain the properties.

It is important to note that the construction of a park is permitted by right according to the City's Zoning Bylaw and, likewise, that the Heritage Bylaw would support and could facilitate the construction of a park. The only element standing in the way of the applicant moving forward with the development of a park is the demolition of the Paikowsky Residence.

#### **PROGRAM PARTICIPATION**

A review of property records indicate that the applicant has been the owner of 111 King Street East since at least 1996, 115 King Street East since 2003, and 119 King Street East since 2016. The applicant has not demonstrated an attempt to conserve the buildings or to participate in the City's Heritage Conservation Program. Few records indicate participation relating to maintenance and conservation under the purview of the Heritage Development Board or application for any grants designed to aid historic building owners of the unique challenges of maintaining these buildings. The removal of the former King Street West Heritage Conservation Area was undertaken due to similar lack of participation.

#### **PRECEDENTS FOR REMOVAL**

Since the introduction of heritage conservation to Saint John in the 1980's, there have been few successfully de-designated heritage properties. These successful removals are largely located on Bentley Street and King Street West. Although each removal was based on its own merits, these exceptions were typically granted on the basis that the given property was not part of a contiguous heritage conservation area.

To provide some context, when the Douglas Avenue Heritage Conservation Area was undergoing formation, building owners at the time were individually given the option to opt in or out of heritage protections. This created an incomplete heritage streetscape and an inconsistent approach to building maintenance. While these conditions contributed to the successful removal of properties in this neighbourhood, each request was examined in detail by staff and deliberated upon by the Heritage Development Board solely on their own merits and against the applicable heritage by-law of the time.

Successfully de-designated properties along the Douglas Avenue Conservation Area include 249 Douglas Avenue and 12-14 Bentley Street. In the case of 249 Douglas Avenue, the applicant applied for demolition of the existing house to make way for a contemporary single-family home to be designed to suit the constraints of the heritage bylaws and its infill standards of the time in 2016. As noted by the staff report at the time –

*“The building at 249 Douglas Avenue is among many simple working class homes on the street.... The age and massing of this building classifies it as Vernacular style.... It is a middle building of the block cluster and is not considered a landmark.”*

With respect to this this application it is worth noting the applicant’s initial request did not include a request for removal from the Douglas Avenue Conservation Area. This request came only after the proposed infill design was denied by the HDB. Following this decision, the applicant put the property up for sale, followed by an application for removal from the Douglas Avenue Conservation Area. Per the applicants’ request, they no longer intended to build on the property themselves, and attempts to sell the designated property were unsuccessful. As a spot designated property within a cluster of vernacular construction lacking architectural merit, maintaining a heritage designation was deemed to be a barrier to its sale and ultimately the request for removal was successful.

In the case of the former King Street West Heritage Conservation Area, the heritage protections of the entire conservation area were eventually removed in recognition of the poor state of the character-definition elements of most buildings and collective lack of participation in the Heritage Program. Removal of a few key properties, namely St. George's Anglican Church, from the conversation area had lasting impact on the integrity of the heritage area.



In addition to the precedents mentioned above, in 2017 there was a successful request to remove three PIDs (which housed surface parking) from the King Street East Heritage Conservation Area. The application was made to facilitate the redevelopment of the lots, along with 3 adjacent lots located outside the Conservation Area, into a parkade for Irving Oil Ltd. The rationale for the positive recommendation by both staff and the HDB of the request included:

- The lack of sufficient built context to make reference to in the design of the parkade.

- The shortfalls of the Heritage Bylaw (predecessor to the current bylaw) which lacked the flexibility to support the proposed development.
- The inability of the Board, due to legislative standards, to vary from the established design standards.

When considering this application against previously successful requests for removal it is important re-iterate the architectural value of the Paikowsky Residence as an example of the Colonial Revival Style both to the neighbourhood and when viewed as a stand-alone property. The building is also noted for having its character-defining elements intact. Two other requests for removal from the Heritage Conservation Areas within the Central Peninsula in recent months were denied by both the Heritage Development Board and Council including the requests 191 Princess Street in 2021 and 66 Sydney Street in 2022.

### **PRECEDENTS FOR REHABILITATION**

It is worth noting there is precedent of buildings that have been successfully rehabilitated. This indicated that there was a successful business case for these projects. Inside the King Street East Heritage Conservation Area and diagonally opposite the Paikowsky Residence, 180-182 King Street East saw the demolition and reconstruction of parts of the deteriorated rear ells to restore the multi-unit residential building. All its Victorian era details remain intact, and it is a strong contributor to the cultural landscape and street face of King Street East.



### **IMPACT OF A SUCCESSFUL APPLICATION ON THE HERITAGE PROGRAM**

In addition to past precedents, it is important to examine what the removal of heritage designation resulting in the demolition of the Paikowsky Residence would set in terms of new precedents.

First, this particular block of King Street East already contains a gap-tooth appearance with several vacant mid-block parcels and is impacted by a non-contiguous streetscape. Despite this, they all retain their heritage designation and should infill developments ever be proposed for those sites, the heritage designation ensures a specific design standard is maintained. Without this protection, it cannot be determined if an infill development would be compatible with the surrounding built form.

