



City of Kingston
Planning Committee
Agenda

2025-06

Thursday, March 20, 2025

6:00 p.m.

Council Chamber

Committee Composition

Councillor Cinanni; Chair

Councillor Chaves

Councillor Glenn

Councillor Oosterhof

Councillor Osanic

Councillor Stephen

Please provide regrets to Christine O'Connor, Committee Clerk at 613-546-4291, extension 1219 or cloconnor@cityofkingston.ca
Watch live on the [City of Kingston website](#) 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 2025-06, held Thursday, March 6, 2025, be approved.

5. Disclosure of Pecuniary Interest

6. Delegations

7. Briefings

8. Business

1. Recommendation Report: 5 Lower Union Street

File Number: D35-003-2021 & D09-003-2021

Address: 5 Lower Union Street

District: District 10 - Sydenham

Application Type: Official Plan, Community Improvement Plan & Zoning By-Law Amendment

Owner: Friend of the Marine Museum

Applicant: Homestead Land Holdings Ltd.

The Report of the Commissioner of Growth & Development Services (PC-25-009) is attached.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan, Community Improvement Plan, and zoning by-law amendments (File Numbers D35-003-2021 & D09-003-2021) submitted by Homestead Land Holdings Ltd., on behalf of Friend of the Marine Museum, for the property municipally known as 5 Lower Union Street, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, Amendment Number 96, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-25-009; and

That the Brownfields Community Improvement Plan, as amended, be further amended as per Exhibit B (Draft By-Law and Schedule A to Amend the Brownfields Community Improvement Plan) to Report Number PC-25-009; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit C (Draft By-Law and Schedule A, B and C to Amend Zoning By-Law Number 2022-62) to Report Number PC-25-009; 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**
13. **Date of Next Meeting**

The next meeting of the Planning Committee is scheduled for Thursday, April 3, 2025 at 6:00 p.m.

14. Adjournment



**City of Kingston
Report to Planning Committee
Report Number PC-25-009**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: March 20, 2025
Subject: Recommendation Report
File Number: D35-003-2021 & D09-003-2021
Address: 5 Lower Union Street
District: District 10 – Sydenham
Application Type: Official Plan, Community Improvement Plan & Zoning By-Law
Amendment
Owner: Friend of the Marine Museum
Applicant: Homestead Land Holdings Ltd.

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

Theme: 3. Build an Active and Connected Community

Goal: 3.1 Expand parks and recreation opportunities and participation.

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.5 Continue to enhance Kingston as a tourist destination.

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Executive Summary:

The following is a report recommending approval to the Planning Committee regarding applications for Official Plan and zoning by-law amendments, and Community Improvement Plan amendments, submitted by Homestead Land Holdings Ltd., on behalf of Friend of the Marine Museum, with respect to the subject site located at 5 Lower Union Street.

The subject property is located at 5 Lower Union Street, at the terminus of Lower Union Street and adjacent to the nationally historic Kingston Dry Dock and the Marine Museum of the Great Lakes. The property is approximately 0.77 hectares in size with approximately 40 metres of irregular frontage onto Lower Union Street. The irregularly shaped property is a man-made wharf which has been historically used to dock small watercraft and, prior to that, was the site of an industrial shipyard. The lot is vacant of buildings and contains some grassed area as well as a gravel area formerly used for parking. The property is bordered by Lake Ontario to the southwest, southeast and northeast. Immediately to the northwest of the property is a 5-storey residential building (the Shipyard Apartments) and the Marine Museum of the Great Lakes.

The application proposes to amend the Official Plan and the zoning by-law (File Number D35-003-2021) in order to permit development of the property with a 19-storey mixed-use building. The current building design is a result of iterative re-design process completed in consultation with staff, peer reviewers, and technical groups. The podium configuration has been revised to provide 1-storey of below-grade parking, accessed from the parking area associated with the adjacent Shipyards apartment property. Above the below-grade parking area, the building displays a 3-storey podium to effectively ground the building and provide a human-scale. Rising from the podium is a 16-storey tower, which is stepped back from the podium edge on all sides. The proposed building now accommodates 118 homes, including 11 one-bedroom plus den, 50 two-bedroom, and 57 two-bedroom plus den units, for a total of 225 bedrooms. Amenity space will be provided in exceedance of the minimum requirements of the zoning by-law, in the form of communal interior and exterior amenity spaces including rooftop amenity, a fitness centre, and a party room, as well as private balconies and terraces.

Vehicular access to the site will be from Ontario Street. Lower Union Street south of Ontario Street is proposed to be closed and transferred to the owner of the subject lands. The staff recommendation for the stop-up and closure of this portion of the road allowance is scheduled to proceed to Council on April 1st. Vehicular parking is proposed to be accommodated through below-grade and at-grade structured parking, with a total of 89 spaces. Pedestrian access to the site would be provided adjacent to the private driveway from Ontario Street, as well as an extended Waterfront Trail. This will provide a continuous publicly accessible trail along the waterfront on the property. The paved portion of the trail will generally be 3 metres wide running along the north, west and south property lines. The site design will provide ramping and stair access to the trail to and from the private property. The trail design will be finalized through the Site Plan Control process, however, as currently proposed the trail will provide knee walls, a raised viewing area, and benches for public use.

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In addition to the applications for Official Plan and zoning by-law amendment, application D09-003-2021 proposes to amend the Brownfields Community Improvement Plan (Brownfield CIP) by adding the subject property to an existing and adjacent Project Area (Project Area 1B) within the Plan in order to enable the owner to apply for financial assistance to offset environmental remediation costs under the City's Brownfields Program. In Ontario, a Record of Site Condition (and any associated environmental remediation) is required to convert a land use from its previous industrial or commercial uses to a more sensitive use such as residential or parkland. The proposed project will require a Record of Site Condition. The financial assistance available under the Brownfields Program would support the environmental remediation of the property that will be required to obtain a Record of Site Condition.

The revised proposal represents a compatible mixed-use development, which will provide for improved public access and activation on a historic waterfront site. The development will support a number of Council's goals, including seeing the continued maintenance of the Marine Museum property, remediation of a brownfield property, support for tourism opportunities through a potential future deep water dock, and the creation of new rental housing units within the Urban Boundary. The subject property is located within walking distance of downtown and is well serviced by existing municipal servicing infrastructure, transit, and open space. The proposal will facilitate much needed reinvestment in a highly contaminated, deteriorating site which is at risk a full failure resulting in the spill of hazardous materials into Lake Ontario. The applications are consistent with the Provincial Planning Statement, confirms to the relevant policies of the Official Plan, and represents good land use planning in the public interest.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan, Community Improvement Plan, and zoning by-law amendments (File Numbers D35-003-2021 & D09-003-2021) submitted by Homestead Land Holdings Ltd., on behalf of Friend of the Marine Museum, for the property municipally known as 5 Lower Union Street, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, Amendment Number 96, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-25-009; and

That the Brownfields Community Improvement Plan, as amended, be further amended as per Exhibit B (Draft By-Law and Schedule A to Amend the Brownfields Community Improvement Plan) to Report Number PC-25-009; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit C (Draft By-Law and Schedule A, B and C to Amend Zoning By-Law Number 2022-62) to Report Number PC-25-009; 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	<input checked="" type="checkbox"/>
Neil Carbone, Commissioner, Corporate & Emergency Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Ian Semple, Acting Commissioner, Transportation & Infrastructure Services	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 meeting held on February 25, 2020, with Planning Services and various other departments and agencies. Following this, a complete application submission for Official Plan and zoning by-law amendment was made by the applicant on March 17, 2021. A complete application submission for Community Improvement Plan amendment was made by the applicant on July 20, 2021.

At the request of the City, the applicants led a virtual Open House regarding the Official Plan and zoning by-law amendment application on May 25, 2021. At this Open House, the applicant's agent made a presentation to attendees and answered a number of questions and comments from members of the public. Approximately 35 members of the public attended the virtual Open House.

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A Public Meeting was held at Planning Committee regarding the Official Plan and zoning by-law amendment application on July 15, 2021. A Public Meeting was held at Planning Committee regarding the Community Improvement Plan amendment application on November 18, 2021.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 15, 2021, which is 120 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). The applicant has been working with staff to address the technical challenges raised through technical review as well as those raised at the public meeting. At this time all outstanding comments have been addressed.

Site Characteristics

The subject property is located at 5 Lower Union Street, at the terminus of Lower Union Street and adjacent to the nationally historic Kingston Dry Dock and the Marine Museum of the Great Lakes. The property is approximately 0.77 hectares in size with approximately 40 metres of irregular frontage onto Lower Union Street.

The lands are locally known as the historic Union Street Jetty and wharf. The irregularly shaped property is a man-made wharf which has been historically used to dock small watercraft and, prior to that, was the site of an industrial shipyard with graving dock where construction, and maintenance of commercial and military ships took place. The lot is vacant of buildings and contains some grassed area as well as a gravel area formerly used for parking. The terminus of Lower Union Street is not currently well-defined and as such access is provided to the site from an extension at the end of the street.

The property is bordered by Lake Ontario to the southwest, southeast and northeast. Immediately to the northwest of the property is a 5-storey residential building (the Shipyard Apartments) and the Marine Museum of the Great Lakes. Surrounding uses include high density residential and mixed-use developments along Ontario Street, which appear to range between 5 and 17 storeys in height. The City owned and operated Pump House Steam Museum, Battery Park and Navy Memorial Park are also located in close proximity to the site. The Old Sydenham Heritage Conservation District, being generally characterized by lower-density housing forms, is located to the west, typically capturing those properties with frontage onto King Street East but extending down Lower Union Street to Ontario Street.

The property is designated under Part IV of the *Ontario Heritage Act* and is recognized as a National Historic Site of Canada. The heritage recognition is largely tied to the fact that the subject lands as well as the lands addressed at 55 Ontario Street formerly formed one property. The properties have since been severed. The property at 55 Ontario Street contains the historic Kingston Dry Dock, as well as the Engine House Complex, made up of a series of buildings constructed between 1892 and the 1980s. The subject property at 5 Lower Union Street retains the southern wall of the historic Dry Dock within its boundary.

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Development Proposal (Official Plan and Zoning By-law Amendment Applications)

The application proposes to amend the Official Plan and the zoning by-law in order to permit development of the property with a 19-storey mixed-use building. The building would accommodate 118 homes and associated private and shared amenity areas, 91 square metres of commercial floor space, and structured parking. The building provides 1 storey of below-grade parking, a 3-storey podium, 15 storey tower, and additional penthouse storey providing shared amenity space and an enclosed mechanical room.

The proposed building has been moved and reshaped since the public meeting in response to peer review, technical comments and comments heard at the public meeting. The changes made relate particularly to natural hazard constraints, and the at-grade design and interaction of the building with the public realm. At the public meeting, the applicant presented a 14-storey wholly residential building with a one-storey parking podium. The podium size was substantially larger, covering 39% of the lot and requesting a reduction in the minimum setback from the water down to 4 metres on the south side. The tower extended directly from the north face of the single storey parking podium, providing no stepback. This configuration generally did not contribute to a human scale or an attractive public realm, especially as it related to the required waterfront trail extension on the property. The configuration also required revision in order to address natural hazards constraints related to the regulatory floodplain and erosion hazards.

The revised proposal is a result of iterative re-design process completed in consultation with staff and technical groups and effectively addresses the above-noted concerns. The podium configuration has been revised to provide 1-storey of below-grade parking, accessed from the parking area associated with the adjacent Shipyards apartment property. The grading of the site to accommodate below-grade parking will provide additional landscaped area between the building at the waterfront trail, especially on the east and south sides. This grading provides opportunities for knee walls and viewing areas to facilitate a more attractive and usable public space. Above the below-grade parking area, the building displays a 3-storey podium to effectively ground the building and provide a human-scale. The podium as designed will be clad in light coloured masonry and will include large windows and a 4.5 metre ground-floor height to reflect its mix of uses. The podium will provide the building's main residential entrance on the north side in a centralized location with projecting canopy. An entrance to the at-grade commercial unit would be provided via a covered entrance at the east edge of the north elevation.

The podium is setback approximately 14.5 metres from the south lot line, 56 metres from the east lot line, and 12 metres from the north lot line. This placement allows for appropriate setbacks to the water while ensuring maintenance of continued views down Lower Union Street, as well as room for a vehicular turn-around area in front of the main building entrance on the north side of the podium, which is partially cantilevered over a pedestrian walkway adjacent to the Dry Dock. This vehicular turn-around allows for the eastern pier to be closed to vehicular access except for emergency and marine-related needs. Vehicular access to the pier will be controlled with the use of bollards and regulated through the Site Plan Control process.

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Rising from the podium is a 16-storey tower, which is stepped back from the podium edge on all sides. The tower is stepped back approximately 10.5 metres from the east and west edges of the podium, 1.7 metres from the north edge, and 4.7 metres from the south edge. These setbacks allow for private and communal amenity area for residents on the podium roof. The tower provides a 795 square metre floorplate, with the exception of the 19th penthouse level which provides a smaller, 635 square metre floorplate. The tower design includes regularized window placement with balconies and vertical design elements to provide articulation. The tower has been shaped similar to the podium, with curved edges to provide a softer design which relates to the pier context.

The application includes conceptual floor plans which indicate that the 118 units will include 11 one-bedroom plus den, 50 two-bedroom, and 57 two-bedroom plus den units, for a total of 225 bedrooms. Amenity space will be provided in exceedance of the minimum requirements of the zoning by-law in the form of communal interior and exterior amenity spaces including rooftop amenity, a fitness centre, and a party room, as well as private balconies and terraces.

Vehicular access to the site will be from Ontario Street. Lower Union Street south of Ontario Street is proposed to be closed and transferred to the owner of the subject lands. The staff recommendation for the stop-up and closure of this portion of the road allowance is scheduled to proceed to Council on April 1st. Part of this recommendation includes the establishment of access and servicing easements in favour of the City, to maintain general pedestrian access over the lands as well as vehicle access for the purposes of 55 Ontario Street (Marine Museum of the Great Lakes) and 33 Ontario Street (Shipyards Apartment Building). Vehicular parking is proposed to be accommodated through below-grade and at-grade structured parking, with a total of 89 spaces. Eleven of these spaces will be dedicated to visitor parking, with three spaces dedicated to car share parking (such space may be used for visitor parking until a car share program is established on the property) and one space provided for short-term delivery parking. Bike parking is to be provided within the structured parking floors in accordance with the requirements of the Kingston Zoning By-Law.

Pedestrian access to the site would be provided adjacent to the private driveway from Ontario Street, as well as an extended Waterfront Trail to provide a continuous publicly accessible trail along the waterfront on the property. The paved portion of the trail will generally be 3 metres wide running along the north, west and south property lines. The site design will provide ramping and stair access to the trail to and from the private property. The trail design will be finalized through the Site Plan Control process, however as currently proposed the trail will provide knee walls, a raised viewing area, and benches for public use. The site design provides defined landscape areas, and the applicant's arborist has confirmed that soil volumes will be sufficient on site as a result of site works and regrading to support new tree plantings.

The site has been designed to accommodate the potential use of the pier as a deep-water docking location, in accordance with Council interest in supporting cruise ships. The design includes appropriate fire route turning to the end of the dock, as well as reconstruction of the sea wall to appropriate conditions to support the potential use. The fire route design would support passenger loading and unloading. It is important to note that the potential for a cruise ship dock to be

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accommodated at this location in the future is still under review by staff. The cruise ship docking use does not form part of the current proposal by Homestead. Updates on the deep-water dock will be provided to Council at a later time. In support of the application, the applicant has submitted the following:

- Site Survey;
- Archaeological Assessment (Stage 1, 2 and 3);
- Environmental Site Assessment;
- Natural Hazards Assessment;
- Environmental Impact Statement;
- Conceptual Site Plan, Floor Plans and Elevations;
- Planning Rationale;
- Heritage Impact Statement;
- Urban Design Study;
- Wind Study;
- Shadow Study;
- Traffic Impact Report;
- Servicing and Stormwater Management Brief; and
- Noise Study.

These supporting documents have been reviewed and accepted for the purposes of zoning by relevant internal and external technical departments. Due to the complexity of the application and based on scope of staff review, the above-noted reports related to natural hazards, urban design, heritage impact and environmental impact have been subject to peer review processes by qualified external consultants to support Staff’s review of the application.

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.

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Community Improvement Plan Amendment Application

Application D09-003-2021 proposes to amend the Brownfields Community Improvement Plan (Brownfield CIP) by adding the subject property to an existing and adjacent Project Area (Project Area 1B) within the Plan to enable the owner to apply for financial assistance to offset environmental remediation costs under the City's Brownfields Program. In Ontario, a Record of Site Condition (and any associated environmental remediation) is required to convert a land use from its previous industrial or commercial uses to a more sensitive use such as residential or parkland. The proposed project will require a Record of Site Condition. The financial assistance available under the Brownfields Program would support the environmental remediation of the property that will be required to obtain a Record of Site Condition.

The subject property constitutes a man-made wharf which has been associated with historic industrial shipbuilding uses, and as such it is understood to contain various levels of contamination in excess of Provincial standards that will require remediation prior to introduction of a sensitive (i.e., residential and parkland) use of the property.

The Phase II Environmental Site Assessment submitted with the application indicates that a number of contaminants of concern exceeding provincial standards were present on the site in soils, sediment and groundwater. Such contaminants are noted to include petroleum hydrocarbons (PHCs), volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and metals and inorganics. The assessment concludes that the property would therefore require remediation through contaminant removals and/or risk assessment and risk management to support the required acceptance of a Record of Site Condition (RSC) by the Ontario Ministry of Environment, Conservation and Parks (MECP).

The application proposes the following amendments to the Brownfields Community Improvement Plan:

- Extend the boundaries of Project Area "1B" to include the subject property within the existing Project Area;
- Amend the Brownfield CIP to provide a property-specific extension of the application and tax rebate funding deadlines to 2035 and 2045 respectively; and
- Amend the Brownfield CIP to provide relief for this project from restriction of brownfield financial benefits for properties that have been in federal or provincial ownership within the past 10 years.

In support of the community improvement plan amendment application, the applicant has submitted the following:

- Planning Justification and Addendum;
- Conceptual Site Plan;

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- Phase I and II Environmental Site Assessment;
- Preliminary Remedial Work Plan and Cost Estimate; and
- Site Survey.

Site History, Local Context and City Priorities

The subject lands are unique in their history as it relates to ownership and Council consideration. The property, which formerly included both the lands addressed as 5 Lower Union and 55 Ontario Street, was previously owned by the Federal government. In the 1970s, the City began leasing the site with the intent of supporting private residential development at 5 Lower Union Street and continuation of the Marine Museum use at 55 Ontario Street. This lease ultimately expired following concerns from the City related to the condition of the lands and structures. While the Federal government made repairs to the dry dock and the Marine Museum during their ownership, the wharf was ultimately fenced off for safety reasons related to structural hazards, erosion and contamination.

The property was declared surplus in 2007, and a number of years of negotiation between the Federal government and the City followed. Council ultimately decided to take no further action to acquire the property following an assessment of estimated remediation costs (at the time, these were projected to be approximately 19 million dollars). These remediation costs did not include amenity investments that would be required for public use of the wharf. Council determined that “the remediation of the site represented an unacceptable transfer of risk and potential costs to the municipal taxpayers without a grant to cover costs from the federal government.” As a result, the property was put to a private bidding process for disposal by the Federal government.

Following their decline of the purchase, Council directed staff to research and prepare options to assist the Marine Museum on a long-term basis by expanding the Brownfields CIP Project Area in order to support redevelopment and preservation of the property. As part of this direction, Council outlined a number of community benefits that would be required in exchange for provision of financial assistance through an amended Brownfield CIP. Community benefits included the continuation of the Marine Museum’s use of the property, heritage preservation, shoreline restoration and public waterfront access. Staff ultimately did not proceed with this direction at the time given the acquisition of the property by a private owner and the relocation of the Marine Museum as described below; however, the intent of this direction by Council is important context in consideration of the current application for Brownfield CIP amendment.

Subsequent to Council declining the Federal Government’s offer to purchase, the property (including both 55 Ontario Street and 5 Lower Union Street) was purchased by a private owner in 2016 who did not continue to accommodate the Marine Museum on the property. Applications for Official Plan Amendment, Zoning By-Law Amendment, and Community Improvement Plan Amendment made under the *Planning Act* were submitted by the new owner to support a redevelopment concept and request CIP funding assistance for remediation. The above-noted applications were ultimately withdrawn by the previous owner and the property was sold to the

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current owners in 2019. As part of their purchase of the property, the current owner provided funds to the Marine Museum of the Great Lakes in order to reintroduce the museum into the historic building and provide a sustainable ownership model.

In addition to historic ownership considerations, Council has also reviewed the site related to its potential tourism opportunities. Council has included the exploration of deep-water docking opportunities in the City over previous and current iterations of its strategic planning exercises. The 2023-2026 Strategic Plan includes a goal to “submit a plan and costing to build a deep-water dock” as a 2024 priority project. In 2019, the current owners indicated their support for deep water docking opportunities at 5 Lower Union Street which would allow for partnership with the retained Marine Museum, provide greater water depth than other considered sites, and align with the Waterfront Master Plan related to extension of the waterfront pathway. Council supported advancement of discussions between staff and the property owner at the August 13, 2019 meeting. These discussions are ongoing and subject to further technical considerations.

In addition to supporting City goals related to the continued maintenance of the Marine Museum property, remediation of a Brownfield property, and support for tourism opportunities, the proposed development will also contribute additional homes to the rental market. 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. As part of this priority, Council intends to update planning policies to explore additional height and density permissions. The proposed development on the subject site aligns with the stated goals of Council, introducing 118 new purpose-built rental homes in a compatible form on an underdeveloped, central lot.

Council’s priorities, specifically related to housing, are further cemented by recently released data sets surrounding 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).

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 are significantly below average.

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The above population 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. Although 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, it 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 proposed high-density mixed-use redevelopment responds to previous Council direction and City priorities including remediation of a brownfield property, extension of the waterfront trail, opportunity for a deep-water dock to support tourism opportunities, and introduction of 118 new purpose-built rental homes in a walkable location in close proximity to downtown. Staff have reviewed all planning, urban design and technical studies submitted in support of the application and are satisfied that the proposed official plan, community improvement plan and zoning by-law amendments meet all policy tests and represent 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 Exhibit F, H, and I.

Provincial Planning Statement

The Provincial Planning Statement (2024) 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 Planning Statement (PPS) 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 provide for an appropriate range and mix of housing options and densities which efficiently use land, resources, infrastructure, and public service facilities and support the use of active transportation. By introducing additional residential and commercial density in this central and fully serviced location with walkable 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 site design, including integration of an extended waterfront trail system along the perimeter of the site and the allowance for potential deep water cruise ship docking, further supports the goals of the PPS related to improving public access to shorelines and improving connectivity of a multi-modal transportation system. The property is designated under Part IV of the *Ontario Heritage Act* (in 1984, amended in 2007) and is recognized as a National Historic Site of Canada (in 1978) as a result of its association with the Kingston Dry Dock and Engine House Complex (Marine Museum) and the significance of shipbuilding on the Great Lakes.

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The PPS directs municipalities to conserve cultural heritage resources for their economic, environmental and social benefits. The impact of the development on the cultural heritage value of the site has been reviewed through a Heritage Impact Statement and addendums completed by ERA Architects Inc. The original Heritage Impact Statement was independently peer-reviewed by Robertson Martin Architects. The heritage review highlights the importance of balancing heritage conservation with other public interest goals and concludes that the proposed development “conserves and maintains the integrity of the identified heritage attributes and cultural heritage value of on-site and adjacent heritage resources”. The build out of this project will be subject to prior approval under the *Ontario Heritage Act* (through application for relevant heritage permits).

The property is also recognized as being associated with potential natural heritage features given its proximity to the water. The PPS recognizes the importance of conservation of natural heritage features for Ontario’s long-term prosperity, environmental health and social well-being. As part of the application materials, an Environmental Impact Statement has been prepared by Ecological Services, and independently peer-reviewed by Gemtec. The EIS and peer review response concludes that there are limited natural heritage features or functions associated with the site itself due to its past infilling and industrial use. The site does not provide riparian functionality as it is a man-made sheer wall structure elevated above the normal water level. The study recognizes the potential of impacts from the development on fish habitat within the lake and on migratory birds. The study observed sunfish, a young largemouth bass and large numbers of invasive round gobies around the base of the pier. No remnant fish nests, or large fish were observed. The study notes that in-water works should follow engineering best management practices and will be subject to a Department of Fisheries and Oceans authorization process under the Fisheries Act. This approvals process operates outside of the Planning Act framework; however staff will be looking for updates on the consultation between the applicant and the DFO through the Site Plan Control review process to ensure consistency between the submissions and to ensure any relevant requirements are captured through the agreement to be registered on title. The study also recommends that any site clearing be completed outside of the migratory bird breeding window (April to August), unless a nesting survey confirms no migratory birds are nesting on-site.

The property also contains area of recognized natural hazards associated with the regulatory flood plain and erosion hazard. As part of the submission materials, a Natural Hazards Assessment has been completed by Riggs Engineering, reviewed by the Cataraqui Region Conservation Authority (CRCA) and independently peer-reviewed by SJL Engineering. This review has been an iterative process to achieve a final site design which is consistent with PPS direction and is accepted by the CRCA. The property’s artificial shoreline has experienced deterioration and erosion when compared to the original wharf wall condition, especially along the south and eastern walls. Without rehabilitation of the walls, Riggs indicates that the shoreline would continue to deteriorate and would likely result in a full failure of the site and spill of hazardous materials into Lake Ontario. Riggs and the CRCA agree that the owner has a responsibility to repair the shore walls to original conditions in order to prevent further contamination of the lake as a result of ongoing erosion, regardless of development potential.

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Consequently, a natural outcome of these required repairs will be increased development potential on the site.

Through review, the CRCA has taken a balanced approach for defining the extent of the natural hazards at the site to ensure consistency with the intent of the PPS. The extent of the flood and erosion hazards have been assessed based on the assumption that the site protection works are repaired to their original condition. Through the iterative review process, the applicant has demonstrated that the proposed building will be in the area of least and acceptable risk and the development will be entirely out of the erosion hazard and nearly entirely out of the flood hazard, with the exception of a small portion of the below-grade parking area and a sliver of the tower. Importantly, as confirmed by CRCA, it has been demonstrated that the proposal is consistent with tests for development in hazardous lands as per section 5.2.8 of the PPS. Further protection works will be undertaken as part of the detailed design phase to ensure the entire development is protected from long-term flooding and erosion and the building, shorewall and associated structural components will achieve a 100-year design life and further mitigate any outstanding risk factors.

The PPS requires that sites with human-made contaminants shall be assessed and remediated prior to redevelopment to protect human health. The property contains human-made hazards associated with poor quality fill and the former marine industrial uses. Phase I and Phase II Environmental Site Assessments were completed for the site by XCG (now Trace) which concluded that several contaminants of concern are present in the soil and groundwater. A Tier 3 Risk Assessment was subsequently completed and confirmed that risks associated with some contaminants (particularly petroleum hydrocarbons and mercury) were not within acceptable limits and require a combination of remediation and risk management measures. A remedial report and filing of a Record of Site Condition (RSC) will be required prior to obtaining building permits for the development to confirm that there will be no adverse effects to site users, in accordance with the direction of the PPS.

The subject lands provide an opportunity for intensification in a central, serviced area that will maximize the efficient use of the City's existing infrastructure assets and support the prioritization of active transportation modes. The application aligns with provincial policy direction related to cultural heritage and natural heritage assets and implements appropriate mitigation to address natural and human-made hazards on the site. The proposed development is therefore consistent with the Provincial Planning Statement. A detailed review of the applicable policies is attached in Exhibit F.

Official Plan Considerations

The property forms part of a Housing District within the defined urban boundary as shown on Schedule 2 – City Structure of the Official Plan. Housing districts are primarily intended to accommodate residential land uses and support development that integrates compatibly within the prevailing built form generally found in the neighbourhood. The Official Plan policy context at the time of application submission aimed to protect existing stable neighbourhoods; the subject lands do not meet the criteria of the Plan to be considered a stable area as the prevailing

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context includes a variety of built form and tenure types, including tall-, medium- and low-rise building forms. It is further noted that since application submission, recent City-initiated policy amendments removed stable area policies from the Plan and replaced them with locational criteria direction for building form (reviewed below). Stable area policies were removed as they are fundamentally contrary to recent changes made to the *Planning Act* to promote additional density in residential neighbourhoods and respond to housing needs.

The subject property is designated Residential by Schedule 3A – Land Use of the Plan. At the time of original submission, the majority of the property was designated Environmental Protection Area. The application proposed to redesignate the property to Residential through the proposed Official Plan amendment. Since the time of original submission, Council approved amendments to the Official Plan which removed areas within the “ribbon of life” from automatic Environmental Protection Area designation and instead introduced text-based policies to regulate development near water features. As such, the recommendation no longer requires an amendment to the property designation. The ribbon of life policy direction is reviewed further below.

The proposed mixed-use building is supported by the residential land use designation, with the commercial unit on the ground floor providing appropriate opportunity for neighbourhood commercial uses to support residents. In accordance with the direction of the Plan, the site’s location can support a high-density residential use, as the lands are:

- Located on the periphery of a residential neighbourhood, being the Sydenham Ward area to the north across Ontario Street. The site’s location outside of the heritage district boundaries, on the waterfront and similar in scale to existing waterfront development, means that the high-density use is not out of character for the site context and does not introduce a new tall building in the middle of a low-density area, in keeping with the intent of the locational criteria.
- Within walking distance (approximately 280 metres) to lands within the Central Business District, which provides daily commercial needs for residents including grocery and market offerings, restaurants, retail stores, and entertainment uses.
- Within walking distance of parks and community facilities, including the waterfront trail which will extend through the subject property to provide direct active transportation access to Battery Park, Confederation Park, City Park, Macdonald Memorial Park, City Hall, the Marine Museum, and the Pump House Steam Museum. The waterfront trail provides daily opportunity for enjoyment of the City’s open space and amenity offerings along the waterfront, supporting the health and well-being of residents and taking advantage of existing investments in public infrastructure.
- Generally located on an existing collector road, being Ontario Street, with driveway access along the closed portion of Lower Union Street (approximately 70 metres from Ontario Street).

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The mixed-use development complies with Section 2.7 of the Plan related to land use compatibility matters to be considered for development. A fulsome review of Section 2.7 is provided in Exhibit H, with the following providing a summary:

- **Shadowing:** An initial shadow analysis was included with the original massing submission and has been updated to reflect the revised 19-storey tower massing (Exhibit L). The revisions to massing, particularly the reduction in podium and tower floorplate, serve to further mitigate shadow impacts by creating a narrower shadow that moves quickly across its surroundings. The shadow study notes that the priority area to be considered for shadow mitigation is Navy Memorial Park and the Kingston Marine Museum, being heritage sites that are accessible for public use and located to the north of the site, where shadows are naturally concentrated. Shadow impacts on the surrounding waterfront pathway, on the Old Sydenham HCD, and on adjacent residential properties have also been considered as part of the shadow review.

The shadow review found that, during the spring and fall equinoxes, the shadow begins to reach the dry dock at approximately 11 a.m. moving quickly across over the afternoon and providing areas of sun and shade, not leaving any portion of the dry dock in continuous shadow. Shadows reach the Pump House complex around 1 p.m., moving across the complex and wharf and similarly not causing areas of continuous shadow. Shadows generally do not reach Navy Memorial Park. Given the orientation of the site and Kingston's location, shadows do not reach the existing waterfront trail extent to the south of the site, nor do they reach the extent of waterfront trail proposed along the southern side of the property. The proposed open space and trail at the eastern side of the site will remain in full sun until 4 p.m., allowing opportunities for sun exposure during the day, with shade provided in the evening hours through to sunset. Shadows do not reach the Old Sydenham HCD. Shadows move quickly across the adjacent Shipyards property and are completely off the property by noon.

Levels of shadow during the summer solstice are further reduced given the City's locational context, with shadows starting to cross the subject property at noon and reaching the Marine Museum property during the peak of the summer at 4 p.m. and then moving quickly until sunset. The summer shadows do not land on the Old Sydenham HCD, Navy Memorial Park or the Pump House complex buildings. There is a length of shadow on the Waterfront Path directly north of the proposed building; the public path will benefit from this shade during the summer afternoons. During the winter solstice, shadows are naturally longer and reach to the Old Sydenham HCD during the morning hours, though they move quickly out of the HCD by 10am and do not leave any area within continuous shadow. There is shadowing on Navy Memorial Park during the morning, though the park always benefits from having areas of both sun and shade. The dry dock receives early morning sun, and over the course of the day the tower shadow moves across the dry dock, providing areas of sun and shade until approximately 4 p.m., when the existing Shipyards building covers the dock in shadow. Late afternoon shadows are an expected condition in the winter months given the context of the city's location and early sunset time.

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The shadow review thus concludes that the level of shadow introduced by the development does not result in adverse impacts to surrounding sensitive uses and represents a reasonable and expected level of shadow for the urban context. The small tower floorplate and location of the building on the property contribute to these findings.

- **Wind:** A pedestrian wind assessment was completed by RWDI Consultants as part of the submission package. The assessment found that the building will cause an increase in wind speeds as a result of its height, however the building design incorporates mitigating features to reduce potential impacts, such as curved façades, use of a podium and tower form, setbacks, and landscaping features. Wind conditions along the edge of the property, where the waterfront walkway will be located, are not anticipated to be significantly affected by the development. The study concludes that suitable wind conditions are expected at building entrances, along the waterfront trail, and through the landscaped area at the east side of the pier. The study further notes that that wind speeds meeting safety limits are expected in all pedestrian areas at-grade, except for a local area around the southeast corner, primarily during the winter months. Private amenity spaces on the rooftops are also anticipated to see higher wind speeds during the winter months, and RWDI recommends wind control measures which can be implemented through detailed design, such as planters, trellises and wind screens, to mitigate these speeds and increase comfort levels of the private amenity spaces and building edges. These aspects will be reviewed further through the Site Plan Control stage.
- **Traffic and servicing:** Traffic and servicing reports have been completed by Josselyn Engineering Ltd. in support of the development application. These reports conclude that the development will not adversely impact municipal services or the function of surrounding land uses.

The traffic study concludes that the proposed development will have a negligible effect on traffic flows during peak periods. The Ontario Street/Lower Union Street intersection is anticipated to continue operating at a Level of Service (LOS) of “A” during the AM and PM peak periods. No improvements to the surrounding road networks are required to accommodate the development. The study comments that there is existing pedestrian flow through the area, and existing and new pedestrians will be appropriately accommodated through the proposed waterfront pathway around the property.

The servicing report concludes that existing servicing levels are sufficient to accommodate the development. A new 300-millimetre gravity sanitary service and 250 millimetre water service are proposed, which will be the responsibility of the owner. Connections to the nearby electrical and gas services are also proposed. Stormwater will drain to Lake Ontario, and an enhanced level of quality control (removal of 80% of suspended solids) is recommended for the site, which will be accommodated through use of an on-site storm collection system and an oil grit separator. These servicing details have been accepted by technical departments for the purposes of zoning and will be reviewed and secured in further detail through the Site Plan Control process.

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- Overlook and loss of privacy: The property location is physically separated from low-density residential uses, with three lot lines abutting the water and providing sufficient setback to incorporate public at-grade pedestrian connections. The property abuts the 5-storey Shipyards apartment building to the west. A setback of approximately 28 metres between the west face of the podium and the abutting apartment building exceeds the practice amongst Ontario municipalities of a minimum 25 metre separation distance, which effectively helps to mitigate any potential for undue adverse overlook onto this neighbouring property.
- Design: The submission included an Urban Design Study & Conceptual Landscape Plan (and addendums) by ERA Architects Inc. The original submission was peer reviewed by Dillon Consulting as part of a joint peer review of the Heritage Impact Statement with Robertson Martin Architects. The peer review set out twelve recommendations with respect to the proposed building, site design, amenities, landscape features and cultural heritage to make the development compatible with the surrounding heritage-rich context and further mitigate potential impacts. The City worked with the peer reviewer through the iterative design process and charette, however a formal peer review was not requested on subsequent submissions as the City retained Urban Design expertise between the first and second submissions.

The development proposal for 19-storey apartment building in a podium-tower configuration reflects the recommendations of the peer review. At the podium level (or base of the building), the height has been increased from a single storey of parking to a three-storey podium. This serves to frame and enhance the pedestrian streetscape, relate the podium to the adjacent heritage structures and create an appropriate transition to the surrounding mid-rise buildings and nearby low-rise area. The programming of the ground floor level has been revised to augment the parking and apartment lobby with a commercial unit and two residential units along the north and east frontages near the waterfront path and outdoor amenity areas. The added uses and the corresponding building design animate and connect the apartment to its surroundings. The tower massing has been reduced and rounded to provide a slenderer profile; it has a typical tower floorplate (floor area) of 795 square metres with a 19th penthouse level of 635 square metres and a stepped roof treatment or topper. The tower design minimizes shadow impacts, maintains protected views and reduces the overall scale of the building.

The design and materiality of the building differentiates the podium and tower components. The podium incorporates masonry (a traditional Kingston building material) as the exterior cladding treatment. The podium design displays a masonry frame with inset balconies, glazing and panelling all in a contemporary configuration. In contrast, the tower follows a loose grid with a regular pattern of window openings and vertical bays of balconies. Architectural interest is provided through a material variety (Exterior Insulation and Finish Systems and metal panels), projecting balconies and a stepped roof treatment.

The site design integrates the development with the immediate surroundings with special consideration given to the Waterfront Path. This is seen in the incorporation of animated uses into the at grade frontages, the separation of pedestrian movement from vehicular

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movement particularly along the Waterfront Path, the incorporation of parking within the building and to the rear (west) of the building, and a landscaped public realm at the waterfront. This results in the infilling of a hole of the Waterfront Path with an animated and varied public trail that wraps the point to provide expansive views across Lake Ontario.

The proposal optimizes this location overlooking Lake Ontario and adjacent to the historic dry dock to create a unique place along the Kingston waterfront. The development enhances the public realm along the waterfront and punctuates the shoreline with a contemporary building that is highly compatible with surrounding area and its heritage assets. In summary, the scale, massing and height of the podium relates directly to the surrounding streetscapes and the design of the indoor and outdoor at-grade experience improves the public realm through a new path to the Waterfront Trail, landscaping, street furniture and animated uses that support the residents' daily life.

The property is designated under Part IV of the *Ontario Heritage Act* and is recognized as a National Historic Site of Canada. The property is located outside of Old Sydenham Heritage Conservation District (HCD), with its limit being west of Ontario Street at Lower Union Street. A Heritage Impact Statement (HIS) and addendums were prepared for the application by ERA Architects. The initial HIS submission was peer reviewed by Robertson Martin Architects. The redesign and HIS addendums submitted in response to the initial technical review and peer review have been reviewed and accepted by Heritage Services staff. The iterative revisions to the design are supported by the heritage consultant as further reducing potential shadow and heritage impacts on the adjacent heritage structures and providing a more proportional podium massing with masonry cladding and window patterning that pays tribute to the historic industrial uses of the area. Additional recommendations, including preparation of an Interpretation Plan and refinement of specific design details such as window patterning and material selection have been included as matters to be addressed through the Site Plan Control and the heritage permit processes. Given the site's designation, the owner will require a heritage permit ahead of construction in accordance with the requirements of the *Ontario Heritage Act*. The Site Plan Control and Heritage Permit applications are intended to be applied for and reviewed concurrently in order to ensure consistency and avoid delays.

The property contains a protected view to the water down Lower Union Street south of King Street East as shown on Schedule 9 of the Official Plan. The Plan directs that the siting, massing and design of buildings in protected view areas should not interrupt sightlines to the water. The HIS and addendums provide a view analysis confirming that while the tower will be visible from the protected view plane as an extension of the existing street wall, the building placement will frame rather than obstruct the views to the water and thus complies with the direction of the Official Plan. Further, it is important to note that the subject property does not fall within any of the protected City Hall view planes or sight lines illustrated on Schedule DH-4 of the Official Plan. The proposed development will provide a natural continuation of the City skyline at the periphery of the downtown, as illustrated in the perspectives included in the provided View Analysis attached in Exhibit K.

