



City of Kingston  
Planning Committee  
Agenda

15-2024

Thursday, July 18, 2024

6:00 p.m.

Council Chamber

**Committee Composition**

Councillor Cinanni; Chair

Councillor Chaves

Councillor Glenn

Councillor McLaren

Councillor Oosterhof

Councillor Osanic

Please provide regrets to Christine O'Connor, Committee Clerk at 613-546-4291,  
extension 1219 or [cloconnor@cityofkingston.ca](mailto:cloconnor@cityofkingston.ca)

Watch live on the [Kingston City Council YouTube](#) channel or register to receive the [Zoom](#) link.

**1. Introduction by the Chair**

The meeting being held tonight is a public meeting held under the Planning Act.

**Notice of Collection** – Personal information collected as a result of the public meetings are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. Persons speaking at the meeting are requested to give their name and address for recording in the minutes. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Additionally, interested members of the public can email the Committee Clerk or the assigned planner if they wish to be notified regarding a particular application. Questions regarding this collection should be forwarded to the Director of Planning Services.

Tonight's meeting is to consider public meeting reports. These reports do contain a staff recommendation and the recommendation is typically to approve (with conditions) or to deny. After the planner's presentation, Committee members will be able to ask questions of staff, followed by members of the public. Following the question-and-answer period, this Committee then makes a recommendation on the applications to City Council who has the final say on the applications.

Following Council decision, notice will be circulated in accordance with the Planning Act. If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision.

**2. Call to Order**

**3. Approval of the Agenda**

**4. Confirmation of Minutes**

**That** the minutes of Planning Committee Meeting Number 14-2024, held Thursday, July 4, 2024, be approved.

**5. Disclosure of Pecuniary Interest**

**6. Delegations**

**7. Briefings**

**8. Business**

**1. Recommendation Report - 40 Hyperion Court**

File Number: D14-008-2024

District: District 7 - Kingscourt-Rideau

Address: 40 Hyperion Court

Application Type: Zoning By-Law Amendment

Owner: 1382739 Ontario Limited

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (PC-24-044) is attached.

Recommendation:

**That** the Planning Committee recommends to Council:

**That** the application for a zoning by-law amendment (File Number D14-008-2024) submitted by The Boulevard Group, on behalf of 1382739 Ontario Limited, for the property municipally known as 40 Hyperion Court, be approved; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-044; and

**That** Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

**That** the amending by-law be presented to Council for all three readings.

**2. Recommendation Report - 64 Barrack Street & 235-237 Wellington Street**

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File Number: D14-009-2023

District: District 11 - King's Town

Address: 64 Barrack Street & 235-237 Wellington Street

Application Type: Zoning By-Law Amendment

Owner: 64 Barrack Street (Kingston) Inc.

Applicant: IN8 Developments Inc. & Fotenn Consultants

The Report of the Commissioner of Growth & Development Services (PC-24-038) is attached.

Recommendation:

**That** the Planning Committee recommends to Council:

**That** the application for a zoning by-law amendment (File Number D14-009-2023) submitted by IN8 Developments Inc. & Fotenn

Consultants, on behalf of 64 Barrack Street (Kingston) Inc., for the property municipally known as 64 Barrack Street & 235-237 Wellington Street, be approved; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-038; and

**That** Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

**That** the amending by-law be presented to Council for all three readings.

**9. Motions**

**10. Notices of Motion**

**11. Other Business**

**12. Correspondence**

1. **Correspondence received from July 4 - July 11, 2024, regarding Recommendation Report for 64 Barrack Street & 235-237 Wellington Street**

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**13. Date of Next Meeting**

The next meeting of the Planning Committee is scheduled for Thursday, August 1, 2024 at 6:00 p.m.

**14. Adjournment**



**City of Kingston  
Report to Planning Committee  
Report Number PC-24-044**

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**To:** Chair and Members of the Planning Committee  
**From:** Paige Agnew, Commissioner, Growth & Development Services  
**Resource Staff:** Tim Park, Director, Planning Services  
**Date of Meeting:** July 18, 2024  
**Subject:** Recommendation Report  
**File Number:** D14-008-2024  
**Address:** 40 Hyperion Court  
**District:** District 7 – Kingscourt-Rideau  
**Application Type:** Zoning By-Law Amendment  
**Owner:** 1382739 Ontario Limited  
**Applicant:** The Boulevard Group

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**Council Strategic Plan Alignment:**

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

**Executive Summary:**

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by The Boulevard Group, on behalf of 1382739 Ontario Limited, with respect to the subject site located at 40 Hyperion Court.

The property is located in the Alcan Business Park, being located at the southeast corner of Hyperion Court and Lappan's Lane. An overall site plan has been approved (D11-146-2002) and all construction on the site has been completed, including an existing 3,718 square metre (gross floor area) one-storey building currently divided into two units, 200 parking spaces, and 4 accessible parking spaces. The subject site is designated as Business Park Industrial as per

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Schedule 3A – Land Use in the City of Kingston Official Plan and is zoned a Business Park Zone (M1) in the Kingston Zoning By-Law Number 2022-62.

The purpose and effect of the proposed Zoning By-Law amendment is to broaden the permitted complementary uses to assist with attracting future tenants and provide additional service opportunities in and around the existing Business Park area. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; day care centre; financial institution; fitness centre; laundry store; personal service shop; recreational facility; and wellness clinic. Further, the owner is proposing to amend certain performance standards to permit a accessory retail uses to occupy 25% of the buildings gross floor area, alter the bike parking requirements, and amend the open storage provisions of the Business Park (M1) Zone.

The recommended amendment includes the establishment of a Holding Overlay (H239) to ensure that the noise sensitive uses (i.e., day care centre) are assessed through a Noise Impact Study and found to be compatible with surrounding land uses, as well as the submission of a Record of Site Condition, prior to being permitted to be established on the subject lands.

No new exterior development is proposed at this time. It is anticipated that the proposed amendment would allow internal conversions of the existing building to permit a greater range of tenants than would be permitted in the existing M1 Zone on the subject lands. Existing tenants of the site include St. Lawrence Pools, which includes a laboratory, warehouse and retail store as part of the overall business operation on the premises.

The recommended zoning by-law amendment will increase permissions for a diversified mix of complementary uses on the developed subject property, which will ultimately support, and foster employment uses on the property and in the surrounding area, with connections to active transportation between employment and supportive uses. The site is well suited for the addition of complementary uses with its dual frontage along Hyperion Court and Lappan's Lane and the uses will not have a negative impact on nearby employment uses in the area. The proposed development is consistent with the Provincial Policy Statement and conforms to the Official Plan, represents appropriate scale of infill development within the City's urban boundary. The application is recommended for approval.

**Recommendation:**

**That** the Planning Committee recommends to Council:

**That** the application for a zoning by-law amendment (File Number D14-008-2024) submitted by The Boulevard Group, on behalf of 1382739 Ontario Limited, for the property municipally known as 40 Hyperion Court, be approved; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-044; and

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**That** Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

**That** the amending by-law be presented to Council for all three readings.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,  
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:**

**Statutory Public Meeting**

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Niki Van Vugt, Intermediate Planner  
The Corporation of the City of Kingston  
Planning Services  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 extension 3253  
[nvanvugt@cityofkingston.ca](mailto:nvanvugt@cityofkingston.ca)

**Background and Decision Date**

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. A Community Meeting was held at Planning Committee on March 21, 2024 during the pre-application process. A summary of the feedback received at the Community Meeting is provided in the Public Comments section of this Report.

Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of June 7, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before September 5, 2024, which is 90 days after a complete application was received.

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## Site Characteristics

The subject property is municipally addressed as 40 Hyperion Court and is approximately 1.82 hectares (4.50 acres) in area with approximately 120 metres of frontage on Hyperion Court and 146 metres of frontage on Lappan's Lane, which are designated as local roads (Exhibit B – Key Map) with single vehicular access from each road. The property is located in the southeast corner of the Lappan's Lane and Hyperion Court intersection, which is located approximately 130 metres south of John Counter Boulevard, identified as an arterial road. The property is west of Division Street, south of John Counter Boulevard, east of Sir John A. Macdonald, and is currently developed with a one storey building divided into two units. The lands are central to the Alcan Business Park that borders John Counter Boulevard to the north and LeRoy Grant Drive to the east. Immediately west and south of the business park is the Novelis Industrial Area that maintains significant vacant areas in support of their industrial operations.

The existing one storey building on-site is approximately 3,718 square metres in gross floor area and is currently divided between two (2) separate units (Exhibit K – Existing Floor Plans), with the unit fronting Lappan's Lane occupied by St. Lawrence Pools, a business which includes a laboratory, warehouse and retail store. The easternmost unit within the building is currently vacant and formerly functioned as a call centre. A total of 200 on-site surface parking spaces are existing, including four accessible spaces with four Type A spaces. Vehicular driveways exist from Hyperion Court and Lappan's Lane with landscaping to buffer the existing front and exterior yard parking areas. Loading spaces exist at the rear of the existing one storey building (Exhibit H – Existing Site Plan).

The property is in an area referred to as the Alcan Business Park, which generally consists of other light-industrial, and employment uses. The subject lands are surrounded primarily by a variety of employment uses, including business park, complementary and vacant land holdings (Exhibit C – Neighbourhood Context (2023)). Developed parcels about the site to the west at 26 Lappan's Lane includes Dalto Electric, and north at 31 Hyperion Court includes a variety of employment and complementary uses (Cambium Inc., Malty Centre, and ACT Learning Centre), and 61 Hyperion Court includes the Veterans Affairs Canada Area Office and Arcadis IBI Group (Exhibit I – Site Photographs).

The surrounding area contains a mix of built form, predominantly featuring one-storey and two storey buildings. The existing streetscape along Hyperion Court and Lappan's Lane features generally large front and exterior setbacks with front yard and exterior yard parking, with landscaped buffers surrounding many of the individual buildings. The subject property is well serviced with municipal infrastructure, including water, wastewater, gas and electric services.

In addition, the property is serviced by sidewalks north of the Lappan's Lane and Hyperion Court intersection towards John Counter Boulevard and east of the property which connects to the Leroy Grant Trail. The property is within walking distance of a bus stop located at Lappan's Lane (south side of John Counter Boulevard) for transit route 7C, Bus Terminal Transfer Point (Platform 4) with connections to transit routes 2, 2B, 7, 7A, 7B, 7C, 12A, 16, 18, and Bus Terminal Transfer Point (Platform 3) which includes connections to transit routes such as 2, 2B, 7, 7B, 12A, 16. In addition,

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at 1175 John Counter Boulevard is the Coach Canada Bus / Megabus Terminal, which provides service to urban centres beyond the City of Kingston (i.e., Toronto, Ottawa, etc.).

### Proposed Application and Submission

The purpose and effect of the proposed Zoning By-Law amendment is to broaden the permitted complementary uses to assist with attracting future tenants and provide additional service opportunities in and around the existing Business Park area. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; day care centre; financial institution; fitness centre; laundry store; personal service shop; recreational facility; and wellness clinic. Currently accessory retail store uses are permitted to occupy 25% of the gross floor area of a use. This zoning amendment seeks to allow the accessory retail use to be calculated at 25% of the building, meaning accessory retail uses could have higher allocations to some units and lower allocations to other units. This would afford flexibility where some uses would not have any accessory retail requirements and others may benefit from some additional allocation.

Further, the owner is proposing to alter the bike parking requirements and amend the open storage provisions of the Business Park (M1) Zone. The proposed Holding Overlay (H239) will ensure that the sensitive uses of a day care centre cannot be established until a Noise Impact Study is completed - to ensure compatible development can be achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s) – and a Record of Site Condition is received.

Currently, the owner is seeking permission to utilize a portion of the surface asphalt parking area for outdoor storage to support the laboratory, warehouse and retail use (St. Lawrence Pools) that occupies the western portion of the building (Exhibit L – Site Plan with Potential Outdoor Storage). In addition to the existing use in the western portion of the building, future open storage located to the rear of the building may support future uses that will occupy the eastern portion of the building. As it relates to the proposed open storage on-site, all existing vegetation is to be maintained and function to screen outdoor storage as opposed to surface vehicular parking areas which has been the case since construction through the existing Site Plan Control (File Number D11-146-2002).

In support of the application, the applicant has submitted the following:

- Approved Site Plan – prepared by Petroff Partnership Architects, 2002;
- Site Plan with Potential Outdoor Storage;
- Planning Justification Report – prepared by The Boulevard Group, dated June 2024;
- Draft By-Law – prepared by The Boulevard Group;
- Servicing Report – prepared by Josselyn Engineering, dated January 2, 2023;
- Existing Floor Plans – prepared by Alexander Wilson Architect Inc, dated January 2024; and
- Agent Form.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple

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addresses, search one address at a time, or submission materials may also be found by searching the file number.

### **Provincial Policy Statement**

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The subject lands are located within a Settlement Area as defined by the Provincial Policy Statement (2020) and developed with a mix of employment and complementary uses. Settlement Areas are to be the focus of growth, developed with a mix and range of land uses. The proposed would permit the increase and expansion of permitted complementary uses and support the continued diversification of the economic base of Kingston in an area that is appropriately serviced by municipal infrastructure, active and public transportation routes.

The recommended zoning by-law amendment will enable the owner's ability to increase flexibility through additional uses in the existing building, without any demolition contemplated. The preservation, and potential renovation, of the existing building allows for less demolition waste and decreases the overall amount of embodied carbon associated with the subject lands.

A detailed review of the applicable policies is attached in Exhibit D.

### **Official Plan Considerations**

The subject lands are located within the City's urban boundary and the Business District as shown on Schedule 2 – City Structure of the Official Plan. Business Districts are primarily intended to accommodate employment opportunities. The zoning by-law amendment permits limited retail and service commercial uses that serve business activities, consistent with the strategic intent of Business Districts.

The subject lands are designated Business Park Industrial in the Official Plan (Exhibit E – Official Plan, Existing Land Use), which is intended to provide prominent locations for industrial and industrial support uses in architecturally treated and finished buildings with a high-quality landscaped setting that promotes a prestige corporate and community image.

The subject zoning by-law application is submitted in accordance with Section 3.6.12. of the Official Plan to establish additional complementary use permissions to 49% of the total gross floor area on the site, beyond the 25% currently permitted on the subject property. The complementary uses selected are identified as permitted complementary use in the Business Park Industrial designation and will not hinder or interfere with the industrial uses in the surrounding area. The complementary use considered by the recommended zoning by-law amendment do exceed that which is contemplated by a minor variance, being limited to 25% of the total gross floor area, which is the primary reason why the zoning by-law amendment application is being sought. The complementary uses are able to act provide a support or service to the employees within the employment area and is not able to be provided from an

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adjacent land use designation in the employment area, as the adjacent parcels also remains designated as Business Park Industrial.

The implementation of any future uses identified in the Exception Overlay (E170) will be placed in the existing one storey building which is oriented towards the road frontage of the subject lands.

The contemplated uses will result in similar rates of employment to the primary permitted uses in the land use designation and are intended to improve the quality of life, access to a diversity of services and reduce dependence on private automobiles for employees (present and future) within the employment area. The introduction of the proposed complementary uses will not contribute to the fragmentation of continuous employment areas as this business park has built out primarily with office uses and the complementary uses. There are no light or heavy industrial uses that would be negatively impacted by the current or future suite of uses on this property, or nearby properties which have undergone similar amendments.

Staff are of the opinion that the proposal conforms with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

### **Zoning By-Law Discussion**

The subject property is located in the Business Park Zone (M1) in Kingston Zoning By-Law Number 2022-62 (Exhibit G – Kingston Zoning By-Law 2022-62). The M1 Zone permits a range of employment uses such as a call centre, catering service, contractor's yard, laboratory, light industrial use, office, accessory outdoor storage), production studio, repair shop, research establishment, accessory retail store, training facility, transportation depot, wholesale establishment, and workshop. The subject site is located within Parking Area 5 (PA5) on Schedule 2 of the Kingston Zoning By-Law. The By-Law does not include minimum parking rates for commercial and industrial uses, however, does include 'effective ratios' for calculating accessible parking requirements based on the corresponding use in Table 7.2.2. Any additional on-site development, or change of use, will need to continue to comply with the accessibility requirements of the by-law.

The purpose and effect of the proposed Zoning By-Law amendment is to broaden the permitted complementary uses to assist with attracting future tenants and provide additional service opportunities in and around the existing Business Park area. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; day care centre; financial institution; fitness centre; laundry store; personal service shop; recreational facility; and wellness clinic. Further, the owner is proposing to amend certain performance standards to permit a retail store to occupy 25% of the buildings gross floor area to allow flexibility in its implementation, alter the bike parking requirements, and amend the open storage provisions of the Business Park (M1) Zone. All other permitted uses in the M1 Zone would continue to be permitted on the subject site and all other applicable provisions of the by-law would need to be met as it relates to any future redevelopment.

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The M1 Zone was established through the development of the new Kingston Zoning By-Law with the intent of aligning properties within the Business Park Industrial area with the Business Park Industrial policies of the Official Plan. In review of the existing uses and built form in the surrounding area, the proposed inclusion of additional uses to complement the business park uses (“complementary uses”) and relief to these performance standards are anticipated to be compatible with the surrounding area.

The proposed Zoning By-Law amendment would establish a new Exception Overlay (E170) and Holding Overlay (H239) which would be related to the implementation of a future Day Care Use. Each of the modifications to the existing zoning of the subject property, is discussed below in relation to the intent of the Kingston Zoning By-Law provisions. The following table provides a definition for each proposed complementary use and its relation to the Official Plan and the Kingston Zoning By-Law 2022-62.

1. New Complementary Use Permissions:

The complementary uses are not currently permitted in the applicable Business Park M1 Zone and are being introduced into the recommended Exception Overlay (E170). These complementary uses include animal care, animal shelter, day care centre, financial institution, fitness centre, laundry store, personal service shop, recreation facility, wellness clinic, and are permitted to occupy a maximum of 49% of the total gross floor area on the subject property.

Permission for the above noted complementary uses in up to 49% of the total gross floor area of the building is consistent with the intent of the Zoning By-Law, as they will allow for complementary uses contemplated by Section 3.6.A.2. and Section 3.6.12. of the Official Plan to be established that will improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses.

To facilitate the future implementation of a Day Care Use, the removal of the Holding Overlay (H239) – to be established through the recommended zoning by-law amendment – will be required to ensure that all studies are completed in advance of its introduction to the site. As a Day Care Use is considered a sensitive use, a Noise Impact Study will be required to ensure the required mitigation measures can be implemented taking into consideration existing and planned industrial uses in the vicinity as well as the submission of a Record of Site Condition.

Subject to the proposed changes through this Zoning By-Law amendment application, the collective principle and complementary uses on the subject property could achieve greater employment of permitted uses within the unoccupied portion of the existing one storey building, while supporting the existing services in close proximity to the subject lands.

2. Amendments to the Maximum Retail Store Requirements of the M1 Zone:

The current zoning restricts retail stores to a maximum gross floor area of 25% of the gross floor area of the principal use on the lot, whereas the recommended zoning by-law amendment is looking to alter the language through Exception Overlay (E170) to continue to align with the

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general intent of the Official Plan. The recommended zoning by-law is looking to amend the M1 Zone by permitting a retail store (accessory to a principal use) to occupy up to a maximum of 25% of the gross floor area of the building.

As detailed above, the existing M1 Zone permits a retail store. However, it is permitted only as an accessory use to a principal use on the lot and is limited to a maximum gross floor area of 25% of the gross floor area of the principal use. The intent of this provision is to allow permitted uses in the M1 Zone to include supporting retail, without permitting standalone retail stores which would result in a conflict with the policies of the Official Plan. The proposed Zoning By-Law amendment continues to align with Section 3.6.11. of the Official Plan which permits accessory retail to occupy a maximum of 25% of the gross floor area of the building.

The recommended zoning by-law amendment recognizes the existing needs of the present tenant of the site (St. Lawrence Pools), which includes a laboratory, warehouse and retail store, while allowing for flexibility of future tenants to benefit from the retail store opportunities on the site. Due to the retail nature of St. Lawrence Pools business, which involves large products such as hot tubs and furniture, an amendment is sought which would permit this component to function over a greater floor area in the unit. From an employment perspective, the laboratory and warehouse functions of the business are more staff intensive. However, occupy a smaller footprint of the floor area. This unique nature of the business is different than other industrial/employment uses, whereby products are stored in the rear of unit, with only a small retail counter at the front, such as a printing establishment or small-scale manufacturer. The proposed change to the M1 Zone continues to align with the general intent of the Official Plan and allow for retail to function as accessory to a principal employment use on the property.

### 3. Exemption for Long-Term Bike Space and End-of-Trip Facility Requirements:

The existing single-storey building on the subject property was developed under the former Zoning By-Law (8499) which did not require long-term bike spaces or end-of-trip facilities. The Exception Overlay (E170) contains an exemption to recognize compliance of the existing building on the property, while requiring long-term bike spaces and end-of-trip facilities for any new additions to the subject property.

In light of the existing construction, and potential future difficulty to coordinate between different tenants, the recommended zoning by-law is looking to alter the requirement for end-of-trip bike facilities to be calculated based on the floor area of each individual unit as opposed to the Gross Floor Area of the building versus the full exemption from this requirement. In addition, modifications to Section 7.3.16. of the Kingston Zoning By-Law incorporates the fact that the updated standards found in the Kingston Zoning By-Law for Bike Park are not retroactively applicable for existing development constructed under the former by-law. The applicant proposes to specify that through bike parking requirements will need to be met through any addition to the existing building versus change of use.

The proposed amendments through the recommended zoning by-law would avoid the requirement to construct communal facilities (e.g., showers), which the existing building was not

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designed to accommodate, and allow for each separate tenant to design the facilities internal to their unit based on any additions to the existing building. These changes will continue to support active transportation infrastructure opportunities for employees who frequent the site.

#### 4. Amendments to Outdoor Storage Requirements:

The existing M1 Zone contains multiple performance standards related to the regulation of outdoor storage on a subject property. The existing By-Law prohibits open storage from being located in a front yard and/or exterior side yard on the subject property which aligns with the general direction of Section 3.6.A.1.(i) of the Official Plan. The proposed amendment does not look to modify this requirement but seeks relief from the rear and interior side yard setback requirements of the zone. These proposed setback reductions are consistent with the on-site build out and development. Specifically, the existing asphalt surface parking area is setback approximately 3.0 metres from the interior lot line between the subject property and the property addressed as 20 Hyperion Court while the asphalt surface parking area is setback approximately 4.5 metres from the rear lot line dividing the subject property from the adjacent parcel that accommodates Novelis Ltd (Exhibit H - Existing Site Plan). Given the adjacent land uses to the east and south, as well as vegetation between the existing asphalt areas on-site and the interior and rear lot lines (Exhibit I – Site Photographs), the proposed reduction in required yard setbacks applicable to the accessory outdoor storage area are appropriate and in keeping with the intent of the Kingston Zoning By-Law 2022-62.

In addition to the requested reductions to the required yard setbacks, the recommended zoning by-law amendment includes modifications to the percentage of area for which open storage may occupy the subject lands. The proposal is looking to increase the total area by 10% (from 15% to 25%) that may accommodate open storage to primarily support the existing tenant (St. Lawrence Pools) that occupies the westernmost unit within the existing building. The subject property is a corner property that maintains frontage on two municipal local streets and is screened from the street via existing vegetated buffer approximately 15 metres in depth. This vegetated buffer at the properties perimeter functions to screen the on-site surface parking areas that are currently occupying the front, exterior, interior, and rear yards of the property. Therefore, the requested expansion to the accessory outdoor storage area remains compatible through the continued preservation of the existing on-site vegetation which screens the area from the frontages of the property and remains generally in keeping with the intent of the Official Plan and the Kingston Zoning By-Law 2022-62.

#### Other Applications

There have been a number of previous Planning Act application at this address, including:

2022 – A Minor Variance application (File Number D13-045-2022) to establish a complementary use within the Business Park Industrial (M1) zone. The applicant proposes to establish a 'day care centre' that would be limited to 25% of the floor area of the building. The applicant has also requested variances to reduce the minimum number of loading spaces from two (2) to one (1).

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2002 – A Site Plan Control application (File Number D11-146-2002) was approved to permit the construction of the one storey 3,718 square metre building with 200 vehicular parking spaces and 4 associated accessible parking spaces.

No other applications have been submitted at this time. A future application for Site Plan Control will be required to facilitate the proposed open storage component of the proposal.

**Technical Analysis**

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time. Further detailed analysis will be undertaken at the time of future Site Plan Control submission.

**Public Comments**

A Community Meeting was held on March 21, 2024, with no public comments received before or during the Planning Committee meeting.

As of the date of finalizing this report, there have been no public submissions related to the application.

**Effect of Public Input on Draft By-Law**

None

**Conclusion**

In conclusion, the proposed Zoning By-Law will enable additional complementary use permissions to underutilized employment lands on full municipal services in the Urban Boundary, which will ultimately foster a diversified economic base and provide support and services to meet the needs of the primary business park uses without interfering with the intended function of its surrounding area. A Holding Overlay will apply to ensure that proposed sensitive uses can be compatible with existing and planned employment uses in the vicinity, before being established. Any new development would be required to comply with the performance standards of the zoning by-law and ensure that proper functioning of the Business Park Industrial area in a manner that is compatible with surrounding uses is maintained. The recommendation within this report is consistent with the PPS, conforms to the general intent with the City’s Official Plan and represents good land use planning.

**Existing Policy/By-Law:**

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

July 18, 2024

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**Provincial**

*Planning Act*

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 2022-62

**Notice Provisions:**

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 11 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on July 9, 2024.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, 0 pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Niki Van Vugt, Intermediate Planner, 613-546-4291 extension 3253

**Other City of Kingston Staff Consulted:**

None

July 18, 2024

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**Exhibits Attached:**

- Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Existing Land Use
- Exhibit F Conformity with the Official Plan
- Exhibit G Kingston Zoning By-Law 2022-62
- Exhibit H Existing Site Plan
- Exhibit I Site Photographs
- Exhibit J Public Notice Notification Map
- Exhibit K Existing Floor Plans
- Exhibit L Site Plan with Potential Outdoor Storage

**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Introduction of Exception E170 and Addition of Holding Overlay H239 (40 Hyperion Court))**

**Passed:** [Meeting Date]

**Whereas** the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (the “Kingston Zoning By-law”);

**And Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law.

**Therefore be it resolved that** the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
  - 1.1. Schedule E – Exception Overlay is amended by adding Exception ‘E170’, as shown on Schedule “A” attached to and forming part of this By-Law;
  - 1.2. Schedule F – Holding Overlay is amended by adding Holding Overlay ‘H239’, as shown on Schedule “B” attached to and forming part of this By-Law;
  - 1.3. By adding the following Exception Number E170 in Section 21 – Exceptions, as follows:

“**E170.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) The following **complementary uses** are permitted, up to a maximum of 49% of the total **gross floor area**, in the aggregate:
      - (i) **Animal Care**
      - (ii) **Animal Shelter**
      - (iii) **Day Care Centre**
      - (iv) **Financial Institution**

- (v) **Fitness Centre**
  - (vi) **Laundry Store**
  - (vii) **Personal Service Shop**
  - (viii) **Recreation Facility**
  - (ix) **Wellness Clinic;**
  - (b) The calculation for the number of bike spaces and **end-of-trip bike facilities** will be determined based on the individual units within the **building**, and not on the overall **building**;
  - (c) Clause 7.3.16. does not apply to a **change of use**;
  - (d) A **retail store** is permitted only as an **accessory use** to a **principal use** on the **lot** and must not exceed 25% of the **gross floor area** of the **building**; and
  - (e) **Outdoor Storage:**
    - (i) Minimum **rear setback** is 3.0 metres;
    - (ii) Minimum **interior setback** is 3.0 metres; and
    - (iii) Maximum area of **outdoor storage** is 25% of lot area.”
- 1.4. By adding the following Hold Number H239 in Section 22 – Holding Conditions, as follows:

“**H239.** The Holding Overlay applies only to a **Day Care Centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements; and
- (b) A Record of Site Condition (RSC) signed by the qualified person who prepared it, along with a copy of all supporting studies, and which meets the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the **City**, as applicable.”

2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

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**Janet Jaynes**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**



Planning  
Services

### Schedule 'A' to By-Law Number

Address: 40 Hyperion Court  
File Number: D14-008-2024

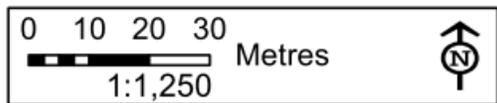
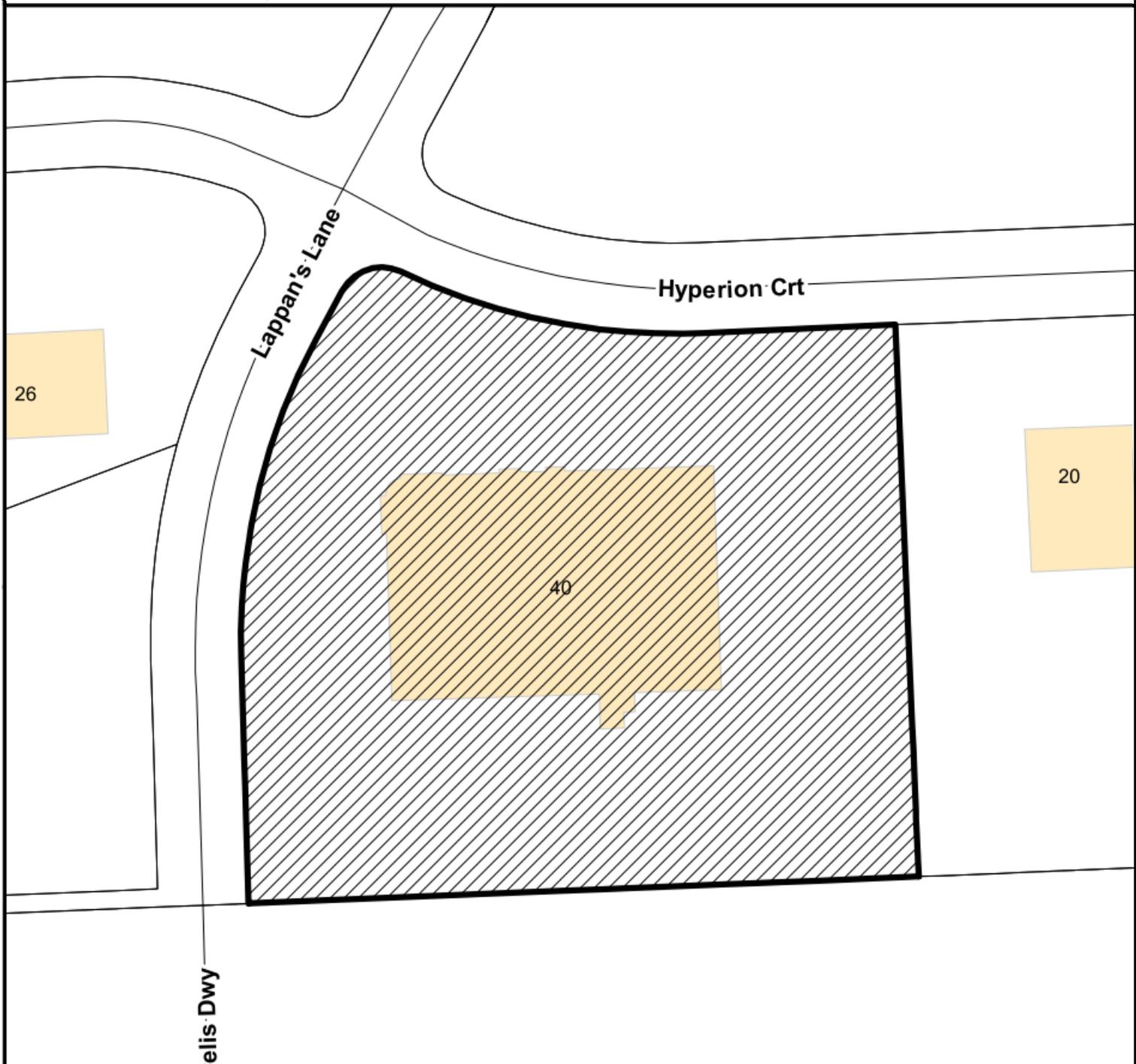
### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor Clerk

### Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

 Lands to be added as E170





**Schedule 'B'  
to By-Law Number**  
Address: 40 Hyperion Court  
File Number: D14-008-2024

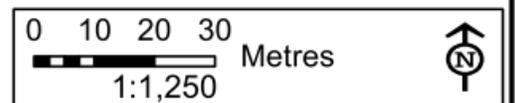
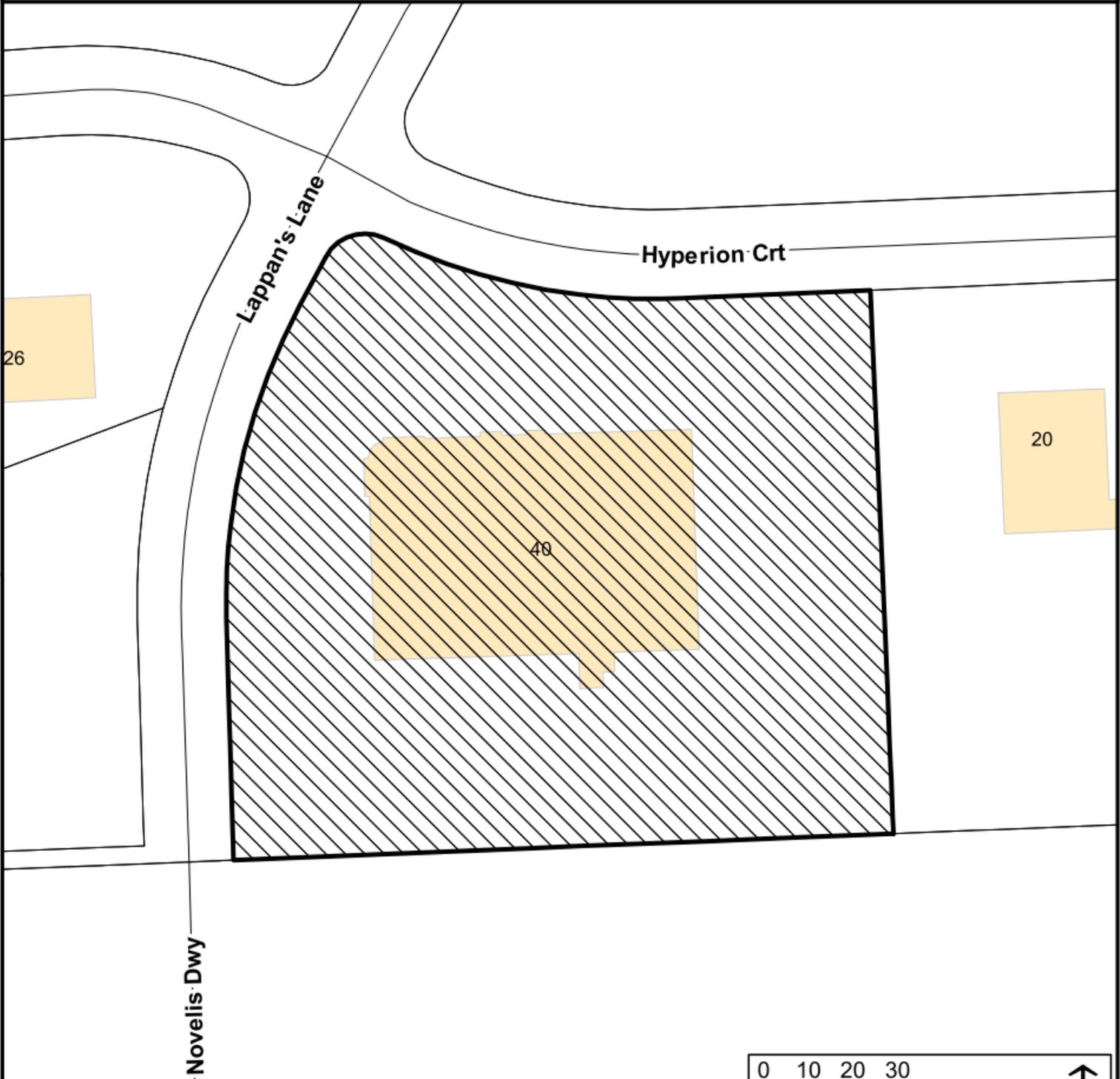
**Kingston Zoning By-Law 2022-62  
Schedule F - Holding Overlay**

Lands to be added as H239

**Certificate of Authentication**

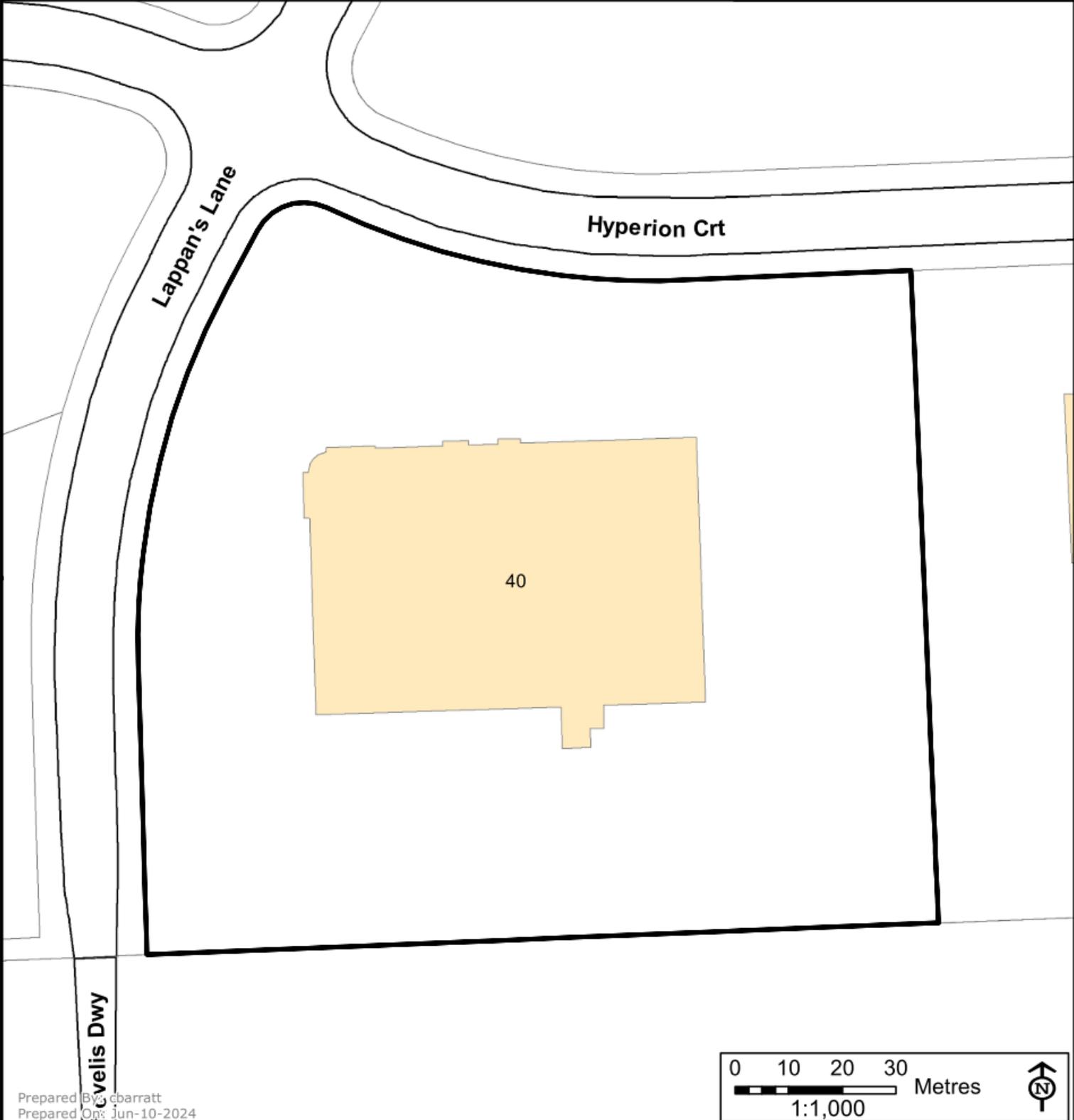
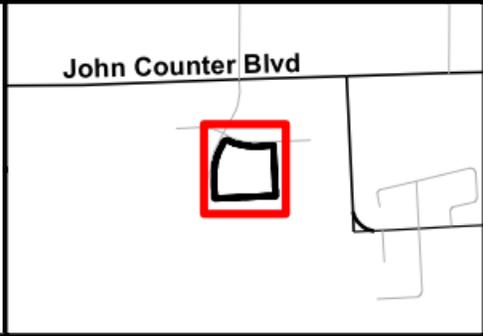
This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor Clerk

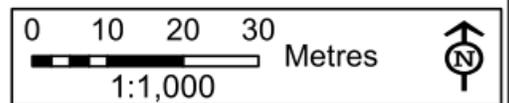




Planning Committee  
**Key Map**  
Address: 40 Hyperion Court  
File Number: D14-008-2024  
Prepared On: Jun-10-2024  
 Subject Lands



Prepared By: cbarratt  
Prepared On: Jun-10-2024

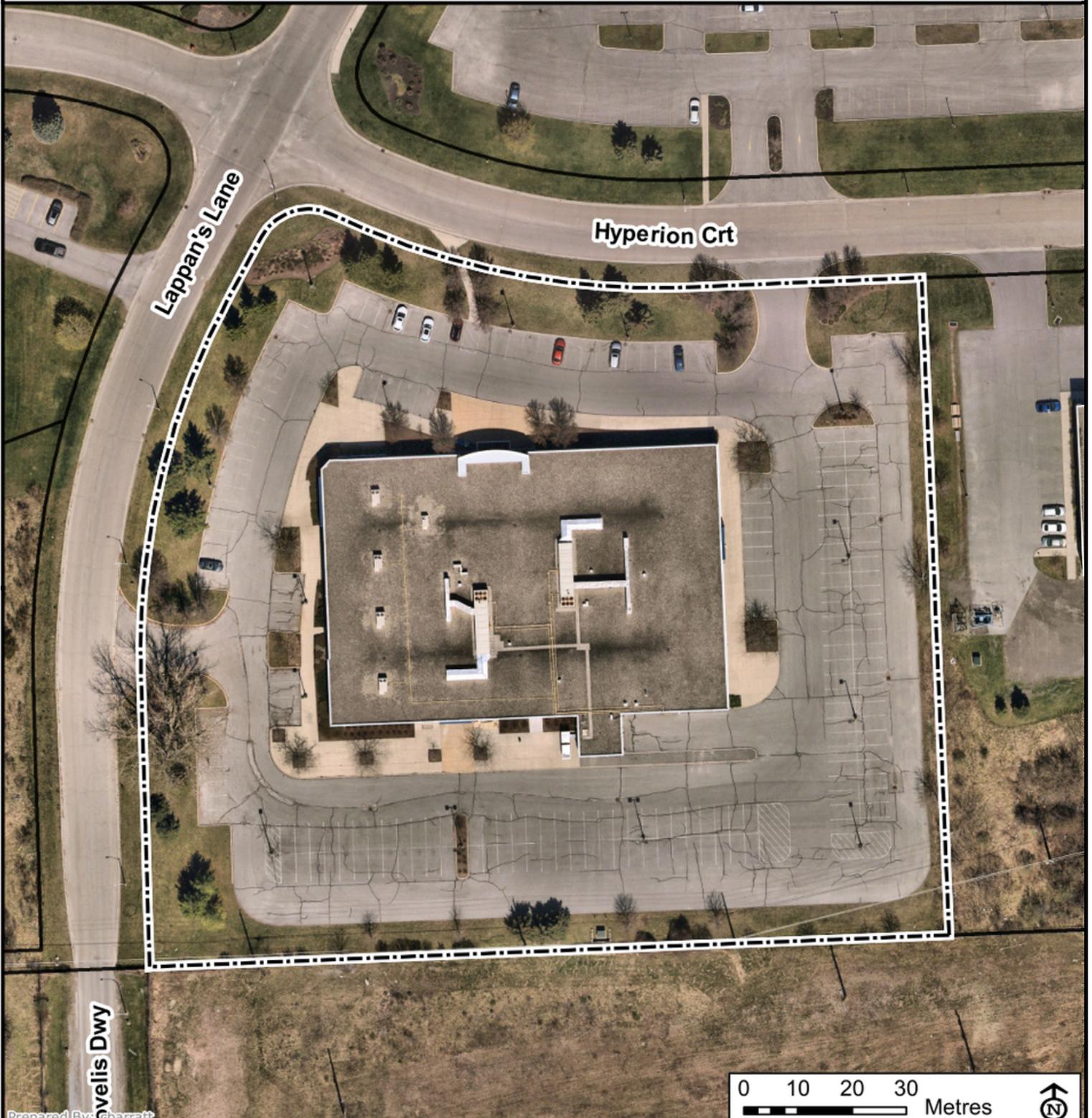




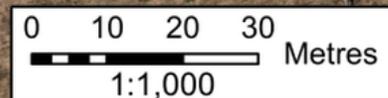
# Planning Committee Neighbourhood Context

Address: 40 Hyperion Court  
File Number: D14-008-2024  
Prepared On: Jun-10-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: G. Barratt  
Prepared On: Jun-10-2024



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**Demonstration of How the Proposal is Consistent with the Provincial Policy Statement**

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> <li>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</li> <li>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</li> <li>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</li> <li>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</li> <li>e) promoting the integration of land use planning, growth</li> </ul>	<p>Building Strong Healthy Communities - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The proposed list of complementary uses identified through the zoning by-law amendment are anticipated to sustain the financial well-being of the municipality over the long term by diversifying the economic uses in the employment area through the introduction of additional commercial uses complementary to the principal employment uses in the area.</p> <p>The subject lands are designated Business Park Industrial which enables employment uses in the City of Kingston Official Plan. The complementary uses enabled by the zoning by-law amendment are contemplated under Section 3.6.A.2 of the Official Plan and will assist the City with meeting its long-term economic needs.</p> <p>The recommended zoning by-law amendment includes a Holding Overlay (H239), associated with a Day Care Use, which</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate</p>		<p>requires a Noise Study and Record of Site Condition prior to the implementation of this use. These studies are required to ensure that there are no public health and safety concerns associated with the introduction of the identified Day Care Use to the subject lands.</p> <p>The subject lands are located in the Urban Boundary of the City of Kingston. The existing use, and inclusion of additional complementary uses, comply with the intent of the underlying land use designation. The subject property is walking distance of a bus stop located at Lappan's Lane (south side of John Counter Boulevard) for transit route 7C, Bus Terminal Transfer Point (Platform 4) with connections to transit routes 2, 2B, 7, 7A, 7B, 7C, 12A, 16, 18, and Bus Terminal Transfer Point (Platform 3) which includes connections to transit routes such as 2, 2B, 7, 7B, 12A, 16 and active connections.</p> <p>The existing building was constructed in</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>accordance with the Site Plan Control file D11-146-2002) which included a total of 4 accessible spaces, located adjacent to the front entrance. It is anticipated that potential accessibility upgrades may be required through any internal construction, as part of future Tenant Fit Ups or alterations to existing units, as identified through the Ontario Building Code.</p> <p>The subject lands are serviced by existing municipal infrastructure and public service facilities. A Servicing Report was prepared and submitted with the zoning by-law amendment application which determined that the existing services to the site are adequate to support the additional uses proposed in the zoning by-law amendment.</p> <p>The property does not include any natural heritage features as identified in Schedule 7 and 8 of the Official Plan. As such, the recommended zoning by-law amendment supports a land use</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
			<p>pattern that conserves biodiversity.</p> <p>The recommended zoning by-law amendment will enable the owner's ability to increase flexibility through additional uses in the existing building, without any demolition contemplated. The preservation, and potential renovation, of the existing building allows for less demolition waste and decreases the overall amount of embodied carbon associated with the subject lands.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Building Strong Healthy Communities - Settlement Areas	The subject lands are located within the Urban Boundary, defined as the settlement area for the City, which is the primary area designated for growth and development in the City of Kingston Official Plan.
1.1.3.2	Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their	Building Strong Healthy Communities - Settlement Areas	The introduction of additional permitted uses and expansion of complementary uses, as identified in the proposed zoning by-law amendment, represent an efficient use of land and existing municipal services, given the existing on-site development and

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	<p>unjustified and/or uneconomical expansion;            c) minimize negative impacts to air quality and climate change, and promote energy efficiency;            d) prepare for the impacts of a changing climate;            e) support active transportation;            f) are transit-supportive, where transit is planned, exists or may be developed; and            g) are freight-supportive.            Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>		<p>property's strategic location.</p> <p>The subject lands are supported by active and transportation infrastructure which will assist with reducing the automobile demands to access the subject lands.</p> <p>The subject property is in close proximity to Highway 401, via two Arterial Roads within the City – John Counter Boulevard and Division Street and/or Sir John A. Macdonald Boulevard.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>Building Strong Healthy Communities - Settlement Areas</p>	<p>The recommended zoning by-law does not currently contemplate any on-site development. The zoning by-law amendment has the effect of increasing the percentage and permitted complementary uses for the existing one storey building located in the serviced business park. The proposed uses are compatible with surrounding development. A Holding</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>Overlay (H239) associated with the proposed Day Care Use will be placed on the property to ensure that the required studies (e.g., Noise and Record of Site Condition) are supplied to confirm that the use is compatible with existing and planned employment uses in the vicinity, in advance of its introduction to the site.</p>
1.1.3.6	<p>New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<p>Building Strong Healthy Communities - Settlement Areas</p>	<p>Refer to Sections 1.1.1. and 1.1.3.1</p>
1.2.6.1	<p>Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</p>	<p>Building Strong Healthy Communities - Land Use Compatibility</p>	<p>The subject lands are located in an area designated for employment uses. Business Park Industrial land uses are permitted on the lands to the north, south, east and west. If a more sensitive use (Day Care Centre) is proposed on the subject property, the recommended Holding Overlay (H239) will ensure that the Noise Study and Record of Site</p>

Policy Number	Policy	Category	Consistency with the Policy
			Condition is prepared in accordance with the Provincial standards and guidelines to ensure 1) that the use is appropriately designed to mitigated noise associated with the existing and planned employment uses in the surrounding vicinity and 2) meets the requirements of Ontario Regulation 153/04.
1.2.6.2	Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures: a) there is an identified need for the proposed use; b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c) adverse effects to the proposed sensitive land use are minimized and mitigated; and	Building Strong Healthy Communities - Land Use Compatibility	Refer to Section 1.2.6.1.  The recommended zoning by-law amendment seeks to expand the permitted uses of the subject property by including complementary uses to the existing light industrial uses that are currently located in the Alcan Business Park. The inclusion of a Day Care Centre is an identified need for the proposed area, to assist with supporting the existing employees who frequent this area. Potential impacts to industrial, manufacturing or other uses are minimized and mitigated through the required studies associated with the

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.		Holding Overlay (H239).
1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to</p>	Building Strong Healthy Communities - Employment	<p>Refer to Sections 1.1.1 &amp; 1.1.3.2</p> <p>The recommended zoning by-law amendment is consistent with the policy promoting economic competitiveness as it provides increased flexibility to introduce an appropriate mix of complementary commercial uses, on up to 49% of the gross floor area of the site. The proposal will eliminate barriers to the introduction of new business opportunities within the context of the Business Park Industrial designation and contribute to the potential success of maintaining occupancy and attracting business to the area.</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	support current and projected needs.		
1.3.2.1	Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.	Building Strong Healthy Communities - Employment Areas	Refer to Sections 1.1.1. & 1.1.3.2
1.3.2.3	Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.	Building Strong Healthy Communities - Employment Areas	The recommended zoning by-law amendment does not include the introduction of any residential uses. As indicated in Sections 1.1.1, 1.1.3.4, and 1.2.6.1 a Holding Overlay (H239) will be put in place to the proposed Day Care Use to ensure land use compatibility.
1.3.2.6	Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations	Building Strong Healthy Communities -	The recommended zoning by-law amendment protects the employment area, as it does not seek to change employment land uses permitted on the subject property, which are permitted to occupy 100% of the gross floor area on site. However, the proposed by-law (Exception E170) will allow increased flexibility for a maximum of 49% of

Policy Number	Policy	Category	Consistency with the Policy
			the gross floor area to be occupied by complementary land uses which are contemplated as permitted under Section 3.6.A.2. and Section 3.6.12. of the Official Plan.
1.6.3	Before consideration is given to developing new infrastructure and public service facilities: a) the use of existing infrastructure and public service facilities should be optimized; and b) opportunities for adaptive re-use should be considered, wherever feasible.	Building Strong Healthy Communities - Infrastructure and Public Service Facilities	Refer to Section 1.1.1
1.6.6.1	Planning for sewage and water services shall: a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing: 1. municipal sewage services and municipal water services; and 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible; b) ensure that these systems are provided in a manner that: 1. can be sustained by the water resources upon which such services rely; 2. prepares for the impacts of a changing	Infrastructure and Public Service Facilities - Sewage, Water and Stormwater	Refer to Section 1.1.1.