Second, and of the greatest concern would be establishing a precedent supporting the concept of demolition by neglect by supporting the removal of properties from heritage conservation areas due to

limited maintenance and upkeep. The City has placed considerable effort to work with property owners to rehabilitate vacant and dangerous buildings and to recognize and celebration the diverse heritage properties throughout the City. By approving this request, it could enable other property owners to follow suite in order to achieve the demolition of a building, which does not contemplate a new public benefit as proposed with this applicant.

It is worth noting, however, the uniqueness of the applicant's ask in this case. The City has never received an application from a heritage property owner looking to remove its designation for the purposes of developing and maintaining a new and accessible public benefit fully financed by the applicant. The majority of applications received by the City for a property to be removed from a heritage conservation area are associated with the cost of building maintenance, concerns with issues outside City control (e.g. insurance costs), and limitations of the heritage bylaw. Staff does not anticipate that many applications in the future will originate from heritage property owners looking to transform their property to a publicly accessible park at their own cost. In essence, this request is unique as they are asking to replace one public benefit – conservation of our built heritage – for another public benefit – a public park. Common Council and the HDB are left to debate which benefit is in the City's best interest.

#### **OTHER CONSIDERATIONS**

Part of this exercise requires the consideration of a number of other items outside of strictly heritage components. While the Heritage Development Board focuses on the alignment of the request to the Heritage Conservation Areas By-law and the Standards and Guidelines, Common Council has the responsibility to assess all applications through a broader lens including alignment with other City Policies and a broader assessment of the public benefit of the existing building and of the proposed park space.

#### ***PLANSJ***

As noted by PlanSJ (the City's Municipal Plan), there are an estimated 6,000 heritage buildings within the City, 770 of which are currently designated and protected in Heritage Conservation Areas. The policies defined by Section 11.9 *Built Heritage* are clear in their intent to support, promote, protect and enhance our built heritage through vehicles such as the Heritage Bylaw. These policies are the framework through which Council is empowered to uphold broader goals and objectives of both PlanSJ and the Central Peninsula Secondary Plan.

The policies relating to built heritage has several review metrics also defined by PlanSJ under Section 11.10. Most notable of those as they relate to this application: the number and value of properties in Heritage Conservation Areas and the number of Certificates of Appropriateness issued relative to the number of buildings designated. In short, the number of properly maintained, designated properties within our conservation areas are how we should measure the success of PlanSJ, and our heritage development program. Considering the application through the lens alone, the removal of 111-119 King Street East from the Conservation Area would not align with the goals of the Plan.

#### ***CENTRAL PENINSULA SECONDARY PLAN***

The Central Peninsula Secondary Plan (CPSP) acts as a strategic guiding document for decisions related to development in the Central Peninsula. As the name suggests, the Secondary Plan is incorporated into PlanSJ and implemented in the same manner; through the application of policy and regulations found in the City's Zoning By-Law, Heritage Conservation Areas By-Law, and Subdivision By-Law. To that end, under the Secondary Plan, the built heritage of the central peninsula, is identified as a key asset.

Moreover, the value of built heritage is engrained in the vision for the Central Peninsula defined by the Plan.

*"...[B]oasting world class Heritage buildings, the community appreciates the past while forging an inspired path into the future with exemplary new architecture..."*

As such, the role of heritage to the big picture growth and objectives for each of the Peninsula's unique neighbourhoods is made clear throughout the plan. Per Part 3 Building and Design, the Secondary Plan states –

*"The Uptown and South End Neighbourhoods are strongly defined by their Heritage assets that provide a distinct sense of place. Direction is provided for infill development within the Heritage Conservation Areas to ensure it is responsive to the vision of the Secondary Plan while respecting heritage values..."*

The Building and Design chapter of the Secondary Plan is intended to guide the shape, pattern, height, and configuration of a given development within the Central Peninsula in conjunction with other applicable plans and bylaws such as the Heritage Bylaw. The objectives of Sections 3.4 Streetwall, 3.7 Heritage Infill and 3.8 Urban Design and Public Realm Design Guidelines are of particular importance to this application and speak directly in support of the concerns highlighted elsewhere in this report.

The value of corners and continuous street walls in urban design cannot be understated. They help to define pedestrian routes, frame key civic elements, such as parks and monuments, and create key intersections for people to collide and interact, fostering great liveable neighbourhoods. PlanSJ and the CPSP speak at length about these elements. Per Section 3.4, the Secondary Plan notes

*"The street wall is an important feature of dense urban environments. It is created through the orientation and placement of front building facades on or close to the street boundary, thereby defining the character of the public realm and creating enclosure for pedestrians."*

With this in mind, it is important to assess whether the replacement of the existing building with a public park can continue to reinforce the principles mentioned above and the needed boundary separating the Loyalist Burial Ground and the broader neighbourhood. Depending on the final design of the park, there is potential for the site to continue to provide this separation. This would not, however, be through the traditional mechanism of a building but would need to be created through thoughtful landscaping and design. This could be undertaken through the use of fencing, landscaping and other mechanisms.