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The Plan commits to the protection of the City's waterfront, and particularly to the improvement of a connected waterfront pathway in the urban area as shown on Schedule 5. Portions of this waterfront pathway have already been achieved and are a valuable City asset along the waterfront. In accordance with Schedule 5, an extension of the waterfront pathway is required along the north, east, and south edges of the property, generally connecting from Navy Memorial Park through to the existing extent of trail on the Shipyards property at 33 Ontario Street. Through the site design, the applicants have demonstrated that a well-designed pathway, generally being approximately 3 metres wide, can be accommodated along these mandatory frontages. The pathway design includes knee walls for seating as well as a raised viewing area and will be physically separated from drive aisles and the building to provide an attractive and park-like setting. Through the Site Plan Control and heritage permit process, the applicant will be completing an interpretation plan and landscaping plan to further refine the design and features of the pathway.

It is noted that the Waterfront Master Plan also includes a secondary pathway desire line at the western edge of the site through the existing Shipyards parking area; this secondary pathway is not implemented through Official Plan policies. Through technical review it was determined that implementation of this secondary pathway was not feasible given the constraints on the site which limit any ability to shift the building further east to accommodate additional space for a path.

As reviewed through the PPS section above, the property contains areas of riparian habitat along the waterfront, being a Natural Heritage "B" feature, as shown on Schedule 8 to the Plan. Development is not permitted in a Natural Heritage "B" feature until it has been demonstrated through an environmental impact assessment that there will be no negative impacts on the natural heritage feature or its ecological function. Similarly, in accordance with Section 3.9 of the Plan, a 30 metre "ribbon of life" (being a naturalized buffer along a waterbody) is generally required throughout water bodies in the city to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems. While a text-based policy, the "ribbon of life" generally aligns with mapped riparian corridor areas. The Plan supports relief from this 30-metre setback where the ribbon of life policy objectives are upheld as demonstrated through an environmental impact assessment. Further, the Plan recognizes that existing lots which do not provide sufficient depth to support modest amounts of development outside of the 30-metre setback should be recognized and considered for relief from the minimum setback. While the site meets the criteria of Section 3.9.6 which negate an Official Plan amendment requirement, the proposed amending by-law would clarify that development is permitted less than 30 metres from Lake Ontario, subject to consultation with the CRCA and as implemented through the recommended zoning by-law.

The EIS and peer review response indicate that the development will generally improve the naturalization of the shoreline in accordance with the direction of the Plan when compared to the existing site condition through introduction of additional landscaping and reserved parkland area at the end of the pier. The EIS points to stormwater engineering methods as appropriate for achieving the intent of the ribbon of life policies related to water quality and soil erosion, with the

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Stormwater Management report confirming that an on-site stormwater collection system will be designed to achieve enhanced quality protection in accordance with provincial guidelines.

As reviewed through the PPS section, the reduced waterfront setback has also been reviewed and supported from a natural hazard's perspective. The property contains areas of erosion hazard and is partially within the regulatory flood plain as shown on Schedule 11 of the Plan. The Plan prohibits development within the regulatory floodplain; the requested Official Plan amendment would permit development within the floodplain based on existing site conditions and subject to limits established through the recommended zoning by-law in consultation with the CRCA. The recommended development condition has been located outside of the erosion hazard as required by the Plan, however the amending by-law would permit the minimum erosion access allowance to be reduced from 6 metres to 4 metres from the top of the stable slope, which was found to be sufficient for the site in consultation with the CRCA.

Based on the results of the Natural Hazards Assessment completed by Riggs Engineering, the extent of the regulatory floodplain has been refined based on current site conditions assuming the shorewall is restored to its original extent. The extent of the regulatory floodplain based on restoration of the shorewall is shown in Exhibit C. The proposed development footprint, which has been refined based on multiple design iterations through consultation with the CRCA, would be located outside of the erosion hazard and would be partially within the flood hazard based on rehabilitation of the historic shorewall to original condition. The extent of building within the flood hazard is mostly limited to portions of the below-grade parking garage, and a very small portion of the tower as shown on Exhibit J – Site Plan.

The Natural Hazards Assessment proposes further enhancement of the shorewall conditions beyond their original condition by way of an increase to the shorewall height, with final elevations to be secured through the Site Plan Control stage in consultation with the CRCA. These enhancements to the shorewall condition would effectively eliminate wave overtopping potential to the building extent based on a 100-year weather event, further mitigating flooding risk and protecting human and property safety.

The natural hazards assessment does recognize that wave overtopping during a 100-year weather event would impact pedestrian safety on the waterfront pathway on the site. The report recommends design measures, including a parapet wall along the southern edge, which would contribute to mitigation of these risks (though not eliminate them entirely). These measures will be reviewed in consultation with the CRCA through the Site Plan Control process to ensure public safety risks during significant weather events are minimized to the extent possible.

A detailed review of the applicable policies is attached in Exhibit H. The recommended official plan amendment is included as Exhibit A.

Community Improvement Plan Considerations

Section 28 of the *Planning Act* provides municipalities with the ability to designate Community Improvement Areas where enabling language has been established in the municipality's Official

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Plan. Where an Official Plan enables a Community Improvement Area, subsequent by-laws may be passed by a Council to establish Community Improvement Project Areas.

As described by the Official Plan, Community Improvement Project Areas are intended to be those areas where community improvement is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social or community economic development reason. Once a Community Improvement Project Area has been established by by-law, a Community Improvement Plan may be prepared and adopted to direct funds and implement policy initiatives within the defined project area.

Kingston's Official Plan establishes the urban area of the City as a Community Improvement Area through Schedule 10 – Community Improvement Area. This designation enables Council to identify Project Areas by by-law, and to prepare and implement Community Improvement Plans in order to assist with the desirable rehabilitation of lands in the City. Further details about the City's Brownfields Community Improvement Plan, which was adopted by Council in 2005 under the framework outlined above, is detailed in the following section.

While the subject property is located within the designated Community Improvement Area shown in Schedule 10 of the Official Plan, it is not identified by by-law as being within a Community Improvement Project Area. Section 9.8.5 of the Official Plan directs that any newly proposed Community Improvement Project Area must conform to at least one of a list of 18 criteria, which are fairly broad and include:

- the presence of unused or underutilized land or buildings that could be developed, redeveloped, renovated or converted to another use;
- the presence of buildings or lands of architectural or historical merit and sites of archaeological significance or interest;
- the presence of special visual amenities (i.e. waterfront), which could benefit from protection or enhancement;
- the presence of lands or buildings that may require detailed environmental site assessments or designated substances surveys and the implementation of appropriate and necessary remediation; and
- the opportunity to support development that would intensify vacant or underutilized lots in the Community Improvement Area.

Section 9.8.7 of the Official Plan provides a list of 10 objectives for Community Improvement Areas in the City. Section 9.8.8 provides implementation strategies in order to support the City's application of its community improvement policies.

The City adopted the Brownfields Community Improvement Plan (CIP) in 2005 and since then it has undergone several amendments with the most recent being in 2017. The Brownfields CIP intends to facilitate the implementation of the City's Brownfields Redevelopment Strategy, and to

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provide financial incentives to encourage private sector investment in the rehabilitation and redevelopment of brownfield sites in the urban area. The key financial incentive component of the Brownfields Program is the recovery of eligible environmental remediation expenses incurred by a brownfield project through future property tax rebates.

Brownfield sites are abandoned, vacant or underutilized properties where expansion or redevelopment is substantially complicated by real or perceived environmental contamination as a result of historical commercial or industrial land uses. Brownfield sites are often overlooked for redevelopment due to the significant complexity, financial costs, risks, and liability associated with owning and remediating environmental contamination. Council originally established the Brownfields Community Improvement Plan and financial incentives program in order to respond to these significant challenges associated with brownfield redevelopment when compared to greenfield development and to “level the playing field” and encourage in-fill style redevelopment of critical urban sites, thus relieving pressures to expand the urban boundary to accommodate growth and minimizing the need to construct new municipal infrastructure.

Inclusion of a property within a Community Improvement Project Area does not guarantee that any future applications for financial assistance will be approved; rather, this inclusion provides a property owner with the ability to apply for such assistance. Each application for Brownfields Program financial assistance for a property located within a defined project area is reviewed on a site-specific basis, and provision of financial assistance is entirely at the discretion of Council. Additionally, approval of an application for a CIP amendment does not guarantee approval of any concurrent Official Plan and Zoning By-Law Amendment applications for redevelopment.

There are currently six separate project areas identified in the Brownfields Community Improvement Plan. The subject property is not located within one of the five approved project areas but is located in close proximity Project Area 1B. As such, the applicant is requesting an amendment to expand existing Project Area 1B, which currently includes the 5.3-hectare property between Lake Ontario and Ontario Street formerly known as “Block D”, in order to include the subject property.

Amendments to the Brownfields CIP are subject to the criteria outlined in Section 8.1 of the CIP

In addition to expansion of the Project Area 1B boundary to include the subject property, the application also requests amendments to the following policies within the Brownfield CIP:

- Section 6.0(a) stipulates that financial assistance in Project Area 1B may be paid out as late as December 31, 2035, or up until a time that all eligible rehabilitation costs have been recaptured by the owner, whichever occurs first. Given anticipated approval and build-out timelines associated with the redevelopment proposal, the applicant has requested a ten-year extension of this timeline to December 31, 2045.
- Section 6.0 includes a prohibition on brownfield funding to properties that were owned by an upper level of government, their agencies or crown corporations within the previous ten years. The subject property was previously owned by the Federal Government until 2016.

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The Federal Government did not offer financial support related to remediation of the lands, which influenced Council’s decision to decline purchase of the property at that time. The application requests an exemption from this prohibition based on the current owner’s intention to comply with a majority of Council’s 2015 terms for considering extension of Brownfield CIP benefits to the property.

A Phase II Environmental Site Assessment (ESA) has been completed for the property and the owners have provided a preliminary approach and costing estimates for environmental remediation required to obtain a Record of Site Condition (RSC). The Phase II ESA confirmed the widespread presence of soil and groundwater contamination at concentrations exceeding provincial standards for residential and park land uses. The proposed remediation approach estimated costs in the order of \$8 million and is generally consistent with remediation requirements under the provincial Brownfields regulations of the Ontario Environmental Protection Act. The Phase II ESA and proposed remediation models demonstrate that the site can be regarded as a brownfield due to the presence of significant environmental contamination that will need to be addressed through a Record of Site Condition (RSC) process before the property can be redeveloped to the proposed more sensitive residential and parkland uses. A detailed review of proposed remediation approaches and potentially eligible costs will be considered as part of any future applications made for brownfield financial benefits and will be presented to City Council at a later date for consideration and approval if appropriate.

The recommended CIP amendments described above are included as Exhibit B.

Zoning By-Law Discussion

The subject lands are zoned the Harbour Zone (HB) in Kingston Zoning By-Law Number 2022-62. The lands are located within Parking Area 1 as per Schedule 2, and contain areas of 1:100 year floodplain and wave uprush as per Schedule A. The application propose is to maintain the HB zone and apply an exception overlay to permit the proposed uses and site layout. The table below provides an overview of the proposed development against the existing HB zone provisions.

Provision	HB Zone Requirement	Proposed	E169 Exception Provision
Maximum Height	15.8.1.3 None	60.6 metres	Yes
High Water Mark Setback	15.8.2.2: Despite Clause 4.23.1., the minimum separation distance from the high watermark of a waterbody for any use	South: 14.5 metres East: 56.0 metres to podium, 43.0 metres to parking garage	Yes

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	or building is 10.0 metres	North: 14.1 metres, 7.8 to parking garage	
Projections above maximum height	4.18 Permitted components may project a maximum of 5.0 metres above the maximum permitted height, with a maximum area of 30% of the roof on which they are located, and a minimum setback from the edge of the roof equal to the vertical height of the building component	Permitted components to project 5.5 metres Coverage of penthouse roof (632 square metres floorplate) of 35% (~ 220 square metres) No setback from the eastern edge of the penthouse roofline	Yes
Floodplain Overlay	5.1 No use or building permitted within the area identified as “floodplain” or “wave uprush” in Schedule A, other than listed exceptions (e.g., marine facility, park, public use) Schedule A may be adjusted as a technical revision where supported by technical assessment to the satisfaction of CRCA and the Director	Floodplain to be amended as per Exhibit A based on technical study Limited development to be permitted partially within the floodplain, subject to approval by the CRCA	Yes
Accessible Parking Design	7.2.7 – 7.2.9 Type A minimum width is 3.4 metres Type B minimum width is 2.7 metres	Type A as required Access aisles as required 3 Type B - 2.6 metres wide	Yes

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	<p>Minimum 2.1 metre vertical clearance in a parking structure</p> <p>1.5-metre-wide access aisle</p>		
<p>Minimum Parking Space and Drive Aisle Dimensions</p>	<p>7.4.1:</p> <p>Perpendicular to drive aisle: 2.6 metres wide by 5.5 metres long with 6.7 metre drive aisle</p> <p>Parallel to drive aisle: 2.6 metres wide by 6.7 metres long with 6.7 metre drive aisle</p>	<p>Perpendicular spaces: 2.6 metres wide by 5.2 metres long with 6 metre drive aisle</p> <p>Parallel to drive aisle (within closed road allowance): 2.6 metres wide by 6.5 metres long with 7.5 metre drive aisle</p>	<p>Yes</p>
<p>Additional Parking Provisions for Multi-Unit Residential</p>	<p>7.4.9</p> <p>Where the side of a parking space is obstructed by any part of a fixed object such as a wall, column, bollard, fence or pipe within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metre from the front or rear of the parking space, the minimum width of the parking space must be increased by 0.3 metres for each side that is obstructed;</p> <p>The maximum width of a driveway within the required front setback or exterior setback is 6.7 metres; and</p>	<p>Underground parking garage design unable to accommodate separations from obstructions for ~43 spaces</p> <p>Driveway is 7 to 7.5 metres wide within the front yard to accommodate fire route needs</p> <p>Parking provided within building, with the exception of parallel parking spaces in closed road allowance</p> <p>23 small parking spaces provided</p>	<p>Yes</p>

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	<p>Parking spaces must be located in a permitted private garage, parking structure, driveway or parking lot in the rear yard or interior yard, except visitor spaces may be located in the front yard or exterior yard provided the visitor space is not closer than 3.0 metres to any lot line and not closer than 7.5 metres to any street line;</p> <p>A maximum of 10% of parking spaces (9 spaces) provided on a lot, excluding accessible spaces, visitor spaces and car-share spaces, are permitted to be parking spaces for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, with signage that identifies the space as “small car parking space”</p>		
<p>Loading Spaces</p>	<p>7.5.1</p> <p>The minimum dimensions of a loading space are 3.5 metres wide by 9.0 metres long, with a minimum vertical clearance of 4.2 metres.</p>	<p>Loading space dimensions 5 metres wide by 7.5 metres long</p>	<p>Yes</p>

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Floodplain Overlay:

The application proposes to amend Schedule A related to the floodplain overlay to align with technically reviewed and accepted 1:100 year floodplain extent as reviewed and accepted by the CRCA, and described in more detail above. This schedule revision, as attached to Exhibit C, would effectively extend the extent of floodplain mapping and remove the extent of wave uprush mapping. The existing wave uprush mapping is a technical estimate based on available knowledge of the shoreline elevations generally; the revised floodplain mapping captures the actual wave uprush area as studied through the natural hazard assessment. As such, the separated layers are no longer required and both the floodplain and wave uprush areas are captured in the amended floodplain extent.

The by-law permits a portion of a mixed-use building, private amenity space, and patios associated with a restaurant to be located within the floodplain area, subject to approval through Site Plan Control in consultation with the CRCA. These permissions recognize the enhanced shoreline rehabilitation works intended to be pursued through detailed design which would effectively minimize the floodplain extent; attaching these permissions to Site Plan Control approval and CRCA support ensures that the detailed design works reflect the intent of the natural hazards review to date. CRCA has reviewed the recommended by-law, including the Schedule A revisions, and are in support of the amendment.

Uses:

The HB zone permits a ferry terminal, marina, restaurant, and retail store as-of-right. The recommended by-law would maintain the HB zoning category on the site, with an E169 exception overlay introducing a mixed-use building as a permitted use. The recommended by-law supports additional non-residential use permissions that are generally consistent with the neighbourhood commercial zoning category in order to maintain the intent of the residential land use designation while providing flexibility for the owner for leasing of the commercial space.

The Kingston Zoning By-Law permits various passive uses which as parks, trails, marine facilitates, and shoreline stabilization works within the required water setback. The recommended by-law would additionally permit private amenity space, patios associated with restaurant use, and drive aisles within the required setback to reflect the technically supported site layout. These site elements would be subject to approval through Site Plan Control in consultation with the CRCA.

Commercial Gound Floor:

In order to implement the intent of the mixed-use building permissions, the recommended by-law includes a minimum commercial ground floor area of 90 square metres, as well as a minimum first storey height of 4.5 metres. This ground floor height is a typical requirement for mandatory ground floor commercial areas within the downtown and Williamsville context to support functional commercial spaces. These requirements together implement the intended mix of uses at-grade within the building design in order to promote an attractive waterfront trail condition that provides opportunities for trail users to stop on the site.

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Height and Tower Floorplate:

The HB zone does not contain a maximum height provision, however the uses permitted as of right by the zone are not generally those that would exceed a typical low-rise commercial building. The proposed amendment introduces maximum building height at the lesser of 19-storeys or 61 metres. As described through the above sections, the proposed 19-storey height is compatible with the surrounding built form and supported through the planning justification, urban design and heritage impact studies.

The recommended by-law also introduces additional provisions related to maximum tower floorplate above the third storey, and minimum setbacks above the third storey. These provisions implement the podium/tower-built form which has been refined through the iterative design process and supported through the application materials.

The recommended zoning by-law also contains special provisions for permitted projections above the 19th storey, to accommodate the required elevator overrun and those mechanical elements which cannot be accommodated within the 19th storey penthouse. The amending by-law allows for permitted projections to be 5.5 metres above the maximum building height, to cover an area of 35% of the penthouse roof, and to be flush with the edge of the penthouse roof on one side only. The recent City-led zoning by-law amendments which were approved by Council expanded projection provisions to allow for a 5-metre height and 30% roof coverage permissions for mechanical projections. These changes account for commonly observed requirements for taller buildings with slim tower floorplates. In this case, the mechanical projections would be above the 19th storey penthouse which provides a narrower floorplate at 632 square meters. The additional 5% roof coverage provisions are a result of this small floorplate size. The applicant has indicated that their other recent projects which have undergone detailed design in the City have required a 5.5-metre mechanical height for typically used systems; the additional 0.5 metre height is requested to account for these systems as detailed design work is finalized for the development.

Setbacks:

The HB Zone does not include minimum setback requirements from lot lines, instead using minimum setbacks from the high-water mark to regulate building location. The HB zone requires that any building or use be located no closer than 10 metres from the high-water mark, superseding the 30-metre minimum setback required by Section 4.23.1 of the Zoning By-law. This reduced water setback in the HB Zone recognizes the status of the harbour area as an urbanized waterfront environment, as further reflected in the site-specific EIS completed for the property. Despite 10 metre as-of-right setback permissions, the recommended zoning by-law amendment generally implements increased high water setback requirements for the subject property to reflect the building location reviewed through the submission materials and supported by the CRCA. The by-law regulates both the below-grade and above-grade building elements, providing relief only from the setback of a below-grade parking structure to the northern high-water mark, which reflects the most shielded and regulated water frontage, being the dry dock.

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Parking:

A series of reliefs are sought to accommodate the unique parking area design, vehicle circulation, and loading considerations on the site, which are described in detail in the table below and in the draft zoning by-law. These include parking space length, drive aisle width, loading space length, and maximum driveway width. Due to site constraints related to the setback from the water and erosion hazard, it is not possible to expand the floor area of the parking garage to accommodate the as-of-right parking design standards. The proposed design standards are a reflection of the standards that previously existed under former Zoning By-Law Number 96-259 which was in effect at the time of application submission, as well as a reflection of other successful parking area designs on comparable sites which are faced with similar constraints. No adverse impacts are anticipated as a result of the reduced parking space length or drive aisle width, as sufficient space will continue to be available for vehicle movements through the site. Minimum accessible parking design standards under the *Accessibility for Ontarians with Disabilities Act* (AODA) will continue to be met. Further, the increased driveway width of 7.6 metres is required to provide an acceptable fire route into the site.

While the total number of regular parking spaces provided complies with the requirements of the Kingston Zoning By-law, the applicant is proposing to provide excess parking spaces beyond the minimum requirement (74 regular parking spaces were a minimum of 47 parking spaces are required). A higher number of small car parking spaces are contemplated (23 small car spaces where a maximum of 9 small car spaces are permitted); however, given that more than 47 regular parking spaces will continue to be provided in accordance with the requirements of Parking Area 1 (PA1) staff have no concerns with the provision of additional small car spaces to a maximum of 23.

Finally, site-specific provisions have been incorporated to allow for the provision of off-site parking and loading on the Shipyards property which abuts the subject lands to the west and is also owned by the proponent. These functional elements will be secured on title by way of easement and are subject to approval through the Site Plan Control process.

The recommended zoning by-law amendment is included as Exhibit C.

Other Applications

There are currently no other active *Planning Act* applications for the property. A future application for Heritage Permit and Site Plan Control will be required, as discussed herein.

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.

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Public Comments

The following is a summary of the public input received to date, including a summary of the feedback received at the Public Meeting on July 15, 2021. All original written public comments are available in Exhibit O of this report.

- **Building Height and Podium Design:** Question as to why the building needs to be 14 storeys in height [per the first submission]. Comment that the building footprint is far too large for the site and that the tower floorplate is too deep as compared to other surrounding buildings along the waterfront. Comment that it would be interesting to see what the parking garage/podium might look like from the water, land, or by foot via the proposed walkway.

Response: The current development proposal for 19-storey apartment building in a podium-tower configuration reflects the recommendations of the peer review. At the podium level, the height has been increased from a single storey of parking to a three-storey podium. This serves to frame and enhance the pedestrian streetscape, relate the podium to the adjacent heritage structures and create an appropriate transition to the surrounding mid-rise buildings and nearby low-rise area. The floorplate of the podium has been significantly reduced from the first submission, providing for increased open space at the end of the pier. The tower massing has been reduced and rounded to provide a slenderer profile. The tower has a typical tower floorplate (floor area) of 795 square metres, which is significantly less than other existing towers to the east along Ontario Street. By comparison, the 16-storey buildings located at 85 Ontario Street and 5 Gore Street approximately 100 metres to the east have tower floorplates of over 1,000 square metres. The tower design minimizes shadow impacts, maintains protected views and reduces the overall scale of the building. Rendered views of the building from the water and the proposed waterfront trail are included in Exhibit K.

- **View Preservation:** Comment that the design does not meet the intent of the view preservation policies in the Official Plan. The developed roadway between Ontario Street and the water is narrower than the balance of Lower Union Street and the centreline is shifted north from the balance of the street. To fulfill the intent of the protected view corridor, the proposed design should be evaluated relative to the extension of the road allowance which forms the main portion of Lower Union Street for several blocks west.

Response: The property contains a protected view to the water down Lower Union Street south of King Street East as shown on Schedule 9 of the Official Plan. The Plan directs that the siting, massing and design of buildings in protected view areas should not interrupt sightlines to the water. The HIS and addendums provide a view analysis confirming that while the tower will be visible from the protected view plane as an extension of the existing street wall, the building placement will frame rather than obstruct the views to the water and thus complies with the direction of the Official Plan. Exhibits K and L contain rendered images from the Urban Design Study and screenshots of the current 3D model to illustrate the resulting views of the building at the base of Lower Union Street.

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Further, the introduction of a perimeter waterfront trail around the site represents a new amenity at a location where the waterfront pathway will now meet this protected view, enhancing the use of this area and opportunities for appreciation of the view in conformity with Section 8.8 of the Official Plan.

- Heritage and Archaeology: Comment that the proposed development doesn't fit with the heritage character of the waterfront and will detract from tourism in the City. Comment that it is very important that special care be taken with respect to the excavation of the site as a possible burial site.

Response: The property is designated under Part IV of the *Ontario Heritage Act* and is recognized as a National Historic Site of Canada. The property is located outside of Old Sydenham Heritage Conservation District, with its limit being west of Ontario Street at Lower Union Street. A HIS (and addendums) were prepared for the application by ERA Architects. The initial HIS submission was peer reviewed by Robertson Martin Architects. The iterative revisions to the design are supported by the heritage consultant and staff as further reducing potential shadow and heritage impacts on the adjacent heritage structures and providing a more proportional podium massing with masonry cladding and window patterning that pays tribute to the historic industrial uses of the area. Additional recommendations, including preparation of an Interpretation Plan and refinement of specific design details such as window patterning and material selection have been included as matters to be addressed through the Site Plan Control and the heritage permit processes. Given the site's heritage designation, the owner will also require a heritage permit ahead of construction in accordance with the requirements of the *Ontario Heritage Act*.

The subject site has been cleared of archaeology. Stage 1 and Stage 2/3 Archaeological Investigations were previously completed for the site. As per discussions with the Ministry of Tourism Culture and Sport (now the Ministry of Citizenship and Multiculturalism), due to the highly disturbed nature of the site, construction monitoring during the excavation of the site will be required as opposed to further Stage 3 investigations.

- Ribbon-of-life and Natural Hazards: Concern that the reduced setbacks from Lake Ontario will increase the risk of environmental pollution, erosion, and contamination. Concern regarding storm events, wave height, and wind strength. Comment that the revised building plan as of December 2023 did not fully resolve the CRCA's comments related to the dangers of flooding on this site.

Response: As part of the application materials, an Environmental Impact Statement has been prepared by Ecological Services, and independently peer-reviewed by Gemtec. The EIS and peer review response concludes that there are limited natural heritage features or functions associated with the site itself due to its past infilling and industrial use. The site does not provide riparian functionality as it is a man-made sheer wall structure elevated above the normal water level. The study recognizes the potential of impacts from the development on fish habitat within the lake and on migratory birds. The study

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notes that in-water works should follow engineering best management practices and will be subject to a Department of Fisheries and Oceans authorization process under the Fisheries Act.

The property also contains area of recognized natural hazards associated with the regulatory flood plain and erosion hazard. A Natural Hazards Assessment has been completed by Riggs Engineering, reviewed by the CRCA and independently peer-reviewed by SJL Engineering. The property's artificial shoreline has experienced deterioration and erosion when compared to the original wharf wall condition, especially along the south and eastern walls. Without rehabilitation of the walls, Riggs indicates that the shoreline would continue to deteriorate and would likely result in a full failure of the site and spill of hazardous materials into Lake Ontario. Riggs and the CRCA agree that the owner has a responsibility to repair the shore walls to original conditions in order to prevent further contamination of the lake as a result of ongoing erosion, regardless of development potential. Consequently, a natural outcome of these required repairs will be increased development potential on the site.

Through review, the CRCA has taken a balanced approach for defining the extent of the natural hazards at the site. The extent of the flood and erosion hazards have been assessed based on the assumption that the site protection works are repaired to their original condition. Through the iterative review process, the applicant has demonstrated that the proposed building will be in the area of least and acceptable risk and the development will be entirely out of the erosion hazard and nearly entirely out of the flood hazard, with the exception of a small portion of the below-grade parking area and a sliver of the tower. Further protection works will be undertaken as part of the detailed design phase to ensure the entire development is protected from long-term flooding and erosion and the building, seawall and associated structural components will achieve a 100-year design life and further mitigate any outstanding risk factors.

The CRCA issued a letter on September 17, 2024, confirming that all remaining CRCA comments have now been addressed by the current submission and that the applicant has demonstrated compliance with applicable natural hazard policies as laid out in the PPS, Official Plan, and CRCA policy documents.

- Waterfront Trail Design: Comment that the City's waterfront will become an area for only those privileged enough to afford the expensive residences and view of the water and that this waterfront property should be for all to enjoy. Comments that the proposed public walkway is too narrow as the Landscape Architectural Graphic Standard for shared-use trails in a minimum of 10 feet width and that limited details are given about handrails or other visual cues where there is a grade change or ramp. Question whether the new path will be maintained/plowed in the winter. Question whether pedestrians will be permitted to pass through the Shipyards parking lot.

Concern regarding the potential for conflict between the trail and the S.S. Keewatin's anchorage area and the lack of details regarding handrails or other visual cues regarding

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grade changes on the trail. Further comments requesting architectural renderings that depict the Keewatin beside the proposal.

Response: The introduction of a public pathway and lookout on the site will significantly improve the ability for the general public to enjoy the waterfront views available from the site, in accordance with the direction provided by the City's Waterfront Master Plan.

In the City of Kingston, new multi-use trails are typically designed to a standard of 3 metres in width, whereas sidewalks are designed to a minimum standard of 1.5 metres in width, which is reflected on the conceptual site plan. Some ramping is needed along the southern portion of the trail to maintain maximum grades of 5% in accordance with the City's accessibility design standards. The future waterfront trail will be built to City's Facility Accessibility Design Standards (FADS) and as a multi-use trail is intended to accommodate a variety of mobility devices. Its important to remember that the site plan submitted through the OPA/ZBA application is conceptual and does not represent a detailed site plan drawing with design elements such as lighting, signage, handrails, etc.

Details surrounding maintenance responsibilities are currently being reviewed; however, it is expected that the waterfront trail will be maintained during the winter to the same standards as other portions of the trail in this area.

For safety reasons, a route will not be provided through the parking lot. An alternative route will be provided at the start of the roundabout, approximately 40 metres from the end of the dock.

The concerns raised regarding potential conflicts with the S.S. Keewatin's anchorage area are well taken. At the Site Plan Control stage, the detailed design of the trail will be finalized, and we will have the opportunity to work with the Marine Museum and other partners as needed to troubleshoot any conflicts. Exhibit L includes an approximate overlay of the site plan and an aerial photo of the Keewatin which has been prepared by staff to illustrate the resulting condition between the waterfront trail and the adjacent Keewatin.

- Emergency Access and Traffic: Comments that the proposed emergency fire access does not meet Building Code requirements. Concern that the proposal will result in a large increase in traffic congestion in the area and that reliable emergency access to the building will be compromised by the single public access road if a new cruise ship terminal is built.

Response: The current design iteration has been revised in response to technical comments from staff to ensure a compliant fire access route is provided on the site. A Traffic Impact Study has been completed by Josselynn Engineering Ltd. in support of the development application. The traffic study concludes that the proposed development will have a negligible effect on traffic flows during peak periods. The Ontario Street/Lower Union Street intersection is anticipated to continue operating at a Level of Service (LOS) of "A" during the AM and PM peak periods. No improvements to the surrounding road networks are required to accommodate the development.

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- Parking: Comment that the proposed design allots parking spaces for all 68 residential units [per the first submission]. In keeping with the discussion paper, The Power of Parking, the size of the parking podium should be reconsidered to offer more design alternatives and expand the range of tangible community benefits in the form of green space. Further comment that the turnaround at the end of the pier is not a suitable location for parking or the best use of this space. Comments were also received to raise concerns that the proposal does not offer suitable parking for visitors. Concern that the Marine Museum's parking will be significantly reduced as a result of this development. Further concern regarding the reduced parking space dimensions and provision of small car parking spaces, where large cars are becoming more popular.

Response: The current design iteration now provides regular vehicle parking spaces at a rate of 0.63 spaces per dwelling unit, which is in keeping with the range that is contemplated for Parking Area 1 (PA1), being a minimum of 0.4 parking spaces per dwelling unit and a maximum of 1.0 parking spaces per dwelling unit. In response to comments received from commenting agencies and the public, the size of the podium has been significantly reduced and all parking spaces removed from the turnaround at the end of the pier. A total of 11 visitor parking spaces will be provided, along with 3 car-share spaces and 1 short-term delivery space, which significantly exceeds the minimum requirements of the Kingston Zoning By-Law.

The Marine Museum's property access would be functionally unchanged and the Marine Museum's parking area would be maintained, as shown in the site plan included in Exhibit K.

The proposed parking design standards are a reflection of the standards that previously existed under former Zoning By-Law Number 96-259 which was in effect at the time of application submission, as well as a reflection of other successful parking area designs on comparable sites which are faced with similar constraints. No adverse impacts are anticipated as a result of the reduced parking space length or drive aisle width, as sufficient space will continue to be available for vehicle movements through the site. Minimum accessible parking design standards under the Accessibility for Ontarians with Disabilities Act (AODA) will continue to be met.

While the total number of regular parking spaces provided complies with the requirements of the Kingston Zoning By-Law, the applicant is proposing to provide excess parking spaces beyond the minimum requirement (74 regular parking spaces were a minimum of 47 parking spaces are required). A higher number of small car parking spaces are contemplated (23 small car spaces where a maximum of 9 small car spaces are permitted); however, given that more than 47 regular parking spaces will continue to be provided in accordance with the requirements of Parking Area 1 (PA1) staff have no concerns with the provision of additional small car spaces to a maximum of 23.

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A total of 14 electric vehicle-ready parking spaces are intended to be provided on site, including 2 on the ground level and 12 on P1.

- Stop-up and Closure of Lower Union Street: Question if Homestead takes possession of Lower Union Street right-of-way from Ontario, would the Museum have any frontage remaining? Would land title provide deeded passage rights to permit the museum and visitors to access the museum parking lot? Is a lot required to have frontage on a municipal street and would this transfer not eliminate any frontage on a municipal street for the museum? Comment that easements can ensure access but the owner of the road allowance may have the right to require other users to share maintenance costs such as snow removal and infrastructure renewal over time.

Response: Should the transfer of Lower Union Street proceed, public access easements will be in place to allow members of the public to continue to access the waterfront trail from this portion of the street. Further, servicing easements will be required to facilitate any servicing infrastructure under this portion of the road allowance that services the Marine Museum.

The Marine Museum's property access would be functionally unchanged and the Marine Museum's parking area would be maintained, as shown in the site plan included in Exhibit K. The associated easement agreements would place all road maintenance responsibilities, such as snow removal, on the owner of 5 Lower Union Street in perpetuity.

- Technical Considerations for Potential Future Cruise Ship Docking: Comments that the essential provisions for a mid-sized cruise boat docking facility need to be planned, designed, and described in these planning documents. These include comments and concerns related to docking, embarking and disembarking, hydro needs and an associated substation, and water supply/hydrant needs, as well as a general concern regarding the lack of economic benefit to the community. Comment that the City should not consider the suggested dock as a feature that merits designation as a community benefit or included as a permitted use in the zoning by-law amendment.

Response: The potential for a cruise ship dock to be accommodated at this location in the future is still under review by staff as directed by Council; however, the cruise ship docking use does not form part of the current proposal by Homestead or as a credited community benefit. However, the current zoning on the property Harbour Zone (HB) which will continue to be in place and would permit both a ferry terminal and a marina as of right.

At this stage, the site design includes appropriate fire route turning to the end of the dock, as well as reconstruction of the sea wall to appropriate conditions to support the potential future docking use. The fire route design would support passenger loading and unloading. Further design considerations would be reviewed at a later stage, should City Council direct staff to pursue further.

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- Construction Impacts: Comments that considerations for the safety of current residents and the integrity of neighbouring buildings and uses must be paramount in the City's decision on the technical feasibility of the project.

Response: It is not known at this time how long building construction will take or as a result how long this portion of the waterfront trail may need to be closed. As a condition of Site Plan Control approval, a Construction Management Plan will be required, which will allow staff to secure appropriate detour signage along the trail for the duration of construction and ensure appropriate access is maintained to surrounding properties, including the Shipyards building.

- Long-term Impacts on Shipyards Residents: Concerns regarding potential impacts on the Shipyards apartment building (33 Ontario Street), including parking and garbage collection.

Response: Vehicle parking for 33 Ontario Street will continue to be provided in excess of the requirements of the Kingston Zoning By-law and garbage collection will remain unchanged.

- Documentation on DASH: None of the submitted planning and design review documents from Homestead address the latest design revision. These include reports on heritage, pedestrian wind assessment, noise impact, traffic impact, view corridor assessment, and public waterfront walkway encroachment. Consequently, any changes in these features due to the changes in the latest building and site design are not yet available for peer or public review.

Response: All submission materials and technical review comments associated with the application are publicly available on DASH. The various technical studies were updated at different stages of the review process at the request of staff and other commenting groups to reflect changes in site and building design as required.

- Construction Beyond Site Boundaries: Concern that the project proposes to reclaim land from Lake Ontario, which is beyond the site boundaries. The proposed vertical seawall structure adds almost a metre to the site, beyond the property line and the crushed rock berm on the lakebed and boulder revetments extend much further into the lake. This is the equivalent of someone building a retaining wall and berm on adjacent public lands to enhance and expand their usable property.

Response: In-water works associated with the proposed development will be subject to the approval of the CRCA and Department of Fisheries and Oceans. The applicant has engaged with all of these respective groups and is in the process of obtaining the required approvals.

- Notice Sign: Comment that the application notice sign is in an inconspicuous location very far from the waterfront path that most people travel.

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Response: The application notice sign, on the subject property meets all statutory requirements under the *Planning Act*, as well as City practices. The sign must be provided on the subject property itself and has been located as close to Lower Union Street as possible.

Effect of Public Input on Draft By-Law

In response to technical comments as well as public concerns related to water setbacks and design of the pathway, particularly at the southern edge of the site, the setback from the high-water mark to the above-grade podium has been increased from 34.8 metres to 56 metres to the east and from 3.5 metres to 14.5 metres to the south. This setback allows for a functional, safe and attractive waterfront pathway (including landscaping, viewing and seating areas), with final design to be refined through Site Plan Control.

The changes to the site design since the initial public meeting to improve the building design and respond to technical and public comment have resulted in an increase in building height from 14 to 19 storeys.

Conclusion

The revised proposal represents a compatible mixed-use development, which will provide for improved public access and activation on a historic waterfront site. The development will support Council’s goals related to intensification and the creation of rental housing units within the Urban Boundary, in a location that is within walking distance of downtown and in close proximity to major employers like Queen’s University and Kingston General Hospital. The proposal will facilitate much needed reinvestment in a highly contaminated, deteriorating site which is at risk for failure potentially resulting in the spill of contaminated materials into Lake Ontario.

The applications are consistent with the Provincial Planning Statement, confirms 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 Planning Statement, 2024

Ontario Heritage Act

Accessibility for Ontarian with Disabilities Act

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Ontario Environmental Protection Act

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Brownfield Community Improvement Plan

By-Law Number 2007-219 – Part IV Heritage Designation for 55 Ontario Street

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 205 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 March 11, 2025.

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, a high volume of written public correspondence on the OPA/ZBA and CIP amendment applications been received. 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:

The inclusion of the subject property into Project Area 1B of the Brownfield Community Improvement Plan will allow the owners to make application for brownfield financial benefits. Any future applications for brownfield financial benefits will be reviewed by City staff and any recommendations deemed appropriate will be the subject of a separate report to Council.

Contacts:

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Meghan Robidoux, Senior Planner, 613-546-4291 extension 1256

Lindsay Reid, Senior Planner – Urban Designer, 613-546-4291 extension 3277

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Paul MacLatchy, Environment Director, 613-546-4291 extension 1226

Other City of Kingston Staff Consulted:

Joel Konrad, Manager, Heritage Services

Ryan Leary, Senior Planner, Heritage Services

Garret Hoegi, Manager, Development Engineering

Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend the Official Plan
- Exhibit B Draft By-Law and Schedule A to Amend the Community Improvement Plan
- Exhibit C Draft By-Law and Schedule A, B and C to Amend Zoning By-Law Number 2022-62
- Exhibit D Key Map
- Exhibit E Neighbourhood Context
- Exhibit F Consistency with the Provincial Planning Statement
- Exhibit G Official Plan, Land Use
- Exhibit H Conformity with the Official Plan
- Exhibit I Zoning By-Law Number 2022-62
- Exhibit J Proposed Site Plan, Floor Plans, and Elevations
- Exhibit K Renderings and View Analysis
- Exhibit L Shadow Study and Other Supplemental Imagery
- Exhibit M Site Photographs
- Exhibit N Public Notice Map
- Exhibit O Public Comments

By-Law Number 2025-XXX

A By-Law to Amend The City Of Kingston Official Plan (Amendment Number 96, 5 Lower Union Street)

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on July 15, 2021;

Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

- 1. The City of Kingston Official Plan is hereby amended by the following map change which shall constitute Amendment Number 96 to the Official Plan for the City of Kingston.
 - (a) **Amend** Schedule ‘3D’, ‘Site Specific Policies’, of the City of Kingston Official Plan, so as to designate the property located at 5 Lower Union Street, as shown on Schedule ‘A’ to By-Law Number 2025-____, as ‘Site Specific Policy Area Number 78’.
- 2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.18.78

“3.18.78 The property at 5 Lower Union Street is intended to accommodate a mixed-use apartment building, access and amenities for a potential deep water dock, and public and private open spaces including a waterfront trail.