Policy Number	Policy	Category	Consistency with the Policy
	<p>climate; 3. is feasible and financially viable over their lifecycle; and 4. protects human health and safety, and the natural environment;</p> <p>c) promote water conservation and water use efficiency;</p> <p>d) integrate servicing and land use considerations at all stages of the planning process; and</p> <p>e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.</p>		
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and</p>	<p>Infrastructure and Public Service Facilities - Sewage, Water and Stormwater</p>	<p>Refer to Section 1.1.1. The recommended zoning by-law amendment is intended to support the viability of development envisioned for the subject property. Additional development on the subject property will optimize the use of existing municipal services, as indicated in the supplied Servicing</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	redevelopment shall be promoted wherever feasible to optimize the use of the services.		Report, and occur within the existing one storey building on the subject lands.
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</li> <li>b) minimize, or, where possible, prevent increases in contaminant loads;</li> <li>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</li> <li>d) mitigate risks to human health, safety, property and the environment;</li> <li>e) maximize the extent and function of vegetative and pervious surfaces; and</li> <li>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</li> </ul>	Infrastructure and Public Service Facilities - Sewage, Water, and Stormwater	The current proposal does not contemplate any exterior changes to the property. If exterior changes are proposed in the future, for example the expansion of the outdoor storage area, the Site Plan Control modification process may require a Stormwater Management Report to evaluate any changes to existing drainage conditions and to prepare recommendations for the proposed on-site changes and development.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	Infrastructure and Public Service Facilities - Transportation Systems	The recommended zoning amendment is not expected to have an adverse impact on the existing or planned transportation system. A traffic impact study

Policy Number	Policy	Category	Consistency with the Policy
			was not requested as part of the zoning by-law amendment application.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	Infrastructure and Public Service Facilities - Transportation Systems	Refer to Section 1.1.1
1.7.1	Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and	Long-Term Economic Prosperity	Refer to Section 1.1.1  The recommended zoning bylaw amendment will optimize the long-term availability and use of land, resources and infrastructure ultimately by fostering development on a fully-serviced property on local roads within walking distance to several transit stops and active infrastructure (e.g., Leroy Grant Trail).
1.8.1	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which: a) promote compact form and a structure of nodes and corridors;	Energy Conservation, Air Quality and Climate Change	Refer to Section 1.1.1  The subject lands are within walking distance of an existing transit route and cycling infrastructure as part of the Active Transportation Master Plan. Complementary uses are intended to improve the quality of life and reduce dependence on the

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	<p>b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;</p> <p>c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;</p> <p>d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;</p> <p>f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and</p> <p>g) maximize vegetation within settlement areas, where feasible.</p>		<p>private automobile for employees within employment areas by providing support and services near employment uses. By maintaining a range of supportive uses, this will ultimately encourage the use of walking and cycling infrastructure by employees of the Alcan Business Park.</p> <p>The recommended zoning by-law amendment includes relief from the long-term bike parking requirements to recognize the constraints for the existing developed building on the subject lands and requires bike related facilities to be incorporated into each individual unit through future on-site changes. As a result, supportive bike infrastructure remains contemplated through the proposal but limited on a per unit basis.</p> <p>Through this application, no on-site development is currently contemplated. However, as part of this application, consideration was given to expanded</p>

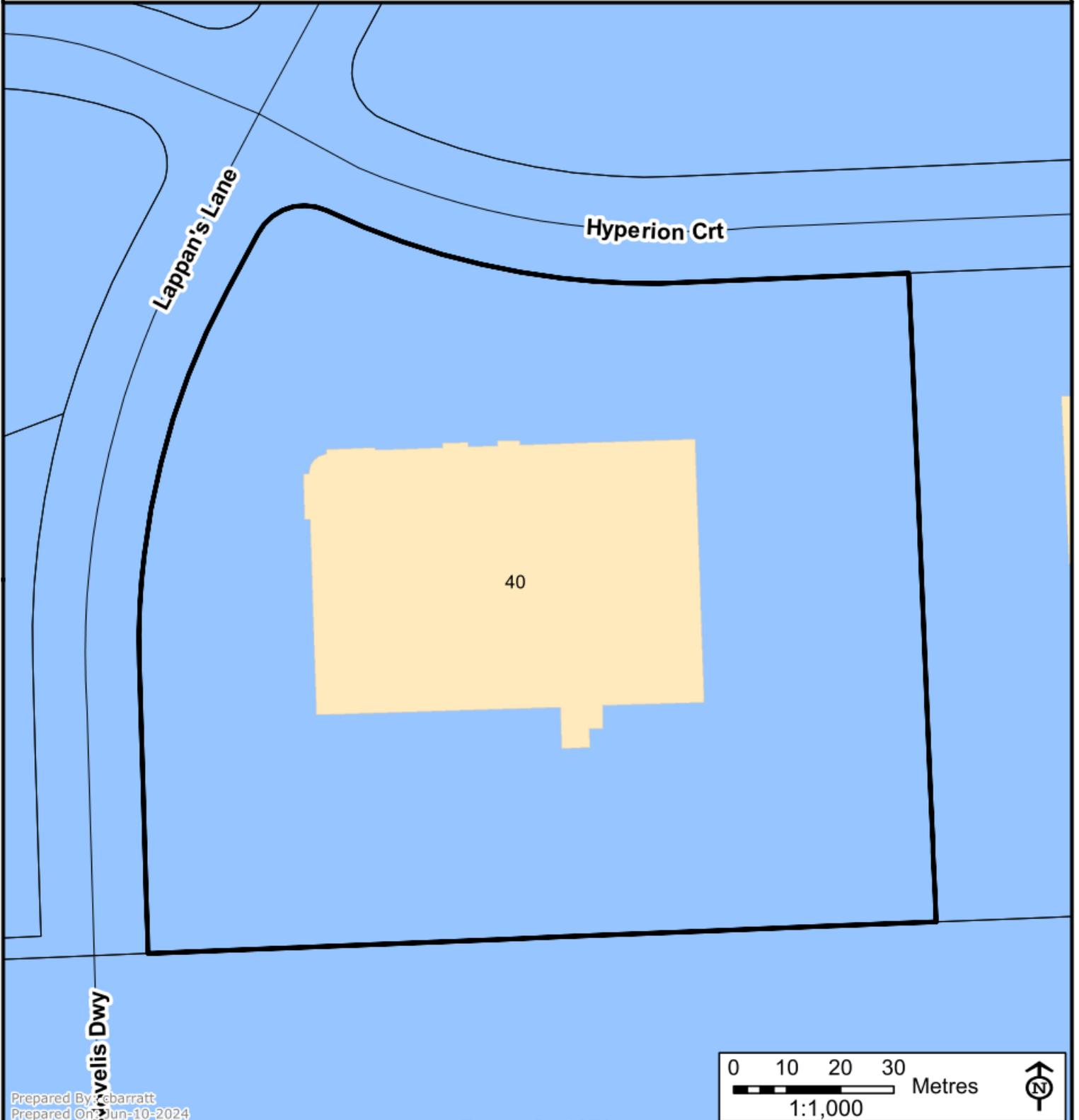
Policy Number	Policy	Category	Consistency with the Policy
			<p>outdoor storage, which is screened via vegetation along the western exterior lot line which buffers the area from the public realm associated with the terminus of Lappan's Lane. It is important to note that any additional on-site development occur in the future, Site Plan Control approval may be required, which will allow for a thorough review of the design and orientation of any on-site development and changes to the outdoor storage area and required screening through on-site landscaping to lessen the visual impact of this accessory use.</p>
2.6.2	<p>Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.</p>	<p>Cultural Heritage and Archaeology</p>	<p>The recommended zoning by-law does not currently contemplate any on-site development. An archaeological report was not requested as part of the zoning by-law amendment application.</p>



Planning Committee  
**Official Plan, Existing Land Use**

Address: 40 Hyperion Court  
File Number: D14-008-2024  
Prepared On: Jun-10-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL



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Prepared On: Jun-10-2024

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**Demonstration of How the Proposal Conforms to the Official Plan**

**Section 2 – Strategic Policy Direction**

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>2.1.1.</b> Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> <li>a. appropriate (minimum) densities;</li> <li>b. land use patterns that foster transit and active transportation;</li> <li>c. enhanced access to public amenities and spaces for all residents, visitors and workers;</li> <li>d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices;</li> <li>f. promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food;</li> <li>g. maximized use of investments in infrastructure and public amenities;</li> <li>h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use;</li> </ul>	<p>The subject lands are located within in the Urban Boundary. Development facilitated by the recommended zoning by-law amendment will achieve sustainability objectives by directing an appropriate mix of employment and complementary uses to a land parcel that is on full municipal water and sanitary services and has access to active and public transit services. The lands are located centrally with varied uses in walking distance (residential, open space, commercial, industrial and institutional uses). Future development on the lands maximizes investments in infrastructure.</p> <p>The property is within walking distance of a bus stop located at Lappan’s Lane (south side of John Counter Boulevard) for transit route 7C, Bus Terminal Transfer Point (Platform 4) with connections to transit routes 2, 2B, 7, 7A, 7B, 7C, 12A, 16, 18, and Bus Terminal Transfer Point (Platform 3) which includes connections to transit routes such as 2, 2B, 7, 7B, 12A, 16 and active transportation infrastructure.</p> <p>The subject lands are currently developed with a one storey building. As part of the submission materials, the applicant has submitted a Servicing Study that confirms the proposal will efficiently utilize existing municipal infrastructure. The recommended zoning by-law amendment increases the total permitted gross floor area allocated to complementary uses to 49% that will complement and broaden the range of employment opportunities and business services that will act as an amenity for those employed in the area and diversify the uses on the land to benefit those in the surrounding residential area.</p>

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<p>i. parks that are planned to be accessed by urban residents within a ten minute walk and situated in locations that lessen the need for pedestrians to cross an arterial road or major highway;</p> <p>j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects;</p> <p>k. climate positive development;</p> <p>l. promotion of green infrastructure to complement infrastructure;</p> <p>m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and,</p> <p>n. an ecosystem approach to protecting the natural heritage system.</p>	
<p><b>2.1.4.</b> In reviewing development applications, the City will promote sustainability through:</p> <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p>	<p>Refer to Section 2.1.1.</p> <p>The proposal does not currently contemplate any additional on-site construction than what is currently existing on the subject lands. Through the previous Site Plan Control file (City File D11-146-2002) associated with the development of the subject lands, the construction of the existing one storey 40,025 square feet in gross floor area building was constructed with the associated 200 vehicular parking spaces and plantings. At this time, there are a significant portion of on-site plantings, green space and vegetation – all of which will reduce the properties asphalt surfaces and increase permeability through the site. Through this overall development plan, the intent is to convert some of the asphalt surface parking spaces to be utilized for outdoor while retaining the</p>

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<p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>j. development that generates sufficient tax revenue to pay for the increased services (e.g., solid waste collection, fire and police services, snow clearing, etc.) that the City has to provide; and,</p> <p>k. development that suits the demographic and/or socio-economic needs of the community.</p>	<p>existing landscaped open space area and complying with the requirements for accessory outdoor storage as identified in the Official Plan and Kingston Zoning By-Law 2022-62.</p> <p>The recommended zoning by-law amendment will enable the owner’s ability to increase flexibility through additional uses in the existing building, without any demolition contemplated. The preservation, and potential renovation, of the existing building allows for less demolition waste and decreases the overall amount of embodied carbon associated with the subject lands. Through the overall development plan, the proposal seeks to maximize the re-use of materials in limiting the extent of onsite changes.</p> <p>The applicant indicates in the Planning Justification that the overall development plan does not seek to expand the built form of the existing on-site development. Therefore, the proposal does not seek to significantly increase the City’s tax base on new industrial gross floor area. Rather, the proposal seeks to introduce additional permitted uses that may occupy the underutilized floor area of the vacant portion of the existing building and support residents with increased employment opportunities locally.</p> <p>The proposed list of expanded uses to the site includes a Day Care Use, Fitness Centre, and Wellness Clinic which are anticipated to benefit the surrounding community, both employees within the Business Park and surrounding individuals located in the surrounding residential area.</p>
<p><b>2.2.6.</b> Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers</p>	<p>The subject lands are not adjacent to or in close proximity to any sensitive uses in the area. As part of the recommended zoning by-law amendment application, a Holding Overlay (H239) will be established specifically as it relates to the proposed Day Care Use which is an identified sensitive use. Prior to its inception, the applicant will be required to submit the necessary documents (e.g., Noise Study and Record of Site Conditions) to ensure any required mitigative measures are put in place to protect existing</p>

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<p>Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:</p> <ul style="list-style-type: none"> <li>a. areas of interface with sensitive uses are addressed so that compatible development is achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s);</li> <li>c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;</li> <li>d. uses which generate large amounts of traffic or have intensive onsite operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without adverse effects on the planned transportation system, the nearby Housing Districts, Centres or Corridors; and,</li> <li>e. regional commercial uses, institutions, recreation or hospitality uses will be restricted to limited locations that will not</li> </ul>	<p>employment uses and provincial regulations are satisfied.</p> <p>The introduction of the complementary uses identified in the proposed zoning by-law amendment are not anticipated to prevent the current operation or future expansion of employment uses in the surrounding area and is intended to support the vitality of the area through the diversification of available economic opportunities.</p> <p>The proposal is not anticipated to produce excess levels of noise or odour. The proposed complementary uses are not anticipated to generate large amounts of traffic or have intensive onsite operations. The proposed Holding Overlay (H239) will ensure that the sensitive uses of a day care centre cannot be established until a Noise Impact Study is completed - to ensure compatible development can be achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s) – and a Record of Site Condition is received.</p> <p>The proposed uses will work in conjunction with the surrounding existing and future employment uses to further support the vitality of the employment area.</p>

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undermine the business park, industrial or technological uses intended as the focus of Business Districts.	
<b>2.3.1.</b> The focus of the City's growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.	Refer to Section 2.1.1.
<b>2.3.7.</b> The City will promote and protect employment areas and pursue increased levels of job creation in the commercial, institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.	The recommended zoning by-law amendment will permit a range of business park and complementary uses on the subject lands, which will support diversified economic development opportunities, and facilitate future development that is consistent with the employment principles of growth.
<b>2.5.10.</b> In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity	See Section 2.1.1.  The subject lands are connected to surrounding Business Park uses in the Alcan District. In accordance with section 3.6.12 of the Official Plan, incorporating complementary uses into employment lands reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses.  The proposal does look to alter bike parking requirements, in light of the unique existing on-site characteristics. As the existing one storey building was constructed under the former By-Law 8499, where bike parking requirements were not previously captured, the applicant is looking to allow for flexibility through the recommended by-law to still support the facilitation of the bike parking spaces. However, through the recognition

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and improve environmental conditions.	of the existing on-site constraints (e.g., already developed building) where new bike spaces would be required on a per unit basis versus through the overall building area. This recommended change to the provision of the zoning by-law will continue to support future active transportation infrastructure improvement to the site but recognizes the limitations and constraints of the existing development located on the subject lands.
<b>2.5.11.</b> The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.	See section 2.1.1.  The recommended zoning by-law amendment will allow for the appropriate mix of business park and complementary uses on the subject property, which is presently underutilized, and connected to public transit. Ultimately, the range of uses will draw residents to access the property through transit service available, and active transportation infrastructure, in close proximity to the subject lands.
<b>2.7.1.</b> Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.	Refer to Section 2.1.1.  A site plan was approved for the subject property in 2002 which was reviewed for functionality of the parking areas, and pedestrian circulation. Future exterior changes to existing development, if proposed, will be subject to Site Plan Control to similarly ensure site functionality as well as accessibility.
<b>2.7.2.</b> The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the	The application for zoning bylaw amendment includes the submission of a Planning Justification report which addresses matters regarding land use compatibility. The subject lands are located within a Business Park land use designation, where increased complementary use permissions are contemplated as per the requirements of section 3.6.12. The recommended zoning by-law amendment includes the addition of a Holding Overlay (H239) to address additional protective measures to more sensitive uses to ensure that potential negative impacts can be mitigated, prior to establishing permission for a Day Care Centre.

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<p>identified land use compatibility matters, will be required.</p>	
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a. shadowing;</li> <li>b. loss of privacy due to intrusive overlook;</li> <li>c. increased levels of light pollution, noise, odour, dust or vibration;</li> <li>d. increased and uncomfortable wind speed;</li> <li>e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;</li> <li>f. environmental damage or degradation;</li> <li>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</li> <li>h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;</li> <li>i. visual intrusion that disrupts the streetscape or buildings;</li> <li>j. degradation of cultural heritage resources;</li> <li>k. architectural incompatibility in terms of scale, style, massing and colour; or,</li> </ul>	<p>The proposal does not currently contemplate any proposed development of the existing one storey building on the subject property. As part of this application, consideration was given to expanded outdoor storage, which is screened via vegetation along the western exterior lot line which buffers the area from the public realm associated with the terminus of Lappan’s Lane. The proposed Exception Overlay (E170) does look to alter the performance standards under the M1 Zone of the Kingston Zoning By-law, however, there are no increases to maximum height or required setbacks. As such, compatibility matters such as shadowing, intrusive overlook, or wind are not anticipated to be impacted through this proposal.</p> <p>The proposed development is not anticipated to result in any disruption to the functionality of traffic, active transportation, or transit. The existing development is within walking distance to transit stops and routes (regular and express routes). A total of 200 parking spaces and 4 accessible spaces are previously approved through City File D11-146-2002 which will continue to allow for sufficient on-site parking to facilitate access for the existing and future uses contemplated through the proposal. A vehicle entrance is existing from Lappan’s Lane and Hyperion Court with parking located in the front and exterior yards with a two-way drive aisle to ensure ease of vehicle movement through the site. Further, a Traffic Impact Assessment was not requested of City staff as part of the review of the recommended zoning by-law amendment.</p> <p>The subject property is already developed. The proposed rezoning application will not cause environmental damage or degradation.</p> <p>The Servicing Report demonstrates that the development is not anticipated to diminish physical infrastructure serving the site or its surrounding area and will be able to utilize the existing municipal services. The development will not</p>

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<p>I. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>	<p>contribute to overloading social infrastructure such as schools, parks, and community facilities located near to the subject site, and this development poses no concerns with their capacity.</p> <p>The proposal does not contemplate any on-site built form changes. The proposal to utilize portions of the existing on-site vehicle parking for open storage is to be located to ensure that existing on-site vegetation is retained and the storage is screened from the public realm as per Section 3.6.A.1.(i) of the Official Plan. Moreover, a future Site Plan Modification application may be required which affords future review respecting potential mitigation measures to ensure no visual disruption of the streetscape. There are no known cultural heritage features on, or adjacent to, the site. The proposed additional uses are not anticipated to degrade any cultural heritage resources.</p> <p>The subject site is located in an employment area that is dominated by one and two storey, large footprint light industrial, business park and commercial uses. The existing development will be compatible with the scale, style and massing of the surrounding built form. Building entrances are located at the north and south sides of the building.</p>
<p><b>2.7.4.</b> Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> <li>a. ensuring adequate setbacks and minimum yard requirements;</li> <li>b. establishing appropriate transition in building heights, coverage, and massing;</li> <li>c. requiring fencing, walls, or berming to create a visual screen;</li> <li>d. designing the building in a way that minimizes adverse effects;</li> </ul>	<p>See Section 2.7.3.</p> <p>The existing development incorporates appropriate setbacks from all lot lines which comply with zoning requirements. Through the proposed zoning by-law amendment, no relief is being sought from the performance standards of the zoning bylaw, separate from the inclusion of additional complementary use, retail stores, open storage, and bike parking. It is not anticipated that any additional mitigation measures will be required for the subject lands to achieve appropriate land use compatibility with surrounding uses.</p>

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<p>e. maintaining mature vegetation and/or additional new landscaping requirements;</p> <p>f. controlling access locations, driveways, service areas and activity areas; and,</p> <p>g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.</p> <p><i>Planning Act</i> tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>	
<p><b>2.7.6.</b> Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <p>a. suitable scale, massing and density in relation to existing built fabric;</p> <p>b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program;</p>	<p>See Sections 2.7.3. and Section 2.7.4.</p> <p>The existing standalone one storey office building will continue to maintain a suitable scale that is compatible with the existing built form in the surrounding employment area.</p> <p>The proposed uses do not require amenity area; however, the existing design thoughtfully contemplated landscaped open space and planting strips as part of the existing development.</p>

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<p>c. adequate land area and appropriate site configuration or provision for land assembly, as required;</p> <p>d. efficient use of municipal services, including transit;</p> <p>e. appropriate infill of vacant or under-utilized land; and,</p> <p>f. clearly defined and safe:</p> <ul style="list-style-type: none"> <li>• site access; • pedestrian access to the building and parking spaces;</li> <li>• amenity areas;</li> <li>• building entry; and,</li> <li>• parking and secure and appropriate bicycle facilities.</li> </ul>	
<p><b>2.9.1.</b> It is the intent of this Plan to promote economic development and competitiveness by:</p> <p>a. providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;</p> <p>b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and complementary uses, and takes into account the needs of existing and future businesses;</p> <p>c. planning for, protecting and preserving employment areas for current and future uses;</p> <p>d. ensuring the necessary infrastructure is provided to</p>	<p>Refer to Section 2.1.1.</p> <p>The recommended zoning by-law amendment will look to permit the increased percentage and array of complementary uses, whereas the Kingston Zoning By-Law permits these uses up to 25% through a Minor Variance application as detailed in Section 3.6.12. of the Official Plan. This proposal will allow for a diversification of uses that meet the long-term needs in and around the surrounding area.</p> <p>The proposal will enable an appropriate mix of employment and supportive complementary uses on the lands that will also maintain the predominant use of the property for business park uses found in the M1 Zone. The proposal will allow additional flexibility for new business to be attracted to the subject lands to occupy a portion of the existing building which has been unoccupied for several years.</p>

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<p>support current and projected needs; and,</p> <p>e. encouraging the development of business incubators.</p>	
<p><b>2.9.2.</b> The City supports a strong and diversified economic base and works collaboratively with other levels of government and various agencies, such as the Kingston Economic Development Corporation (KEDCO), in developing and implementing economic strategies that:</p> <p>a. promote employment opportunities for residents of all ages and abilities;</p> <p>b. support retention and expansion programs for existing and evolving employment sectors;</p> <p>c. promote development and investment opportunities in conjunction with the City's: • available commercial and employment land base, including the commercial banking sector; • role as a regional transportation centre; • institutional assets, particularly research and development initiatives in the areas of education, clinical health, national defence, technology and alternative energies; • tourism, as addressed in more detail in Sections 2.9.3. and 2.9.4., below; • strong creative classes in various artistic, technical and business fields and their impacts on urban form through their social and economic inter-relations within the City; • economic development opportunities associated with</p>	<p>See Section 2.9.1.</p> <p>The proposed Zoning By-law Amendment will enable additional flexibility to the property by providing a diversified economic base through additional complementary use permissions that retain the predominant use of the property as business park uses, which could include research and development initiatives in the areas of education, clinical health, national defence, technology and alternative energies, referenced in policy 2.9.2. The additional uses will not preclude the primary permitted uses from also locating on the subject property as they will remain capped at 49% of the total gross floor area of the building.</p>

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<p>mineral aggregate operations and mineral mining operations; • agricultural industry, particularly:</p> <ul style="list-style-type: none"> <li>o raising awareness of the contributions of agriculture to the local economy and environment;</li> <li>o coordinating producers and agricultural research and development organizations towards innovative and diversified farm and farm-related market opportunities;</li> <li>o promoting the increasing interest in sustainable farming methods and locally grown food; and,</li> <li>o strengthening value-added food and non-food distribution and processing networks to local consumers, retailers, restaurants, workplaces, and institutions; and,</li> </ul> <p>d. recognize and respond to evolving industry and market trends in a timely, innovative and sustainable manner.</p>	

**Section 3 – Land Use Designations & Policy**

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>3.6.2.</b> The City strongly supports a strong and diversified economic base. As outlined in the Employment Land Strategy Review, the City will continue to promote the City’s four Business Parks: Cataraqui Estates Business Park; Clyde Business Park; Alcan Business Park; and, the St. Lawrence Business Park. Other specific means of supporting economic development by the City are set out in Section 2.9.</p>	<p>Refer to Section 2.1.1.</p> <p>The subject lands are in the Alcan Business Park. The recommended zoning by-law amendment will enable a diversified employment base through providing additional complementary uses contemplated in Business Parks under section 3.6.A.2. of the Official Plan which can support the surrounding employment uses and the Alcan Business Park.</p>
<p><b>3.6.4.</b> The City will take an active role in preserving employment areas for future job growth. A sufficient supply of land designated for employment uses must be maintained within the Urban Boundary in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property, and servicing needs.</p>	<p>Refer to Section 3.6.2.</p> <p>The proposal will not remove the lands from the Business Park land use designation and will ensure a sufficient supply of land designated for employment uses is maintained within the Urban Boundary.</p>
<p><b>3.6.7.</b> Employment areas will be protected from fragmentation, the intrusion of sensitive uses as defined by Ministry of the Environment and Climate Change guidelines, high traffic volumes or through traffic related to retail commercial uses or other land uses, and adverse effects</p>	<p>Refer to Section 2.1.1.</p> <p>The proposal will not have the effect of fragmenting the employment area, as the predominant use of the property will continue to be for business park uses.</p>
<p><b>3.6.11.</b> A maximum of 25% of the total floor area of development on a lot designated for an employment use may be used for the purposes of the accessory display and/or accessory retail</p>	<p>The recommended zoning by-law amendment seeks to comply with this policy direction and not exceed 25% total gross floor area used for the purposes of accessory retail uses found within the existing building on the subject lands.</p>

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<p>sale of products manufactured, processed, fabricated, warehoused or assembled on the premises.</p>	
<p><b>3.6.12.</b> Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses. Complementary uses listed within the Business Park Industrial and General Industrial designations will require a minor variance or zoning by-law amendment, as appropriate, prior to being permitted by the zoning by-law in accordance with the following:</p> <p>a. a minor variance application may be used to establish complementary uses that occupy generally 25 percent of the total floor area of all buildings located on a parcel of land, provided the complementary uses: i. will provide a support or service to the employees within the employment area designations that are continuous to the subject parcel and that the support or service cannot be provided from an adjacent land use designation to such employment area; ii. will not hinder or preclude any employment uses from establishing on any lands in the employment area designations due to principles of land use compatibility, in accordance with Section 2. 7; and iii. will be oriented towards the road frontage and contribute to an</p>	<p>Refer to Section 2.7.</p> <p>The subject zoning by-law application is submitted in accordance with this policy to establish additional complementary use permissions to 49% of the total gross floor area on the site, beyond the 25% currently permitted on the subject property. The complementary uses selected are identified as permitted complementary use in the Business Park Industrial designation and will not hinder or interfere with the industrial uses in the surrounding area. The complementary use considered by the recommended zoning by-law amendment do exceed that which is contemplated by a minor variance, being limited to 25% of the total gross floor area, which is the primary reason why the zoning by-law amendment application is being sought.</p> <p>The complementary uses are able to act provide a support or service to the employees within the employment area and is not able to be provided from an adjacent land use designation in the employment area, as the adjacent parcels also remains designated as Business Park Industrial. The uses will not hinder or preclude any employment uses from establishing on any lands as a Holding Overlay (H239) will be placed on the Day Care Use and all other uses remain compliant with the principles of land use compatibility of Section 2.7. The implementation of any future uses identified in the Exception Overlay (E170) will be placed in the existing one storey building which is oriented towards the road frontage of the subject lands.</p> <p>The contemplated uses will result in similar rates of employment to the primary permitted uses in the land use designation and are intended to improve the quality of life, access to a diversity of services and reduce dependence on private</p>

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<p>attractive and functional employment area.</p> <p>b. a zoning by-law amendment will be required to establish complementary uses that exceeds the threshold established for minor variances in a), including standalone complementary uses, and must demonstrate: i the criteria listed above in clause a have been satisfied; ii. will result in similar rates of employment as the primary permitted uses, in accordance with Section 2.3.7; and iii. will not contribute to the fragmentation of continuous employment areas by generally being located at entrances or along edges of continuous employment areas that are visible from arterial or collector roads to assist in the transition between the employment uses and surrounding land uses.</p>	<p>automobiles for employees (present and future) within the employment area. The introduction of the proposed complementary uses will not contribute to the fragmentation of continuous employment areas as the property is located at the edge of a continuous employment area which remains visible from John Counter Boulevard, an arterial road.</p>
<p><b>3.6.13.</b> On a single land holding equal to or greater than 10 hectares in area and designated for employment uses, complementary uses may be established in advance of a primary permitted use, provided the gross floor area of such complementary uses does not exceed five percent of the site's lot area. The intent of this policy is to accommodate a limited amount of complementary uses that can be an asset in attracting permitted employment uses to a larger single land holding, provide an amenity to employees, and accordingly create a development</p>	<p>No individual lot subject to this zoning by-law amendment is equal to or greater than 10 hectares. The subject property is 1.82 hectares in area and does not qualify under this policy section.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
that meets the City's objectives for employment lands	
<p><b>3.6.14.</b> The zoning by-law will establish specific provisions related to land use, setbacks, and lot coverage, for each of the specific Industrial designations identified by this Plan.</p>	<p>The proposed amendment does not propose any changes to the applicable M1 zoning with respect to setbacks and lot coverage of principal uses. Additional complementary use permissions are recommended to modify the permitted uses of the M1 Zone in accordance with sections 3.6.12 and 3.6.A.2. and changes to the setbacks and coverage associated with the future outdoor storage area are contemplated to remain in line with 3.6.A.1.(i) of the Official Plan.</p>
<p><b>3.6.A.1.</b> The main uses permitted within the Business Park Industrial designation include:</p> <ul style="list-style-type: none"> <li>a. corporate administrative offices and government offices;</li> <li>b. research and development facilities, including laboratories;</li> <li>c. data processing facilities, including call centres;</li> <li>d. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products;</li> <li>e. administrative, professional and technical services, such as engineering and surveying firms, that support the above uses and are consistent with the image and amenity of a Business Park Industrial setting;</li> <li>f. film or recording studio;</li> <li>g. commercial school or training facility, provided the use is contained within an enclosed building(s);</li> <li>h. the following light industrial uses, provided they are contained within enclosed buildings:</li> </ul>	<p>The recommended zoning by-law amendment has the effect of maintaining the primary permitted business park uses in the M1 zone of the Kingston Zoning By-Law, which implement the uses contemplated under section 3.6.A.1 of the Official Plan. These business park uses are permitted to occupy 100% of the gross floor area on the subject property under the recommended Zoning By-Law amendment, and complementary uses are limited to establishing in a maximum of 49% of the total gross floor area. The zoning by-law amendment to the Business Park Industrial zone would continue to permit the introduction of the uses as identified in Section 3.6.A.1. of the Official Plan.</p>

Policy	Conformity with the Policy
<ul style="list-style-type: none"> <li>• manufacturing, repairing, fabricating, processing and assembling operations;</li> <li>• construction and transportation activities and facilities;</li> <li>• storage, warehousing, and wholesale trade activities; and,</li> <li>• communications facilities and utilities.</li> </ul> <p>i. accessory outdoor storage, subject to the following criteria, all of which must be satisfied:</p> <ul style="list-style-type: none"> <li>• the outdoor storage use does not front onto or abut a public road;</li> <li>• the area used to accommodate outdoor storage, to be limited in the zoning by-law, is located to the rear or interior side yard of the property, preferably behind the primary building occupying the site;</li> <li>• the outdoor storage use does not abut a lot which contains an existing residential use or lot in a residential zone; • the outdoor storage use does not generate any emissions, dust, or debris that cannot be contained onsite; and,</li> <li>• the outdoor storage area must be screened from view through landscaping and other measures that lessen the visual impact of the use.</li> </ul>	
<p><b>3.6.A.2.</b> The following uses are permitted as complementary uses within the Business Park Industrial designation:</p> <p>a. office and business services, such as printing and equipment</p>	<p>The recommended zoning by-law amendment establishes additional complementary use permissions in the M1 Zone, which include complementary uses contemplated explicitly and implicitly in accordance with policy 3.6.A.2. For example, personal services such as animal care</p>

Policy	Conformity with the Policy
<p>repair, which are intended to serve the Business Park Industrial area;</p> <p>b. day care facilities and/or places of worship, provided that the sensitive use is compatible with the industrial uses in the area and located in such a manner (e.g., on the periphery of an employment area) so that it does not preclude the development potential of adjacent employment lands;</p> <p>c. hotels and/or conference facilities, including banquet halls, trade show buildings, and similar uses to be defined in the implementing zoning by-law;</p> <p>d. restaurants, drive-through facilities, financial institutions, personal services, medical and paramedical uses, and convenience commercial uses; e. public and private parks and recreation facilities;</p> <p>f. parking lots and structures; and,</p> <p>g. sources of renewable energy, subject to the policies of Section 6.2 of this Plan.</p>	<p>are permitted, and paramedical uses are included such as an animal shelter. These uses are similarly contemplated, and appropriate, in the Employment Service (M4) Zone as uses that would remain compatible with industrial/employment uses and be able to serve the surrounding employment area.</p>
<p><b>3.6.A.4.</b> New development that is considered incompatible with the Business Park Industrial designation, and is prohibited within the Urban Boundary, include the following:</p> <p>a. automotive wrecking yards; b. scrap and salvage yards (except where such products are recycled as an input to a permitted</p>	<p>Refer to Section 3.6.12.</p> <p>The recommended zoning bylaw amendment does not conflict with the prohibited uses listed in Section 3.6.A.4.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>employment use on the same site);</p> <p>c. pits and quarries;</p> <p>d. sanitary landfill sites;</p> <p>e. elementary and secondary schools;</p> <p>f. commercial uses except for those complementary uses permitted in the Business Park Industrial designation, and the retail accessory uses permitted in Section 3.6.11 of this Plan; and,</p> <p>g. residential uses, except for caretaker or guard's quarters.</p>	
<p><b>3.17.9.</b> Any development or infill proposals within the Alcan District are subject to Section 2 of this Plan, the relevant Residential and Industrial policies of Section 3 of this Plan, associated policies, and the following:</p> <p>a. Services and Utilities Policies In addition to the services and utilities policies of this Plan, the provision and expansion of services within the Alcan District are subject to the following:</p> <ul style="list-style-type: none"> <li>• prior to approval of any application for large-scale land division, a master drainage study on a District watershed basis is to be prepared to address the requirements of the City, the Cataraqui Region Conservation Authority, and the Ministry of Natural Resources and Forestry;</li> <li>• the master drainage study referenced above, is to be prepared to guide detailed system design and cost estimation, indicate phasing</li> </ul>	<p>The proposed development is limited with respect to the on-site changes, therefore it is not anticipated that this proposal will result in any impacts to the master drainage study completed for the industrial park. The Servicing Report indicates that the proposal will not increase the flows associated with the sanitary sewage collection system nor the water distribution system that currently services the subject property. The proposed broadened permitted uses are not anticipated to result in a significant increase in vehicular traffic navigating Lappan's Lane to access the subject property from John Counter Boulevard and a significant amount of on-site parking is available through the previous development of the subject lands.</p> <p>No new development is proposed on the subject property though this Zoning By-law Amendment application, therefore no adverse impacts to the wildlife habitat is anticipated. Future on-site development changes may be subject to Site Plan modification approval, which will provide for the opportunity to further access the proposals impact on wildlife habitat.</p>

Policy	Conformity with the Policy
<p>alternatives, estimate land dedication for required facilities, address both quantity and quality aspects of stormwater run-off as provided for in this Plan, and examine the incorporation of a variety of methods to treat stormwater run-off;</p> <ul style="list-style-type: none"> <li>• individual developments are to be designed to conform to the master drainage study;</li> <li>• assessment of linkages to the City’s water treatment and distribution and sanitary sewage collection, and treatment systems is required in conjunction with development application review, including new plans of subdivision, to ensure appropriate identification of impacts on existing services and the ability of existing services to accommodate new development;</li> <li>• assessment of expected traffic patterns is required in conjunction with development application review, including new plans of subdivision, to ensure appropriate linkages to the existing City roadway system and appropriate circulation patterns and roadway design within relevant land use areas;</li> <li>• the proposed collector road system illustrated on Schedule 4 is to be designed and constructed in such a manner as to facilitate the development of an internal street pattern within the District, provide direct linkages to the abutting arterial routes, and discourage unimpeded traffic flows through the District, or into</li> </ul>	

Policy	Conformity with the Policy
<p>adjacent residential neighbourhoods; and,</p> <ul style="list-style-type: none"> <li>• in order to offset the costs of providing services in the District, including the cost of any studies relevant to service provision, Council may consider the implementation of District development charges in accordance with Section 9 of this Plan.</li> </ul> <p>c. Wildlife Habitat Policies New development within the Alcan District is subject to the following policy with respect to wildlife habitat: the preservation of tree and shrub species and corridors is considered in the context of project design to provide amenity for future development, and long-term maintenance of local habitat.</p>	

**Section 9 – Administration & Implementation**

Policy	Conformity with the Policy
<p><b>9.5.9.</b> When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> <li>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</li> <li>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</li> <li>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area</li> <li>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</li> <li>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas; f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</li> </ul>	<p>Refer to Sections 2.1.1 and 2.7.</p> <p>No new development is proposed at this time; however, at a future date a site plan modification will be required for changes to the open storage area and/or future development on the subject property, which are intended to reflect the character of existing development on the site.</p> <p>The current application will not set an undesirable precedent within the municipality as the Official Plan specifically contemplates expanded complementary use permissions in employment areas where criteria detailed above have been met. In review of the proposal against Section 3.6.12., staff consider the proposed uses as appropriate for the subject property.</p>

Policy	Conformity with the Policy
g. the impact on municipal infrastructure, services and traffic; h. comments and submissions of staff, agencies and the public; and, i. the degree to which the proposal creates a precedent.	



Planning Committee

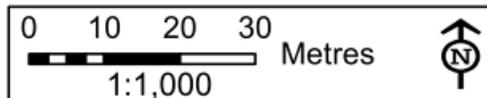
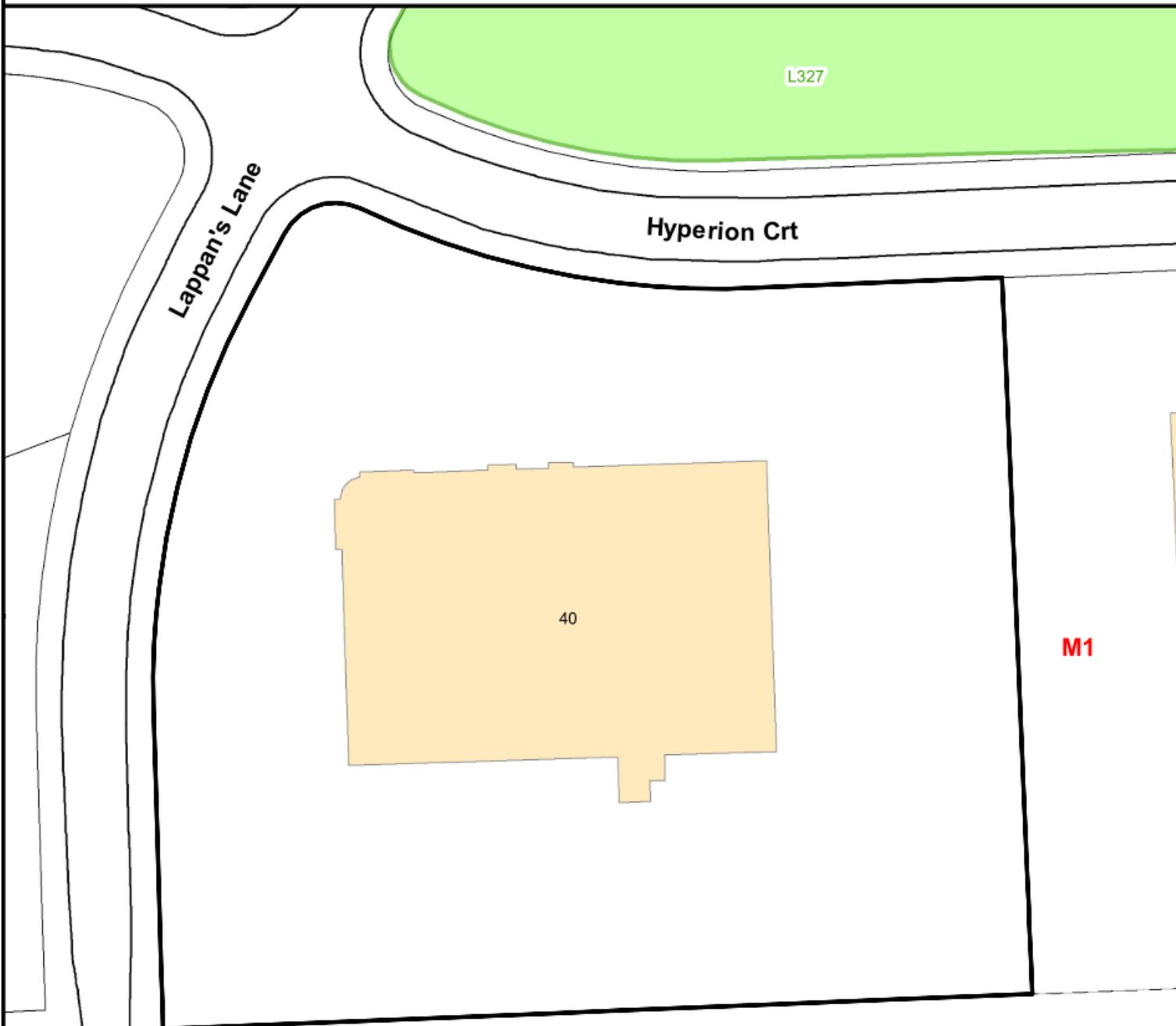
### Kingston Zoning By-Law 2022-62

Planning Services

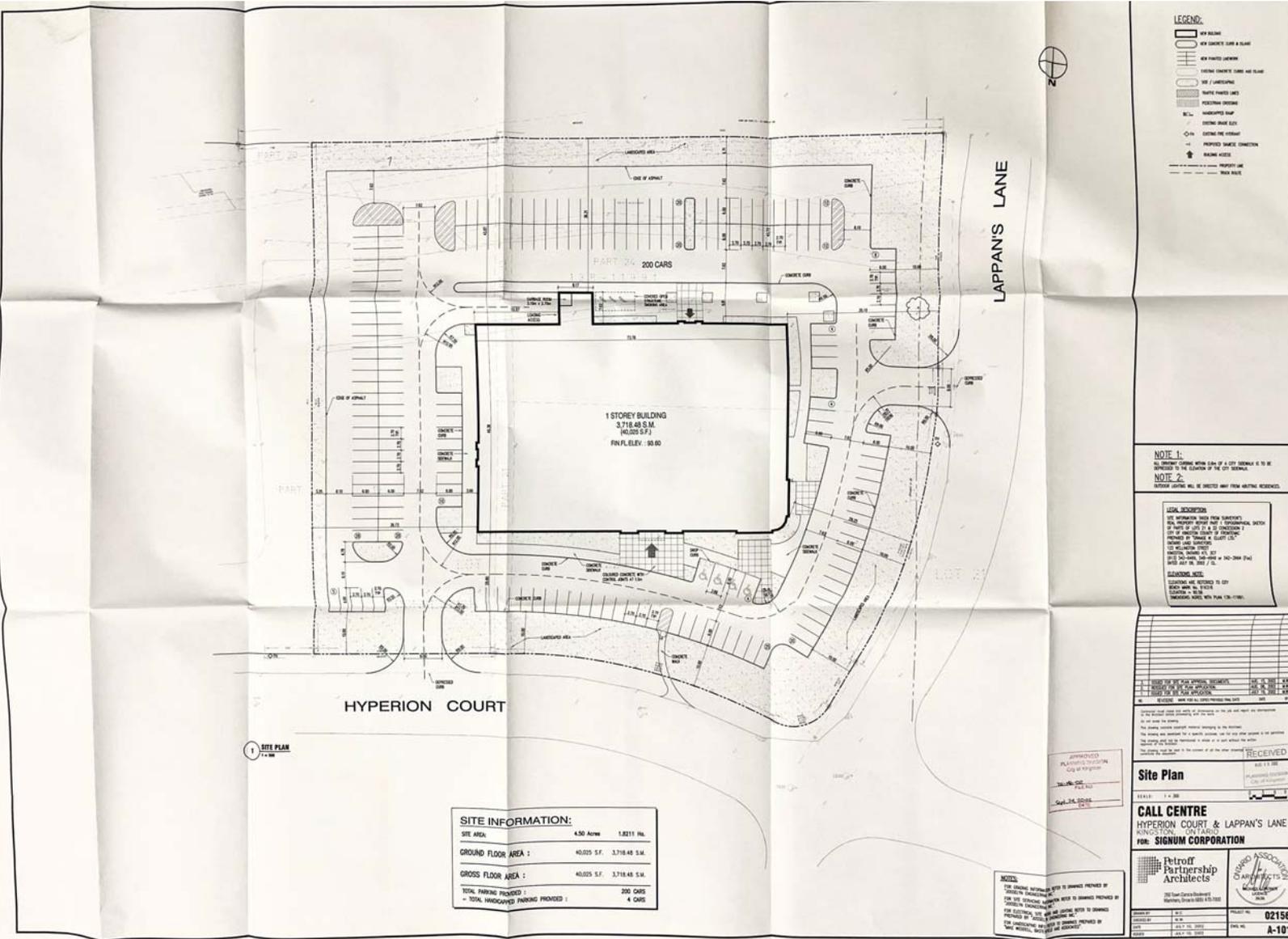
Address: 40 Hyperion Court  
File Number: D14-008-2024  
Prepared On: Jun-10-2024

-  Subject Lands
-  Schedule 1 Zoning Map
-  Zone

-  Schedule E - Exception Overlay
-  Legacy Exceptions (LXXX)
-  Exceptions (EXXX)
-  Schedule F - Holding Overlay
-  Holding Overlay (HXXX)



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Site Photographs – 40 Hyperion Court  
D14-008-2024



**Figure 1.** South facing view of the subject lands along Hyperion Court frontage (photo taken June 18, 2024).



**Figure 2.** Southeast facing view of the subject lands illustrating vehicular access along Lappan's Lane and the existing on-site landscaping (photo taken June 18, 2024).



**Figure 3.** East facing view along Lappan's Lane frontage of the subject property demonstrating the existing entrance and paved exterior and front yard parking area (photo taken June 18, 2024).



**Figure 4.** West facing view interior to the subject property facing towards Lappan's Lane, showing the existing parking area (photo taken June 18, 2024).



**Figure 5.** Pedestrian connection along the Hyperion Court frontage to the existing paved parking area on the subject property (photo taken June 18, 2024).



**Figure 6.** Existing conditions of the rear yard of the existing subject property, which shows the loading area for the existing one-storey building (photo taken June 18, 2024).



**Figure 6.** South facing view of the adjacent property (Novelis Ltd Industrial Area) to the subject property (photo taken June 18, 2024).



**Figure 7.** Existing building addressed as 31 Hyperion Court located north of the subject property (photo taken June 18, 2024).



**Figure 8.** Additional employment and commercial opportunities located north of the subject property at 31 Hyperion Court with surface parking area along John Counter Boulevard shown in the image (photo taken June 18, 2024).



**Figure 9.** Bus stop within walking distance of the subject property located along John Counter Boulevard (photo taken June 18, 2024).



**Figure 10.** Existing sidewalk along Lappan’s Lane, north facing towards John Counter Boulevard, with 61 Hyperion Court shown on the east side of Lappan’s Lane (photo taken June 18, 2024).



**Figure 11.** Existing building addressed as 61 Hyperion Court located northwest of the subject property (photo taken June 18, 2024).



**Figure 12.** Signage indicating existing employment uses located at 61 Hyperion Court.



**Figure 13.** Existing building addressed as 26 Lappan's Lane located west of the subject property with Daltco Electric as the current occupant (photo taken June 18, 2024).



**Figure 14.** Existing building addressed as 20 Hyperion Court located west of the subject property currently occupied by ESG Solutions (photo taken June 18, 2024).



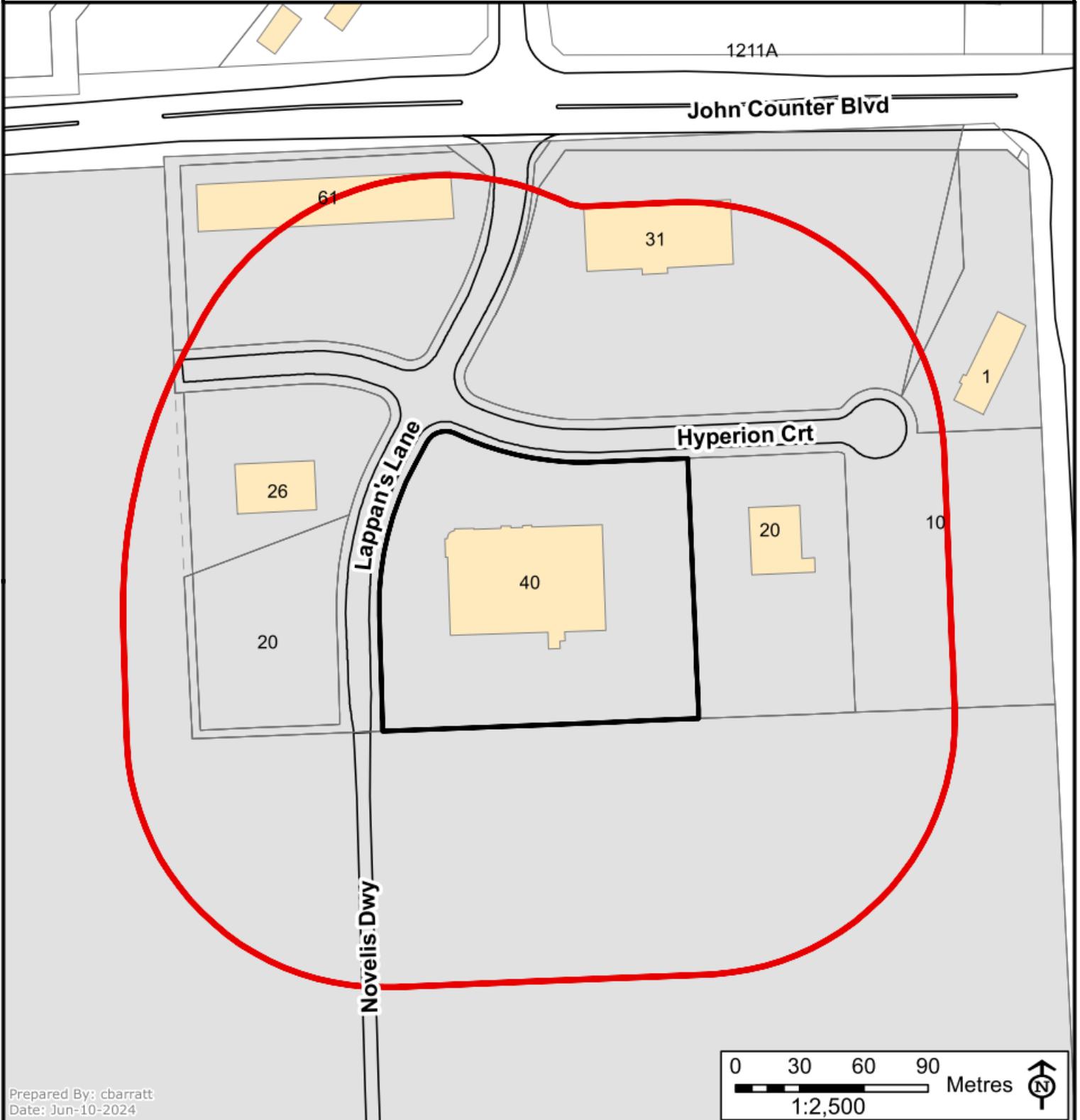
**Figure 15.** East facing view along Hyperion Court towards walking path that connects with Leroy Grant Trail (photo taken June 18, 2024).



Planning Committee  
**Public Notice Notification Map**

Address: 40 Hyperion Court  
File Number: D14-008-2024  
Prepared On: Jun-10-2024

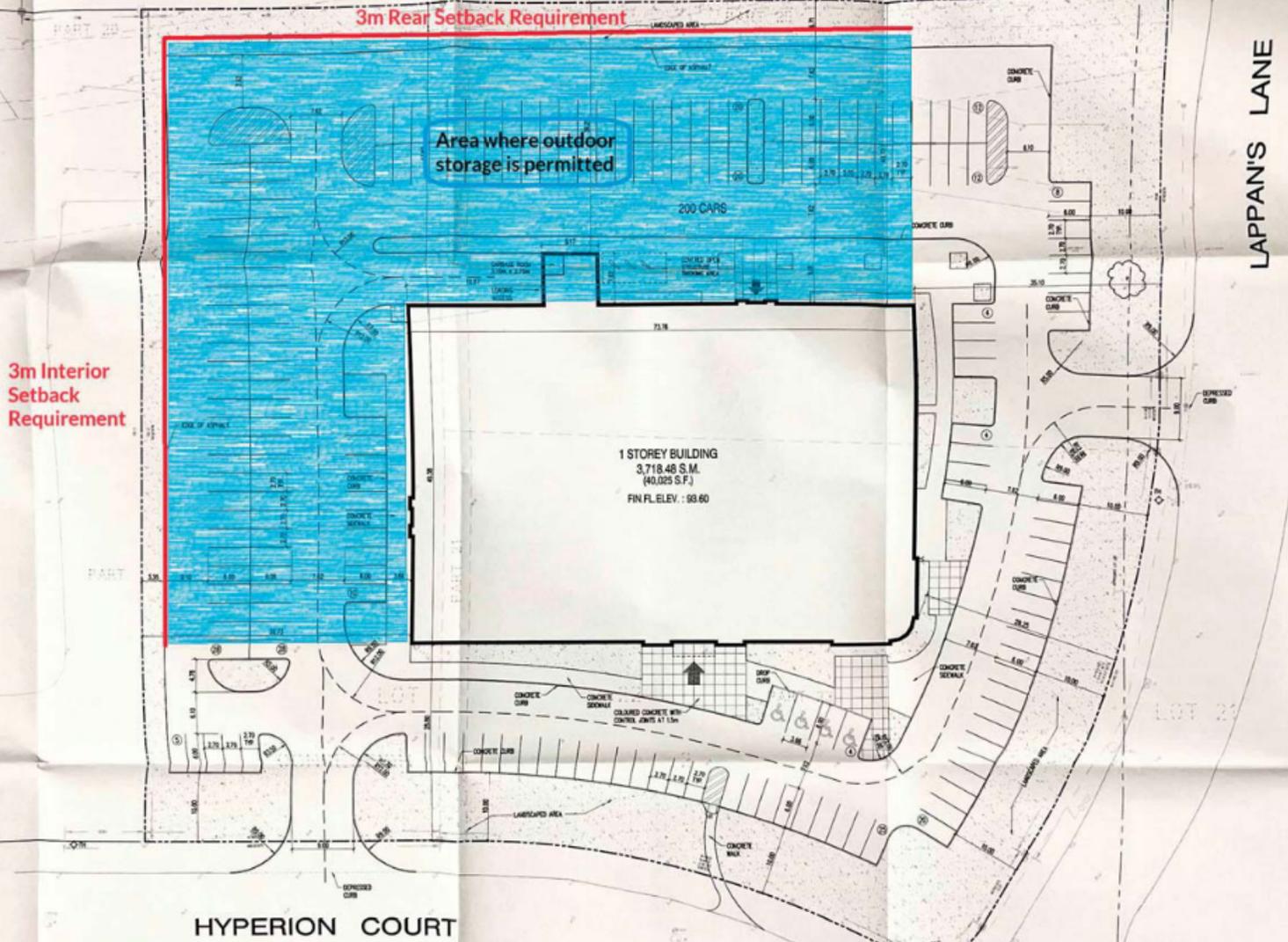
- 120m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 11 Properties in Receipt of Notice (MPAC)



Prepared By: cbarratt  
Date: Jun-10-2024

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1 SITE PLAN  
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**City of Kingston  
Report to Planning Committee  
Report Number PC-24-038**

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**To:** Chair and Members of the Planning Committee  
**From:** Paige Agnew, Commissioner, Growth & Development Services  
**Resource Staff:** Tim Park, Director, Planning Services  
**Date of Meeting:** July 18, 2024  
**Subject:** Recommendation Report  
**File Number:** D14-009-2023  
**Address:** 64 Barrack Street & 235-237 Wellington Street  
**District:** District 11- King's Town  
**Application Type:** Zoning By-Law Amendment  
**Owner:** 64 Barrack Street (Kingston) Inc.  
**Applicant:** IN8 Developments Inc. & Fotenn Consultants

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**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

**Executive Summary:**

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by IN8 Developments Inc. & Fotenn Consultants, on behalf of 64 Barrack Street (Kingston) Inc., with respect to the subject site located at 64 Barrack Street & 235-237 Wellington Street.