Section 3.7 Heritage Infill of the Central Peninsula Secondary Plan and Items BD-14 to BD-16 of PlanSJ support well considered and thoughtfully designed development that enhance the heritage character of our neighbourhoods. This is further supported under Section 3.8, per BD-17 making new development subject to the Central Peninsula Urban Design and Public Realm Guidelines which promotes design excellence in our built environment. Should the request for removal from the King Street East Conservation Area be successful, the proposed park design warrants review against the Design and Public Realm Guidelines and other design objectives and criteria mandated by PlanSJ and the Secondary Plan to find optimal alignment between the objectives of both the applicant and the City.

**PLAYS**

The City's recreation master plan identifies parks and open spaces to be valuable in offering quality of life to its residents. Of its primary goals, having park space within 0.8km of a residence is considered a key quality of life indicator and a key component of a highly walkable neighbourhood. A cursory overview of the area within 0.8km of the subject parcels shows that it is well served by parks and includes, to name but a few:

- Loyalist Burial Grounds
- King's Square
- Chown Field
- The Boys and Girls Club Play Park
- The Garden Street Old General Hospital Dome Park
- Harbour Passage
- Queen's Square
- Rainbow Park

There is no shortage of park amenities within a short distance of the subject parcels, however, it can be acknowledged that there is no children playpark in the immediate vicinity of the commercial core of Saint John. It should also be noted that the prioritization of new and old park and recreation assets tend to be heavily influenced by the availability of municipal resources to support such spaces, which in this case, the applicant retains all construction, maintenance, and liability costs and rids the City of these responsibilities. Depending on the design and functionality of the park, it could provide an experience that is unique and different from the above-mentioned spaces. This is particularly notable given that King's Square and the Loyalist Burial Ground provide more passive uses, as opposed to a park with traditional playground equipment.

**PUBLIC SAFETY**

Though the building has not yet been declared structurally unsound by the City, a vacant and poorly maintained building in itself poses a public safety risk. Examples could include arson in the extreme or a falling shutter striking a pedestrian. It should be noted that these public safety examples are also possible in occupied buildings, but the chances are exponentially smaller when the buildings are occupied.

Should the HDB and Common Council elect to deny the applicant's request to remove the heritage designation and demolition of the Paikowsky House, the future safety of the building must be considered. The applicant has stated in their application that if their application is denied, they will permit the building to decay until it either falls down or is torn down by the City under the Vacant and Dangerous Buildings Program. While the applicant has indicated an interest in rehabilitating the site, it is envisioned through the removal of the building and the reuse of the site.

Should the building be demolished at a later date by the City, the applicant has stated that "the site will remain vacant and undeveloped." This scenario would result in the site remaining vacant for an undetermined period of time and would not include the creation of a public park which would serve as a public benefit.

**PUBLIC BENEFIT**

Though the request of the applicant is specifically to remove the heritage designation of the subject parcels, the ultimate question, as mentioned above, is determining which public benefit is in the best interest of the City: retention of the Paikowsky House and adjacent parcels within the King Street East Heritage Conservation Area or through the creation of a publicly accessible park which would provide quality of life enhancement for King Street East and area residents?

**Is the proposed park a public benefit?**

Described above, the King Street East neighbourhood is well served by parks, trails, and greenspaces. Within an easily walkable distance, there are no less than 8 park amenities to choose from, including 2 children's playgrounds. Undoubtedly the park would be a feature that would be used by residents and visitors, despite the area not being considered underserved.

Immediately adjacent to the site are King's Square and the Loyalist Burial Grounds which abound with monuments and history of the City. Though presently closed, the New Brunswick Museum is also within walking distance of the site. The heritage component of the proposed park is less defined; without more detail it is difficult to judge its unique value. If the park were to be developed, it would be critical for the design to be updated to reflect the heritage of the area including the use of more appropriate building materials, colour selection, traditional plantings and connection to a broader component of the area or City's history. A more sensitive and thoughtful design could create a space that is reflective and embrace's the City's history and story.

**Is a proposed park the highest and best use for the subject site?**

The properties in question are zoned Urban Centre Residential and would permit a variety of residential uses. From a land use planning standpoint, the continued use of the site for multi-unit residential development (whether including the existing residential structure or through a new infill development) would be the most compatible with the surrounding area and would align with many of the considerations of the Municipal Plan and the Central Peninsula Secondary Plan. Multi-unit residential development would be one of the best uses of the site and would draw additional residents into the Uptown Core. However, it should be noted that the consideration of recreational or cultural uses cannot be adequately discussed through this lens. The considerations to develop spaces such as parks more align with less quantifiable concepts such as quality of life and cannot be fairly assessed in comparison to other types of land uses.

**Is removal of the heritage designations in the public benefit?**

As outlined earlier in the report, a park can be built on parcels located in heritage conservation areas without the removal of the designation. In fact, retention of the designation may serve to influence and improve the overall design of the park to be contextual and compatible to its surroundings. Although, it should be noted that this scenario would require the applicant to undertake the process outlined in the Heritage By-law in order to receive permission for the demolition of the structure.