The lands within the Site Specific Policy Area may be developed subject to the following:

- a. Development is permitted less than 30 metres from the shoreline of Lake Ontario, subject to specific setbacks established through the zoning by-law, in consultation with the Cataraqui Region Conservation Authority.
- b. Development is permitted partially within the regulatory floodplain associated with Lake Ontario (based on existing conditions), subject to limits that may be established through the zoning by-law in consultation with the Cataraqui Region Conservation Authority.

- c. The minimum erosion access allowance may be reduced to 4 metres, in consultation with the Cataraqui Region Conservation Authority.
 - d. Development is permitted within the riparian corridor areas shown on Schedule 8A, subject to specific setbacks established through the zoning by-law.
3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

By-Law Number 2021-XXX

A By-Law to Amend By-Law Number 2018-13 “A By-Law to Adopt the Brownfields Community Improvement Plan”, as Amended (5 Lower Union Street)

Passed: [Meeting Date]

Whereas a public meeting was held regarding this amendment on November 18, 2021;

Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 28 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. By-Law Number 2018-13, “A By-Law to Adopt the Brownfields Community Improvement Plan”, as amended, is hereby further amended as follows:
 - a. Paragraph 2 of Section 5.1 is amended by adding the following sentence at the end thereof: “Project Area 1B was extended in ____ to include the property at 5 Lower Union Street.”;
 - b. Map 1 as amended by Schedule “A” to by-Law 2020-148 is further amended to include the property at 5 Lower Union Street, as shown in Schedule “A” to By-Law Number 2021-____;
 - c. Section 6.0a. is amended by deleting the words “first, and” and replacing them with the following: “first. Notwithstanding the preceeding, the Property Owner of 5 Lower Union Street may submit applications under the CIP up to December 31, 2035, and may be eligible to receive Brownfields CIP funding up to December 31, 2045 for approved eligible Rehabilitation costs, and.”; and
 - d. The final paragraph of Section 6.0 is amended by adding the following sentence at the end thereof: “Notwithstanding the above, the property at 5 Lower Union Street shall be eligible to apply for funding under the Brownfields Program despite its history of federal ownership.”
 - e. This By-Law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this By-Law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, this By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A'
to By-Law Number _____
A By-law To Amend By-Law Number
2005-40


File Number: D09-003-2021

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2021.

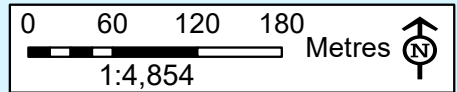
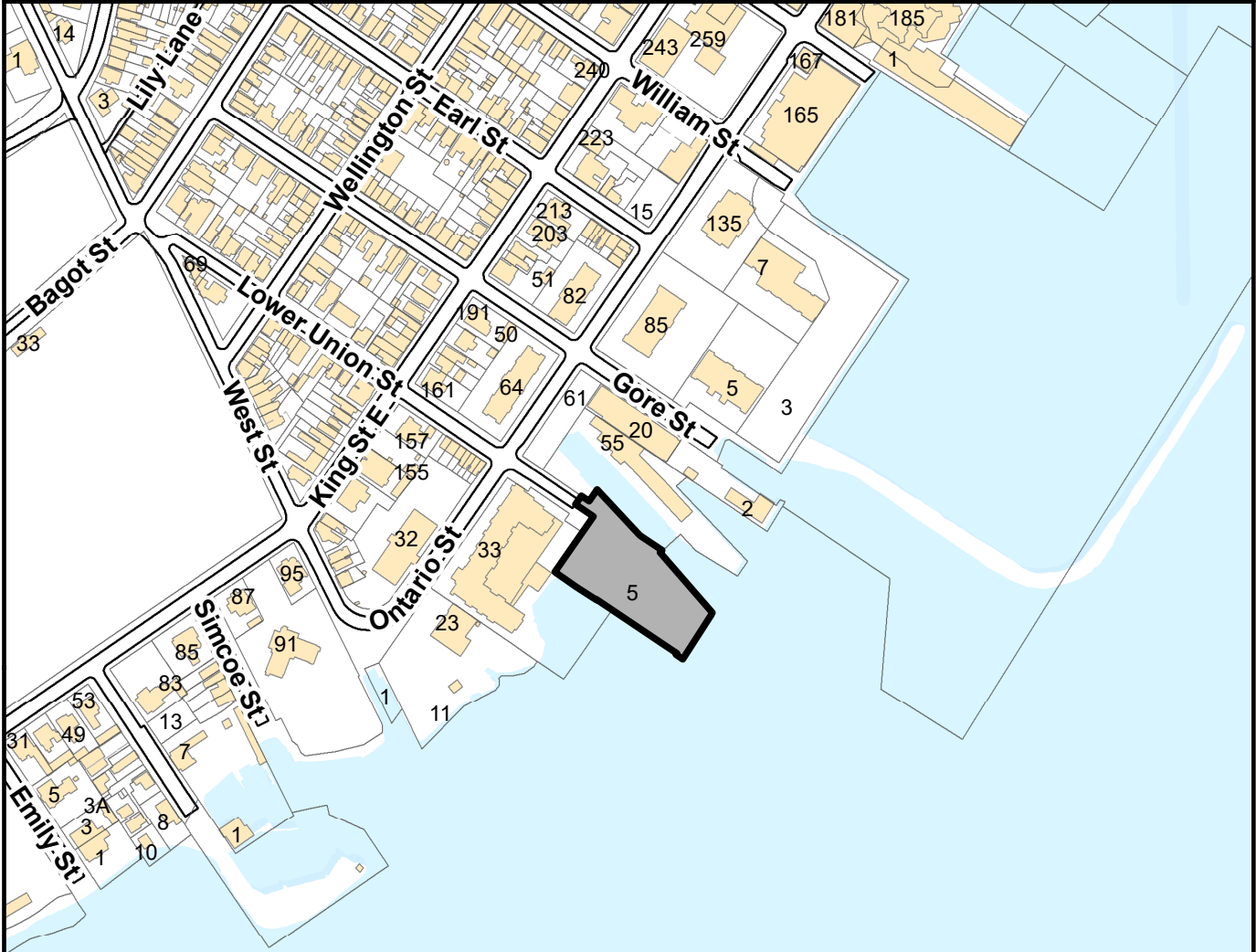
LEGEND

Reference By-law 2005-40

 Lands to be added to Project Area 1B

Mayor

Clerk



Prepared By: Ichu
Date: Aug-12-2021

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By-Law Number 2025-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception E169 (5 Lower Union Street))

Passed:

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”);

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 A – Floodplain Overlay is amended as shown on Schedule “A” and Schedule “B” attached to and forming part of this By-Law;
 - 1.2. Schedule E – Exception Overlay is amended by adding Exception ‘E169’, as shown on Schedule “C” attached to and forming part of this By-Law;
 - 1.3. By adding the following Exception Number E169 in Section 21 – Exceptions, as follows:

“**E169.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) In addition to the uses permitted in the HB Zone, an **apartment building** or a **dwelling unit** in a **mixed use building** are permitted **uses**;
 - (b) The maximum number of **dwelling units** in a **mixed-use** or **apartment building** is 118;
 - (c) The following non-residential uses are also permitted within a **mixed use building**:
 - (i) Creativity Centre
 - (ii) Fitness Centre
 - (iii) Grocery Store

- (iv) Laundry Store
 - (v) Library
 - (vi) Museum
 - (vii) Office
 - (viii) Personal Service Shop
 - (ix) Wellness clinic
- (d) The maximum **building height** is the lesser of 19 storeys and 61 metres;
- (e) The minimum **separation distance** from the **high water mark** of a **waterbody** to any **building** is as follows:
- (i) South lot line: 14.5 metres except that this may be reduced to 14.0 metres for a maximum building length of 7.0 metres through Site Plan Control and in consultation with the Cataraqui Region Conservation Authority.
 - (ii) North lot line: 12.0 metres, except this may be reduced to 7.5 metres for an underground **parking structure**.
 - (iii) East lot line: 56.0 metres, except that this may be reduced to 43.0 metres for an underground **parking structure**.
- (f) Private **amenity space, patios** associated with a **restaurant** use, and **drive aisles** are also permitted in the minimum **separation distance** from the **high water mark** of a **waterbody**, subject to approval through Site Plan Control and in consultation with the Cataraqui Region Conservation Authority;
- (g) A portion of a **mixed use building** including an underground **parking structure**, private **amenity space, patios** associated with a **restaurant** use, and **drive aisles** may also be permitted in the area identified as “Floodplain – Wave Uprush” on Schedule A, subject to approval through Site Plan Control and in consultation with the Cataraqui Region Conservation Authority;
- (h) The minimum **height** of the **first storey** is 4.5 metres;
- (i) The minimum **non-residential use** floor area is 90 square metres;
- (j) The minimum **stepback** above the third **storey** is 1.5 metres for the north exterior wall, 10 metres for the east exterior wall, 4.5 metres for the south exterior wall, and 10 metres for the west exterior wall.
- (k) The maximum tower floorplate above the third storey is 800 square metres;

- (l) The minimum **landscaped open space** is 30%;
- (m) The **building** components identified in Clause 4.18.2. are permitted to project a maximum of 5.5 metres above the maximum permitted **height**, with a maximum area of 35% of the roof area on which they are located, in the aggregate. No minimum **setback** is required from the edge of the roof on one side only;
- (n) The minimum length of a **parking space** is 5.2 metres;
- (o) The minimum length of a Type B **accessible space** is 5.2 metres;
- (p) Three Type B **accessible spaces** are permitted to be a minimum width of 2.6 metres;
- (q) A maximum of 23 **small car spaces** are permitted;
- (r) **Parking spaces** and **visitor spaces** may be located in a **front yard** provided they are **setback** at least 1.5 metres from any **lot line** and 7.4 metres from **any street line**;
- (s) The minimum length of a **parking space** parallel to a **drive aisle** is 6.4 metres where a **drive aisle** is at least 7 metres wide;
- (t) 1 **loading space** is required and may be provided off-site within 10 metres of the **lot**. Clause 7.5.7 does not apply;
- (u) A **loading space** must be a minimum of 5 metres wide by 7.5 metres long;
- (v) The minimum **drive aisle** width is 6 metres;
- (w) The maximum width of a **driveway** within the required **front setback** is 7.6 metres;
- (x) Clauses 7.4.5 and 7.4.9.1 do not apply; and,
- (y) Off-site parking associated with an adjacent property may be provided on the site subject to approval through Site Plan Control.

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]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Address: 5 Lower Union Street
File Number: D35-003-2021




Certificate of Authentication

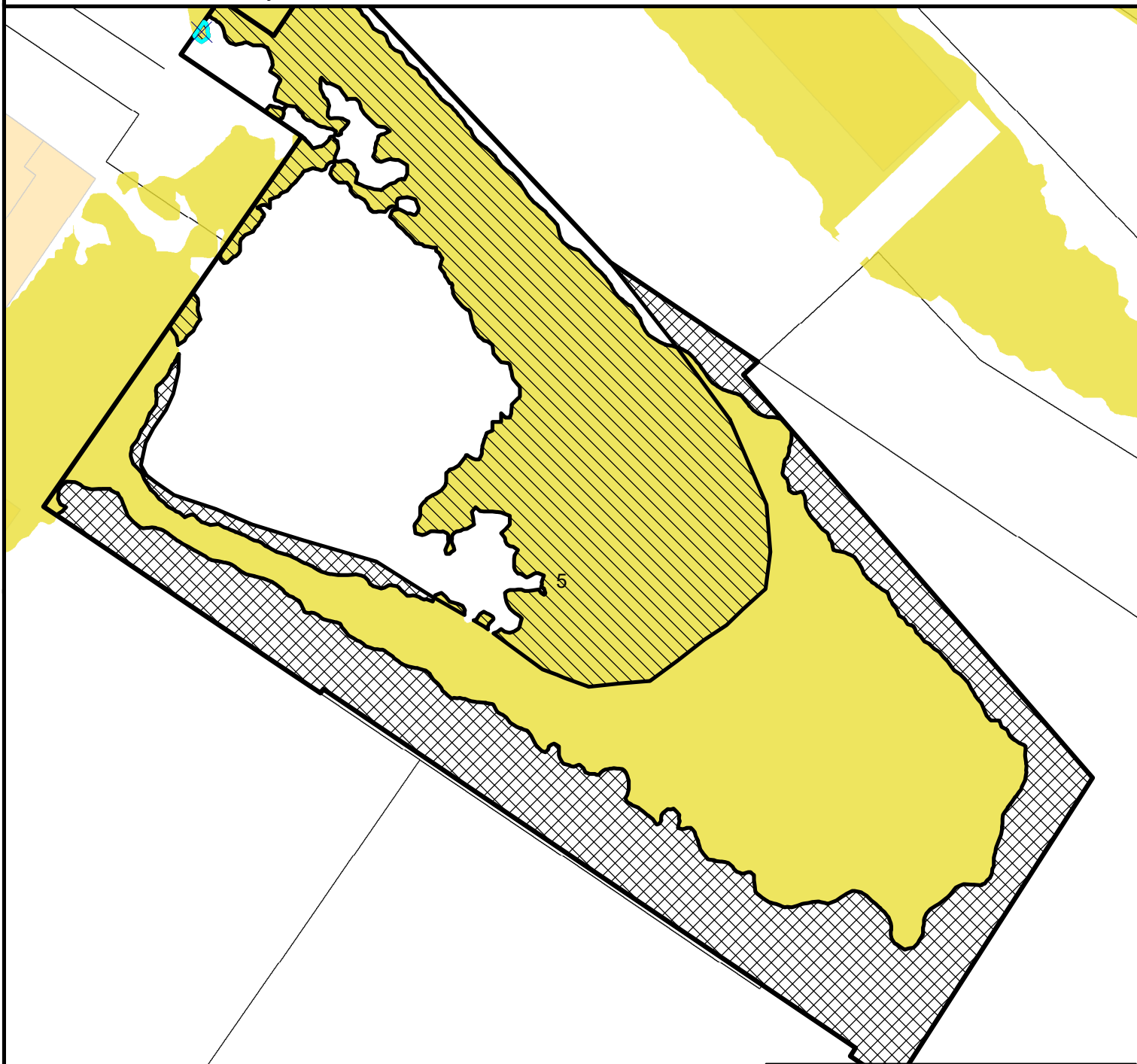
This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

_____ Mayor

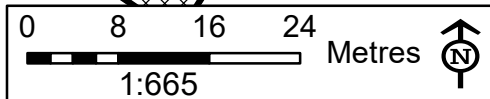
_____ Clerk

Kingston Zoning By-Law 2022-62 Schedule A - Floodplain Overlay

-  Lands to be Removed from Wave Uprush
-  Lands to be Added to Wave Uprush
-  Existing Schedule A - Wave Uprush Area



5





Schedule 'B' to By-Law Number

Address: 5 Lower Union Street
File Number: D35-003-2021

Kingston Zoning By-Law 2022-62 Schedule A - Floodplain Overlay

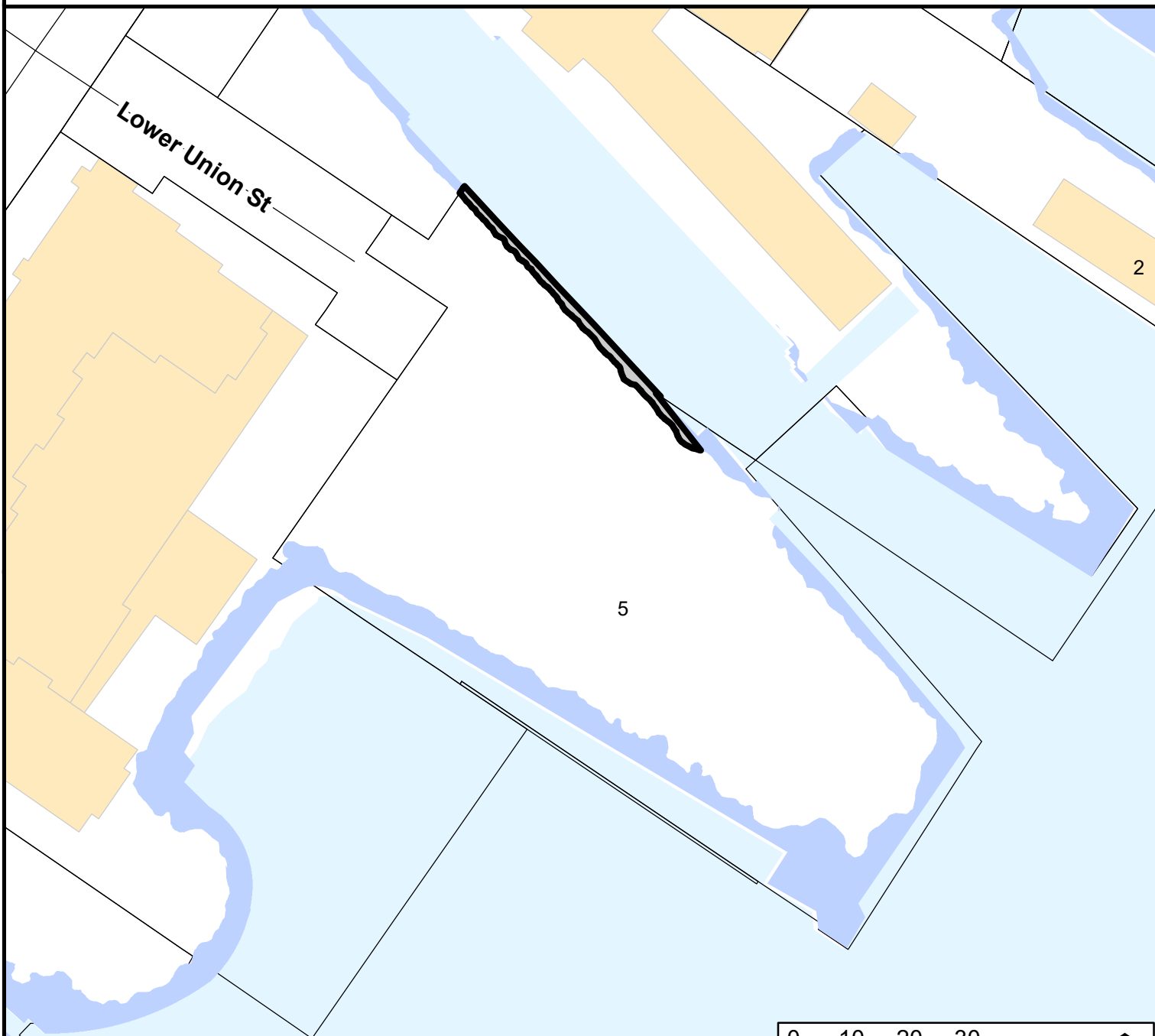
- Existing Schedule A - Floodplain Area
- Lands to be removed from 100 Year Floodplain

Certificate of Authentication

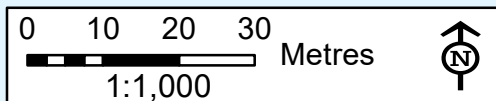
This is Schedule 'A' to By-Law Number ____, passed this ____ day of _____ 202__.

Mayor

Clerk



Prepared By: Ichu
Date: Sep-12-2024





Schedule 'C' to By-Law Number

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

Address: 5 Lower Union Street
File Number: D35-003-2021

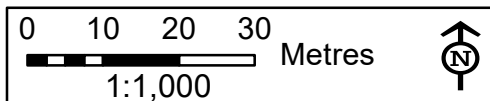
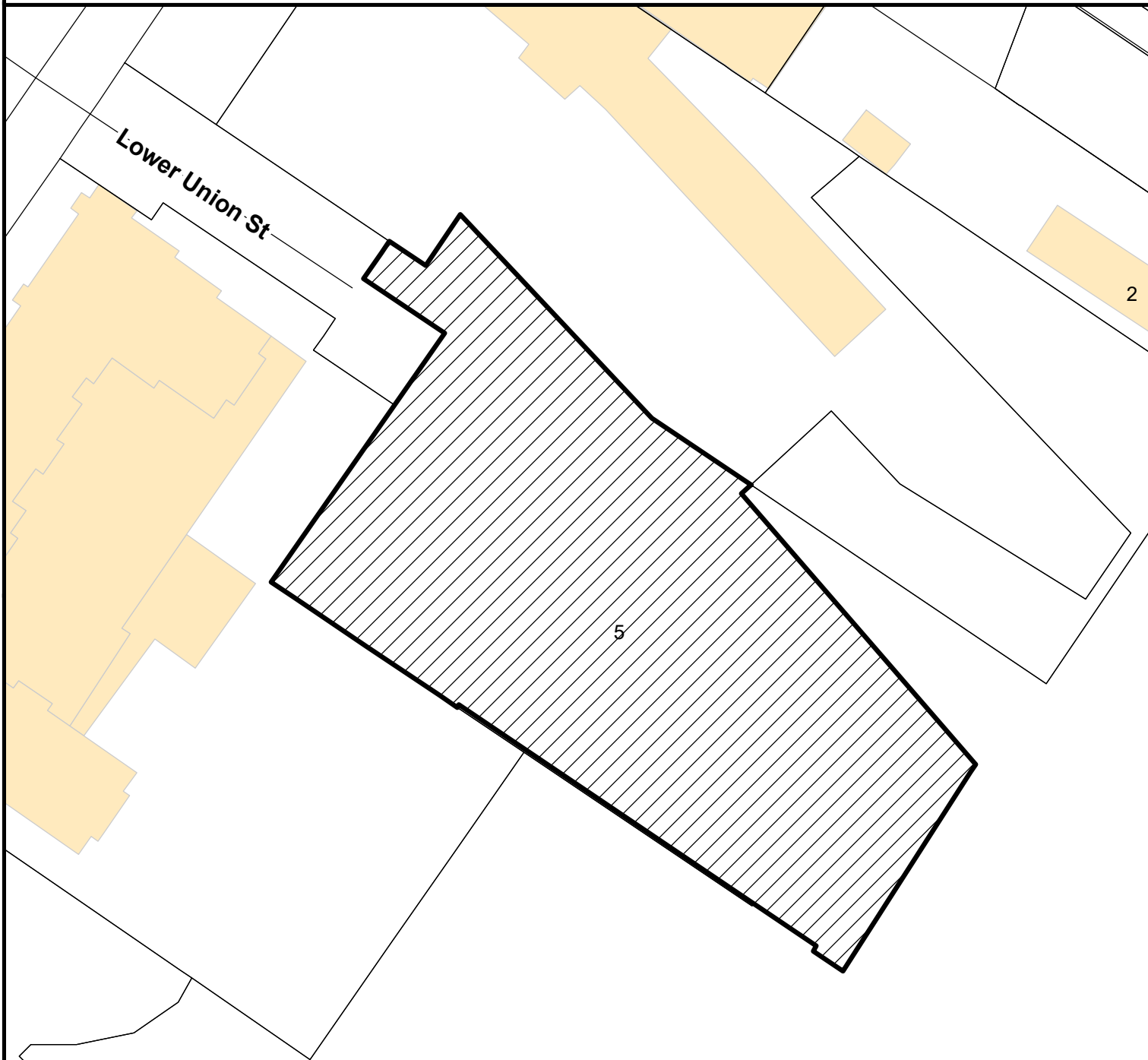
 Lands to be added as E169

Certificate of Authentication


This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 202_.

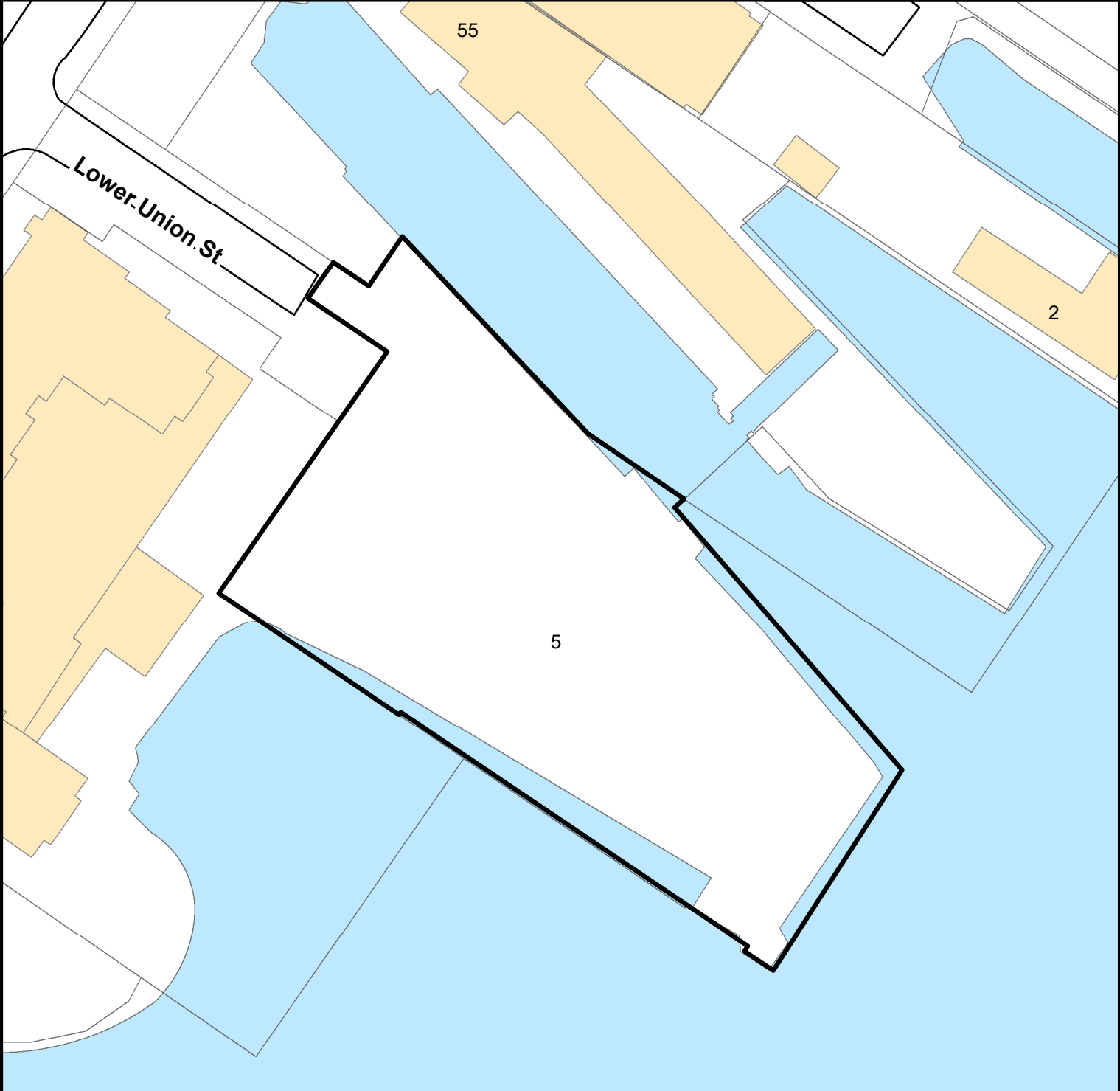
Mayor

Clerk

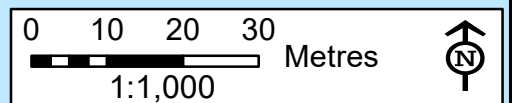




Planning Committee
Key Map
Address: 5 Lower Union Street
File Number: D35-003-2021
Prepared On: Jun-05-2024
 Subject Lands



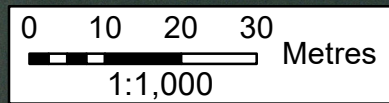
Prepared By: ncameron
Prepared On: Jun-05-2024





Planning Committee
Neighbourhood Context
Address: 5 Lower Union Street
File Number: D35-003-2021
Prepared On: Jun-05-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Demonstration of How the Proposal is Consistent with the Provincial Planning Statement (2024)

Policy	Conformity with the Policy
2.1 Planning for People and Homes	
<p>2.1.4. To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <ul style="list-style-type: none"> a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans. 	<p>The proposed development provides a range of rental unit sizes, including 13 one-bedroom plus den, 46 two-bedroom, and 57 two-bedroom plus den, which will help fulfil the projected needs of the city on serviced land that is designated for residential use.</p>
2.2 Housing	
<p>2.2.1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:</p> <ul style="list-style-type: none"> b) permitting and facilitating: <ul style="list-style-type: none"> 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) 	<p>The subject property is an underutilized former industrial site, located on the periphery of the downtown. The site is located approximately 400 metres walking distance from a bus stop at the intersection of King Street and Lower Union Street, which is serviced by Express Transit Route 601 and Route 17P. The proposal will result in the addition of 118 new rental housing units to the housing market as well as a 91 square metre ground floor commercial unit. The proposed development is supportive of active transportation by locating in close proximity to commercial, employment, and community uses in the downtown, while also providing a</p>

Policy	Conformity with the Policy
<p>for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;</p> <p>c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and</p> <p>d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.</p>	<p>commercial unit on site which will further generate pedestrian activity along this portion of the Waterfront Trail and Ontario Street.</p>
<p>2.3 Settlement Areas and Settlement Area Boundary Expansions</p>	
<p>2.3.1.1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.</p>	<p>The proposed development is located within the settlement area and would contribute to accommodating growth within the Urban Boundary in close proximity to existing transit routes.</p>
<p>2.3.1.2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>b) optimize existing and planned infrastructure and public service facilities;</p> <p>c) support active transportation;</p>	<p>See Section 2.2.1.</p>

Policy	Conformity with the Policy
<ul style="list-style-type: none"> d) are transit-supportive, as appropriate; and e) are freight-supportive. 	
<p>2.3.1.3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.</p>	<p>The proposed development will provide a range of rental housing unit types, as well as a ground floor commercial unit, in a location that is already well-served by municipal water and wastewater infrastructure, transit and active transportation opportunities, community facilities, and parkland.</p>
<p>2.3.1.4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</p>	<p>The proposed development would help the City meet its planned targets for intensification within the built-up areas as set out in the Official Plan.</p>
<p>2.9 Energy Conservation, Air Quality and Climate Change</p>	
<p>2.9.1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:</p> <ul style="list-style-type: none"> a) support the achievement of compact, transit-supportive, and complete communities; b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities; c) support energy conservation and efficiency; d) promote green infrastructure, low impact development, and active transportation, protect 	<p>The proposed building will provide residential units in a compact form in close proximity to the downtown core. Given the site's proximity to commercial and employment uses, there is opportunity for residents to utilize active transportation modes such as walking, cycling, or public transit, as their priority mode for transportation.</p>

Policy	Conformity with the Policy
<p>the environment and improve air quality; and</p> <p>e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.</p>	
<p>3.1 General Policies for Infrastructure and Public Service Facilities</p>	
<p>3.1.1. Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.</p> <p>Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:</p> <p>a) are financially viable over their life cycle, which may be demonstrated through asset management planning;</p> <p>b) leverage the capacity of development proponents, where appropriate; and</p> <p>c) are available to meet current and projected needs.</p>	<p>The proposed development has been designed at a density which will help maximize efficient use of the City's existing infrastructure assets.</p>
<p>3.5 Land Use Compatibility</p>	
<p>1. 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</p>	<p>The applicant has submitted a Noise Impact Study, prepared by Pinchin Inc., which establishes mitigation strategies for the sensitive (residential) land use to ensure compliance with provincial guidelines set out in NPC-300. A detailed noise study will be required as part of the future site plan control application and the resulting recommendations will form part of the site plan control agreement registered on title.</p>

Policy	Conformity with the Policy
provincial guidelines, standards and procedures.	The Phase II Environmental Site Assessment, prepared by XCG Consulting Limited, submitted with the application indicates that a number of contaminants of concern exceeding provincial standards are present on the site. The property will require remediation through contaminant removals or risk assessment and risk management to support the required acceptance of a Record of Site Condition (RSC) by the MECP, prior to building permit issuance.
<p>2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.</p>	<p>See Section 3.5.1.</p> <p>There are no proximate industrial, manufacturing, or major facility uses to which adverse impacts are anticipated as a result of the proposal.</p>
<p>3.6 Sewage, Water and Stormwater</p>	
<p>2. 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. For clarity, municipal sewage services and municipal water services include both</p>	<p>The subject lands make use of municipal servicing.</p>

Policy	Conformity with the Policy
centralized servicing systems and decentralized servicing systems.	
<p>8. Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle; b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads; c) minimize erosion and changes in water balance including through the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale. 	<p>A Servicing and Stormwater Management Report, prepared by Josselyn Engineering, was submitted which analyzed the high level drainage conditions on and adjacent to the site and proposes a stormwater management strategy for the project, which will be finalized and reviewed further through the future site plan control process.</p>
<p>3.9 Public Spaces, Recreation, Parks, Trails and Open Space</p>	

Policy	Conformity with the Policy
<p>3.9.1. Healthy, active, and inclusive communities should be promoted by:</p> <ul style="list-style-type: none"> a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; c) providing opportunities for public access to shorelines; and d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas. 	<p>The proposed development will improve public access to shorelines by extending the waterfront trail around the periphery of the site, implementing the vision of the City's Waterfront Master Plan.</p>
<p>4.1 Natural Heritage</p>	
<p>1. Natural features and areas shall be protected for the long term.</p>	<p>An Environmental Impact Statement has been prepared by Ecological Services, and independently peer-reviewed by Gemtec. The EIS and peer review response concludes that there are limited natural heritage features or functions associated with the site itself due to its past infilling and industrial use. The site does not provide riparian functionality as it is a man-made sheer wall structure elevated</p>

Policy	Conformity with the Policy
	<p>above the normal water level. The study recognizes the potential of impacts from the development on fish habitat within the lake and on migratory birds. The study notes that in-water works should follow engineering best management practices and will be subject to a Department of Fisheries and Oceans authorization process under the Fisheries Act. The study also recommends that any site clearing be completed outside of the migratory bird breeding window (April to August), unless a nesting survey confirms no migratory birds are nesting on-site.</p>
<p>2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.</p>	<p>See Section 4.1.1.</p> <p>The proposed redevelopment of the brownfield site will generally result in an improvement to the health of adjacent Lake Ontario by reducing the contaminants leaching from the site in its current state.</p>
<p>6. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.</p>	<p>Additional assessment on potential impacts of construction on fish habitat will be completed in consultation with the Department of Fisheries and Oceans.</p>
<p>8. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</p>	<p>See Sections 4.1.1. and 4.1.2.</p>
<p>4.2 Water</p>	

Policy	Conformity with the Policy
<p>4.2.2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.</p>	<p>The site is located adjacent to Lake Ontario. The proposed redevelopment of the brownfield site will generally result in an improvement to the health of adjacent Lake Ontario by reducing the contaminants leaching from the site in its current state. A Stormwater Management Report has been completed it support of the proposed development which evaluates stormwater management on the site and identifies that enhanced level of quality control is required for the site.</p>
<p>4.6 Cultural Heritage and Archaeology</p>	
<p>1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.</p>	<p>The property is designated under Part IV of the Ontario Heritage Act and is recognized as a Natural Historic Site of Canada as a result of its association with the Kingston Dry Dock and Pump House Complex (Marine Museum). The PPS directs municipalities to conserve cultural heritage resources for their economic, environmental and social benefits. The impact of the development on the cultural heritage value of the site has been reviewed through a Heritage Impact Statement and addendums completed by ERA Architects Inc. The original Heritage Impact Statement was independently peer-reviewed by Robert Martinson Architects. The heritage review highlights the importance of balancing heritage conservation with other public interest goals and concludes that the proposed development “conserves and maintains the integrity of the identified heritage attributes and cultural heritage value of on-site and adjacent heritage resources”.</p>
<p>2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.</p>	<p>The site has been cleared of archaeology.</p>

Policy	Conformity with the Policy
<p>3. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.</p>	<p>See Section 4.6.1.</p>
<p>5.2 Natural Hazards</p>	
<p>3. Development and site alteration shall not be permitted within:</p> <ul style="list-style-type: none"> a) the dynamic beach hazard; b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. 	<p>The property contains area of recognized natural hazards associated with the regulatory flood plain and erosion hazard. As part of the submission materials, a Natural Hazards Assessment has been completed by Riggs Engineering, reviewed by the Cataraqui Region Conservation Authority (CRCA), and independently peer-reviewed by SJL Engineering. This review has been an iterative process to achieve a final site design which is consistent with PPS direction and is accepted by the CRCA. The property's artificial shoreline has experienced deterioration and erosion when compared to the original wharf wall condition, especially along the south and eastern walls. Without rehabilitation of the walls, Riggs indicates that the shoreline would continue to deteriorate and would likely result in a full failure of the site and spill of hazardous materials into Lake Ontario. Riggs and the CRCA agree that the owner has a responsibility to repair the shore walls to original conditions in order to prevent further contamination of the lake as a result of ongoing erosion, regardless of development potential. Consequently, a natural outcome of these required repairs will be increased development potential on the site.</p>
<p>8. Further to policy 5.2.7, and except as prohibited in policies 5.2.3 and 5.2.6, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites</p>	<p>Through review, the CRCA has taken a balanced approach for defining the extent of the natural hazards at the site to ensure consistency with the intent of the PPS. The extent of the flood and erosion hazards have</p>

Policy	Conformity with the Policy
<p>where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:</p> <p>a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;</p> <p>b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;</p> <p>c) new hazards are not created and existing hazards are not aggravated; and</p> <p>d) no adverse environmental impacts will result.</p>	<p>been assessed based on the assumption that the site protection works are repaired to their original condition. Through the iterative review process, the applicant has demonstrated that the proposed building will be in the area of least and acceptable risk and the development will be entirely out of the erosion hazard and nearly entirely out of the flood hazard, with the exception of a small portion of the underground parking area and a sliver of the tower. Importantly, as confirmed by CRCA, it has been demonstrated that the proposal is consistent with tests for development in hazardous lands as per section 5.2.8 of the PPS. Further protection works will be undertaken as part of the detailed design phase to ensure the entire development is protected from long-term flooding and erosion and the building, shorewall and associated structural components will achieve a 100 year design life and further mitigate any outstanding risk factors.</p>
<p>5.3 Human-Made Hazards</p>	
<p>1. Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.</p>	<p>The property contains human-made hazards associated with poor quality fill and the former marine industrial uses. Phase I and Phase II Environmental Site Assessments were completed for the site by XCG which conclude that several contaminants of concern were found in the soil and groundwater. A Tier 3 Risk Assessment was subsequently completed and confirmed that risks associated with some contaminants (particularly petroleum hydrocarbons and mercury) were not within acceptable limits and require a combination of remediation and risk management measures. A remedial report and filing of a record of site assessment will be required prior to obtaining building permits for the development to confirm that there will be no adverse effects to</p>

Policy	Conformity with the Policy
	site users, in accordance with the direction of the PPS.
<p>2. 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>See Section 5.3.1.</p>
<p>6.1 General Policies for Implementation and Interpretation</p>	
<p>6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.</p>	<p>The Zoning By-law amendment will incorporate those portions of the subject lands within the former zoning by-law into the Kingston Zoning By-law 2022-62.</p>