The subject property is located in the North Block area of Kingston's downtown, on a corner property fronting onto Wellington Street to the west and Barrack Street to the north. The property is approximately 0.17 hectares in size with a total of approximately 82 metres of street frontage given the corner lot configuration. The property is currently developed with a two-storey building

July 18, 2024

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occupied by commercial and community uses, being a Goodlife Fitness centre unit which is addressed from Barrack Street, and two smaller units addressed from Wellington Street.

The application proposes to rezone the subject property to bring the property into the Kingston Zoning By-Law, apply the DT1 Zone and introduce an exception overlay to permit construction of a 25-storey mixed-use building. The proposed development provides a podium and tower form, with a setback above the podium (base) of the building in order to separate and distinguish the tower (upper levels). The podium has generally been designed to be 2-storeys in height, though the lower floors provide a tall floor-to-ceiling height to accommodate internal floor plans, resulting in an approximately 12-metre podium height. At the south side of the site, the podium cantilevers over Wellington Street driveway access and provides a 3-storey height. Above the podium, the residential tower portion of the building reaches a height of approximately 82 metres for a total of 25 storeys. The tower floorplate above the 3<sup>rd</sup> storey is approximately 755 square metres in size.

The development will provide a mix of uses, with three commercial units provided on the ground floor with a total commercial floor area of 250 square metres. These commercial units will wrap the street-facing corner, with two units providing access from Wellington Street and one larger unit providing access from Barrack Street. The building will provide a total of 344 residential homes through floors 3 to 25. The floor plans propose a range of housing options where 98 homes (28%) are proposed to be studio units, 200 homes (58%) are proposed to be one-bedroom/one-bedroom-plus-den, and 46 homes (13%) are proposed to be two-bedroom. This configuration results in a total of 390 bedrooms.

The city is facing a significant amount of development pressure in response to the ongoing housing crisis and population increase. The current Official Plan planned for a population of 141,500 people by 2036, which the city has already outgrown (at a population of 154,100 people in 2021). Further, the CMHC recently reported that the vacancy rate for the purpose-built rental housing market in the Kingston Census Metropolitan Area (CMA) to be 0.8% in October 2023, down from 1.2% in 2022. Kingston's most recent CMA vacancy rate was the lowest among Ontario CMAs.

The proposed development is complementary of Council's stated priorities in the 2023-2026 Strategic Plan. Council has a target to increase the overall housing supply of all forms of and tenure of new housing forms by 4,800 residential units over the Council term. Council's stated goals also include a lens toward climate action and sustainability, focusing on promotion of multimodal lifestyles, and supporting initiatives that promote a vibrant downtown. The proposed development on the subject site aligns with these stated goals, introducing 344 new residential homes in a compatible form on an underdeveloped downtown lot. The central North Block location promotes walkability and transit use and will introduce a significant population into the downtown core to provide substantial consumption value to existing and future businesses.

The North Block is a sub-area of distinct character with downtown Kingston that is slowly being knitted into the historic fabric of the city. Design elements of the building take cues from the existing build heritage fabric, aligning the podium with the prevailing streetwall, and allowing the tower to read as a separate and distinct element. The commercial core of the city is extended

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further into the North Block with more street facing ground floor retail, which will create a new continuous animated streetwall once the building at 55 Queen Street (Drury parking lot) is constructed.

The City's existing Official Plan policy direction, being further complemented by Council's stated priorities, provincial direction, population and vacancy data, and identified market demand, confirm that mixed-use intensification through the introduction of tall buildings is both appropriate and highly desirable in the North Block area. Any such development is required to meet policy tests to ensure compatibility and technical capacity. Staff have reviewed all planning, urban design and technical studies submitted in support of the application and are satisfied that the proposed zoning by-law amendment meets all policy tests and represents a technically sound proposal in the public interest.

**Recommendation:**

**That** the Planning Committee recommends to Council:

**That** the application for a zoning by-law amendment (File Number D14-009-2023) submitted by IN8 Developments Inc. & Fotenn Consultants, on behalf of 64 Barrack Street (Kingston) Inc., for the property municipally known as 64 Barrack Street & 235-237 Wellington Street, be approved; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-038; and

**That** Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

**That** the amending by-law be presented to Council for all three readings.

July 18, 2024

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,  
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	<input checked="" type="checkbox"/>
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:**

**Statutory Public Meeting**

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Meghan Robidoux, Senior Planner  
The Corporation of the City of Kingston  
Planning Services  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 extension 1256  
mrobidoux@cityofkingston.ca

**Background and Decision Date**

In accordance with By-Law Number 2007-43, this application was subject to a pre-application review and meeting with City staff.

Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of June 30, 2023. The submission date is prior to the introduction of the new enhanced pre-application process, which was introduced on July 1, 2023 to respond to fee refund requirements of the *Planning Act*. The application is not subject to fee refund requirements as a result of the complete submission date.

A non-statutory virtual Open House was led by the applicants on September 6, 2023, and a Community Meeting was held at Planning Committee on September 28, 2023. Staff attended both

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meetings and a summary of the questions received at both the Open House and Community Meeting are provided in the Public Comments section of this report.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before September 28, 2023, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

### **Site Characteristics and Surrounding Context**

The subject property is located in the North Block area of Kingston's downtown, on a corner property fronting onto Wellington Street to the west and Barrack Street to the north. The property is approximately 0.17 hectares in size with a total of approximately 82 metres of street frontage given the corner lot configuration. The property is currently developed with a two-storey building occupied by commercial and community uses, being a Goodlife Fitness centre unit which is addressed from Barrack Street, and two smaller units addressed from Wellington Street. The existing building is constructed nearly to the lot lines on all sides with the exception of the Barrack Street frontage, which provides a setback between 4 and 7 metres. Within this setback the site accommodates hard and soft landscaping, bike parking, and stairs to access the raised entrance area.

The property is located on the city block bound by Barrack Street to the north, King Street East to the east, Queen Street to the south, and Wellington Street to the west. The block accommodates a total of three lots. The lot at the Barrack and King Street corner is developed with a single storey commercial property which accommodates an LCBO and associated surface parking. The lot to the south, which constitutes half the city block, is currently undeveloped and undergoing a site plan control process which would regulate development of the lands with a 19-storey mixed-use building with a podium and tower form. That development is intended to accommodate commercial units at-grade, as well as a municipal art gallery space fronting the Queen and Wellington Street corner.

The surrounding blocks accommodate a range of uses and forms given their central downtown location. The block to the north accommodates a City-owned surface parking lot (known as the Barrack Lot) and a single storey commercial building which accommodates a Food Basics. The block to the east contains a City-owned surface parking lot (known as the Frontenac Lot) with designated heritage buildings along the Queen frontage including Kingston Hydro Substation 1 and four properties forming a limestone row. The block to the south accommodates grade-accessed commercial uses in a variety of building forms, ranging in scale from small single-storey commercial buildings to a four-storey mixed-use building known as the Royal Block. Many of the buildings within this city block have some level of heritage protection applied. Finally, the block to the west contains mostly 2- and 3-storey buildings accommodating a mix of commercial and residential units. The buildings on this block fronting Wellington Street provide a regular fine-grained rhythm of active commercial uses. The block also accommodates a large-format retail store (Staples) with associated surface parking.

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As evidenced by the immediate blocks, the surrounding context is characterized by a variety of uses and forms, including at- and above-grade residential uses, small-scale commercial uses, large-format retail sites, and surface parking lots. As is typical in the downtown Kingston context, many of the existing buildings in the vicinity reflect the age and history of the city, with a number of properties in the broader area being afforded various levels of heritage protection. The North Block area in particular is undergoing a degree of change, with a number of active construction sites established to facilitate that change from its former industrial use.

The surrounding context is generally highly walkable with sidewalks providing access to a full range of uses including commercial, employment, community, open space, institutional and residential uses. The downtown area accommodates community and open space uses within walking distance, including Slush Puppie Place, Confederation Park, Spinger Market Square, the Waterfront Trail, Artillery Park, and Douglas R. Fluhrer Park. Transit service provides connection to the broader city, with express transit routes being offered from the downtown transfer point on Bagot Street.

### **Proposed Application and Submission**

The application proposes to rezone the subject property to bring the property into the Kingston Zoning By-Law, apply the DT1 Zone and introduce an exception overlay to permit construction of a 25-storey mixed-use building. In order to redevelop the property as proposed, the existing two-storey commercial building on the property would be demolished. The below paragraphs provide a written description of the proposed development; visual depictions of the development, including the conceptual site plan, floor plans, elevations and renderings are included as Exhibit H.

The new building would provide a setback from both street frontages, increasing the width of the public realm along Wellington Street as the current building on the property is built up to the lot line. The new building would be setback 2.9 metres from the Wellington Street lot line, and between 2.7 and 4.2 metres from the Barrack Street lot line. References to setbacks are to the on-site condition from the legal property line inwards to the building and do not include the existing area between the property line and the street curb. For context, the property line along Wellington Street is approximately 3.5 metres from the street curb, and the property line along Barrack Street is located approximately 4.5 metres from the street curb. The building will be ament approximately 0.5 metres from the southern lot line and between 0.3 and 4.6 metres from the east lot line.

The proposed development provides a podium and tower form, with a stepback above the podium (base) of the building in order to separate and distinguish the tower (upper levels). The podium has generally been designed to be 2-storeys in height, though the lower floors provide a tall floor-to-ceiling height to accommodate internal floor plans, resulting in an approximately 12-metre podium height. At the south side of the site, the podium cantilevers over Wellington Street driveway access and provides a 3-storey height. A stepback is provided between the second and third storey to align with the stepback provided for the remainder of the podium for continuity. From a design perspective, the architectural package depicts a mostly masonry-clad podium to relate to the surrounding context, with large arched windows extending to the second floor. The cantilevered

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portion of the podium has been designed as a modern glass extension to differentiate its form and design.

Above the podium, the residential tower portion of the building reaches a height of approximately 82 metres for a total of 25 storeys. The tower floorplate above the third storey is approximately 755 square metres in size. The tower has been designed to differentiate itself from the podium by providing a significant amount of glazing with projecting framed balconies to highlight and provide vertical articulation to the street corner. The architects have reviewed mechanical penthouse needs for the building and have incorporated this penthouse into a well-designed building topper which relates to the tower design. The mechanical penthouse would project approximately 6.6 metres above the 25<sup>th</sup> residential storey, with a further projection for elevator and stair overrun requirements centered above the tower.

The development will provide a mix of uses, with three commercial units provided on the ground floor resulting in a total commercial floor area of 250 square metres. These commercial units would wrap the street-facing corner, with two units providing access from Wellington Street and one larger unit providing access from Barrack Street.

The residential access would be provided from the ground floor to the west of the commercial unit on Barrack Street through a common vestibule and lobby. A total of 344 residential homes will be provided through floors 3 to 25, with a unit mix of 98 homes (28%) proposed to be studio units, 200 homes (58%) proposed to be one-bedroom/one-bedroom-plus-den, and 46 homes (13%) proposed to be two-bedroom. This configuration results in a total of 390 bedrooms.

To support the residential units, amenity space is provided on the site in the form of private balconies for all units, as well as through a variety of communal spaces. These spaces include a fitness centre on the third storey, and a remote work centre and a party room with connected outdoor terraces on the fourth storey.

Vehicle parking to support the residential uses would be located in two underground floors, as well as within the second storey above-grade. The underground parking area would be accessed from the east side of the Barrack Street frontage to a down ramp. The second storey parking would be accessed from the south side of the Wellington Street access, underneath the cantilevered portion of the podium. This area would also accommodate four at-grade parking spaces, including one Type B accessible space, and a loading space.

A total of 90 car parking spaces are proposed, with 83 of these spaces being reserved for residential units. This provides a parking ratio of 0.24 spaces per unit. Eight of these spaces are designed to be barrier free as required by the Kingston Zoning By-Law. The seven remaining car parking spaces are reserved for visitor parking (5 spaces), short term delivery (1 space) and car share parking (1 space). The car share space is permitted to be used for visitor parking until a car share program is established on site, in accordance with the Kingston Zoning By-Law.

Bike parking is proposed to be accommodated in accordance with the Kingston Zoning By-Law, with a total of 311 long-term parking spaces and 39 short-term parking spaces to be provided on site. Long-term bike parking is proposed to be accommodated within the three parking floors, with

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short-term bike parking proposed to be accommodated within the building setback along Barrack Street adjacent to the underground parking entrance, as well as from the Wellington Street driveway.

In support of the application, the applicant has submitted the following documents which have been reviewed and accepted by technical departments for the purposes of rezoning, as required:

- Plan of Survey;
- Phase 1 Environmental Site Assessment;
- Architectural Drawing Package (Site Plan, Floor Plans, Elevations);
- Renderings and Skyline Assessment;
- Planning Justification and Zoning Compliance Table;
- Urban Design Study and Architectural Sustainability Statement;
- Shadow Study;
- Pedestrian Wind Assessment;
- Snow Loading Assessment;
- Heritage Impact Study;
- Traffic Impact Study;
- Noise Feasibility Study;
- Site Servicing and Stormwater Management Report; and
- Site Plan Accessibility Checklist.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

### **Local Context and City Priorities**

The City is facing a significant amount of development pressure in response to the ongoing housing crisis and population increase. Much of this development pressure is concentrated in the downtown core, being the main centre of the city’s structure which benefits from existing connectivity and servicing investments. Balancing development pressures with natural heritage, cultural heritage and existing land uses is important, and the North Block area generally provides an opportunity for intensification that is physically separated from lower-scale residential uses, the natural landscape, and existing heritage properties, while providing relatively large, underutilized land areas that can support substantial development.

Council has further recognized the importance of the North Block area as a prime location for investment and intensification in the Official Plan, and as demonstrated by recently established development permissions as well as Council-direction for City-owned lands. Development permissions for a 19-storey and a 23-storey mixed-use building were recently established through Minutes of Settlement between the respective property owners and Council for the lands known as Block 3 and Block 5 within the North Block area. These minutes of settlement were reviewed and accepted by the Ontario Land Tribunal as representing good land use

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planning in the public interest. More recently, Council has directed staff to initiate requests for proposals for the development of a conference centre on the City-owned block known as Block 4 within the North Block area that may contain a variety of uses including a conference centre, hotel, and residential units. While the final height and massing is not known, Council supported in 2014 a vision for the site that envisioned two 18 storey buildings on the site. As evidenced by the advancement of these projects, Council is incrementally achieving its long-standing intensification goals for the North Block area.

It is also relevant to review Council's stated priorities of the 2023-2026 Strategic Plan as complementary direction for the consideration of desirable and appropriate development. Council has a target to increase the overall housing supply of all forms and tenure of new housing forms by 4,800 residential units over the Council term. As part of this priority, Council intends to update planning policies to explore additional height and density permissions. Council's stated goals also include a lens toward climate action and sustainability, focusing on promotion of multimodal lifestyles. Council has also highlighted the importance of supporting initiatives that promote a vibrant downtown. The proposed development on the subject site aligns with these stated goals, introducing 344 new residential homes in a compatible form on an underdeveloped downtown lot. The central North Block location promotes walkability and transit use and will introduce a significant population into the downtown core to provide substantial consumption value to existing and future businesses.

Council's priorities, specifically related to housing, are further cemented by recently released data sets surrounding vacancy rates and population growth in the city. Based on the recent Council-endorsed growth scenario outlined in Report Number 24-016, the city is projected to grow from 154,100 people in 2021 to 220,900 people by 2051, representing 66,800 new residents, 29,300 new houses and 33,400 new jobs over the next 27 years. The current Official Plan planned for a population of 141,500 people by 2036, which the city has already outgrown (at a population of 154,100 people in 2021). Further, the CMHC recently reported that the vacancy rate for the purpose-built rental housing market in the Kingston Census Metropolitan Area (CMA) to be 0.8% in October 2023, down from 1.2% in 2022. Kingston's most recent CMA vacancy rate was the lowest among Ontario CMAs.

In addition to Council's priorities and direction, the provincial government has also been aggressive in their pursuit of additional housing starts throughout the province to address the housing supply crises. In 2023, the province requested that the City demonstrate its commitment to accelerating housing supply by developing a Municipal Housing Pledge to identify the tools and strategies the City intends to use to support and facilitate the construction of 8,000 new homes by 2031. This local target is intended to help the province meet the provincial goal of 1,500,000 new homes by 2031. The City's housing pledge focuses on opportunities within the municipal toolbox to incentivize housing starts, including moving residential units from the 'pending' to 'committed' stage, and efforts to achieve at least 1,000 building starts per year. While the City has had success with building starts in recent years, the 2024 numbers to-date are significantly below average.

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The above population and vacancy data clearly indicates that additional housing units are critical to the health and success of Kingston as a city. While a variety of housing types will be required to meet this need, centralized, high-density developments are the most land-efficient option, while also being in increasingly high demand. The Mayor's Taskforce on Housing's report, "A Foundation for the Public Good – Recommendations to Increase Kingston's Housing Supply for All", was released in 2019 (prior to the most recent population and vacancy rate data) and found that 83% of new units required to meet projected needs are expected to be in high-density dwellings (apartment buildings) with the demand being led primarily by one-person households (53%) and two-person households (31%).

The City's existing Official Plan policy direction, being further complemented by Council's stated priorities, provincial direction, population and vacancy data, and identified market demand, confirm that mixed-use intensification through the introduction of tall buildings is both appropriate and highly desirable in the North Block area. Any such development is required to meet policy tests to ensure compatibility and technical capacity. Staff have reviewed all planning, urban design and technical studies submitted in support of the application and are satisfied that the proposed zoning by-law amendment meets all policy tests and represents a technically sound development proposal in the public interest. A review of the proposal is provided in the sections below, with detailed review provided in Exhibits D and F.

### **Provincial Policy Statement Review**

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests. The Provincial Policy Statement promotes healthy, livable and safe communities which maximize public infrastructure investments, accommodate a mix of uses, protect resources, avoid hazards, and promote safe, accessible and efficient movement.

The PPS directs municipalities to promote opportunities for fiscally responsible growth by taking advantage of existing investments and available servicing. This can be achieved by land use patterns that increase overall density and the mix of available uses to minimize the length and number of vehicle trips and support current and future use of transit and active transportation. By introducing significant density in this central and fully serviced location with direct access to transit, open space, and commercial amenity, the development achieves the fundamental goals of the provincial policy direction as it relates to land use patterns and urban development.

The development further reflects the intent of provincial policy direction as the lands do not contain heritage resources or natural heritage features, thus directing development away from these sensitive resources and supporting the maintenance of the natural and cultural vibrancy of the province. The potential impact of the proposal on surrounding cultural heritage resources has been reviewed through a Heritage Impact Statement which concludes that the development poses no direct impact to heritage resources, heritage conservation areas, or heritage districts. The study notes that the grouping of similar structures into the North Block area concentrates the overall impact on the city skyline and minimizes the overall impact on the historic downtown.

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The development will also protect the health and safety of residents as directed by the PPS; a Phase 1 Environmental Site Assessment indicates that potential contaminants are present on the site given historic uses in the area and recommends a Phase 2 ESA be completed prior to filing of an RSC. This will be required to be completed in accordance with applicable law prior to obtaining building permits for the site, thus achieving the intent of the provincial direction.

A detailed review of the applicable policies is attached in Exhibit D.

### **Official Plan Review**

The property is located within a Centre as per Schedule 2 – City Structure of the Official Plan, given its location within the downtown area. The lands are designated Central Business District by Schedule 2A – Land Use and are subject to the North Block Central Business District Area Site-Specific Policy Number 22. The lands are also subject to the Downtown and Harbour Specific Policy Area, being within the North Block and Environs Area in accordance with Schedule DH-1. As such, the lands are covered by a layered policy context, reviewed below.

The Official Plan directs that the Central Business District (being the City's primary Centre identified by Section 2) is intended to provide for the broadest range of commercial activity in order to support the traditionally diverse role and pedestrian oriented activity focus of the city's architecturally valuable downtown core. The Plan promotes development within the Central Business District that attracts and serves residents throughout the city and reinforces and supports the attractiveness of the downtown for residential purposes. The proposed development provides additional housing options for new and existing city residents, as well as attractive and well-designed commercial units which can accommodate various commercial uses. The design of the building with appropriate setbacks and an attractive, well-scaled podium enhances the pedestrian focus of this city-block. The redevelopment of the lands with a more efficient built form and an improved at-grade condition reflects the intent of the Central Business District designation.

The North Block Central Business District Site Specific Policy provides specific guidance for development within the North Block area, which are the four city blocks bound by Wellington Street to the west, Place D'Armes to the north, Ontario Street to the east and Queen Street to the south. The Plan recognizes that the North Block area is underdeveloped and states that is it the policy of Council to encourage the development of lands within the North Block area. The Plan provides as-of-right policy permissions for buildings up to 25.5 metres, with support for taller buildings where they are justified by an urban design study. Specifically, the Plan seeks to ensure that taller buildings do not overshadow surrounding buildings, are compatible with the scale and massing of the surrounding built form and satisfy all other policies of the Plan. The specific policy direction for the North Block is further reinforced through the Downtown and Harbour Specific Policy Area policies outlined in Section 10A. The policy area supports development of new compatible high-density mixed-use buildings in appropriate locations, with an overall goal to foster the prominence and function of the Downtown and Harbour Area as the principle mixed-use centre.

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The North Block provides a suitable location for high-density use as directed by the Official Plan's high density locational criteria, being centrally located in the main city Centre, within walking distance of a wide variety of commercial uses forming the Central Business District, and in close proximity to a variety of open space and community uses including Confederation Park, Springer Market Square, the Waterfront Trail, Artillery Park, and Douglas R. Fluhrer Park. The subject lands provide frontage on an arterial road (Wellington Street) as well as convenient access to existing transit service providing connection throughout the city, with express transit routes being offered from the downtown transfer point on Bagot Street.

The proposed development constitutes a compatible form of high-density development in accordance with the Plan's compatibility criteria and further defined by the site-specific policy criteria for additional height. The Official Plan defines compatibility as:

"The ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another in a manner that will not have an undue physical or functional adverse effect on existing or proposed development in the area, or pose an unacceptable risk to environmental or human health."

With respect to compatible scale, the proposed development at 25-storeys is not out of character with existing development approvals in the North Block area for 19- and 23-storey buildings. The building has been designed with a 2-3 storey, 12-metre podium base, which grounds the building and provides a human scale when experienced from the public realm. Further, the design approach for the building provides a clear differentiation between the podium and tower to reinforce the prominence of the podium and connection to the grade-level experience, which overall improves the existing at grade and pedestrian interface. The subject lands are physically separated from lower-density forms of development by existing streets, providing physical separation and mitigating potential for intrusive overlook into private amenity areas. Some degree of views to adjacent yards is a reasonable and expected condition in a dense downtown setting. Design of the podium levels through their size and materiality help to relate the building to the lower rise-built form on the opposite side of Wellington Street.

The building design generally follows commonly observed practices for good tower design, including setbacks and stepbacks, floorplate size, and tower separation. The design of the tower floorplate, at 755 square metres, is consistent with the recommendations of Density by Design Issues and Options Report, which identified an 800 square metre floorplate maximum for non-heritage sites located downtown. Further, the resulting tower separation from proposed 19-storey tower to the south at 55 Queen Street is 23 metres. The Density by Design Issues and Options Report recommends a minimum 25 metre tower separation, with the opportunity for further discretion in cases where the abutting towers are not "flush" in their relationship with each other or are in a corner-to-corner configuration, as will be the case between the proposed development and the abutting future tower on 55 Queen Street.

Shadowing in particular is a quantifiable output related to building height and thus an important policy consideration for additional height proposals. The applicant has submitted a fulsome shadow study and analysis as part of the reviewed submission materials (Exhibit N – Shadow

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Study). The North Block site specific policy area requires that taller buildings not “overshadow” surrounding buildings. The Plan does not define overshadow. Staff rely on the definitions of “adverse effects” and “compatibility”, alongside good practice from shadow review found in Ontario municipalities to assess shadowing impacts.

The analysis found that during the spring and fall equinoxes shadows move quickly across surrounding properties given the slender profile of the tower. Residential and mixed-use properties along Wellington and Rideau Streets will experience periods of shadow in the morning hours, with the shadow being fully off of these properties before noon. The shadow then moves across the surface parking lot to the north, where approximately half of the property will receive shadow at any given point, with the shadow being mostly off of the property by 5 p.m. This shadow impact is appropriate for the current parking lot use and protects the ability of any future development of the parking lot to receive adequate sun exposure throughout the day. Shadow levels are also acceptable on the surrounding right of ways, especially when comparing the shadow impacts of the podium on Wellington and Rideau Streets to as-of-right permissions, which allow for a taller podium built closer to the street lines. The shadow resulting from the additional tower height covers the western Wellington Street sidewalk at various points from 9 a.m. to noon and then moves quickly across northern Barrack Street sidewalk from noon onwards, ensuring each section of sidewalk does not stay in continuous shadow throughout the day, but experiences shaded breaks.

Importantly, this shadow review includes the cumulative impacts of the subject property and the adjacent 19-storey tower permissions. The study also includes a differentiation of the additional 6-storey height to demonstrate that the shadow impacts from those additional storeys are negligible.

A fulsome review of the land use compatibility principles of the Plan is provided in Exhibit F. This review demonstrates that the proposed building at a 25-storey height can effectively co-exist with existing and planned land uses in the immediate vicinity without resulting in adverse effects as defined by the Plan. The proposal therefore meets the intent of the additional height considerations provided by the Plan, especially when considering that the City’s population has already outgrown the anticipated scope of the Plan and opportunities to accommodate additional density in appropriate locations are in the public interest.

As demonstrated through the submission, the application also represents a functional and well-designed development which will serve the functional needs of its residents and users. The building will provide three commercial units which can support a range of commercial uses as permitted by the DT1 Zone. These units will serve both the site residents as well as the general population. The building will provide functional amenity options to support the health and well-being of residents, including communal indoor and outdoor offerings such as a fitness centre, a remote work office space to facilitate alternative work arrangements for residents who work/study from home, a party room to facilitate gatherings, and an outdoor terrace. Individual units will also have access to private balconies for personal use.

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The proposal will support multi-modal transportation options, providing bicycle parking opportunities for residents and visitors, including lockered spaces that can support larger bikes and e-bikes. The building is well connected to the existing sidewalks in the area, providing walkable routes to a full array of amenities, including the downtown Kingston Transit transfer station. The building will also provide an appropriate parking ratio for the location, including 5 visitor parking spaces, 1 short term delivery space and 1 car share parking space. The applicant has submitted a Traffic Impact Study in support of the application which has gone through iterative review with the City's Transportation Services staff. The final report concludes that the development is forecasted to result in low-to-negligible impacts on the roadway network within the study area. The Traffic Impact Study also reviewed the proposed parking ratio compared to the anticipated modal share for site users and confirms that the site location supports limited private car ownership, and that parking demand is not anticipated to exceed 0.3 spaces per dwelling unit. This conclusion is based on a review of the 2019 Travel Household Survey and the ITE Manual, which indicate that the development has an adopted driver mode share of 26%. This means that the majority of trips done by residents (74%) will be done by alternative modes of travel (e.g., walking, cycling, transit, carshare, taxi, etc.).

As designed, the proposed development provides a pedestrian friendly streetscape that harmoniously blends a mix of building ages, styles and heights. While the architecture is contemporary, or 'of this time', it is highly compatible with Kingston's evolving downtown and heritage building stock and reinforces the North Block as an area of distinct character. The scale, massing and height of the podium relates directly to the surrounding streetscapes. The design of the indoor and outdoor at-grade experience improves the public realm through landscaping, street furniture and animated uses that support the residents' day to day living and improve the look and feel of the downtown. The project architects notably used a local heritage building – the Kingston Hydro downtown substation and former streetcar shed at Queen and King Streets – as inspiration for the podium design. This is seen in the building form and proportions, the use of red brick and the tall arched windows that define the featured corner.

Protected heritage views are outlined in Schedule 9 of the Plan, with protected viewpoints in the Downtown and Harbour Area provided in Schedule DH-4. Through the submission materials, the applicant has demonstrated that the proposed building will not impede these protected views and complies with the intent of the Plan. The introduction of a new tall building in the downtown core will alter the view to and from certain areas and will be visible along the city skyline, but the new building will not impede the silhouette of City Hall. These changes to views are an expected impact of development in the urban area and do not constitute an adverse impact as defined by the Plan.

As part of the application's compatibility and functional needs demonstration, a variety of supporting feasibility studies including an urban design study, wind study, noise study, traffic impact study, heritage impact study, servicing study, and stormwater management study have been completed and reviewed to the satisfaction of technical departments. The wind study has been peer reviewed by an independent third party. Detailed information regarding these studies can be found through Exhibit F, which confirms that the submission meets the policy intent of technical sections of the Plan for the purposes of zoning.

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This section provides a summary of the project and how it responds to current Official Plan direction. A more detailed review of the applicable policies of the Official Plan is attached in Exhibit F.

### **Zoning By-Law Discussion**

The property is not subject to the new Kingston Zoning By-Law 2022-62 and instead remains subject to the C1-22 (H) Zone of Zoning By-Law Number 96-259 (former Downtown and Harbour Zoning By-Law). The application proposes to bring the property into the new Kingston Zoning By-Law 2022-62, applying a Downtown Zone 1 (DT1) as well as a site-specific exemption overlay to permit the proposed height, density and built form. The recommended by-law also includes a holding overlay to allow further detailed capacity review related to fire flow capacity, electrical servicing capacity and gas capacity. The recommended zoning by-law is attached as Exhibit A.

When the Kingston Zoning By-Law consolidated the former zoning by-laws, the DT1 Zone of Kingston Zoning By-Law 2022-62 generally replaced the C1 Zone. Many of the same provisions were maintained through the two zones as seen in the comparison table below; as such, the DT1 zone was selected as the appropriate zoning category for the site to bring the subject property into the Kingston Zoning By-Law.

The DT1 Zone is intended to accommodate mixed-use development, however it is noted that the City does not generally have an existing tall-building zoning category to apply to tower developments. In practice, tower review in the City has been completed on a site-specific basis, with exemption overlays applied to regulate the built form. The sole exception to this is the WM2 Zone in the Williamsville area, which was implemented as a result of the 2020 Williamsville Main Street Study update. Given the context of that study and the specificity of the zoning provisions as it relates to surrounding streets, it is not appropriate to apply the Williamsville-specific zoning category to the North Block Area. The DT1 Zone is therefore the preferred zoning category for this type of application.

The proposed building requires relief from a number of provisions of the DT1 Zone, notably related to height, density, and angular plane applicability.

As reviewed through the above sections of this report, the application seeks relief from maximum height provisions of the zoning by-law, in alignment with policy direction provided through the Official Plan. A review of the appropriateness of the proposed height has been provided in detail through this report, as well as through Exhibit F. The C1-22 zoning currently applied to the site permits a maximum height of 6 storeys (25.5 metres), with a 4 storey (17 metre) streetwall. The current zoning also requires a 39-degree angular plane commencing at the 4<sup>th</sup> storey, effectively requiring a stepback above the 4<sup>th</sup> storey to the 5<sup>th</sup> and 6<sup>th</sup> storeys above. This zoning framework is meant to regulate a mid-rise (6 storey) building and as such the angular plane requirement does not translate well to a podium/tower tall building form. The intent of the angular plane provision generally is to ensure stepped back upper floors which encourage a human-scaled streetwall and to mitigate shadow impacts on surrounding lands.

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Through the use of at-grade setbacks, stepbacks above the 2-3 storey podium, and use of a slim tower, the proposed development achieves the intent of the angular plane provision, providing a human-scaled podium design and quick-moving shadows which do not create undue adverse impacts on surrounding lands.

The maximum height and tower floorplate and minimum setbacks and stepbacks are recommended to be regulated through a figure (commonly referred to as a height map) within the amending zoning by-law to ensure that future development on the lot is consistent with that reviewed through the application. The by-law allows for slight variations to height, setbacks and stepbacks to capture minor changes that may be necessary as a result of detailed design review which do not have the effect of substantially changing the accepted massing. For example, a minimum 5% variance on setbacks is permitted, which would permit a 15-centimetre variance to a 3 metre setback requirement. This is a common approach at the zoning stage for similar tall buildings recently approved in the Kingston context. The degree of variation for at-grade setbacks is further limited by the minimum 5 metre by 5 metre sight triangle requirement that the recommended by-law implements at the street corner; this sight triangle has been reviewed and supported through the submitted Traffic Impact Study.

The application also seeks relief from maximum density provisions in response to the proposed height and floor plans. The current zoning permits a maximum density of 123 dwelling units per net hectare. Based on the lot size, the current zoning would permit 21 dwelling units on the property as-of-right. The intent of unit per net hectare density provisions in the zoning by-law is to ensure that sufficient servicing capacity is retained for as-of-right development permissions. The City has generally reviewed proposed increases to density permissions on a site-specific basis to ensure appropriate technical study has been completed for Utilities Kingston to review capacity implications of the increased density. In this case, Utilities Kingston is satisfied that existing service levels can support the development. As discussed throughout this report, the downtown area, and especially the North Block, have been identified through Official Plan policy direction as an intensification area. This direction is further cemented by the local planning context and Council priorities.

The City's population has surpassed that planned for through the existing Official Plan, and as such opportunities for additional density that can be compatibly integrated are important. In this case, the application proposes to introduce 344 new homes on the property, which equates to a density of 2,011 units per net hectare. The total unit count has increased by 57 units (from 287 units) from the original submission; this unit increase has been made within the same building footprint and massing. The unit increase reflects the owner's identified market needs for smaller units including studio units, and a reduction in the number of two-bedroom and one-bedroom-plus-den units. As demonstrated through the submission materials, the site can provide sufficient amenities and servicing capacity to support the proposed density in a compatible built form. The recommended zoning by-law includes a maximum unit count to reflect that reviewed and supported through technical study.

The recommended by-law implements Official Plan direction related to mandatory commercial floor area along both frontages. The by-law specifies that a minimum 4.5 metre ground floor

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height is required, which is consistent with typical minimum requirements for ground floor heights requiring a mix of uses. The recommended by-law further includes a minimum gross floor area for non-residential uses in order to ensure that these units are maintained as commercial units into the future. Based on the current floor plans, the commercial floor area would accommodate three units and would front onto both Wellington and Barrack Streets, wrapping the corner and providing multiple entrances to support interaction with the public realm.

Moving up the building, the application also seeks relief from the maximum height, roof coverage, and stepback provisions for the mechanical penthouse on top of the 25<sup>th</sup> storey. This penthouse has been designed to be visually integrated with the tower and to provide a defined building “topper” feature, which is desirable from an urban design perspective. The application seeks to permit the proposed height as defined in the height map, being approximately 6.5 metres for a penthouse occupying approximately 50% of the tower floorplate, built to the edge of the north and west faces of the tower.

A 23 square metre, 3.96-metre-tall additional elevator overrun projection is proposed in the centre of the tower floorplate, which would allow for access to the mechanical room. This projection is stepped in from all sides of the building and would not be visible from the public realm. Of note, the recent City-initiated zoning amendments (File Number D35-002-2024) recommend an increase in the as-of-right height and roof coverage provisions for mechanical components to 5 metres tall (from 3.5 metres) and 30% roof coverage (from 10%). These as-of-right permissions generally align with staff’s experience working on development applications. Given the design of the mechanical penthouse and the narrow tower floorplate, the proposed relief is reasonable to ensure the functional needs of the building can be well integrated in an attractive building topper. The submitted shadow review includes the mechanical penthouse at the size and height proposed and confirms that the shadow impact from the additional penthouse height and size is minimal.

The recommended by-law also requests relief from the maximum balcony coverage provisions of the zoning by-law to permit balconies to occupy up to 85% of the horizontal length of each main wall. This relief request reflects the supported building design, which incorporates balconies as a feature providing horizontal and vertical articulation. The balcony projections have been reviewed through the Urban Design Study and are accepted by the City’s Urban Designer as appropriate for the massing of the building. The requested relief also ensures sufficient private amenity area for the residential units and additional opportunity for functional outdoor living space within a dense urban setting.

In terms of functional needs, the development will provide amenity area for site residents in accordance with the minimum requirements of the zoning by-law for the downtown area (10 square metres per unit). This amenity space will be provided in the form of communal internal and external amenity spaces, as well as private balconies. The application requests relief from the by-law provision related to minimum size of a communal amenity area in order to permit a proposed 40 square metre shared amenity room on the 4<sup>th</sup> floor which is intended to be used as a shared remote workspace. This relief allows for the party room and remote workspace to be

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separated on the 4<sup>th</sup> storey, providing a greater variety of common spaces to support the various needs of site users. Both rooms provide direct access to a shared amenity terrace. The application also seeks relief from the amenity design provision of the zoning by-law in order to permit the configuration of a communal balcony to be accessed from the fitness centre space on the 3rd storey. Both relief requests relate to specific amenity areas within the building and will contribute to the variety of amenity spaces on site.

The application seeks relief from minimum parking requirements of the Kingston Zoning By-Law, being 0.4 spaces per unit in Parking Area 1. This ratio equates to a minimum requirement of 138 parking spaces for 344 dwelling units. The proposed development provides 83 parking spaces for 344 dwelling units, for a ratio of 0.24 spaces per unit, or a reduction of 55 parking spaces. This relief has been justified through the submitted Traffic Impact Study which confirms that the site location supports limited private car ownership, and that the proposed parking ratio is sufficient. This conclusion is based on a review of the 2019 Travel Household Survey and the ITE Manual, which indicate that the development has an adopted driver mode share of 26%. This means that the majority of trips done by residents (74%) will be done by alternative modes of travel (e.g., walking, cycling, transit, carshare, taxi, etc.). The site is located in walking distance of a wide variety of uses and amenities, including the downtown transit transfer point which provides convenient access throughout the City.

The development proposes a 1:1 bike parking ratio to support these alternative modes, including short- and long-term options as required by the Kingston Zoning By-Law. The recommended by-law includes relief to allow 10% of bike spaces to be provided as horizontal bike spaces, with the remainder being stacked or vertical spaces. This configuration allows for a more efficient use of bike parking space. It is noted that recent City-initiated zoning amendments (File Number D35-002-2024) recommendations allow for up to 75% of bike spaces to be provided as vertical spaces, with the remainder permitted to be horizontal or stacked spaces. These amendments, if successful, would negate the need for the requested relief however it is included in the recommended by-law to ensure the application can move forward independent of the City-initiated amendments.

The recommended zoning by-law also includes relief from minimum car share and visitor parking space requirements. The Kingston Zoning By-Law requires a minimum of 17 car share and 34 visitor parking spaces for 344 dwelling units. The recent City-initiated Administrative and Housing Amendments (File Number D35-002-2024) recommend a reduction to visitor and car share requirements and would result in a minimum of 7 car share spaces and 10 visitor spaces for 344 dwelling units. These City-initiated amendments also include a requirement for the provision of 1 short-term delivery space. The development would provide 1 dedicated car share space, 5 dedicated visitor spaces, and 1 dedicated short term delivery space. In accordance with the Kingston Zoning By-Law, the car share parking space is permitted to be used as a visitor parking space until the time that a car share program is established on the property.

The development proposes a loading space accessed from Wellington Street which will provide loading and unloading opportunity for move-in/move-out, deliveries, and waste collection. The recommended by-law implements the loading space requirement and applies relief from

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minimum dimensions of the zoning by-law to 11.5 metres long by 3.5 metres wide, which is consistent with the size of the space reviewed and supported by the Traffic Impact Study.

The recommended by-law also includes minor relief related to driveway and drive aisle width to reflect the proposed driveway and parking garage layout. The on-site configuration of driveways and drive aisles has been reviewed and supported by the Traffic Impact Study.

The recommended amending by-law would also apply a new H236 Holding Overlay. This holding overlay would require the applicant to demonstrate sufficient servicing capacity related to fire flow, electricity and natural gas. While high-level capacity has been reviewed, the applicant has indicated that they intend to provide detailed gas load and electrical load summaries through the site plan control process as detailed floor and servicing plans are finalized. Additionally, while fire flow has been reviewed through the servicing report based on the existing master plan, further testing at hydrants will be required to confirm the findings of that review. The applicant intends to undertake this testing in support of the site plan control application if zoning is approved. This approach has been supported by Utilities Kingston and Kingston Hydro at the applicant’s risk; the holding overlay is included in order to ensure these detailed summaries are included prior to issuing building permits for any development on the site. There are no technical concerns with this approach.

A review of the applicable provisions of the current C1-22(H) zone (former Zoning By-Law 96-256) alongside those provisions of the DT1 Zone (Kingston Zoning By-Law 2022-62) from which the application seeks relief through a site-specific exemption (E165) is provided in the table below.

Provision	C1-22 (H) Zone Provision	DT1 Zone Provision	Proposed Site Plan	E165 Exception Provision Requested
<b>Maximum Height</b>	7.3.22.3  Height at build-to-plane: 17 metres  Height along angular plane: 25.5 metres	10.4.1.4:  Height at build-to-plane: 4 storeys, not to exceed 17 metres  Height under angular plan: 6 storeys, not to exceed 25.5 metres	25 storey tower (82.4 metres)	Yes

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<b>Maximum Number of Dwelling Units Per Lot</b>	7.2: 123 units per net hectare	10.4.1.12: 123 units per net hectare	2,011 units per net hectare  (344 units)	Yes
<b>Applicable Angular Plane</b>	5.6: 39 degrees	10.4.1.13: 39 degrees	No angular plane	Yes
<b>Height for Commencement of Angular Plane</b>	7.2.3: 17 metres	10.4.1.14: 17 metres	No angular plane	Yes
<b>Loading Spaces</b>	7.2: Nil	10.4.2.9: None required	1 loading space provided	Yes
<b>Amenity Area</b>	5.5  10 square metres per dwelling unit (3,440 square metres)  Communal amenity areas to be not less than 54 square metres	4.3.2  10 square metres per dwelling unit (3,477 square metres)  4.3.4  Communal amenity areas to be not less than 54 square metres	3,302 square metres  Minimum area of communal party room is 30 square metres  One shared balcony length exceeds four times width	Yes, to permit party room size and balcony configuration.
<b>Build-to-Plane</b>	5.8:  A minimum of 80% of the main wall must be built to the build-to-plane	4.5.2.3:  A minimum of 80% of the main wall must be built to the build-to-plane	Building setback along both frontages	Yes
<b>Sight Triangles</b>	N/A	4.6.2:  Minimum sight triangle	5 by 5 metres	Yes

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		dimensions are 9 by 9 metres		
<b>Projections Above Maximum Height</b>	5.19: Mechanical, service and elevator penthouses may project 3.5 metres above the permitted height, occupy 10% of the roof area on which they are located, and will not exceed 50% of the horizontal dimension of the wall of the main building facing a street line.	4.18.2: Mechanical, service and elevator penthouses may project 3.5 metres above the permitted height, occupy 10% of the roof area on which they are located, and have a minimum setback from the edge of the roof equal to the vertical height of the penthouse.	Penthouse projects 6.6 metres above 25 <sup>th</sup> storey, occupies 50% of roof, no setback from north and west tower wall.  Centralized stair overrun projects 4 metres above penthouse	Yes
<b>Balconies</b>	5.29: May project 0.8 metres into front and rear yard, and 0.5 metres into side yard	4.20.1: Balconies may project up to 2 metres from the main wall, may occupy a maximum of 30% of the horizontal face of the main wall, and must be setback a minimum of 1 metre from any lot line.	Balconies cover up to 82.5% of the southern tower face	Yes
<b>Required Parking</b>	5.22.5.6:	7.1.19: PA1: Minimum 0.4 to maximum	83 standard spaces  6 visitor spaces  1 car share space	Yes

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	1 space per residential unit (344 spaces)	1.0 per dwelling unit (138 spaces)  Car Share: 0.05 per dwelling unit (17 spaces)  Visitor: 0.1 per dwelling unit (34 spaces)		
<b>Bike Parking</b>	5.22.8:  1 space per residential unit	7.3.1  0.9 long term spaces per dwelling unit (247 spaces)  0.1 short term spaces per dwelling unit (27 spaces)  7.3.8:  30% of long-term spaces to be horizontal spaces  7.3.13:  10% of long term spaces to be larger horizontal spaces, provided in bike lockers, with standard electrical plug.  Bike maintenance area required.	251 long term spaces  32 short term spaces  10% of long-term spaces are horizontal spaces	Yes (for horizontal percentage)
<b>Driveway and Drive Aisles</b>	5.22.4.3:	7.4.1:	6 metre drive aisles	Yes

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	<p>Minimum drive aisle width for 5.8 metre long spaces at 90 degrees is 6 metres</p>	<p>Minimum drive aisle width is 6.7 metres</p> <p>7.4.9:</p> <p>Maximum width of a driveway is 6.7 metres</p> <p>10% of parking spaces may be small car spaces</p>	<p>7.3 metre driveway from Wellington Street</p> <p>11 small car spaces</p>	
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**Other Applications**

There are no other relevant Planning Act applications for the property.

**Technical Analysis**

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

**Public Comments**

The following is a summary of the public input received to date, including a summary of the feedback received from members of the public at the Open House on September 6, 2023, and the Community Meeting on September 28, 2023. Original written public comments are available in Exhibit M of this report.

- Height: Comments about the overall height of the tower and questions about why it is appropriate to build this high in this location. Concerns related to views from existing homes and maintenance of protected views. Further comment that the proposed height represents visual intrusion, is not of a human-scale and is visually incompatible. Questions about where height is directed in the City and how this is reviewed under current and planned policy, as well as whether it is appropriate to review tall buildings ahead of Density by Design policies for the area.

Response: The City is facing a significant amount of development pressure in response to the ongoing housing crisis and population increase. Much of this development pressure is concentrated in the downtown core, being the main centre of the City’s structure which benefits from existing connectivity and servicing investments. Balancing development pressures with natural and cultural heritage and existing land uses is important, and the North Block area generally provides an opportunity for intensification

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that is physically separated from lower-scale residential uses and existing heritage properties, while providing relatively large, underutilized land areas that can support substantial development.

The proposed 25-storey tower would represent the tallest tower in the North Block area to date. The building design generally follows commonly observed practices for good tower design, including setbacks and stepbacks, floorplate size, and tower separation. The podium massing and design grounds the building effectively, providing a human scale development with an interactive ground floor and an improved public realm.

The subject property is located on a corner, with existing streets providing physical separation from properties to the north and west. The property abuts a commercial use with intervening surface parking to the east, and a vacant site planned for tower development to the south. The building has been designed with a slender tower above the podium to ensure shadows move quickly around the site, especially through the summer and fall equinoxes, which are the primary periods of shadowing review. Through the submission materials, the applicant has demonstrated that the 25-storey height, when compared to approved 19-storey height permissions to the south, results in negligible shadow impacts to sensitive land uses.

The proposed development will not impede any protected heritage views, as shown on Schedule 9 of the Official Plan. General views to and from existing properties are otherwise not protected by policy in recognition of the dynamic nature of the downtown area and to allow for an evolution of built form.

As confirmed by the Ontario Land Tribunal through previous North Block decision, being able to see a tower does not represent visual intrusion nor constitute an adverse impact. Development of an underutilized site within the downtown area, and more specifically within the North Block, is an expected outcome given policy direction and local development context. The building has been appropriately scaled and designed to be compatible with surrounding land uses. The podium, with its 12-metre-tall streetwall (equivalent to a typical 3 storey building) will significantly improve the function and experience of the public realm on two downtown streets.

Staff recognize that the current Official Plan provides a reactionary framework to individual development applications, especially as it relates to height. Through the upcoming Official Plan update project, the intended direction of the new Plan will be more deliberate and clearer overall with expectations related to the location and built form of new mid and high rise developments across the city. Specific conversation will focus on the application of Density by Design principles to the downtown, with overarching goals of protecting heritage resources while encouraging the intensification of commercial and residential uses in appropriate locations to support the health and vitality of the City's most important commercial centre. This is important policy work that will help to inform the community vision for tower developments in the city, and members of the public are encouraged to participate in related engagement exercises.

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While this policy work is ongoing, it is not appropriate to dismiss review of individual development applications in the interim, especially given the state of the City's population projections, vacancy levels and local and provincial housing targets. Further, the *Planning Act* framework allows the applicant to pursue a decision from the Ontario Land Tribunal in the event of a non-decision by Council. The application has been reviewed against the Provincial Policy Statement and applicable Official Plan policy and direction for the North Block. The proposed zoning by-law amendment is consistent with the PPS, complies with the Official Plan and represents good land use planning in the public interest.

- Traffic and parking: Comments about traffic capacity, especially the parking ratio and how it will impact surrounding streets and access through downtown. Question about how the traffic study considers other developments in the area. Questions about how the Barrack Street access will interact with the entrances across Barrack Street.

Response: With a significant amount of additional homes being introduced through the North Block area in the coming years, it is likely that residents and visitors will experience additional traffic congestion as a natural outcome. Importantly, through development application submissions Transportation staff have been reviewing traffic impact studies to confirm what those impacts will be, and how they may be mitigated through the use of multi-modal design approaches and system improvements. The goal is to ensure that the level of impact is acceptable within the City's traffic management framework to support both existing and future residents.

The applicant has submitted a Traffic Impact Study in support of the application which has gone through iterative review with the City's Transportation Services staff. The final report concludes that the development is forecasted to result in low-to-negligible impacts on the roadway network within the study area, maintaining a level of service at "C" or better at all signalized intersections. Level of Service (LOS) is a measure used by traffic engineers to assess how traffic is operating, and ranges from "A" (best) to "F" (worst). The City currently targets a LOS of "E" or better. With the maintenance of a "C" LOS, the proposed development would not create unacceptable levels of congestion. To confirm, this Traffic Impact Study assessment considered planned developments in the vicinity, including the Capitol Theatre site, and the two approved towers on Homestead-owned sites in the North Block (known as Block 3 and Block 5).

The Traffic Impact Study also reviewed the proposed parking ratio, compared to the anticipated modal share for site users, and confirms that the site location supports limited private car ownership, and that parking demand is not anticipated to exceed 0.3 spaces per dwelling unit. This conclusion is based on a review of the 2019 Travel Household Survey and the ITE Manual, which indicate that the development has an adopted driver mode share of 26%. This means that the majority of trips done by residents (74%) will be done by alternative modes of travel (e.g., walking, cycling, transit, carshare, taxi, etc). The development proposes a 1:1 bike parking ratio to support these alternative modes, including short- and long-term options as required by the Kingston Zoning By-Law. The

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site is also in walking distance of the downtown transit transfer point, which provides convenient access throughout the City.

The proposed parking ratio aligns with current modal share projections for the site, while also responding to the anticipated market needs identified by the owner as it relates to the proposed unit configurations. This parking ratio represents a 0.16 space/unit reduction from as-of-right zoning permissions for Parking Area 1, which represents the most connected, walkable area of the City. This reduction supports the goals of Council as it relates to multi-modal development and sustainability, while simultaneously responding to the local context and professional conclusions. As such, staff have no objections to the proposed parking ratio and are of the opinion that it represents good and progressive planning in the public interest.

It is noted that there is currently an array of City-owned parking in the area in various surface lots, as well as through on-street parking opportunities. This parking availability cannot be relied upon long term (and is not required to support the development as indicated above), however it does provide additional parking opportunities for visitors as the City continues to work on increasing the transit and active transportation modal shares through the upcoming Integrated Mobility Plan work.

Related to interactions with existing intersections, the traffic impact study reviewed the available access sightlines for the Barrack Street access point in accordance with the Transportation Association of Canada Geometric Design Guide for Canadian Roads and found that they are acceptable for all movements. The traffic impact study also reviewed the necessity of a left turn lane on Barrack into the site and found based on projected volumes that it was not warranted. The level of service and expected delay for the new access point onto Barrack Street is acceptable and therefore suggests there will be sufficient gaps and opportunities for cars to make their movements without any major conflicts.