The present design of the park, as outlined in the applicant's submission, does not appear to be rooted in its heritage context nor does it integrate strong historic linkages to the site. The applicant has indicated their willingness to work with City Staff to design a more suitable site that better aligns with the fabric of the heritage area. It is recommended that if the request is successful, that the applicant work with City Staff to finalize a park design that is reflective of neighbourhood context and the heritage value of the

area. This may include the use of heritage appropriate materials, colour selection, the use of historic or local plantings, and other methods to incorporate a heritage narrative into the space.

#### **ADDITIONAL FEEDBACK FROM APPLICANT**

As part of the application process, staff posed a series of questions to the applicant with the intent to gain additional insight on the proposal as it relates to analysis required in preparation of this report. Based on feedback provided by applicant at the time of the writing of this report -

- The applicant does not intend to rezone the site to a compatible park zone to reflect the proposed use of the site as a park and restrict as-of-right development opportunities in the future,
- it remains unclear the willingness on the part of the applicant to agree to conditions for the development of the site as a park, and
- they have not confirmed any intent to maintain the park for a prescribed period of time.

Consequently, it is unclear what guarantees for the community exist. At this time, it is uncertain whether the applicant will follow through with detailed design and construction of the proposed park after the Paikowsky Residence is demolished should their request for removal be successful. Based on public benefit as the rationale for removal from the conservation area, the public benefit can only be examined relative to the proposed design included in the applicant submission. If there is no park, then there would be no public benefit.

Moreover, removal of the heritage designation from the subject sites would render future opportunities for the HDB to scrutinize proposed development obsolete. Maintaining designation of these properties facilitates a unique public design review process involving a heritage lens. This process intends to support design excellence and provide assurances to the community. By maintaining designations, any proposed development would be subject to the infill standards laid out by the Heritage Bylaw and subject to further review by the HDB in addition to any other required planning approvals. While engagement on proposed development via public hearings can be a challenging prospect to an applicant, a public park for the recreational use of the King Street East neighbourhood is an arguably an appropriate project to carry through such a process.

Of potentially greatest concern to staff, is the lack of clarity surrounding the future of the proposed park. The applicant was unable to confirm a minimum period of time for which they would maintain the properties as a public park space. It should be noted that the applicant currently maintains publicly accessible recreational uses on their private lands, such as the Irving Nature Park, which have provided public benefit to the community. Upon review of the request by the City's General Counsel, it is recommended that if the request were to be approved, that the applicant enter into a Section 131 Agreement with the City to formalize the development and maintenance of the proposed public park. This would include the formalization of a park design that is sensitive to the surrounding design and guidelines established in the City's planning documents.

#### **SUMMARY**

This application for the removal of 111-119 King Street East from the King Street East Heritage Conversation raises interesting questions about the inherent heritage value of a property and broader considerations around public benefits. As staff analysis reveals, the perceived heritage value of the properties is both measured in the architectural value of the structure and the broader contribution to



the King Street East corridor. Despite the evolution of the site over time, it's relationship to the King Street East corridor and continues to contribute to the Heritage Conservation Area. Based on the assessment of the request and its alignment with the Heritage By-law, staff are recommending a refusal of the request.

If consideration is being made to approve the request, further due diligence will be required on the merit and value of the public benefit being proposed through the creation of the park. This will include:

- Undertaking an agreement to secure the proposed future state of the public benefit including the duration in which the park will be provided to the public.
- Mechanism for staff review and approval of the park design to ensure alignment with the policies of the Central Peninsula Secondary Plan and broader integration with the heritage landscape.

Staff will work with the applicant to build greater clarity on those items prior to the request being considered by Common Council. While it would be premature to define the outcome of a staff recommendation in the event the applicant was to (1) clarify the duration of the park; (2) clarify the mechanism to secure the public benefit; and (3) integrate greater heritage facets to the park design, staff do believe that these improvements will yield a more favorable assessment of the proposed new public benefit as it relates to this application and will invite a reconsideration of the existing recommendation outlined in this report.

#### **RECOMMENDATION**

That the Heritage Development Board not recommend the removal a property situated at 111-119 King Street East from HC-1, the *Saint John Heritage Conservation Areas By-law*.

#### **ATTACHMENTS**

- A: Statement of Significance
- B: Current Photographs
- C: Applicant Submission
- D: Questions and Answers from the Applicant
- E: Letter to the Heritage Development Board – Shane Goguen

## Municipal Registration Form for Local Historic Places

### Mandatory Documentation

<b>Property Identification Number (PID)</b>	CN(Municipal) 1633 PID 00016337	
<b>Name of historic place</b>	PAIKOWSKY RESIDENCE	
<b>Location of supporting documentation</b>	Planning and Development Department - City of Saint John	
<b>Statute</b>		
<b>Formal recognition type</b>	Local Register	
<b>Formal recognition date</b>		
<b>Date of authorization</b>		
<b>Registered Owner</b>	JD IRVING LTD.	
<b>Owner Notification Sent</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>Owner Response Type</b>	<input type="checkbox"/> Consent <input type="checkbox"/> Objection <input type="checkbox"/> Not Applicable	
<b>Location of historic place (see Location Documentation at the bottom of form)</b>	<b>Street Address</b>	111-113 King Street East
	<b>Latitude</b>	45-16-27.30N
	<b>Longitude</b>	66-03-19.20W
	<b>Datum</b>	North American DATUM 1927
	<b>Coordinate Determination</b>	Digital Maps