Planning Services

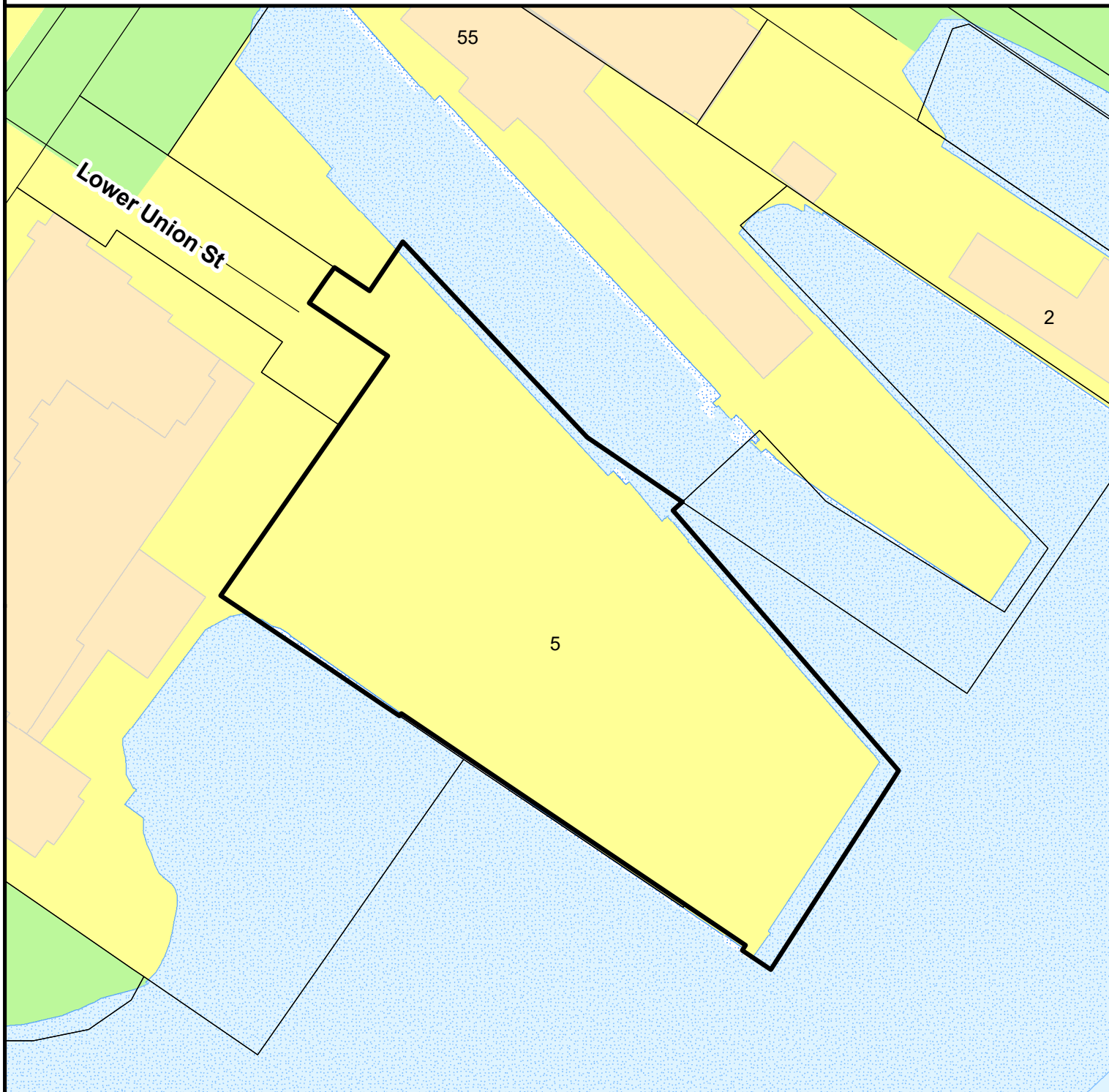
Planning Committee
Official Plan, Existing Land Use

Address: 5 Lower Union Street

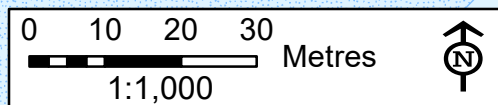
File Number: D35-003-2021

Prepared On: Jun-05-2024

-  Subject Lands
-  HARBOUR AREA
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: ncameron
Prepared On: Jun-05-2024



Demonstration of How the Proposal Conforms to the Official Plan

Policy	Commentary
Section 2 – Strategic Policy Direction	
<p>2.1.1 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"> a) appropriate (minimum) densities; b) land use patterns that foster transit and active transportation; c) enhanced access to public amenities and spaces for all residents, visitors and workers; d) direction of new development and key land uses to areas where they can best result in sustainable practices; e) maximized use of investments in infrastructure and public amenities; f) strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; g) 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; h) climate positive development; i) promotion of green infrastructure to 	<p>The proposed development will establish a high-density residential use in close proximity to the City’s downtown and in an area of existing high-density residential development. The site is located on the Waterfront Pathway between Queen’s University/Kingston General Hospital and the downtown core, meaning it is within walking distance to retail, employment and other services. Kingston Transit Route 3 runs along Ontario Street, with the nearest stop located less than 100 metres of the site. Kingston Transit Route 3 connects to the main transit hub in the City located at the intersection of Brock and Bagot Streets which provides access to several other Kingston Transit bus routes. This infrastructure provides good opportunity for active transportation, resulting in a sustainable and climate positive practice.</p> <p>The proposal high-density residential use will make use of investments in existing servicing infrastructure and public amenities, as well as result in the creation of a new public amenity in the form of the extension of the waterfront trail around the perimeter of the site.</p> <p>The proposal will provide for the rehabilitation of a brownfield site.</p> <p>The proposal will provide for long-term and short-term bike parking in compliance with the Kingston Zoning By-law, along with 14 electric vehicle-read parking spaces.</p> <p>The proposal includes ground floor commercial space to provide the potential for personal service and convenience retail uses in proximity to residential uses.</p>

<p>complement infrastructure;</p> <p>j) 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;</p>	
<p>2.1.4. In reviewing development applications, the City will promote sustainability through:</p> <p>a) encouragement of green building design to reduce greenhouse gases by adopting: • energy efficient construction; • renewable sources of energy for lighting and heating; • natural lighting; • design that reduces water consumption; • design which minimizes discharge into the sanitary sewers; and • design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use.</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</p>	<p>Green building design elements and construction methods will be utilized where feasible and reviewed in greater detail at the site plan control stage. The proposed development will limit the need for the uneconomic expansion of services beyond the urban growth boundary and will provide increased opportunities for alternative modes of transportation as the site is in proximity to downtown Kingston.</p> <p>The proposed development will increase the tax base within the urban area and provides a range of unit types to suit different demographics of the community, specifically renters.</p>

<p>that reduce the quantity of impermeable surfaces;</p> <ul style="list-style-type: none">d) construction and operational practices that minimize waste and maximize re-use of resources;e) practices that conserve or recycle materials, energy, or other resources;f) design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;g) the creation of a mix of uses that support increased access to healthy foods;h) the use of materials that have been extracted or recovered locally;i) design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;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,k) development that suits the demographic and/or socio-economic needs of the community.	
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<p>2.2.5. Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.</p>	<p>The prevailing built form in terms of height and density in the surrounding area is high-density residential, ranging in height from 6 to 18 storeys. Hence, the proposed 19 storey high-density residential use is not a departure from the prevailing built form in the area. As discussed further under Section 2.7, the proposed development can integrate compatibly with the existing development found along the waterfront in and adjacent the Downtown and Harbour Area and is supported by the site's proximity to the downtown core, major employers, and destinations such as Queen's University and Kingston General Hospital, and public amenity areas. The proposed mixed-use development includes dedicated ground floor commercial space and open space in the form of the waterfront trail.</p>
<p>2.3.1. 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 development proposes a net residential density of approximately 166 units per hectare on a site that is both underutilized and contaminated. The proposed development contributes to the realization of the City's intensification goals, by providing for growth within the established urban boundary on existing municipal services.</p>
<p>2.3.2. 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</p>	<p>See Section 2.3.1. and 2.7.</p>

<p>Specific Policy Areas, as illustrated in Schedule 13.</p>	
<p>2.3.8. 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>See Section 7.1.7.</p>
<p>2.3.11. 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 site’s proximity to retail, employment, service and amenity uses naturally provides increased opportunities for the use of alternative modes of transportation, including walking and transit. The vehicular parking rate proposed, at 0.78 standard spaces per unit, is within the range permitted by the Kingston Zoning By-law and is reflective of the target market and the proponent’s experience with demand. High quality, secure, long-term bicycle parking will be provided at a rate of 0.9 long-term spaces and 0.1 short term spaces per unit. The proposed development complies with the bike parking requirements in the Kingston Zoning By-law.</p>
<p>2.3.16. Shorelines of lakes and rivers are a valued visual, environmental, and recreational resource to be protected, and acquired, where feasible, to form a linked, public open space system.</p>	<p>The proposed redevelopment of the site will enhance the environmental health of the shoreline on the site and enhance the visual appeal of the area. Public access to the perimeter waterfront trail is will be provided through an easement to the City.</p>
<p>2.4.1. 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"> a) reduce infrastructure and public facility costs; b) reduce energy consumption and greenhouse gas emissions; c) support active transportation and viable public transit; 	<p>The proposed high-density mixed-use development will optimize the efficient use of land by making use of existing servicing infrastructure. The site’s location provides good opportunity for active transportation and transit use, thereby supporting reductions in energy consumption and greenhouse gas emissions, and a reduced reliance on private vehicle ownership.</p>

<p>d) conserve agriculture and natural resources within the City; and e) reduce reliance on private vehicles.</p>	
<p>2.4.3. 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 subject site is located adjacent to the City's primary Centre, being the downtown, and in an area of existing high-density residential development.</p>
<p>2.4.4. New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <ul style="list-style-type: none"> a) for the existing built-up residential areas, a net urban residential density of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below; b) for large-scale developments and greenfield areas, a minimum of 37.5 residential units per net hectare is established for new residential development in order to be transit supportive; c) for mixed use building developments in existing and proposed Centres and Corridors, a minimum density of 75 residential units per net 	<p>The proposed density of 166 units per hectares conforms to Section 2.4.4, by providing for a transition between high-density uses in the downtown and along Ontario Street to the east to those low-density residential forms generally found in Sydenham Ward north of Ontario Street.</p>

<p>hectare is established as the target for new residential development in order to support active transportation and transit; and,</p> <p>d) a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.</p>	
<p>2.4.5. The City has established the following minimum targets for intensification to occur within the Urban Boundary. a. It is the intent of the City that 40 percent (%) of new residential development occur through intensification.</p>	<p>The proposed development provides residential intensification within the Urban Boundary, thereby contributing to the minimum target of 40%.</p>
<p>2.5.8. 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>Municipal servicing capacity exists to support the proposed development, as confirmed by Utilities Kingston and detailed in the submitted Servicing Report by Josselyn Engineering.</p>
<p>2.5.11. 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</p>	<p>The site is conveniently located on the waterfront pathway between Queen’s University, Kingston General Hospital, and the downtown core, meaning it is within walking distance to retail, employment and other services. Kingston Transit Route 3 runs along Ontario Street, with the nearest stop located just west of Lower Union Street, less than 100 metres of the site. Kingston Transit Route 3 connects to the main transit hub in the City located at the intersection of Brock and Bagot</p>

<p>uses, and appropriate development of underutilized and brownfield sites.</p>	<p>Streets which provides access to several other Kingston Transit bus routes. Thus the proposal provides increased opportunities for the use of active modes of transportation through the development of an underutilized, brownfield site.</p>
<p>2.6.1. It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from incompatible development or types of development and rates of change that may be destabilizing.</p>	<p>The property forms part of a Housing District within the defined urban boundary as shown on Schedule 2 – City Structure of the Official Plan. Housing districts are primarily intended to accommodate residential land uses and support development that integrates compatibly within the prevailing built form generally found in the neighbourhood.</p>
<p>2.6.2. Stable areas are those which are fulfilling their intended function and generally have the following neighbourhood characteristics:</p> <ul style="list-style-type: none"> a) a well-established land use pattern in terms of density, type of use(s) and activity level; b) a common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section; c) a stable pattern of land ownership or tenure; d) a consistent standard of property maintenance with relatively little vacancy in land or building occupancy; e) a limited number of applications for development that would alter the established pattern of land assembly and built form; and, f) a sufficient base of social and physical infrastructure to support 	<p>The subject lands do not meet the criteria of the Plan to be considered a stable area as the prevailing context includes a variety of built form and tenure types, including tall-, medium- and low-rise building forms. It is further noted that since application submission, recent City-initiated policy amendments removed stable area policies from the Plan and replaced them with locational criteria direction for building form (reviewed below). Stable area policies were removed as they are fundamentally contrary to recent changes made to the <i>Planning Act</i> to promote additional density in residential neighbourhoods and respond to housing needs.</p>

<p>existing and planned development.</p>	
<p>2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	<p>The proposed high-density mixed-use building will be 19-storeys in height and have a density of 166 units per hectare. There are a variety of existing building heights and densities in the surrounding area along the waterfront, ranging from up to 18 storeys and approximately 289 units per hectare. A more detailed discussion on the compatibility of the proposed development is provided in the following sections.</p>
<p>2.7.2. 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>See Sections 2.7.3, 2.7.4, and 2.7.6 below.</p> <p>As part of the submitted Planning Justification Report, prepared by Arcadis, a review of the land use compatibility policies of the Official Plan was completed in support of the application and has been reviewed by Planning Services staff.</p>
<p>2.7.3 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>An initial shadow analysis was included with the original massing submission and has been updated to reflect the revised 19-storey tower massing. The revisions to massing, particularly the reduction in podium and tower floorplate, serve to further mitigate shadow impacts by creating a narrower shadow that moves quickly across its surroundings. The shadow study notes that the priority area to be considered for shadow mitigation is Navy Memorial Park and the Kingston Marine Museum/Dry Dock, being heritage sites that are accessible for public use and located to the north of the site, where shadows are naturally concentrated. Shadow impacts on the surrounding waterfront pathway, on the Old Sydenham HCD, and on adjacent residential properties have also been considered as part of the shadow review.</p> <p>The shadow review found that, during the spring and fall equinoxes, the shadow begins to reach the dry dock at noon, moving quickly across the over the</p>

	<p>afternoon and providing areas of sun and shade, not leaving any portion of the dry dock in continuous shadow. Shadows reach the Pump House complex around 2 p.m., moving across the complex and what and similarly not causing areas of continuous shadow. Shadows do not reach Navy Memorial Park Given the orientation of the site and Kingston's location, shadows do not reach the existing waterfront trail extent to the south of the site, nor do they reach the extent of waterfront trail proposed along the southern side of the property. The proposed open space and trail at the eastern side of the site will remain in full sun until 4 p.m., allowing opportunities for sun exposure during the day, with shade provided in the evening hours through to sunset. Shadows do they reach the Old Sydenham HCD. Shadows move quickly across the adjacent Shipyards property and are completely off of the property by noon.</p> <p>Levels of shadow during the summer solstice are further reduced given the city's locational context, with shadows not reaching the dry dock during the peak of the summer until 4 p.m., and then moving quickly until sunset. During the winter solstice, shadows are naturally longer and reach to the Old Sydenham HCD during the morning hours, though they move quickly and do not leave any area within continuous shadow. The dry dock receives morning sun, and during the afternoon the tower shadow moves across the dry dock, providing areas of sun and shade until approximately 4 p.m., when the existing Shipyards building covers the dock in shadow. Late afternoon shadows are an expected condition in the winter months given the context of the city's location and early sunset time.</p> <p>The shadow review thus concludes that the level of shadow introduced by the development does not result in adverse impacts to surrounding sensitive uses and represents a reasonable and expected level of shadow for the urban context. The narrow tower floorplate and location of the building on the property contribute to these findings.</p>
<p>2.7.3 The land use compatibility matters to be considered under</p>	<p>The property location is physically separated from low-density residential uses, with three lot lines</p>

<p>Section 2.7.2 include, but are not limited to:</p> <p>b) loss of privacy due to intrusive overlook;</p>	<p>abutting the water and providing sufficient setback to incorporate public at-grade pedestrian connections. The property abuts the 5-storey Shipyards apartment building to the west. A setback of approximately 28 metres between the west face of the podium and the abutting apartment building will effectively mitigate any potential for undue adverse overlook onto this neighbouring property.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>c) increased levels of light pollution, noise, odour, dust or vibration;</p>	<p>A Noise Impact Feasibility Study, prepared by Pinchin Ltd, was submitted in the support of the application and reviewed by Engineering staff. At the site plan control stage, a detailed noise study will be required to address any concerns related to noise or vibration. A detailed lighting plan will also be required as part of the site plan control application to demonstrate no adverse light spill-over onto adjacent land uses.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>d) increased and uncomfortable wind speed;</p>	<p>A pedestrian wind assessment was completed by RWDI Consultants as part of the submission package. The assessment found that the building will cause an increase in wind speeds as a result of its height, however the building design incorporates mitigating features to reduce potential impacts, such as curved facades, use of a podium and tower form, setbacks, and landscaping features. Wind conditions along the edge of the property, where the waterfront walkway will be located, are not anticipated to be significantly affected by the development. The study concludes that suitable wind conditions are expected at building entrances, along the waterfront trail, and through the landscaped area at the east side of the pier. The study further notes that that wind speeds meeting safety limits are expected in all pedestrian areas at-grade, except for a local area around the southeast corner, primarily during the winter months. Private amenity spaces on the rooftops are also anticipated to see higher wind speeds during the winter months, and RWDI recommends wind control measures which can be implemented through detailed design, such as planters, trellises and wind screens, to mitigate these speeds and increase comfort levels of the private amenity spaces and building edges. These aspects will be</p>

	<p>reviewed further through the site plan control stage.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>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;</p>	<p>A Traffic Impact Study has been completed by Josselynn Engineering Ltd. in support of the development application. This report concludes that the development will not adversely impact municipal services or the function of surrounding land uses.</p> <p>The traffic study demonstrates that the proposed development will have a negligible effect on traffic flows during peak periods.</p> <p>See Section 4.6.11. for further details.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>f) environmental damage or degradation;</p>	<p>The subject site is largely a brownfield site that has fallen into a state of disrepair. As part of the site redevelopment, contamination will be remediated and/or risk-assessed, thereby reducing the potential for future environmental damage or degradation.</p> <p>See Section 5.5. for further details.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>g) diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded.</p>	<p>A Servicing Report, prepared by Josselyn Engineering, has been submitted in support of the application and reviewed by Engineering and Utilities Kingston staff. Staff have confirmed that adequate municipal servicing capacity is available to support the proposed development. It is not anticipated that municipal social or physical infrastructure will be overloaded as a result of the development.</p> <p>See Section 4.1.1.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>h) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and</p>	<p>Given the urban setting of the subject site and the existing scale of development in the area, a reasonable ability to enjoy a property is not anticipated to be negatively impacted by the proposed development. Portions of the site are in a state of disrepair and have been fenced from public access. The general amenity of the area will be enhanced by the proposed improvements to the private and public realm, including a new waterfront trail around the perimeter of the site. The safety of the site and the surrounding areas</p>

<p>access, outdoor areas, heritage or setting;</p>	<p>will be enhanced by the increase in activity levels associated with residential activity on site and the perimeter trail.</p> <p>Maintaining the historic quality and setting of the downtown is important to the City's identity. The subject site is adjacent to and forms part of a National Historic Site and a designated heritage property under Part IV of the <i>Ontario Heritage Act</i>. A Heritage Impact Statement evaluating the potential impacts on identified heritage attributes was completed in support of the development , as discussed further in Section 6.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>i) visual intrusion that disrupts the streetscape or buildings;</p>	<p>The podium height has been increased from a single storey of parking to a three-storey podium. This serves to frame and enhance the pedestrian streetscape, relate the podium to the adjacent heritage structures and create an appropriate transition to the surrounding mid-rise buildings and nearby low-rise area. The programming of the ground floor level has been revised to augment the parking and apartment lobby with a commercial unit and two residential units along the north and east frontages near the waterfront path and outdoor amenity areas. The added uses and the corresponding building design animate and connect the apartment to its surroundings.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>j) degradation of cultural heritage resources;</p>	<p>The property is designated under Part IV of the Ontario Heritage Act and is recognized as a National Historic Site of Canada. The property is located outside of Old Sydenham Heritage Conservation District, with its limit being west of Ontario Street at Lower Union Street. A Heritage Impact Statement (HIS) (and addendums) were prepared for the application by ERA Architects. The initial HIS submission was peer reviewed by Robertson Martin Architects. The redesign and HIS addendums submitted in response to the initial technical review and peer review have been reviewed and accepted by Heritage Services staff.</p> <p>See Section 7.1.7. for further details.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p>	<p>The tower massing has been reduced and rounded to provide a slenderer profile. It has a typical tower floorplate of 795 square metres with a 19th penthouse level of 635 square metres and a</p>

<p>k) architectural incompatibility in terms of scale, style, massing and colour; or,</p>	<p>stepped roof treatment or topper. The tower design minimizes shadow impacts, maintains protected views and reduces the overall scale of the building.</p> <p>The design and materiality of the building differentiates the podium and tower components. The podium incorporates masonry (a traditional Kingston building material) as the exterior cladding treatment. The podium design displays a masonry frame of masonry with inset balconies, glazing and paneling all in a contemporary configuration. In contrast, the tower follows a regular loose grid with punched a regular pattern of window openings and vertical bays of balconies. Architectural interest is provided through a material variety (a mix of E.I.F.S. and metal panels), projecting balconies and a stepped roof treatment.</p>
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>l) the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>	<p>The property contains a protected view to the water down Lower Union Street south of King Street East as shown on Schedule 9 of the Official Plan. The HIS and addendums provide a view analysis confirming that while the tower will be visible from the protected view plane as an extension of the existing street wall, the building placement will frame rather than obstruct the views to the water and thus complies with the direction of the Official Plan.</p> <p>See Section 8.8.</p>
<p>2.7.4. Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <p>a) ensuring adequate setbacks and minimum yard requirements;</p> <p>b) establishing appropriate transition in building heights, coverage, and massing;</p> <p>c) requiring fencing, walls, or berming to create a visual screen;</p>	<p>Building setbacks, in particular from the high water mark, have been strategically designed in consultation with the CRCA to ensure compatibility with natural heritage features and to provide consideration for natural hazards.</p> <p>The proposed development includes a reduced floorplate size and a 3 storey podium with a stepback at the fourth floor level to provide appropriate transitions. The façade treatment on the east and west of the balconies is differentiated to assist in breaking down the tower massing. In addition, landscaped outdoor amenity space is provided at grade which includes the waterfront path.</p>

<ul style="list-style-type: none"> d) designing the building in a way that minimizes adverse effects; e) maintaining mature vegetation and/or additional new landscaping requirements; f) controlling access locations, driveways, service areas and activity areas; and, g) regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage. 	<p>Vehicle and pedestrian access into the site has been thoughtfully laid out from Ontario Street to accommodate all needs of the site, including fire routing and the potential for a future deep water dock use.</p> <p>Details such as lighting, garbage facilities, and signage will be reviewed in greater detail at the site plan control stage.</p>
<p>2.7.6. 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> <ul style="list-style-type: none"> a) suitable scale, massing and density in relation to existing built fabric; 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; c) adequate land area and appropriate site configuration or provision 	<p>There are a variety of building styles, sizes and materials in the immediate area, including other high-density residential uses along the waterfront. The proposed floor plate of the building is 795 square metres, which is smaller than other high-density residential uses in the area and is preferred compared to a larger floorplate. The proposed 19-storey high-density residential use is not a departure from the prevailing built form in the area. The proposed density can be supported by the site's proximity to the downtown core, major employers and destinations such as Queen's University and Kingston General Hospital, and public amenity areas as discussed further in relation to Section 3.3.C.</p> <p>The landscaping plans for the site will further develop as the details of the potential deep water dock and the waterfront pathway advance through the site plan control process. The perimeter waterfront trail will provide a significant improvement in the way of green space to the existing condition of the site.</p> <p>The proposal benefits from existing infrastructure and services rather than requiring services to be extended or new services to be installed. There is</p>

<p>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"> • site access; • pedestrian access to the building and parking spaces; • amenity areas; • building entry; and, • parking and secure and appropriate bicycle facilities. 	<p>access to Kingston Transit Route 3, which runs along Ontario Street and connects to the main transit hub in the downtown core.</p> <p>The subject site is a brownfield site located along an otherwise developed waterfront area. The site has fallen into a state of disrepair under the previous owner and portions of the site are cordoned off from public access for safety reasons. The proposed high-density residential use is complementary to the downtown core and is compatible with the existing development in the area.</p> <p>All main entrances are located at grade with the residential apartment having a defined common entrance and drop off area. Pedestrian connections to the waterfront trail and within the site in general have been incorporated where feasible. Amenity space will be provided in a variety of ways, including common indoor amenity space, outdoor landscaped open space and private balconies. Bicycle parking will be provided on-site as per the Site Plan, consistent with the requirements of the Kingston Zoning By-law.</p>
<p>2.8.3. The City recognizes the importance of its waterfront areas along Lake Ontario, the St. Lawrence River, the Great Cataraqui River and the many inland lakes and waterbodies that define the landscape character. As further outlined in Section 3.9 of this Plan, the City seeks to protect and enhance a 30 metre naturalized buffer, also known as a “ribbon of life”, along the waterfront. The continued acquisition of waterfront lands will accordingly be pursued by the City to ensure the long term protection of the resource and the amenity that it brings to residents and visitors alike.</p>	<p>See Section 3.9.8.</p>

<p>2.8.5. 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.</p>	<p>Josselyn Engineering’s Servicing Report was updated in March 2023 to assess the revised development with respect to servicing requirements. It concludes that an enhanced level of quality control is recommended for the site, which corresponds to the long-term average removal of 80% of suspended solids. In order to achieve this, an on-site storm collection system is recommended. An oil grit separator on the storm collection system is proposed in order to meet this requirement. The site drains to Lake Ontario and therefore there is no requirement for quantity storage onsite. The detailing stormwater design will be reviewed and finalized as part of the future site plan control process.</p>
<p>2.8.8. Cultural heritage resources, will be conserved, managed and promoted for their contribution to 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>Parks Canada was circulated on the application and have indicated their support for the current development concept.</p>
<p>2.10.1. In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to:</p> <ul style="list-style-type: none"> a) consider the potential impacts of climate change when assessing the risks associated with natural hazards; b) consider the potential impacts of climate change and extreme weather events when planning for infrastructure, including 	<p>A Natural Hazards Assessment was completed by Riggs Engineering and reviewed by the CRCA, supported by an independent peer-review completed by SJL Engineering. This report included a review of climate change considerations in relation to the subject site and proposed development. The report notes that the accommodation of a moderate height parapet is prudent to provide for protection against potential increases in local water levels.</p> <p>See Section 5.5 for additional discussion.</p>

<p>green infrastructure, and assessing new development;</p> <p>c) support climate-resilient architectural design of buildings incorporating durable, reusable, sustainable materials and low impact technology for energy and stormwater management; and,</p> <p>d) explore opportunities to achieve climate positive development.</p>	
<p>2.10.2. It is the intent of this Plan to protect public health and safety by generally directing development away from natural hazards.</p>	<p>See Section 5.5.</p>
<p>2.10.4. 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>See Section 5.11.</p>
<p>Section 3 – Land Use Designation & Policy</p>	
<p>3.3.1. The predominant use of land in a Residential designation will be for various forms of housing. Community facilities are permitted in accordance with Section 3.2.</p>	<p>The proposed mixed-use building contains predominantly residential uses, with 118 rental units of various sizes.</p>
<p>3.3.2. Where appropriate and compatible, small-scale convenience commercial uses are allowed by zoning within apartment buildings or on a site specific basis on a low or medium density residential site. Section 3.4.F provides detailed policies for neighbourhood commercial uses.</p>	<p>The proposed mixed-use building contains 91 square metres of ground floor commercial space, within which a variety convenience commercial uses will be permitted, including but not limited to a restaurant, retail store, grocery store, personal service shop, laundry store, fitness centre, and wellness clinic to name a few.</p>
<p>3.3.8. Within the Urban Boundary, intensification through moderate increases in</p>	<p>The proposed development is located along the waterfront at the edge of the CBD in an area of existing high-density residential uses ranging from</p>

<p>building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.</p>	<p>5 to 18 storeys. The proposed building height at 19 storeys is appropriate given the site's location at the water's edge, in proximity to the CBD and various waterfront open space uses, and separated from low density residential uses on the north side of Ontario Street.</p>
<p>3.3.C.1 High density residential land uses primarily include apartments and mixed use buildings with commercial on the ground floor and a residential density of 75 units per net hectare or more, unless an approved secondary plan establishes other provisions.</p>	<p>The proposed development is a mixed-use building with commercial on the ground floor and a density of approximately 166 units per hectare.</p>
<p>3.3.C.2. The density of a residential use is a function of the number of units per net hectare and is not always indicative of built form. Proposals for new high density residential that are not in keeping with the established built form of adjacent development must demonstrate compatibility with regard to both land use and built form considerations in accordance with the policies of Section 2.7 and Section 8.</p>	<p>The proposed 19-storey building is generally consistent with the established form of development in the surrounded area, which includes tall buildings of up to 18-storeys in height.</p> <p>See Sections 2.7 and 8.</p>
<p>3.3.C.3. Proposals for new high density residential use which require a zoning bylaw amendment or minor variance in support of factors that affect built form and the intensity of use shall generally satisfy the following locational criteria:</p> <ul style="list-style-type: none"> a) The subject property is located: <ul style="list-style-type: none"> • within a Centre or Corridor; • within an area subject to a 	<p>The subject lands are located on the periphery of a residential neighbourhood, being the Sydenham Ward area to the north across Ontario Street. The site's location outside of the heritage district boundaries, on the waterfront and similar in scale to existing waterfront development, means that the high-density use is not out of character for the site context and does not introduce a new tall building in the middle of a low-density area, in keeping with the intent of the locational criteria.</p>

<p>Secondary Plan or a Specific Policy Area Plan provided such Plan permits high density residential use; or • on the periphery of a low or medium density residential neighbourhood provided the proposal demonstrates conformity to the policies of Sections 2.6 and 2.7 of this Plan, where applicable;</p> <p>b) the property is within walking distance of areas designated for commercial use (i.e., any of the uses within the Commercial Hierarchy except for Neighbourhood Commercial);</p> <p>c) the property is within walking distance of parkland, open space or community facilities; and</p> <p>d) the property is located on an existing arterial or collector road.</p>	<p>The site is located walking distance (approximately 280 metres) to lands within the Central Business District, which provides daily commercial needs for residents including grocery and market offerings, restaurants, retail stores, and entertainment uses.</p> <p>The site is also within walking distance of parks and community facilities, including the waterfront trail which will extend through the subject property to provide direct active transportation access to Battery Park, Confederation Park, City Park, Macdonald Memorial Park, City Hall, the Marine Museum, and the Pump House Steam Museum. The waterfront trail provides daily opportunity for enjoyment of the City’s open space and amenity offerings along the waterfront, supporting the health and well-being of residents and taking advantage of existing investments in public infrastructure.</p> <p>Finally, the property is generally located on an existing collector road, being Ontario Street, with driveway access along the closed portion of Lower Union Street (approximately 70 metres from Ontario Street).</p>
<p>3.3.C.4. Proposals for new high density residential use must be justified by a site specific urban design study that demonstrates compatibility in accordance with the policies of Section 2.7, and conformity to the urban design policies of Section 8. The Study must consider, amongst other matters, architectural compatibility in terms of scale, style, massing and colour.</p>	<p>An Urban Design Study, prepared by ERA Architects, was submitted in support of the proposed development.</p>
<p>3.3.C.6. New high density residential development must be designed to ensure a transition in density and built form,</p>	<p>The proposed development is located on the periphery of the CBD in an area of high density residential development that has been established along the southern portion of the downtown</p>

<p>particularly along the periphery of Centres and Corridors, and areas for which a Secondary Plan or Specific Policy Area Plan has been established.</p>	<p>waterfront, southeast of Ontario Street. On the northwest side of Ontario Street development is of high-density residential but transitions to shorter building heights before transitioning to low and medium density residential development generally found in Sydenham Ward. The proposed development includes a reduced floorplate size and a 3-storey podium with a stepback at the fourth floor level to provide appropriate transitions. The façade treatment on the east and west of the balconies is differentiated to assist in breaking down the tower massing. In addition, landscaped outdoor amenity space is provided at grade which includes the waterfront path.</p>
<p>3.9.2. The protection of a 30 metre naturalized buffer along the waterfront, also referred to as a “ribbon of life”, can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation. This is intended to be a text-based policy and these lands are not required to be shown on a schedule of this Plan to receive protection under this policy. Generally, the “Ribbon of Life” and “riparian corridor”, as identified in Section 6.1.3, apply to the same lands.</p>	<p>See Section 3.9.8.</p>
<p>3.9.3. Zoning controls will be used to establish a minimum 30 metre water setback from the high water mark to implement the objectives of the “ribbon of life” policy, as expressed in Section 3.9.2 above. A zoning</p>	<p>The zoning by-law amendment requested herein includes reliefs from the 30 metre water setback from the high water mark to facilitate the proposed development.</p>

<p>bylaw amendment or minor variance, as appropriate, will be required in support of any relief from the 30 metre water setback, subject to the policies of Section 3.9.8 and other applicable policies of this Plan.</p>	
<p>3.9.4. An Official Plan amendment will be required in support of any requested relief from the 30 metre “ribbon of life” unless one of the exceptions listed in Section 3.9.5 or 3.9.6 applies.</p>	<p>The proposed development meets the exemption criteria outlined in Section 3.9.5 and Section 3.9.6 (see below), hence an OPA for relief from the 30 metre ribbon of life is not required. For clarity, language has been included in the proposed site-specific policy as part of the requested Official Plan Amendment.</p>
<p>3.9.5. It is the intent of this Plan that the following land uses be permitted within the “ribbon of life” recognizing that, by necessity, the use must be located in close proximity to the water. The implementing zoning by-law will identify and define specific land uses that are permitted within the 30 metre water setback, being uses that are generally consistent with those listed below. The by-law may establish limitations (e.g., maximum lot coverage, gross floor area, height, etc.) associated with the following uses to ensure that their impact on the “ribbon of life” is minimized:</p> <ul style="list-style-type: none"> a) park or conservation areas to provide for the intentional, properly designed, publicly-controlled, and maintained access to the shoreline and the waterbody; b) improvement and extension of existing trail systems including the waterfront pathway and 	<p>The waterfront pathway has been incorporated into the site design as envisioned in the Waterfront Master Plan. The existing shore wall is in a state of disrepair and will be re-established and repaired as part of the proposed development. Both the shore wall and waterfront pathway are permitted through this exemption of the OP within the 30 metre waterbody setback.</p>

<p>the Lake Ontario Waterfront Trail in a manner which is sensitive to impacts on contiguous waterbodies;</p> <ul style="list-style-type: none"> c) dock and boat launching areas; d) marinas; e) shoreline stabilization works; and f) utilities infrastructure including stormwater outfall, water treatment and pumping facilities, and combined sewer overflow management facilities. 	
<p>3.9.6. On lots existing as of the date of adoption of this Plan, new development must be located outside of the 30 metre “ribbon of life” unless one of the following two circumstances applies:</p> <ul style="list-style-type: none"> a. where the depth of a lot, existing as of the date of adoption of this Plan, is insufficient to accommodate a modest amount of development and any related servicing outside of the 30 metre water setback, subject to Section 3.9.8; and b. for the enlargement of a building, structure, or facility which existed on the date of adoption of this Plan, provided the enlargement does not further encroach into the existing water setback, subject to Section 3.9.8. 	<p>Maintaining the 30 metre setback for the development of the subject property is unachievable given the lands are surrounded by water on three sides and the lot has a width of less than 60 metres. Accommodating any sort of development that meets the 30 metre setback on all sides is not possible, and especially not when considering the scale of development required to finance the necessary environmental remediation efforts and restoration of the shore wall.</p> <p>While the site meets the criteria of Section 3.9.6 which negate an Official Plan amendment requirement, the proposed amending by-law clarifies that development is permitted less than 30 metres from Lake Ontario, subject to consultation with the CRCA and as implemented through the recommended zoning by-law.</p>
<p>3.9.8. Applications for relief from the 30 metre water setback, as outlined in the zoning by-law,</p>	<p>An Environmental Impact Study (EIS) was completed by Ecological Services and independently peer-reviewed by Gemtec. The EIS</p>

<p>must demonstrate how the proposal upholds the policy objectives outlined in Section 3.9.2 and will require the submission of an environmental impact assessment and any other technical studies deemed necessary by the City. Further, development proposals must demonstrate how the natural aesthetic of the waterfront will be maintained or enhanced, and how spaces for passive recreation may be accommodated. The City, in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, or other agency or Ministry, as appropriate, may tailor the requirements regarding the appropriate level of effort for the environmental impact assessment on a site specific basis depending upon the characteristics of the waterbody, the adjacent area, the nature of the proposed development, and any intervening development that exists within the “ribbon of life”.</p> <p>It is the intent of this Plan that proposals for development within the “ribbon of life” also support the following policy objectives, as applicable:</p> <ul style="list-style-type: none"> a) Development maximizes the water setback through building design and orientation, and the siting of servicing (e.g., private septic system); b) Development and site alteration result in minimal disturbance of 	<p>concludes that “there are few natural heritage features and functions associated with the pier due to its long history of industrial use, and ongoing disturbances.” The study finds that there is no functional riparian habitat associated with the pier as a result of its hardened, man-made sheer wall structure perched above the water, with similar vertical shoreline conditions being noted throughout the upland waterfront area from Maitland Street to the LaSsalle Causeway. The existing and proposed conditions mean that there are “no connectivity and corridor functional aspects of the ‘ribbon of life’ for this property.” The EIS and peer review response indicate that the development will generally improve the naturalization of the shoreline in accordance with the direction of the Plan when compared to the existing site condition through introduction of additional landscaping and reserved parkland area at the end of the pier. The EIS points to stormwater engineering methods as appropriate for achieving the intent of the ribbon of life policies related to water quality and soil erosion, with the Stormwater Management report confirming that an on-site stormwater collection system will be designed to achieve enhanced quality protection in accordance with provincial guidelines.</p>
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<p>native soils and shoreline vegetation within the “ribbon of life”; and</p> <p>c) Enlargement(s) to existing buildings, structures, or facilities occurs further from the water than the original building, structure or facility.</p>	
<p>3.9.10. Any application for development along the waterfront areas is subject to the natural hazard policies set out in Section 5 of this Plan, in consultation with the Cataraqui Region Conservation Authority. Available mapping for natural hazard areas is shown on Schedule 11-A.</p>	<p>See Section 5.5.</p>
<p>3.9.12. There is a high potential for cultural heritage resources to be located along shorelines and an archaeological study and/or heritage impact statement may be required by the City for any proposed development. Site amenities that promote and sustain cultural vitality will be encouraged as part of development proposals.</p>	<p>See Section 6.</p>
<p>3.9.13. Private and public docks, public beach improvements, and shoreline stabilization or remediation works are permitted uses provided that the required approvals are obtained from the appropriate agencies. Policy 7.4.6 Marine Archaeology shall apply to applications for Site Plan Control affecting lands which abut a waterbody or watercourse, as appropriate.</p>	<p>Shoreline stabilization works will be required as part of the remediation and development of the subject site and the future deep water dock proposed to be incorporated at a later date in partnership with the City. The required permits will be obtained from the appropriate agencies to complete the necessary works as part of the site plan control process.</p>

<p>3.9.15. The City is committed to the maintenance and improvement of the Waterfront Pathway, shown on Schedules 5 and DH-3, as a continuous system and valued community resource. It is intended to provide linkages along the waterfront and inland connecting such features as the Rideau Trail, the K & P Trail, waterfront views, heritage focal points, the Great Cataraqui Marsh, and Little Cataraqui Creek Wetland Complex. The Waterfront Master Plan describes a waterfront pathway in the urban area of the municipality that will be fully connected over time. The route of this pathway is as set out in Schedule 5 and Schedule DH-3 to this plan.</p>	<p>The waterfront pathway has been incorporated into the proposed development as envisioned by the Waterfront Master Plan.</p> <p>See Section 3.9.25.</p>
<p>3.9.16. The City supports the maintenance and improvement of the Lake Ontario Waterfront Trail, shown on Schedule 5, as part of a larger multi-use trail network on the shores of Lake Ontario and the St. Lawrence River that connects the City to other communities.</p>	<p>See Section 3.9.25.</p>
<p>3.9.21. Ontario Regulation 148/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses is administered by the Cataraqui Region Conservation Authority. This regulation applies to lands adjoining all watercourses, waterbodies, wetlands, lands subject to natural hazards, and within a certain distance of these features. While the City does not have jurisdiction over</p>	<p>The CRCA has reviewed the proposed applications and consulted closely with staff in the preparation of the recommendation contained herein. The CRCA has confirmed their support for the applications as proposed. The applicant will be required to obtain permitting from the CRCA to permit the proposed development.</p>