- Location: Comments that other locations in the City would be better suited for this type of development.

Response: While there may be other areas in the city that can similarly support a development of this scale, in accordance with the requirements of the *Planning Act* the scope of staff's review and Council's decision relate to the appropriateness of the application on the lands subject to the application. As reviewed in detail through this report the Central Business District, and the North Block area in particular, is a prime location for intensification which supports policy goals of the Provincial Policy Statement and the Official Plan. As demonstrated through the submitted technical studies, including an urban design study, heritage impact study, traffic study, and servicing study, the subject site is able to effectively accommodate the proposed density in a compatible form, without adverse impacts on cultural heritage features.

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While the North Block has been long-recognized as an important area for redevelopment and intensification in the downtown area, Staff recognize more generally that there is opportunity for additional clarity in the new Official Plan to better direct where mid-rise and tall-building forms are appropriate throughout the city. Members of the public are encouraged to join consultation opportunities for the upcoming Official Plan project to participate proactively in this discussion. More information on this project can be found in Report Number 24-072.

- Design: Comments regarding the aesthetic design of the building, specifically that it is too 'modern'.

Response: At the zoning by-law stage, Council is making a decision on the zoning permissions requested for a property which regulate physical parameters such as setbacks, stepbacks, height, density, and floor plate sizes. While exterior design matters were previously regulated by the Site Plan Control process, recent changes to the *Planning Act* have limited the ability of the City to comment on or regulate design matters.

Still, in accordance with Official Plan policies, the design and massing of the building has been reviewed by qualified persons through the completion of an Urban Design Study and a Heritage Impact Study. The urban design study highlights the five design principles of the project, which include: integrating harmoniously into the public realm, creating a human-scaled built form, promoting street vibrancy, introducing a strategic building height, and creating an attractive and engaging skyline. The study comments on the significant improvements the proposed podium design will provide for the site (especially when compared to the existing building), including an increased setback on Wellington Street, the introduction of large windows at-grade to support the commercial interface with the public realm, and the use of high-quality masonry materials to reflect the surrounding context. In reviewing the tower design, the study comments on the intentional simplicity of the design which uses expanses of glazing to reduce the visual mass of the building. The tower design incorporates vertical columns associated with balcony projections to frame the site's corner location. Notably, the design also incorporates a clear building "topper" to accommodate required mechanical equipment, providing a clean and finished appearance. These podium and tower design approaches are supported by the project architects and are accepted by the City's urban designer as appropriate for the site.

The Heritage Impact Study further speaks to the design of the building, focusing mostly on the podium as the most visible element of the building. The study comments that the podium finish is "modern but supportive, complementary and compatible with the historic fabric of adjacent properties." The study concludes that the podium design will promote visual interest and contribute positively to the enjoyment of the area, and views of the tower will not impact the heritage character of the area or impede any protected views. The study makes recommendations that the reviewed materiality of the podium, including the use of red brick, simulated divided light windows, and display windows are maintained

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in its final design. The Heritage Impact Study does not make any recommendations regarding the detailing or design of the tower.

While design aesthetic can be highly subjective as it relates to personal preferences, it is important to recognize that the project architects, SRM Architects and Urban Designers, are also specialized in architecture and urban design, with over 60 years of experience working on a variety of projects throughout Ontario.

- Tenure: Comments about the provision of condominium units versus rental units.

Response: A residential unit is considered a residential unit by the Official Plan and zoning by-law regardless of tenure model. Further, the compatibility of a proposed development, as defined by the Official Plan, is not impacted by the planned tenure of a building. Staff's recommendation on a zoning by-law amendment application is based on conformity with the PPS, consistency with the City's Official Plan and satisfaction that all safety, accessibility, and functional needs are met.

The 2023 Housing Needs Assessment (Report Number COU-23-172) indicates that Kingston is 56% owner-occupied and 44% tenant-occupied. The provincial rental average is 31%. While Kingston continues to require substantial purpose-built rental investment, additional ownership opportunities are also an important part of the housing continuum. It is noted that the two approved residential towers in the North Block area are intended to be purpose-built rental buildings. The provision of condominium units on the subject lands, if pursued, would provide an alternative ownership model for residents in the North Block area.

To date, the applicant has indicated that the building is intended to accommodate condominium units. Since submission of the application, a number of provincial and local policy initiatives have been introduced to incentivize rental housing projects. This includes a provincial decision to remove the provincial portion of Harmonized Sales Tax on qualifying purpose-built rental housing, and a local decision by Council to introduce a Rental Housing Community Improvement Plan (which is subject to a statutory appeal period at the time of writing this report). Both initiatives would offer taxation relief to incentivize the construction of purpose-built rental units which have a committed rental term. Staff cannot comment on how these policy initiatives may or may not influence the owner's business plans for this project. Council would review any future application for a plan of condominium for the subject lands in accordance with the policies of the *Planning Act* and the Official Plan.

- Unit sizes: Comments that the unit sizes are small and questions about if they are livable.

Response: The application proposes 98 studio units, 200 one-bedroom units and 46 two-bedroom units. All unit sizes will be required to comply with the Ontario Building Code related to minimum size which supports safety and livability. The minimum area of a dwelling unit under the Ontario Building Code is 18 square metres; the smallest proposed

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bachelor units within the submitted floor plans have a minimum size of approximately 23 square metres. Of note, the 2019 “A Foundation for the Public Good – Recommendations to Increase Kingston’s Housing Supply for All” report recommends that the City examine options to incentivize the creation of smaller units, including micro and bachelor units to meet identified demand.

- Precedent: Comments that approval of this building would create a precedent for more tall buildings in the area.

Response: As demonstrated throughout this report, local policy context, further confirmed by recent Ontario Land Tribunal decisions, direct that the North Block area is an appropriate location for redevelopment and can accommodate additional heights as directed by the Official Plan. There may be further tower development that can be appropriately accommodated within the North Block area – such proposals would be subject to their own *Planning Act* process and compatibility review.

- Setbacks and lot size: Comments that the proposed setbacks are not sufficient for the site and that the site is too small for the proposed development.

Response: The new building would be setback from both street frontages, most notably increasing the width of the public realm along Wellington Street as the current building on the property is built up to the lot line. The new building would be setback 2.9 metres from the Wellington Street lot line, and between 2.7 and 4.2 metres from the Barrack Street lot line. References to setbacks are to the on-site condition from the legal property line inwards to the building and do not include the existing area between the property line and the street curb. For context, the property line along Wellington Street is approximately 3.5 metres from the street curb, and the property line along Barrack Street is located approximately 4.5 metres from the street curb.

The proposed setbacks are aligned with what the City has been requesting on other high-density development proposals in the urban area where a road widening is not being requested. For context, the 2020 update to the Williamsville Main Street Study, informed by Density by Design work, implemented a minimum 3 metre setback along Princess Street to promote walkability through a widened public realm. The proposed setbacks on the subject property allow for sufficient room to accommodate commercial spill out opportunities, landscaping, and other functional needs.

It is recognized that the application requests a significant density increase from as-of-right permissions. As noted throughout this report, the City requires a substantial amount of additional housing beyond that planned for within the current Official Plan. In the North Block, the Plan provides for opportunities to increase height and density on a property subject to compatibility review and provided the site can accommodate necessary functional needs. The application has demonstrated that the site can provide on-site amenity to support site users, including commercial uses, communal and private recreational space, parking ratios supported by technical study, and bike parking

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infrastructure. Further, the application has demonstrated sufficient tower separations between adjacent properties, and acceptable shadow impacts related to the proposed tower height. The submission materials confirm that servicing and traffic capacity are available to support the development without uneconomical improvements. As such, the subject property can appropriately accommodate the proposed density in a compatible form.

- Birds: Related to the height comments above, concerns about the effects of tall buildings on migrating birds. How will the additional height beyond existing permissions effect the safety of migrating birds who may fly into the building?

Response: The City of Toronto has prepared robust best practices for bird-friendly building design, especially related to towers and glass selection. These guidelines indicate that it is typically the lower floors of a building which pose the greatest danger to birds, as they are at the same level as trees and landscape features. Taller floors can also pose a danger at night in inclement weather. The guidelines recommend a number of mitigation measures, and focus mostly on the first 12 metres of a building, and 4 metres above any rooftop landscaping. Visual markers are also recommended where parallel glass may reflect off of an adjacent building.

The applicant has indicated that they will review bird-friendly mitigation strategies in the final design of glazing at the site plan control stage.

- Support: Comments in support of the development for the increased tax revenue, and the benefits of more people living downtown for businesses.

Response: The proposed development would accommodate an increased population to the downtown area to provide considerable consumption value to existing and new businesses in the city's Central Business District. The redevelopment of the lot would also provide increased tax revenue to the City.

### **Effect of Public Input on Draft By-Law**

Staff have reviewed comments submitted by members of the public, as above. Comments related to tenure and physical design are outside the scope of the zoning by-law amendment application, however they have been reviewed by the applicant to be considered at future stages. Related to public concerns regarding height, staff have reviewed the concerns related to height carefully and are of the opinion that the proposed height is appropriate for the site, as reviewed through this report. Concerns related to parking provision and traffic have been reviewed in detail with the City's transportation department and by the applicant's traffic engineer and are technically supported.

### **Conclusion**

The revised proposal represents a compatible residential development in an area for which the planned context allows for and anticipates increased density and height. The development will

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support Council’s goals related to intensification within the urban boundary, as well as modal share shifts in response to a changing climate. The proposed zoning by-law amendment is consistent with Provincial Policy Statement direction, conforms to the relevant policies of the Official Plan and represents good land use planning in the public interest.

**Existing Policy/By-Law:**

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

**Provincial**

*Planning Act*

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 96-259

Zoning By-Law Number 2022-62

**Notice Provisions:**

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 99 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on July 9, 2024.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, 7 pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

**Accessibility Considerations:**

None

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**Financial Considerations:**

None

**Contacts:**

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Mark Dickson, Manager, Transportation Infrastructure, 613-546-4291 extension 3254

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Draft By-Law and Schedule A, B and C to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use
- Exhibit F Conformity with the Official Plan
- Exhibit G Existing Zoning
- Exhibit H Proposed Site Plan, Floor Plans, Elevations, Renderings and Shadow Study
- Exhibit I Skyline Perspectives
- Exhibit J Site Photographs
- Exhibit K Public Notice Map
- Exhibit L Public Comments

**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law, Introduction of Exception Number E165 and Introduction of Holding Overlay H236 (64 Barrack Street & 235-237 Wellington Street))**

**Passed:** [Meeting Date]

**Whereas** the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (the “Kingston Zoning By-law”);

**And Whereas** the subject lands are identified as “Not Subject to this By-law” on Schedule 1 of the Kingston Zoning By-law;

**And Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law.

**Therefore be it resolved that** the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
  - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘DT1’, as shown on Schedule “A” attached to and forming part of this By-Law.
  - 1.2. Schedule E – Exception Overlay is amended by adding Exception Number 165, as shown on Schedule “B” attached to and forming part of this By-Law.
  - 1.3. Schedule F – Holding Overlay is amended by adding Holding Overlay H236, as shown on Schedule “C” attached to and forming part of this By-Law.

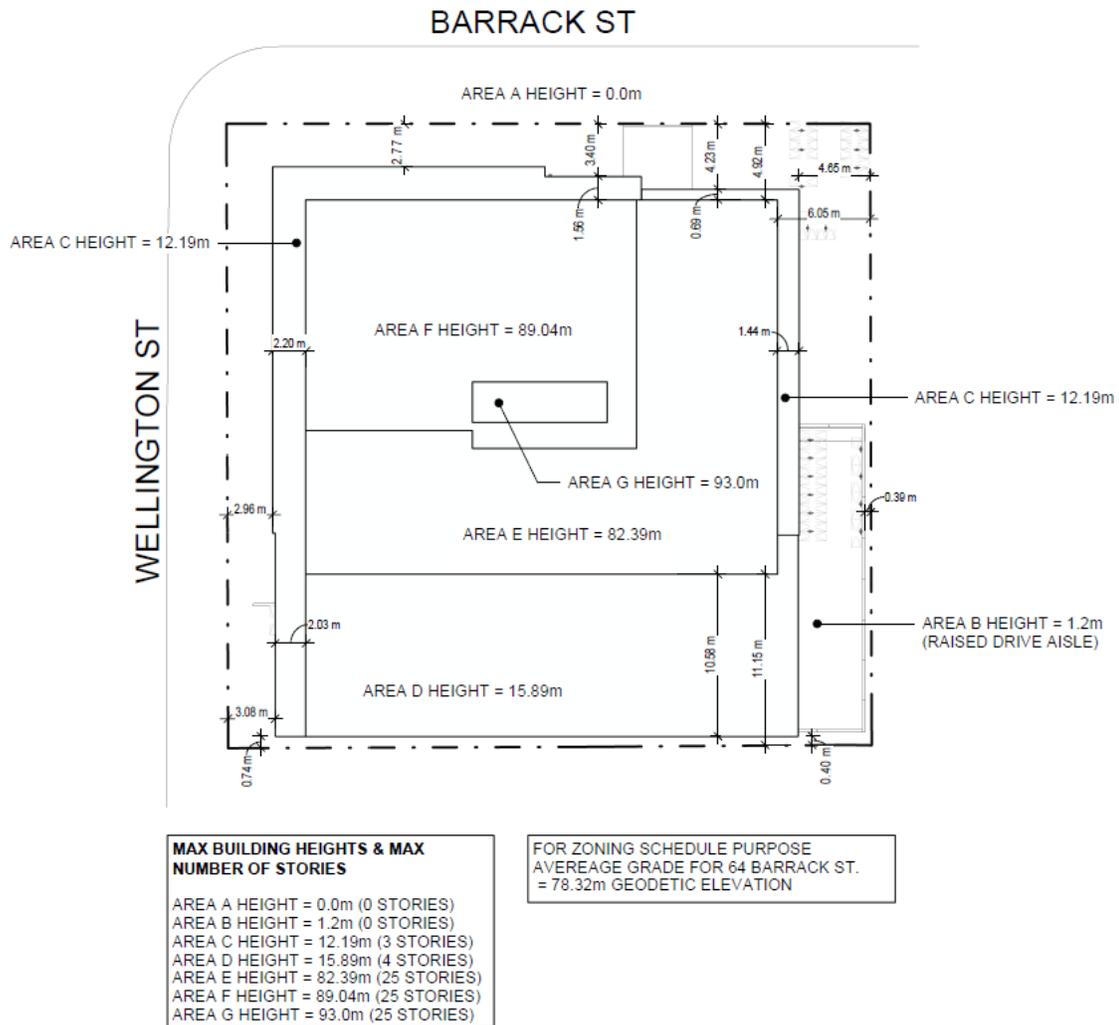
1.4. By adding the following Exception Number E165 in Section 21 –  
Exceptions, as follows:

**“E165.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The maximum **heights** are specified on Figure E165, with a maximum 1 metre variance on noted dimensions permitted;
- (b) The minimum **setbacks** and **stepbacks** are as shown on Figure E165, with a maximum 5% variance on noted dimensions permitted;
- (c) The **angular plane** and **build to plane** requirements described in Subsection 4.5 do not apply;
- (d) The maximum tower floorplate above the 3<sup>rd</sup> storey is 765 square metres;
- (e) The **building** components described in Clause 4.18.2. are permitted to cover a maximum area of 50% of the roof area on which they are located, in the aggregate, with maximum **heights** and minimum **setbacks** as shown on Figure E165;
- (f) Despite the minimum **setback** requirements, architectural features such as ramps, stairs, **canopies**, and wind screens may project horizontally into the required **setback** up to the **lot line**;
- (g) The maximum number of **dwelling units** is 344;
- (h) The minimum **first storey height** is 4.5 metres;
- (i) The minimum **non-residential** floor area on the **ground floor** is 240 square metres;
- (j) A maximum of 85% of the horizontal length of each face of the **main wall** of each **storey** may be occupied by **balconies**;
- (k) One communal **amenity area** may have a minimum area of 40 square metres;
- (l) Clause 4.3.3. does not apply to a communal exterior **amenity area** accessed from the 3<sup>rd</sup> storey;
- (m) The minimum number of required **parking spaces** is 83;

- (n) A maximum of 11 required **parking spaces** are permitted to be used for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, and must include signage that identifies the space as a “small car parking space”;
- (o) A minimum of 5 **visitor spaces** are required;
- (p) A minimum of 1 **short-term delivery parking space** is required;
- (q) A minimum of 1 **car share** space is required;
- (r) A minimum of 10% of the required **long-term bike spaces** must be **horizontal bike spaces**. The remainder of the **long-term bike spaces** may be provided as **stacked bike spaces** or **vertical bike spaces**;
- (s) The minimum width of a **vertical bike space** is 0.4 metres.
- (t) The minimum **drive aisle** width is 6 metres;
- (u) Despite paragraph (s) above, where a **drive aisle** is permitted at-grade for access from Wellington Street the minimum **drive aisle** width is 5.75 metres;
- (v) The maximum width of a **driveway** within the required **front setback** is 7.3 metres;
- (w) The minimum dimension of the required **sight triangle** is 5 by 5 metres; and
- (x) A minimum of 1 **loading space** is required with minimum dimensions of 11.5 metres in length and 3.5 metres in width.

(y) **Figure E165**



2. By adding the following Holding Overlay H236 in Section 22 – Holding Conditions, as follows:
  - “**H236.** Prior to the removal of the Holding Overlay, the following condition must be addressed to the satisfaction of the **City**:
    - (a) The **City** is satisfied that there is adequate servicing capacity for the proposed **development**, including, but not limited to, adequate fire flow capacity, adequate electrical servicing capacity, and adequate gas servicing capacity.”
3. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of

Kingston By-Law Number 96-259, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended, no longer apply to the lands.

4. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

---

**Janet Jaynes**  
**City Clerk**

---

**Bryan Paterson**  
**Mayor**



Planning  
Services

### Schedule 'A' to By-Law Number

Address: 64 Barrack Street & 235-237  
Wellington Street  
File Number: D14-009-2023

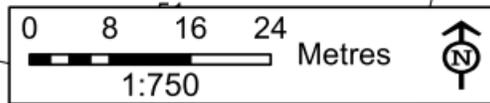
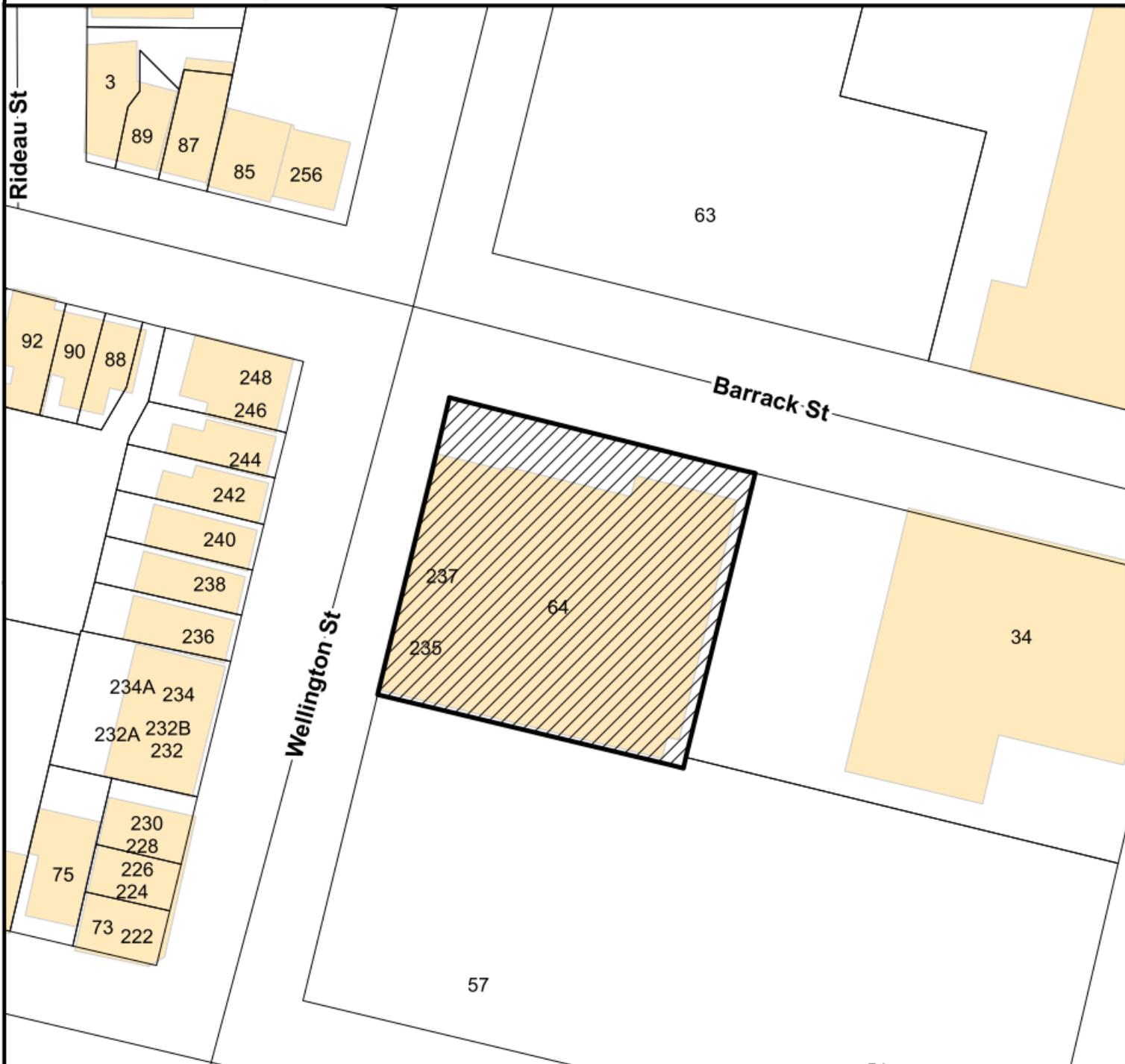
### Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

Lands to be Zoned DT1

### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor Clerk





Planning Services

### Schedule 'B' to By-Law Number

Address: 64 Barrack Street & 235-237 Wellington Street  
File Number: D14-009-2023

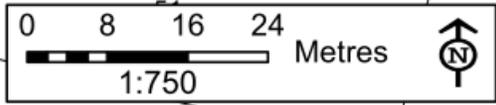
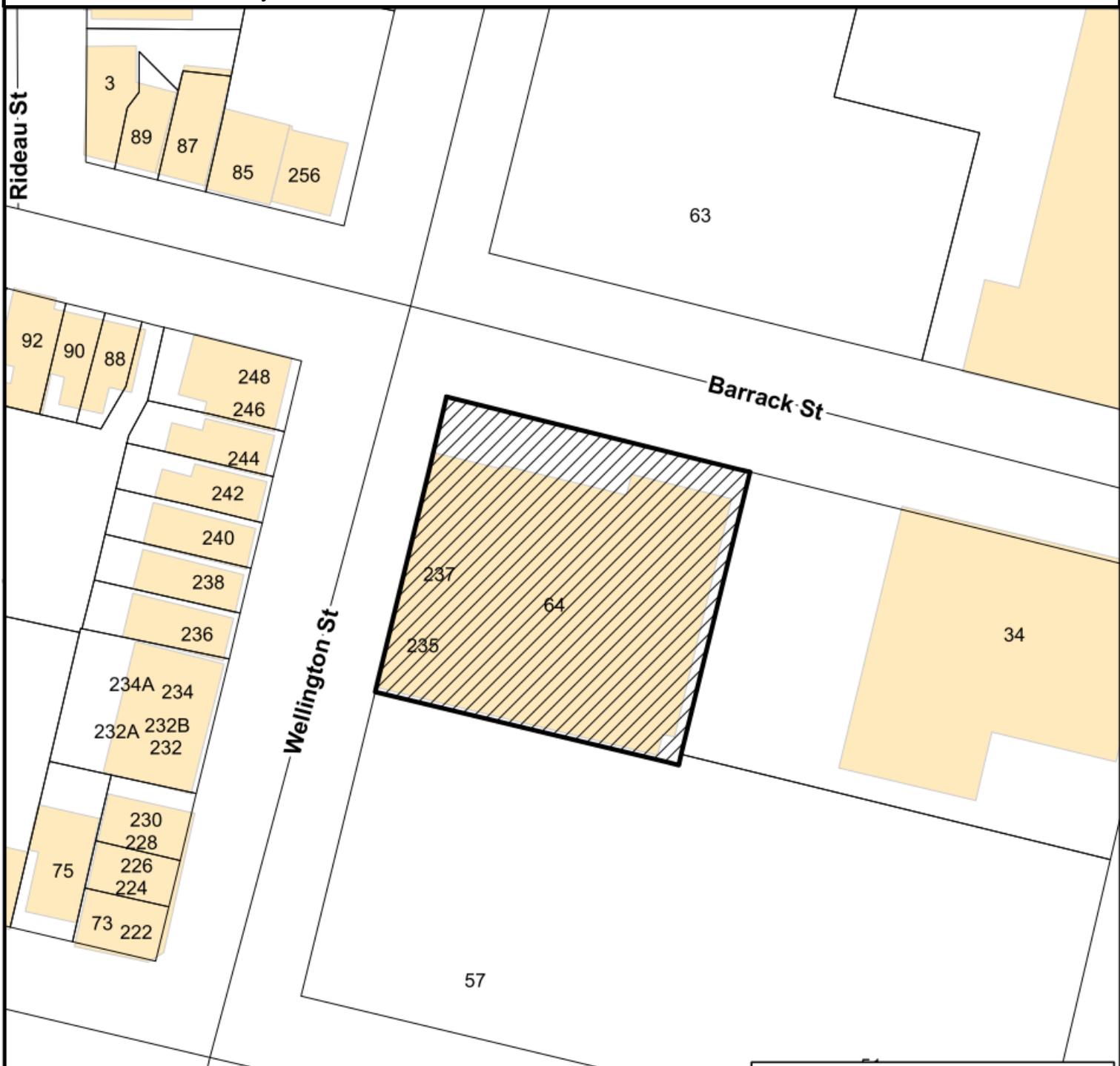
### Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

 Lands to be added as Exception Overlay E165

### Certificate of Authentication

This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor Clerk



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Planning  
Services

### Schedule 'C' to By-Law Number

Address: 64 Barrack Street & 235-237  
Wellington Street  
File Number: D14-009-2023

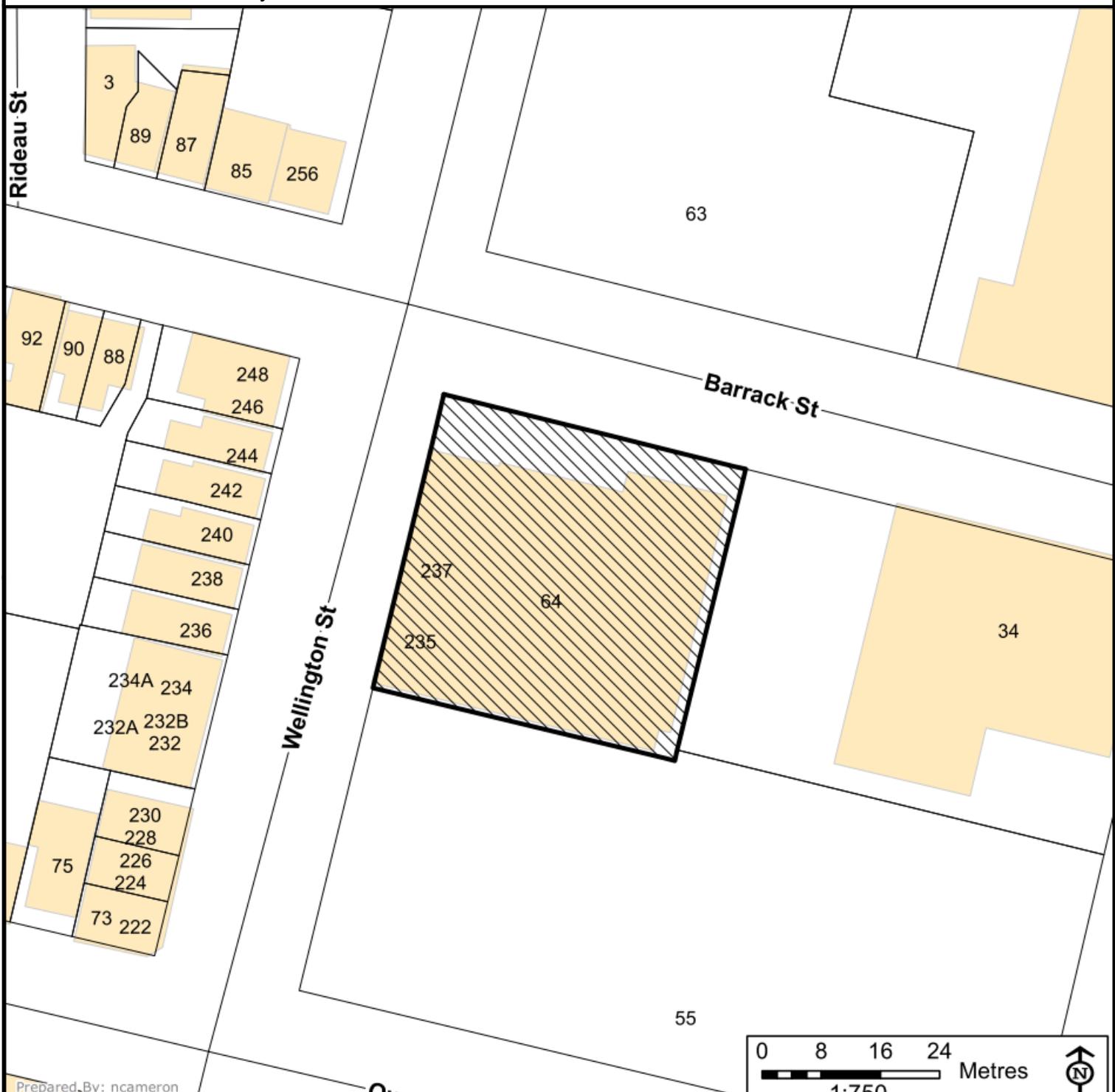
### Kingston Zoning By-Law 2022-62 Schedule F - Holding Overlay

 Lands to be added as  
Holding Overlay H236

#### Certificate of Authentication

This is Schedule 'C' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

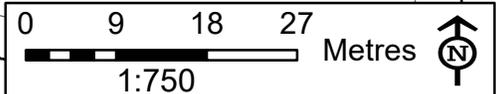
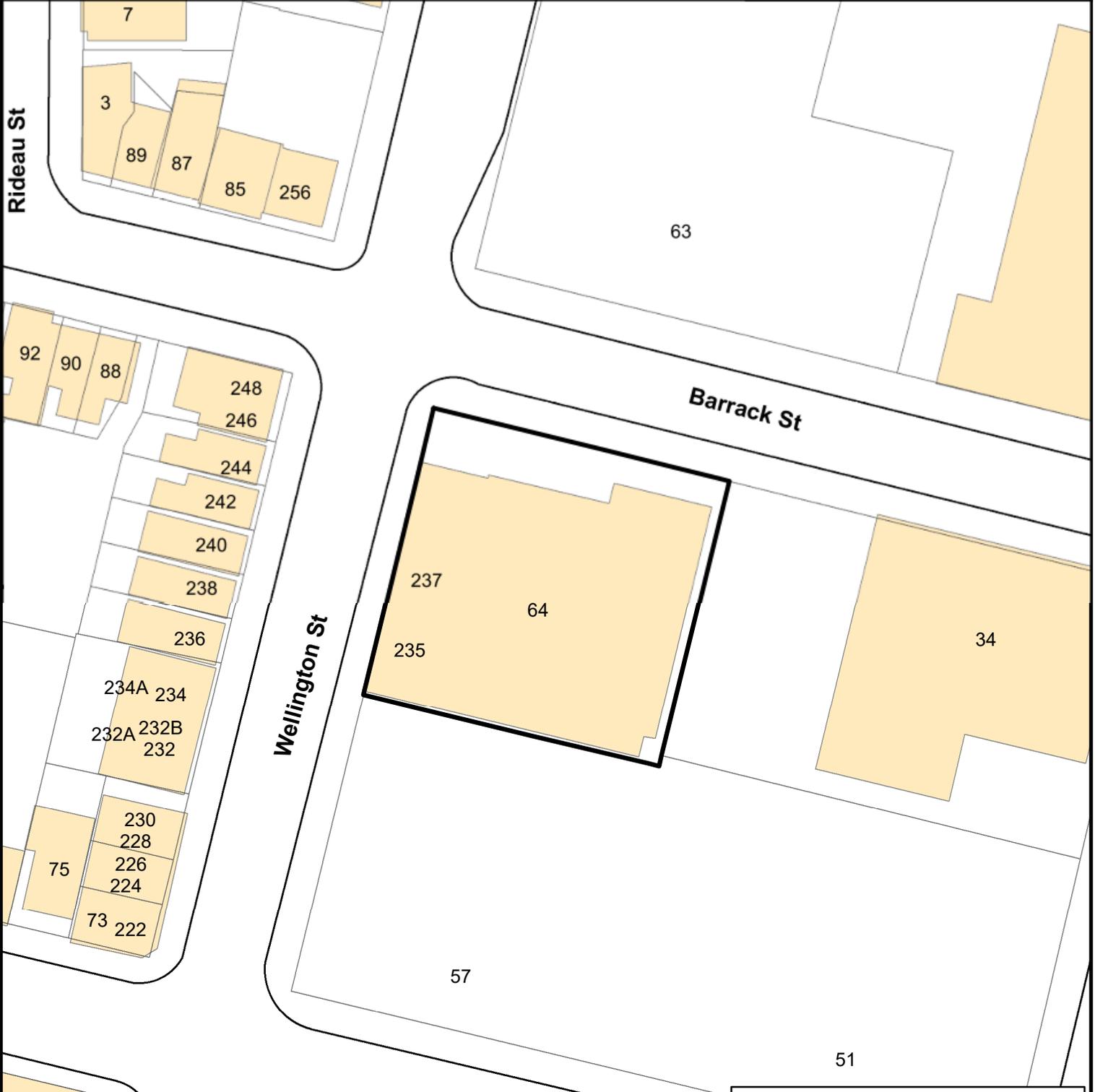
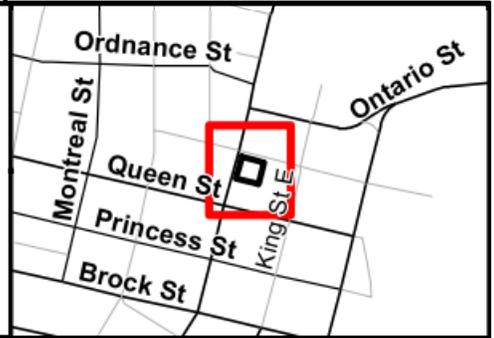
\_\_\_\_\_  
Mayor Clerk



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Planning Committee  
**Key Map**  
Address: 64 Barrack Street & 235-237  
Wellington Street  
File Number: D14-009-2023  
[ ] Subject Lands





Planning Committee  
**Neighbourhood Context (2023)**  
Address: 64 Barrack Street & 235-237  
Wellington Street  
File Number: D14-009-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



**Demonstration of How the Proposal is Consistent with the Provincial Policy Statement**

Policy	Commentary
<b>1.0 Building Strong Healthy Communities</b>	
<p><b>1.1.1</b> Healthy, livable and safe communities are sustained by:</p> <p><b>b)</b> accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p><b>e)</b> promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p><b>i)</b> preparing for the regional and local impacts of a changing climate</p>	<p><b>b)</b> The proposed developments would add 344 new market-based residential homes in the downtown area, as well as 240 square metres of new commercial floor area. These new homes will be introduced in a centralized location with access to recreation, parks and open space, and other uses to meet residents' needs. The commercial floor area will animate the streetscape and add employment opportunities to the Central Business District, maintaining a key function and intent of the downtown.</p> <p><b>e)</b> The proposed development would redevelop an underutilized commercial site located in the centre of the city with new residential and commercial retail uses. Downtown Kingston is the City's primary centre and is comprised of a mix of commercial, office, institutional, and residential uses in a walkable area that is well serviced by transit, including a main transfer station, and active transportation facilities. This is a cost-effective development pattern that will make use of existing servicing infrastructure and roads and will support active transportation and transit facilities with no major servicing upgrades or extensions required.</p> <p><b>i)</b> The proposed development will increase density within the main built-up area within the City, encouraging alternative modes of transportation and reducing reliance on the personal automobile for residents. The property is in walking distance to the downtown transfer point, providing convenient transit access throughout the city for residents. The property is not within a natural hazards area.</p>

<b>Policy</b>	<b>Commentary</b>
<p><b>1.1.3.1</b> Settlement areas shall be the focus of growth and development.</p>	<p>The subject lands are in a settlement area as defined by the PPS. The proposal represents appropriate intensification on an underutilized site within the City’s main existing built-up area.</p>
<p><b>1.1.3.2</b> Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed;</li> </ul>	<ul style="list-style-type: none"> <li><b>a)</b> The addition of 344 new residential homes with at-grade commercial floor area provides an appropriate mix of uses in a compatible built form that is supported by onsite parking, loading, and amenity spaces and municipal water and sanitary services.</li> <li><b>b)</b> Servicing reports indicate that sufficient capacity exists to service the developments without the need for expansion. The submitted Traffic Impact Study confirms that that traffic generated by the development can be accommodated and will maintain acceptable service levels without the need for upgrades. The property location provides access to a range of public service facilities and amenities within the downtown core area. Residents will also have access to a full range of commercial retail stores to meet their short term and long term needs.</li> <li><b>c – f)</b> See response provided in section 1.1.1.i.</li> </ul>
<p><b>1.1.3.3</b> Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	<p>The North Block area has been identified in the Official Plan as an area intended for redevelopment and intensification to accommodate additional residential and commercial uses. The North Block generally provides large, underutilized lots within the downtown area, and the subject block in particular does not contain heritage-sensitive building stock. The Plan provides policy direction related to additional height permissions in the North Block area, which have been reviewed as part of this development application. Servicing capacity has also been reviewed through technical study to confirm that existing infrastructure</p>

Policy	Commentary
	can accommodate the development without uneconomical expansion.
<p><b>1.1.3.4</b> Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The City's Official Plan contains policies that direct growth and intensification with a range and mix of housing types and uses to meet the needs of current and future residents in a compact urban form. The Plan contains direction related to increased height in the North Block area, which promotes intensification and redevelopment in a compact form where land use compatibility can be demonstrated. The property is inland within the built-up downtown area and is not within a natural hazards area. The property has previously been used for various commercial uses; consistent with the PPS, the Plan contains direction for development of sites on potentially contaminated sites. A Phase I ESA has been completed for the site and a Phase II ESA and completion of a record of site condition will be required prior to construction.</p>
<p><b>1.4.3</b> Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <p><b>b)</b> permitting and facilitating:</p> <p><b>1.</b> all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and</p> <p><b>c)</b> directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will</p>	<p><b>b) 1.</b> Based on the recent Council-endorsed growth scenario outlined in Report Number 24-016, the city is projected to grow from 154,100 people in 2021 to 220,900 people by 2051, representing 66,800 new residents, 29,300 new houses and 33,400 new jobs over the next 27 years. The current Official Plan planned for a population of 141,500 people by 2036, which the city has already outgrown (at a population of 154,100 people in 2021). Further, the CMHC recently reported that the vacancy rate for the purpose-built rental housing market in the Kingston Census Metropolitan Area (CMA) to be 0.8% in October 2023, down from 1.2% in 2022. Kingston's most recent CMA vacancy rate was the lowest among Ontario CMAs.</p> <p>Council's Strategic Plan includes a target to increase the overall housing supply of all forms of and tenure of new housing forms by 4,800 residential homes over the Council term. In 2023, the province requested that the</p>

<b>Policy</b>	<b>Commentary</b>
<p>be available to support current and projected needs;</p> <p><b>d)</b> promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p><b>e)</b> requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</p> <p><b>f)</b> establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety</p>	<p>City demonstrate its commitment to accelerating housing supply by developing a Municipal Housing Pledge to identify the tools and strategies the City intends to use to support and facilitate the construction of 8,000 new homes by 2031.</p> <p>The Mayor’s Taskforce on Housing’s report “A Foundation for the Public Good – Recommendations to Increase Kingston’s Housing Supply for All” was released in 2019 (prior to the most recent population and vacancy rate data) and found that 83% of new units required to meet projected needs are expected to be in high-density dwellings (apartment buildings) with the demand being led primarily by one-person households (53%) and two-person households (31%).</p> <p>The proposed development, which will provide 344 new homes in studio, one-bedroom, and two-bedroom unit sizes in a walkable location with access to transit will support Council’s goals for housing supply in a form that aligns with market demand for housing needs.</p> <p><b>c – e)</b> The proposed high-density development in this central location efficiently utilizes existing infrastructure investments made by the City, including water and wastewater servicing, the transportation network including sidewalks, public pathways, and express and local transit services, public service facilities including the waterfront trail, public parks, and community centers including Artillery Park.</p>
<p><b>1.6.7.2</b> Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>A Traffic Impact Study was submitted that reviewed traffic operations at intersections surrounding the proposed building. The analysis showed that intersections will continue to function at an acceptable level of service and that the proposed developments will only nominally change operations at intersections throughout the study area. Overall, no mitigation measures were deemed</p>

<b>Policy</b>	<b>Commentary</b>
	required as a result of the proposed developments.
<p><b>1.6.7.4</b> A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The subject lands are located in the Central Business District of Kingston, which is comprised of a greater density of commercial, employment, institutional, and residential land uses. The sites are well serviced by transit and active transportation facilities. The small block sizes, mix of land uses, transit, and active transportation options provide opportunity for residents and workers on the site to live a compact urban lifestyle.</p>
<p><b>1.7.1</b> Long-term economic prosperity should be supported by:</p> <p><b>b)</b> encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;</p> <p><b>d)</b> maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;</p> <p><b>e)</b> encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</p>	<p><b>b)</b> The application proposes 344 new market homes in a multi-unit building that is within a highly walkable area supported by transit and active transportation facilities. The new homes would provide increased housing options in the City, especially in the downtown area. The density and proposed unit sizes respond to current identified market and population needs.</p> <p><b>d-e)</b> The North Block area is a vacant former industrial area north of Kingston’s main downtown street, Princess Street, comprised mostly of surface parking lots. The subject property is developed with a two-storey commercial building which does not provide a vibrant street frontage (especially along Wellington Street) and does not make efficient use of the downtown site. The new mixed-use building will provide commercial uses and active residential uses on both street frontages, increasing the permeability of the main floor and notably increasing the width of the public realm on Wellington Street. 344 new residential homes are proposed in a compatible, complementary human-scaled built form. The redevelopment of the underutilized site will support and enhance the viability of Downtown Kingston by providing attractive commercial homes and adding a significant number of new residents to the area.</p>

<b>Policy</b>	<b>Commentary</b>
	<p>The development has been reviewed through a supportive Heritage Impact Statement which confirmed that the development, with its well-designed podium and concentration of height in the North Block area will not negatively impact nearby heritage resources and effectively mitigates impacts on the city's skyline.</p>
<b>2.0 Wise Use and Management of Resources</b>	
<p><b>2.6.1</b> Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p>	<p>A Heritage Impact Statement evaluated the potential impact of the new developments on surrounding built heritage resources. The subject lands are not designated under the Ontario Heritage Act, and they are not within a significant cultural heritage landscape or within a Heritage Character Area as identified in the City's Official Plan. The report concluded that the proposed developments are appropriate and will not negatively impact nearby designated properties nor the heritage character of the downtown area.</p>
<p><b>2.6.3</b> Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.</p>	<p>The property is located kitty-corner to a designated property at 85 Barrack Street &amp; 256 Wellington Street, and across the street from a listed property at 236 Wellington Street. As above, the potential impacts of the development on adjacent heritage properties were reviewed through the submitted Heritage Impact Statement. The HIS concluded that the development will not negatively impact these built resources and is appropriate for the area.</p>
<b>3.0 Protecting Public Health and Safety</b>	
<p><b>3.2.2</b> Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.</p>	<p>A Phase 1 Environmental Site Assessment (ESA) has been completed for the property. A Phase 2 ESA is required the property in order to determine the approach for site remediation. The completion of a Record of Site Condition by a qualified person in accordance with applicable legislation and to the satisfaction of the City and the Ministry of Environment Conservation and Parks is</p>

<b>Policy</b>	<b>Commentary</b>
	required prior to the commencement of any construction.



Planning Services

Planning Committee  
Official Plan, Land Use

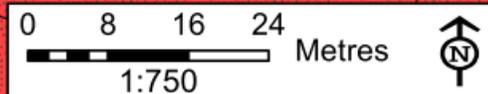
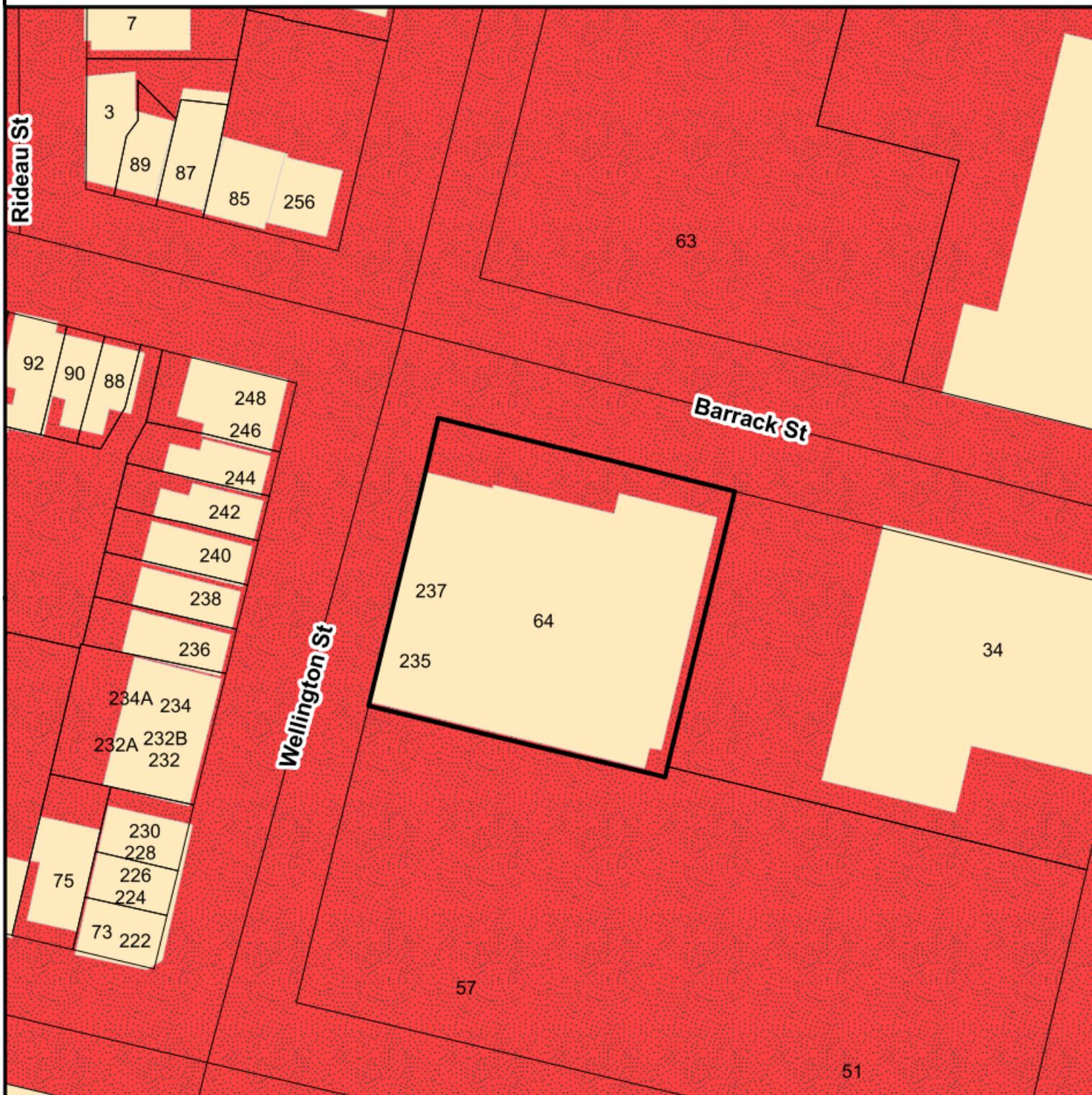
Address: 64 Barrack Street & 235-237

Wellington Street

File Number: D14-009-2023

Subject Lands

CENTRAL BUSINESS DISTRICT



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## Demonstration of How the Proposal Conforms to the Official Plan

### Section 2 – Strategic Policy Direction

Policy	Conformity with the Policy
<p><b>2.1.1.</b> Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> <li><b>a.</b> appropriate (minimum) densities;</li> <li><b>b.</b> land use patterns that foster transit and <i>active transportation</i>;</li> <li><b>c.</b> enhanced access to public amenities and spaces for all residents, visitors and workers;</li> <li><b>e.</b> direction of new <i>development</i> and key land uses to areas where they can best result in sustainable practices;</li> <li><b>g.</b> maximized use of investments in <i>infrastructure</i> and public amenities;</li> <li><b>h.</b> strategies that will revitalize both neighbourhoods and <i>employment areas</i>, and rehabilitate <i>brownfield sites</i> for re-use;</li> <li><b>i.</b> parks that are planned to be accessed by urban residents within a ten minute walk and situated in locations that lessen the need for pedestrians to cross an arterial road or major highway;</li> <li><b>m.</b> encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses,</li> </ul>	<ul style="list-style-type: none"> <li><b>a.</b> The developments propose to introduce 344 new residential units on an underutilized commercial site within downtown Kingston. The developments will contribute to increasing the residential density within the urban boundary, exceeding the minimum density required for new residential development within the Centre with a compatible development that will meet the functional needs of the residents and support the vitality of the urban Centre. Please see the response provided in Section 2.4.3.</li> <li><b>b.</b> The proposed mixed-use development is located in the Centre - Central Business District, a highly walkable area of the City. The developments provide multi-modal transportation options with transit and active transportation facilities available to the residents, visitors, and workers.</li> <li><b>c.</b> The buildings will be compliant with the Accessibility for Ontarians with Disabilities Act and the Ontario Building Code. Accessible parking is provided in accordance with the Kingston Zoning By-Law. The Municipal Accessibility Advisory Committee has been involved in the technical review of the application and will be circulated the site plan control application.</li> <li><b>e.</b> The proposed mixed-use development is located in the downtown core, which supports an urban lifestyle with direct, walkable access to a range of amenities and employment opportunities, thus reducing reliance on the personal car. The area is the primary transportation hub for Kingston Transit, providing local and express bus access across the entire City. Bicycle parking is being provided in accordance with the Kingston Zoning By-Law.</li> </ul>

Policy	Conformity with the Policy
<p>subject to compatibility matters as outlined in Section 2.7; and,</p> <p><b>n.</b> an ecosystem approach to protecting the <i>natural heritage system</i>.</p>	<p><b>g.</b> The downtown location provides existing infrastructure investments, including water and wastewater servicing, public amenities including parks and community centres, and a multi-modal transportation system. The Kingston Transit downtown transfer point located at Brock &amp; Bagot Street and Artillery Park Aquatic Centre are both located within walking distance of the proposed developments.</p> <p><b>h.</b> The subject lands are located in the primary Centre – Central Business District as identified in Schedule 2 – City Structure in the Official Plan, the area of the City planned to have the greatest mix and density of uses. The property is currently developed with a two-storey commercial building which does not provide an attractive or engaging at-grade experience, especially along Wellington Street. The redevelopment of the property with a contextually appropriate podium design that provides increased permeability, setbacks along Wellington Street, and active at-grade uses will contribute to revitalization of the North Block Area and support the vitality of downtown Kingston. The increased population on the site will generate an additional consumer base for existing and new downtown businesses.</p> <p><b>i.</b> The property is in walking distance to a number of existing park spaces, including the waterfront trail, Confederation Park, and Springer Market Square. In accordance with the <i>Planning Act</i> and the City’s Parkland Dedication By-Law Number 2013-107, the proposed developments will include a significant cash-in-lieu of parkland dedication to the City, which may in turn facilitate the development of additional park space within the surrounding neighbourhood.</p> <p><b>m.</b> The development provides an additional mix of land uses, including 344 new residential units, within an existing mixed-use area.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
	<p><b>n.</b> The property located within the urban boundary on previously developed lands. The buildings do not negatively impact upon natural heritage features. In general, the construction of additional residential units within the urban boundary supports upwards intensification and contributes to a relief in pressure for urban sprawl.</p>
<p><b>2.1.4.</b> In reviewing development applications, the City will promote sustainability through:</p> <p>a. encouragement of green building design to reduce greenhouse gases by adopting:</p> <ul style="list-style-type: none"> <li>• energy efficient construction;</li> <li>• renewable sources of energy for lighting and heating;</li> <li>• natural lighting; • design that reduces water consumption;</li> <li>• design which minimizes discharge into the sanitary sewers; and</li> <li>• design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use.</li> </ul> <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p>	<p>The applicant’s architects have submitted a sustainability statement as part of the application package to highlight the sustainable building practices intended for the project. These include use of local materials where possible, low-flow shower heads and kitchen faucets, triple glazed windows, high efficiency mechanical equipment, and incorporation of EV charging facilities, among others. It is noted that detailed physical building design is generally outside of the scope of Planning Act approvals.</p> <p>The sustainability statement further highlights the location of the site as an important sustainability factor, with a central location and lower parking ratio, both promoting active transportation and transit use. The site provides convenient walking access to a variety of uses to support daily needs of residents.</p> <p>As a result of being in a dense urban setting, the property will benefit from periods of shade created by surrounding buildings, and will similarly provide shading to surrounding streetscapes. As reviewed through the shadow study, the movement of the tower allows for opportunities for sun exposure within these streetscapes as well. Wind exposure of on-site private amenity areas as well as surrounding sidewalks has also been reviewed, and wind screens will be incorporated at the site plan control stage in order to ensure comfortable wind conditions appropriate for intended activities.</p>