<b>Description of boundaries</b>	Located within the City of Saint John on the northeast corner of King Street East and Carmarthen Street.	
<b>Area of Historic Place (square metres)</b>	390	
<b>Number and type of contributing resources (4 entries maximum)</b>	Number	1
	Type	Building
	Number	
	Type	
	Number	
	Type	
	Number	
	Type	
<b>Historic place functional use</b> Review Excel spreadsheet for extensive list of Functional categories and types.  2 entries maximum for original use and 2 entries maximum for current use	Functional Category	Residence
	Functional Type	Dwelling
	Use Type	Primary Historical
	Functional Category	Residence
	Functional Type	Multiple Dwelling
	Use Type	Primary Current
	Functional Category	
	Functional Type	
	Use Type	
	Functional Category	
	Functional Type	
	Use Type	
<b>Photograph(s)/Image(s) (5 entries maximum)</b>	Caption	111-113 King Street East - Contextual
	Description	This photograph shows the building's position on the corner of King Street East and Carmarthen and shows the hip roof, 2004
	Copyrights	City of Saint John
	Type	Exterior Photo
	Caption	111-113 King Street East - Entrance
	Description	This photograph shows the entrance and the fanned portico with dentils above the transom window, 2004
	Copyrights	City of Saint John

	Type	Exterior Photo
	Caption	111-113 King Street East - Historic
	Description	This historic photo shows the church and the parsonage as it once stood on this site, 2004
	Copyrights	City of Saint John
	Type	Exterior Photo

### Statement of Significance (Mandatory Documentation)

<b>Description of historic place</b>	The Paikowsky Residence is a two storey wooden apartment building with basement built during WWII on King Street in the City of Saint John.
<b>Heritage value of historic place</b>	<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>

	Jacob was President and Morton was Vice-President of Duval Ltd., a toy store on Waterloo Street in Saint John.
<b>Character-defining elements</b>	<p>The character defining elements that define this building are as follows:</p> <ul style="list-style-type: none"> <li>-The historic corner upon which it stands</li> <li>-Hipped roof</li> <li>-Window placement and proportions</li> <li>-Vertical slide windows</li> <li>-Transom window above the door</li> <li>-Fan shaped portico over the entranceway</li> <li>-Dentils in portico</li> </ul>

**Optional Documentation**

Other name(s) (3 maximum)	Other Name	Site of old St. John Presbyterian Church and old YWCA Recreation Centre
	Type	Historic
	Other Name	
	Type	
	Other Name	

	Type	
Address	111-113 King Street East	
Cross-reference to historical/archaeological collection		
Ownership of historic place (category)	Private	
Dates (YYYY format) (5 entries maximum)	Start Date	1941
	End Date	1941
	Date Type	Construction
	Start Date	1840's
	End Date	1940
	Date Type	Significant Date
	Start Date	
	End Date	
	Date Type	
	Start Date	
	End Date	
	Date Type	
	Start Date	
	End Date	
	Date Type	

Associated  
event/person/organization/  
architect/builder  
(10 entries maximum)

Associated Item	Saint John Fire
Type	Event
Associated Item	Presbyterian Church
Type	Organization
Associated Item	YWCA
Type	Organization
Associated Item	Paikowsky Family
Type	Person
Associated Item	
Type	
Associated Item	
Type	
Associated Item	
Type	
Associated Item	
Type	
Associated Item	
Type	
Associated Item	
Type	

Themes (10 entries maximum)

Theme category	Developing Economies
Theme type	Architecture and Design
Theme category	Building Social and Community Life
Theme type	Religious Institutions
Theme category	Building Social and Community Life
Theme type	Social Movements
Theme category	
Theme type	
Theme category	
Theme type	
Theme category	
Theme type	
Theme category	
Theme type	
Theme category	

	Theme type	
	Theme category	
	Theme type	
	Theme category	
Web-site link (3 entries maximum)	Theme type	
	Web-site link	
	Link type	
	Web-site link	
	Link type	
	Web-site link	

### Location Documentation

Economic Region	New Brunswick	
District	Saint John County	
Sub-district		
Community	Saint John	
Locality	Uptown	
Street and Street Number (desirable)	111-113 King Street East	
Postal Address	Saint John, New Brunswick, E2L 1G2	
Cadastral Reference/Land Unit		
Cartographic Identifier(s)	UTM northing	
	UTM easting	
	UTM Datum	
	UTM Coordination Determination	
	UTM zone	
	Geocode	
	Borden #	





