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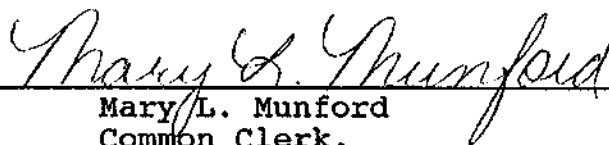
PROVINCE OF NEW BRUNSWICK
COUNTY OF SAINT JOHN

I, MARY L. MUNFORD, of the City of Saint John in the County of Saint John and Province of New Brunswick, DO HEREBY CERTIFY:-

1. That I am the Common Clerk of the said City of Saint John and as such have the custody of the minutes and records of the Common Council of the said City of Saint John and of the Common Seal of the said City.
2. That hereto annexed and marked "A" is a copy of a resolution adopted at a meeting of the Common Council of the City of Saint John held on the fourth day of May, A.D. 1992.
3. That I have carefully compared the said resolution with the original and the same is a true copy thereof.

D A T E D at the City of Saint John on the ninth day of June, A.D. 1992.

IN TESTIMONY WHEREOF, I, the said Common Clerk of the City of Saint John have hereunto affixed the Common Seal of the said City the day and year first hereinbefore written.


Mary L. Munford
Common Clerk.

OWNER : Deans Hill Company Ltd.,
Georgianna Nedeau and
The City of Saint John

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Main

RESOLVED that the by-law entitled, "By-Law Number C.P. 100-271 A Law To Amend The Zoning By-Law Of The City Of Saint John", insofar as it concerns re-zoning the following parcels of land: 354 Main Street (NBGIC Number 370445), 24-26 Douglas Avenue (NBGIC Number 368894), 28 Douglas Avenue (NBGIC Number 368886), 36 Douglas Avenue (NBGIC Number 368878), 50 Douglas Avenue (NBGIC Number 368860), 56 Douglas Avenue (NBGIC Number 380329), 60 Douglas Avenue (NBGIC Numbers 368852 and 55084313), 80 Douglas Avenue (NBGIC Number 368845), and Main Street (parts of NBGIC Numbers 55085708, 55085724 and 373613), which are at present zoned "RM-1" Three-Storey Multiple Residential, to "ID" Integrated Development classification, be read a third time and enacted and the Common Corporate Seal be affixed thereto:

AND FURTHER that pursuant to Section 39 of the Community Planning Act, the said re-zoning be subject to conditions setting out the proposal as follows:-

(a) the existing buildings, located at 60 and 80 Douglas Avenue, shall be connected by new construction and converted to a 35-room inn with a 70-seat restaurant, with vehicular access from Douglas Avenue, on condition that

(i) a surface parking lot, located to the rear of the building, shall be provided for a minimum of 58 vehicles or such greater amount as required by the B-2 standards in Section 850 of the Zoning By-Law;

(ii) all exterior changes to the building and all site development to be undertaken shall be in accordance with detailed plans and elevation drawings approved by the Development Officer and, without limiting the generality of the foregoing, the required plans and elevations shall include details on the following items: extent and location of verandas, type and location of windows, entry/door type and location, roof type and materials, including cupola, exterior building materials, all colours, paved driveway and parking areas, landscaped areas including plant materials, signs;

(b) the existing buildings located at 24-26, 28, 36 and 56 Douglas Avenue (except for rear wings) shall be retained and a new building similar in size to 56 Douglas Avenue shall be constructed to replace the existing building at 50 Douglas Avenue, and the use of these buildings shall be converted to a combination of hotel suites operated in conjunction with the inn (60-80 Douglas Avenue), apartments and offices, on condition that:

(i) a surface parking lot, located to the rear of the buildings, with access from Douglas Avenue, shall be provided for a minimum of 15 vehicles or greater amount as required by the B-2 standards in Section 850 of the Zoning By-Law; and

(ii) all exterior changes to the existing buildings, all new construction and all site improvements shall be in accordance with detailed plans and elevation drawings approved by the Development Officer and, without limiting the generality of the foregoing, the required plans and elevations shall include details outlined in part (3)(a)(ii) of this recommendation;

(c) the existing buildings located at 354 Main Street (except for rear wing) shall be retained for office uses, subject to the following conditions:

(i) all exterior changes to the building and all site improvements shall be in accordance with detailed plans and elevation drawings approved by the Development Officer and, without limiting the generality of the foregoing, the required plans and elevations shall include details outlined in part (3)(a)(ii) of this recommendation; and

(ii) any existing required parking spaces displaced by the development of landscaped areas shall be provided elsewhere on the site;

(d) an office building, with or without general commercial uses on the ground floor, shall be constructed on Chesley Drive in the general location indicated on the applicant's proposed development plan, subject to the following conditions:

(i) the building shall initially contain a maximum gross floor area of 49,000 square feet subject to the conditions of part (3)(d)(iii) below. A second stage, containing up to an additional 49,000 square feet shall be permitted only if approved by Common Council as a statutory amendment

(ii) parking facilities shall be provided with sufficient capacity to accommodate parking for the development calculated on the basis of B-2 standards in Section 850 of the Zoning By-law; and

(iii) detailed plans, illustrating the exact location of the building and vehicular access, height, elevation views and exterior materials, shall be submitted for approval by Council as a statutory amendment. The design guidelines as recommended by the Preservation Review Board will be used to evaluate the detailed plans.