Policy	Conformity with the Policy
<p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>g. the creation of a mix of uses that support increased access to healthy foods;</p> <p>h. the use of materials that have been extracted or recovered locally;</p> <p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>j. development that generates sufficient tax revenue to pay for the increased services (e.g., solid waste collection, fire and police services, snow clearing, etc.) that the City has to provide; and,</p> <p>k. development that suits the demographic and/or socio-economic needs of the community.</p>	<p>The building does not require extension of municipal services, and the introduction of 344 new dwelling units on the site will generate increased tax revenue from the site to support servicing needs for the building and the surrounding area. The development represents a highly efficient use of lands within the downtown core.</p>
<p><b>2.2.7.</b> The main Centres, as shown on Schedule 2, are areas of mixed use and mixed buildings, including employment, residential, commercial and supporting uses and facilities. These will be the areas where <i>intensification</i> will be focused, and where greater densities residential and non-</p>	<p>The subject lands are located in the City's primary Centre – the Central Business District, an area that is a focus of greater heights and densities of residential, employment, and commercial uses. The mixed-use development adds new residential and commercial density to downtown Kingston in a compatible and complementary built form.</p>

Policy	Conformity with the Policy
residential development will be permitted.	
<p><b>2.2.7.1</b> The Central Business District, being the Centre east of Division Street, is intended to remain as the primary Centre during the life of this Plan, having the most diverse uses and public facilities, and in a setting that fosters and respects its heritage resources, cultural vitality and commercial role. Increased public access to the water, active transportation and tourism will be promoted within this Centre. The Centre policies within the Central Business District (CBD) apply to infill lots and the North Block Area. It recognizes the importance of maintaining and conserving the heritage buildings and character of the Lower Princess Street Heritage Character Area, as established in Sections 7.3 and 10A of this Plan. In order to maintain the significance and vitality of the Central Business District, the City may limit the size or extent of uses necessary to support the CBD, such as offices and entertainment uses, in other locations in the City.</p>	<p>The new buildings reinforce the intent of the Central Business District being the City's primary Centre by adding 344 new residential units and 240 square metres of ground floor commercial uses.</p> <p>As outlined in the Mayor's Taskforce on Housing Report, the City is seeing increased demand for one and two-bedroom apartment style units, primarily in the central portion of the City. The addition of 98 studio, 200 one-bedroom and 46 new two-bedroom units will help meet these projected demands.</p> <p>The proposed buildings are designed to be complementary and compatible with the surrounding buildings and streetscapes while incorporating the residential density through a well designed tower.</p> <p>The property does not contain heritage resources, and is not within a heritage character area.</p>
<p><b>2.3.1.</b> The focus of the City's growth will be within the <i>Urban Boundary</i>, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the <i>infrastructure</i> planning.</p>	<p>The subject lands are located within the Urban Boundary and will be supported by existing municipal servicing infrastructure.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>2.3.2.</b> In 2013, residential density within the City’s Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.</p>	<p>The building will increase the overall net residential density within the Urban Boundary in a compatible and complementary built form.</p> <p>The development proposes 344 new residential units for a density of 2,011 units per net hectare, representing the densest urban development in the North Block area reviewed to date.</p>
<p><b>2.3.8.</b> Cultural heritage resources will continue to be valued and conserved as part of the City’s defining character, quality of life and as an economic resource that contributes to tourism in both the urban and rural portions of the City.</p>	<p>The subject property is not listed or designated under Part IV or V of the Ontario Heritage Act or within a Heritage Character Area on Schedule 9 of the City’s Official Plan. A Heritage Impact Study was submitted in support of the application. The proposed buildings maintain the character and scale of the area through the design and articulation of the podiums and towers.</p> <p>The buildings do not impact the protected views identified on Schedule 9 – Heritage Areas, Features, and Protected Views or the viewpoints and view planes identified on Schedule DH-4 – Views to City Hall Cupola.</p>
<p><b>2.3.11.</b> In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.</p>	<p>The development promotes the use of active transportation, placing new residents within walking distance of a variety of convenience, entertainment and employment uses. The downtown area is well-connected with existing sidewalks on both sides of the street throughout the immediate area. The property also provides connections to the waterfront trail. The development provides short and long-term bike parking facilities in accordance with the direction of the Kingston Zoning By-Law, including larger horizontal spaces to support e-bikes and cargo bikes. The provision</p>

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	of secure on-site bike storage locations supports the City’s modal shift goals.
<p><b>2.4.1.</b> The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to:</p> <ul style="list-style-type: none"> <li><b>a.</b> reduce infrastructure and public facility costs;</li> <li><b>b.</b> reduce energy consumption and greenhouse gas emissions;</li> <li><b>c.</b> support active transportation and viable public transit;</li> <li><b>d.</b> conserve agriculture and natural resources within the City; and</li> <li><b>e.</b> reduce reliance on private vehicles.</li> </ul>	<p>The proposed building will redevelop an underutilized parcel in downtown Kingston and will be serviced by existing municipal infrastructure that does not require an expansion to accommodate the anticipated flows. There are numerous public facilities in the area easily accessible to the occupants of the site.</p> <p>The buildings will bring both new residential and non-residential density to the downtown. These users and visitors to the site have the option to commute in and out of the downtown area via existing transit and active transportation facilities, providing options to reduce reliance on private vehicles. The redevelopment will also improve the pedestrian environment within the North Block Area.</p> <p>The development adds to the mix of land uses and housing types within the City, making efficient use of land and optimizing investments in existing infrastructure. Adding additional units and users into downtown where an extension is not required increases the water and wastewaters economies of scale making it more efficient and cost effective.</p>
<p><b>2.4.2.</b> It is the intent of this Plan to be consistent with the policies of the Provincial Policy Statement (PPS). The PPS supports residential intensification, infill development, and an appropriate range of housing types and densities needed to meet the projected requirements of current and future residents. It is the intent of the City to maintain, at all times, the ability to accommodate residential growth for a minimum of 10 years with lands that are designated and available for residential development. It is also</p>	<p>The Plan is consistent with the policies of the Provincial Policy Statement, as reviewed through Exhibit D.</p>

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<p>the intent of this Plan to maintain lands with servicing capacity to provide at least a three year supply of residential units available through lands suitably zoned and lands that are draft-approved or registered plans of subdivision. This Plan will ensure sufficient land is made available to accommodate an appropriate range and mix of land uses to meet projected need for a time horizon of up to 20 years.</p>	
<p><b>2.4.3.</b> It is the intent of this Plan to achieve an increase in the City’s net urban residential densities through promoting intensification and requiring minimum densities for residential development. It is also the intent of the City that intensification be focused within Centres and Corridors and in specific policy areas.</p>	<p>The property is located in the City’s Primary Centre, the Central Business District.</p>
<p><b>2.4.4</b> New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <p><b>c.</b> for mixed use building developments in existing and proposed Centres and Corridors, a minimum density of 75 residential units per net hectare is established as the target for new residential development in order to support active transportation and transit;</p>	<p>The proposed development exceeds minimum density targets for the central business district in a compatible form, providing a residential density of 2,011 units per net hectare (344 units).</p>
<p><b>2.4.5</b> The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>a. It is the intent of the City that 40 percent (%) of new residential</p>	<p>The development constitutes intensification of an underutilized lot and contributes to the City’s goal for 40% of new residential development to occur through intensification.</p>

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<p>development occur through intensification.</p> <p>b. It is the intent of the City that ten percent (10%) of new nonresidential development occur through intensification.</p>	
<p><b>2.4.6.</b> Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:</p> <p><b>a.</b> lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;</p>	<p>The subject lands fit within the first priority for development as they are located within the urban boundary and propose mixed-use intensification development on an underutilized site within downtown Kingston. Servicing capacity has been confirmed for the new development.</p>
<p><b>2.5.8.</b> Where <i>intensification</i> is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional <i>development</i>.</p>	<p>A preliminary servicing report was completed by Forefront Engineering and reviewed by Utilities Kingston which concluded that the adequate servicing is available to support the new developments.</p>
<p><b>2.5.11.</b> The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.</p>	<p>Downtown Kingston is highly supported by both local and express transit with the Kingston Transit downtown transfer station and numerous stops throughout the area.</p> <p>The two buildings would redevelop two underutilized brownfield sites in downtown Kingston with a mix of land uses in a compatible built form with new residential units that address the City’s projected housing demand for multi-residential buildings in the central area of the City.</p>
<p><b>2.6.1.</b> It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from</p>	<p>The subject lands are within a secondary planning area identified for intensification and are not within a stable area. The redevelopment maintains the intent of the</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
incompatible development or types of development and rates of change that may be destabilizing.	stable area policies by promoting development in an area where change is desired.
<b>2.7.1</b> Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.	See fulsome review of Section 2.7 in the next section.
<b>2.8.2.</b> Forests and trees are recognized as a critical part of the City's health and character. Kingston will take steps to achieve the Environment Canada guideline of 30 percent minimum forest coverage in the urban area and maintain the existing forest coverage outside the Urban Boundary, as well as achieve a doubling of the urban forest cover by 2025.	The property is currently developed with a large commercial building which occupies the majority of the lot. There are no trees along the Wellington Street frontage. There are small trees within a raised garden bed on Barrack Street, as well as 4 City-owned trees within the right of way on Barrack Street. These trees vary in age and size. It is anticipated that the existing trees will require removal to facilitate the development, and re-plantings are proposing along Barrack Street. Additional landscaping is proposed within both setbacks. Compensation for removal of City trees will be required in accordance with the Tree By-Law and will be reviewed in consultation with Forestry Street at the site plan control stage.
<b>2.8.5.</b> Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.	A stormwater management report was completed by Forefront Engineering as part of the application. The stormwater management report has been reviewed by the City's Stormwater Management review staff. The report proposes that a storm sewer connection will be made to the existing storm sewer on Wellington Street. An on-site cistern will provide storage to limit stormwater runoff to 80% of the pre-development levels, and an oil grit separator will provide on-site water quality treatment prior to discharge into the municipal system. This approach has been accepted for feasibility purposes and final stormwater design will be reviewed and approved through the site plan control process.
<b>2.8.8.</b> Cultural heritage resources, will be conserved, managed and promoted for their contribution to	The property does not contain any designated heritage resources and is not within a heritage character area. A Heritage Impact Statement

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>the City's unique identity, history and sense of place in such a way as to balance heritage concerns with environmental and accessibility issues. Care will be taken not to put the existing UNESCO World Heritage Designation of the Rideau Canal, Fort Henry and the Kingston Fortifications at risk by working with partners to implement the Rideau Corridor Landscape Strategy.</p>	<p>was submitted in support of the application and concludes that the development is compatible and will not directly impact surrounding heritage resources or heritage character areas. It further comments that the podium design will contribute to the visual character of the area, and that the concentration of height in the North Block Area reduces the overall impact of height on the city's skyline.</p>
<p><b>2.10.4.</b> Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.</p>	<p>A Phase 1 Environmental Site Assessment has been completed for the site and finds that 29 potentially contaminating activities (one on-site and 27 off-site) were identified within the study area. Contaminants of potential concern were identified based on these activities. The Phase 1 ESA recommends completion of a Phase 2 ESA prior to the filing of a record of site condition. A record of site condition will be required prior to the issuance of any building permits for the site, in accordance with provincial regulation.</p>

**Section 2.7 Land Use Compatibility Principles**

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>2.7.2.</b> The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	<p>Compatible is defined by the Official Plan as “the ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another in a manner that will not have an undue physical or functional adverse effect on, existing or proposed development in the area, or pose an unacceptable risk to environmental or human health.”</p> <p>Adverse effects is defined by the Official Plan as “one or more of the following: impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant or animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for human use; loss of enjoyment of normal use of property; and interference with the normal conduct of business.”</p> <p>A Planning Rationale, Urban Design Study (including Shadow Study), Wind Study and Heritage Impact Study were submitted in support of the application outlining how the development is compatible with the surrounding land uses, including existing designated built heritage resources and the heritage character areas. Please see responses provided in Section 2.7.3. 2.7.4, Section 7, and 10A.4.5, 10A.4.6, and 10A.4.7.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>a. shadowing;</p>	<p>A shadow study was submitted with the proposal, completed by SRM Architects. The study reviews the shadows cast by the proposed 25-storey development (including the mechanical penthouse). The study also contrasts this shadowing with shadowing that would be generated by a hypothetical 19 storey building on the site, which is consistent with height permissions established for the adjacent lot at 55 Queen Street. The shadow study also considers the cumulative shadow</p>

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	<p>impacts of the proposed tower alongside the approved tower at 55 Queen Street.</p> <p>The Plan policy does not contain an evaluative framework stating what is an appropriate level of shadowing. The North Block special policy area contains an additional consideration that taller buildings cannot overshadow nearby properties, however the plan does not define what overshadow means.</p> <p>Staff typically utilize the following parameters as a baseline to assess shadowing impacts during the spring and fall equinoxes, based on a review of common practices throughout Ontario municipalities:</p> <ul style="list-style-type: none"> <li>• Public Realm and Communal Outdoor Amenity Areas: should receive full sun coverage at least 50% of the time or 50% coverage all the time; should have sun for at least 3 to 5 hours; and, at-least 3 to 5 continuous hours of sun onto parks/open spaces.</li> <li>• Private Residential Outdoor Amenity Areas: should receive sun at least 50% of the time; should have sun for at least 3 to 5 hours; and at-least 2 continuous hours of sun.</li> </ul> <p>The podium of the building, being 2-3 storeys in height and setback from both street lines, casts shadows that are generally in line with the shadowing impacts of the existing building on the site and shadowing impacts that would result from the as-of-right 6-storey zoning permissions for the property.</p> <p>Given the orientation of the property on a northwest corner lot, the building's shadow covers portions of Wellington Street and Barrack Street throughout the day. During the spring and fall, the Wellington Street public realm south of Barrack Street is in shadow before noon, with the shadow moving to Wellington north of Barrack Street between noon and 2pm. The shadow is completely off</p>

Policy	Conformity with the Policy
	<p>of the Wellington Street public realm by 2pm, providing opportunity for continuous hours of afternoon sun until sunset. The building's shadow reaches sections of the Barrack Street public realm west of Wellington Street before noon, with the shadow moving past the Barrack and Wellington intersection after 1pm, and moving along sections of the northern sidewalk from 12pm to 6pm. The shadow moves along the sidewalk, allowing various portions to receive sunlight through the afternoon. The southern side of Barrack Street immediately adjacent to the building will experience shadow of varying degrees from 10am onwards, however given the building orientation this condition is consistent with what would be seen with construction to as-of-right development permissions and is thus not considered an undue adverse effect on the public realm. Where the tower shadow reaches across a City block to surrounding sidewalks, the shadows move quickly as a result of the tower floorplate and do not result in any long periods of continuous shadow. The shadowing impacts of the building on the public realm are acceptable and expected for a dense urban environment.</p> <p>The shadow study highlights public parks and outdoor community spaces in the vicinity in green for context. The building's shadow does not reach any parks during the fall and spring equinox, with the exception of Fort Frontenac beginning at 5 pm during the equinox. During the winter, when shadows are long, the tower shadows Hillside Park at 9am, with shadows off of the park by 10am.</p> <p>The Urban Design Brief also reviews shadow impacts on private properties surrounding the development and confirms that, while the shadow reaches a number of properties throughout the day, it moves quickly and no property is in a period of unacceptable continuous shadow throughout the day during the fall and spring equinoxes.</p>

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	<p>The property is not located within a Heritage Character Area, nor located within or adjacent to a Heritage Conservation District. The Lower Princess Street Heritage Character area is located to the south, beginning mid-block between Queen and Princess Streets. There are no shadowing concerns on the Lower Princess Street Heritage Character Area as the shadows will be primarily cast to the west and north. The St. Lawrence Ward Heritage Character Area lies to the west of the site, starting at Bagot Street and Rideau Street. During the spring equinox, the tower shadow reaches portions of the character area in the morning, with shadows off of the area by noon. The shadow moves quickly during the morning and does not cause continuous shadow on any one property within the character area. The Heritage Impact Statement does not identify any adverse shadowing impacts on any surrounding heritage properties.</p> <p>In conclusion, the proposed building will have an acceptable level of shadowing consistent with that expected in a highly urban area.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>b.</b> loss of privacy due to intrusive overlook;</p>	<p>The building will not result in a loss of privacy due to intrusive overlook. The subject lands are located within the downtown area which is comprised of a mix of commercial uses and higher density residential uses which are most commonly upper storey units or higher density residential uses. The properties to the north and east contain surface parking and commercial uses and are not sensitive to overlook concerns.</p> <p>The proposed podium height ranges from 12.2 to 15.9 metres, which is shorter than the existing as-of-right streetwall permissions of 17 metres. The podium would also provide an increased setback from the Wellington Street lot line, resulting in a wider public realm and further separation from properties to the west across the street. The podium will contain commercial uses on the ground floor, and structured parking within the second storey,</p>

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	<p>further reducing any direct overlook concerns from the second floor.</p> <p>The building will provide private balconies beginning at the 3<sup>rd</sup> storey within the stepback to the tower for individual units; these are limited in size and do not project past the podium setback. Communal outdoor amenity areas on the 3<sup>rd</sup> and 4<sup>th</sup> storeys are stepped back at least 2 metres from the podium wall along Wellington Street, reducing overlook potential directly to the west. The tower itself will screen these areas from overlook to private properties to the northwest along Wellington Street.</p> <p>Private balconies are provided for the residential units on all faces of the tower. This is an expected condition for residential development in a downtown area to provide residents with private amenity space. As the elevation increases, potential views into adjacent buildings becomes less likely. There may be view lines into some rear yards of properties along Wellington Street. Many of these yards provide surface parking, while some provide areas of outdoor amenity. The existing buildings will provide a level of screening. Indirect views to surrounding yards in a dense urban environment are not considered an undue adverse impact given the context.</p> <p>It is noted that the approved tower to the south will similarly provide private balconies, reflecting a similar level of overlook potential. Further, existing as-of-right height permissions for the property would result in buildings taller than the Wellington Street context and thus would similarly result in some level of overlook.</p> <p>The property provides a tower separation of 23 metres to the closest point of the approved tower location at 55 Queen Street to the south. The majority of the tower provides a greater separation as the towers are offset from each other. Generally, 25 metres is the commonly</p>

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	<p>used separation between towers in Ontario municipalities. In reviewing tower separation guidelines in Ottawa, minimum separation recommended is 23 metres for towers under 30 storeys in height, with consideration provided for a separation of 15-20 metres in a downtown context where towers are staggered and no more than 20% of the façades overlap. Given the staggering of tower location and the limited amount of reduced separation in this case, units facing each other will be adequately separated to avoid intrusive overlook between towers. It is noted that there are design opportunities in terms of glass selection that may further support mitigating any direct views.</p> <p>Given the downtown context of the site within an identified intensification area, the existing tower permissions in place on the block, and as-of-right height permissions, Staff have no intrusive overlook concerns resulting from the increased height on the property. The corner location provides appropriate physical separation from adjacent lower-scale building forms and the design includes mitigative measures to reduce overlook, including setbacks, stepbacks, and tower separations.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>c.</b> increased levels of light pollution, noise, odour, dust or vibration;</p>	<p>The developments will be subject to Site Plan Control, where elements such as outdoor lighting will be reviewed to ensure that new lighting does not negatively impact adjacent properties or the public realm.</p> <p>Similarly, noise impacts from the building's stationary noise sources onto surrounding sensitive uses will be reviewed through the site plan control process to ensure compliance with the Ministry of Environment, Conservation and Parks NPC-300.</p> <p>Construction activities will be regulated through a construction management plan at the Site Plan Control stage, alongside any other industry requirements related to construction activities. There are no other long-term dust or</p>

Policy	Conformity with the Policy
	vibration impacts from the proposed uses on-site.
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>d.</b> increased and uncomfortable wind speed;</p>	<p>A Pedestrian Wind Assessment was completed by Rowan Williams Davies and Irwin (RWDI) for the proposed development and has been peer reviewed by Cermak Peterka Petersen (CPP), being specialized wind engineering consultants.</p> <p>The assessment concluded, to the satisfaction of the peer reviewer, that the building will not create wind speeds which would exceed wind safety criterion. The building will result in increased wind speeds when compared to existing conditions, which are not expected to exceed comfort criteria during the majority of the year. During winter, due to seasonally stronger winds, wind speeds that marginally exceed the comfort criteria may be experienced at the northwest corner of the building and the adjacent surface parking lot. Wind speeds at the 4<sup>th</sup> storey terrace may also be slightly higher than comfortable for prolonged use. The study recommends the use of landscaping, screens and canopies at the site plan stage to mitigate any wind impacts in the identified areas.</p> <p>The wind impacts described above are generally related to on-site wind impacts. The study does not conclude that unsafe wind speeds are expected within the public realm or on adjacent properties as a result of the building. Mitigation measures to be secured through the site plan control process will further increase wind comfort levels for at-grade and above-grade spaces.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>e.</b> increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the</p>	<p>A Traffic Impact Study was completed by Castleglenn Consultants for the proposed development. The analysis concluded that the intersections in the area will continue to operate at an acceptable level of service. Trips generated by the proposed development only nominally change operation at intersections and a good overall level of service throughout</p>

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functionality of <i>active transportation</i> or transit;	the study area is expected to be maintained. The relatively little change in operational results is likely due to the location of the development and the availability and ease of access to alternative modes of transportation in the downtown area that will reduce the overall vehicular trips produced by the development. Overall, no mitigation measures are required as a result of the development.
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>f.</b> environmental damage or degradation;</p>	<p>The proposed buildings will redevelop an underutilized commercial site in downtown Kingston. In accordance with the findings of the Phase 1 ESA completed by Cambium, a Phase 2 ESA and filing of a record of site condition will be required prior to issuance of building permits to ensure the site meets applicable safety standards.</p> <p>No natural heritage features or natural hazards are found onsite or on adjacent lands.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>g.</b> diminished service levels because social or physical <i>infrastructure</i> necessary to support a use or area are overloaded;</p>	<p>Significant investment has been made by the City to upgrade below grade and surface infrastructure on Princess Street to support existing and future developments. Through the Official Plan and Integrated Mobility Plan policy work, a review of Queen Street will be undertaken to support future plans for the right of way. Additionally, recent investments have been made to cycling and transit infrastructure, and community facilities such as the waterfront trail and parks, and Artillery Park Athletic Facility and Tomlinson Aqua Park to provide continued services to existing and future residents.</p> <p>A site servicing and stormwater management report has been completed by Forefront Engineering in support of the development, which confirms that the development can be serviced by existing servicing infrastructure in the vicinity without upgrades.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under</p>	<p>A Heritage Impact Statement was completed by Parslow Heritage Consultancy Inc. in support of the proposal and confirms that the developments will not negatively impact the</p>

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<p>Section 2.7.2 include, but are not limited to:</p> <p><b>h.</b> reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;</p>	<p>enjoyment of the built cultural heritage resources in the area, and the nearby heritage character areas. The podium design will contribute positively to the streetscape, especially when compared to the existing development on the site. The building will create new commercial amenity and streetscape amenities for pedestrians, and new private amenity spaces that will be enjoyed by residents of the buildings. As outlined in Section 2.7.3.b&amp;d, there is no anticipated impact on the amenity spaces of adjacent land uses.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>i.</b> visual intrusion that disrupts the streetscape or buildings;</p>	<p>Visual intrusion is not defined in the Official Plan. "Intrusion" is defined in the Oxford English Dictionary as "Causing disruption or annoyance through being unwelcome or uninvited."</p> <p>When considered in the context of evaluating the introduction of new development within the City of Kingston through a Planning Act application, 'visual intrusion' refers to a development that disrupts the streetscape or buildings in an unexpected and undesirable manner, such that it is perceived as confusing or disorderly.</p> <p>A person viewing the proposed building would not be confused by its existence in a downtown urban setting and would not perceive seeing the buildings as confusing or disorderly development in Downtown Kingston. One would expect to see mixed-use residential and commercial buildings of a larger scale in the central areas of cities as this is where the infrastructure (municipal servicing, transit, active transit, community facilities) exist to support them.</p> <p>The Downtown and Harbour Area is already home to several taller residential buildings, and similar tall buildings are currently being constructed in the North Block area. The City is exploring the development of a convention centre with a mix of uses within the North Block</p>

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	<p>area, which would constitute additional similar development.</p> <p>Both the Provincial Policy Statement and the City's Official Plan direct the greatest mix of uses and highest densities to downtowns and main streets to support their vitality. The City's Official Plan outlines that the greatest mix of density and land uses will be within Centres and Corridors as identified in Schedule 2 – City Structure, where the greatest investments in infrastructure, transit, and active transportation facilities exists.</p> <p>In addition to being logical and orderly development, the buildings are well designed to reflect the scale and character of downtown Kingston. The lands within the North Block Central Business District are identified as lands intended to accommodate intensification for commercial and residential uses, in accordance with the Central Business District designation and the North Block Central Business District special policy area. Please see Sections 3.4.A and 3.18.22.</p> <p>The podium has been designed to improve the streetscape experience within the North Block, using complementary massing, materials, and design, and with adequate setbacks and stepbacks. The tower provides a narrow floorplate to reduce the physical and visual impact on the area.</p>
<p>The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>j.</b> degradation of cultural heritage resources;</p>	<p>The property does not contain any designated heritage resources and is not within a heritage character area.</p> <p>A Heritage Impact Statement was completed by Parslow Heritage Consultancy Inc. in support of the proposal and confirms that the developments will not negatively impact the enjoyment of the built cultural heritage resources in the area, and the nearby heritage character areas. The podium design will contribute positively to the streetscape context,</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
	<p>especially when compared to the existing development on the site.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>k.</b> architectural incompatibility in terms of scale, style, massing and colour; or,</p>	<p>The proposed building is architecturally compatible with the downtown context, as reviewed through the Urban Design Brief and Heritage Impact Study completed for the application.</p> <p>The proposed podium has been scaled and designed to reflect the downtown character, utilizing a 2-3 storey podium with stepbacks above the 2<sup>nd</sup> floor to create a consistent streetwall. The podium using masonry cladding and tall arched windows to connect with the broader heritage context, while using modern design touches to differentiate the building as a new addition.</p> <p>The tower floorplate is slim at 755 square metres. The tower design is intentionally simple with expanses of glazing to reduce the visual mass of the building. The design uses horizontal and vertical articulation to frame the corner location and create visual interest.</p> <p>Walkable streetscapes are expanded northward into the North Block area and will completely revitalize a large portion of Queen Street with a walkable human-scaled environment achieved through increased at grade setbacks, at grade commercial uses, and increased streetscape amenities.</p> <p>The proposed tower generally aligns with good practices identified through Density by Design work related to setbacks, stepbacks, tower floorplate, and separations. The building represents a modern addition within the North Block area that will compatible integrate with existing approved towers on Block 3 and 5. The building will contribute to the City achieving the direction in the Official Plan related to the Central Business District designation, the North Block Special Policy area, and the Downtown and Harbour Area special policy area.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p><b>I.</b> the loss or impairment of <i>significant</i> views of cultural heritage resources and natural features and areas to residents.</p>	<p>Significant views to the cupola on City Hall are identified on Schedule DH-4 of the Official Plan. Renderings of the building from these the identified viewpoints on Schedule DH-4 have been provided by the applicant as part of the application. The closest viewpoint identified is on Ontario Street east the subject lands. The development does not impact any of the identified views.</p> <p>Schedule 9 of the Official Plan contains identified heritage protected views. The majority of these views are down public streets towards the water. There is a protected view identified from Barrack Street at King Street East towards the water. The development is west of this viewpoint and will not impact this view.</p>
<p><b>2.7.4.</b> Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <p><b>a.</b> ensuring adequate setbacks and minimum yard requirements;</p> <p><b>b.</b> establishing appropriate transition in building heights, coverage, and massing;</p> <p><b>c.</b> requiring fencing, walls, or berming to create a visual screen;</p> <p><b>d.</b> designing the building in a way that minimizes <i>adverse effects</i>;</p> <p><b>e.</b> maintaining mature vegetation and/or additional new landscaping requirements;</p> <p><b>f.</b> controlling access locations, driveways, service areas and activity areas; and,</p> <p><b>g.</b> regulating location, treatment and size of <i>accessory uses</i> and structures, lighting, parking areas,</p>	<p><b>a &amp; b.</b> The building’s podium has been designed with adequate setbacks at grade and a visually interesting façade and ground floor experience to create a walkable, comfortable pedestrian realm. The building will increase the setback on Wellington Street from the existing condition, and will maintain an appropriate setback on the Barrack Street frontage to allow for landscaping and spill out commercial space. The building provides an appropriate setback from the adjacent commercial property to the east. The podium is built to the lot line at the south, abutting the future surface parking area for the adjacent tower development, which represents an appropriate condition. The tower is sufficiently setback from all lot lines to establish a human scaled podium and maintain appropriate tower separation distances.</p> <p><b>c.</b> Fencing and berming are not necessary in this location given abutting land uses.</p> <p><b>d.</b> Please see the response in Section 2.7.3 as it relates to shadowing, intrusive overlook, and visual intrusion.</p> <p><b>e.</b> The building will provide setbacks at-grade to allow opportunities for additional landscaping. The Wellington Street façade is</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>garbage storage facilities and signage.</p> <p>Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>	<p>currently built to the lot line, with sidewalk directly from the building to the street curb. The new building will provide a setback at grade to allow additional landscaping opportunities. Four existing City-owned trees along Barrack Street will require preservation or replanting in accordance with the direction of the City's Tree By-law, to be reviewed and secured through the site plan control process.</p> <p><b>f.</b> The vehicular parking and loading areas will be accessed driveways from Wellington Street and Barrack Street. The entrance location and design have been reviewed through the submitted Traffic Impact Study and align with provincial guidance. The driveway locations at the south side of the Wellington Street frontage and east side of the Barrack Street frontage minimize impacts on the commercial and residential entrances and allow for minimal interruption in the streetscapes.</p> <p><b>g.</b> A loading space to support move in/move out activities, the commercial uses, and waste management has been provided from Wellington Street underneath the cantilevered portion of the podium. This location will be screened from public view, and the size and design has been reviewed by the owner's traffic engineer through the Transportation Impact Study. Parking provision and design has also been reviewed through the transportation study.</p> <p>A site plan control application will be required. The site plan control application will review in detail proposed lighting, plantings, treatment of the right of way, and the design of the parking entrances and garbage storage locations to ensure that there will be no adverse impacts on adjacent developments or the public realm.</p>
<p><b>2.7.6.</b> Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing</p>	<p><b>a.</b> Please refer to responses provided in policy section 2.7.3, 2.7.4 and Section 10A.4.5, 10A.4.6 and 10A.4.7.</p> <p><b>b.</b> Please refer to the response provided in Section 2.7.4. A future site plan control</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> <li><b>a.</b> suitable scale, massing and density in relation to existing built fabric;</li> <li><b>b.</b> appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City’s tree planting program;</li> <li><b>c.</b> adequate land area and appropriate site configuration or provision for land assembly, as required;</li> <li><b>d.</b> efficient use of municipal services, including transit;</li> <li><b>e.</b> appropriate <i>infill</i> of vacant or under-utilized land; and,</li> <li><b>f.</b> clearly defined and safe: <ul style="list-style-type: none"> <li>• site access;</li> <li>• pedestrian access to the building and parking spaces;</li> <li>• <i>amenity areas</i>;</li> <li>• building entry; and,</li> <li>• parking and bicycle facilities.</li> </ul> </li> </ul>	<p>application will review proposed tree planting to the extent permitted under the Planning Act.</p> <ul style="list-style-type: none"> <li><b>c.</b> The subject lands can support the density and height proposed, as reviewed throughout this report.</li> <li><b>d.</b> Please refer to the response provided in Section 2.3.1.</li> <li><b>e.</b> Please refer to the response provided in Section 2.4.5 and 2.4.6.</li> <li><b>f.</b> The building provides for appropriate parking and bike parking facilities within structured parking areas, as reviewed through the Transportation Impact Study. These parking areas are to be accessed from defined and paved driveways. Pedestrian access to the building is provided via the existing sidewalk network, with new pathways to meet accessibility requirements. The residential and commercial entrances will be well-designed and directly accessed from the public realm. Amenity area is provided at rate consistent with the Kingston Zoning By-Law in the form of private and communal areas.</li> </ul>

**Section 3 – Land Use Designation & Policy**

Policy	Conformity with the Policy
<p><b>3.4.1.</b> Within the Princess Street Corridor and Centres shown on Schedule 2, the Commercial land use designation is intended to foster residential <i>intensification</i>, a pedestrian-focused mix of land uses, and support for transit and active transportation, in order to encourage more sustainable <i>development</i>.</p>	<p>The subject property is located within the City's primary Centre – The Central Business District, as shown on Schedule 2 – City Structure. Downtown Kingston is comprised of a mix of land uses and is supported by active transportation and transit facilities. The application proposes an appropriate mix of commercial and residential uses within a pedestrian-focused development, in the downtown of the City of Kingston.</p>
<p><b>3.4.2.</b> Within Commercial designations shown on Land Use Schedule 3, a wide range of retail goods and services, offices, entertainment, and major recreation uses, and in some cases residential uses, are permitted, subject to the policies of this Plan. Uses will also be further specified in each type of designation, and further regulated in the implementing zoning by-law.</p>	<p>The proposed zoning by-law will allow for a wide range of commercial uses as permitted by the DT1 zone within a mandatory commercial floor area. Residential uses will be permitted above-grade.</p>
<p><b>3.4.A.1.</b> The Central Business District is the primary Centre of the City, as illustrated on Schedule 2. While the broadest practical range of commercial use is permitted and encouraged in the Central Business District, particular priority commercial functions will be protected, including:</p> <ul style="list-style-type: none"> <li><b>a.</b> specialty and comparison shopping that attracts and serves residents from throughout the City and broader regions;</li> <li><b>b.</b> business and professional offices, civic activities, and related business service uses;</li> </ul>	<p>The application proposes 250 square metres of ground floor commercial uses fronting onto both Barrack and Wellington Streets. The ground floor commercial uses will provide well-designed commercial space within the North Block, improving the pedestrian experience within this section of the Central Business District. The zoning by-law will allow a wide range of non-residential uses within the ground floor area commercial area, in accordance with DT1 zoning permissions. This includes retail, office, food, and personal service uses, allowing for leasing flexibility and supporting a variety of potential business opportunities in support of the intent of the Central Business District.</p>

Policy	Conformity with the Policy
<p><b>c.</b> food, convenience shopping, personal and medical services, and similar functions that reinforce and support the attractiveness of the Central Business District for residential purposes; and,</p> <p><b>d.</b> hospitality and tourist uses, entertainment facilities, cultural venues, and other attractions that serve both residents and visitors.</p>	
<p><b>3.4.A.3.</b> A broad range of commercial uses is permitted and encouraged in the Central Business District, provided that the built form is sensitive to the historic building fabric, scale, pedestrian amenity linkages with the lake, and the protected view corridors.</p>	<p>New commercial uses are proposed as per Section 3.4.A.1 in a compatible built form that reflects the fine-grained urban fabric of downtown Kingston.</p>
<p><b>3.4.A.4.</b> New medium and high density residential uses in the Central Business District are subject to the specific policies of Section 10A and the compatibility policies of Section 2.7 of this Plan, and must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3, respectively</p>	<p>The application proposes a high density residential use in the Central Business District. Please review the responses to Section 10A and 2.7.</p> <p>The subject lands meet the locational criteria of Section 3.3.C.3, as the lands are located within a Centre, and are in walking distance to a full range of commercial uses within the Central Business District designation, as well as to parkland and community facilities, and are located on an arterial road (Wellington Street).</p>
<p><b>3.4.A.8.</b> The Downtown Action Plan, the Urban Design Guidelines for the North Block Central Business District, (as may be amended), the Downtown and Harbour Area Architectural Guidelines Study and the Downtown and Harbour Zoning By-law provide detailed direction for development in the Central Business District. The Downtown</p>	<p>Please refer to the response to Sections 10A, including 10A.2.7. Commercial floor area is provided on the ground floor along Barrack and Wellington Streets.</p>

Policy	Conformity with the Policy
and Harbour Specific Policy Area in Section 10A provides guidelines for development in the core and as set out in Section 10A.2.7, requires ground floor commercial land use in specific locations.	

**Section 3 - Site Specific Policy Number 22 (Section 3.17.22.)**

Policy	Conformity with the Policy
<p><b>3.17.22</b> The Official Plan recognizes the special status of the North Block Central Business District Area as an area in the city core which was assessed in the context of an urban design study, analyzing the potential for long term intensification and development of the subject four and a half city blocks. The area, shown on Schedule 3-D as Area 22, is currently underdeveloped, but does contain large areas of parking that serve the downtown and a number of commercial uses, such as grocery stores, that provide key anchors to the downtown, and support residents living in the area. It is the policy of Council to encourage the development of lands within the North Block Site Specific Policy Area in accordance with the approved development framework established for the Central Business District policies of this Plan, to establish a general policy approach to guide the area's transition and gradual intensification, and to provide direction to the formulation and review of any proposed land use change and/or development proposal.</p> <p>Existing policies support a mix of uses in the area, with a predominance of commercial uses on the ground floor. The following provisions are intended to guide the gradual intensification in the future.</p>	<p>The property is within the North Block Area, being an area identified for long term intensification and development, in accordance with the policy of Council. The proposed development will provide increased density in a mixed use form, and support the overall intensification of the North Block area in a compatible form, being generally consistent with those development forms already supported for Blocks 3 and 5.</p>
<p><b>3.17.22 a.</b> With respect to building heights, the provisions of Section 10A apply, including the public meeting requirements, except that for building heights in excess of 25.5 metres, an urban design study will be required to show that the development would not overshadow surrounding buildings, that</p>	<p>The proposed building would exceed 25.5 metres in height. An Urban Design Brief has been submitted with the application and confirms that the development will not overshadow surrounding buildings and is compatible with the scale and massing of the existing and planned built form context.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>it would be compatible with the scale and massing of buildings which provide the built form context of the surrounding areas, and that it satisfies all other Plan policies.</p>	<p>Please see detailed responses related to shadowing and scale in Section 2.7.</p>
<p><b>3.17.22 b.</b> Development must strengthen pedestrian access by incorporating interlinking connections through and between the subject blocks, as well as outward from the area, with particular attention to improving connections towards Princess Street, and to including improved linkages to the proposed waterfront pathway on the harbour side of Ontario Street. In particular, a pedestrian connection will be sought to link Queen Street to Princess Street.</p>	<p>The building will support pedestrian access in the North Block area by improving the public realm condition along both streets, and particularly along Wellington Street to support the North Block's connection towards Queen Street and onwards to Princess Street. The improved public realm condition along Wellington Street will continue south to the adjacent property at 51-57 Queen Street as both developments build out, representing a substantial improvement to the pedestrian experience on this City block.</p> <p>There is no mid-block pedestrian connection proposed as part of this development. Through the Planning Act approvals for 51-57 Queen Street, a mid-block connection was not pursued as a desirable condition; the approved podium extends the width of the City block. As such, it would not be desirable to create a mid-block connection to the private parking area at 51-57 Queen Street. The small City block size and emphasis on improvement of the pedestrian experience is achieved by the current site plan.</p>
<p><b>3.17.22 d.</b> Reduction of amenity space requirements as required in the Downtown and Harbour Zoning By-law may be considered, subject to the provision of alternate common amenity space, such as on rooftops, in internal courtyards, or mid-block walkways designed to improve pedestrian movement.</p>	<p>The building will provide amenity space in accordance with the requirements of the Kingston Zoning By-Law. Minor relief is being sought related to the sizing and orientation of two communal amenity spaces to reflect the planned uses.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>3.17.22 e.</b> The waterfront views are to be maintained along the municipal rights-of-ways of Queen Street and The Tragically Hip Way as shown on Schedule 9.</p>	<p>The proposed development does not impede these views identified on Schedule 9.</p>
<p><b>3.17.22 f.</b> As development takes place over time, the intent of these policies is to support the replacement of parking lots with above-grade parking structures, subject to the same build-to planes, minimum building height and minimum lot coverage provisions, as currently apply to other building forms in the area. Large structures such as a parking garage or a transportation terminal will be subject to design considerations in accordance with the policies of this Plan. Design considerations may include a façade treatment that will be harmonious with the intended massing and rhythm of design elements of the more traditional residential or office uses planned for the area</p>	<p>The building will provide parking in two underground floors, as well as within the second floor of the podium. The podium design does not reflect a structured parking use and the parking ramp entrance to the second floor is well-screened from the public realm.</p>
<p><b>3.17.22 g.</b> Traffic studies and parking impact studies that examine circulation in the immediate area of a development proposal, and the on and off-site traffic impacts, are required for each development proposal.</p>	<p>The Traffic Impact Study completed for the application reviewed the proposed parking ratio and concludes that it is appropriate given the adopted driver share for the development, the proposed unit configurations, the provision of bike parking, and the access to transit.</p> <p>The Traffic Impact Study also reviewed the impacts on the local network and confirms that impacts will be negligible and no upgrades to existing intersections are required to support the development.</p>
<p><b>3.17.22 h.</b> Heritage buildings within the study area must be protected and conserved in accordance with Section 7, of this Plan, and deviations from this requires consultation with Heritage Kingston and approval of City Council.</p>	<p>The property does not contain any heritage buildings. The development has been reviewed through a supportive Heritage Impact Statement which confirmed no adverse impacts on surrounding resources nor the downtown</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
	heritage context. A heritage permit is not required for the development.
<b>3.17.22 i.</b> Archaeological protection must take place, as set out in Section 7 of this Plan, and in accordance with the recommendations of the Stage One Archaeological Assessment included as Appendix C in the Urban Design Guidelines for the North Block Central Business District (2004).	Heritage Services has indicated that the archaeological potential of the site is limited due to the existing building and previous site disturbance. Standard conditions related to the discovery of previously undiscovered resources will be included in any future site plan control agreement registered on title.
<b>3.17.22 j.</b> This Official Plan sets out policies for fostering improved environmental quality and requiring site remediation of contaminated sites. The policies and the area subject to the Community Improvement Plan were updated in 2005, in order to start the implementation of Kingston's brownfields program. When proposing a change to a more sensitive land use, the owner must file a Record of Site Condition to demonstrate that the proposed land use is appropriate and in accordance with provincial legislation.	A Phase 1 Environmental Site Assessment has been completed for the site and finds that 29 potentially contaminating activities (one on-site and 27 off-site) were identified within the study area. Contaminants of potential concern were identified based on these activities. The Phase 1 ESA recommends completion of a Phase 2 ESA prior to the filing of a record of site condition. A record of site condition will be required prior to the issuance of any building permits for the site, in accordance with provincial regulation.
<b>3.17.22 k.</b> These parcels of land are subject to an 'H' Holding Symbol under Section 36 of the Planning Act and in accordance with the policies of Section 9 of this Plan.	<p>Servicing capacity has been reviewed through the submitted servicing report. Detailed servicing information will be reviewed further through the site plan control process.</p> <p>A holding overlay is recommended to be applied to the site related to electrical, fire flow, and gas capacity to ensure final details are reviewed prior to building permit issuance.</p>

**Downtown & Harbour Special Policy Area (Section 10A)**

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>10A.1.1.</b> A broad mix of uses will be encouraged in the Downtown Area and in much of the Harbour Area (shown on Schedule DH-1), including the widest range of commercial use, as well as civic, institutional, open space, recreation, cultural and higher density residential use provided that such uses are supportive of the vitality, human scale, pedestrian activity, historic fabric and function.</p>	<p>The mix of land uses proposed will support and enhance the vitality of downtown by adding new residents and employment to the area. This is consistent with the intent of the City Structure that identifies this area as the City’s Primary Centre – the Central Business District, and the Central Business District land use designation.</p> <p>Through the building’s setbacks, setbacks, massing, articulation, and material choices, the new buildings will extend the pedestrian realm north into the North Block area by providing attractive and walkable spaces with human scaled podiums and active frontages.</p>
<p><b>10A.1.3.</b> Accessibility to, and within, the Downtown and Harbour Area will be improved, with emphasis on creating universal access and an environment in the Area in which vehicles play a balanced role in the provision of all modes of travel.</p>	<p>The buildings will be compliant with the Accessibility for Ontarians with Disabilities Act and the Ontario Building Code. These requirements will be reviewed and captured through the future site plan control application and building permits.</p> <p>The building will provide accessible parking in accordance with the Kingston Zoning By-Law. Bike parking will also be provided at a rate consistent with the Kingston Zoning By-Law.</p> <p>Vehicle parking is proposed at a rate of 0.24 spaces per dwelling unit. This reduction is supported by the Transportation Impact Study and is a result of the adopted driver share, unit configurations, and access to transit. The development will promote alternative modes of travel and work towards balancing modes of travel within the urban area in accordance with Council goals.</p>
<p><b>10A.1.4.</b> To add to the accessibility and vitality of the area, new and improved pedestrian linkages to the waterfront and between blocks in the Downtown will be promoted in accordance with Schedule DH-3.</p>	<p>The site does not front onto a priority pedestrian street as shown on Schedule DH-3. The development will enhance the public realm and pedestrian experience through active frontages and appropriately setback and scaled buildings. The pedestrian realm will connect effectively with the planned condition at 51-57 Queen Street, providing a cohesive</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
	and connected pedestrian realm on this City block which connects towards Queen Street and onto Princess Street, being a main priority pedestrian walkway.
<p><b>10A.1.5.</b> Protected views of the water as shown on Schedule 9, and the view planes to the cupola of City Hall as identified on Schedule DH-4, are intrinsic components of the character of the Downtown and Harbour Area that will be preserved in the consideration of additional <i>development</i>.</p>	<p>The proposed developments will maintain the protected views to the water as shown on Schedule 9, as well as all protected view planes and sight lines to the cupola of City Hall as identified on Schedule DH-4.</p>
<p><b>10A.1.6.</b> Cultural heritage resources are a valued legacy of the City and contribute to the atmosphere and heritage character of the Downtown and Harbour Area that are intended to be conserved. New development must conserve, enhance, support or adaptively re-use these resources. Site amenities that promote and sustain cultural vitality will be encouraged, including artist live/work spaces, exhibition venues, rehearsal and presentation spaces.</p>	<p>The subject lands are not listed or designated under Part IV or V of the Ontario Heritage Act and are not within a Heritage Character Area as identified on Schedule 9 of the Official Plan. There are Part IV designated properties to the northwest corner of the adjacent intersection. A Heritage Impact Statement was submitted in support of the application and concluded that the design of the buildings is respectful of nearby designated properties and that the buildings will have minimal impact on the collective historical resources.</p>
<p><b>10A.1.7.</b> Parking will be managed in a manner that is supportive of the function of the Downtown and Harbour Area and also of its pedestrian focus. New parking structures will be located, where possible on the fringe of the Downtown and Harbour Area, and will be designed to complement the historic character, and the neighbouring buildings and adjacent streetscapes or walkways through design, massing and streetscape</p>	<p>Vehicular parking is provided through two underground floors, as well as on the second storey of the podium. The podium design does not reflect a structured parking use and provides a compatible and well-designed form which connects to the surrounding context. Surface parking is limited to spaces under the cantilevered portion of the podium, setback from the public realm.</p>

Policy	Conformity with the Policy
features. New surface parking lots will be discouraged.	
<p><b>10A.2.1.</b> In accordance with its priority function as the City’s prime Centre on Schedule 2, and the apex of the Commercial hierarchy of Section 3.4 of this Plan, a wide range of commercial use is permitted including all levels of retailing, offices, professional and service uses, hospitality uses and tourist accommodation, arts, cultural, entertainment and recreation uses in accordance with the Central Business District designation in Section 3.4.A of this Plan.</p>	<p>The lands are within the City’s primary Centre – Central Business District as identified on Schedule 2 – City Structure, and designated Central Business District on Schedule 3-A – Land Use, in the Official Plan. The application proposes to intensify the underutilized commercial site with new residential and ground floor commercial uses. The zoning permissions for non-residential uses will support a wide range of commercial uses in accordance with the DT1 zone. The proposed mixed-use building is consistent with the intent of this policy.</p>
<p><b>10A.2.7.</b> Ground floor commercial use is required along street frontages identified for Mandatory Commercial Frontage on Schedule DH-3. Retail use is preferred on these streets, but commercial activity also includes offices, hospitality uses, services and professional uses.</p>	<p>Both the Wellington Street and Barrack Street frontage are identified on Schedule DH-3 as a Mandatory Commercial Frontage. Commercial uses are proposed at-grade fronting on both streets for the entire width of the building, except for those spaces required for residential entrances and driveways. The commercial space is proposed in three units wrapping the corner, with entrances onto both streets to support the intent of the policy.</p> <p>The building will be set back on all frontages to widen the public realm. The ground floors are designed with a significant amount of glazing in the form of arched two-storey windows to connect the ground floor spaces with the public realm. The increased setbacks and wider public realm leave greater opportunities for awnings, vertical pedestrian signage for new businesses, and attractive public realm design and street furniture.</p>
<p><b>10A.2.8.</b> Office use will be encouraged in the Downtown Area, either as independent buildings, or as ground floor or upper storey uses. In recognition</p>	<p>The development does not provide dedicated office space, however the commercial permissions of the DT1 Zone would allow for the ground floor units to be used for office uses</p>

Policy	Conformity with the Policy
<p>of the importance of office use to the support of the Downtown, Council may limit the size or extent of such uses in other locations in the City.</p>	
<p><b>10A.2.9.</b> Commercial, hospitality, cultural, recreation and entertainment uses will be encouraged. Hotels, restaurants, theatres, cinemas, art galleries and other venues that contribute to the attraction and amenity of the Downtown and Harbour Area for both residents and tourists of the City are a priority function of the Central Business District designation.</p> <p><b>10A.2.10.</b> Commercial and community uses that support the residential population of the Downtown through the provision of necessary goods, including food, and services such as medical care are also a priority function and will be encouraged to develop or remain in the Downtown.</p> <p><b>10A.2.11.</b> Community uses, particularly those that serve a broad area of the City, such as government offices, places of worship, libraries, museums, recreation, entertainment or cultural centres are permitted and encouraged in the Central Business District designation that applies to most of the Downtown and Harbour Area.</p>	<p>The commercial permissions of the DT1 Zone would allow for the ground floor units to be used for a wide range of commercial and community uses, including restaurants, entertainment establishments, museums, wellness clinics, personal service shops, fitness centres, community centres, and recreation facilities. The broad use permissions support the needs of the market and the community and allow for flexibility over time, consistent with the intent of the Central Business District.</p>
<p><b>10A.2.13.</b> Medium and High Density Residential uses are permitted in the Downtown, either above commercial ground floor space as mixed use buildings in</p>	<p>The development constitutes a high-density residential development as defined by the Official Plan. The building will provide at-grade commercial uses, with residential units beginning on the third storey. Please review</p>

Policy	Conformity with the Policy
<p>the Central Business District, or as independent buildings on streets where ground floor retail is not mandatory as shown on Schedule DH-3, subject to demonstrating compatibility in accordance with Section 2.7 of this Plan. New medium and high density residential uses must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3, respectively. Specialized residential uses with universal access design including senior citizen accommodation, boarding houses, special needs facilities, supportive housing, hostels, and similar uses are also permitted in the Central Business District in accordance with the above conditions.</p>	<p>the above responses to Section 2.7 and 3.4.A.4 related to compatibility and locational criteria.</p>
<p><b>10A.2.16.</b> Retention of views across the harbour to Kingston Fortifications including Fort Henry and the Fort Frederick, Murney, Shoal and Cathcart Martello Towers, is required in consultation with Parks Canada. The design or site arrangement of new buildings or structures must conserve views to the water, and where feasible, contribute to the improvement of the Waterfront Pathway in accordance with the policies of this Plan.</p>	<p>Parks Canada has not reviewed the proposed development as the lands are not adjacent to the Rideau Canal and are therefore outside of their identified interests.</p> <p>The location and design of the buildings preserves all views designated on Schedule 9 of the Official Plan. The building will be within private lot lines, setback from the street, and will not impede views down City streets towards the water.</p>
<p><b>10A.2.18.</b> Above and below grade parking structures are permitted in the Downtown and Harbour Area but parking at grade is generally prohibited to encourage uses that animate the street to be built at ground level. It is the intent of this Plan that parking structures are designed in</p>	<p>Please see the response provided in Section 10A.1.7.</p>

Policy	Conformity with the Policy
<p>such a manner that the pedestrian function, streetscape facade, and views of the Downtown and Harbour Area are not impaired, in accordance with the Downtown and Harbour Area Architectural Guidelines, and other policies of this Plan.</p>	
<p><b>10A.3.9.</b> Further development of structured parking provides opportunities to extend this system of pedestrian routes and courtyard spaces. Potential opportunities are identified on Schedule DH-3.</p>	<p>The site contains an area identified as “Courtyard/Open Area Opportunity” on Schedule DH-3. Through the adjacent development at 52-57 Queen Street (Block 3) possibilities were examined through technical review for mid-block connections but it was determined that given the proposed buildings and the small block sizes, that the mid-block connections were not as desirable as the proposed built form and improvements to the pedestrian realm along Ontario Street, Queen Street, King Street, and Wellington Street.</p> <p>As a result, a pedestrian or courtyard connection is not deemed desirable on the subject lands as it would provide connection to the private parking area associated with 51-57 Queen Street, and would not provide a through mid-block connection. The development rather focuses on significant improvements to the pedestrian experience along Wellington and Barrack Streets, notably increasing the setback along Wellington Street. These well lit, attractive sidewalks within the public road allowance will create a safe, attractive walking environment. Public streets have a high amount of activity and provide clear sightlines and avoid blind corners. All entrances to and from the building are highly visible and well-marked and access to internal areas such as the parking area, loading area, and internal entrance vestibules are limited. Signage and materiality to create clear indications on public space and private space will be reviewed through any future site plan control applications.</p>