111-113 King Street East - PAIKOWSKY - photos



General view of entry system and landscaped areas



West Façade



East façade



View of surrounding area



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





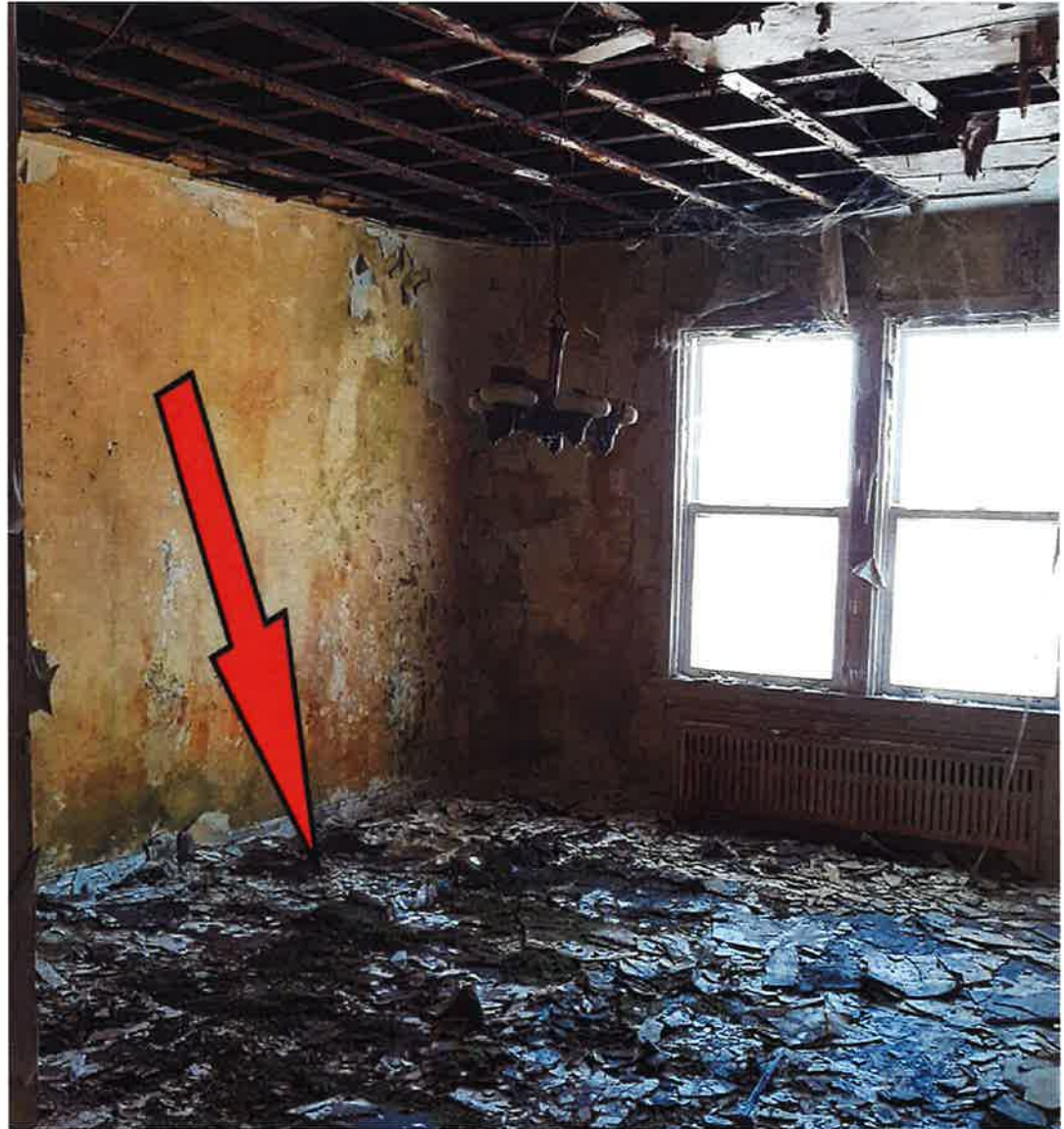
**Moisture Damage and Moulds on Floor Joists (Typical)**



**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.



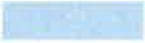

*Jeff VanDommelen*

## Context Analysis

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

<b>Statement of Significance (Mandatory Documentation)</b>	
<b>Description of historic place</b>	The Paikowsky Residence is a two storey wooden apartment building with basement built during WWII on King Street in the City of Saint John.
<b>Heritage value of historic place</b>	<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