<p>site alteration in the areas regulated by Ontario Regulation 148/06, where a site alteration would change land use designations, an official plan amendment may be required. The City's Site Alteration By-law applies to lands not covered by the above-noted Conservation Authority Regulations.</p>	
<p>3.9.22. Section 8.8 of this Plan sets out policies for protected views in the downtown area, and selected public views from the City's core are shown on Schedule 9. For many other similar public views across the municipality, any existing unimpeded view of the water along an open or unopened road allowance must be protected as development proposals are evaluated.</p>	<p>A detailed view analysis was contained within the accompanying Urban Design Study and is attached in Exhibit K of this report. The subject development is located at the foot of Lower Union Street. The site has been designed so that the view down Lower Union Street is unimpeded as discussed in greater detail in relation to Section 8.6 further below.</p>
<p>3.9.23. Views of the City Hall cupola as shown on Schedule DH-4 must be protected in the approval of new development.</p>	<p>The proposed development does not fall within the view planes of the City Hall cupola shown on Schedule DH-4.</p>
<p>3.9.25. Kingston's Waterfront Master Plan guides improvements to existing waterfront parks, pathways and lands and identifies improvements to connections and access to waterfront lands including lands not easily accessed by the public. The 2016 Waterfront Master Plan identifies a fully connected public waterfront pathway system, including improved parks and open spaces / public recreational destination waterfront nodes. The pathway system includes the shoreline from the west limit of the City at Collins Bay, Lake Ontario, the</p>	<p>The Plan commits to the protection of the City's waterfront, and particularly to the improvement of a connected waterfront pathway in the urban area as shown on Schedule 5. Portions of this waterfront pathway have already been achieved and are a valuable City asset along the waterfront. In accordance with Schedule 5, an extension of the waterfront pathway is required along the north, east, and southern edges of the property, generally connecting from Navy Memorial Park through to the existing extent of trail on the Shipyards property at 33 Ontario Street. Through the site design, the applicants have demonstrated that a well-designed pathway, generally being approximately 3 metres wide, can be accommodated along these mandatory frontages. The pathway design includes knee walls for seating as well as a raised viewing area, and will be physically separated from drive aisles and the</p>

<p>Little Cataraqui Creek, the Great Cataraqui River and the St. Lawrence River from the LaSalle causeway to Abbey Dawn Road.</p> <p>The review of any secondary plans, specific policy areas, and development applications affecting properties which abut a watercourse, shall have regard to the goals of the City of Kingston Waterfront Master Plan (2016). Schedule 5 and Schedule DH-3 of this Plan should be reviewed in assessing development applications to determine if waterfront parkland, pathway connections and access ought to be sought as part of a planning approvals process or through other common municipal land strategies.</p> <p>Appendix F of the Waterfront Master Plan identifies land parcels where public access is required in order for the City to achieve the master plan goals of a fully connected public waterfront pathway system and improved parks, open spaces, pathways and public recreational destination waterfront nodes. The master plan recommends, outside of those lands identified in Appendix F, City acquisition and/or access improvements to other waterfront lands with unique features of high public value such as beaches, lookouts, connections, launches, picnicking, conservation and places of</p>	<p>building to provide an attractive and park-like setting. Through the site plan control and heritage permit process, the applicant will be completing an interpretation plan and landscaping plan to further refine the design and features of the pathway.</p> <p>It is noted that the Waterfront Master Plan also includes a secondary pathway desire line at the western edge of the site through the existing Shipyards parking area; this secondary pathway is not implemented through Official Plan policies. Through technical review it was determined that implementation of this secondary pathway was not feasible given the constraints on the site which limit any ability to shift the building further east to accommodate additional space for a path.</p>
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<p>spiritual significance. Acquisition of land parcels shall be pursued in accordance with the recommendations of the Waterfront Master Plan.</p>	
<p>Section 4 – Infrastructure and Transportation</p>	
<p>4.1.1. New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>	<p>Servicing reports have been completed by Josselynn Engineering Ltd. in support of the development application. The servicing report concludes that existing servicing levels are sufficient to accommodate the development. A new 300 mm gravity sanitary service and 250 mm water service are proposed, which will be the responsibility of the owner. Connections to the nearby electrical and gas services are also proposed. Stormwater will drain to Lake Ontario, and an enhanced level of quality control (removal of 80% of suspended solids) is recommended for the site, which will be accommodated through use of an on-site storm collection system and an oil grit separator. These servicing details have been accepted by technical departments for the purposes of zoning and will be reviewed and secured in further detail through the site plan control process.</p>
<p>4.3.1. Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat</p>	<p>See Section 4.1.1.</p>
<p>4.6.11. The City may require the proponent of any development to prepare a traffic impact analysis or a transportation study to the satisfaction of the City to address the requirements of Sections 4.6.1</p>	<p>A Traffic Impact Study been completed by Josselynn Engineering Ltd. in support of the development application. These reports conclude that the development will not adversely impact municipal services or the function of surrounding land uses.</p>

<p>through 4.6.10, and to assess the influence of development on active transportation movement, vehicular flows and traffic volumes, and transportation demand management. Any such analyses will assess the impact of the proposal on the roadways and, if needed, will recommend improvements necessary to accommodate the proposal, to discourage excessive through traffic, provide traffic calming measures, and maintain satisfactory service levels for all modes of transportation on public streets. The City may determine that such analyses may be subject to a peer review at the cost of the proponent. In addition, the Ministry of Transportation may require a property owner and/or the City to undertake, at their cost, a traffic impact analysis and subsequently the design and construction of warranted highway improvements related to a proposed development, as a requirement for the issuance of Ministry permits.</p>	<p>The traffic study concludes that the proposed development will have a negligible effect on traffic flows during peak periods. The Ontario Street/Lower Union Street intersection is anticipated to continue operating at a Level of Service (LOS) of “A” during the AM and PM peak periods. No improvements to the surrounding road networks are required to accommodate the development. The study comments that there is existing pedestrian flow through the area, and existing and new pedestrians will be appropriately accommodated through the proposed waterfront pathway around the property.</p>
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Section 5 – Protection of Health and Safety

<p>5.5. New development and site alteration in the regulatory floodplain is prohibited, except those uses that by their nature must be located within the regulatory floodplain. Areas that may be subject to flooding hazards are illustrated in Schedule 11-A Constraint Mapping. The City will work with the Cataraqui Region Conservation Authority to identify and assess new areas that may be prone to flooding</p>	<p>The reduced waterfront setback has also been reviewed and supported from a natural hazards perspective. The property contains areas of erosion hazard and is partially within the regulatory flood plain as shown on Schedule 11 of the Plan. The Plan prohibits development within the regulatory floodplain; the requested Official Plan amendment would permit development within the floodplain based on existing site conditions and subject to limits established through the recommended zoning by-law in consultation with the CRCA. The recommended development condition has been located outside of the erosion hazard as required by the Plan, however the</p>
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<p>hazards. Periodic updates to floodplain mapping may be undertaken in consultation with the Cataraqui Region Conservation Authority and any other agency having jurisdiction without an amendment to this Plan.</p> <p>Where there is existing development within the regulatory floodplain, development and site alteration may be permitted in consultation with the Cataraqui Region Conservation Authority, and subject to risk mitigation measures (i.e., floodproofing).</p>	<p>amending by-law would permit the minimum erosion access allowance to be reduced from 6 metres to 4 metres from the top of the stable slope, which was found to be sufficient for the site in consultation with the CRCA.</p> <p>A Natural Hazards Assessment was completed by Riggs Engineering and reviewed by the CRCA, supported by an independent peer-review completed by SJL Engineering. Through the iterative review process, the extent of the regulatory floodplain has been refined based on current site conditions assuming the shorewall is restored to its original extent. As described above, this approach has been taken in response to the history of the site and the need to rehabilitate the shorewall in order to protect further spill of contaminated materials into the lake. The extent of the revised regulatory floodplain based on restoration of the shorewall to original conditions is as shown in Exhibit C.</p> <p>The proposed development footprint, which has been refined based on multiple design iterations through consultation with the CRCA, would be located outside of the erosion hazard and would be partially within the flood hazard based on rehabilitation of the historic shorewall to original condition. The extent of building within the flood hazard is mostly limited to portions of the underground parking garage, and a very small portion of the tower as shown on Exhibit X – Site Plan. This area has been accepted as representing the area of least and acceptable risk, meeting the intent of Provincial Planning Statement direction and CRCA-administered O.Reg.s.</p> <p>The Natural Hazards Assessment proposes further enhancement of the shorewall conditions beyond their original condition by way of an increase to the shorewall height, with final elevations to be secured through the Site Plan Control stage in consultation with the CRCA. These enhancements to the shorewall condition would effectively eliminate wave overtopping potential to the building extent based on a 100-year weather event, further</p>
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	<p>mitigating flooding risk and protecting human and property safety.</p> <p>The natural hazards assessment does recognize that wave overtopping during a 100-year weather event would impact pedestrian safety on the waterfront pathway on the site. The report recommends design measures, including a parapet wall along the southern edge, which would contribute to mitigation of these risks (though not eliminate them entirely). These measures will be reviewed in consultation with the CRCA through the site plan control process to ensure public safety risks during significant weather events are minimized to the extent possible.</p>
<p>5.6. New development and site alteration must be located outside areas that are susceptible to erosion hazards, described as including the sum of:</p> <ul style="list-style-type: none"> a) an amount for toe erosion or the erosion that takes place at the bottom of a slope; b) stable slope which can vary from 1:1 for bedrock shorelines to 3:1 for all other situations; c) an erosion access allowance of a minimum of 6 metres from the top of the stable slope or 10 metres from the top of the bank, whichever is greater; and, For the Lake Ontario and St. Lawrence River shorelines, stable slope and erosion access allowances will be defined through consultation with the Conservation Authority. Where there is existing development within the 	<p>See Section 5.5.</p>

<p>erosion hazard areas, development and site alteration may be permitted in consultation with the Cataraqui Region Conservation Authority, and subject to risk mitigation measures.</p>	
<p>5.11. Where City records or other information indicate that a site may be contaminated by a prior or current use, a Phase I Environmental Site Assessment (ESA) that documents prior uses may be required to accompany any application for development, land division, or re-use of the property. A Phase I ESA may also be required for any lands to be dedicated to the City, regardless of prior or current use of the lands.</p>	<p>The property contains human-made hazards associated with poor quality fill and the former marine industrial uses. Phase I and Phase II Environmental Site Assessments were completed for the site by XCG which conclude that several contaminants of concern were found in the soil and groundwater. A Tier 3 Risk Assessment was subsequently completed and confirmed that risks associated with some contaminants (particularly petroleum hydrocarbons and mercury) were not within acceptable limits and require a combination of remediation and risk management measures. A remedial report and filing of a record of site assessment will be required prior to obtaining building permits for the development to confirm that there will be no adverse effects to site users, in accordance with the direction of the PPS and the Official Plan.</p>
<p>Section 6 – The Environment and Energy</p>	
<p>6.1.8. The Province of Ontario’s “Natural Heritage Reference Manual,” as amended from time to time, specifies the adjacent lands for each category of natural heritage features and areas. Development and site alteration are not permitted on adjacent lands to Natural Heritage “A” or “B” features shown on Schedules 7 and 8 respectively, unless it has been demonstrated that there will be no negative impacts on the natural heritage features and areas or on their ecological functions. In the review of any development or site alteration, an environmental impact</p>	<p>See Section 3.9.8.</p> <p>An Environmental Impact Study (EIS) was completed by Ecological Services and independently peer-reviewed by Gemtec. The EIS indicates that the site’s adjacency to Lake Ontario requires consideration related to potential fish habitat impacts. The study observed sunfish, a young largemouth bass and large numbers of invasive round goby’s around the base of the pier. No remnant fish nests or large fish were observed. The study indicates that potential impacts on fish habitat will be adequately mitigated through use of engineering best practices to prevent on-site materials from entering the lake, and through the regulated consultation process the applicant will be undertaking with the Department of Fisheries and Oceans (DFO). DFO is the regulatory approval agency for any works that may impact fish and fish</p>

<p>assessment will be required as follows, unless otherwise directed by the City in consultation with the Cataraqui Region Conservation Authority: c) within 120 metres of fish habitat;</p>	<p>habitat under the authority of the Fisheries Act. This approvals process operates outside of the Planning Act framework, however staff will be looking for updates on the consultation between the applicant and the DFO through the site plan control review process to ensure consistency between the submissions and to ensure any relevant requirements are captured through the agreement to be registered on title.</p>
<p>6.1.9. Any decision considered by the City for any development application with respect to land within, or immediately adjacent to, the natural heritage system will be made in consultation with the appropriate authorities, in accordance with the policies of this Plan, using the best available information at that time.</p>	<p>The CRCA has reviewed the proposed applications and consulted closely with staff in the preparation of the recommendation contained herein. The CRCA has confirmed their support for the applications as proposed.</p> <p>The applicant is also working directly with the Department of Fisheries and Oceans (DFO) to obtain the required approvals under their justification.</p>
<p>6.1.22. Setbacks from natural heritage features and areas are established based on the recommendations of an approved environmental impact assessment or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in consultation with the Ministry of Natural Resources and Forestry, the Cataraqui Region Conservation Authority, or Parks Canada, as appropriate.</p>	<p>Site-specific minimum separation distances from the high-water mark of the waterbody are established within the proposed draft zoning by-law, in accordance with the recommendations of the submitted EIS and Natural Hazards Assessment.</p>
<p>Section 7 – Cultural Heritage and Archaeology</p>	
<p>7.1.7. 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</p>	<p>The property is designated under Part IV of the <i>Ontario Heritage Act</i> and is recognized as a National Historic Site of Canada. The property is located outside of Old Sydenham Heritage Conservation District, with its limit being west of Ontario Street at Lower Union Street. A Heritage Impact Statement (HIS) (and addendums) were prepared for the application by ERA Architects. The initial HIS submission was peer reviewed by</p>

<p>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>Robertson Martin Architects. The redesign and HIS addendums submitted in response to the initial technical review and peer review have been reviewed and accepted by Heritage Services staff. The iterative revisions to the design are supported by the heritage consultant as further reducing potential shadow and heritage impacts on the adjacent heritage structures and providing a more proportional podium massing with masonry cladding and window patterning that pays tribute to the historic industrial uses of the area. Additional recommendations, including preparation of an Interpretation Plan and refinement of specific design details such as window patterning and material selection have been included as matters to be addressed through the Site Plan Control and the heritage permit processes. Given the site's designation, the owner will also require a heritage permit ahead of construction in accordance with the requirements of the <i>Ontario Heritage Act</i>. The Site Plan Control and Heritage Permit applications are intended to be applied for and reviewed concurrently in order to ensure consistency.</p>
<p>7.2.5. The City may permit development and site alteration on adjacent lands to a protected heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated through the preparation of a heritage impact statement that the heritage attributes of the protected heritage property will be conserved.</p>	<p>See Section 7.1.7.</p>
<p>7.3.C.4. Any private or public work or development that is proposed within or adjacent to a designated heritage conservation district must demonstrate</p>	<p>See Section 7.1.7.</p>

<p>that it respects and complements the identified cultural heritage value or interest and heritage attributes of the district or area.</p>	
<p>7.4.2. The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved. In general, preservation of the resources “in situ” is the preferred method, but in some cases the conservation can occur by removal and documentation. Where significant archaeological resources are preserved “in situ”, only development and site alteration that maintains the heritage integrity of the site is permitted. The investigation and conservation of archaeological resources shall be completed in consultation with all appropriate First Nations, Métis and Inuit communities.</p>	<p>The subject site has been cleared of archaeology. Stage 1 and Stage 2/3 Archaeological Investigations were previously completed for the site. As per discussions with the Ministry of Tourism Culture and Sport (MTCS), due to the highly disturbed nature of the site, construction monitoring during the excavation of the site will be required as opposed to further Stage 3 investigations.</p>
<p>Section 8 – Urban Design</p>	
<p>8.4. 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"> a) 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 	<p>The development 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.</p> <p>Lighting of building entrances and public areas along the waterfront trail will be reviewed through the future site plan control application to ensure visibility and safety.</p> <p>The entrance to the proposed commercial unit will be conveniently located off of the waterfront trail on the east building façade to provide natural overlook</p>

<p>washrooms, clear signage, visual or auditory indicators, and other means as appropriate;</p> <ul style="list-style-type: none"> 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; c) clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity; d) arranging public uses and amenities within a convenient walking distance; e) 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, f) 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>onto the trail, in accordance with the CPTED principles.</p> <p>The waterfront trail will generally be designed to provide a width of 3 metres, with the exception of areas where ramping is needed along the southern portion of the trail to maintain minimum grades of 5%. The perimeter trail will be built to the City's Facility Accessibility Design Standards (FADS) and will be designed to accommodate a variety of mobility devices. Design elements such as surfacing materials, signage, and handrails will be reviewed and finalized through site plan control.</p>
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8.5 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:

- a. 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;
- b. providing shade through natural or built means to provide comfortable outdoor environments and provide protection from ultraviolet radiation;
- c. protecting views to the water, City Hall and other significant buildings or landscapes;
- d. 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 neighbourhoods and heritage areas;

a. The design of the building's ground floor and podium create a pedestrian oriented environment that engages with the property's unique setting off Ontario Street, on a point overlooking Lake Ontario and within a heritage context. The placement of the building allows for of a generous amount of open space for pedestrian and vehicular traffic in the landscape around the building. This includes a new section of Waterfront Trail that contexts with the dry dock walkway and wraps the site along the water's edge. The podium displays a 3-storey streetwall that relates it to the surrounding built form of low and mid-rise buildings. The ground floor has been programmed to pull parking and back of house uses away from the pedestrian focused frontages, and activate the elevations facing the Marine Museum and the water (north and east) with pedestrian oriented use - the apartment lobby, a commercial space and a pair of at grade residential units. These design elements contribute to a human scale, providing a direct relationship between the podium and the new landscape with an enhanced public realm.

b. The building's form and placement will result in shadows that move quickly across the surrounding area. There will be shade on the adjacent property to the west in the morning, and crossing with the Dry Dock, Engine House Complex and Waterfront Trail in the afternoon. Included in the proposal are landscaped areas with trees and bench seating along the Waterfront Trail that will also provide shade and enhance the comfort and usability of the outdoor spaces.

c. Please refer to the responses provided in Section 3.9.23 and Section 8.8 which determined that all identified protected views to City Hall and to the water will be maintained. In addition, the design and placement of the building maintains the visual prominence of the cultural heritage including the visibility of the chimney at the Engine House Complex.

d and e. The building's placement on the property inboard from the water allows for the building podium to relate to the height and form of the low-rise and mid-rise buildings in the surrounding area

<ul style="list-style-type: none"> e. 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; f. 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; g. 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, h. 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>as well as the heritage buildings and structures directly north. This approach provides ample open space and landscaping around the building. The 3-storey podium design is in character with the massing, form and materiality of the area while being a contemporary design of this time. The tower provides a small floorplate and slender form that is compatible with other towers in the area and along the waterfront. The proposed building has appropriate separation from adjacent buildings and heritage properties and introduces landscaping to knit the development into the immediate context.</p> <p>f. As set out in the conceptual landscaped plan, the outdoor area will be clearly structured and legible to integrate well with the Lower Union Street, the dry dock and the new section of the Waterfront Trail. The primary components include: a pedestrian path along the water's edge, a driveway off Lower Union Street that arrives at the lobby entrance and continues into a turnaround, open outdoor amenity space immediately around the building and a landscaped area with trees and seating adjacent to the pedestrian path. These spaces will provide amenity space, be accessible and link well into the adjacent public realm.</p> <p>g. See response to d and e above.</p> <p>h. On-site functional needs including loading and waste collection are located to the rear of the building and away from the public realm to reduce their visibility. Mechanical equipment for the building will be out of sight as it will be located within the building with a mechanical room incorporated into the design of the penthouse level. At-grade exterior utility needs related to power will be incorporated into the landscape and not conflict with paths of travel, cultural heritage or new landscaping.</p>
<p>8.6. 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</p>	<p>a. See Section 8.5.d. above.</p> <p>b. See Sections 6.1.8. and 7.1.7. above.</p> <p>c. and d. The design and materiality of the building provides for a varied and complementary built form. The podium incorporates masonry (a traditional Kingston building material) as the exterior cladding treatment. The podium design</p>

<p>zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <ul style="list-style-type: none"> a. siting, scale and design of new development in relation to the 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; b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development; c. 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; d. 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 	<p>displays a masonry frame with inset balconies, glazing and paneling all in a contemporary configuration. In contrast, the tower follows a loose grid with a regular pattern of window openings and vertical bays of balconies. Architectural interest is provided through a material variety (E.I.F.S. and metal panels), projecting balconies and a stepped roof treatment.</p> <p>e. The proposed site and building design will maintain the prominence of the adjacent Engine House Complex, in particular the visibility of the chimney as shown in Exhibit K. The proposal will allow for the continued use of the Marine Museum and expand the waterfront trail to provide for increased opportunity for the public to view the Engine House Complex and exterior of the S. S. Keewatin from a new vantage point.</p>
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<p>provides additional policy in this regard; and,</p> <p>e. encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</p>	
<p>8.8. Protected views identified on Schedule 9 on streets that terminate at the water must be preserved by:</p> <ul style="list-style-type: none"> a. restricting or not allowing development of buildings and structures that would interrupt sightlines; b. requiring that the siting, massing and design of buildings and structures in areas adjacent to protected views maintain the views; c. encouraging the development of facilities, amenities, signage and design themes at locations where the Waterfront Pathway or the Lake Ontario Waterfront Trail meets the protected views, which will enhance the use of this area and appreciation of the view; and, d. ensuring that any installation of structures or facilities in public open space areas adjacent to the protected views complements the view. 	<p>The property contains a protected view to the water down Lower Union Street south of King Street East as shown on Schedule 9 of the Official Plan. The Plan directs that the siting, massing and design of buildings in protected view areas should not interrupt sightlines to the water. The HIS and addendums provide a view analysis confirming that while the tower will be visible from the protected view plane as an extension of the existing street wall, the building placement will frame rather than obstruct the views to the water and thus complies with the direction of the Official Plan.</p> <p>The introduction of a perimeter waterfront trail around the site represents a new amenity at a location where the waterfront pathway will now meet this protected view, enhancing the use of this area and opportunities for appreciation of the view.</p>
<p>Section 9 – Administration & Implementation</p>	
<p>9.3.2. Every application for amendment to this Plan will be evaluated on the basis of the following general considerations</p>	<p>As outlined throughout this table, the proposed development conforms with the applicable policies of the Official Plan, including Section 2. The lands are designated for residential use and represent an</p>

<p>and any others that are pertinent to the particular application:</p> <ul style="list-style-type: none"> a) the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including sustainability, stability and compatibility outlined in Section 2, and consistency with provincial policy; b) the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use; c) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses, including cultural heritage resources and natural heritage features and areas; d) the potential of the proposal to cause instability within an area intended to remain stable; e) the ability of the City's infrastructure to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure improvements in other areas of the City; 	<p>underutilized brownfield site within the Urban Boundary, on which intensification is encouraged by the Plan.</p> <p>It is a goal of Council to promote an increase in purpose-built rental housing and the requested Official Plan amendment will facilitate the creation of 118 new purpose built rental units.</p> <p>The proposal represents compatible development, as outlined in table under Section 2.7 of this table.</p> <p>As discussed under Section 2.6.2., the subject lands do not meet the criteria of the Plan to be considered a stable area as the prevailing context includes a variety of built form and tenure types, including tall-, medium- and low-rise building forms.</p> <p>The proposal will make use of existing municipal servicing infrastructure and will provide for the expansion of the waterfront trail as envisioned by the Waterfront Master Plan.</p> <p>The development reflects a desirable condition and is supported by site-specific technical study and will not establish an undesirable precedent.</p> <p>The proposal is consistent with the Provincial Planning Statement, as outlined in Exhibit F.</p>
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<ul style="list-style-type: none"> f) the financial implications (both costs and revenues) to the City; g) the degree to which approval of the amendment would establish an undesirable precedent; and, h) consistency with the Provincial Policy Statement and provincial legislation and guidelines. 	
<p>9.5.9 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"> a) conformity of the proposal with the intent of the Official Plan policies and schedules; 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; 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; 	<p>The requested 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 building as proposed.</p> <p>As demonstrated through the review of the applicable sections of the Plan through this report, including Section 2.7, the proposed development is compatible with surrounding land uses and natural features. The proposal will not adversely impact natural heritage or cultural heritage resources. The development is supported by an Urban Design Study and aligns with good tall building design practices.</p> <p>The subject lands are well-located adjacent the downtown and its proximity to that centre and the immediate context supports high density residential. There are limited other vacant lands pre-zoned for high density residential in the City and the Official Plan prioritizes infill and redevelopment in appropriate locations to limit unwarranted expansion of the Urban Boundary. This site can accommodate high density residential and is in an appropriate location.</p> <p>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</p>

<ul style="list-style-type: none"> 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; 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; 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. 	<p>provide private and communal amenity at a rate consistent with the zoning by-law.</p> <p>The proposal represents a dense urban condition and will provide needed housing units in proximity to the downtown, which is identified for intensification.</p> <p>The provided Servicing Report and Traffic Impact Study conclude that the development can be supported by existing municipal infrastructure.</p> <p>Comments received from technical review agencies, internal City department, and the public have been considered through the technical review process. An overview of public comments received on the application is included in this report.</p> <p>The development reflects a desirable condition and is supported by site-specific technical study. Similar developments in the surrounding area would require independent study which would be reviewed based on their own merits.</p>
<p>9.8.2. The community improvement policies of this Plan are enabling policies under the Planning Act. It is the intent of Council that the Community Improvement Area shown on Schedule 10 to this Plan may be designated, in whole or in part, by by-law, as one or more defined community improvement project areas for which detailed community</p>	<p>There are currently six separate project areas identified in the Brownfields Community Improvement Plan. The subject property is not located within one of the five approved project areas but is located in close proximity Project Area 1B. As such, the applicant is requesting an amendment to expand existing Project Area 1B, which currently includes the 5.3-hectare property between Lake Ontario and Ontario Street formerly known as “Block D”, in order to include the subject property.</p>

<p>improvement plans will be prepared.</p>	
<p>9.8.5. The Community Improvement Area shown on Schedule 10 illustrates the existing Urban Boundary of the City. A community improvement plan may be established for any portion of the Community Improvement Area that conforms to one or more of the following criteria:</p> <ul style="list-style-type: none"> b) the presence of unused or underutilized land or buildings that could be developed, redeveloped, renovated or converted to another use; c) the presence of buildings or lands of cultural heritage value or interest and sites of archaeological significance or interest; m) the presence of special visual amenities (e.g. waterfront), which could benefit from protection or enhancement; o) the presence of lands or buildings that may require detailed environmental site assessments or designated substances surveys and the implementation of appropriate and necessary remediation; q) the opportunity to support development that would intensify vacant or underutilized lots in the Community Improvement Area; 	<p>The subject property conforms to several of the 18 criteria established under Section 9.8.5. The subject site is currently unused and is considered underutilized, considering its prominent waterfront location adjacent to the downtown, within the Community Improvement Area.</p> <p>The site is designated under Part IV of the Ontario Heritage Act and is recognized as a National Historic Site of Canada. As previously noted, it is located on Lake Ontario and presents the opportunity for enhancement via the extension of the waterfront trail.</p> <p>A Phase II Environmental Site Assessment (ESA) has been completed for the property and the applicant has provided a preliminary approach and costing estimates for the environmental remediation required to obtain an RSC. The Phase II ESA confirmed the presence of soil and groundwater contamination at concentrations exceeding provincial standards for residential and parkland uses. The proposed remediation approach is estimated in the order of \$8 million.</p>

<p>9.8.8. In order to implement its community improvement policies, the City may:</p> <ul style="list-style-type: none"> a) designate by by-law community improvement project areas, and prepare community improvement plans for the project areas in accordance with the Planning Act; b) integrate community improvement projects with other public works and City programs and initiatives; c) continue to support and encourage Business Improvement Areas (BIAs) in their efforts to maintain strong and viable business areas; d) continue the enforcement of the Property Standards By-law with respect to residential, commercial and industrial building stock and lands; e) continue to make applications to participate in all appropriate senior level government programs; f) continue to support Kingston Heritage Properties Committee and heritage conservation programs and initiatives; g) continue to encourage private initiatives regarding the rehabilitation, development, conversion and environmental remediation of lands or 	<p>The subject application is a private initiative that will result in the rehabilitation and environmental remediation of contaminated lands in support of infill development within the Urban Boundary.</p>
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<p>buildings and, where appropriate, support infill development;</p> <ul style="list-style-type: none"> h) develop an environmental program designed to assist private interests in undertaking the remediation of environmentally compromised land or buildings; i) where feasible, acquire buildings and lands to carry out community improvement objectives; j) consider a more flexible approach to zoning where community improvement objectives are supported; and, k) develop energy programs designed to assist private interests in undertaking actions that reduce carbon emissions or increase energy efficiency from buildings. 	
<p>9.9.5. The City intends to acquire waterfront lands and shoreline properties, where feasible, by purchasing them, acquiring easements or entering into agreements in order to provide for universal public access to the waterfront, to provide for the establishment of waterfront parklands and pathways, and to provide for shoreline protection, ecological protection, and cultural heritage protection measures. As the opportunity arises, the City intends to assist in acquisition of waterfront lands and shoreline properties with such agencies as the Federal and Provincial</p>	<p>The proposed development will give the City the opportunity to acquire a new parkland easement through a Planning Act application to facilitate the extension of the waterfront trail around the perimeter of the site, as directed by the Waterfront Master Plan. This will contribute to the objective of providing universal public access to the waterfront and the establishment of waterfront pathways, per Section 9.9.5.</p>

governments, land trusts and the Cataraqui Region Conservation Authority.	
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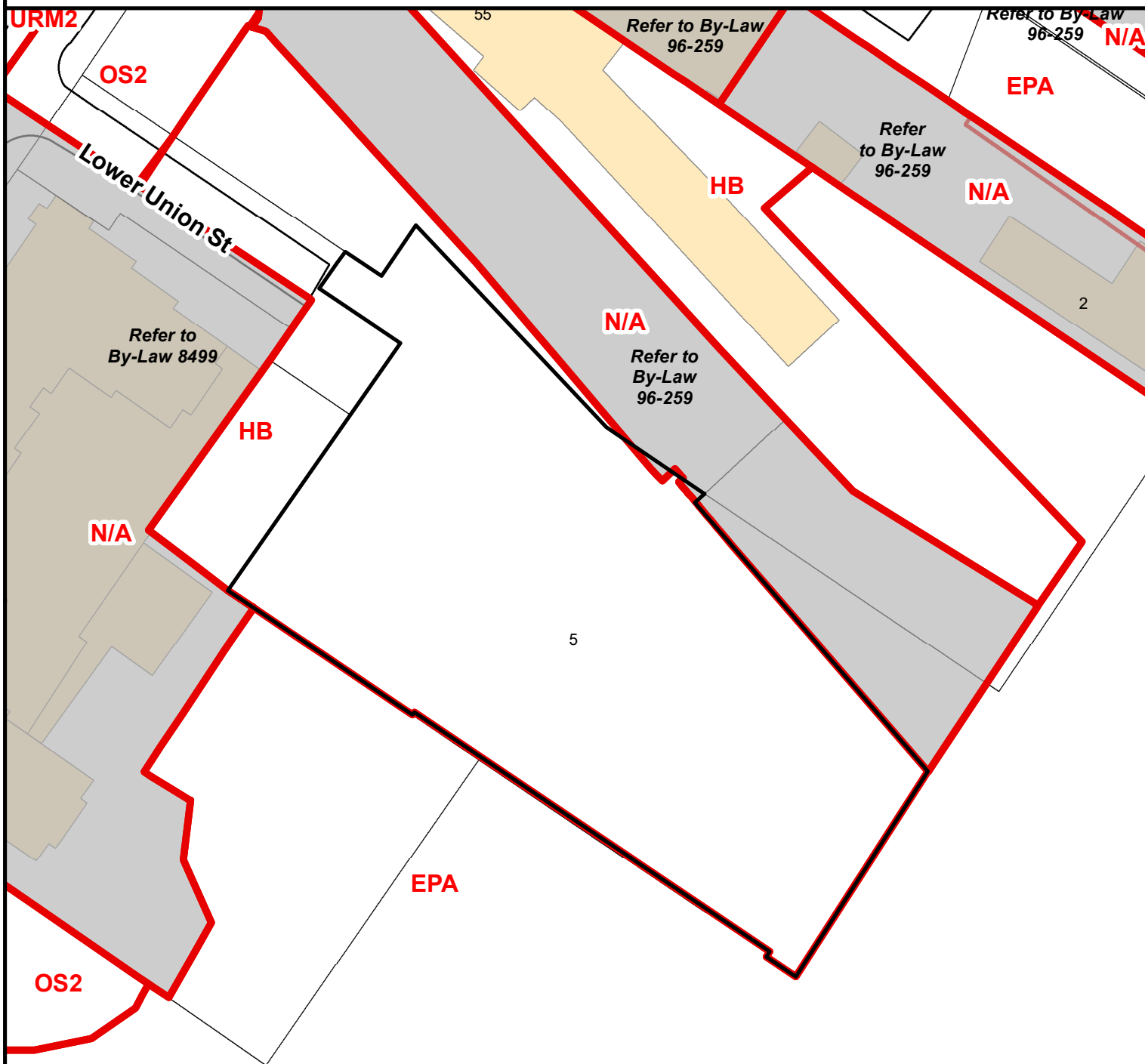


Planning
Services

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

Address: 5 Lower Union Street
File Number: D35-003-2021
Prepared On: Jun-05-2024

- 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)



5 LOWER UNION

Homestead Land Holdings Ltd.

5 Lower Union Street
 Kingston, Ontario

ARCHITECT:

**ALEXANDER WILSON
 ARCHITECT INC.**
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**JOSSELYN
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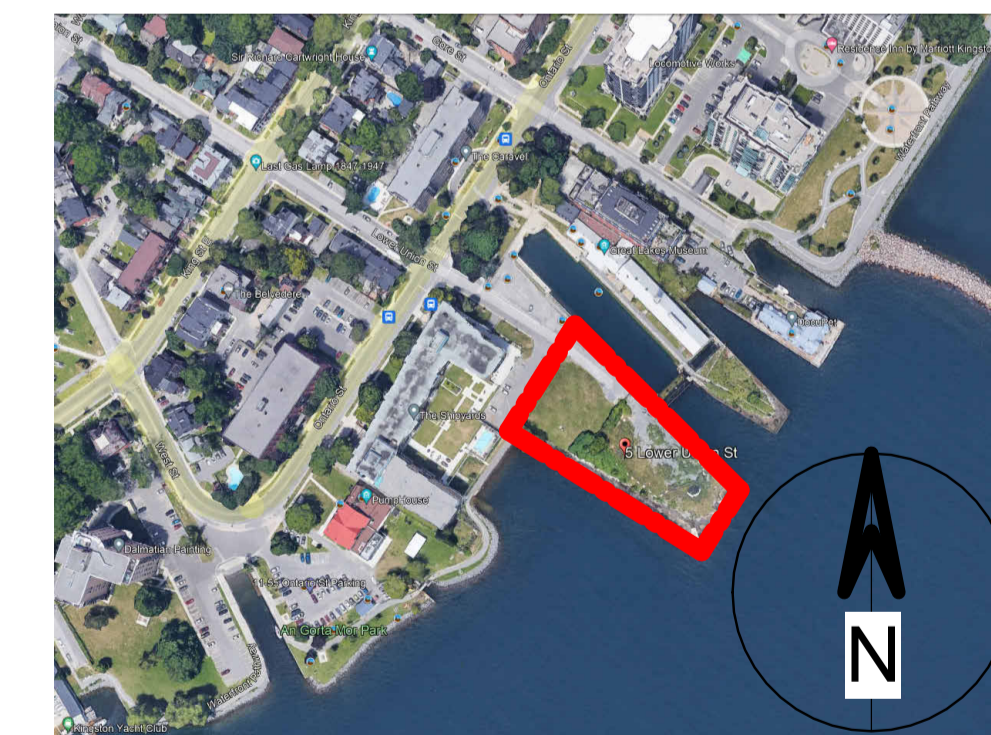


Sheet List	
Sheet Number	Sheet Name
A001	SITE PLAN
A100	BASEMENT GARAGE FLOOR PLAN
A101	GROUND FLOOR PLAN
A102	2ND FLOOR PLAN
A103	3RD FLOOR PLAN
A104	4TH FLOOR PLAN
A105	TYPICAL (5TH-18TH) FLOOR PLAN
A106	PENTHOUSE FLOOR PLAN
A107	ELEVATOR MECHANICAL ROOM PLAN
A108	OVERALL ROOF PLAN
A300	NORTH ELEVATION
A301	EAST AND WEST ELEVATION
A302	SOUTH ELEVATION
A400	LONGITUDINAL SECTION (ELEVATORS)
A401	LONGITUDINAL SECTION (STAIRS)
A404	CROSS SECTION
A405	CROSS SECTION

SET NUMBER	
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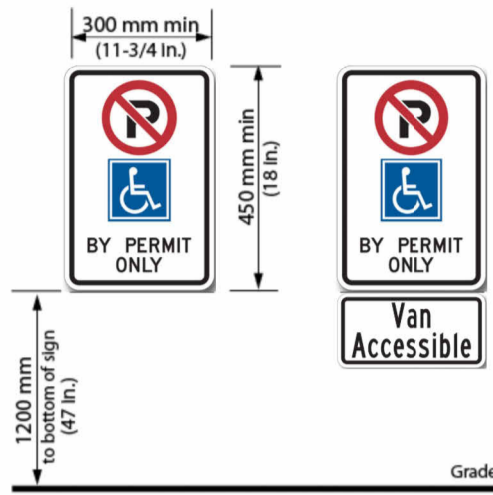
Homestead Land Holdings Ltd.
 5 LOWER UNION

5 Lower Union Street
 Kingston, Ontario



PROJECT NUMBER	1951
ISSUE DATE	21-01-2025

ACCESSIBLE PARKING NOTES



MINIMUM OF 1 AUTHORIZED SIGN PER PARKING SPACE, LOCATED WITHIN 2m OF THE FRONT OF THE SPACE, CENTRED ON THE SPACE

ACCESSIBLE PARKING NOTED IN PLAN BY THE FOLLOWING SYMBOL

UNIT MIX/ FLOOR	1 BDRM	+DEN	2 BDRM	2 BDRM +DEN	TOTAL	TOTAL
UNIT AREA	(76-80m ²)		(103-113m ²)	(98-141m ²)		
	B.F.		B.F.		B.F.	
LEVEL 1	0	1	1	0	0	1
LEVEL 2 & 3 (X2 floors)	4	1	2	0	5	1
LEVEL 4-18 (X15 floors)	0	0	3	0	2	1
TOTAL	8	3	50	0	40	17
					98	20
						(17.95%)

DESIGNED FIRE ACCESS ROUTES, FIRE ROUTE SIGNS:

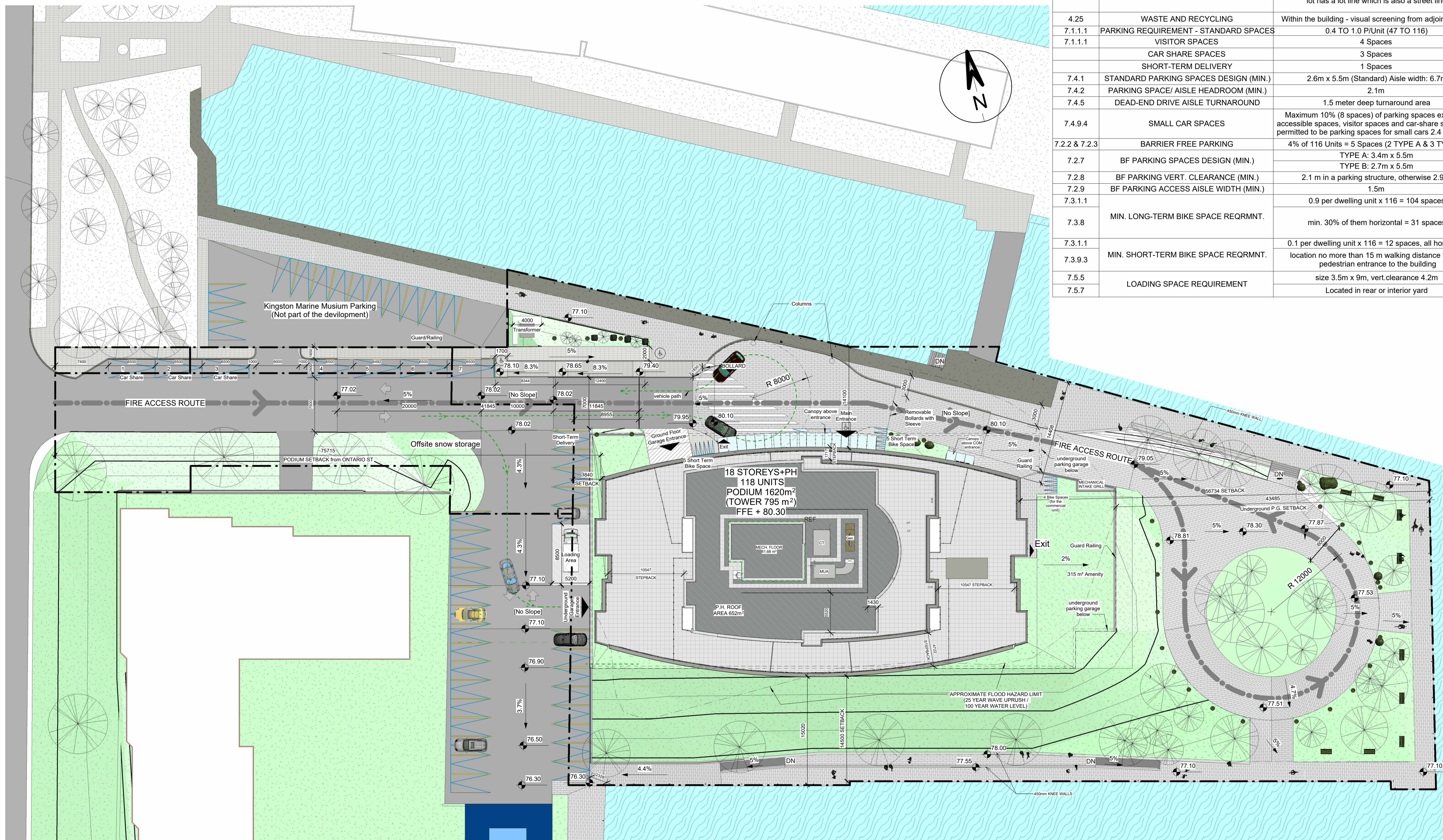


- FIRE ROUTES SHALL BE PERMANENTLY MOUNTED ON A RIGID SIGN POST OR POLE
- BE ERRECTED AT A HEIGHT BETWEEN 1.9 AND 2.5 METERS AS MEASURED FROM THE TRAVELLED SURFACE OF THE FIRE ROUTE TO THE BOTTOM OF THE SIGN
- BE INSTALLED AT A DISTANCE OF 0.3 AND 3 METERS FROM THE TRAVELLED EDGES OF THE FIRE ROUTE AND
- BE INSTALLED ALONG THE FIRE ROUTE AT INTERVALS NO GREATER THAN 30 METERS OR AT SUCH OTHER INTERVALS APPROVED BY THE CHIEF FIRE OFFICIAL. AS MAY BE REQUIRED TO CLEARLY IDENTIFY THE ROUTE.
- IF THE DIRECTIONAL ARROWHEADS MAY BE DELETED EITHER LEFT OR RIGHT TO INDICATE THE BOUNDARIES OF THE FIRE ROUTE

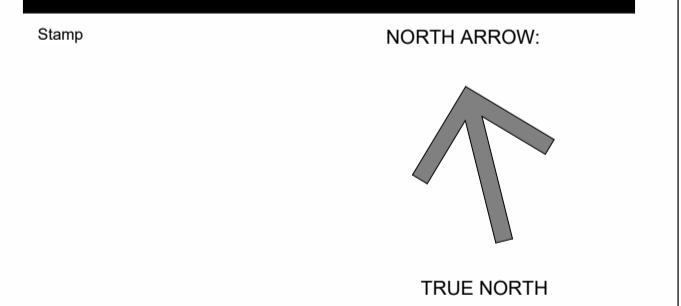
BUILDING AREAS			
	FLOOR AREA (INCLUDING INDOOR AMENITIES)	BALCONIES	TERRACES
GROUND FLOOR AREA	1620 m ² (Including 100 m ² commercial w/ No amenities)	16 m ²	315 m ²
2ND & 3RD FLOOR AREA (X2 STOREYS)	(1615 m ² X2 = 3230m ² (No amenities)	(86 m ² X2 = 172m ²)	
4TH FLOOR AREA	800 m ² (No amenities)	35 m ²	835 m ²
TYPICAL FLOOR AREA (5TH - 18TH) (X14 STOREYS)	(800 m ² X14 floors = 11,200 m ² (No amenities)	(35 m ² X14 floors = 490 m ²)	
PENTHOUSE FLOOR AREA	582 m ² (INCLUDING AMENITIES 357 m ²) (241 m ² Party Room + 116 m ² Fitness Room)		247 m ²
ELEVATOR MECHANICAL ROOM FLOOR AREA	81.68 m ² (No amenities)		
GROSS AREA	17,513 m ²		
AMENITIES	357 m ² Indoor Amenities	713 m ²	1397 m ²
AMENITIES SUM		2,467 m ²	
NUMBER OF STOREYS	18 storeys + 1 Amenity / Mechanical Penthouse		
UNDERGROUND PARKING GARAGE AREA	2290 m ²		

SITE & BUILDING DATA			
19 Storey 116 Units Apartment Building, 1st story underground Garage, 18 Storey Residential and Penthouse Amenity			
ZONING BY LAW 2022-62		Zoning By-Law of the Corporation of the City of Kingston	
Density	166 Units/Ha		
SECTION 15 - HARBOUR ZONE	REQUIRED /PERMITTED	RELIEF REQ'D	PROPOSED
15.8.1.1	SITE AREA (LOT AREA)	NA	6,984.5 m ²
15.1.2	PERMITTED USES	YES	Mixed-use Apartment building
15.8.1.4	SETBACKS (YARDS)	10M FROM WATER EDGE	NO
15.8.1.7			NORTH 12.4 m WEST 3.8 m SOUTH 14.5 m EAST 56.5 m
15.8.1.3	BUILDING HEIGHT	2 storeys, 10.7m (35 ft)	YES 18 storeys + PH, 60.600m
15.8.1.9	BUILDING COVERAGE (%)	50%	NO 23.3% - Podium 1,620 m ²
15.8.1.8	LANDSCAPED AREA	46.1% - 3221 m ² (+ 650 m ² above parking garage = 3902 m ²)	
	PAVED AREA	20.8% - 1445 m ² (+ 37 m ² above parking garage = 1482 m ²)	
15.8.2.2	HIGH WATER MARK SEPARATION DISTANCE	10 m	NO N:12.4m, S:14.5m, E:56.5m

SITE & BUILDING DATA			
SECTION 4 - GENERAL PROVISIONS	REQUIRED /PERMITTED	RELIEF REQ'D	PROPOSED
4.3.1	Amenity Area for Residential Development (MIN.)	18.5 m ² for every Residential Unit = 2,146 m ²	NO 2,467 m ² (21.26 m ² P/Unit)
4.3.3	AMENITY AREA DESIGN	Length not to exceed 4 times the width	NO AS REQUIRED
4.3.4	AMENITY AREA SIZE (MIN.)	not less than 54m ²	NO AS REQUIRED
4.8.1	FRONTAGE ON A PUBLIC STREET	A lot or building must not be used or developed unless the lot has a lot line which is also a street line.	NO Property fronts on terminus of Lower Union Street (or on Ontario Street if Lower Union conveyed)
4.25	WASTE AND RECYCLING	Within the building - visual screening from adjoining sites	NO WITHIN BUILDING
7.1.1.1	PARKING REQUIREMENT - STANDARD SPACES	0.4 TO 1.0 P/Unit (47 TO 116)	NO 74 SPACES (0.63 P/Unit)
7.1.1.1	VISITOR SPACES	4 Spaces	NO 11 underground -indoor- spaces
	CAR SHARE SPACES	3 Spaces	NO 3 outdoor spaces
	SHORT-TERM DELIVERY	1 Spaces	NO 1 outdoor space
7.4.1	STANDARD PARKING SPACES DESIGN (MIN.)	2.6m x 5.5m (Standard) Aisle width: 6.7m	YES 2.6m x 5.2m, Aisle width: 6m
7.4.2	PARKING SPACE/ AISLE HEADROOM (MIN.)	2.1m	NO AS REQUIRED
7.4.5	DEAD-END DRIVE AISLE TURNAROUND	1.5 meter deep turnaround area	NO AS REQUIRED
7.4.9.4	SMALL CAR SPACES	Maximum 10% (8 spaces) of parking spaces excluding accessible spaces, visitor spaces and car-share spaces are permitted to be parking spaces for small cars 2.4 m x 4.8 m	YES 14 ELECTRIC CARS SMALL PARKING SPACES (2.4 m X 4.8 m) marked "S"
7.2.2 & 7.2.3	BARRIER FREE PARKING	4% of 116 Units = 5 Spaces (2 TYPE A & 3 TYPE B)	NO 5 Spaces (2 TYPE A + 2 TYPE B)
7.2.7	BF PARKING SPACES DESIGN (MIN.)	TYPE A: 3.4m x 5.5m TYPE B: 2.7m x 5.5m	YES 3 X TYPE A: 3.5m (MIN) X 6.0m 4 X TYPE B: 2.6m x 5.2m
7.2.8	BF PARKING VERT. CLEARANCE (MIN.)	2.1 m in a parking structure, otherwise 2.9 m	NO 2.5 m in a parking structure
7.2.9	BF PARKING ACCESS AISLE WIDTH (MIN.)	1.5m	NO 1.5m
7.3.1.1		0.9 per dwelling unit x 116 = 104 spaces	NO 104 spaces
7.3.8	MIN. LONG-TERM BIKE SPACE REQRMNT.	min. 30% of them horizontal = 31 spaces	NO 41 Horizontal spaces +9 Enhanced Spaces +14 Stacked + 40 Vertical
7.3.1.1		0.1 per dwelling unit x 116 = 12 spaces, all horizontal	NO 12 horizontal spaces
7.3.9.3	MIN. SHORT-TERM BIKE SPACE REQRMNT.	location no more than 15 m walking distance from a pedestrian entrance to the building	NO <15 m walking distance to main entrance
7.5.5	LOADING SPACE REQUIREMENT	size 3.5m x 9m, vert. clearance 4.2m	YES 5.2m x 8.5m, exterior
7.5.7		Located in rear or interior yard	NO Located in interior yard



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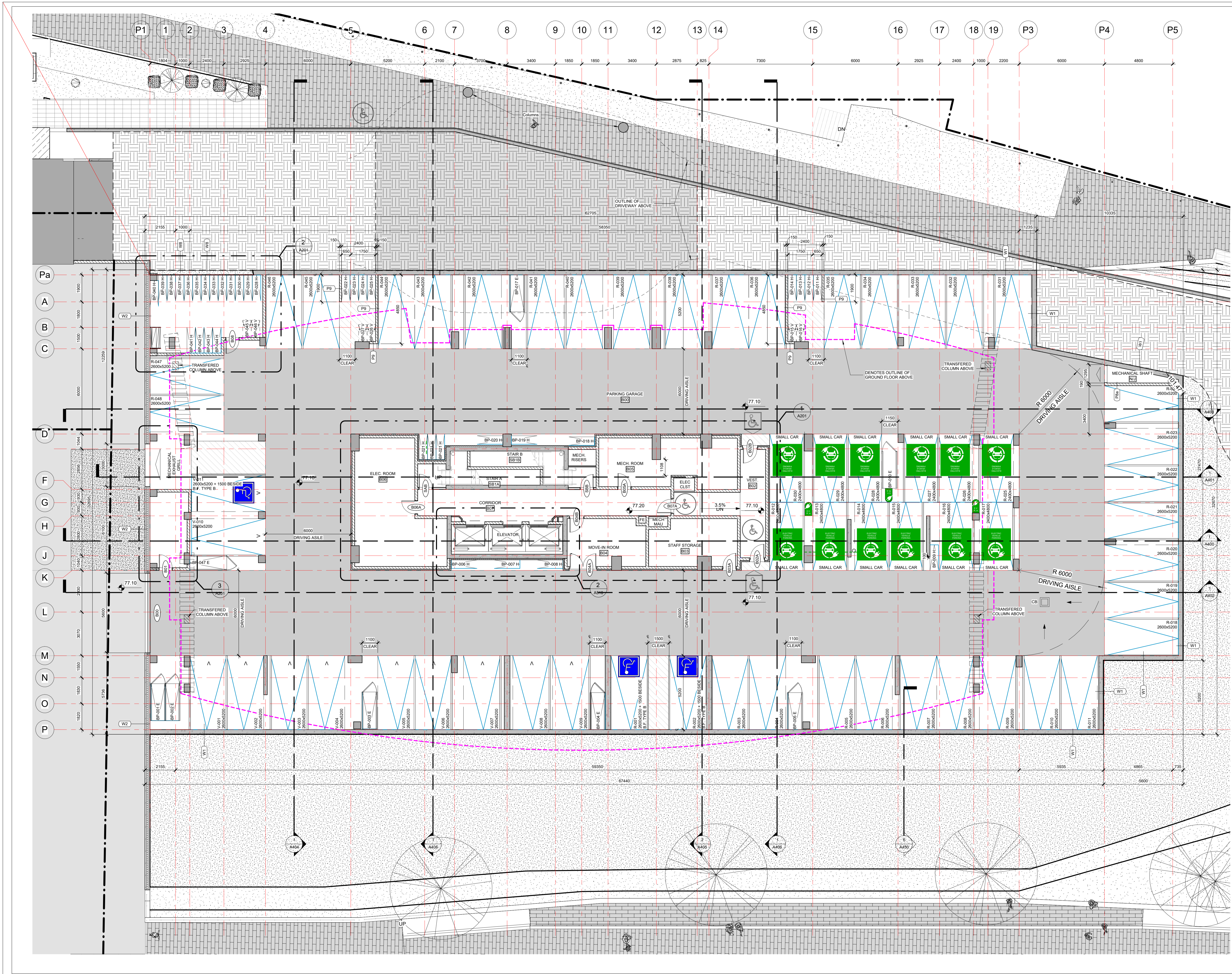


Project: **5 LOWER UNION**

5 LOWER UNION STREET
 KINGSTON, ONTARIO

Drawing: **SITE PLAN**

Drawn By	FAHD A.Z.	Checked By	Checker
Scale	1 : 250	Date	19-02-2025
Project No.	1951	Revision	g
Drawing No.	A001		

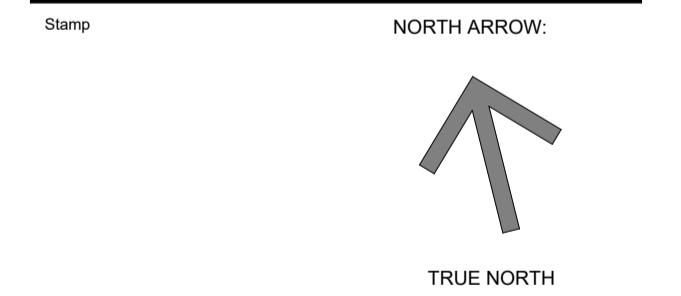


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Revisions		
Revision Number	Revision Date	Revision Description
1	11-09-2023	ISSUED FOR REVIEW
2	18-12-2023	ISSUED FOR ZONING
3	27-03-2024	ISSUED FOR ZONING
4	02-05-2024	ISSUED FOR ZONING
5	18-06-2024	ISSUED FOR REVIEW
6	12-08-2024	ISSUED FOR SPA
7	12-09-2024	RE-ISSUED FOR SPA
8	04-10-2024	ISSUED FOR 85% DRAWING
9	21-01-2025	RE-ISSUED FOR SPA



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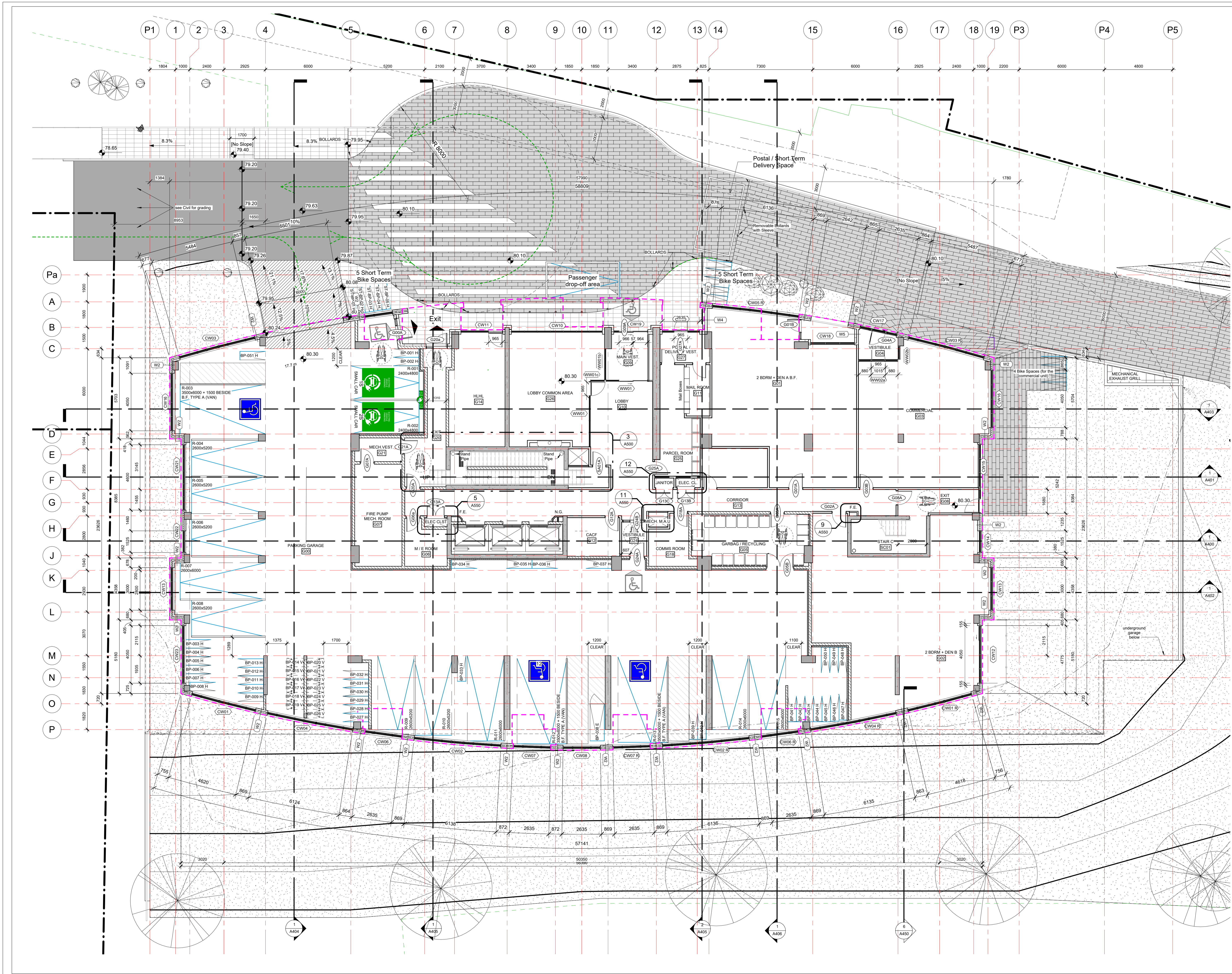


Project
5 LOWER UNION

5 LOWER UNION STREET
 KINGSTON, ONTARIO

**BASEMENT GARAGE
 FLOOR PLAN**

Drawn By: FAHD A.Z. Checked By: Checker
 Scale: 1:100 Date: 21-01-2025
 Project No: 1951 Revision: g
 Drawing No: A100

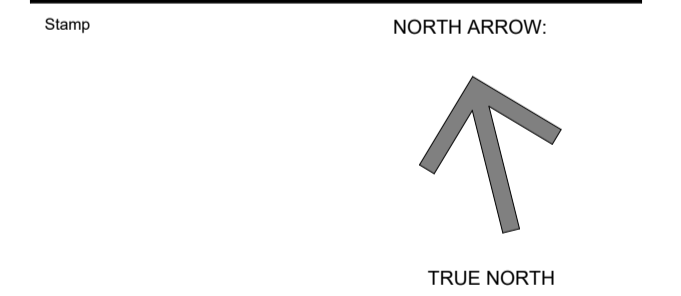


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7	12-09-2024	RE-ISSUED FOR SPA
8	04-10-2024	ISSUED FOR 86% DRAWING
9	21-01-2025	RE-ISSUED FOR SPA



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Project: **5 LOWER UNION**

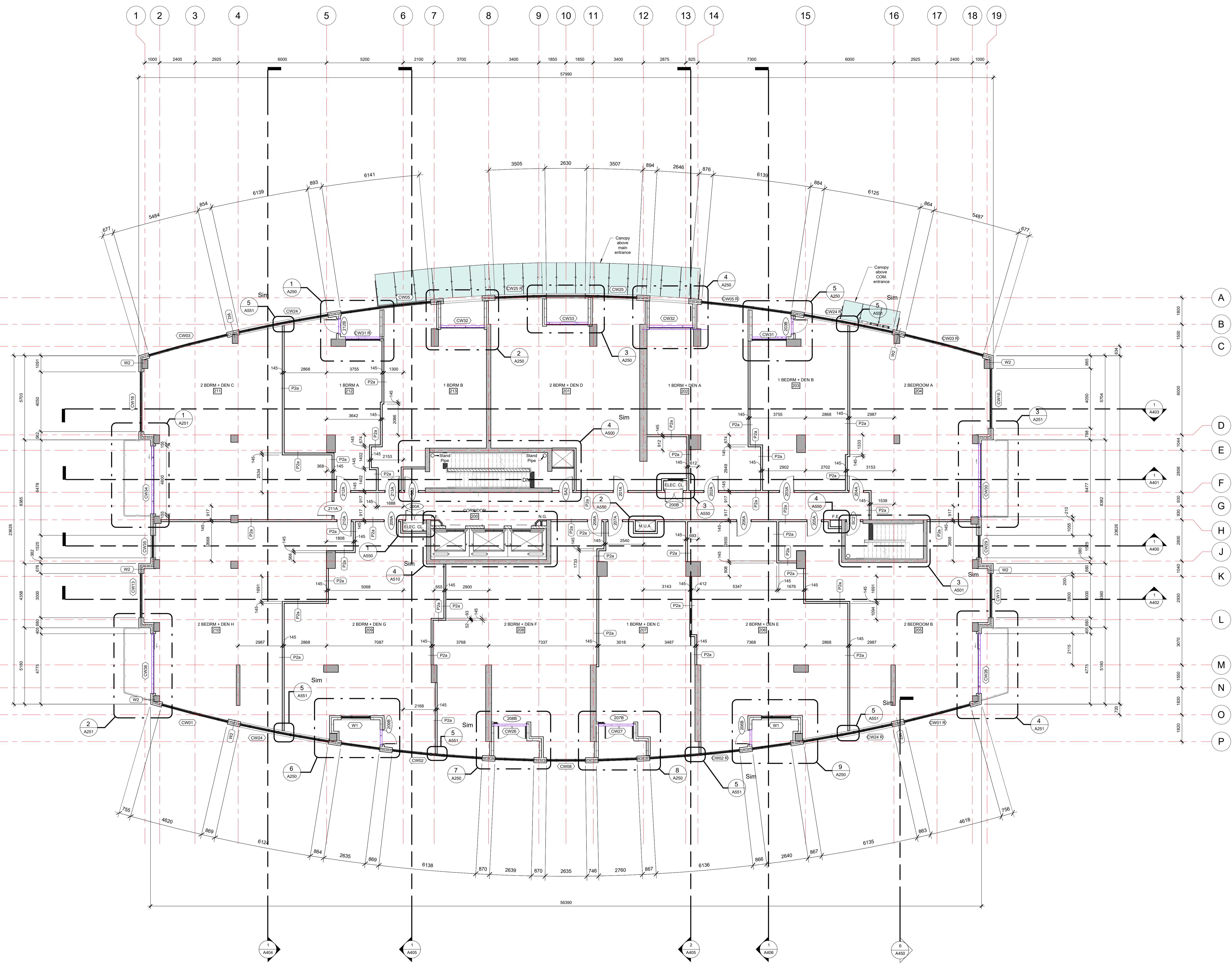
5 LOWER UNION STREET
 KINGSTON, ONTARIO

Drawing: **GROUND FLOOR PLAN**

Drawn By	FAHD A.Z.	Checked By	Checker
Scale	1:100	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A101		

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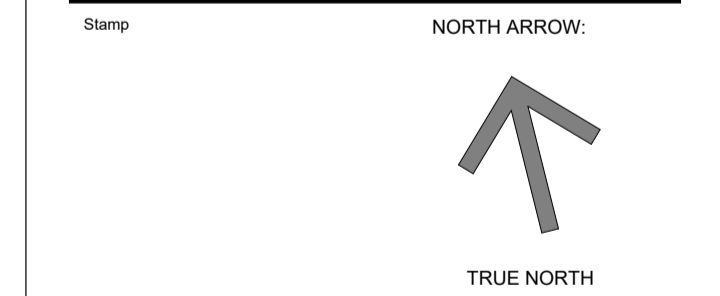
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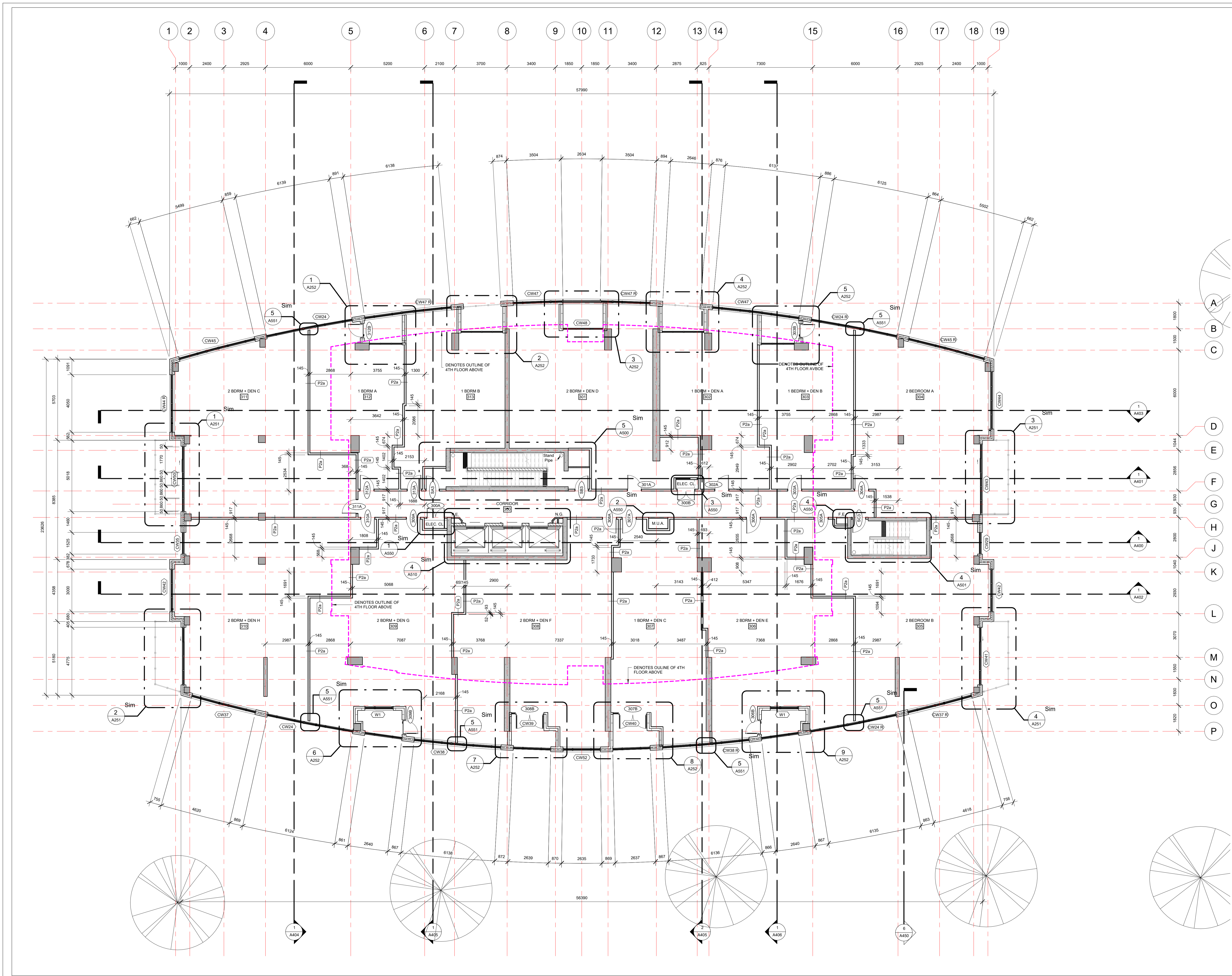


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Project:
5 LOWER UNION
 5 LOWER UNION STREET
 KINGSTON, ONTARIO
 Drawing:
2ND FLOOR PLAN

Drawn By: FAHD A.Z. Checked By: _____
 Scale: 1:100 Date: 21-01-2025
 Project No: 1951 Revision: g
 Drawing No: A102



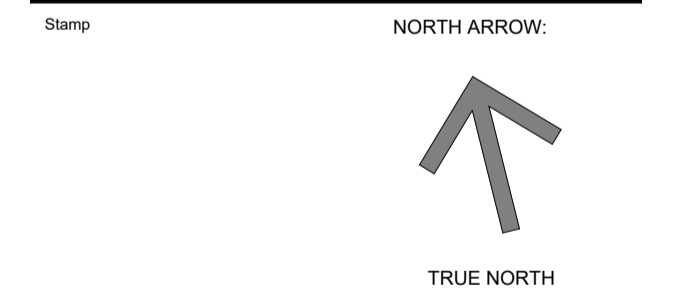
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Revisions		
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9	21-01-2025	RE-ISSUED FOR SPA

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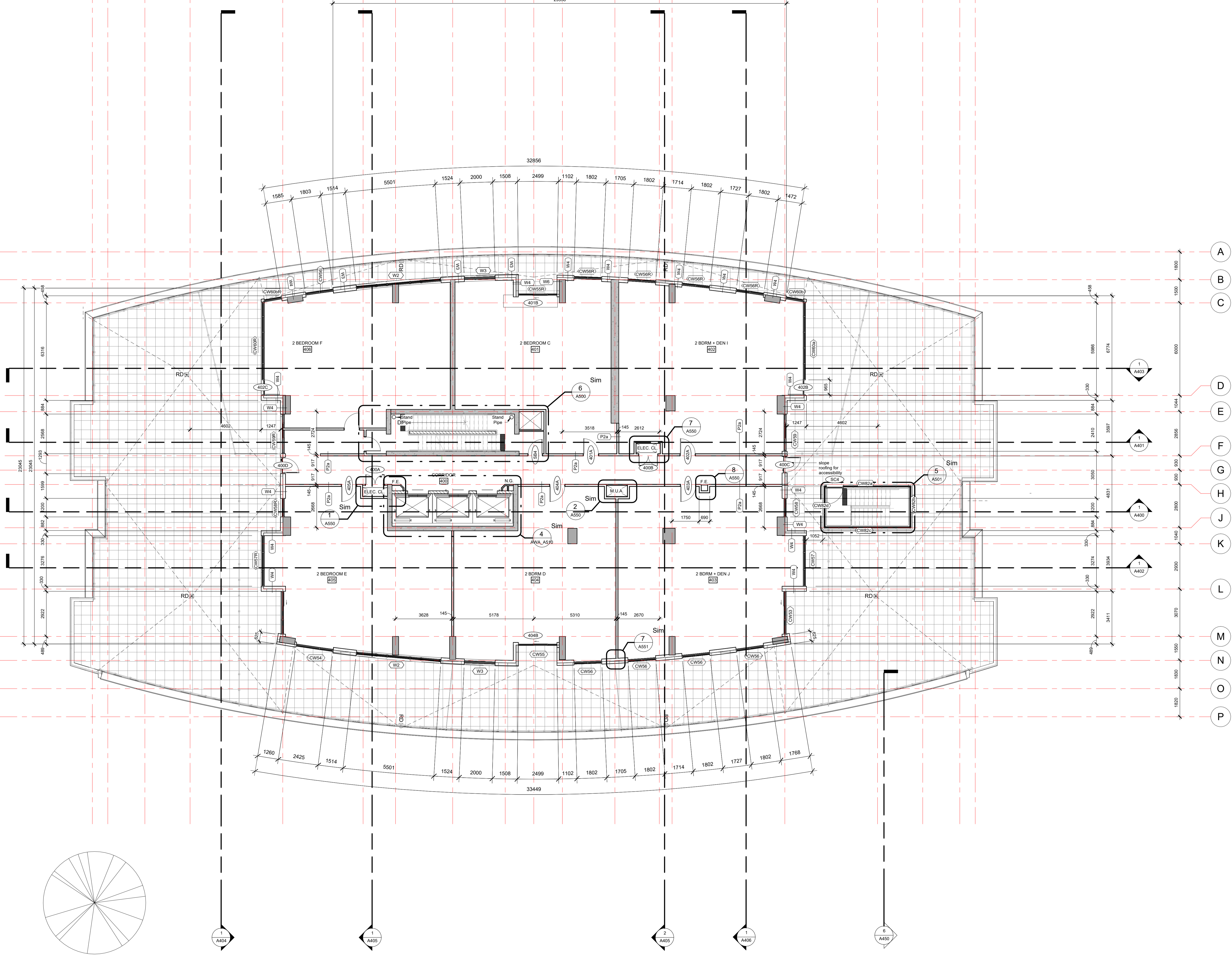
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Project
5 LOWER UNION
 5 LOWER UNION STREET
 KINGSTON, ONTARIO
 Drawing
3RD FLOOR PLAN

Drawn By	Author	Checked By	Checker
Scale	1:100	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A103		

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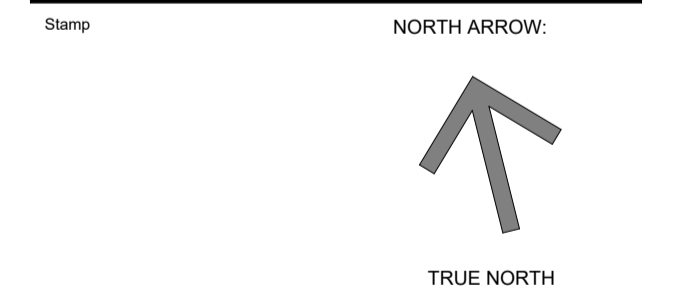
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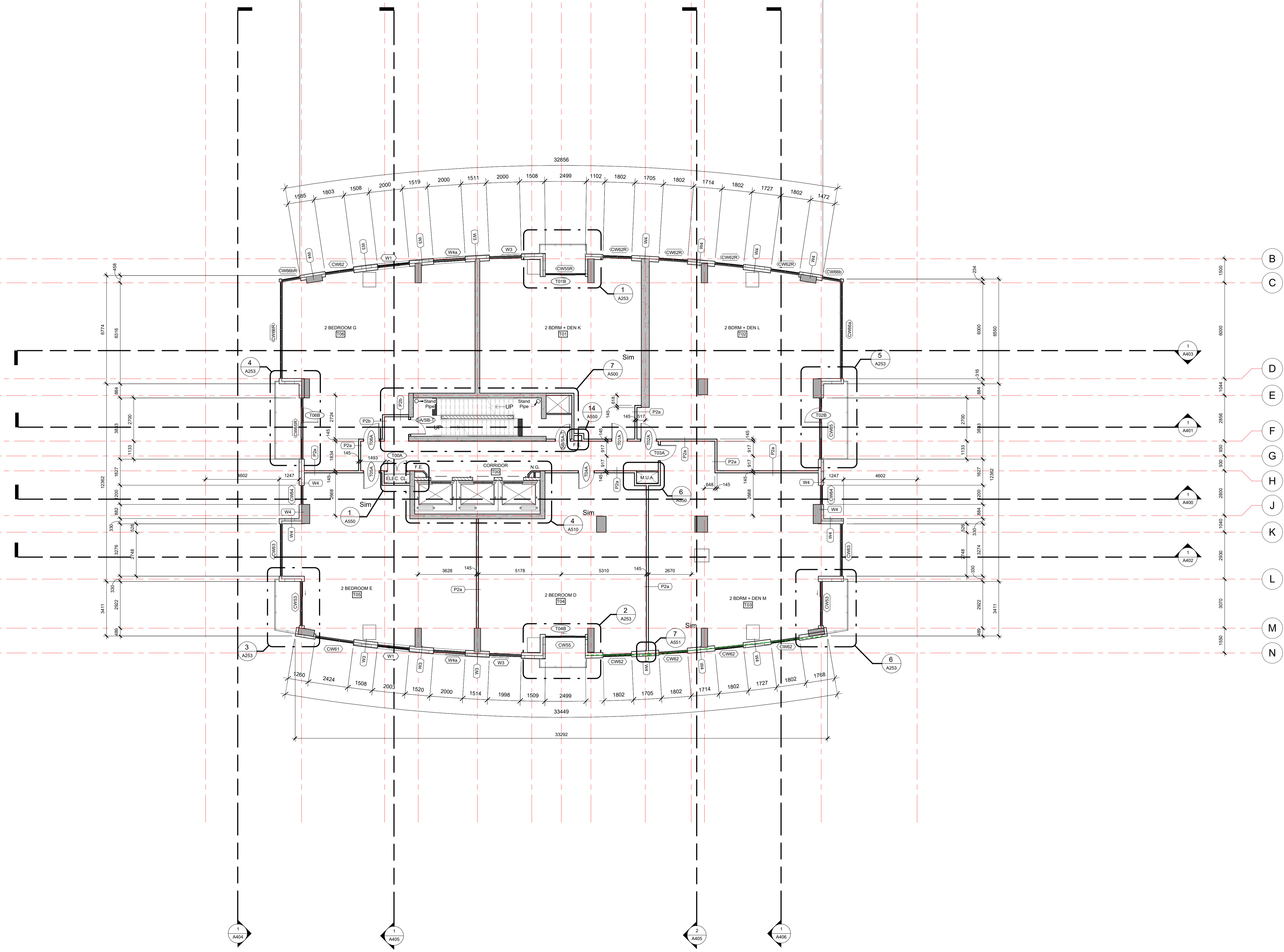
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5 LOWER UNION
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 KINGSTON, ONTARIO
 Drawing
4TH FLOOR PLAN

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 Project No: 1951 Revision: g
 Drawing No: A104

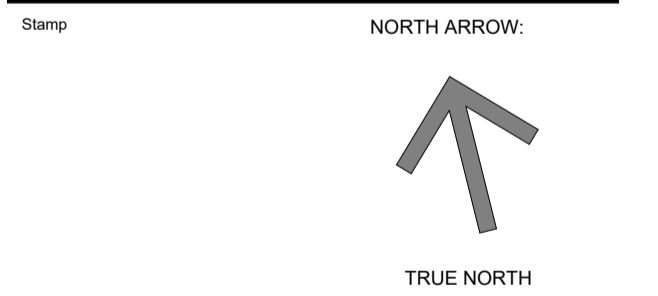
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Project
5 LOWER UNION
 5 LOWER UNION STREET
 KINGSTON, ONTARIO
 Drawing
**TYPICAL (5TH-18TH)
 FLOOR PLAN**

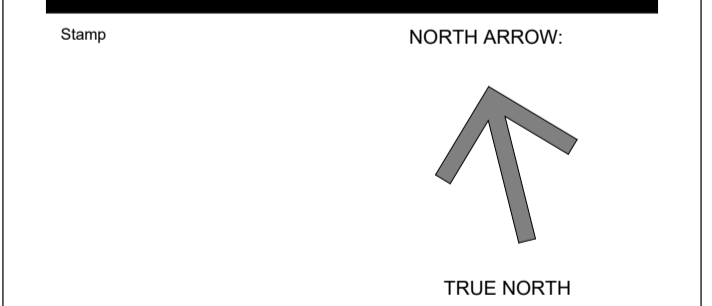
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 Drawing No: A105