Policy	Conformity with the Policy
<p><b>10A.3.10.</b> Vehicle parking is vital to the health of the Downtown and Harbour Area, but its provision requires more flexibility, and greater sensitivity, than in other parts of the City to maintain the area’s cultural heritage and pedestrian character. The City must continue to monitor the supply and demand of parking in the Downtown Area. As part of this ongoing review, the City intends to apply the following policies:</p> <ul style="list-style-type: none"> <li><b>a.</b> new commercial <i>developments</i> are encouraged to provide parking for their own use, and where feasible, to incorporate underground parking or parking structures as part of the proposal;</li> <li><b>d.</b> residential development, including the conversion of upper storey commercial space to residential use, is required to provide necessary parking in accordance with the zoning by-law, but may be permitted to provide such space within proximity of the lot, through long term parking agreements if it is not possible to provide on-site parking;</li> <li><b>e.</b> new developments are encouraged to provide parking on site in either underground space or parking structures; and,</li> <li><b>f.</b> in limited circumstances, cash-in-lieu of parking for residential uses may be accepted by Council in accordance with Section 9.5.11 of this Plan, where it is not feasible to provide on-site parking.</li> </ul>	<p>There are no parking requirements for commercial or office uses in the C1 Zone in the downtown area. Bike parking will be provided on-site in support of the commercial uses as required by the Kingston Zoning By-Law.</p> <p>Residential parking is proposed at a rate of 0.24 parking spaces per dwelling unit. The rate supports modal shift goals and reflects the adopted driver share for the context. Bike parking for residential uses is provided in accordance with the Kingston Zoning By-Law.</p> <p>Five visitor, one car share and one short-term delivery space will also be provided on site to support the needs of residents.</p> <p>Parking is provided onsite in underground, at grade, and structured parking. Please see the response provided to policy Section 10A.1.7 and 10A.4.10.</p>

Policy	Conformity with the Policy
<p><b>10A.4.2.</b> The historic architecture of the downtown is best maintained by conserving, rehabilitating and restoring existing building stock that reflects the heritage character of its sub-areas as described in the Downtown and Harbour Area Architectural Guidelines. The City will ensure that any alterations to, or adjacent to, existing built heritage resources in the Downtown and Harbour Area will not detract from the cultural heritage value and character of the area.</p>	<p>The properties are not listed or designated under Part IV or V of the Ontario Heritage Act and are not located within a Heritage Character Area as identified in the City's Official Plan.</p> <p>A Heritage Impact Study was submitted with the application and concluded the proposed buildings would not adversely impacts nearby heritage properties or heritage character areas.</p>
<p><b>10A.4.6.</b> While striving to maintain character-defining buildings, the city may support new buildings that are of a scale and massing complementary to buildings in the surrounding area. The following provisions will generally be required:</p> <p><b>c.</b> for the North Block and environs sub-area and the Harbour Area as shown on Schedule DH-1, in addition to the policies outlined in subsection b. above, a maximum height (after employing angular plane setbacks as defined in the zoning by-law) of 25.5 metres.</p>	<p>The lands are located within the North Block and Environs sub-area as designated on Schedule DH-1. The building proposed exceeds the maximum height identified as 25.5 metres. Please refer to the response provided in Section 10A.4.7, which provides an exemption to this maximum provision.</p>
<p><b>10A.4.7.</b> Notwithstanding the above provision related to height, if a site-specific urban design study, presented to the public, clearly indicates to the satisfaction of the City, that a taller building is <i>compatible</i> with the massing of surrounding buildings, does not create unacceptable amounts of shadowing, and meets the land</p>	<p>The Official Plan does not impose an area wide fixed maximum for the height of new buildings within the Downtown and Harbour Area, but rather seeks to provide guidance for how to evaluate these proposals, indicating that there are places where additional height can be supported. Applications for new buildings taller than the 25.5 metre height in the North Block and Environs Sub-Area must demonstrate compatibility with the massing of the surrounding buildings, confirm that the</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>use compatibility policies of Section 2.7 of this Plan, a greater height within a specified building envelope may be approved.</p>	<p>building will not excessively shadow nearby properties or the public realm, and confirm that the building will not create adverse impacts that would negatively impact the character, planned function, and the health and safety of humans.</p> <p>An Urban Design Brief and addendum has been prepared by Fotenn Consultants which confirms that the proposed development is compatible with surrounding land uses and does not create overshadowing. Detailed review of land use compatibility, including shadow review, is provided in the Urban Design Brief and through the above review of Section 2.7.</p> <p>The limited shadow impacts of the additional height is largely due to the small floorplate of the tower, which allows shadows to move quickly in order to ensure no long periods of shadowing. The shadow impacts of the podium are similar to existing conditions, and less than would be experienced with an as-of-right development envelope, which would allow for reduced setbacks and an increased streetwall height.</p> <p>The urban design study highlights the five design principles of the project, which include: integrating harmoniously into the public realm, creating a human-scaled built form, promoting street vibrancy, introducing a strategic building height, and creating an attractive and engaging skyline. The study comments on the significant improvements the proposed podium design will provide for the site (especially when compared to the existing building), including an increased setback on Wellington Street, the introduction of large windows at-grade to support the commercial interface with the public realm, and the use of high-quality masonry materials to reflect the surrounding context. In reviewing the tower design, the study comments on the intentional simplicity of the design which uses expanses of glazing to reduce the visual mass of the building. The tower design incorporates</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
	<p>vertical columns associated with balcony projections to frame the site’s corner location. Notably, the design also incorporates a clear building “topper” to accommodate required mechanical equipment, providing a clean and finished appearance.</p> <p>The building provides appropriate transition down to the surrounding scale and character of the area through the design of the podium. The tower is designed to minimize shadow impacts on nearby properties and the public realm, and provides adequate separations from the adjacent approved tower. The building does not produce any adverse impacts on the public realm, existing built form, built heritage resources, or character of the Downtown and Harbour Area.</p>
<p><b>10A.4.8.</b> The views to the harbour from The Tragically Hip Way and Barrack, Queen, Princess, Brock, Clarence, Johnson, William, Earl and Gore Streets are character-defining elements of the area. It is the intent of this Plan to ensure that views of the water from any point along the public right-of-way of these streets within the Downtown and Harbour Area, as shown on Schedule 9, are protected.</p>	<p>The nearest protected views down public right of ways to the water identified on Schedule 9 of the Plan are down Barrack Street at its intersection with King Street, and down Queen Street near its intersection with Wellington Street. These views are east and south of the subject property and as such the property does not have the potential to impact these views.</p> <p>The development is located entirely on private property with at-grade setbacks and will not impede either identified view.</p>
<p><b>10A.4.9.</b> Views of City Hall’s cupola as established on Schedule DH-4 must be protected in the approval of new <i>development</i>.</p>	<p>The proposed development maintains the views of the cupola of City Hall identified on Schedule DH-4.</p> <p>The applicant has submitted a viewpoint rendering from each of these identified views to show the change to the skyline associated with the proposed development. This review demonstrates that the building introduces an additional tall building within the North Block area. The building does not at any point impede views to the cupola from any identified viewpoint.</p>

Policy	Conformity with the Policy
<p><b>10A.4.10.</b> Above grade parking structures located in the Downtown will be encouraged to be complementary to the massing and treatment of related buildings along the streetscape through the use of one or more of the following means:</p> <ul style="list-style-type: none"> <li><b>a.</b> design of office or retail space that will wrap the parking structure along the street, particularly along Prime Pedestrian Streets or appropriate areas of the Waterfront Pathway as shown on Schedule DH-3;</li> <li><b>b.</b> facade design which is <i>compatible</i> with elements and spacing of elements of adjacent buildings in order to provide a continued rhythm along the street;</li> <li><b>c.</b> restricted or prohibited vehicular access from Prime Pedestrian Streets;</li> <li><b>d.</b> pedestrian access to be encouraged from Prime Pedestrian Streets rather than a side street; and,</li> <li><b>e.</b> any exterior face that abuts a pedestrian walkway or courtyard will have design elements that bring the structure into the pedestrian realm, to assist in the way in which it blends with the design elements and massing of surrounding buildings.</li> </ul>	<p>The building provides the majority of parking underground in two storeys accessed from Barrack Street. The building provides one storey of above-grade parking in the second storey of the podium. This parking is accessed from Wellington Street.</p> <ul style="list-style-type: none"> <li><b>a.</b> The ground floor of the building has been designed to have active street frontages that include commercial uses and the main residential entrance. The building is set back from the street to provide additional landscaping and potential “spill out” areas for commercial uses. The building podium reads as a mixed-use building and does not reflect the second storey parking use from an exterior view.</li> <li><b>b.</b> The podium design has taken cues from nearby heritage buildings, providing a strong masonry base with large arched windows which provide a regular rhythm and speak to the commercial use at-grade.</li> <li><b>c.</b> The property is not adjacent to a Prime Pedestrian Street as per Schedule DH-3.</li> <li><b>d.</b> Pedestrian access is provided from Wellington and Barrack Streets. The property is not adjacent to a Prime Pedestrian Street as per Schedule DH-3.</li> <li><b>e.</b> There are no pedestrian walkways or internal courtyard proposed.</li> </ul>
<p><b>10A.4.11.</b> The component sub-areas of the Downtown and Harbour Area shown on Schedule DH-1 each have distinctive characteristics as described in the Downtown and Harbour</p>	<p>The lands are within the North Block and Environs sub-area as shown on Schedule DH-1.</p> <p>The Downtown and Harbour Area Design Guidelines were written in in 2007 and provide guidance for design principles in the downtown</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>Architectural Guidelines. In determining future public works and in assessing the type of <i>development</i> that is <i>compatible</i> in the sub-areas of Lower Princess Street Retail Area, Market Square Heritage Conservation District, the historic area adjoining Market Square, North Block and Environs, and the Harbour Area, the City will refer to these Architectural Guidelines as well as to the Downtown Action Plan.</p>	<p>area. The guidelines themselves do not constitute policy, however many recommendations of the Downtown and Harbour Architectural Guidelines were incorporated into the Official Plan as policy direction. This includes direction reviewed in this table through Section 10A of the Plan related to items such as pedestrian walkways, commercial frontages, façade treatment, parking and servicing access.</p> <p>The project’s planner and urban designer have provided a fulsome review of the Downtown and Harbour Area Design Guidelines as part of the submission materials, confirming that the building design aligns with many of its recommendations.</p>
<p><b>10A.6.2</b> Zoning within the Downtown and Harbour Area will continue to reflect built form provisions as found in the Downtown and Harbour Zoning By-law, to ensure that the form of new development is compatible with the built heritage fabric and street-oriented pedestrian function of the Downtown and Harbour Area.</p>	<p>The intent of this policy is to allow for review of development applications on a site-by-site basis rather than up-zoning all lands in the Downtown and Harbour Areas.</p> <p>The zone provisions for the C1 Zone in Zoning By-law 96-259 have been in place since the by-laws initial passing in 1996. Resulting from the Urban Design Guidelines for the North Block Central Business District Report (2004), amendments were made to the former City of Kingston’s Official Plan and Zoning By-law 96-259 to create the North Block Central Business District Special Policy and the North Block Central Business District C1-22 Zone. This framework is still present in both the OP and Zoning By-law today.</p> <p>The Downtown and Harbour Area Architectural Guidelines Study (2007) provides guidance to encourage revitalization of the Downtown and Harbour Area. One recommendation from the study was the area not be upzoned to create buildings that would be tall enough to “fundamentally change the image of the Downtown and Harbour Area.” There were no changes to Section 4.10.6 of the former City of Kingston Official Plan (now 10A4.7 - Potential Exemption) which continued the exemption to</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
	<p>guide reviews of buildings proposed to be taller than 25.5 metres. Council adopted a motion that the recommendations of this study be included in the future Official Plan consolidation and Zoning By-law Amendment updates.</p> <p>The intent of the 10A.6.2. policy is that buildings taller than 25.5 metres need to proceed through a site specific zoning by-law amendment where any such building would be evaluated on a site by site basis against all of the policies of the OP to ensure a compatible built form.</p>
<p><b>10A.6.4.</b> Any application for new <i>development</i> will be reviewed during the site plan control review process in terms of its <i>compatibility</i> with the architectural character of the sub-area in which it is located, having regard to the Downtown and Harbour Area Architectural Guidelines Study.</p>	<p>The application will be subject to Site Plan Control approval in accordance with the City's Site Plan Control By-Law. Recent changes to the Planning Act have limited the amount of input the City may have into physical design elements such as materiality and landscaping, however items such as zone-compliance, safety and access remain within the scope of review.</p>

**Cultural Heritage and Archaeology (Section 7)**

Policy	Conformity with the Policy
<p><b>7.1.7.</b> The City may require that a heritage impact statement be prepared by a qualified person to the satisfaction of the City for any development proposal, including a secondary plan, which has the potential to impact a built heritage resource. The scope of the heritage impact statement is determined in consultation with the City and must include information and assessment relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the built heritage resource and its heritage attributes. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a protected heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>	<p>The property is not listed or designated under Part IV or V of the Ontario Heritage Act, and is not located within a Heritage Character Area as identified on Schedule 9 of the Official Plan.</p> <p>The property is located on the opposite street corner from the designated property at 85 Barrack Street &amp; 256 Wellington Street. This meets the definition of adjacent provided by the Official Plan. The property is also adjacent (across Wellington Street) to two listed properties at 232-234 and 236 Wellington Street. The property is in proximity to other designated, listed, and internally noted properties in the vicinity.</p> <p>A Heritage Impact Statement has been completed by Parslow Heritage Consultancy Inc. in support of the application. The HIS reviews the potential impact of the development on the identified resources, as well as on the nearby Heritage Conservation Districts and Heritage Character Areas. The study concludes that, while the building will be visible from some locations within these areas, it will not negatively impact their heritage value. The building will enhance the visual character and pedestrian experience of the block and will not impact adjacent heritage properties.</p> <p>The study comments that the grouping of tall buildings into a defined area (the North Block) minimizes the overall visual impact on the skyline and surrounding viewpoints. The study further comments that the additional height will not detract from the established and substantial heritage value of the City and the downtown core in particular.</p> <p>The study includes recommendations for the next stages of the project related to maintenance of design features of the podium (e.g., use of red brick and local limestone, simulated divided lite windows, and transoms and display windows), and use of a vibration</p>

Policy	Conformity with the Policy
	assessment prior to construction to establish a “zone of influence” and on-site monitoring. The study does not make recommendations related to height or design of the tower.
<p><b>7.2.5.</b> The City may permit <i>development</i> and <i>site alteration</i> on <i>adjacent lands</i> to a <i>protected heritage property</i> where the proposed <i>development</i> and <i>site alteration</i> has been evaluated, and it has been demonstrated through the preparation of a heritage impact statement that the <i>heritage attributes</i> of the <i>protected heritage property</i> will be <i>conserved</i>.</p>	Please refer to the response to Section 7.1.7.
<p><b>7.3.6.</b> Where an area or landscape of specific heritage character is not designated, but is recognized for a specific heritage character, the following may be required:</p> <ul style="list-style-type: none"> <li><b>a.</b> a heritage impact statement where construction, alteration, demolition, or addition to a property located within a cultural heritage character area is proposed;</li> <li><b>b.</b> the protection of viewplanes, such as those related to City Hall, Kingston fortifications, and the harbor; and,</li> <li><b>c.</b> notification to relevant public agencies and appropriate First Nations groups of the existing and potential <i>cultural heritage resources</i> at an early planning stage to ensure that the objectives of heritage conservation are given due consideration in any public work</li> </ul>	The property is not located within, nor is it adjacent to a Heritage Character Area as shown on Schedule 9 of the City’s Official Plan. As such, this policy does not apply to the review of the development application. As per the response to Section 7.1.7 above, the submitted HIS considers the surrounding Heritage Character Areas and confirms no negative impacts.

Policy	Conformity with the Policy
<p>project or assessment that may be undertaken.</p>	
<p><b>7.3.A.2.</b> Within the City, Parks Canada has jurisdiction for the portion of the Rideau Canal from Belle Island to the northern municipal boundary, including both the bed of the Canal and shore areas, whereas Transport Canada has jurisdiction for the portion of the Canal south of Belle Island to the LaSalle Causeway. The Canal is a World Heritage Site, a National Historic Site, and a Canadian Heritage River that is comprised of diverse landscapes rich in history, natural character and scenic beauty. The City will continue to work with Parks Canada and other agencies to recognize and conserve the cultural heritage resource significance of the Rideau Canal, by:</p> <ul style="list-style-type: none"> <li><b>e.</b> ensuring that all development on adjacent lands to the Canal or over the Canal does not interfere with the safe and efficient navigation on the Canal;</li> <li><b>f.</b> prohibiting any development or site alteration that would alter the size, shape and configuration of the canal system;</li> <li><b>g.</b> requiring that development or site alteration on adjacent lands to the lock stations and the Canal proper demonstrate that the cultural heritage resources will be conserved;</li> <li><b>h.</b> ensuring that development under the Planning Act be in</li> </ul>	<p>The property is not within the 30 metre overlay applied to the shoreline of the Rideau Canal.</p>

Policy	Conformity with the Policy
accordance with the policies of Sections 7.3.A and 9 of this Plan;	
<p><b>7.3.C.4.</b> Any private or public work or development that is proposed within or adjacent to a designated heritage conservation district must demonstrate that it respects and complements the identified cultural heritage value or interest and heritage attributes of the district or area.</p>	<p>The subject lands are not located within or adjacent to a heritage conversation district.</p>
<p><b>7.4.10.</b> Upon receiving information that lands proposed for <i>development</i> may include <i>archaeological resources</i> or constitute an <i>area of archaeological potential</i>, Council will not take any action to approve the <i>development</i>, and the owner of such land will be requested to have studies carried out at the owner's expense by <i>qualified persons</i> to:</p> <ul style="list-style-type: none"> <li><b>a.</b> survey and assess the property;</li> <li><b>b.</b> assess the impact of the proposed <i>development</i>;</li> <li><b>c.</b> indicate methods to mitigate any adverse impact of the proposed <i>development</i> on any <i>archaeological resources</i>, including methods of recovery and preservation;</li> <li><b>d.</b> comply with current Ministry of Culture standards and guidelines for consulting archaeologists; and,</li> <li><b>e.</b> provide a compliance letter issued by the Province for any completed archaeological study.</li> </ul>	<p>Through the pre-application technical review of the application, Heritage Services identified that the archaeological potential of the site is limited due to the existing building and previous site disturbance. As such, an archaeological assessment was not required. Standard conditions related to the discovery of previously undiscovered resources will be included in any future site plan control agreement registered on title.</p>

**Urban Design (Section 8)**

Policy	Conformity with the Policy
<p><b>8.4.</b> Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <ul style="list-style-type: none"> <li><b>a.</b> providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;</li> <li><b>b.</b> improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-traveled areas, and ease of access for emergency personnel or vehicles;</li> <li><b>c.</b> clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;</li> <li><b>d.</b> arranging public uses and amenities within a convenient walking distance;</li> <li><b>e.</b> providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places; and,</li> </ul>	<ul style="list-style-type: none"> <li><b>a.</b> The developments will need to meet all requirements of the Accessibility for Ontarians with Disabilities Act (AODA), and the Ontario Building Code. Landscaping and street furniture such as benches will be reviewed at the time of site plan control.</li> <li><b>b.</b> The re-development will improve the pedestrian streetscapes of both frontages (and particularly the Wellington Street frontage). Lighting of the streetscape, building entrances, and public areas will be reviewed through a future Site Plan Control application.</li> <li><b>c.</b> The commercial entrances and main residential entrance will be accessed from the public sidewalk in well-traveled areas. The entrances are well-defined through the use of large arched windows.</li> <li><b>e.</b> Walkway widths will be required to be AODA compliant. The building provides a 5 by 5 metre sight triangle and landscaping elements, including wind screens, will be reviewed at the site plan control stage.</li> <li><b>f.</b> The redevelopment blocks will add new users to the area, with development fronting onto the road, placing 'eyes on the street'. CPTED will be implemented through the future site plan control application.</li> </ul>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>f.</b> promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>	
<p><b>8.5.</b> Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City shall maintain or enhance the character of valued streetscapes, community areas, and landscapes by:</p> <p><b>a.</b> preserving human scale in locations that are pedestrian-oriented and establishing an appropriate street wall height by controlling building heights through an implementing zoning by-law, requiring building step-backs, having entrances at street level, providing street furniture, and other means as appropriate;</p> <p><b>b.</b> providing shade through natural or built means to provide comfortable outdoor environments and provide protection from ultraviolet radiation;</p> <p><b>c.</b> protecting views to the water, City Hall and other significant buildings or landscapes;</p> <p><b>d.</b> siting new buildings and structures in a manner that repeats and complements the siting and spacing of existing buildings, structures or landscaped areas in order to continue a pattern that is characteristic of surrounding</p>	<p><b>a.</b> The building’s ground floor and podium has been designed to create a pedestrian oriented streetscape through active ground floor uses, pedestrian entrances that front onto the street, setbacks at grade and stepbacks above the second storey. The setbacks provide opportunities for increased landscaping at grade, especially along Wellington Street. These design elements contribute to a human scale, providing a direct relationship between the podium and the public realm.</p> <p><b>b.</b> The building’s orientation will generally provide shade to the Wellington Street public realm in the morning, and to the Barrack Street public realm in the afternoon. The exterior amenity areas will receive some shade from the future development at 55 Ontario Street; additional opportunities for shade may be implemented through design choices on-site.</p> <p><b>c.</b> Please refer to the responses provided in Section 10 and Section 2. All identified protected views are maintained. To City Hall and to the water will be maintained.</p> <p><b>d and e.</b> The podium massing complements the rhythm of the downtown core, providing a 2-storey street wall, use of masonry and large arched windows, and providing regular entrances for commercial and residential uses. The podium design takes cues from existing heritage buildings in the area, specifically the substation at 29 Queen Street. The tower provides a narrow floorplate, similar to other approved towers in the area, and provides appropriate tower separation.</p> <p><b>f.</b> The at-grade setbacks along each road frontage will provide transition between the</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>neighbourhoods and heritage areas;</p> <p><b>e.</b> the strategic use of building separation, landscaping and buffers to mitigate inharmonious elements of the built or natural environment, such as railways, service areas, or incompatible uses;</p> <p><b>f.</b> designing public spaces or requiring the design of common spaces in private projects to have a clear sense of definition, and provide sufficient amenity, accessibility and security to encourage public use and linkage to other public areas;</p> <p><b>g.</b> preserving and enhancing the context of special buildings, streetscapes, landscapes and sites that have been identified as having architectural, or cultural heritage value or interest; and,</p> <p><b>h.</b> encouraging innovative methods to minimize the visual impact of utility features, either by containing utility features within streetscape elements or by screening them from view.</p>	<p>public and private realm, and will provide direct access to at-grade commercial units. Increased landscaping within the private setback will improve the relationship between the sidewalk and the building on the property. On-site communal amenity areas will provide well-defined exterior and interior options to support the needs of residents.</p> <p><b>g.</b> See response to d and e above.</p> <p><b>h.</b> On-site functional needs including loading and waste collection will be screened from view of the public realm. Mechanical equipment associated with the building will be incorporated into a well-designed building topper, which has been considered by the project architects early in the project to ensure it fits with the building and provides a clean appearance. At-grade exterior utility needs related to power will be incorporated in the interior side yard, with intervening landscaping and bike parking amenities.</p>
<p><b>8.6.</b> The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <p><b>a.</b> siting, scale and design of new development in relation to the</p>	<p><b>a.</b> The podium massing complements the rhythm of the downtown core, providing a 2-storey street wall, use of masonry and large arched windows, and providing regular entrances for commercial and residential uses. The podium design takes cues from existing heritage buildings in the area, specifically the substation at 29 Queen Street. The tower provides a narrow floorplate, similar to other approved towers in the area, and provides appropriate tower separation.</p> <p>The Heritage Impact Study confirms that the development will not adversely impact nearby</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;</p> <p><b>b.</b> protecting <i>natural features and areas</i> and <i>cultural heritage landscapes</i> through the siting, design and review of new <i>development</i>; and,</p> <p><b>c.</b> promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility;</p> <p><b>d.</b> achieving compatibility in land use and with a predominant architectural style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and,</p> <p><b>e.</b> encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</p>	<p>heritage resources or character areas, and that the concentration of towers in the North Block area is effective in reducing impacts on the city skyline.</p> <p><b>b.</b> The lands are not identified as or adjacent to natural heritage features or areas. The downtown area and the skyline are not protected by a cultural heritage landscape as designated under Part IV or V of the Ontario Heritage Act, and the lands are not within a heritage character area.</p> <p><b>c.</b> The applicant has provided a sustainability statement as part of the submission materials to highlight design priorities of the development. The development will provide increased density in a well-designed form that complements the area and provides accessible options for users in accordance with the ADOA and OBC.</p> <p><b>d.</b> Please see the responses provided to section 2.7.</p>
<p><b>8.6.</b> Protected views identified on Schedule 9 on streets that terminate at the water must be preserved by:</p> <p><b>a.</b> restricting or not allowing development of buildings and</p>	<p>The proposed building will not impact sightlines to the waters, or any identified views to the cupola on City Hall as identified on Schedule 9 of the Official Plan.</p>

Policy	Conformity with the Policy
<p>structures that would interrupt sightlines;</p> <p><b>b.</b> requiring that the siting, massing and design of buildings and structures in areas adjacent to protected views maintain the views;</p>	
<p><b>8.9.</b> City Hall is the landmark and symbol of Kingston which is protected by identifying a series of viewpoints and viewplanes as shown on Schedule DH-4 of the Downtown and Harbour Specific Policy Area and as set out in the following policies. The City will ensure that development will:</p> <p><b>a.</b> maintain and support the scale and character of City Hall Square and be <i>compatible</i> with the heritage buildings within the Downtown area east of Bagot Street when new <i>development</i> is permitted;</p> <p><b>b.</b> protect the silhouette of City Hall, having particular regard for the protection of the dome from incompatible building heights that would mask the silhouette;</p> <p><b>c.</b> prevent shadowing of City Hall Square, particularly the area of Market Square and Confederation Park;</p> <p><b>d.</b> protect the viewplanes shown on Schedule DH-4 in accordance with the policies of Section 10A, the Downtown and Harbour Specific Policy Area, by ensuring that new <i>development</i> does not obscure or overpower the dome of City Hall; and,</p> <p><b>e.</b> protect the viewplanes or silhouette of City Hall with the</p>	<p><b>a.</b> As confirmed through the submitted Heritage Impact Statement, the building will not have a negative impact on the individual or collective heritage resources of downtown Kingston. The building will improve the pedestrian character of the City block and support vibrancy of the downtown area and the pedestrian experience in proximity to City Hall.</p> <p><b>b, d and e.</b> The buildings will not impact any of the protected views as shown on Schedule DH-4 and they do not interfere with the silhouette of City Hall.</p> <p><b>c.</b> The subject lands are located north of City Hall Square and therefore will not shadow the square.</p>

Policy	Conformity with the Policy
use of by-laws allowing bonusing under Section 37 of the Planning Act as set out in Section 9.5.25 of this Plan.	

**Administration & Implementation (Section 9)**

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>9.5.9.</b> When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p><b>a.</b> conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p><b>b.</b> <i>compatibility</i> of the proposal with existing uses and zones, <i>sensitive uses</i>, the <i>natural heritage system</i>, <i>cultural heritage resources</i>, and <i>compatibility</i> with future planned uses in accordance with this Plan;</p> <p><b>c.</b> <i>compatibility</i> of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p><b>d.</b> the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for <i>development</i>;</p> <p><b>e.</b> the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or <i>amenity areas</i>;</p> <p><b>f.</b> the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p>	<p><b>a.</b> The zoning by-law amendment conforms to the policies and schedules of the Official Plan as demonstrated through this report. The implementing zoning by-law reflects the appropriate development standards to implement the reviewed building.</p> <p><b>b. &amp; c.</b> As demonstrated through the review of applicable sections of the Plan through this report, including Section 2.7, 3.17.22 and 10A, the proposed development is compatible with surrounding land uses and planned development in the North Block Area. The proposal will not adversely impact natural heritage or cultural heritage resources. The development is supported by an Urban Design Study, and aligns with applicable urban design guidelines and good tall building design practices.</p> <p><b>d.</b> The North Block area has specifically been identified for redevelopment and intensification through the policies of the Official Plan. The Plan contemplates exemptions to the as-of-right height regulations, the North Block is not included in any Heritage Character Area or Heritage Conservation District, and the site is not subject to any identified view plane. The development would efficiently use the land in the central downtown location where investments have been made to the municipal servicing infrastructure, transit, and active transportation facilities.</p> <p><b>e.</b> Through the submission materials, the applicant has demonstrated that the building will provide sufficient parking and loading to meet the anticipated needs of users given the site location and adopted driver mode share. The building will provide private and communal amenity at a rate consistent with the zoning by-law.</p> <p><b>f.</b> The proposed building represents a dense urban condition on the site and provides</p>

Policy	Conformity with the Policy
<p><b>g.</b> the impact on municipal <i>infrastructure</i>, services and traffic;</p> <p><b>h.</b> comments and submissions of staff, agencies and the public; and,</p> <p><b>i.</b> the degree to which the proposal creates a precedent.</p>	<p>needed housing units within the North Block area, which is identified for intensification. The building provides commercial floor area in the form of three units fronting both streets, in accordance with Plan direction.</p> <p><b>g.</b> The Servicing Report and Traffic Impact Study concluded that the development can be supported by the existing infrastructure.</p> <p><b>h.</b> Comments received from technical review agencies, internal departments, and the public have been considered through the technical review process.</p> <p><b>i.</b> The development reflects a desirable condition for the North Block area and is supported by Plan direction and site-specific technical study. Similar developments in the North Block area would require independent study which would be reviewed based on their own merits.</p>
<p><b>9.5.25.</b> The City may approve a by-law authorizing an increase in height or density beyond that allowed in the zoning by-law pursuant to the <i>Planning Act</i>, in return for facilities, services or matters benefiting the public, including the following:</p> <p><b>a.</b> providing a wide range of clearly specified and designed housing types, including <i>affordable</i> housing and housing for seniors and individuals with special needs;</p> <p><b>b.</b> providing parkland dedication beyond what is already required by this Plan;</p> <p><b>c.</b> protecting features of the <i>natural heritage system</i>, such as <i>woodlands</i>, beyond the parkland dedication requirements of the <i>Planning Act</i>;</p>	<p>The Planning Act no longer allows the City to provide height and density bonusing under Section 37. Community Benefits Charges will be taken at the time of building permit in accordance with the Community Benefit Charge By-Law.</p>

Policy	Conformity with the Policy
<p><b>d.</b> improving access to public transit facilities;</p> <p><b>e.</b> providing public areas, pathways, and connections to external public pathways/trail systems;</p> <p><b>f.</b> providing public and/or underground parking;</p> <p><b>g.</b> providing community and open space facilities such as small parks, day care centres, community centres, <i>recreation</i> facilities, cultural facilities;</p> <p><b>h.</b> <i>conserving cultural heritage resources</i>;</p> <p><b>i.</b> protecting or enhancing <i>significant views</i>;</p> <p><b>j.</b> providing public art;</p> <p><b>k.</b> providing green technology and sustainable architecture and alternative construction methods such as “green roofs” and LEEDR certified buildings;</p> <p><b>l.</b> providing streetscape improvements in accordance with Council-endorsed documents such as the Downtown Action Plan; and,</p> <p><b>m.</b> including local improvements identified in community design plans, <i>community improvement plans</i>, secondary plans, capital budgets or other implementing plans or studies.</p>	

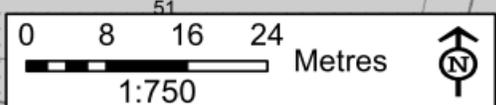
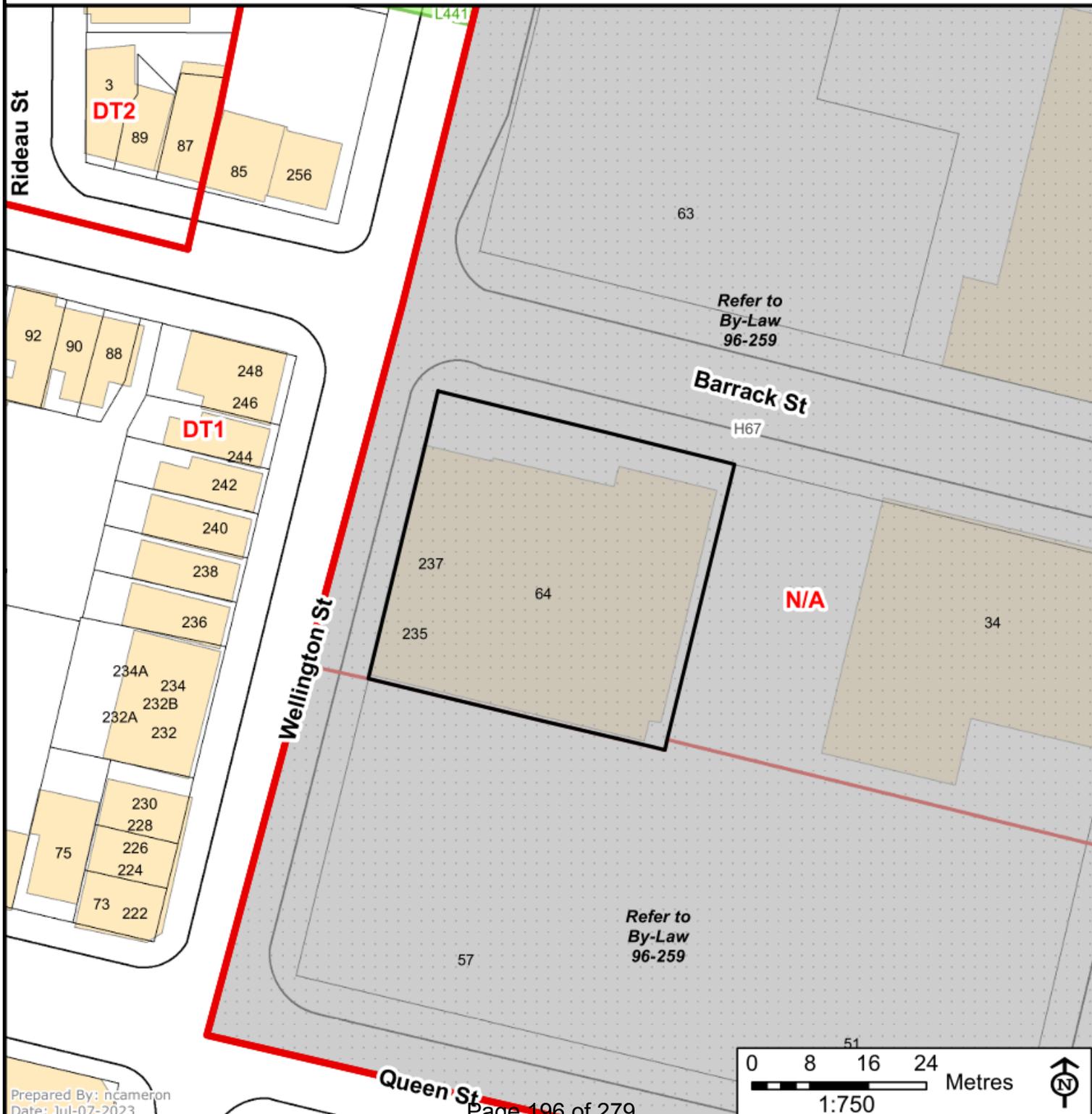


Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

Address: 64 Barrack Street & 235-237 Wellington Street  
File Number: D14-009-2023

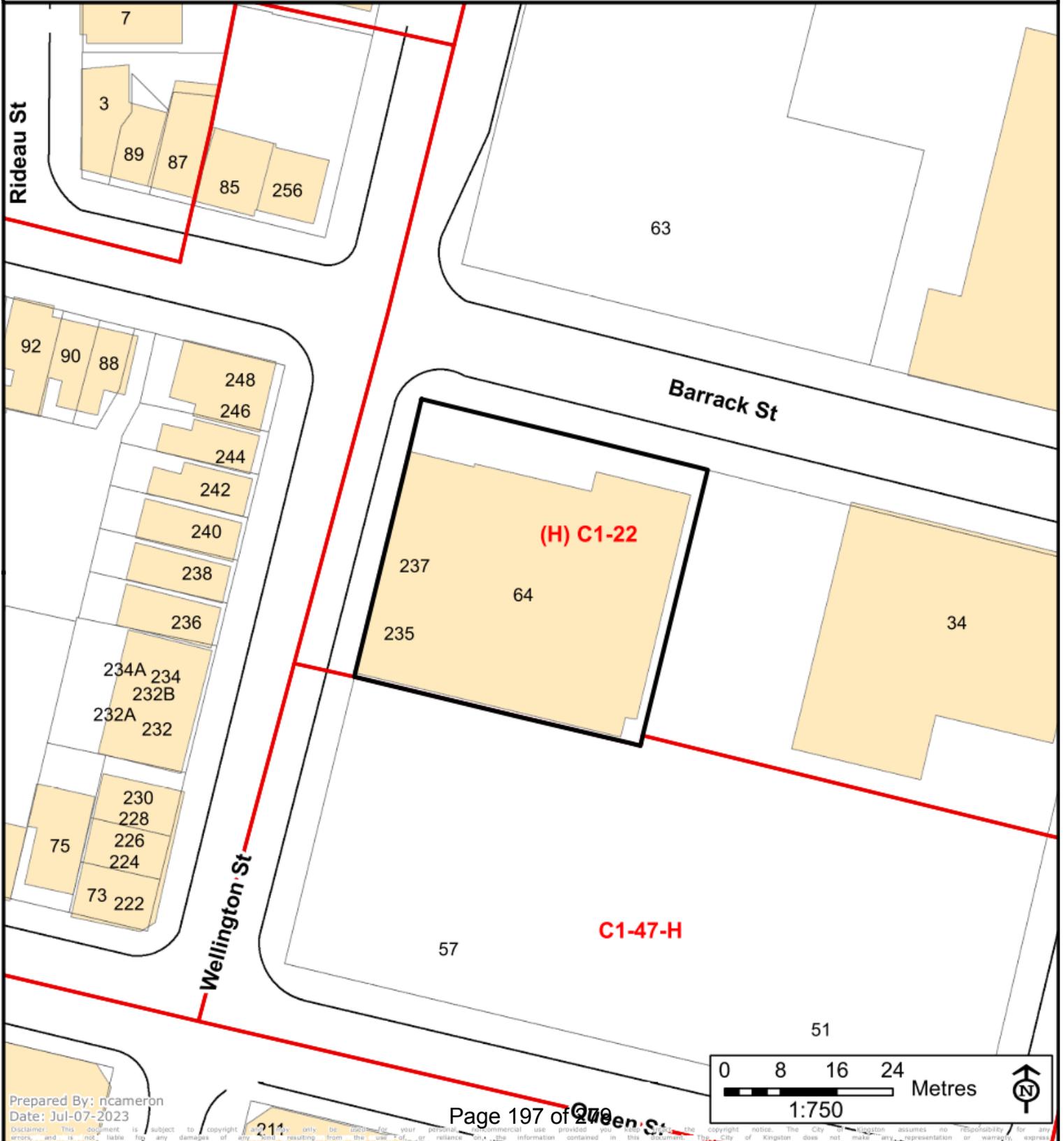
- Subject Lands
- Schedule 1 Zoning Map Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay Holding Overlay (HXXX)





Planning Committee  
**Existing Zoning - By-law 96-259, Map 1**  
Address: 64 Barrack Street & 235-237  
Wellington Street  
File Number: D14-009-2023

-  Subject Lands
-  Consolidated Zoning

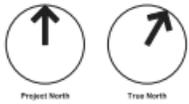




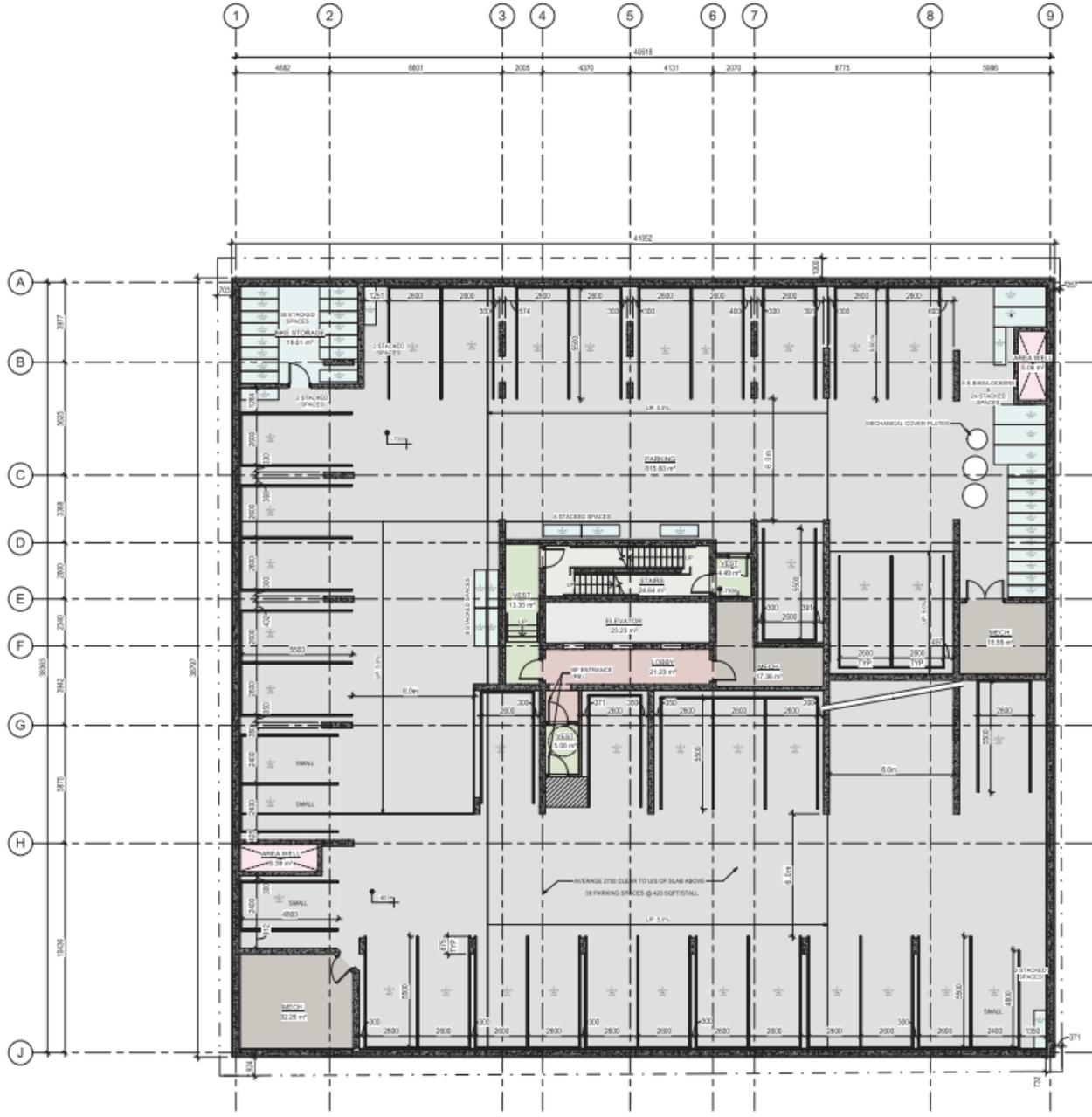








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  4. All contractors and sub-contractors shall have a set of approved construction documents on site at all times.
  5. All documents remain the property of the architect. Unauthorised use, modification or reproduction of these documents is prohibited without written permission. The contract documents were prepared by the architect for the account of the owner.
  6. The architect's professional services are limited to the work shown on these documents. The architect does not assume any responsibility for design, if any, suffered by any third party as a result of disclosure made or actions based on the contract documents.
  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of disclosure made or actions based on the contract documents.



No.	Date	Revision
11	2024-07-26	ISSUED FOR ZONING BYLAW AMENDMENT - SUBMITTED
10	2024-07-26	ISSUED FOR ZONING BYLAW AMENDMENT - SUBMITTED
9	2024-07-26	ISSUED FOR COORDINATION
8	2024-07-26	ISSUED FOR ZONING BYLAW AMENDMENT - SUBMITTED
7	2024-07-26	ISSUED FOR COORDINATION
6	2024-07-26	ISSUED FOR COORDINATION
5	2024-07-26	ISSUED FOR COORDINATION
4	2024-07-26	ISSUED FOR ZONING BYLAW AMENDMENT - SUBMITTED
3	2024-07-26	ISSUED FOR COORDINATION
2	2024-07-26	ISSUED FOR ZONING BYLAW AMENDMENT - SUBMITTED
1	2024-07-26	ISSUED FOR ZONING BYLAW AMENDMENT - SUBMITTED

- AREA LEGEND**
- BIKE STORE
  - CIRCULATION
  - ELEVATORS
  - LOBBY
  - MAJOR VERTICAL PENETRATION
  - MECH
  - PARKING AREA
  - STAIR

Project Name: Address

**64 Barrack St, Kingston**

Project No: 23850

Issued Date: 06/23/25

Drawn By: RDM | Checked By: JAA

Reviewed By: KITCHENER

Project Date: 2024-06-20 10:23:15 AM

**UNDERGROUND PARKING PLAN - P2**

Scaling Date: 1 : 100

Scale of ZONING AMENDMENT

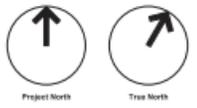
ARCHITECTS OF URBAN DESIGNERS

1054

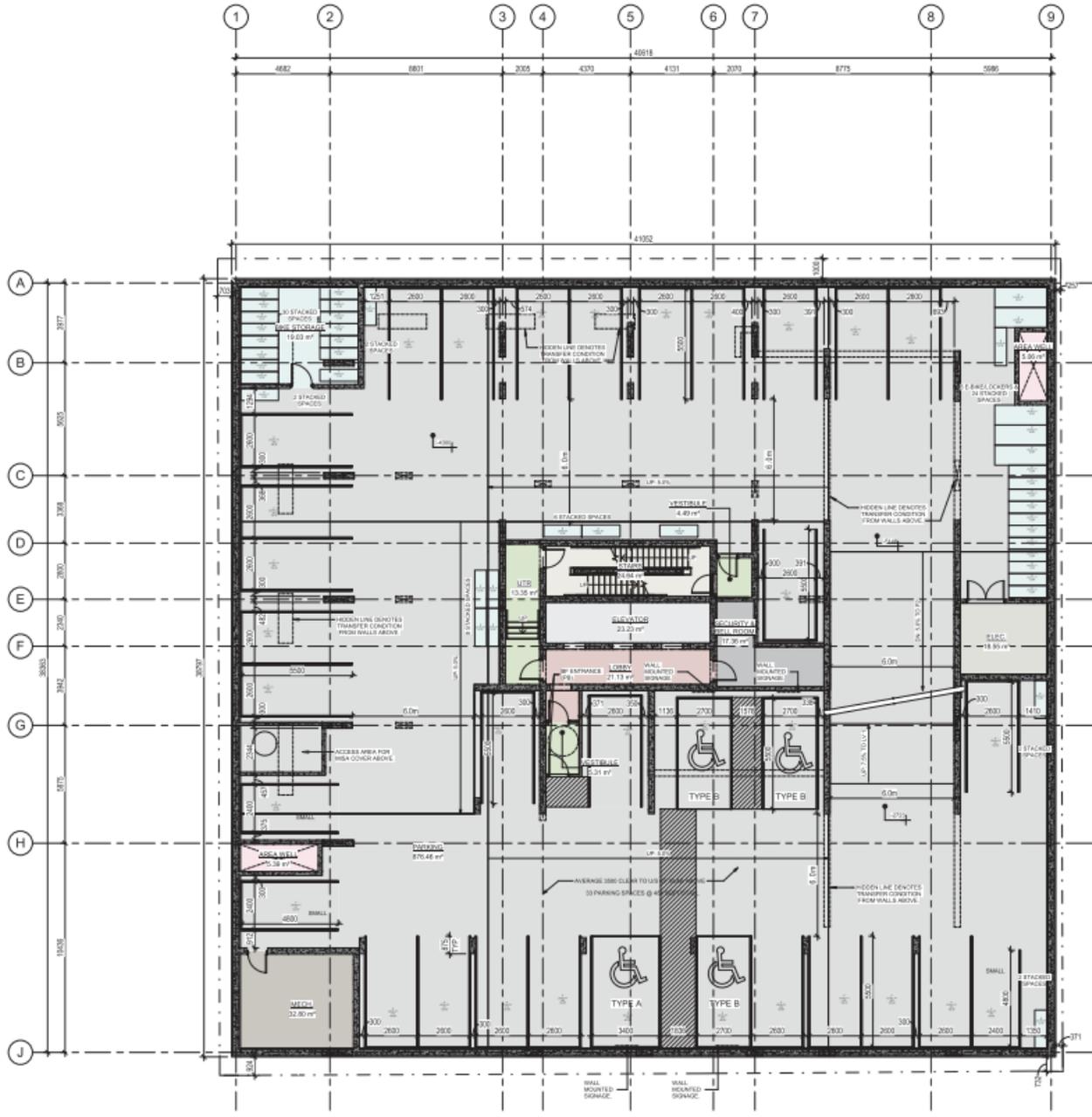
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1 UNDERGROUND PARKING PLAN P2  
7-100

The architect, contractor and other professionals involved in this project have prepared these documents in accordance with the professional standards of the profession. The architect's professional liability insurance policy does not cover the architect for any errors or omissions in the design or construction of the project. The architect's professional liability insurance policy does not cover the architect for any errors or omissions in the design or construction of the project. The architect's professional liability insurance policy does not cover the architect for any errors or omissions in the design or construction of the project.



- GENERAL NOTES**
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  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.



No.	Date	Revision
11	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
12	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
13	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
14	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
15	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
16	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
17	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
18	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
19	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
20	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
21	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
22	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
23	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
24	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
25	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
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27	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
28	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
29	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1
30	2024-05-28	ISSUED FOR ZONING DISPLAY AMENDMENT - SUBMISSION 1

- AREA USE**
- BIKE STORE
  - CIRCULATION
  - ELECTRICAL ROOM
  - ELEVATORS
  - LOBBY
  - MAJOR VERTICAL PENETRATION
  - MECH
  - PARKING AREA
  - SERVICE AREA
  - STAIR

**64 Barrack St,  
Kingston**

Project No: 23856  
Drawing Date: 06/23/23  
Project No: R204  
Project No: JJA  
Project No: KTCHEMER  
Project No: 2024-05-28 10:23:23 AM

**SRM**  
architects+  
urban+designers

**UNDERGROUND  
PARKING PLAN - P1**

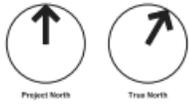
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or  
ZONING AMENDMENT  
Project No: R14  
Project No: JJA  
Project No: KTCHEMER  
Project No: 2024-05-28 10:23:23 AM

**ONTARIO ASSOCIATION  
OF ARCHITECTS**  
MEMBER SINCE 1954

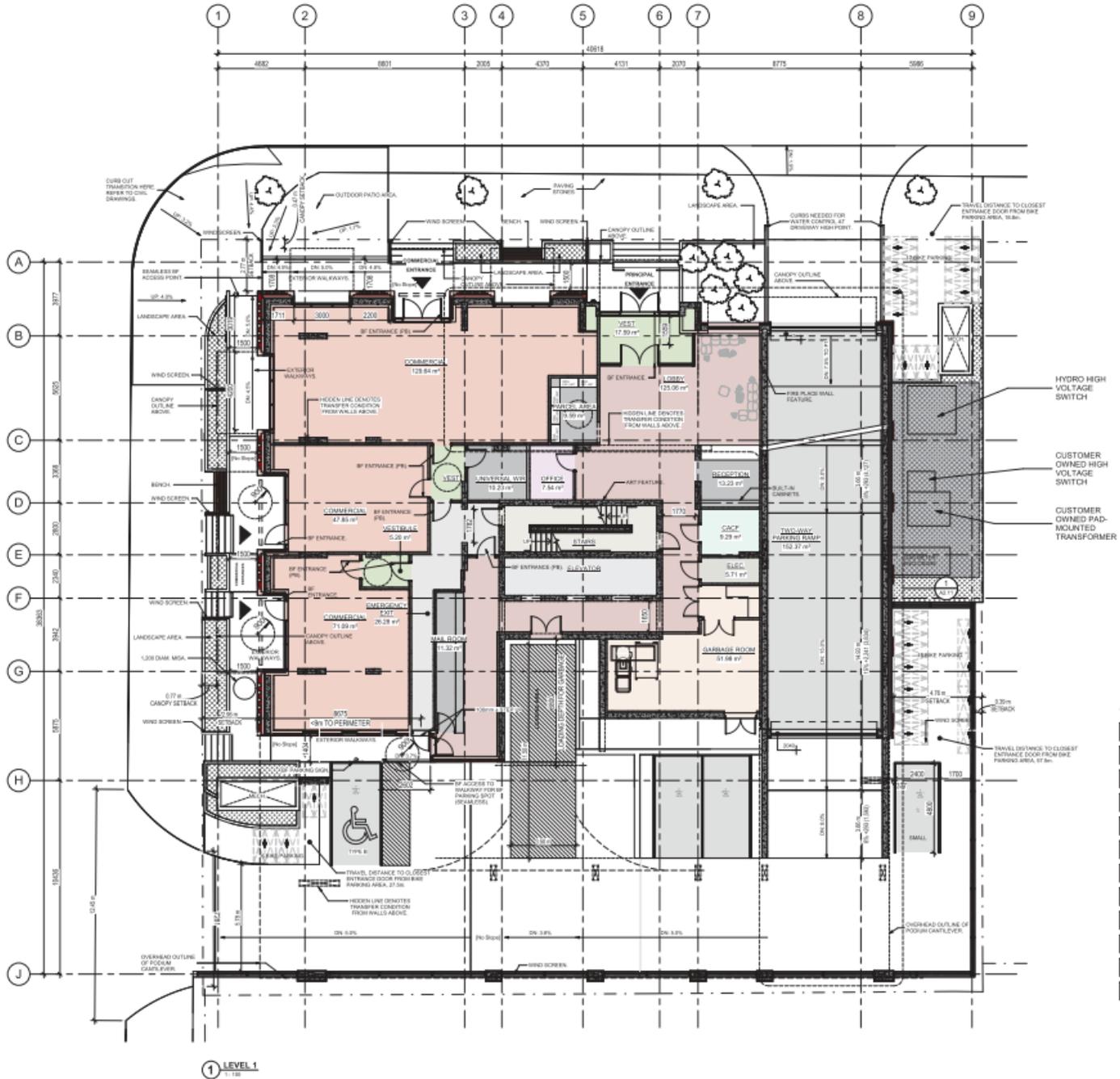
**A2.3**

1 UNDERGROUND PARKING PLAN - P1  
1:100

The architect's professional opinion reflects the conditions and judgment in light of the information available to him at the time of preparation. Any use which is not part of the original documents, or any other use or decision to be made based on them is the responsibility of each party. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.