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

## 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



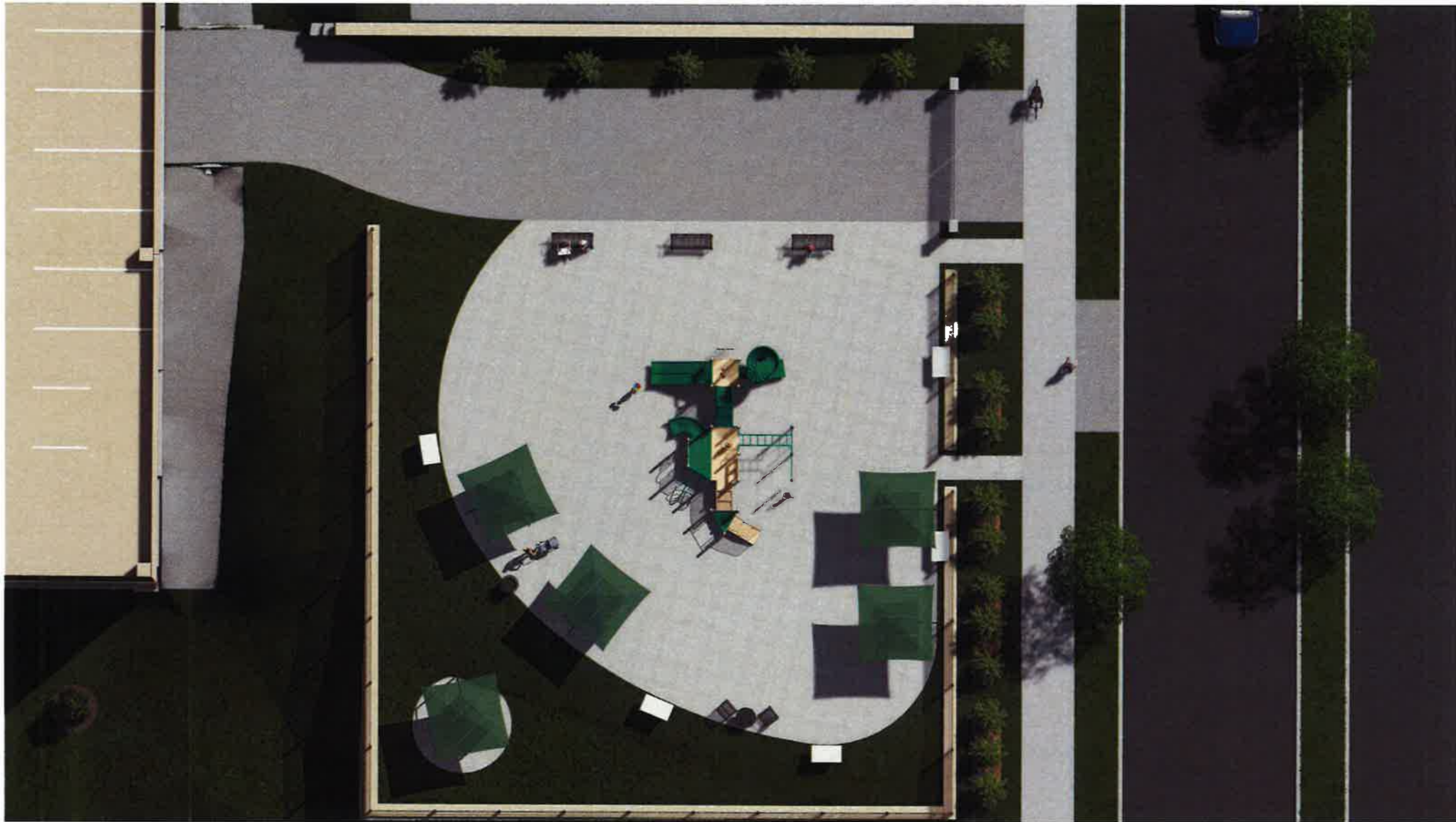














# Appendix 4

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**

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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**

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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**

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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**

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### *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

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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

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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**

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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**

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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**

*This document contains trade secrets or scientific, technical, commercial, financial and labour or employee relations information which is considered to be confidential to Dillon Consulting Limited ("Dillon"). Dillon does not consent to the disclosure of this information to any third party or person not in your employ. Additionally, you should not disclose such confidential information to anyone in your organization except on a "need-to-know" basis and after such individual has agreed to maintain the confidentiality of the information and with the understanding that you remain responsible for the maintenance of such confidentiality by people within your organization. If the head or any other party within any government institution intends to disclose this information, or any part thereof, then Dillon requires that it first be notified of that intention. Such notice should be addressed to: Dillon Consulting Limited, 235 Yorkland Boulevard, Suite 800, Toronto, Ontario M2J 4Y8, Attention: President.*

**Response to City of Saint John  
re: Proposed Historical Park and Children's Playground  
May 24, 2022**

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- 1. Can you describe the nature, purpose, and intended use of the driveway and gates shown in the provided illustrations that connects to the adjacent parking garage?**

The gate will normally be closed to prevent vehicles from entering the park area. The gate will be open for snow removal activities related to the parking garage servicing our head office.

- 2. The Standards and Guidelines for the Conservation of Historic Places lists demolition as the option of last resort. Please tell us what efforts you've put into preserving the building.**

The building has been vacant since 2016. As noted below, the building is structurally unsound and repairing it is not feasible. As a result, there are no efforts being made to preserve the building, apart from ensuring it remains secured as set out in the City's dangerous and vacant notice letter dated May 29, 2018.

- 3. Dillon Consulting's report indicates that the building is structurally unsound, a hazard to public safety, and too costly to repair. Can you confirm if a structural engineer or architect participated in the process of developing these statements and recommendations?**

A structural assessment was completed by Bill Mayberry, P.Eng. and Johnny Ibeawuchi, P.Eng. of Dillon Consulting. Both these individuals are structural engineers. Their comments and recommendations are included in the January 21, 2021 Dillon Consulting Assessment.