(e) a 162-unit condominium apartment building, with or without local commercial uses on the ground floor, shall be located on Chesley Drive in the general location indicated on the applicant's proposed development plan, subject to the following conditions:

(i) commercial uses shall be restricted to those permitted in the "RM-2" or "B-1" zone and shall be limited to not more than 6% of the gross floor area of the building;

(ii) parking facilities shall be provided with sufficient capacity to accommodate parking for the development calculated on the basis of RM-2 standards in Section 850 of the Zoning By-Law; and

(iii) detailed plans, illustrating the exact location of the building and vehicular access, height, elevation views and exterior materials, shall be submitted for approval by Council as a statutory amendment. The design guidelines as recommended by the Preservation Review Board will be used to evaluate the detailed plans.

(f) the area of the subject site extending from the corner of Hilyard Street and Chesley Drive to the rear of 186 Douglas Avenue shall be developed with a variety of multiple residential buildings containing an overall maximum of 276 dwelling units, subject to the following conditions:

(i) access to the development shall be via an extension of Hilyard Street parallel to the existing railway right-of-way, constructed at the applicant's expense, and this extension of Hilyard Street shall not be connected with Alexandra Street;

(ii) no more than 120 dwelling units shall be constructed on this portion of the subject site until such time as an additional access to Chesley Drive is provided, and there shall be no vehicular access to this portion of the subject site from Alexandra Street or Douglas Avenue;

(iii) parking facilities shall be provided with sufficient capacity to accommodate parking for the development calculated on the basis of RM-2 standards in Section 850 of the Zoning By-Law;

(iv) the height and massing of all buildings shall provide for minimum obstruction of the views from properties located on Douglas Avenue; and

(v) detailed plans, illustrating the exact location of buildings and vehicular access, site development, height, elevation views and exterior materials, shall be submitted for approval of Council as a statutory amendment or amendments. The design guidelines as recommended by the Preservation Review Board will be used to evaluate the detailed plans.

(g) as interim uses of the site, the following uses shall be permitted:

(i) a sign for the purposes of identifying the development, having a maximum area of 120 square feet, oriented toward Chesley Drive and the Harbour Bridge, shall be permitted to be located on the hillside to the rear of 60-80 Douglas Avenue on condition that:

- the sign shall not be visible from Douglas Avenue;
- the sign shall be removed when Phase 3 of the development, as set out in the applicant's proposal, is substantially completed;

(ii) other construction signs shall be permitted on the site subject to compliance with the requirements of Section 840(6) of the Zoning By-Law;

(iii) the site of the proposed 162-unit condominium building may be developed and used as a surface parking area upon issuance of a building permit for the office commercial building, subject to the approval of the Development Officer of a detailed site plan illustrating the proposed parking lot improvements to City standards;

(iv) the site of the proposed 60-unit condominium building at the intersection of Chesley Drive and Hilyard Street may be developed and used as a surface parking area upon issuance of a building permit for the proposed 162-unit condominium building, subject to the approval of the Development Officer of a detailed site plan illustrating the proposed parking lot improvements to City standards;

(h) the subject site shall be consolidated into one parcel and registered in the same name and interest within six months of adoption of this resolution, and may not be subsequently re-subdivided except as follows:-

- Parcel 1: The site of the urban inn and restored buildings on Douglas Avenue, being Phase 1 of the proposal, may constitute a separate parcel.
- Parcel 2: The site of the deBury House and office commercial building, being Phase 2 of the proposal, may constitute a separate parcel.
- Parcel 3: The site of the 162-unit condominium building, being Phase 3 of the proposal, may constitute a separate parcel.
- Parcel 4: The remainder of the site, extending from the corner of Hilyard Street and Chesley Drive to the rear of 186 Douglas Avenue, being Phase 4 of the proposal, may constitute a separate parcel, or each building approved pursuant to subsection (f) may be on a separate parcel when fronting on the developed portion of Hilyard Street.

(i) Phase 1 of this proposal, being the urban inn and the restoration of buildings on Douglas Avenue, shall be undertaken prior to commencement of any subsequent phase of the proposal. Subsequent phases shall not be undertaken until such time as the Development Officer deems that the work required for each building in Phase 1 is at least 50 per cent complete.

- (4) the existing approved proposal and conditions adopted pursuant to Section 39 of the Community Planning Act on July 3, 1973, for the portion of the subject property which is already zoned "ID" Integrated Development, be replaced with the resolution in part (3) of this recommendation at the same time as the third reading and adoption of that resolution.

I CERTIFY that the within, *Resolution*
 is duly entered and registered in the Registry Office
 for the County of Saint John, New Brunswick at *1:44 hrs.*
 of the *19* day of *June* A.D. 19*92*
 as Number *1581* In Book Number *397-401* Page Number
Marie L. Melanson
 Registrar of Deeds

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