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No.	Date	Revision
11	2024-05-28	ISSUED FOR PERMITS
10	2024-05-28	ISSUED FOR PERMITS
9	2024-05-28	ISSUED FOR PERMITS
8	2024-05-28	ISSUED FOR PERMITS
7	2024-05-28	ISSUED FOR PERMITS
6	2024-05-28	ISSUED FOR PERMITS
5	2024-05-28	ISSUED FOR PERMITS
4	2024-05-28	ISSUED FOR PERMITS
3	2024-05-28	ISSUED FOR PERMITS
2	2024-05-28	ISSUED FOR PERMITS
1	2024-05-28	ISSUED FOR PERMITS

- AREA LEGEND**
- Cafe
  - Circulation
  - Commercial
  - Corridor
  - Electrical Room
  - Elevators
  - Garbage
  - Lobby
  - Office
  - Parking Area
  - Service Area
  - Stair

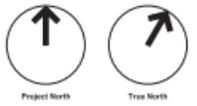
**64 Barrack St, Kingston**

Project No: 23850  
 Drawing No: 072302  
 Date: J.A.L.  
 SRM architects+urban+designers  
 2024-05-28 10:23:27 AM  
**LEVEL 1 FLOOR PLAN**  
 Scale: 1:100  
 ZONING AMENDMENT  
 r14  
**A2.4**



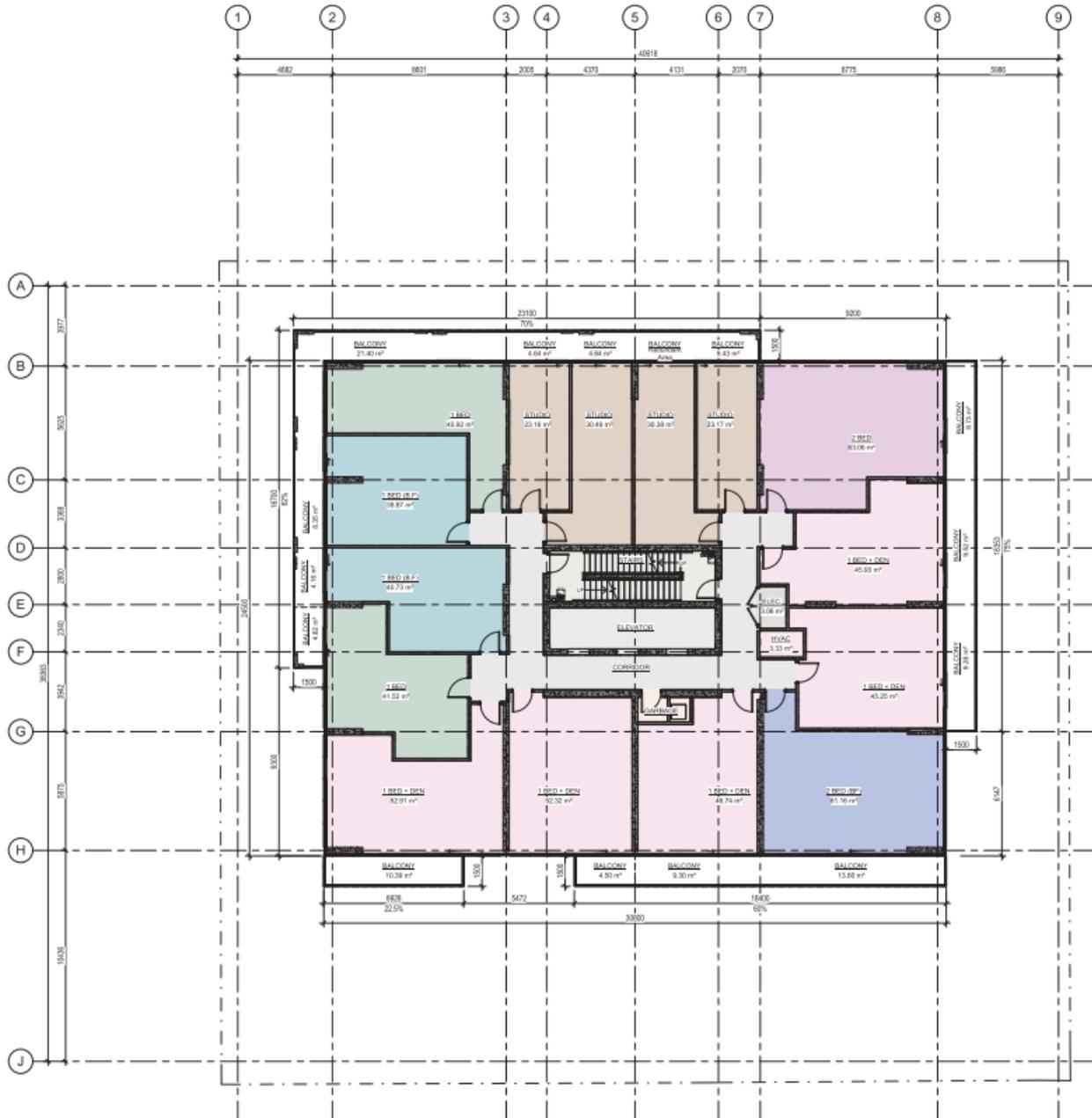






GENERAL NOTES

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1 FLOOR PLAN - TYPICAL LEVELS 5-10  
11/19

No.	Date	Revision
11	2024-05-20	SUBMIT FOR ZONING BYLAW AMENDMENT - SUBMISSION 1A
10	2024-05-20	SUBMIT FOR ZONING BYLAW AMENDMENT - SUBMISSION 1A
9	2024-04-08	SUBMIT FOR ZONING BYLAW AMENDMENT - SUBMISSION 1A
8	2024-04-08	SUBMIT FOR ZONING BYLAW AMENDMENT - SUBMISSION 1A
7	2024-03-27	ISSUE FOR FINAL APPROVAL/PERMITS
6	2024-03-27	ISSUE FOR APPROVAL/PERMITS
5	2024-03-27	ISSUE FOR APPROVAL/PERMITS
4	2024-11-16	SUBMIT FOR ZONING BYLAW AMENDMENT - SUBMISSION 1A
3	2024-11-16	SUBMIT FOR ZONING BYLAW AMENDMENT - SUBMISSION 1A
2	2024-11-16	SUBMIT FOR ZONING BYLAW AMENDMENT - SUBMISSION 1A
1	2024-05-20	SUBMIT FOR APPROVAL

- AREA USE
- STUDIO
  - 1 BED
  - 1 BED (BP)
  - 1 BED + DEN
  - 2 BED
  - 2 BED (BP)
  - BALCONY
  - CORRIDOR
  - ELECTRICAL ROOM
  - ELEVATORS
  - GARAGE
  - MAJOR VERTICAL PENETRATION
  - STAIR

Project Name: Address

**64 Barrack St, Kingston**

Project No: 23856

SRM architects+urban+designers

Prepared by: JAL

Checked by: KITCHENER

Project Title: FLOOR PLAN - TYPICAL LEVELS 5-10

Scale: 1:100

DATE: 2024-05-20 10:23:47 AM

ONTARIO ASSOCIATION OF ARCHITECTS

MEMBER SINCE 2014

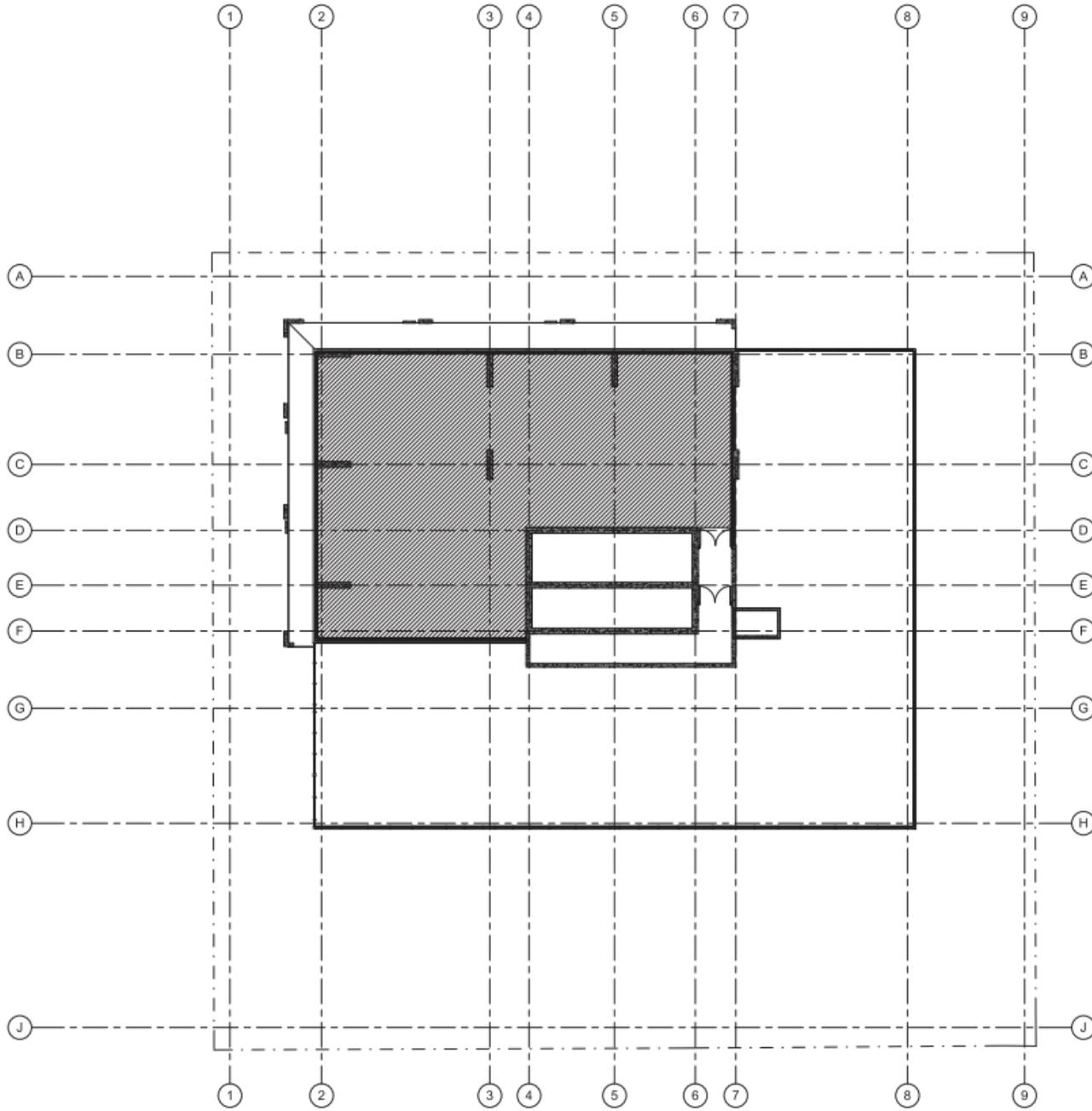
AMENDMENT

r11

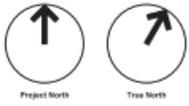
A2.8

The architect's professional liability reflects the architect's best judgment in light of the information available to him at the time of preparation. Any use which is not part of the original contract documents, or any omission or alteration to be made based on them is the responsibility of each third party. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of reliance made or actions based on the contract documents.





1 FLOOR PLAN - MECH. PENTHOUSE  
1 of 108



- GENERAL NOTES**
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  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of reliance made or actions based on the contract documents.

No.	Date	Revision

Project Name: Address  
**64 Barrack St,  
Kingston**

Project No: 22055  
Drawing Date: 06/28/23  
Drawn by: RCH  
Checked by: JAA  
Reviewed by: JAA  
Project Name: KITCHENER  
Drawing Date: 2024-09-20 11:14:30 AM

**MECH. PENTHOUSE**

Ontario Association of Architects or ARCHITECTS OF AMENABILITY  
Member No: r3  
Drawing Scale: 1 : 100  
Block: ZDMNO  
AMENABILITY

**A2.10**

The architect, contractor and all other persons engaged in this project shall be bound by the terms and conditions of the contract documents. The architect shall not be responsible for any errors or omissions, or any omissions, under decisions to be made based on facts and the responsibility of each trade partner. The architect accepts no liability for the construction based on the information available to him at the time of preparation. He is not liable for any errors or omissions, or any omissions, under decisions to be made based on facts and the responsibility of each trade partner. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of reliance made or actions based on the contract documents.







1 EAST ELEVATION  
1:100



2 WEST ELEVATION  
1:100

ELEVATION MATERIAL LEGEND

- 1 PRECAST CONCRETE - WHITE COLOUR
- 2 MASONRY - BRICK TEXTURE - RED COLOUR
- 3 GLAZING PANEL - CLEAR
- 4 SPANDREL GLAZING PANEL - BLACK GREY
- 5 BALCONY GLAZING PANEL - FRICKED
- 6 SPANDREL GLAZING PANEL - LIGHT GREY
- 7 ALUM. MULLION - BLACK
- 8 BLACK GLAZER PANEL
- 9 PRECAST CONCRETE - GREY COLOUR
- 10 ALUMINUM PANEL - BLACK COLOUR
- 11 GLAZING PANEL - TRANSLUCENT
- 12 BALCONY GLAZING PANEL - CLEAR

- GENERAL NOTES**
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No.	Date	Revision
01	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
02	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
03	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
04	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
05	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
06	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
07	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
08	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
09	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
10	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
11	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS
12	2024-05-20	ISSUED FOR ZONING BYLAW AMENDMENT - IN PROGRESS

64 Barrack St,  
Kingston

Project No. 23856

**SRM**  
architects+  
urban+designers

06/2023  
Prepared by: JAA  
Reviewed by: KTCHEMER  
2024-05-20 10:32:11 AM

**ELEVATIONS**

Ontario Association of Architects  
ARCHITECTS  
OF ONTARIO  
1054

As indicated  
or  
ZONING  
AMENDMENT  
**r10**

**A3.2**



1 ENLARGED NORTH ELEVATION - PODIUM BARRACK ST.  
1:100



2 ENLARGED WEST ELEVATION - PODIUM WELLINGTON ST.  
1:100

- GENERAL NOTES**
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  2. All work shall comply with the 2012 Ontario Building Code and amendments.
  3. Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
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No.	Code	Description
01	PRECAST CONCRETE - WHITE COLOUR	
02	MASONRY - BRICK TEXTURE - RED COLOUR	
03	GLAZING PANEL - CLEAR	
04	EXPANDED GLASS PANEL - BLACK GREY	
05	BALCONY GLAZING PANEL - FRICKED	
06	EXPANDED GLASS PANEL - LIGHT GREY	
07	ALUM. MELLON - BLACK	
08	BLACK LOUVER PANEL	
09	PRECAST CONCRETE - GREY COLOUR	
10	ALUMINUM PANEL - BLACK COLOUR	
11	GLAZING PANEL - TRANSLUCENT	
12	BALCONY GLAZING PANEL - CLEAR	

**ELEVATION MATERIAL LEGEND**

- 1 PRECAST CONCRETE - WHITE COLOUR
- 2 MASONRY - BRICK TEXTURE - RED COLOUR
- 3 GLAZING PANEL - CLEAR
- 4 EXPANDED GLASS PANEL - BLACK GREY
- 5 BALCONY GLAZING PANEL - FRICKED
- 6 EXPANDED GLASS PANEL - LIGHT GREY
- 7 ALUM. MELLON - BLACK
- 8 BLACK LOUVER PANEL
- 9 PRECAST CONCRETE - GREY COLOUR
- 10 ALUMINUM PANEL - BLACK COLOUR
- 11 GLAZING PANEL - TRANSLUCENT
- 12 BALCONY GLAZING PANEL - CLEAR

Project Name: 64 Barrack St, Kingston

Project No: Z2050

SRM architects+urban+designers

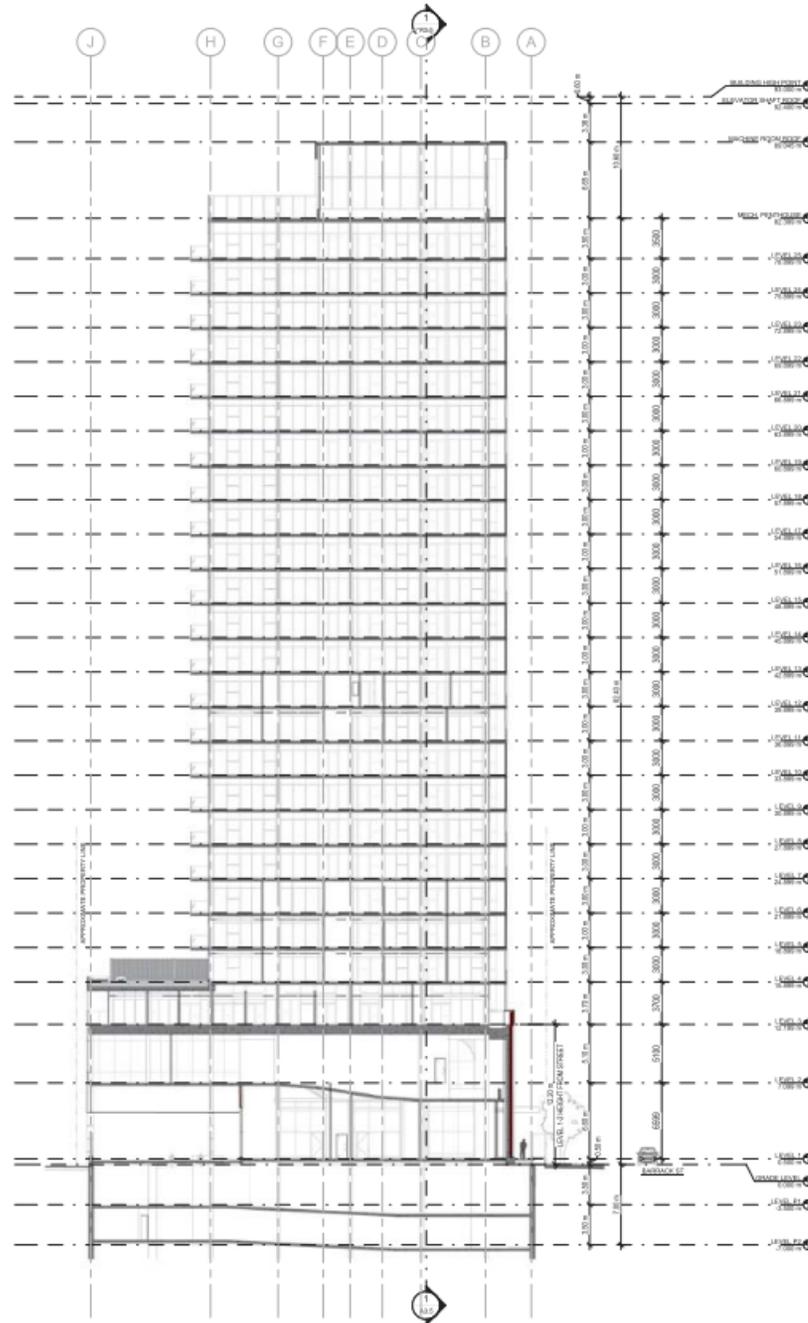
19/10/23  
Prepared by: JAA  
Checked by: JAA  
Project Date: 2024-08-20 10:33:18 AM

ENCHARGED ELEVATIONS

Drawing Date: As Indicated  
Drawing Title: Z2050 AMENDMENT  
Drawing No: r8  
Drawing Date: 2024-08-20 10:33:18 AM

ONTARIO ASSOCIATION OF ARCHITECTS  
MEMBER STATION 1054

A3.3



- GENERAL NOTES**
1. Do not scale drawings. All dimensions shall have precedence over scaled dimensions.
  2. All work shall comply with the 2012 Ontario Building Code and amendments.
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  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.

No.	Date	Revision
1	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
2	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
3	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
4	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
5	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
6	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
7	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
8	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
9	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
10	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
11	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
12	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
13	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
14	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
15	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
16	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
17	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
18	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
19	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
20	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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23	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
24	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
25	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
26	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
27	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
28	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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30	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
31	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
32	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
33	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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36	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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40	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
41	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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43	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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49	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
50	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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52	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
53	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
54	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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62	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
63	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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89	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
90	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
91	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
92	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
93	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
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99	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1
100	2024-05-20	ISSUE FOR ZONING BY-LAW AMENDMENT - SUBMISSION 1

Project Name: Address

**64 Barrack St,  
Kingston**

Project No: 23850

Project Title: 0129223

Drawn by: M.S. Checked by: JAA

Reviewed by: M.S. Checked by: JAA

Issue Date: 2024-05-20 10:33:29 AM

**BUILDING SECTION-1**

Scaling: 1 : 200

Scale: ZONING AMENDMENT

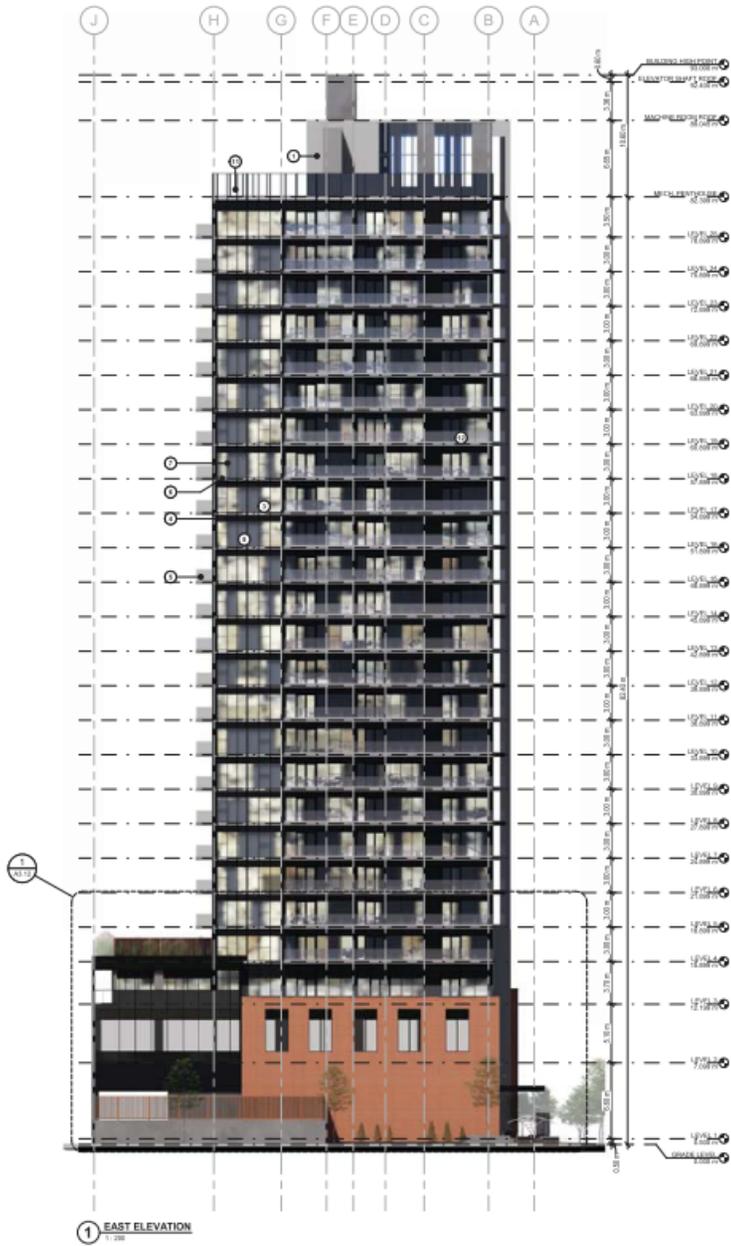
Project No: rB

Scaling: A3.4

The architect's professional liability reflects the architect's best judgment in light of the information available to him at the time of preparation. Any use which is not part of the original documents, or any reliance on other documents, is to be made based on their own responsibility of each third party. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.







1 EAST ELEVATION  
1:200



2 WEST ELEVATION  
1:200

**GENERAL LEGEND**

CONCRETE SLIGHT	LOUVER PANEL
MASONRY BRICK	CONCRETE GAPS
CLEAR GLAZING	BLACK ALUMINUM PANEL
DARK BRANDED PANEL	TRANSLUCENT GLAZING
PRIORITY GLAZING (SOUTHERN BALCONIES ONLY)	CLEAR BALCONY GLAZING
LIGHT OPACIFIED PANEL (BLACK ALUMINUM MALLEON)	WOOD PIERS
	ANODIZED METAL
	WIND Baffle
	INSET LIGHT FEATURE

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  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of disclosure made or actions based on the contract documents.

No.	Date	Revision
2024-01-30		ISSUED FOR ZONING BYLAW AMENDMENT SUBMISSION 1
2024-04-26		ISSUED FOR ZONING BYLAW AMENDMENT SUBMISSION 2
2024-02-28		ISSUED FOR CONCURRENCE
2024-11-19		ISSUED FOR ZONING BYLAW AMENDMENT SUBMISSION 3
2024-01-31		ISSUED FOR CONCURRENCE
2024-01-30		ISSUED FOR CONCURRENCE
2024-02-28		ISSUED FOR CONCURRENCE

Project Name: 64 Barrack St, Kingston

Project No: Z089C

SRM architects+designers

Prepared by: JAA  
Reviewed by: MITCHELL  
Date: 2024-08-28 10:27:53 AM

**RENDERED ELEVATIONS**

Ontario Association of Architects

As indicated or ZONING AMENDMENT

Project No: r7

**A3.10**

The architect's professional liability affects the architect's best judgment in light of the information available to him at the time of preparation. Any use which is not part of the original contract documents, or any omission or other decision to be made based on them is the responsibility of each user of the documents. The contract documents were prepared by the architect for the account of the owner.

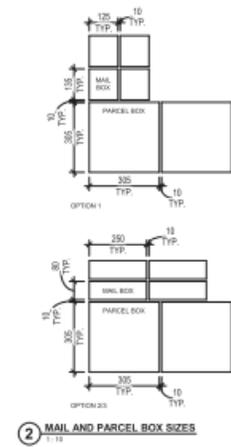




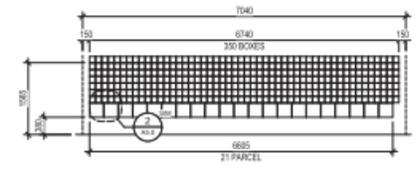


- GENERAL NOTES**
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  6. The architect shall not be held liable for any errors or omissions in the drawings, specifications or any information available to him at the time of preparation, design or construction of the project, or any information or decisions to be made based on them as the responsibility of each party shall remain.
  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of reliance made or actions based on the contract documents.

The architect, contractor and owner shall be responsible for the design and construction of the project. The architect shall not be held liable for any errors or omissions in the drawings, specifications or any information available to him at the time of preparation, design or construction of the project, or any information or decisions to be made based on them as the responsibility of each party shall remain. The contract documents were prepared by the architect for the account of the owner.



2 MAIL AND PARCEL BOX SIZES  
1:10



1 MAIL WALL SIZE DIAGRAM  
1:50

2024-01-30	ISSUED FOR ZONING BY-LAW AMENDMENT - SUBMISSION 2	
2024-04-05	ISSUED FOR ZONING BY-LAW AMENDMENT - SUBMISSION 3	
No.	Date	Revisions

Project Name: Address

**64 Barrack St,  
Kingston**

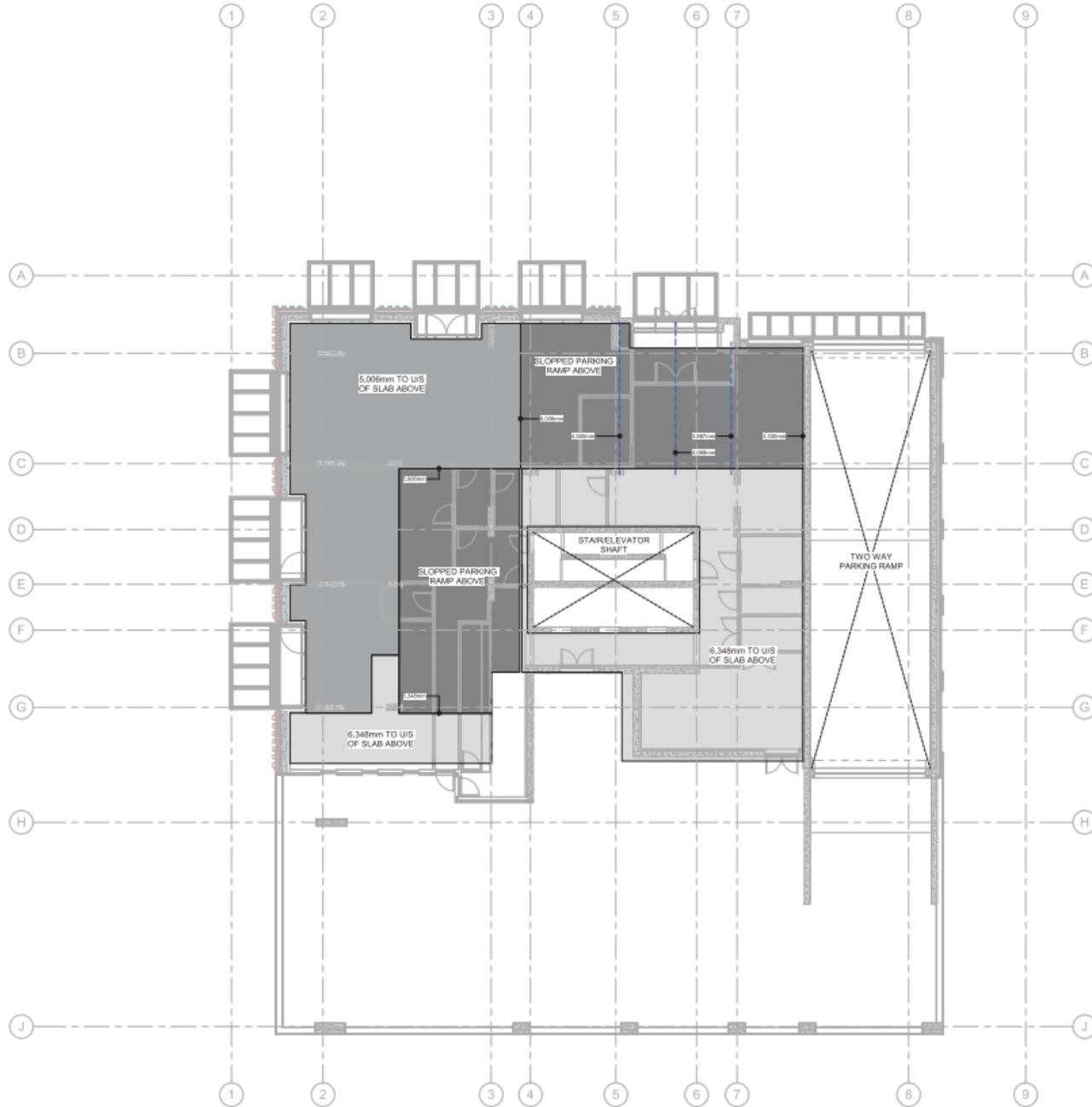
Project No. Z0690  
Drawing Title: 03/25/24  
Drawn by: RCH  
Checked by: JAA  
Scale: 1:50  
Drawing Date: 2024-05-20 10:33:58 AM

**SRM**  
architects + designers  
urban = designers  
KITCHENER

**ELEVATION DETAILS**

Drawing Code: As Indicated  
Block: ZONING AMENDMENT  
Revision No: r2  
Drawing No: A5.0

ONTARIO ASSOCIATION OF ARCHITECTS  
OR ARCHITECTS  
OF ONTARIO  
154



1 LEVEL 1 RCP HEIGHT MAP  
1:100

- GENERAL NOTES**
1. Do not scale drawings. All dimensions shall have precedence over scaled dimensions.
  2. All work shall comply with the 2012 Ontario Building Code and amendments.
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  5. All documents remain the property of the architect. Unauthorised use, modification or reproduction of these documents is prohibited without written permission. The contract documents shall apply to the work for the account of the owner.
  6. The architect disclaims liability for the construction of the project in light of the information available to him at the time of preparation. Any use which is not part of the original documents, or any extension, modification or addition to the original documents, shall be the responsibility of the contractor.
  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of reliance made or actions based on the contract documents.

No.	Date	Revision
1		ISSUED FOR PERMIT/PLANNING AMENDMENT - SUBMITTED
2		ISSUED FOR PERMIT/PLANNING AMENDMENT - SUBMITTED
3		ISSUED FOR FINAL LOCKDOWN/PERMIT

Project Name: Address  
**64 Barrack St, Kingston**

Project No: Z2690  
 Issued Date: 03/23/24  
 Drawn by: RDM  
 Checked by: JAA  
 Description: KITCHEN/RENO  
 Project Title: 2024-08-20 10:30:49 AM

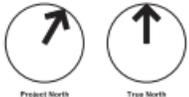
**LEVEL 1 CEILING HEIGHT MAP**

Scaling Date: 1:100  
 Scale: ZONING AMENDMENT  
 Project No: r3  
 Drawing No: A8.0

10. The architect, contractor and owner shall be responsible for the accuracy of the information provided in this drawing. The architect disclaims liability for the construction of the project in light of the information available to him at the time of preparation. Any use which is not part of the original documents, or any extension, modification or addition to the original documents, shall be the responsibility of the contractor. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of reliance made or actions based on the contract documents.







- GENERAL NOTES**
1. Do not scale drawings. Unless dimensions shall have pre-emptive and scaled dimensions.
  2. All work shall comply with the 2012 Ontario Building Code and amendments.
  3. Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
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  6. The architect's professional liability insurance shall not be a basis for judgment in light of the information available to him at the time of preparation. Any one shall be their party in relation to the contract documents, or any omission or error therein, shall be made based on their own responsibility for the accuracy of the information.
  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of disclosure made or actions based on the contract documents.



1 JUNE 21 - 8 am (1.5 HRS AFTER SUNRISE)  
1:200



2 JUNE 21 - 9 am  
1:200



3 JUNE 21 - 10 am  
1:200



4 JUNE 21 - 11 am  
1:200

TOWER SHADOW  
 PUBLIC PARKS

No.	Date	Revisions
1	2024-06-20	ISSUED FOR PERMIT/PLANNING AMENDMENT - 64 BARRACK ST
2	2024-06-20	ISSUED FOR PERMIT/PLANNING AMENDMENT - 64 BARRACK ST
3	2024-11-16	ISSUED FOR PERMIT/PLANNING AMENDMENT - 64 BARRACK ST
4	2024-06-20	ISSUED FOR PERMIT/PLANNING AMENDMENT - 64 BARRACK ST

Project Name: Address:  
**64 Barrack St, Kingston**

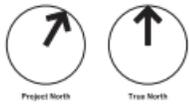
Project No: Z0692  
Drawing Title: 03/14/20  
Drawn by: RCH | Project by: JAA  
Illustration: KITCHENER  
Print Date: 2024-06-20 11:27:00 AM  
Sheet Name: 03/14/20

**JUNE 21 8AM-11AM**

Ontario Association of Architects or ARCHITECTS OF ONTARIO  
Drawing Date: As indicated  
Scale: Z0692  
Revision: AMENABILITY  
Revision No: r4  
104

**D2.11**

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GENERAL NOTES

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TOWER SHADOW  
 PUBLIC PARKS

No.	Date	Revision

Project Name: Address

64 Barrack St,  
Kingston

Project No: Z0656  
 Drawing Title: 03/14/23  
 Drawn by: RCP  
 Checked by: JJA  
 SRM architects+urban+designers  
 2024-06-20 11:22:27 AM  
 KITCHENER

JUNE 21 12PM-3PM

Drawing Scale: As Indicated  
 or ZONING AMENDMENT  
  
 ARCHITECTS  
 1054  
 R4  
 D2.12



1 JUNE 21 - 12 pm  
1/2024



2 JUNE 21 - 1 pm  
1/2024

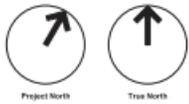


3 JUNE 21 - 2pm  
1/2024



4 JUNE 21 - 3 pm  
1/2024

The information contained in this document is confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this document by mistake, please notify the sender immediately by e-mail. No liability is accepted for the consequences of any reliance on the information contained in this document.



- GENERAL NOTES**
1. Do not scale drawings. Unless dimensions are shown, dimensions shall be as indicated.
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  6. The architect's professional liability policy does not cover the architect's liability for design errors or omissions. The architect's liability is limited to the extent of the architect's professional liability policy. The architect's liability is limited to the extent of the architect's professional liability policy. The architect's liability is limited to the extent of the architect's professional liability policy.
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TOWER SHADOW  
 PUBLIC PARKS

No.	Date	Revision

Project Name: Address

64 Barrack St,  
Kingston

Project No. Z0850  
Drawing Title: 03/14/23  
Drawn by: RCH  
Checked by: JAA  
Reviewed by: KITCHENER  
Print Date/Time: 2024-05-20 11:23:43 AM

**JUNE 21 4PM-7PM**

Drawing Code: As Indicated  
Block: ZONING AMENABILITY  
Revision: **r4**  
Scale: 1:250  
**D2.13**



1 JUNE 21 - 4 pm  
1:200



2 JUNE 21 - 5 pm  
1:200



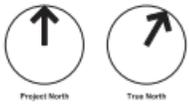
3 JUNE 21 - 6 pm  
1:200



4 JUNE 21 - 7 pm (1.5 HRS BEFORE SUNSET)  
1:200

Not for construction. Construction not to be undertaken until all necessary approvals have been obtained. The architect's professional liability policy does not cover the architect's liability for design errors or omissions. The architect's liability is limited to the extent of the architect's professional liability policy. The architect's liability is limited to the extent of the architect's professional liability policy. The architect's liability is limited to the extent of the architect's professional liability policy.





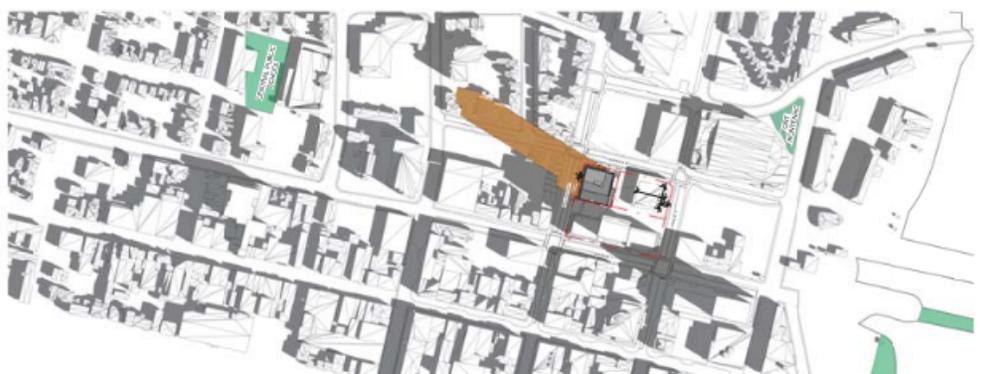
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  7. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of disclosure made or actions based on the contract documents.



1 MARCH 21-8 am  
1:200



2 MARCH 21-9 am (1.5 HRS AFTER SUNRISE)  
1:200



3 MARCH 21 - 10 am  
1:200

Orange box: TOWER SHADOW  
Green box: PUBLIC PARKS

No.	Date	Revisions
1	2024-05-20	SUBMIT FOR PERMIT REVIEW/AMENDMENT - 14-0000000-04
2	2024-05-20	SUBMIT FOR PERMIT REVIEW/AMENDMENT - 14-0000000-04
3	2024-05-20	SUBMIT FOR PERMIT REVIEW/AMENDMENT - 14-0000000-04
4	2024-05-20	SUBMIT FOR PERMIT REVIEW/AMENDMENT - 14-0000000-04

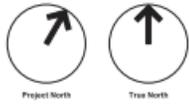
Project Name: Addition  
**64 Barrack St, Kingston**

Project No: Z0690  
Drawing No: 0014020  
Drawn by: RCM  
Checked by: JAA  
Illustration: KITCHENER  
Plot Date/Time: 2024-05-20 11:21:07 AM

**MARCH 21 8AM-10AM**

Stamp: ONTARIO ASSOCIATION OF ARCHITECTS OR ARCHITECTS OF ONTARIO  
Stamp: AS INDICATED ON DRAWING AMENDMENT  
Stamp: r4  
Stamp: D2.15

Do not scale drawings. Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work. The architect shall not be held responsible for any errors or omissions in the information provided to the architect. The architect shall not be held responsible for any errors or omissions in the information provided to the architect. All dimensions and specifications shall have precedence over scaled dimensions. All work shall comply with the 2012 Ontario Building Code and amendments. All contractors and sub-contractors shall have a set of approved construction documents on site at all times. All documents remain the property of the architect. Unauthorised use, modification or reproduction of these documents is prohibited without written permission. The contract documents set in motion by the architect for the account of the owner. The architect's consent does not constitute an implied or expressed warranty of the accuracy or completeness of the information provided to the architect. The architect shall not be held responsible for any errors or omissions in the information provided to the architect. The architect shall not be held responsible for any errors or omissions in the information provided to the architect.



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1 MARCH 21 - 11 am  
1/2000



2 MARCH 21 - 12 pm  
1/2000



3 MARCH 21 - 1 pm  
1/2000

TOWER SHADOW  
 PUBLIC PARKS

1	ISSUED FOR PERMIT	DATE	2024-05-20
2	ISSUED FOR PERMIT	DATE	2024-05-20
3	ISSUED FOR PERMIT	DATE	2024-05-20
4	ISSUED FOR PERMIT	DATE	2024-05-20
5	ISSUED FOR PERMIT	DATE	2024-05-20
6	ISSUED FOR PERMIT	DATE	2024-05-20
7	ISSUED FOR PERMIT	DATE	2024-05-20
8	ISSUED FOR PERMIT	DATE	2024-05-20
9	ISSUED FOR PERMIT	DATE	2024-05-20
10	ISSUED FOR PERMIT	DATE	2024-05-20

Project Name: Address  
**64 Barrack St, Kingston**

Project No: Z0656  
 Drawing No: 03/14/23  
 SRM architects+urban+designers  
 Project: 64 Barrack St, Kingston  
 Date: 2024-05-20 11:20:54 AM

**MARCH 21 11AM-1PM**

Drawing Scale: As indicated  
 Title: ZONING AMENDMENT  
 Drawing No: r4  
 Project No: Z0656  
 Date: 2024-05-20 11:20:54 AM

**D2.16**

The architect's professional liability reflects the architect's best judgment in light of the information available to him at the time of preparation. Any use which is not part of the scope of the contract documents, or any reliance on other documents to be made based on them is at the responsibility of such third parties. The architect accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on the contract documents.









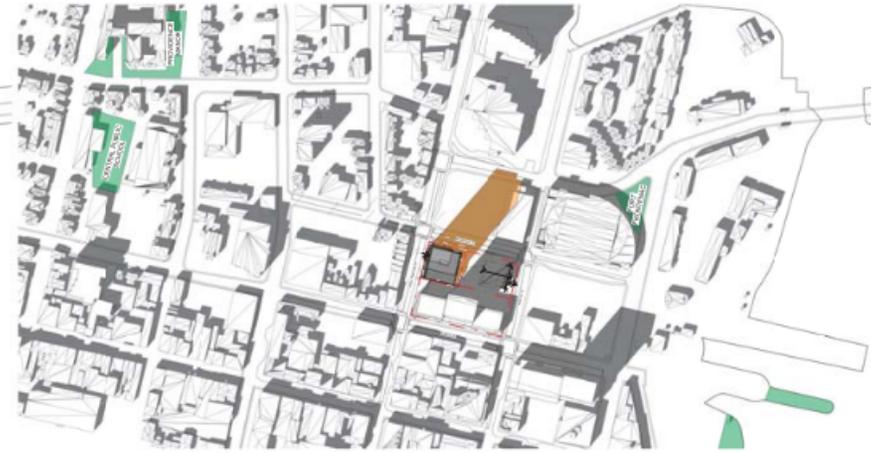
1 SEPTEMBER 21 - 12 pm  
1:200



2 SEPTEMBER 21 - 1 pm  
1:200



3 SEPTEMBER 21 - 2 pm  
1:200



4 SEPTEMBER 21 - 3 pm  
1:200



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TOWER SHADOW  
 PUBLIC PARKS

No.	Date	Revision

Project Name: Address

**64 Barrack St,  
Kingston**

Project No: 20450  
Drawing Title: 03/14/23  
Drawn by: RCP  
Checked by: JAA  
Reviewed by: KITCHENER  
File Date/Time: 2024-05-20 11:16:29 AM

**SRM**  
architects+  
urban+designers

**SEPTEMBER 21  
12PM-3PM**

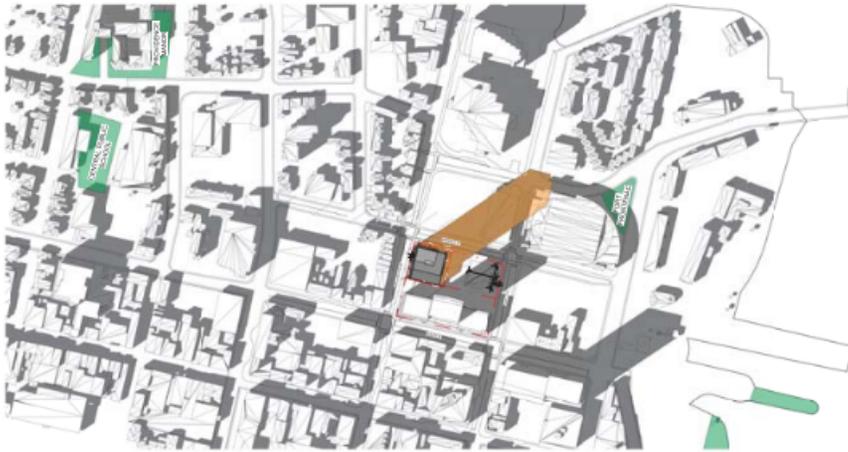
Display Case: As Indicated  
or ZONING AMENDMENT

ARCHITECTS  
OF ONTARIO  
154

Project No: **r4**

Display Case: **D2.20**

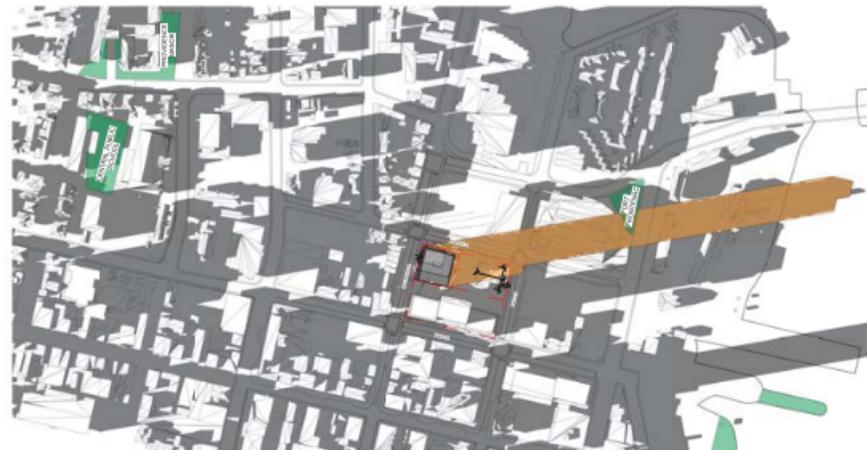
The architect's professional liability policy does not cover the architect's liability for any damage or injury to any person or property, or any other loss or damage, or any other liability, arising out of or in connection with the performance of the architect's professional services, or any other liability, arising out of or in connection with the performance of the architect's professional services, or any other liability, arising out of or in connection with the performance of the architect's professional services, or any other liability, arising out of or in connection with the performance of the architect's professional services.



1 SEPTEMBER 21 - 4 pm  
1:00



2 SEPTEMBER 21 - 8 pm  
5:00



3 SEPTEMBER 21 - 8 pm (1.5 HRS BEFORE SUNSET)  
2001



GENERAL NOTES

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- TOWER SHADOW
- PUBLIC PARKS

No.	Date	Revision
1	2024-08-20	ISSUED FOR PERMIT APPLICATION - EXHIBIT H
2	2024-08-20	ISSUED FOR PERMIT APPLICATION - EXHIBIT H
3	2024-08-20	ISSUED FOR PERMIT APPLICATION - EXHIBIT H
4	2024-08-20	ISSUED FOR PERMIT APPLICATION - EXHIBIT H

Project Name: Address:

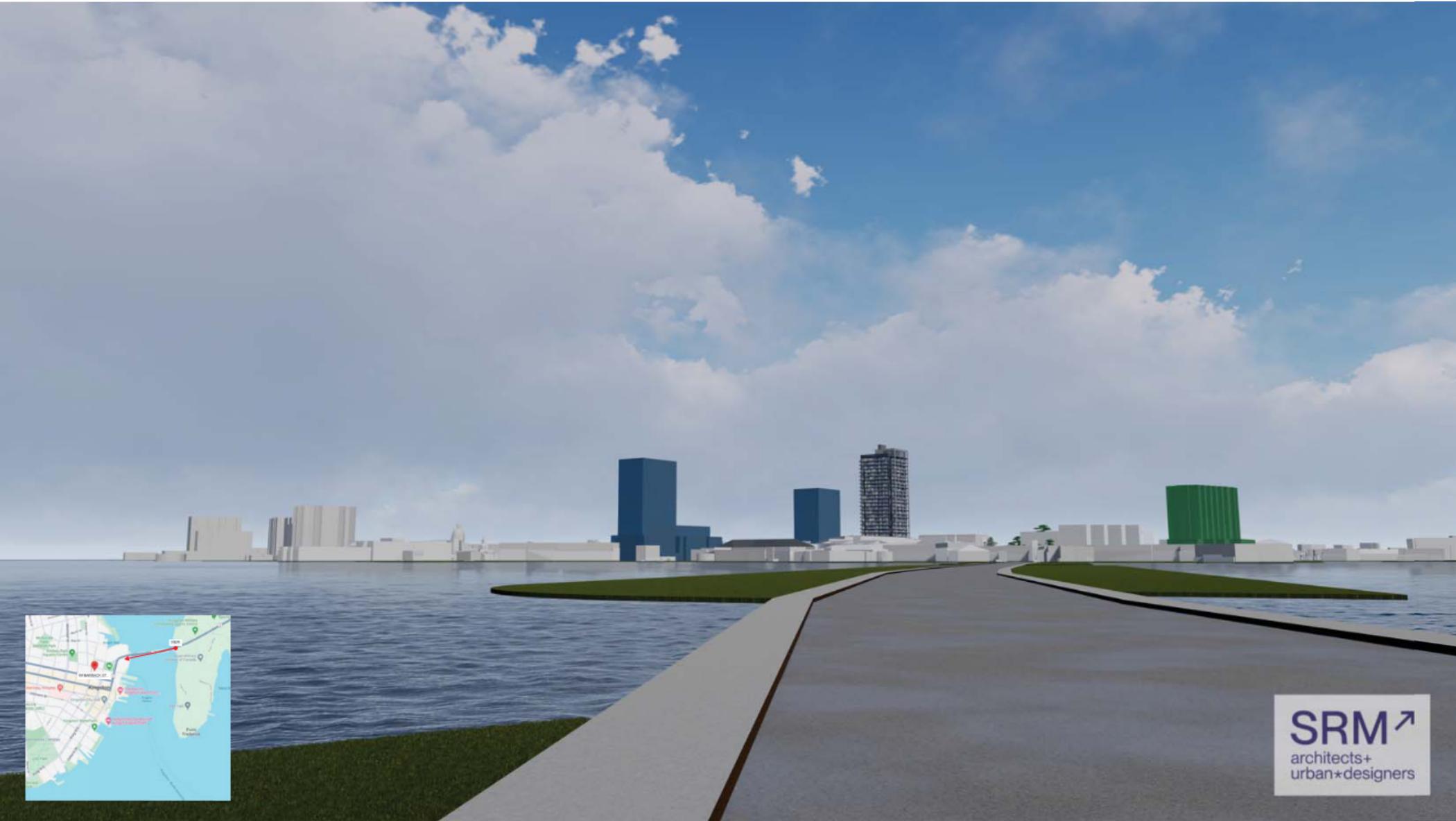
64 Barrack St,  
Kingston

Project No: Z0890  
 Drawing No: 03/14/23  
 Drawn by: RDM  
 Checked by: JAA  
 Description: KITCHENER  
 Project Date: 2024-08-20 11:15:27 AM

SEPTEMBER 21  
4PM-6PM

Drawing Date: As indicated  
 Scale: ZOOMING  
 AMENDMENT  
 Revision No: r4  
 D2.21

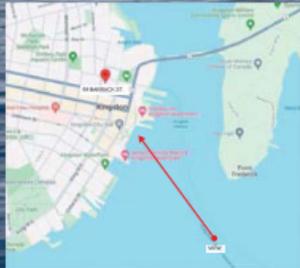
The architect, contractor and owner shall be responsible for obtaining all necessary permits, licenses and approvals from the relevant authorities. The architect shall not be responsible for any delays or costs incurred by the owner or contractor as a result of any such permits, licenses or approvals. The architect shall not be responsible for any damage to property or injury to persons, or any other liability, arising from the use of these documents, or any other liability, arising from the use of these documents, or any other liability, arising from the use of these documents.