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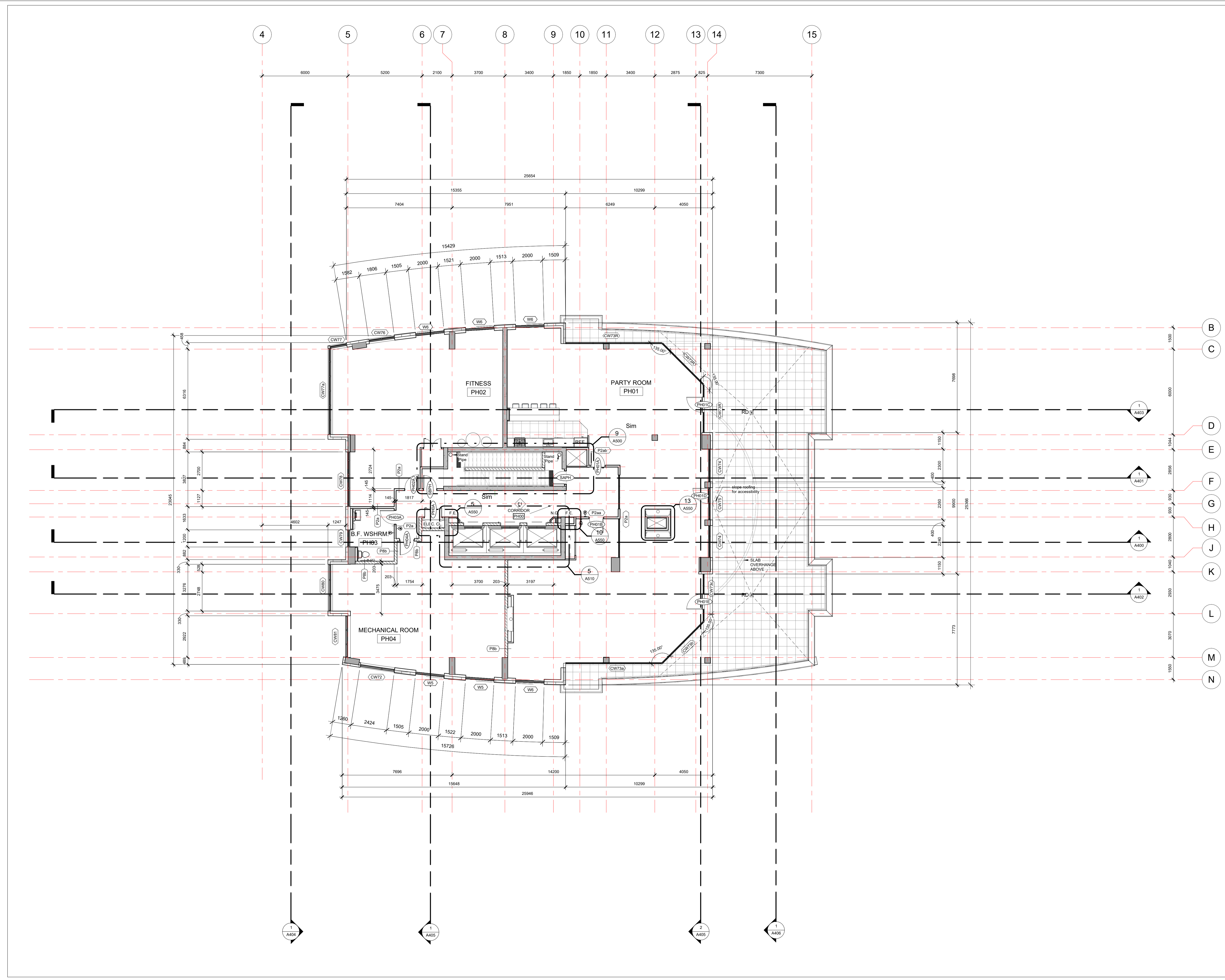


Project
5 LOWER UNION

5 LOWER UNION STREET
 KINGSTON, ONTARIO

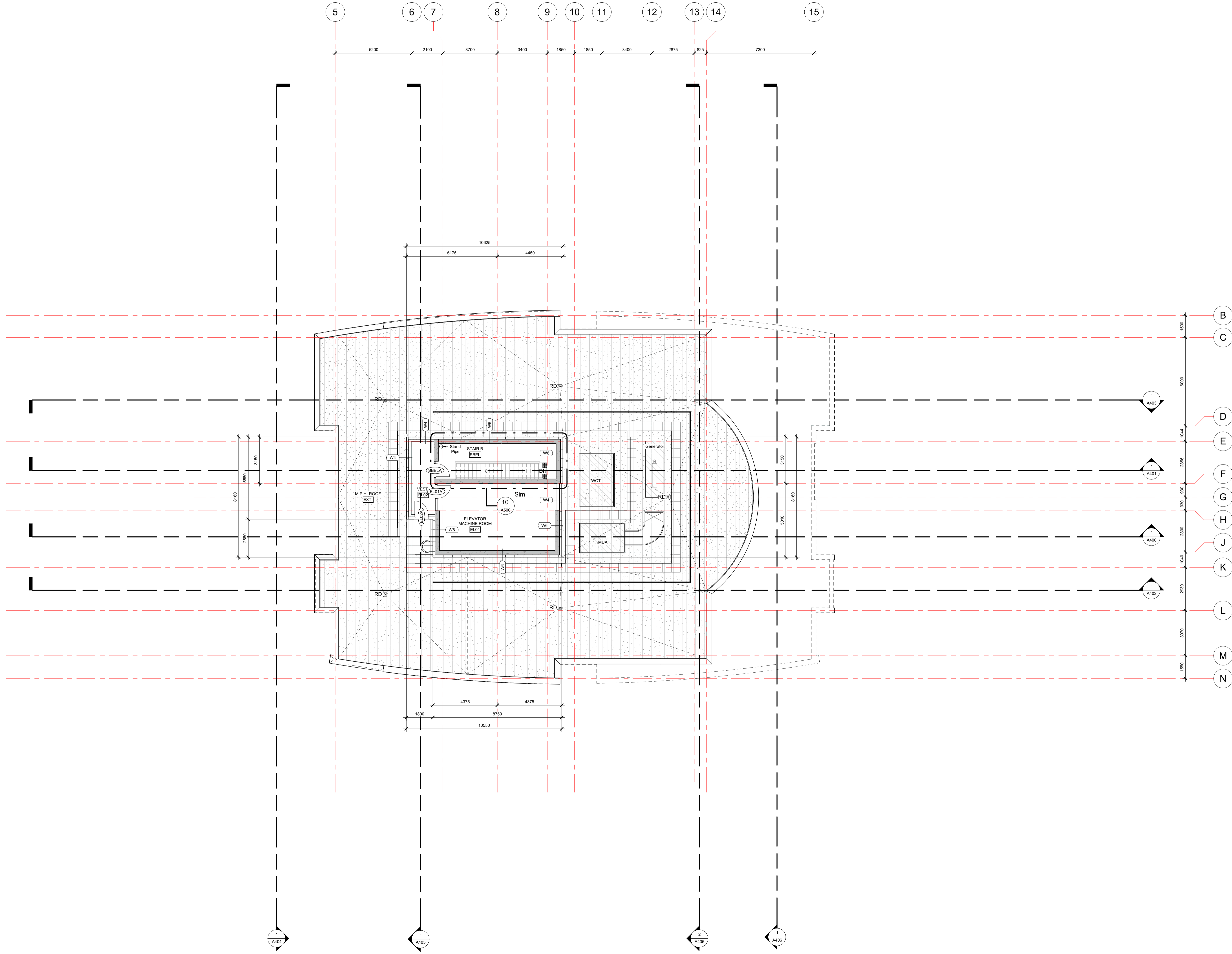
Drawing
PENTHOUSE FLOOR PLAN

Drawn By: FAHD A.Z. Checked By: [Blank]
 Scale: 1:100 Date: 21-01-2025
 Project No: 1951 Revision: g
 Drawing No: A106

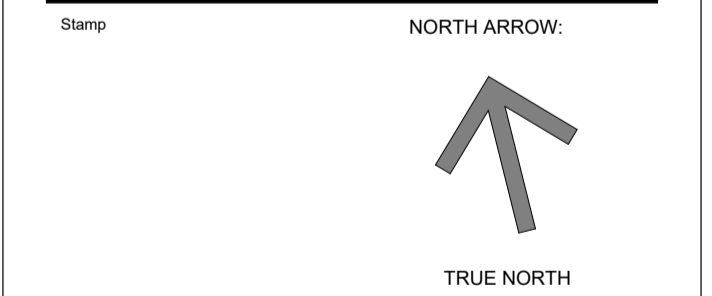


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Project
5 LOWER UNION

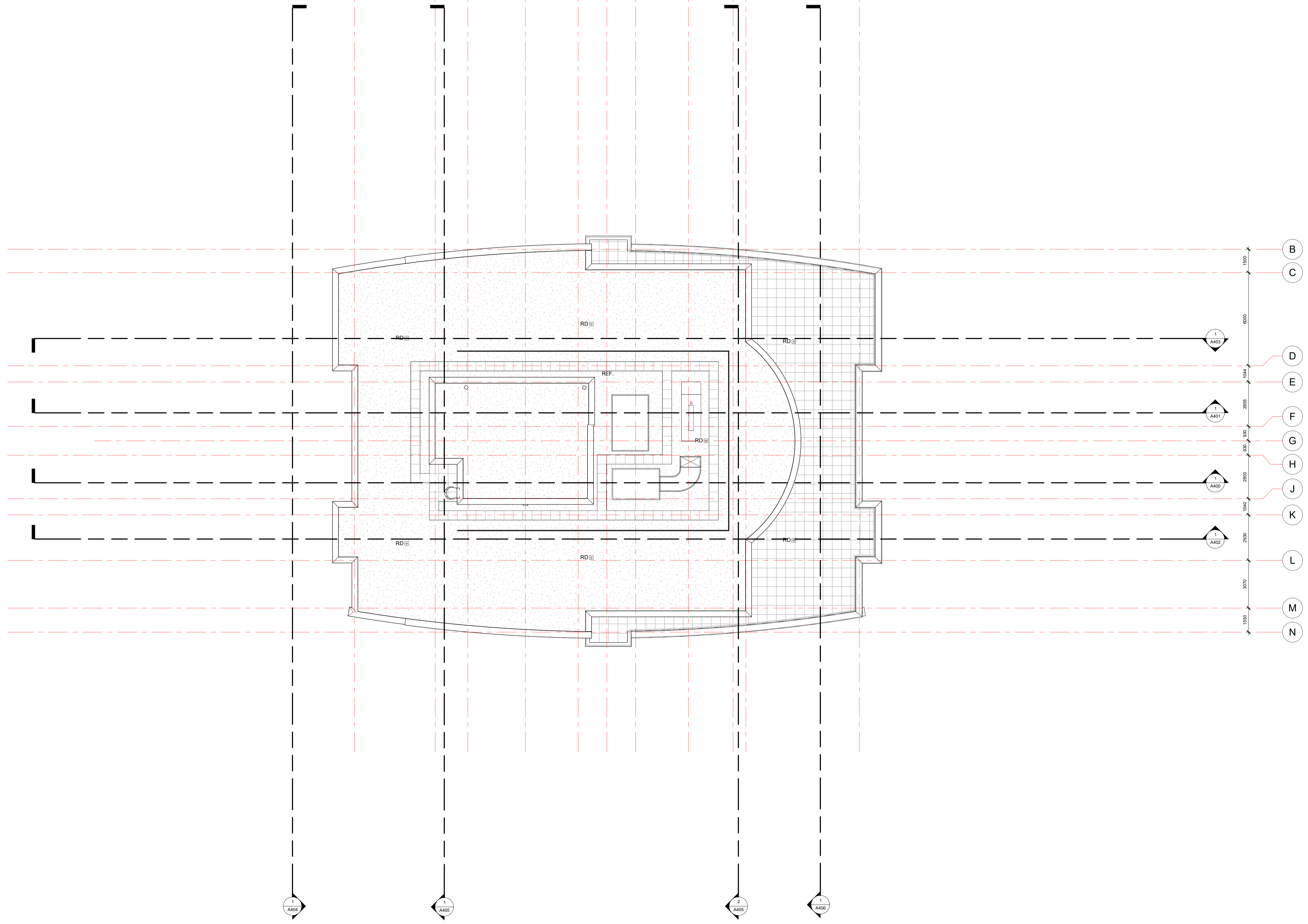
5 LOWER UNION STREET
 KINGSTON, ONTARIO

**ELEVATOR MECHANICAL
 ROOM PLAN**

Drawn By	FAHD A.Z.	Checked By	Checker
Scale	1:100	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A107		

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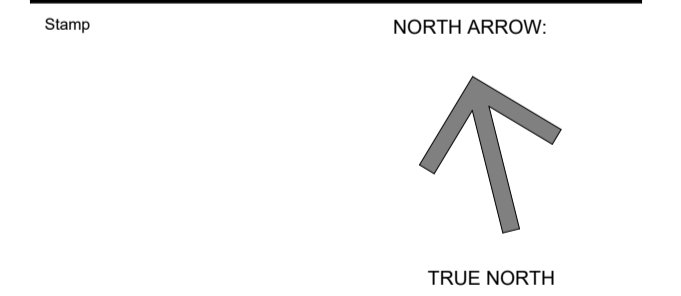


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8	04-10-2024	ISSUED FOR 66% DRAWING
9	21-01-2025	RE-ISSUED FOR SPA



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Project
5 LOWER UNION
 5 LOWER UNION STREET
 KINGSTON, ONTARIO
 Drawing
OVERALL ROOF PLAN

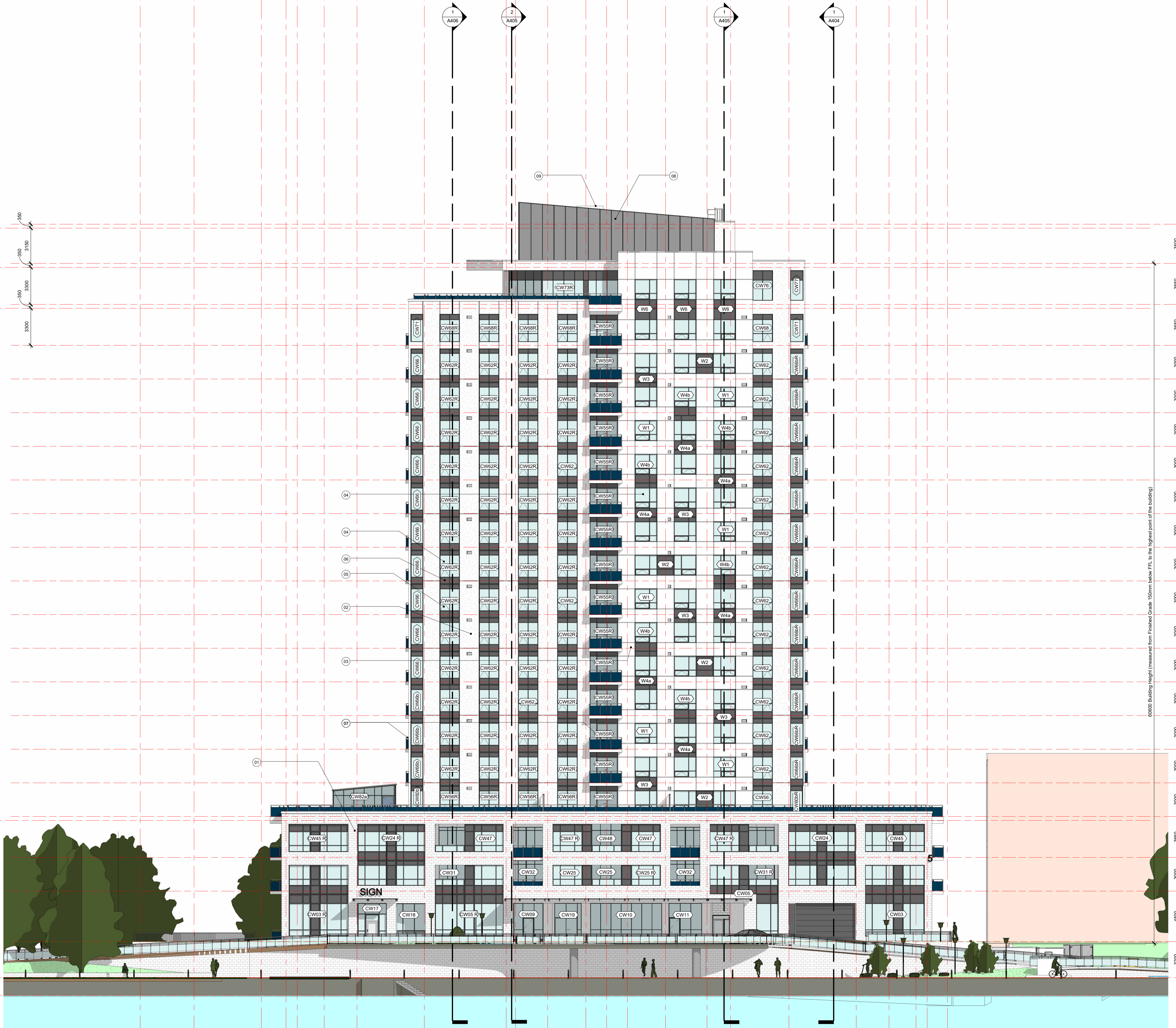
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Scale	1:100	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A108		

P5 P4 P3 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 P1

4800 6000 2200 1000 2400 2925 6000 7300 825 2875 3400 1850 1850 3400 3700 2100 5200 6000 2925 2400 1000 1804

143.500 Elevator Room Roof @ L.P.
140.400 Penthouse Roof @ L.P.
136.750 Roof @ L.P.

144.250 Elevator Room Roof
140.750 Elevator Room
137.100 Penthouse
133.450 Level 18
130.450 Level 17
127.450 Level 16
124.450 Level 15
121.450 Level 14
118.450 Level 13
115.450 Level 12
112.450 Level 11
109.450 Level 10
106.450 Level 9
103.450 Level 8
100.450 Level 7
97.450 Level 6
94.450 Level 5
91.450 Level 4
87.800 Level 3
84.800 Level 2
80.300 GROUND FLOOR
77.100 GARAGE FLOOR PLAN



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8	04-10-2024	ISSUED FOR 85% DRAWING
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TYPICAL ELEVATION NOTES	
01	TYP - MASONRY CLADDING
02	TYP - PRE-FABRICATED EIFS PANELS STANDARD FINISH
03	TYP - PRE-FABRICATED METAL PANELS (WHITE)
04	TYP - PRE-FINISHED ALUMINUM DOUBLE GLAZED INSULATED WINDOW WALL
05	TYP - PRE-FINISHED ALUMINUM DOUBLE GLAZED INSULATED, OPERABLE AWNING WINDOW, TOP HINGES, SWING OUTSIDE WITH INSIDE MOUNTED BUG SCREENS
06	TYP - SPANDREL GLASS PANEL
07	TYP - BALCONY GUARD RAIL PRE-FINISHED ANODIZED ALUMINUM RAILING AND POSTS WITH CLEAR HEATSOAKED TEMPERED GLASS
08	ARCHITECTURAL METAL SCREEN WALL SYSTEM
09	MECHANICAL SERVICES (BEHIND SCREEN)



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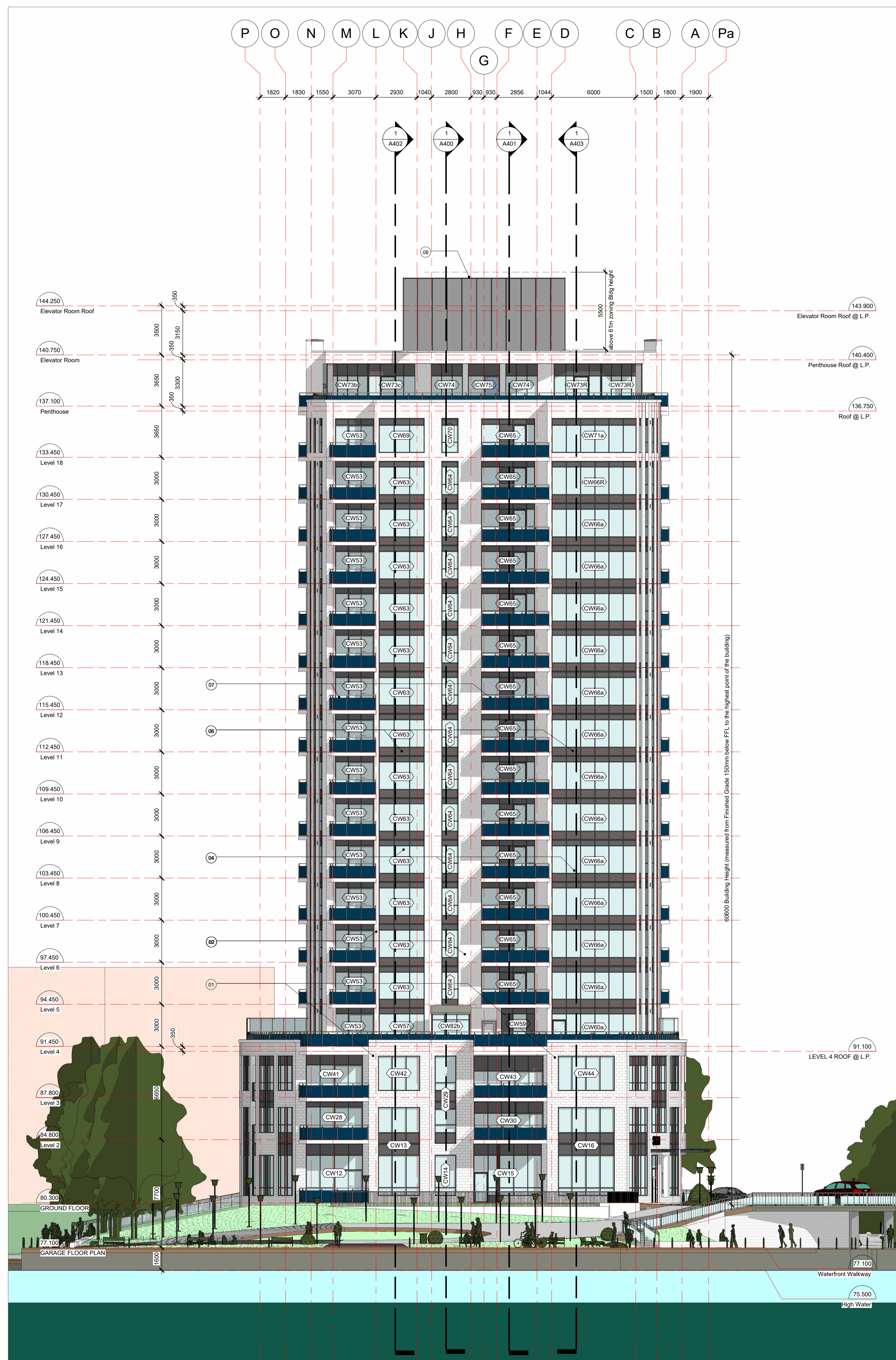
Stamp NORTH ARROW:

Project 5 LOWER UNION

5 LOWER UNION STREET
KINGSTON, ONTARIO

Drawing NORTH ELEVATION

Drawn By	Author	Checked By	Checker
Scale	1 : 150	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A300		



1 EAST ELEVATION
1:150



2 WEST ELEVATION
1:150

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Project: 5 LOWER UNION

5 LOWER UNION STREET
KINGSTON, ONTARIO

Drawing: EAST AND WEST ELEVATION

Drawn By: Author
Checked By: Checker
Scale: 1:150
Date: 21-01-2025
Project No: 1951
Revision: g
Drawing No: A301

P1 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 P3 P4 P5

1804 1000 2400 2925 6000 5200 2100 3700 3400 1850 1850 3400 2875 295 7300 6000 2925 3400 1000 2200 6000 4800

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9	21-01-2025	RE-ISSUED FOR SPA

TYPICAL ELEVATION NOTES

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06	TYP - SPANDREL GLASS PANEL
07	TYP - BALCONY GUARD RAIL PRE-FINISHED ANODIZED ALUMINUM RAILING AND POSTS WITH CLEAR HEATSOAKED TEMPERED GLASS
08	ARCHITECTURAL METAL SCREEN WALL SYSTEM
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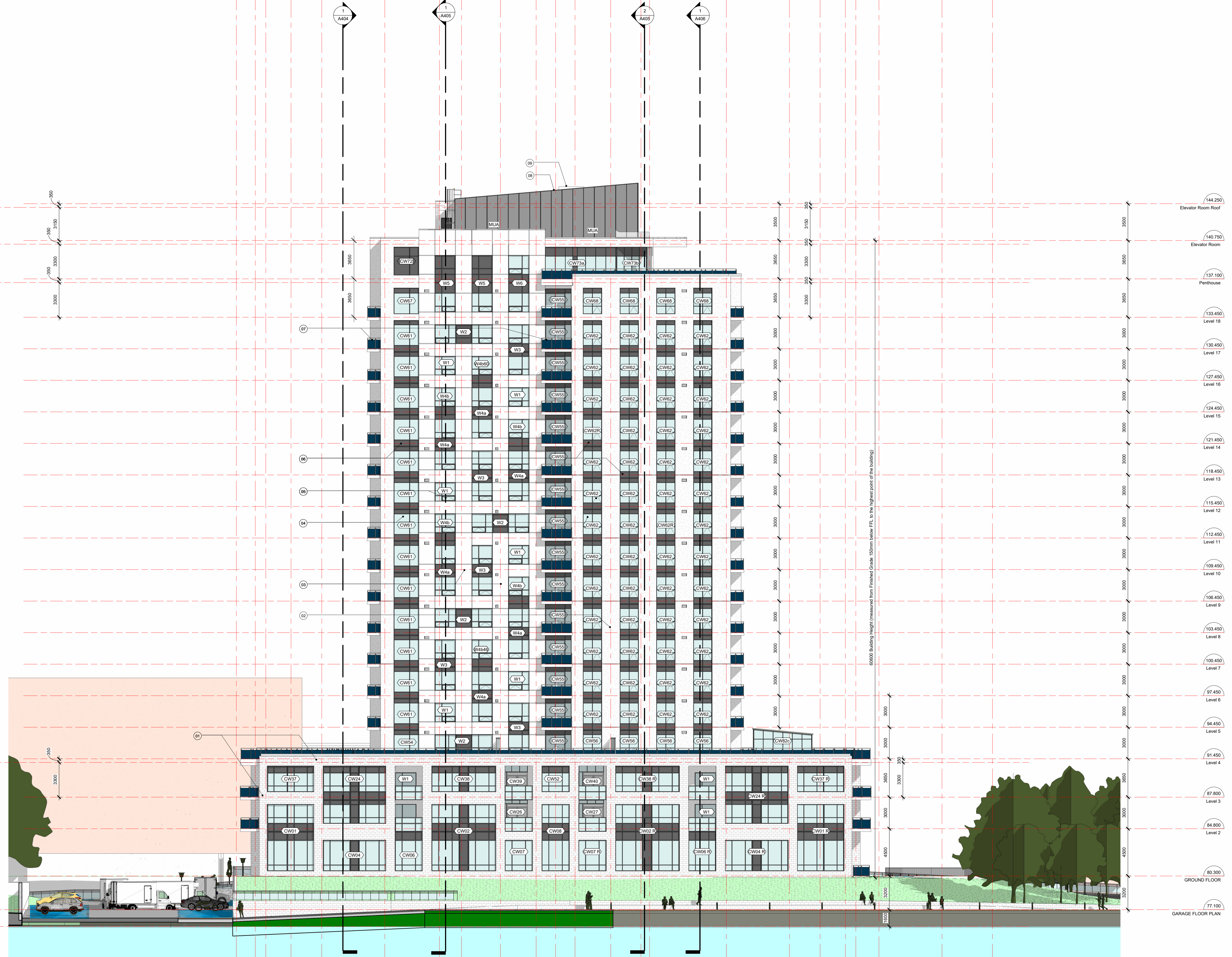
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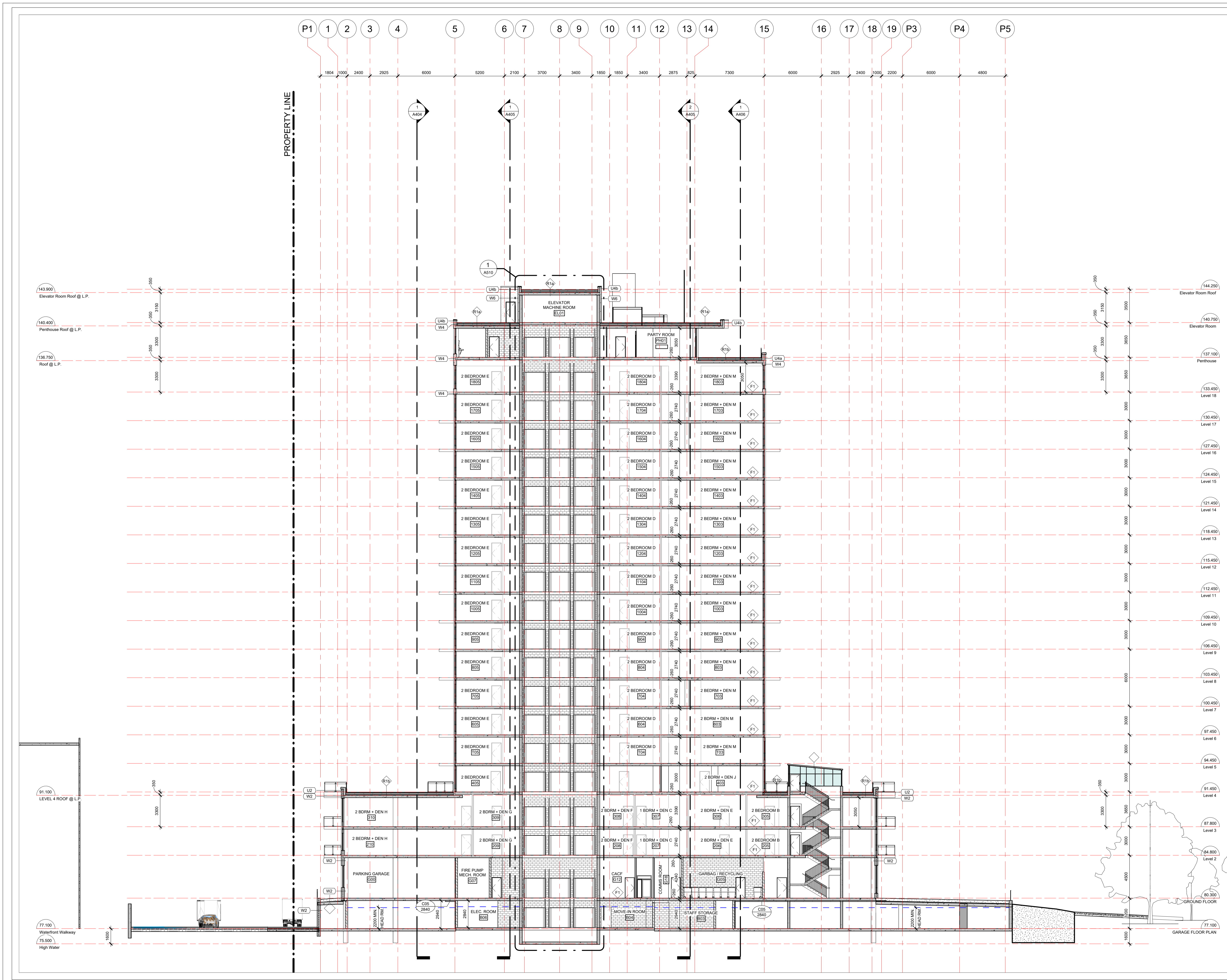
Project 5 LOWER UNION

5 LOWER UNION STREET
 KINGSTON, ONTARIO

Level 2 SOUTH ELEVATION

Drawn By	Author	Checked By	Checker
Scale	1 : 150	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A302		





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7	12-09-2024	RE-ISSUED FOR SPA
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9	21-01-2025	RE-ISSUED FOR SPA



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Stamp: NORTH ARROW:

Project: **5 LOWER UNION**

5 LOWER UNION STREET
 KINGSTON, ONTARIO

Drawing: **LONGITUDINAL SECTION (ELEVATORS)**

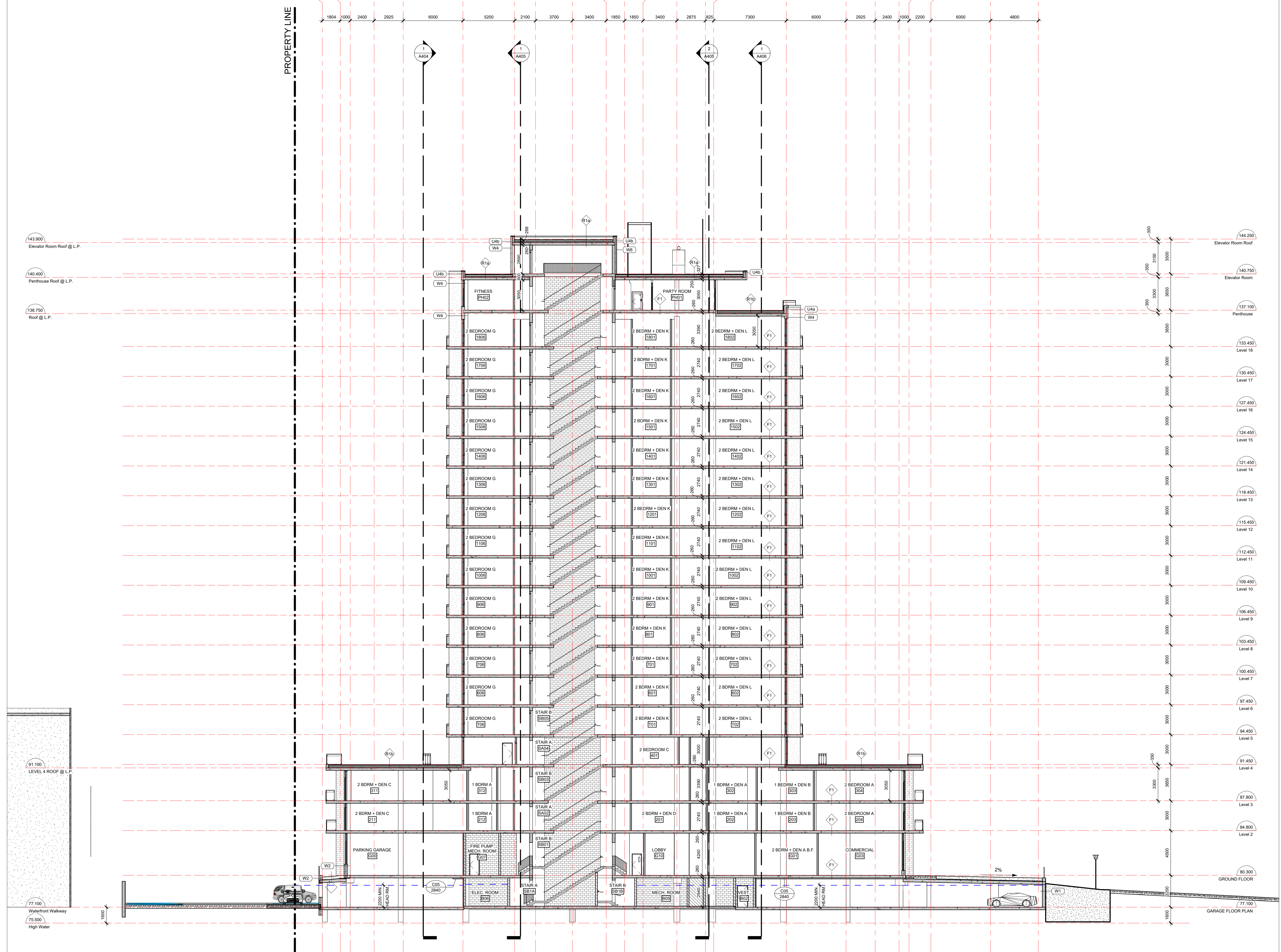
Drawn By: _____ Author: _____ Checked By: _____
 Scale: 1:150 Date: 21-01-2025
 Project No: 1951 Revision: g
 Drawing No: A400

P1 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 P3 P4 P5

PROPERTY LINE

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HOMESTEAD

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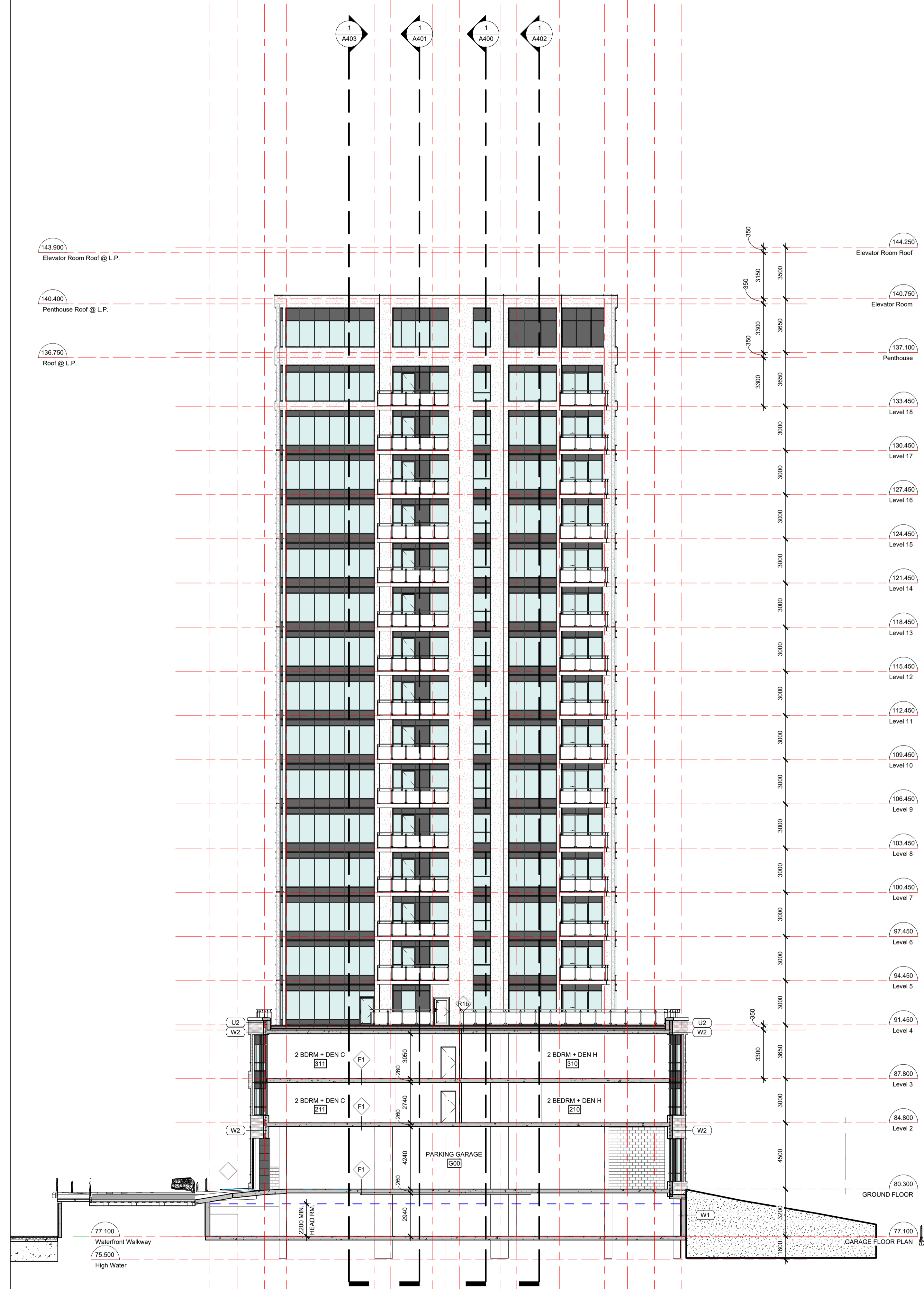
Stamp NORTH ARROW:

Project
5 LOWER UNION
 5 LOWER UNION STREET
 KINGSTON, ONTARIO

Drawing
LONGITUDINAL SECTION (STAIRS)