- 4. Whereas this park is to be provided for the public's benefit as outlined in your application, are you prepared to:**

- a. Enter into an agreement with the City to secure this use in perpetuity or for a fixed period of time in the community's benefit?**

As the City is aware, this property is zoned Residential. If the owner of the property ever proposed for it to be used for a different purpose, other than a Residential use, it would require a Rezoning and potential Municipal Plan amendment. This municipal process ultimately puts the City in charge of what the property may be used for.

The owner is prepared to commit that the park will be constructed generally in accordance with the design set out in the Application. The park will be available for the community's benefit for as long as it remains a park. Since it is difficult to predict

the future, it would not be prudent to commit to maintaining this property as a park in perpetuity.

As the City is also aware, there are a number of public benefit initiatives in the Saint John area that are sponsored by the company. These include the Irving Nature Park, Children's Forest, highway beautification areas, etc.

**b. Maintain, secure, and insure the park against liability, damage, and wear and tear?**

The owner will maintain the park at its expense. The owner maintains commercial general liability insurance covering its own operations. Park signage will provide notice that use of the park by the public will be at its own risk (similar to other publicly available spaces).

**5. Were public consultation sessions held to review the proposal? If so, can a copy of the feedback received be sent for the City's review?**

A four-page mailout was developed with details of our children's playground and historical park proposal which included a web page ([www.jdirving.com/kingstreeteastproposal](http://www.jdirving.com/kingstreeteastproposal)) where residents could get more information. It was mailed to 75 property owners on April 28 and delivered by hand to all residents of King Street East on May 2<sup>nd</sup>. The web page was also set up to provide more detail on our proposal, photos of the existing property and contact info for questions. To date, we have had one submission which we received by email on May 9<sup>th</sup> and we have responded to this submission.

**6. Would you consider the design of the park as 'final' or is there an opportunity to have the design vetted by City staff?**

We would certainly consider changes suggested by City staff.

**a. Would you consider inviting greater "heritage" recognition or integration into the design and functionality of the proposed park?**

Yes, we are prepared to consider additional "heritage/historical" input into the design of the park.

**7. Please outline what your proposed next steps would be with the building should the application be denied.**

Unfortunately, the property will remain in its deteriorating state until the City provides approval to demolish pursuant to the *Local Governance Act*.

May 27, 2022

**Attention:** Heritage Development Board

**RE: 111-113 King Street East**

I am a property owner at 168 King Street East, within the King Street East Preservation Area. In early May, 2022, I, and other property owners on my street, received correspondence from the owner of 111-113 King Street East, J.D. Irving, Limited (the "**Owner**"). The correspondence was a proposal, outlining the Owner's preferred plans for the property at 111-113 King Street East, and the two adjacent properties, currently vacant, which the Owner also owns (collectively, the "**Property**"). A summary of the Owner's preferred plans was to remove the Property from the King Street East Preservation Area, and then to build a park with a children's playground. I write this letter in response to this proposal, to advise the Heritage Development Board, and Saint John Common Council, of my position, as a neighboring property owner, on the Owner's proposal.

In short, I strongly disagree with the Owner's proposal. For starters, the remedy being requested by the Owner, to remove the Property from the preservation area, is unwarranted. To the extent that the Owner is unwilling to repair, and maintain, the building at 111 King Street East in accordance to the Heritage Conservation Areas By-Law (the "**By-Law**"), and instead chooses to tear the building down, the process for doing so is outlined in the By-law, and has been provided to the Owner on the previous occasions the Owner has sought to demolish the building. There is no need to remove the Property from the King Street East Preservation Area.

The circumstances upon which the City would consider removing a property from a preservation area should be very limited. The King Street East Preservation Area is a cohesive set of streetscapes, with all properties included within the preservation area. To remove property on a one-of basis undermines the integrity of the entire preservation area, and results in adjacent property owners questioning what value heritage preservation provides. The Property in question makes up nearly a third of a block on the north side of King Street East, and its removal from the King Street East Preservation Area undermines the protection afforded to all properties on that block. For this reason alone, the Owner's proposal should be rejected.

Beyond that, the Owner's seems to preface its proposal, and ultimate request for demolition of the building at 111 King Street East, on the deterioration of the building. However, the Owner has been the owner of that property for approximately three decades at this point, and the building was a viable, multi-unit residential building for much of that time. Only the Owner is responsible for the deterioration of the building. To reward such disdain for the Bylaw, not to mention other City property maintenance and health and safety by-laws, sets a dangerous precedent for other property owners to follow. The Owner should derive no benefit from the disrespect it obviously holds for the adjacent property owners, who regularly invest to maintain their properties, despite not having the means the Owner has to do so. For these additional reasons, the Owner's proposal should be rejected.

As a final point, in the event the Owner's request to remove the Property from the King Street Preservation Area is permitted, I wish to advise that I will, subsequently, submit a request to remove my own property from the preservation area as well. I believe in the principle of heritage preservation, and the value that results, to all property owners, when preservation is respected. However, I truly believe the removal of a third of the street scape on the opposing side of my block undermines the value and integrity of any protection that the preservation area could, and should, provide all property owners, and, at that point, I see no reason to continue participation in a program that is not valued, nor protected, by civic leaders.

Best regards,

Shane Goguen