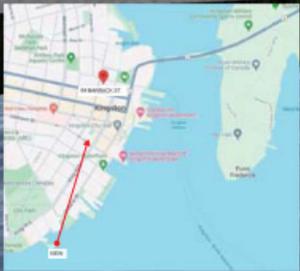
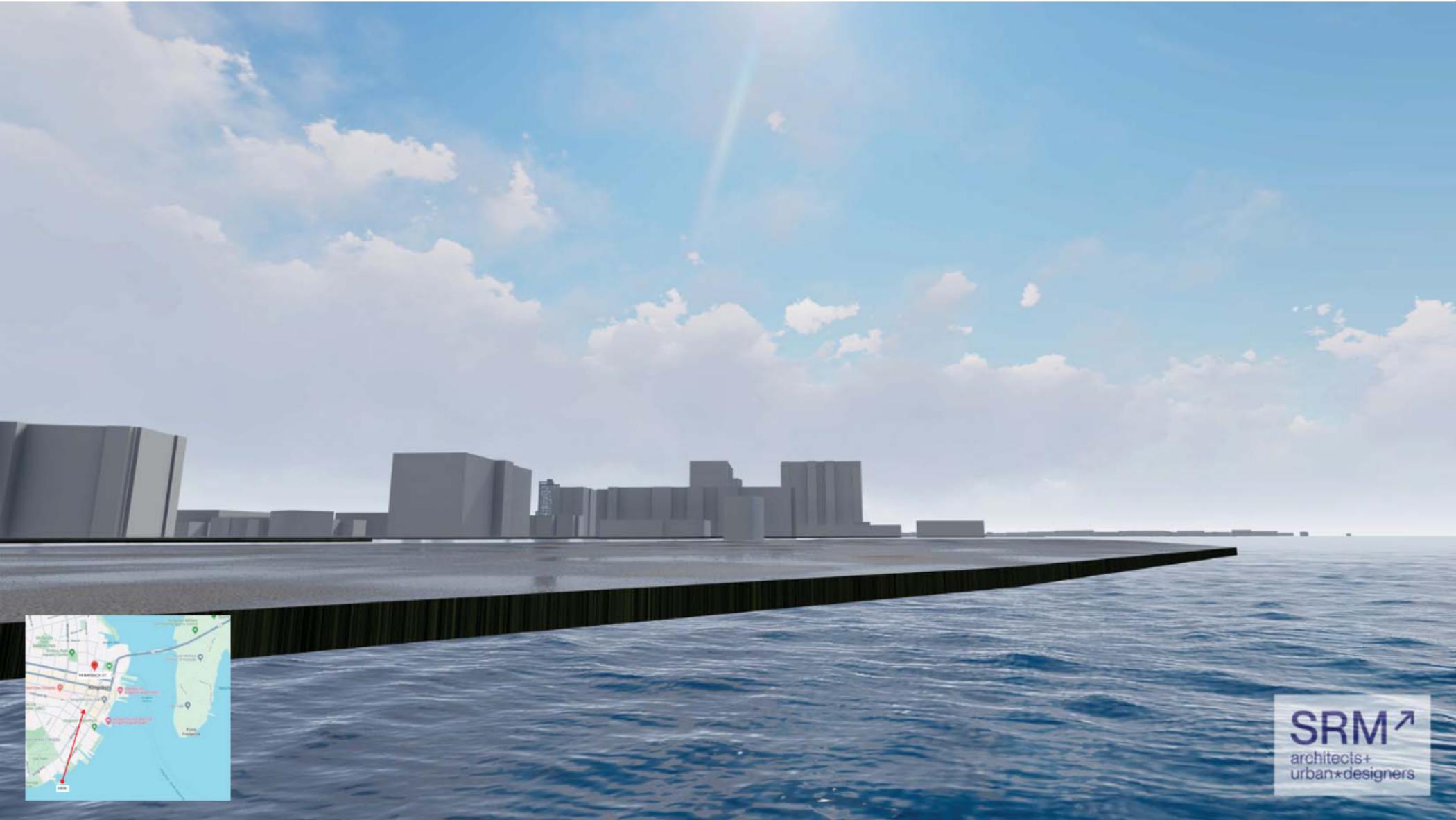


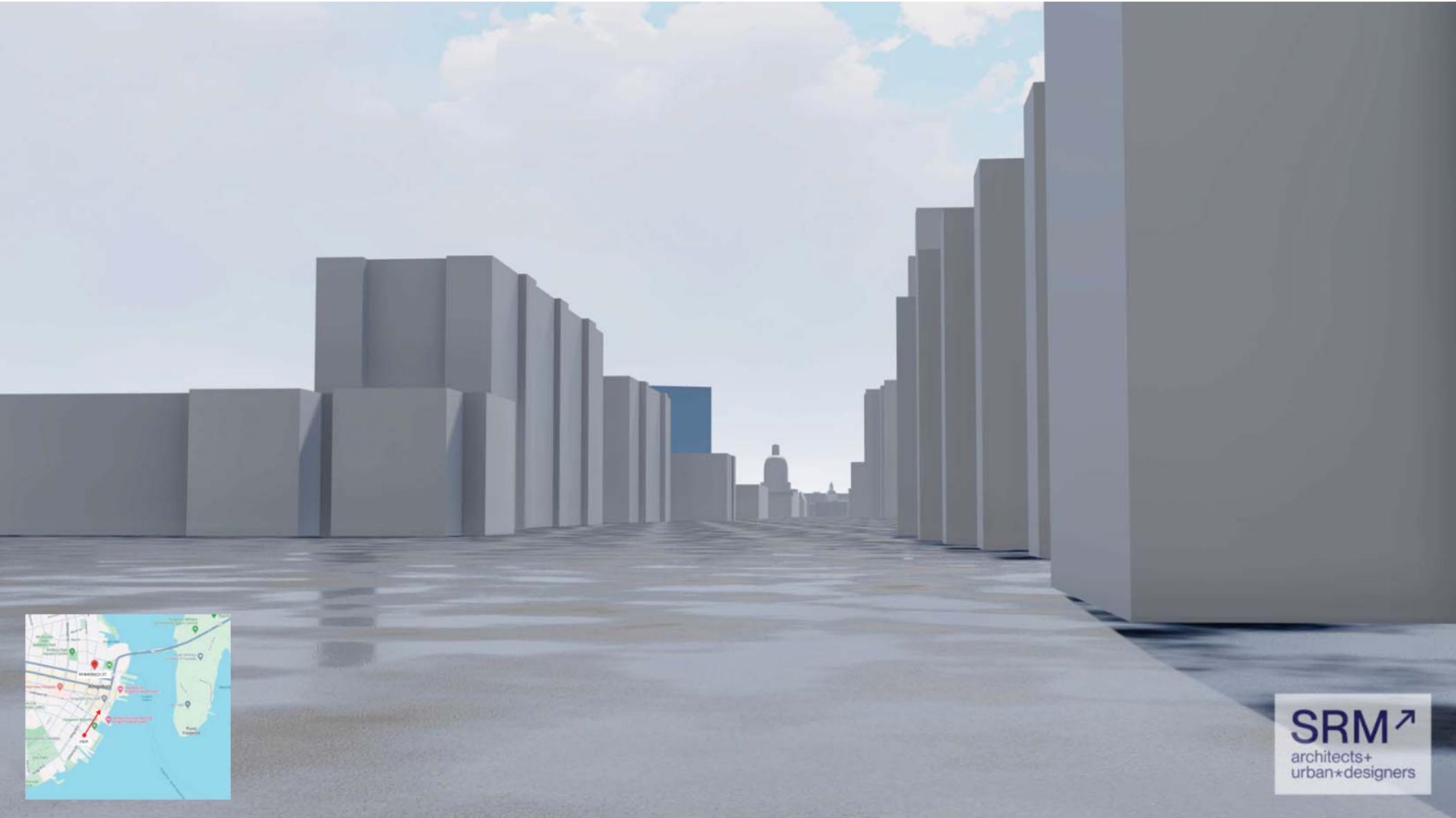


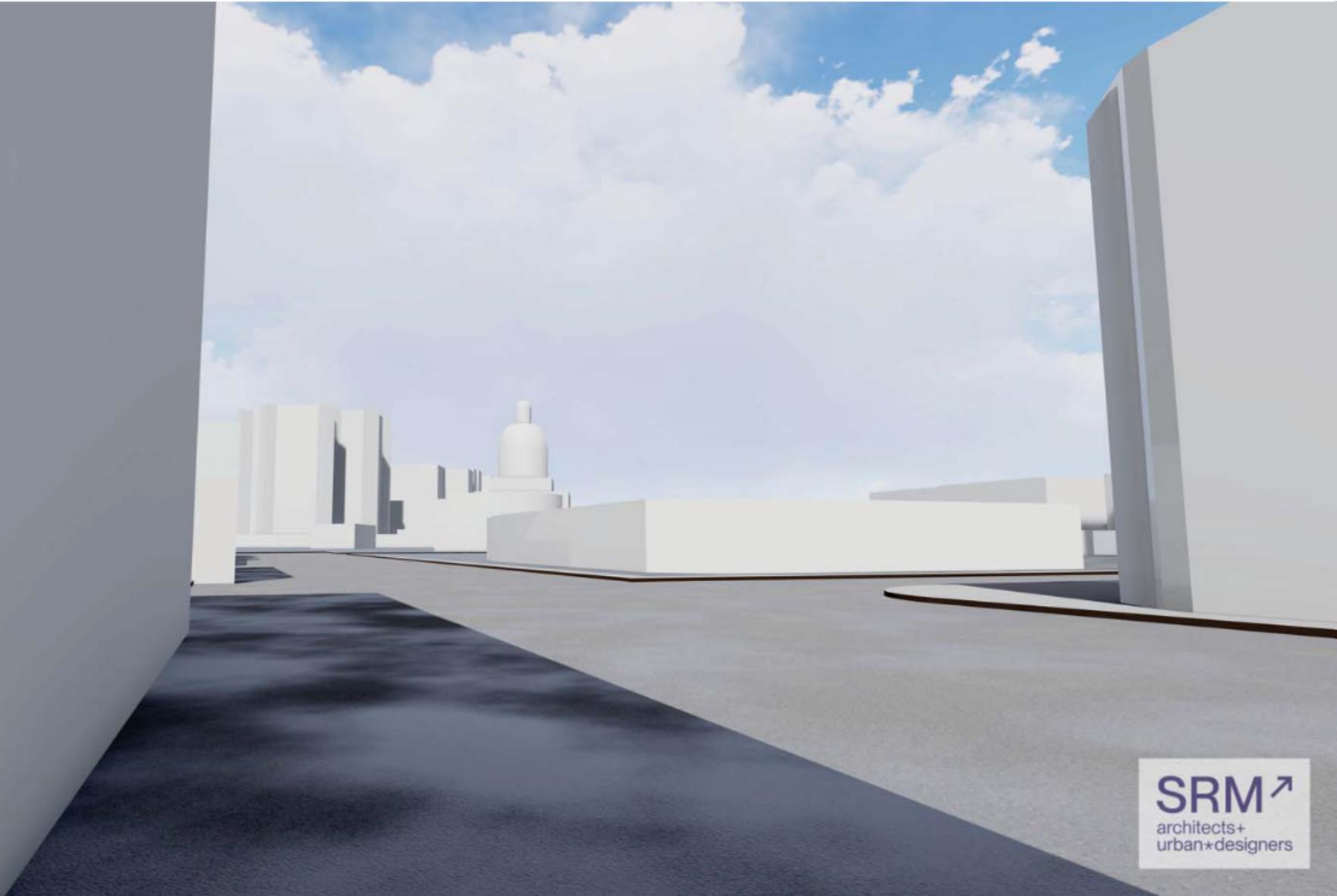
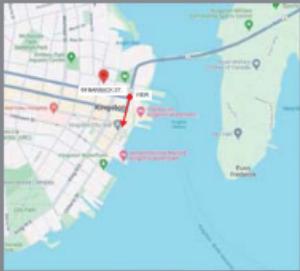














View to corner frontage at Barrack and Wellington Streets



View of Barrack Street Frontage



View of existing public realm condition along Wellington Street



View showing context between existing development and west side of Wellington Street



View to site from west sidewalk on Wellington Street



View of existing public realm condition along Barrack Street,  
taken in front of adjacent commercial (LCBO) site

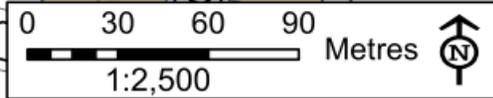
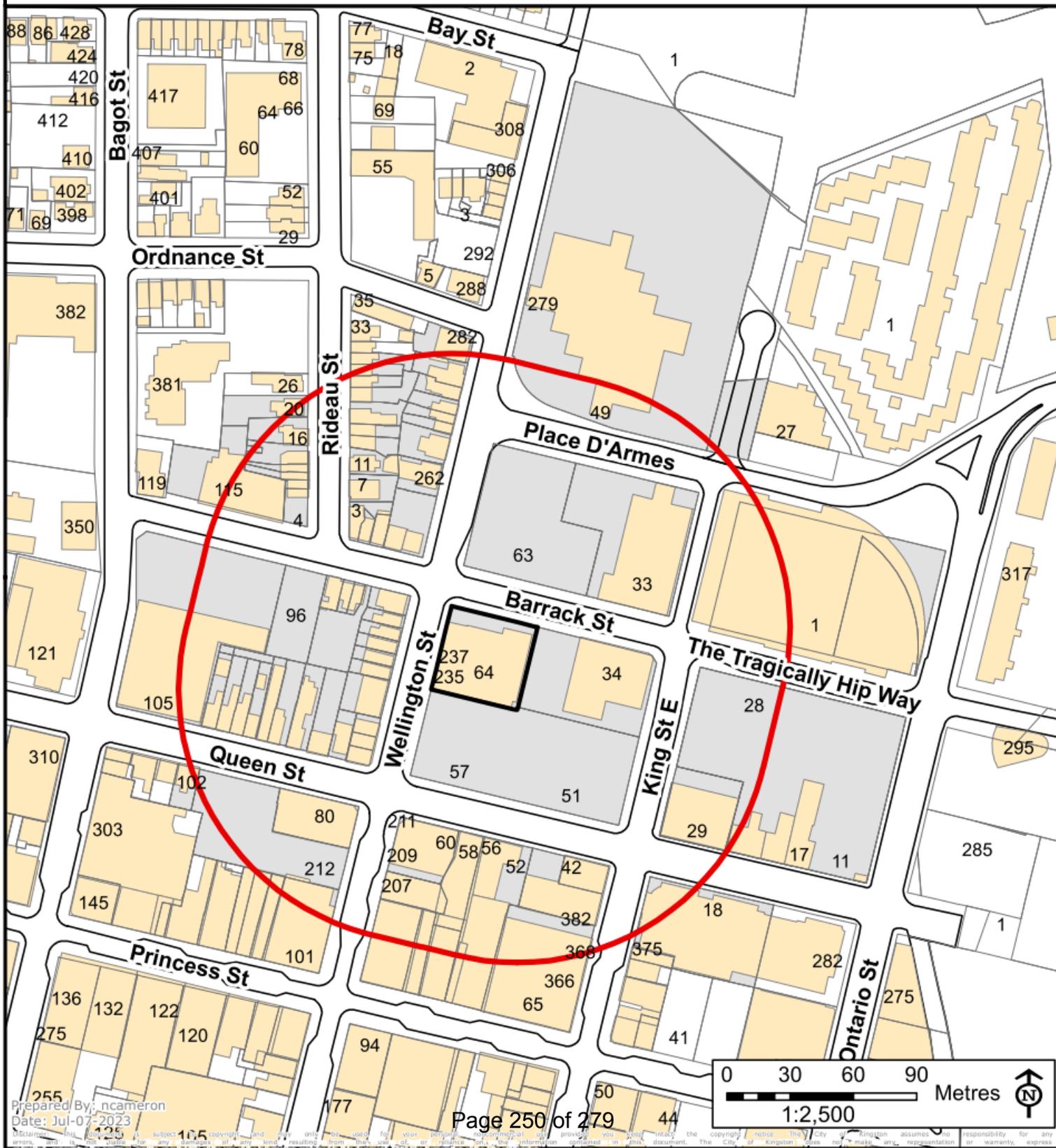


View of existing building face abutting adjacent commercial (LCBO) site



CITY OF KINGSTON  
**Public Notice Notification Map**  
Address: 64 Barrack Street & 235-237  
Wellington Street  
File Number: D14-009-2023

- 120m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 93 Properties in Receipt of Notice (MPAC)



**Grant, Genise**

---

**From:** Reid, Lindsay  
**Sent:** July 27, 2023 8:27 AM  
**To:** Grant, Genise  
**Subject:** FW: Downtown Highrises

FYI 😊

---

**From:** Park, Tim <[tpark@cityofkingston.ca](mailto:tpark@cityofkingston.ca)>  
**Sent:** Wednesday, July 26, 2023 4:32 PM  
**To:** Bar, James <[jbar@cityofkingston.ca](mailto:jbar@cityofkingston.ca)>; Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)>; Reid, Lindsay <[lcreid@cityofkingston.ca](mailto:lcreid@cityofkingston.ca)>  
**Subject:** FW: Downtown Highrises

fyi

---

**From:** Mayor of Kingston <[mayor@cityofkingston.ca](mailto:mayor@cityofkingston.ca)>  
**Sent:** Wednesday, July 26, 2023 2:32 PM  
**To:** Park, Tim <[tpark@cityofkingston.ca](mailto:tpark@cityofkingston.ca)>  
**Subject:** Fwd: Downtown Highrises

Hi Tim,  
Forwarding to you for your awareness. Please feel free to share as you see fit.

Thanks,

**Elizabeth Fawcett**

Special Assistant to the Mayor  
Mayor's Office  
613-328-1821  
[efawcett@cityofkingston.ca](mailto:efawcett@cityofkingston.ca)

---

**From:** Lee-Ann Crowe <[REDACTED]>  
**Sent:** Wednesday, July 26, 2023 10:21 AM  
**To:** Mayor of Kingston <[mayor@cityofkingston.ca](mailto:mayor@cityofkingston.ca)>  
**Subject:** Downtown Highrises

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor Patterson

I read today that 2 new high rises are being proposed for downtown Kingston. I would ask that we take a longer look before allowing more to go up than have already been constructed in recent years.

These high rises are interfering with the historic landscape of our downtown area. The downtown area is small and

congested as it is and cannot accommodate large concentrations of people and their living needs. These are also condominiums for the affluent. We need to look at encouraging housing for those with lower incomes in neighbourhoods which can support the growth

Thank you,  
Lee-Ann Crowe

**Grant, Genise**

---

**From:** Robert Oldfield <[REDACTED]>  
**Sent:** August 3, 2023 11:19 AM  
**To:** Grant, Genise  
**Subject:** Re: Zoning By-law Amendment D14-009-2023

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you Genise, for replying to my email. I realize that the planning dept. does not make the final decision for these applications. You mentioned that there could be an exemption granted to the maximum height allowed by our official plan, but a 25 storey building is approximately 65 metres. That is 40 metres over our official plan of 25 meters—quite an exemption!

I reached out to our councillor for Kingstown district, Gregory Ridge, but he has not returned my call. I want to stress that I am not against new development in the downtown core, but it must fit with the existing building profiles. This one on the GoodLife property looks like a giant Jenga tower.

I feel that the city is forgetting about the present home owners in the area. Once again the little guy loses out! Thank you for including my name to your contact list for future correspondence.

Rob Oldfield

To

On Thu, Aug 3, 2023 at 9:24 AM Grant, Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)> wrote:

Hello Robert,

Nice to hear from you; I know we missed each other in some phone tag last week.

At this stage Planning Staff have received the application as complete and are undertaking review with our technical staff. Council is required to consider and make a decision on all complete development applications that are submitted in accordance with the provincial Planning Act – Staff are responsible for the technical review of those applications and making a recommendation to Council as the decision maker. No recommendation (i.e., to approve or to deny) on the application has been put forward at this time given where we are at in the application process.

The Official Plan has specific policy direction for the North Block as an intended intensification area. While the Plan does include a maximum height of 25.5 metres for the North Block area, it also provides for a potential exemption from this height limit where “a site-specific urban design study, presented to the public, clearly indicates to the satisfaction of the City, that a taller building is compatible with the massing of surrounding buildings, does not create unacceptable amounts of

shadowing, and meets the land use compatibility policies [of the Plan]”. The applicant has submitted a Planning Justification and an Urban Design Study with the application, which are available for review on DASH. We are in the process of reviewing those documents as directed by the Plan.

We are anticipating two opportunities for the public to further review and comment on this application in September – first at a virtual Open House and then at a Community Meeting at Planning Committee. No decisions will be made at either of those meetings. I have added you to my contact list so you will receive an email notice ahead of those meetings (in addition to a mailout given your proximity).

Hope this helps to clarify where we are at in the process. Please feel free to send any additional comments for Staff’s consideration – they will be added to the record for Council’s information as well. Submitting comments also secures your right to appeal any future decision of Council on the applications to the OLT (formerly the OMB).

Thank you,

Genise



**Genise Grant, MPI, MCIP, RPP (she/her)**

*Pronounced juh-niece*

Senior Planner

Planning Services

City of Kingston

Located at: [1211 John Counter Boulevard](#),

Mailing Address: [216 Ontario Street Kingston, ON K7L 2Z3](#)

613-546-4291 ext. 3185

[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

---

**From:** Robert Oldfield <[REDACTED]>  
**Sent:** Wednesday, August 2, 2023 2:14 PM  
**To:** Grant, Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)>  
**Subject:** Zoning By-law Amendment D14-009-2023

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Genise

My name is Robert Oldfield & I live at 268 Wellington Street, kiddy corner to the property

where Goodlife Fitness is located. I received the letter of public notice concerning the amendment to the existing by-law that pertains to this property. As I understand it, the developer, who I believe is the Springer family, wants to change the by-law to allow for the construction of a 25 storey building on this small piece of property. As a long time resident of this area, I cannot believe that the city of Kingston & Planning board would even consider this proposal. I knew that when the OMB ruled to allow Homestead to build those 2 monster high rises in the same area, it would open the floodgates to further developments that are totally wrong for our historic downtown core. I thought that the official maximum height allowed was for a 6 storey building height. I also noticed another notice for a 14 storey building to be built behind the OHIP building. Can you please reply to why the city is even considering allowing these huge, totally inappropriate, buildings to proceed.

Robeert Oldfield

[REDACTED]

[REDACTED]

From: [Grant,Genise](#)  
To: [REDACTED]  
Subject: RE: thanks very much  
Date: September 25, 2023 2:09:00 PM  
Attachments: [image001.png](#)

---

Hello Greg,

Apologies that I had missed this follow up question.

In the spring, the Province announced that they are considering a new Provincial Planning Statement which would replace the Provincial Policy Statement that currently guides land use planning across the province. It's my understanding that we're anticipating further news on this from the province sometime in the fall. More information is on the Province's ERO posting here: <https://ero.ontario.ca/notice/019-6813>

As all municipal planning documents and decisions are required to comply with provincial policy direction (currently the Provincial Policy Statement), work on a Official Plan update will follow further confirmation from the province on the status of the proposed Provincial Planning Statement.

There will certainly be public consultation on the project as it moves forward, so I would again encourage you to sign onto the listserv if you haven't already to receive updates on timing and engagement opportunities.

Thank you  
Genise



**Genise Grant, MPI, MCIP, RPP (she/her)**

*Pronounced juh-niece*

Senior Planner

Planning Services

City of Kingston

Located at: 1211 John Counter Boulevard,

Mailing Address: 216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 3185

[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

---

**From:** greg samuel <[REDACTED]>  
**Sent:** Friday, September 15, 2023 12:15 PM  
**To:** Grant,Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)>

**Subject:** Re: thanks very much

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Genise Grant:

You mentioned the upcoming Official Plan update.  
Is there info on that on the site?  
When is that coming and is there public involvement?

Thank very much.

Greg Samuel

---

**From:** Grant, Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)>  
**Sent:** September 14, 2023 11:01 AM  
**To:** greg samuel <[REDACTED]>  
**Cc:** Reid, Lindsay <[lcreid@cityofkingston.ca](mailto:lcreid@cityofkingston.ca)>  
**Subject:** RE: thanks very much

Hello Greg,

The site remains subject to the old Downtown Zoning By-Law ([96-259](#)), and is zoned the C1-22 Zone, which is the North Block Central Business District Zone. The zone permits mixed commercial/residential development. The maximum building height in the current zoning is 25.5 metres, with an angular plane applied starting at 17 metres.

The Official Plan has specific policy direction for the North Block as an intended intensification area. While the Plan does include a maximum height of 25.5 metres for the North Block area, it also provides for a potential exemption from this height limit where “a site-specific urban design study, presented to the public, clearly indicates to the satisfaction of the City, that a taller building is compatible with the massing of surrounding buildings, does not create unacceptable amounts of shadowing, and meets the land use compatibility policies [of the Plan]”. The applicant has submitted a Planning Justification and an Urban Design Study with the application, which are available for review on DASH. We are in the process of reviewing those documents as directed by the Plan.

You’re certainly right about rapid changes happening both in Kingston and across the province to work to address the housing crisis. In terms of policy work, the City has

done work on the [Density by Design](#) project which aims to addresses mid-rise and tall building development. This work has not formed any policy to date but did inform the updated Williamsville zoning permissions and will help to inform the upcoming Official Plan update.

I appreciate your interest in development in the City and would encourage you to add your name to our listserv for regular updates on planning policy projects. You can do that from this link by selecting "Planning Project Updates": [City of Kingston \(list-manage.com\)](#)

Thank you,  
Genise



**Genise Grant, MPI, MCIP, RPP (she/her)**

*Pronounced juh-niece*

Senior Planner

Planning Services

City of Kingston

Located at: 1211 John Counter Boulevard,

Mailing Address: 216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 3185

[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

---

**From:** greg samuel <[REDACTED]>  
**Sent:** Wednesday, September 13, 2023 12:31 PM  
**To:** Grant, Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)>  
**Subject:** Re: thanks very much

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I looked up the zoning for 64 Barrack.  
Could you let me aprox how many stories DT 1 allows at the moment.  
Thanks very much.

Greg samuel

---

**From:** greg samuel <[REDACTED]>

**Sent:** September 13, 2023 12:09 PM  
**To:** Grant,Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)>  
**Subject:** thanks very much

Hello Genise Grant:

thanks very much for getting back.

What is 64 Barrack zoned for at the moment?

We need an updated downtown official plan or zoning plan to deal with higher buildings in the downtown area.

Is there something coming?

Things are changing fast.

Greg

---

**From:** Grant,Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)>  
**Sent:** September 13, 2023 9:29 AM  
**To:** greg samuel <[REDACTED]>  
**Cc:** Reid,Lindsay <[lcreid@cityofkingston.ca](mailto:lcreid@cityofkingston.ca)>  
**Subject:** RE: 64 Barrack st.

Hello Greg,

Nice to hear from you. Yes, the application has been accepted as complete and is under technical review now.

We held a virtual open house last week. The community meeting at Planning Committee is scheduled for September 28<sup>th</sup> – see notice attached.

While earlier comments are preferred so we can incorporate them into our technical review, we continue to accept public comment on the application up until the time of a Council decision. A recommendation meeting has not been scheduled to date, so still lots of time for that. I will add you to my contact list so that you receive notice of any future meetings on the application.

Thank you,  
Genise

**Genise Grant, MPI, MCIP, RPP (she/her)**  
*Pronounced juh-niece*  
Senior Planner



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---

**From:** greg samuel <[REDACTED]>  
**Sent:** Tuesday, September 12, 2023 9:51 AM  
**To:** Grant, Genise <[ggrant@cityofkingston.ca](mailto:ggrant@cityofkingston.ca)>  
**Subject:** 64 Barrack st.

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Senior Planner Genise Grant:

Hope things are going well.

I was just wondering where the process is on 64 Barrack application. Is it still taking public comments?

Could you please let me know when public meeting is scheduled if it hasn't happened yet.

Thank you very much.

Greg Samuel  
225 Park St.

(For distribution to all Planning Committee members, September 28, 2023)

City of Kingston DASH records show that within three blocks in downtown Kingston four high rises are planned for development - 64 Barrack St – 25 stories, 279 Wellington St – 15 stories and 282 Ontario St (18, 51 & 57 Queen St – 2 x 20 stories (one of these is currently under construction)).

I am writing now to voice my concern about amassing all these towers in downtown Kingston, or for that matter, anywhere in Kingston. Many citizens have voiced their concern over developers' ability to be granted exemptions that run against the City's Official Plan.

I want to be certain that the Planning Committee understands yet another reason for why these buildings should not be constructed here. Biodiversity is in our hands to support or to wipeout. Kingston is a major flyway for migrating birds of many species. In fact, among the 378 bird species known to occur in the Kingston area, during spring many millions either migrate through the region or remain to raise their young locally ([Microsoft Word - Weir - BIRD MIGRATION - KINGSTON \(kingstonfieldnaturalists.org\)](#)).

High rises are notorious death traps for migrating birds ([ON Nature magazine - Spring 2014 - Page 16-17 \(publitas.com\)](#)). Many bird species migrate in the first hours after dusk, just when people are turning lights on in their homes. It is well established that migrating birds are attracted to light, become disoriented and either crash into these buildings, or exhaust themselves fluttering around the buildings and fall to the ground. Adding four highrise buildings in the flyway over Kingston will undoubtedly increase the number of avian fatalities our city sees. Can we knowingly contribute to the already significant loss of birds due to human activity? Can we not stick to the building size already accommodated for in downtown Kingston's Official Plan?

Thankyou for your attention,

Kerry Hill

1900 HWY 2 East

Kingston, ON [REDACTED]

Sept. 27, 2023

via email

Councillor McLaren, Chair, and Members of Planning Committee  
City of Kingston  
216 Ontario Street  
Kingston, ON K7L2Z3

**Re: 279 Wellington St. and 49 Place D'Armes (File No. D14-008-2023) and 64 Barrack Street and 235-237 Wellington Street (D14-009-2023), Community Meeting Report PC-23-039**

Dear Councillors,

The Frontenac Heritage Foundation is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. Founded in 1972, we celebrated last year our fiftieth year of advocacy work, continuing to provide input on various projects and development applications proposed across the broader region. As noted with previous development applications in the historic core of Kingston, the Foundation supports densification in the historic core, but intensification that is human scale and compatible with the existing built fabric.

The staff report to be considered on September 28 deals with two development applications. Admittedly these two sites are located in close proximity in the Central Business District, but surely each development application deserves its own Community Meeting Report. The report as it stands is long enough to crash some home computers, so we ask in the future that Community Meeting Reports be developed for each development application. This review is based on Report PC-23-039 and the Heritage Impact Statements for each proposal.

The Foundation is of the view that the projects being entertained by the city are premature given the project which is underway - *Density by Design* - a project which appears to have been initiated to justify mid-rise and tall buildings across the city. The Foundation expressed concern about the early recommendations of that study which date back to consultations in 2019 and 2020. As the Foundation has noted in the past, Report PC-19-065 stated that the *Density by Design* report was brought forward "for information and public consultation", and no draft policies have been brought forward as yet for further consultation and approval. Therefore, in our view, the *Density by Design* project has no status in the downtown, and while staff can address the draft provisions, recommendations have not been proposed for the Central Business District, which as noted, includes both subject development sites. Specifically, then, there is no approved policy addressing tower separation, podium height, tower height, etc.

After reviewing the supporting documentation noted above, the Foundation's board members wish to comment on three topics: 1) lack of regard for protected built heritage in the broader

area; 2) the proposed height and massing of the proposed building, and 3) lack of conformity with Official Plan policies.

1. The City's core has a significant concentration of heritage protected properties, along with many others which are deserving of heritage protection. In recent years, much work was done on the North King's Town Secondary Plan, part of which resulted in a thorough review of the heritage rich Inner Harbour area, the boundaries of which extend mid block between Queen St. and Colborne Streets northward to John Counter Boulevard. This broad area extending from Old Sydenham Heritage Conservation District north to John Counter Boulevard is an extensive area of cultural heritage significance in our historic core.

With respect to the 64 Barrack St. proposal, we note that the Parslow Heritage Consultancy Inc. Heritage Impact Statement (June 2023) is quite offhanded about the impact of the development on any cultural heritage in the immediate area. Any structure proposed to be 25 storeys or 83.1 metres in height will be a visual intrusion and therefore a detrimental impact on the downtown.

With regard to 279 Wellington proposal, the LHC Planning and Archaeology Inc. Heritage Impact Statement for 279 Wellington (June 2023) recognizes the importance of the UNESCO World Heritage designation, the adjacency to the Rideau Canal (a World Heritage Site, National Historic Site and a Canadian Heritage River), as well as being adjacent to four OHA designated properties. This HIS makes recommendations on exterior cladding, lighting, reflective surfaces, and also undertaking an addendum to address these concerns as development progresses. In our view, the development should respect the 30-metre distance from the UNESCO Rideau Canal and should not be included in the proposed structure; allowing a 'minor negative impact' in this area as stated in the LHC Heritage Impact Statement would be a very negative precedent to set in this City where the Canal/River run through the entire municipality.

2. Height and Massing of the Proposed Developments: The Foundation is of the opinion that 14 and 25 storeys are heights which are excessive for properties which are located in our heritage rich downtown core. As one example which is used repeatedly, the 16 storey Princess Tower building is not in our view, an acceptable precedent in the context of newer Official Plan policies, as the construction of Princess Towers predated the 2010 Official Plan by several decades. The proposed massing on the two sites also appears to be excessive, especially on the small Goodlife Fitness site where the building appears to rise from a visual podium (visual because there is little stepback visible from the street frontage at the third storey). In the case of the 14-storey building proposed by Arcadis, it would appear that the mechanical, elevator and stairway building components would essentially constitute a 15 floor on this building.
3. Policies in the Official Plan call for the following, and in our view, have not been adequately addressed:
  - Conserving the cultural heritage resources in our core (2.3.8, 2.8.8, 7.1.10. etc.)

- The compatibility provisions of S. 2.7.1 to 2.7.4 – heights of 14 and 25 storeys are not compatible with the streetscape on the west side of Wellington Street.
- Multiple sets of such urban design policies were completed, endorsed by council and now referenced in the Official Plan; S. 3.4.A.8 specifically refers the reader to these documents, referenced in S. 8 and S. 10A of the Official Plan.
- S. 8 of the Plan deals with urban design matters, and under S. 8.2.g calls for integration of cultural heritage resources. Further, S. 8.5, calls for ‘preserving human scale in locations that are pedestrian-oriented...’ and so on, and S. 8.6 which states that “The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest...” In our view, the heights of 14 and 25 storeys will not be visually compatible.
- S. 10.A.1, Strategic Intent and Function. S.10.A.1.1 and S. 10A.2 call for protecting ‘human scale’ in the Downtown and Harbour Special Policy Area. In our view the proposed heights do not constitute human scale development.
- S. 10.A.4.6.c recommends a maximum height of 25.5 metres, and S. 10.A.4.7 allows a potential exemption to the height limit of 25.5m subject to an urban design study showing that the proposed developments are compatible. How can any urban design study justify such proposed heights with the repeated references to ‘human scale’ in the Official Plan policies?

It is the Foundation’s position that neither the 25-storey tower proposed to replace the Goodlife Fitness building, nor the 14 storey tower being proposed on floodplain/infill in proximity to a UNESCO World Heritage Site are of human scale. In our view, the intent of the urban design guidelines done for the historic core was that mid-rise development was recommended – thus, the Plan includes references to ‘human scale’ development.

In our view, Kingston still has a truly unique downtown, and the Foundation supports intensification that complements its built heritage; put simply, the proposals in their current forms do not complement their surroundings.

Thank you for this opportunity to comment on these draft proposals.

Sincerely,



Shirley Bailey, President  
Frontenac Heritage Foundation

cc. Tim Park, Director, Planning Services

**From:** [Sullivan,Iain](#)  
**To:** [Grant,Genise](#); [Reid,Lindsay](#); [Bar,James](#)  
**Subject:** FW: Meeting 16-2023  
**Date:** September 28, 2023 3:53:51 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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See additional late correspondence that I will be forwarding to the Committee.

Thanks,



**Iain Sullivan, MLIS (he/him/his)**

(Iain is the Scottish way of spelling Ian!)

Committee Clerk

City Clerk's Department

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 1864

[isullivan@cityofkingston.ca](mailto:isullivan@cityofkingston.ca)



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---

**From:** Andrew West [REDACTED]  
**Sent:** Thursday, September 28, 2023 3:50 PM  
**To:** Sullivan,Iain <[isullivan@cityofkingston.ca](mailto:isullivan@cityofkingston.ca)>  
**Cc:** Ridge,Gregory <[gridge@cityofkingston.ca](mailto:gridge@cityofkingston.ca)>  
**Subject:** Meeting 16-2023

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My name is Andrew West - I am a Kingston resident living on James St. I am writing to you in regards to the development proposals at Wellington and Place D'Armes and at Wellington & Barrack. I am strongly opposed to the current proposals because the downtown area already has two skyscrapers being built in the same neighbourhood and we should wait to see how this alters life downtown and if any affordable housing is created in regards to actual rental rates of these new builds.

I do agree that more affordable housing is needed in the greater Kingston area but these proposals are problematic in that they may not address the issue of creating more affordable housing.

First, there are already two skyscrapers being built and there should not be any new skyscrapers in the downtown area until these two buildings are completed and fully occupied in order to see how it will affect the area.

At the Cushman & Wakefield website for 18 Queen St. (The Madeleine) they describe the units as “high-end” apartments. Therefore, this doesn’t seem to address the issue of affordable housing – the real issue in Kingston.

Second, the term “affordable” is meaningless unless it’s backed up with clear price ranges. Last year when looking for an apartment I found it nearly impossible to find a decent apartment for less than \$1700/mo. However, if I could afford to pay in the range of \$1900-\$2500/mo. there were many nice choices. Is \$2200/mo. considered “affordable?” The cynic in me suspects, and I hope I am wrong, that these developers and real estate companies are using “affordable housing” as a Trojan Horse in order to build downtown skyscrapers that are in reality “high end, luxury” units that are not needed on this large scale and have a good chance to end up being added to a real estate companies’ portfolio that is owning a larger and larger percentage of houses and apartments in Canada.

If the proposal were for a pair of 4-5 story buildings I would have less concern on these projects. And I would be in favour of these proposals if they were 4-5 story buildings that were truly affordable with rental prices ranging from \$1300-\$1650/mo. for a two-bedroom apartment.

There are still many vacant lots in Kingston where reasonably sized buildings (e.g. 4-5 story buildings) can be developed. And if the rental prices remain affordable for people making \$40,000-\$80,000 annually then it could be possible to address the current housing problem while still maintaining the characteristics of the city we all currently enjoy, want to preserve, and ultimately call home.

Thank you for your time and attention.

Submission to Community Meeting Regarding Proposed Highrise Developments  
at 64 Barrack/235-237 Wellington St. & at 279 Wellington/49 PlaceD'Armes.  
Robert Oldfield, 268 Wellington St., Kingston, ON.

1) My Background.

I have had a presence in this area since 1980. I bought, renovated, & ran my Dental practice at 262 Wellington St. from 1980 until 2017 when I retired. I also bought, and renovated an old limestone house at 268 Wellington St. in 1990, & now we live there permanently. I have over 43 years of living & working experience at these locations & I have observed a lot of changes, mostly for the better.

2) My Concerns & Objections with what is happening to our immediate community.

Firstly, I want to stress that I am not anti-development. I realize that intelligent, well thought out development is important for the growth of downtown Kingston. But I knew that when the 2 massive apartment buildings that Homestead is building were OK'd, others would want to do the same.

My main concern is with the proposal for 64 Barrack Street. I listened to the virtual presentation by the consultants & architects hired by IN8 Development Inc on Sept. 6/23. This massive 25 storey building will impact us directly as we will be in the direct shadow of it for part of the day. However, I am more concerned about how it will impact our whole neighbourhood on Wellington, Barrack, & Rideau Streets. After listening to Michael Keene of Fotenn consultants & Marc Villimare of SRM Architects Inc., I had some real concerns. Mr. Keene commented that the lot size is more than adequate at 1708 sq. met. to handle a 25-storey structure, but I disagree with him. Other people in the area also have expressed real concerns when I give them the details of this proposal. It will be the tallest building in Kingston, on a postage stamp lot! When I asked Michael, in the question period after the presentation, why 25 storeys, his answer was "well, why not 35". In other words, he did not give me a valid answer. He basically ducked the question.

Also, there will be 287 units with only 119 parking spots provided. I suspect that most of the people who can afford to buy one of these condos will also own a vehicle. Where will the overflow parking be?

Marc Villimare, the lead architect with this project, then spoke to the actual design of the building. The key statement that he made was "It is not so much about the

tower (25-Storeys) as it is about the Podium” which is the first three floors. There is only a 3-meter set back (9 feet) between the Podium & the tower. I’m sorry Marc, but with that small set back against that 25-storey high-rise, it is all about the tower & its massive presence.

Comments were also made in the initial presentation that a study had been done to show that this building will not interfere or affect any “Viewing Sight Lines” for any other public or historical buildings in the area. Sight lines & visual intrusions for private home owners don’t count.

### 3) Traffic Impact Studies & Reports

I was able to receive that traffic Impact reports for these 2 proposed high-rise buildings from Lindsay Reid & Genise Grant, both Senior Planners with the city, & very knowledgeable about these proposals. I found out that as well as these reports, traffic studies were done for the 2 Homestead buildings, as well as the high-rise going up on the old Capital Theatre site. Traffic Impact studies are very hard to read---they are full of short forms & vague references, & different computer-generated models related to other traffic studies in other locations. There are a lot of charts & overhead schematics showing the various intersections & parking lots that will be impacted by these developments. However, although there are occasional references to other developments in the areas of concern, no OVERALL STUDY has been done that shows the impacts of all of these huge developments together on traffic congestion & parking. This must be done now. In the North block areas, we have lost parking behind the old S&R Building, & behind the Goodlife building due to the Homestead development, & public parking behind the OHIP building will be reduced to only accommodating the building tenants & staff working at OHIP. None of these developments are going to provide sufficient parking for all of their tenants plus the general public who may want to enjoy our downtown core. Where are the employees & staff who work in downtown shops & restaurants going to park. They can’t run out & feed a meter every 2 hours. There is already a very high demand for monthly parking spots in the downtown area. When I had my dental practice, finding parking for staff was an ongoing problem. I guarantee it is going to get worse. Where are the tourists who come to our city going to park? Where are the people attending the concerts, conventions, & hockey games going to park if all of the curbside parking spots are already taken by the residents of these buildings.

In the winter months, if we have heavy snow storms, the snow banks left from plowing on the narrow streets effectively lead to the loss of many parking spots. In winter, overnight parking in the downtown core is prohibited so that the city road crews can get in there and haul away the snow. Where will people park if a parking space does not come with their condo or apartment?

The last Existing Motor Vehicle Travel Demand Study for downtown Kingston intersections was done in 2018, 5 years ago. From what I read, the studies at different intersections were done on random days, usually a Tuesday, Wednesday, or Thursday----days that generally have no significance re holidays, tourism etc. As far as I can see in my research, there were no midwinter studies done on the impact of heavy snowfalls.

There seems to be a push to promote more use of bicycle transportation as well. In the narrow streets of downtown Kingston, dedicated bike lanes would compete with streetside parking spaces. I had to laugh when I saw that the Bike Travel Studies were done in winter when only the diehards would cycle (very dangerous), so the consultants just assumed what the increases in bike traffic would be in the warmer months.

I realize that there is a push to reduce greenhouse gases, & one of the ways would be to discourage automobile traffic in the downtown core. In Paige Agnew's blog titled "The Power of Parking & Kingston's Future" she talks of even reducing parking minimums for future developments so that people would not need parking but would use ride sharing, public transportation & Bicycles instead. In a perfect world, this might be doable. I believe the trend to e-vehicles is a much better option to pursue. People still want their own transportation. E-vehicles would greatly reduce our carbon footprints. Why are we building new bridges & improving our streets & roads, if we are trying to reduce the number of vehicles? Why do my friends in the township not come downtown much anymore---because parking is a problem. These large apartments are just going to put more pressure on the whole traffic & parking system, making it much worse. At the very least, developers must provide parking for all of their tenants. By not demanding this in high-rise building codes, the city is being very irresponsible.

#### 4) Alternatives

I would like to know why the city is not promoting large building construction in the vacant lands out between Division and Montreal Street. There is a lot of potential for development in this area, & the traffic & parking issues would be

much less of a problem there. Residents living in new builds in this area would have better access to the new Rideau bridge crossing as well as being able to walk to the downtown restaurants, shops, & entertainment venues. It just makes better sense!

**From:** [REDACTED]  
**To:** [Robidoux,Meghan](mailto:Robidoux,Meghan)  
**Subject:** Re: 64 Barrack St and 235-237 Wellington St - Notice of Public Meeting  
**Date:** July 4, 2024 10:22:25 AM  
**Attachments:** [image001.png](#)  
[image004.png](#)  
[image002.png](#)  
[image003.png](#)

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**Caution:** This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you Ms Robidoux. I would like my questions included in the public record. The downtown area is very short of greenery. Given the increase in heat that is predicted for Kingston we should make every effort to provide green areas for those who will live, shop and work in this area. New Public parkland must be adjacent to new development , not in areas remote from where people live and work.  
With regards, Bob MacInnes

On Wed, Jul 3, 2024 at 2:35 PM Robidoux,Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)> wrote:

Good afternoon Mr. Macinnes,

Thank you for your email.

The property currently has about 100% hard surface coverage, so no existing green space will be lost as a result of the proposed development. There will be opportunities for new landscaping within the setbacks along Barrack and Wellington Streets, as well as on the communal terrace on the fourth storey. The applicant will also be required to provide a cash-in-lieu of parkland contribution at the site plan control stage, in accordance with the City's Parkland By-Law, which will contribute to the pot of funding available to the City for the purchase of new public parkland.

Shadowing and wind were both studied as part of the submission. Shadows move across the adjacent streets creating times in shadow and times in sun along the sidewalks.

Design details such as building materiality and heating/cooling systems are not regulated by zoning and will be reviewed as part of a future site plan control application; however, I will pass your questions on to the applicant in the event that they are able to advise on these items at this stage.

Please confirm if you wish for your submission to be included on the public record and form part of the agenda package for the Regular Meeting.

Thank you,

Meghan



**Meghan Robidoux, MPI, MCIP, RPP (she/her/hers)**

Senior Planner

Planning Services

Growth and Development Services

City of Kingston

Located at: [1211 John Counter Boulevard](#)



[216 Ontario Street Kingston, ON K7L 2Z3](#)

613-546-4291 ext. 1256

[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

---

**From:** Robert MacInnes [REDACTED]

**Sent:** Thursday, June 27, 2024 6:31 PM

**To:** Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)>

**Subject:** Re: 64 Barrack St and [235-237 Wellington St](#) - Notice of Public Meeting

**Caution:** This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Ms Robidoux,

Thank you for sending me this notice.

I would like to know the following:

if there are any green spaces proposed for this development

if a study has been requested for the summer heat impact on the streets resulting from this development.

If the building windows will have heat reflecting glass

what the proposed heating and cooling systems will be

With Regards, Bob MacInnes

On Thu, Jun 27, 2024 at 1:07 PM Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)> wrote:

Hello,

Please find attached the Notice of Public Meeting for a zoning by-law amendment application for the properties known as 64 Barrack Street and 235-237 Wellington Street (City file number D14-009-2023), which have been scheduled for July 18<sup>th</sup>, 2024.

The purpose and effect of the application is to apply the DT1 Zone with site-

specific exemption and holding overlays to facilitate redevelopment of the property with a 25-storey mixed-use building in a podium and tower form.

Should you have any questions following your review of the attached notice, please let me know.

Meghan



**Meghan Robidoux, MPI, MCIP, RPP (she/her/hers)**

Senior Planner

Planning Services

Growth and Development Services

City of Kingston

Located at: [1211 John Counter Boulevard](#)



[216 Ontario Street Kingston, ON K7L 2Z3](#)

613-546-4291 ext. 1256

[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

**From:** [REDACTED]  
**To:** [Robidoux, Meghan](#)  
**Subject:** 64 barrick street -235-237 WELLINGTON STREET  
**Date:** July 5, 2024 10:55:31 AM

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**Caution:** This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

DEAR CITY OF KINGSTON

PLEASE ENSURE THAT ALL NEIGHBOURS FROM BROCK STREET TO BAY STREET ARE GIVEN THE SAME PRIVILEGE OF BUILDING UP TO 25 STORIES .

MAKE SURE THE BUILDING IS NOT CONSTRUCTED ON FILLED LAND AND THAT ANY AND ALL COAL TAR BENEATH IT IS REMOVED AT THE EXPENSE OF THE CITY AS I BELIEVE IF IT WAS PLACED THERE IN THE PAST BY THE CITY OF KINGSTON OR ITS AGENCIES .

PLEASE ENSURE THE PARKING GARAGE IS CONSTRUCTED SO THAT ROAD SALT ETC DOES NOT RUIN THE INTEGRITY OF THE BUILDING OR THE PARKING GARAGE .

LASTLY MAKE SURE THIS BUILDING DOES NOT INTERFERE WITH RECONSTRUCTION OF THE LASALLE CAUSEWAY OR ACCESS THERETO . THERE MAY BE A ROAD REALIGNMENT ETC AS REGARDS THE LASALLE CAUSEWAY

ALL IN ALL SAME SUBJECT TO THE ABOVE BEING ADDRESSED I AM IN FAVOR OF THIS PROJECT

William J.F. Bishop

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [Robidoux, Meghan](#)  
**Subject:** Re: 64 Barrack St Inquiry  
**Date:** July 11, 2024 7:57:26 AM  
**Attachments:** [image003.png](#)  
[image001.png](#)  
[image002.png](#)  
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**Caution:** This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Meghan

Thank you once again for providing this information. My biggest concern & fear is that the surrounding infrastructure (streets, parking, bike lanes, etc.) cannot handle the increases in population that will occur with all these new downtown mega-buildings that are presently being built. Parking in particular will be a nightmare unless the city can provide more overnight parking.

I also have concerns about the functionality of some of units, particularly the studios. You mentioned that the studios are approx. 23 sq. metres. This converts to 247.57 sq. ft. I have a sleeping cabin north of Kingston that is 18 by 14 (252 sq.ft.). I can't imagine how anyone could comfortably live in a space of that size when you consider that each unit would need a bathroom & kitchen area as well as a sleeping area. Does the city planning department have any influence on the minimum unit size?

You also mentioned that my comments & concerns could be mentioned in the public records as part of the addendum package at next weeks meeting. I feel that these concerns should be mentioned.

Thank You

Robert Oldfield

On Wed, Jul 10, 2024 at 4:47 PM Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)> wrote:

Hello Rob,

The staff recommendation report, which will be available on the City's website this Friday, July 12<sup>th</sup>, provides a detailed planning opinion on the appropriateness of the proposed building height. Given that technical evaluation has successfully demonstrated that the site can support a 25-storey building in a compatible built-form that meets all functional requirements of site users, it would be my opinion that a 10-storey building would be an underutilization of the subject property, at a time when housing of all forms is crucially needed in the City.

The smallest proposed studio unit within the submitted floor plans has a minimum size of approximately 23 square metres. The largest 2-bedroom unit is approximately 63.06 square metres.

In regards to resident parking space allocation and electric vehicle parking, I have reached out to the applicant to see if they can provide any further information of either of these two questions. Typically these parking spaces would be available for purchase at the time of unit sales.

The zoning by-law does not require electric vehicle parking, but does require a minimum number of long-term bike parking spaces be provided with access to electrical outlets (a total of 31 spaces in this case).

Please let me know if you would like the below comments and questions to be included on the public record as part of the addendum package at next week's meeting.

Thank you,

Meghan

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**From:** Robert Oldfield <[REDACTED]>  
**Sent:** Tuesday, July 9, 2024 6:16 PM  
**To:** Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)>  
**Subject:** Re: 64 Barrack St Inquiry

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Hi Meghan,

Thank you for the information you provided.

I forgot to ask you when we were talking, as to your opinion why the developer is asking for permission to build a 25 storey building. Why can't he reduce the size to, say a 10 to 12 storey building? That would be more in keeping with the size of the property.

You also gave me some info on the different units that would be built. Do you know the approximate square footage of these units? As well, how do the purchasers of these units also get one of the limited number of parking spaces available? Is the developer required to provide e-hook-ups for E vehicles?

Thank you in advance for your help,

Rob Oldfield

On Tue, Jul 9, 2024 at 10:19 AM Robidoux, Meghan <[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)> wrote:

Hello Robert,

Further to our conversation yesterday morning, I can confirm that the minimum dwelling unit size in the Ontario Building Code is 18 square metres (minimum 13.5 square metres of living space and minimum 4.5 square metres for the bathroom). As discussed, this is regulated at a Provincial level and is not regulated by municipal zoning by-laws.

Please see the below link to the Planning Committee webpage:

<https://www.cityofkingston.ca/council-and-city-administration/committees-and-boards/planning-committee/>

The staff recommendation report will be available on the website for review on this Friday, July 12<sup>th</sup> under the July 18<sup>th</sup> Planning Committee heading.

Please let me know if you have any further questions.

Meghan



**Meghan Robidoux, MPI, MCIP, RPP (she/her/hers)**

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[mrobidoux@cityofkingston.ca](mailto:mrobidoux@cityofkingston.ca)

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.