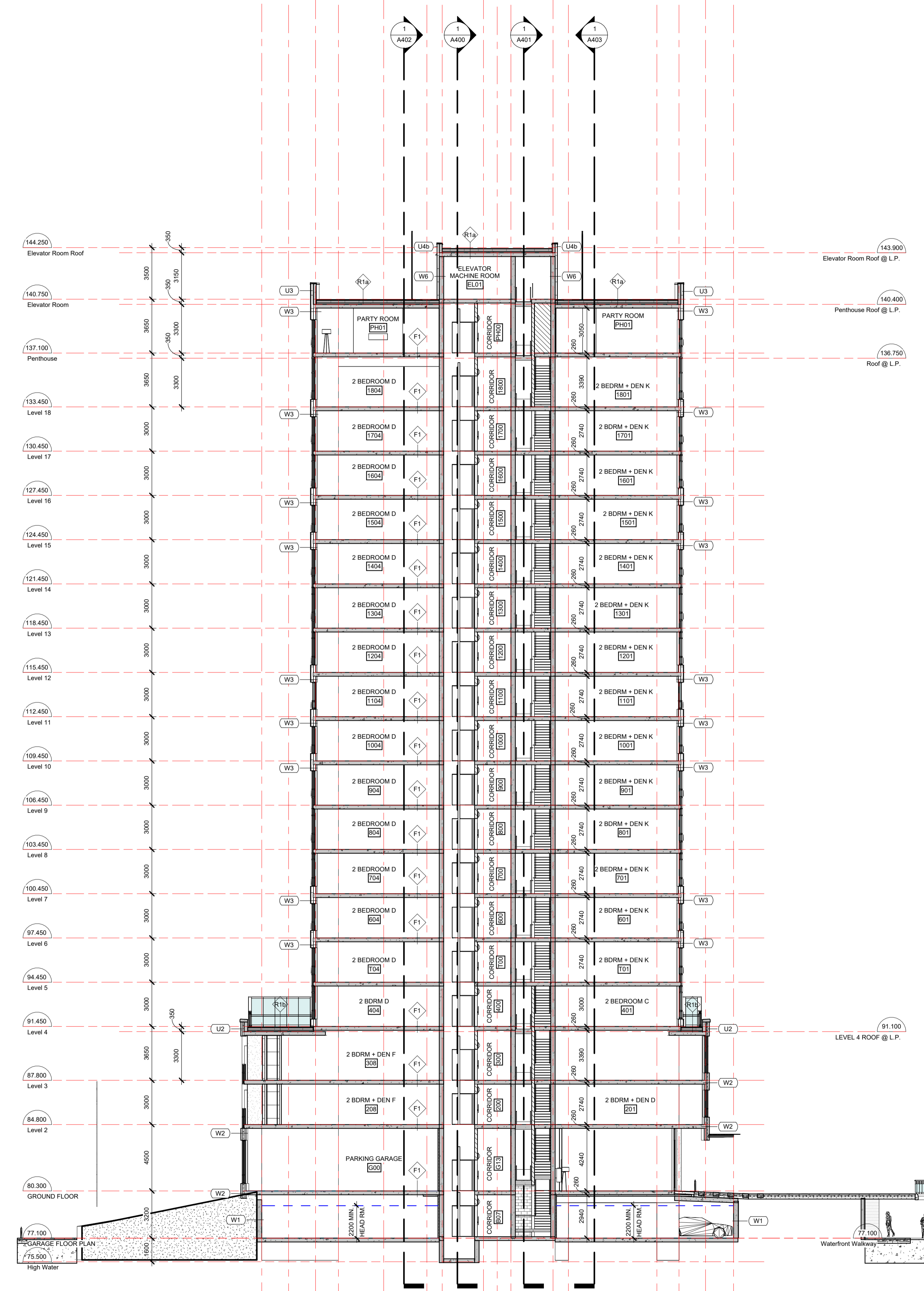
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Scale	1 : 1/8"	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A401		

Pa A B C D E F H J K L M N O P
 1900 1800 1500 6000 1044 2856 930 930 2800 1040 2930 3070 1550 1630 1820



1 BUILDING SECTION THROUGH DRIVE AISLE GRIDS 4 AND 5
 1 : 150

P O N M L K J H F E D C B A Pa
 1820 1830 1550 3070 2930 1040 2800 930 930 2856 1044 6000 1500 1800 1900



2 BUILDING SECTION THROUGH MAIN LOBBY
 1 : 150

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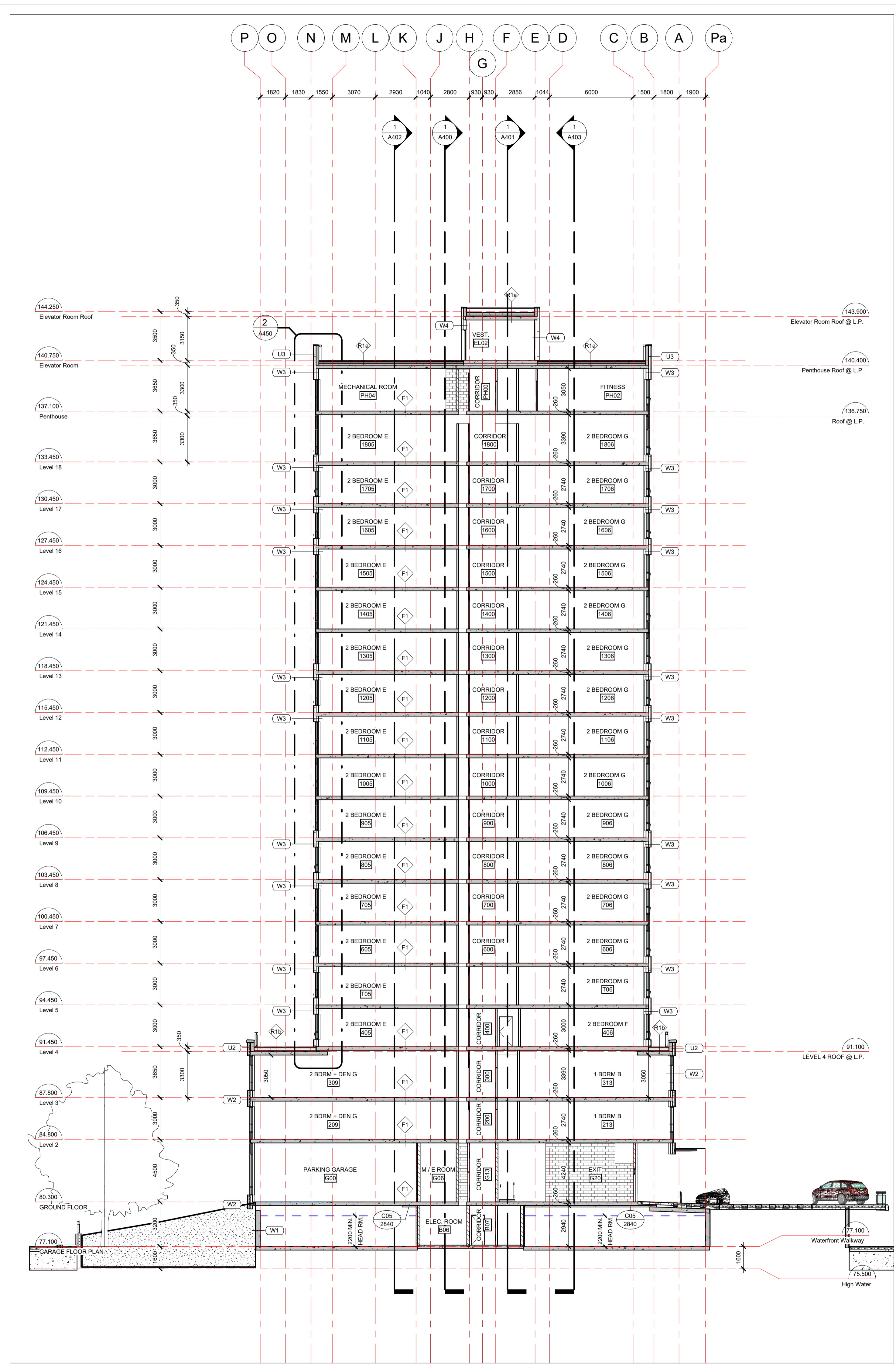
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Project
5 LOWER UNION

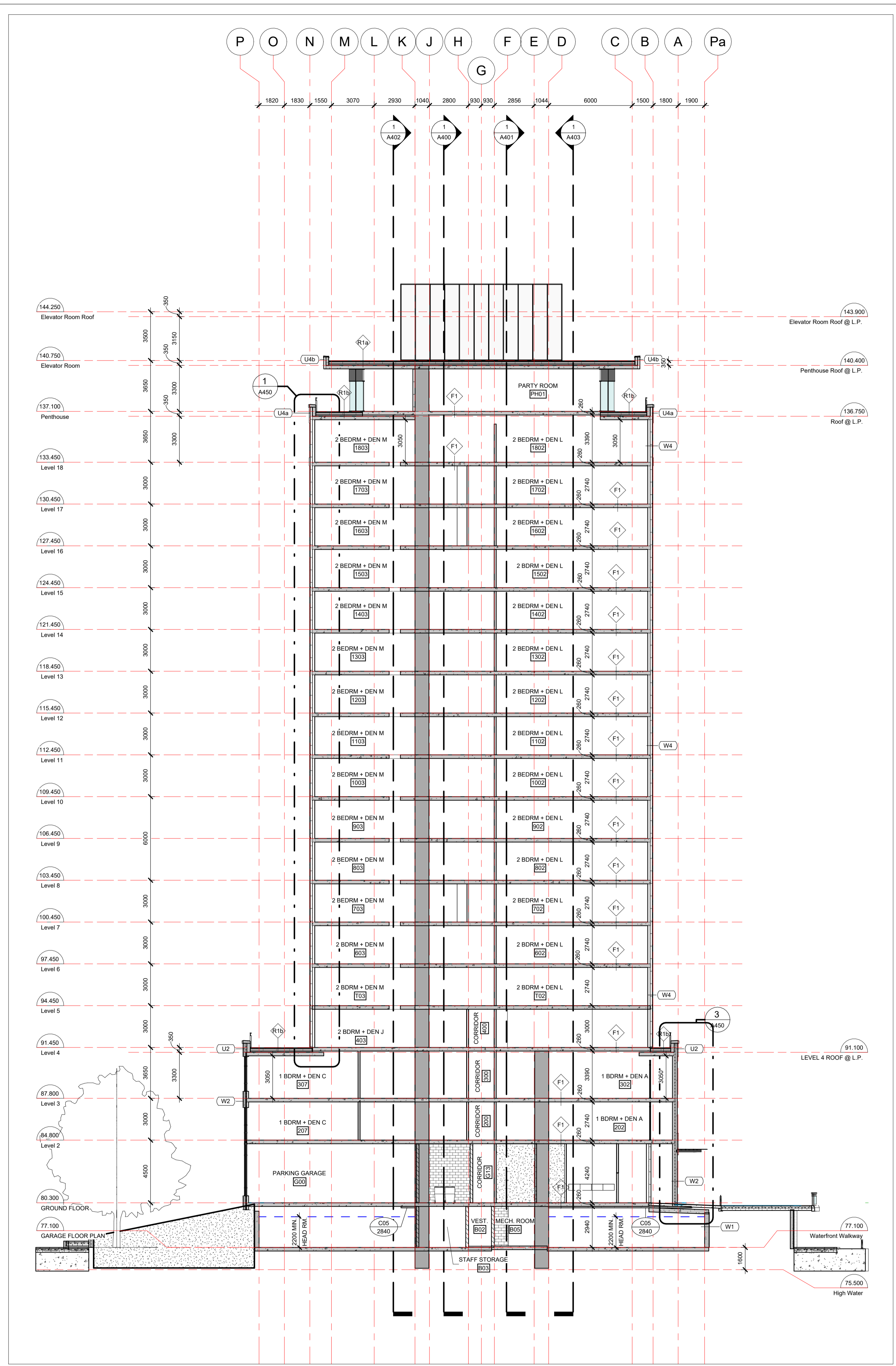
5 LOWER UNION STREET
 KINGSTON, ONTARIO

Drawing
CROSS SECTION

Drawn By	Author	Checked By	Checker
Scale	1 : 150	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A404		



1 BUILDING SECTION THROUGH PUNCH WINDOWS
1 : 150



2 BUILDING SECTION THROUGH PANELIZED EIFS
1 : 150

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HOMESTEAD

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Stamp NORTH ARROW:

Project
5 LOWER UNION

5 LOWER UNION STREET
 KINGSTON, ONTARIO

Drawing
CROSS SECTION

Drawn By	Author	Checked By	Checker
Scale	1 : 150	Date	21-01-2025
Project No.	1951	Revision	g
Drawing No.	A405		



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Appendix II: Revised Proposal



Rendering of the proposed tower, aerial view looking south-west (Alexander Wilson Architects, 2023).



Rendering of the proposed tower, view looking south-west (Alexander Wilson Architects, 2023).



Rendering of the proposed tower, aerial view looking south-east (Alexander Wilson Architects, 2023).



Rendering of the proposed tower, aerial view looking south (Alexander Wilson Architects, 2023).



Rendering of the proposed tower, aerial view looking north-west from the water (Alexander Wilson Architects, 2023).



Rendering of the proposed tower, aerial view looking west from the water (Alexander Wilson Architects, 2023).

Appendix III: View Analysis

Protected Views Up and Down Lower Union Street



1. View analysis showing the current protected view down Lower Union Street, to Lake Ontario, from Wellington Street (Source: ERA).



2. View analysis showing the protected view down Lower Union Street, to Lake Ontario, from Wellington Street, with the proposed tower (Source: Alexander Wilson Architect Inc, 2023).



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Protected Views Up and Down Lower Union Street

As documented in Figures 1 and 2, the proposed tower is visible looking east down Lower Union Street towards the water. However, as the tower is set back from Lower Union Street, it will not obstruct the protected view to Lake Ontario down Lower Union Street, as identified in the Kingston OP and the Old Sydenham HCD Plan. The view up Lower Union Street is unaffected.

The placement and design of the proposed tower fulfill the general intent of the land use compatibility policies presented in Section 2.7.3 of the OP, along with the protected view policies outlined in Section 8.6 of the OP.

View from Wolfe Island Ferry



3. Current view towards the Development Site from the Wolfe Island Ferry (Source: IBI).



4. View analysis showing the view of the Pump House and the Old Sydenham skyline from the Wolfe Island Ferry, with the proposed tower (Source: Alexander Wilson Architect Inc, 2023).



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View from Wolfe Island Ferry

The view to the Pump House and its 90' chimney from the water was raised as a possible important viewscape during preliminary community consultations for this project. Further, the view to domes and spires within the Sydenham HCD is also identified as a heritage attribute of the district in its HCD Plan.

Views towards the Site and the Old Sydenham skyline from lake Ontario were captured from the Wolfe Island Ferry en-route to Marysville, as this was considered the most public vantage point from the water.

Our view analysis presented in Figure 3 highlights that the dome of the Frontenac County Courthouse and the Spire of Chalmers United Church are visible from the Wolfe Island Ferry, and contribute to the skyline in this part of the city. The Pump House and its 90' chimney are also visible from this vantage point.

As can be seen in Figure 4, the proposed tower only obscures the view of the Chalmers United Church, views of the Frontenac County Court House, Chalmers United Church, or the Pump House continue to be visible from this specific vantage point.

This view also highlights that the proposed tower is in keeping with the character of other high-rise waterfront development, most notably in Block D, north of the Site.

Views from a moving vessel are dynamic and any obscuring of skyline features will be of short duration.

View from Battery Park

5. Current view, looking south towards the Development Site from Battery Park (Source: ERA)



6. View analysis of the proposed development, looking south towards the Development Site from Battery Park (Source: Alexander Wilson Architect Inc, 2023)



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View from Battery Park

The view to the Pump House and its 90' chimney from nearby Battery Park is not identified as significant in either the OP or the Site's designation by-law.

ERA's analysis, as documented in Figure 5, however, finds that the chimney, silhouetted against the sky, serves as a landmark from the Battery Park portion of the waterfront trail, drawing users westward.

The placement of the proposed tower, as documented in Figure 6, maintains views of the Pump House's distinctive chimney, and mitigates visual intrusion onto cultural heritage resources, as mandated in Section 2.7.3 of the OP.

View from Kingston Yacht Club

7. Current view north toward the Development Site, from the Kingston Yacht Club (Source: IBI)



8. View analysis of the proposed development, looking north towards the Development Site from the Kingston Yacht Club (Source: Alexander Wilson Architect Inc, 2023)



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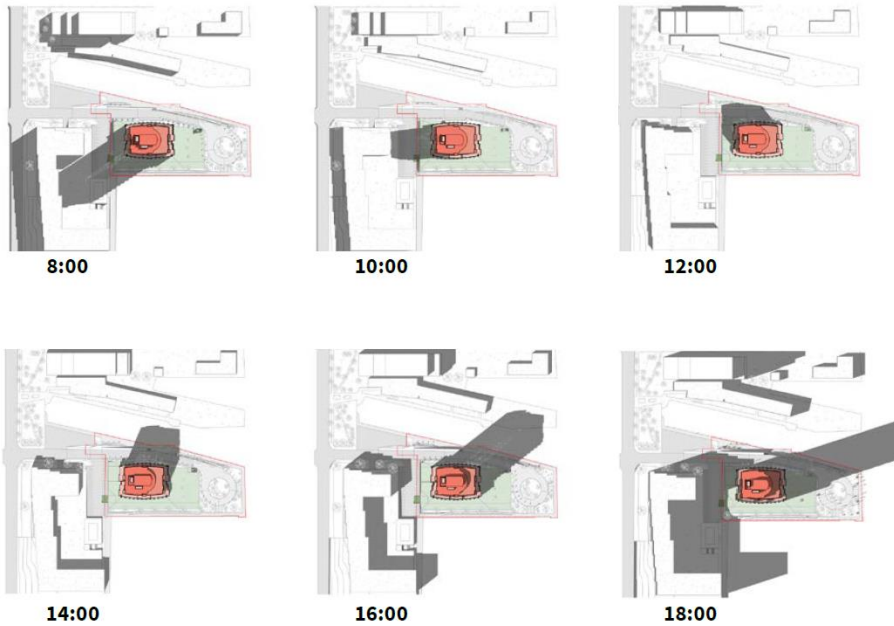
View from Kingston Yacht Club

While a view of the City Hall Cupola from the Kingston Yacht Club (KYC) is identified as a protected view in the Kingston OP, our investigations have revealed that the Cupola is not currently visible from this location (see Figure 7).

The view north from the KYC (Figure 8) reveals that the proposed tower and podium impact existing views to the Pump House and its 90' chimney from this vantage point. However, existing views of the chimney are already compromised from this location, as one of the Block D towers forms a backdrop, making the chimney's silhouette difficult to see. As this view of the Pump House is not identified in the Kingston OP or the Site's designation by-law, this is not considered to be a significant impact.

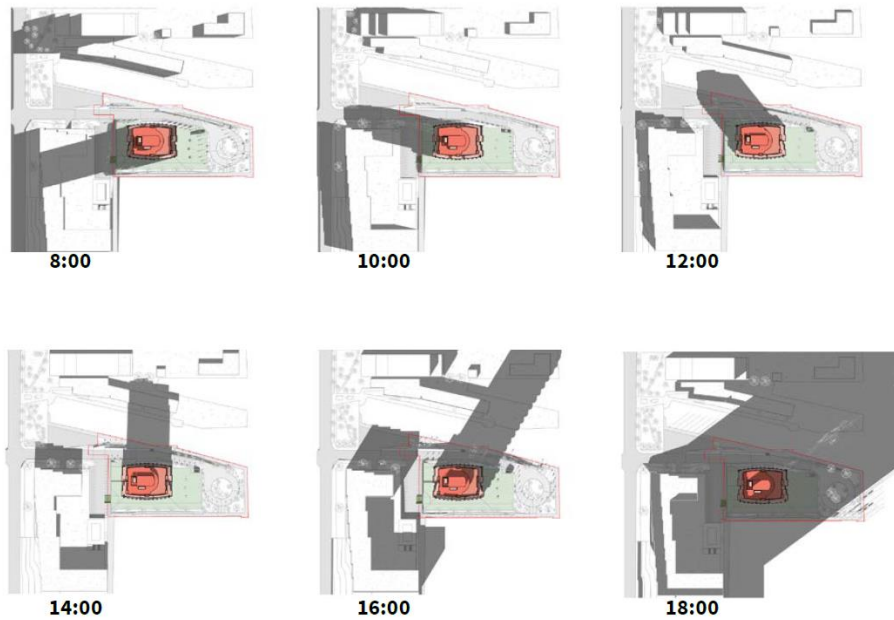
Further, the massing of the proposed tower has been designed to minimise the impact on the urban context west of the site, including the residential building at 33 Ontario Street, and the brick masonry Pump House Steam Museum. These design measures help mitigate negative impacts on the surrounding context, as mandated in Section 2.7.3 of the Kingston OP.

Shadow Study and Other Supplemental Imagery



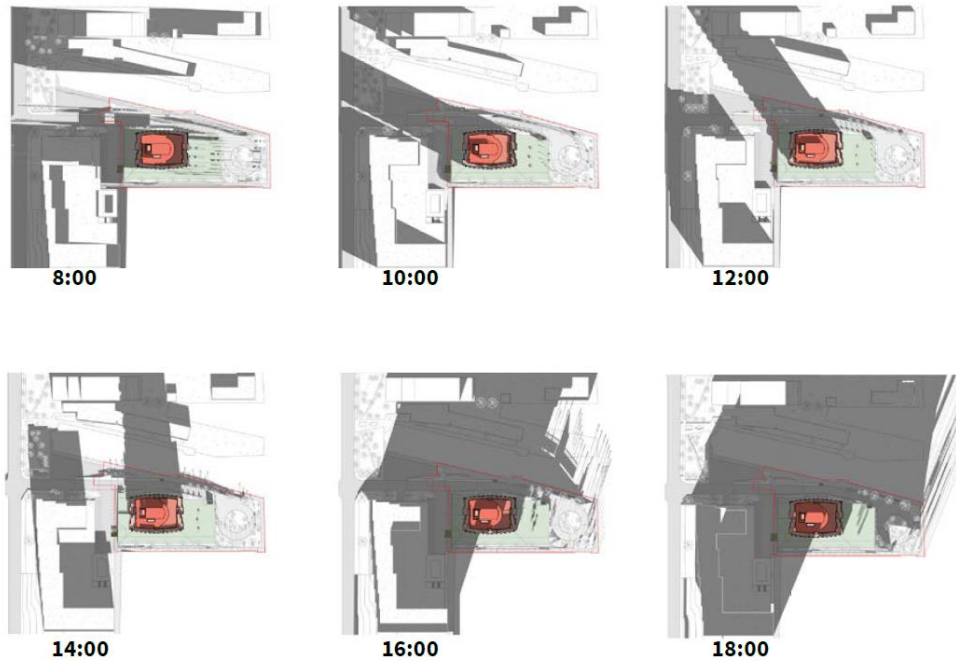
29. June 21st (Summer Solstice) Shadow Study (Source: Alexander Wilson Architect Inc, 2023)

Figure 1: Summer Solstice Shadow Study (Source: Urban Design Study, prepared by Alexander Wilson Architect Inc, revised March 2023).



30. March / September 21st (Spring / Fall Equinox) Shadow Study (Source: Alexander Wilson Architect Inc, 2023)

Figure 2: Spring/Fall Equinox Shadow Study (Source: Urban Design Study, prepared by Alexander Wilson Architect Inc, revised March 2023).



31. December 21st (Winter Solstice) Shadow Study (Source: Alexander Wilson Architect Inc, 2023)

Figure 3: Winter Solstice Shadow Study (Source: Urban Design Study, prepared by Alexander Wilson Architect Inc, revised March 2023).



Figure 4: View of current 3D Model down Lower Union Street from intersection of Wellington Street (Source: City of Kingston).

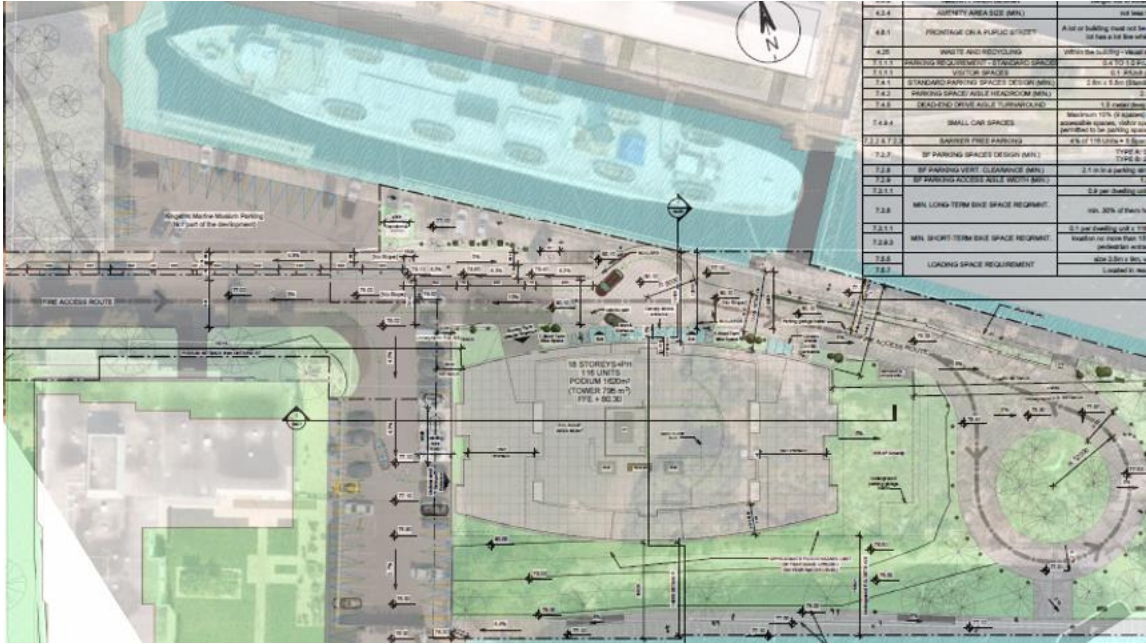


Figure 5: Approximate overlay of site plan illustrating proximity to the docked Keewatin ship to the east (Source: City of Kingston).

Site Photographs



View from Marine Museum parking lot towards site, with Shipyards apartment to the right for context



Closer view from end of Lower Union Street towards site, with Shipyards parking to the right



View of site at western property line to unfenced portion of the site



View into fenced portion of the site showing current condition



View from fencing on-site west towards Shipyards building



View to the site from the existing Waterfront trail to the southwest



View towards the dry dock from the western boundary of the site







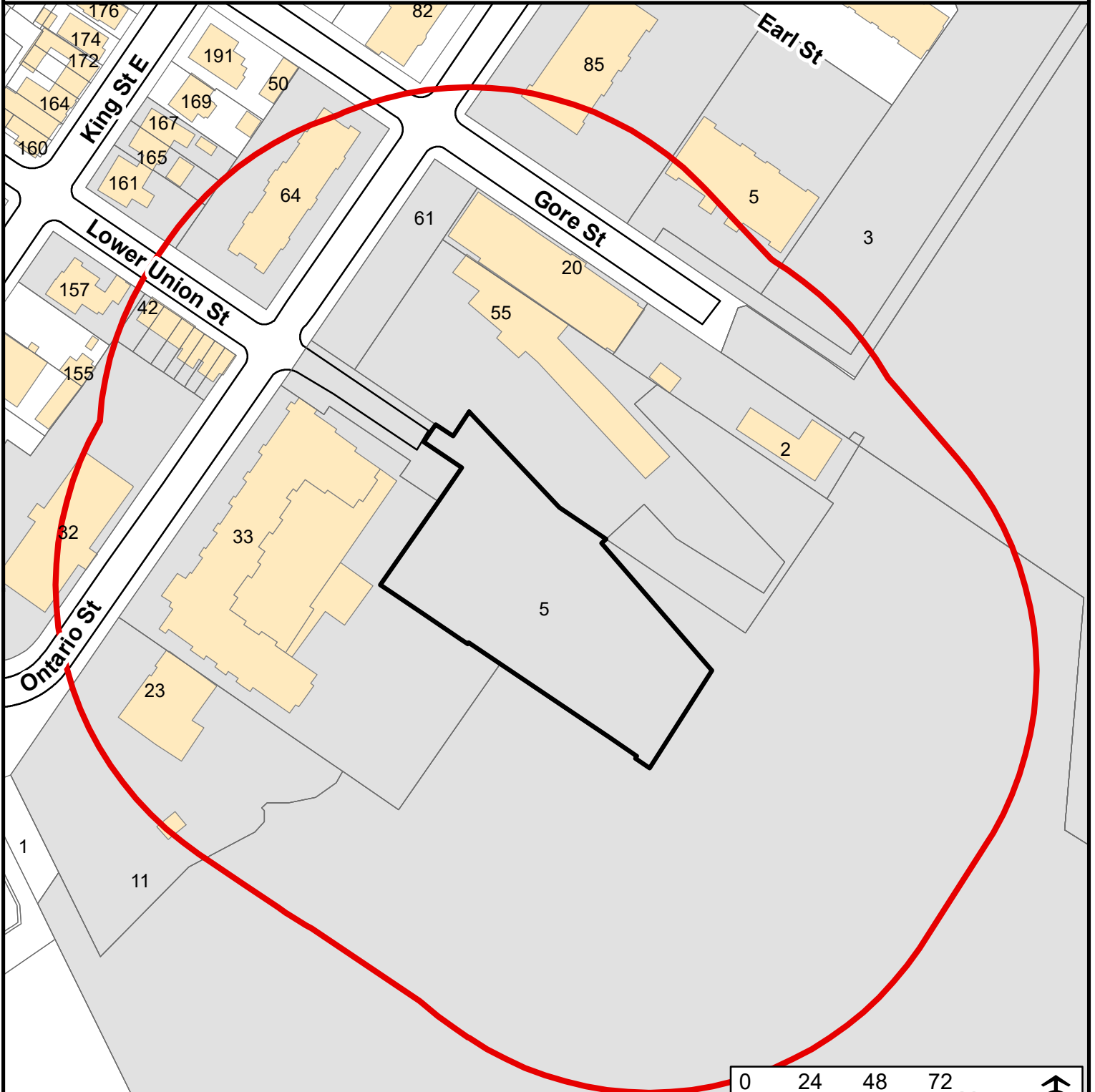
View from the dry dock towards the site with the SS Keewatin, for context



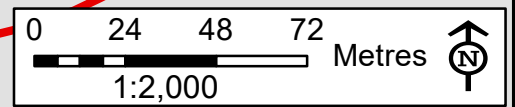
Planning Committee
Public Notice Notification Map

Address: 5 Lower Union Street
File Number: D35-003-2021
Prepared On: Jun-05-2024

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



Prepared By: ncameron
Date: Jun-05-2024



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From: [Stroud, Peter](#)
To: [Agnew, Paige](#); [Grant, Genise](#)
Subject: Fw: Concerns over proposed development at Lower Union
Date: May 4, 2021 4:22:10 PM
Attachments: [image0.jpeg](#)
[image1.jpeg](#)
[image5.jpeg](#)
[ATT00001.txt](#)

Please add as correspondence for the 5 Union Street file.

Thanks,

Peter Stroud RN
Councillor Sydenham

Sent from my BlackBerry — the most secure mobile device — via the Bell Network

From: [REDACTED]
Sent: May 4, 2021 10:23 AM
To: pstroud@cityofkingston.ca
Subject: Concerns over proposed development at Lower Union

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Hello Councillor Stroud,

I would like to convey my concerns to City Council, over the proposed development at Lower Union Street. I don't think this development fits with current planning documents, and doesn't fit with the heritage character on the waterfront (note the view of the historic RMC, the tourets, Fort Henry in the distance, as well as the old wooden barn building on lower Gore Street - all very low profile along the waterfront).

I am also concerned over the optics of the public engagement with this project. Councillor Stroud, the sign with the notice is inconspicuous and very far from the waterfront path that most people travel. It is small in scale, and not in the normal sign holder where previous public notices have been put and where people would expect it (despite the frame still being there). The irony is that the reason people do not travel in this direction is because the parcel of land has been left derelict and unattended, and there is very clear signaling that it is not a place for the public to traverse. I have many concerns over this proposal, but at this time am most disheartened by the placement of these notices. People need adequate notice to be able to participate as informed citizens, and I feel that precious time has been taken due to the placement and poor visibility of the notice signage.

This type of engagement is not the right look for the City. Please see my photos below.

Thank you.

On a personal note, I understand you are very busy and pulled in many directions. Do not feel an obligation to respond, but please pass on my correspondence as appropriate and add my concerns to the public record. I know others in the community feel similarly misled in terms of the engagement on this proposal.

Sincerely,
Janette Leroux



From: [Myers, Cheryl](#)
To: [Grant, Genise](#)
Cc: [Planning Outside Email](#)
Subject: FW: 5 Lower Union Street proposal
Date: May 25, 2021 9:03:15 AM

Hi Genise,

Could you please address this email?

Thank you,
Cheryl

From: Susan Murphy [REDACTED]
Sent: May 24, 2021 9:52 AM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: 5 Lower Union Street proposal

Dear City Planners,

I am most upset to learn of a proposed tower on the small spit of land at the foot of Lower Union Street. The LAST thing Sydenham Ward needs is another tower on the water.

My husband (Dr David Haglund) and I have lived at 26 Wellington St (a few blocks from the proposed development) for the last 38 years. In this time we have seen the horrendous development on Block D, the towers of which mar the horizon.

Sydenham ward is a heritage district. We were not allowed to build the type of front porch we wanted because of the heritage nature of the district. How is a 13 story building a heritage structure? If Homestead really needs another tower, let them build it outside the heritage district-- and not on the water!

Does the City Council wish to foster tourism? Do they think tourists want to come to Kingston to see concrete towers on the waterfront?

Please advise what steps I need to take to lodge a formal complaint against this ridiculous plan.

Sincerely,
Susan M. Murphy

From: [REDACTED]
To: Grant.Genise
Subject: Re: proposed development of 5 Lower Union St
Date: May 26, 2021 8:16:21 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

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Thank you for your acknowledgment of receipt of my comments.

I add that I strenuously oppose and object to the city (funded in part by my tax dollars) providing ANY subsidy to this developer for rhe cleanup of these lands.
Susan M Murphy

Sent from my iPhone

On May 26, 2021, at 16:42, Grant,Genise <ggrant@cityofkingston.ca> wrote:

Hi Susan,

Thank you for your comments. This email will confirm that they've been added to our City record for the file and will be circulated to the Planning Committee as part of a future staff report.

Your comments will also be reviewed as part of the technical review for the application.

Genise



Genise Grant, MPI.

Intermediate 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

From: Susan Murphy [REDACTED]
Sent: May 26, 2021 11:18 AM
To: [REDACTED] Grant, Genise <ggrant@cityofkingston.ca>
Subject: proposed development of 5 Lower Union St

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

Dear Mr. Touw and Ms Grant,
I write with my comments on the proposed development of 5 Lower Union Street as exposed in the meeting last evening.

First I was disappointed that it was not a representative of the owner and developer who provided the information. On several occasions Mr Touw could not answer questions because he did not represent the owner and could only therefore speculate or simply say he did not know the answer.

My overall reaction to the proposal as described last evening is that it is far too dense a project for the subject lands. Why does the building have to have 14 stories (the top level is indeed a storey, even if no one lives on it)? The only answer Mr. Touw could give was that it was a question of "balance". I take that to mean that the owner wants to have as high as possible a building so as to maximize his profit. This is not in my opinion the appropriate approach to take. Environmental and heritage concerns should be the top priority in developing this land--if it must be "developed". In my opinion the preferable approach would be to make it into a park to honour the Indigenous population that lived here before the settlers came. This would be a real gesture rather than the empty one currently offered of stating that we live on former Indigenous property. There is a park honouring the Irish who died--why not one honouring the Indigenous people whom we displaced?

From an environmental perspective the project is disastrous, one that brings to mind Joni Mitchell's line "Pave paradise, put up a parking lot". This small spit of land will be overburdened with a high concrete building packed with people and vehicles, increasing greenhouse emissions and further straining the infrastructure of downtown Kingston. And it would be ludicrous to add to the congestion the pollution arising from cruise ships docking there with attendant tour busses!

Furthermore, nothing about the proposed structure conforms to the heritage nature of the area that surrounds it. What is proposed is simply another ugly tower similar to those already constructed on Block D. Nice for the rich people who will live in it, and for the owner who will make lots of money, but terrible for the other inhabitants who have

to look at it--as well as those hoped-for tourists.

The proposed public walkway is far too narrow--would not even allow for current social distancing requirements if two people are walking in opposite directions. And past a parking garage? We know what that's like.

Sincerely,
Susan M. Murphy

From: [REDACTED]
To: [Grant, Genise](#)
Subject: 5 LOWER UNION STREET APPLICATION
Date: June 6, 2021 3:50:33 PM

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Hello Denise,

I would like to submit a written comment on the subject development application.

Section 6.3.1 Zoning Matrix does not include a request for waiver the Ontario Building Code - Access Route Design, yet the proposed design in the Conceptual Site Plan for the fire emergency access route does not appear to comply with the requirements.

I would appreciate you submitting this comment.

Thank you.

Regards,

Jim Parker

Dr. J. H. Parker

CEO

Kingston Integrated Transportation Solutions

[REDACTED]

From: [REDACTED]
To: [Grant, Genise](#)
Subject: 5 LOWER UNION STREET APPLICATION - CRUISE BOATS
Date: June 6, 2021 4:33:18 PM

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Hello Denise,

I would like to submit a written comment on the subject development application.

In the Planning Rationale document, there is mention on 10 separate pages of the provision for the docking of cruise boats in the designs of this development. There is also reference to the cruise boats in the Urban Design Study document and on the Conceptual Landscape Plan. The only provisions described in these document are the following aspects;

1. "the building footprint has been situated on the western portion of the property, leaving potential for the integration of a cruise ship dock",
2. the proximity of the Boat Bus turnaround circle and
3. An approximately one 3m wide path from the landing area to the boat turnaround circle.

In Section 4.2.1 of the Planning Rationale document, the provision is stated to be for mid-size ships of 400 to 500 people. The three provisions presented in these application documents are not adequate provisions for traffic of that magnitude. The narrow through path and the narrow width of the walkway around the building would create safety hazards for the volume of the people disembarking and embarking. The passenger will have also to navigate the way around parked cars. Furthermore, the boat turnaround circle is also the fire emergency access. This does not seen compatible with the need for immediate and urgent access by ambulances or tire tenders.

The essential provisions for a mid-sized cruise boat docking facility need to be planned, designed addressed and described in these planning documents.

I would appreciate you submitting this comment.

Thank you.

Regards,
Jim Parker
Dr. J. H. Parker
CEO
Kingston Integrated Transportation Solutions

[REDACTED]

From: [REDACTED]
To: [Grant, Genise](#)
Subject: Conaghan, Views on 5 Lower Union St. attached
Date: June 8, 2021 5:03:00 PM
Attachments: [Conaghan.5LowerUnionSt.June2021.docx](#)

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Hi Genise--

In anticipation of the upcoming Public Meeting on the 5 Lower Union St. proposal, I am submitting my views in the attached letter.

Do let me know if you would prefer to have these copied into an email to you instead of the attachment.

Thank you,
Catherine Conaghan
5 Gore St.
Kingston, ON

June 8, 2021

Planning Committee
City of Kingston
Kingston, ON

Dear Planning Committee Members:

I am submitting my views to your committee regarding the proposed residential development at 5 Lower Union St. which has been submitted by Homestead Land Holdings.

I have had the opportunity to review the pertinent documents on the proposal as well as attend the recent Open House meeting on the project. While I understand the City's desire to promote residential living proximate to the downtown, I believe that there are a number of concerns that should be taken into consideration as the City reviews these plans. The project is likely to have far-reaching impacts on the residents adjacent to the building as well as the historic district of Lower Sydenham ward. As City planners and council members no doubt recognize, the unique topographical and geological characteristics of this site present a number of challenges with respect to its potential impact on the lakefront environment, traffic and safety, and heritage protection.

For the sake of clarity, I will briefly list some of the concerns prompted by the proposal below; the list is not an exhaustive inventory of the all the issues that need to be addressed nor are the topics necessarily in order of importance.

1. Design and Height

In its current form as described in the Open House, the building is slated to be 13 stories (including the wrap-around parking podium and an additional 12 stories). While this height does roughly align with recommendations provided to City planners in a previous urban design study (see City of Kingston, *55 Ontario St. and 5 Lower Union*, 2018, Dillon Consulting), the plan is at the maximum recommended height. City planners should ask Homestead to provide a rationale for using the maximum height as its starting point in the design. As the recent compromise on the Capitol Theater project (at 9 stories) illustrates, creative solutions can be found to scale down the height of buildings so that they are a better fit to adjacent buildings. The residential buildings that will be most acutely impacted by the sight line of the new project are the Shipyards Apartments (33 Ontario St.) and the Admiralty Place (20 Gore St.) which are much lower.

2. Width/Size of the Parking Podium and Waterfront Walkway

The proposed design allots parking spaces for all 68 residential units. Last week, the City released a new planning discussion document (see *The Power of Parking: A New Paradigm for Kingston?* June 1, 2021) that focused on the need for cities to re-think minimum parking ratios in light of other considerations, such as the promotion of alternative forms of transportation to minimize pollution and congestion. A re-consideration on the issue of the size of the parking podium would offer more design alternatives and expand the range of tangible community benefits (e.g., more green space on the site, a wider waterfront walkway, etc.). In its current form, the community benefit of the project is confined to a narrow walkway.

3. Emergency Services and Traffic

The design provides for a “turn-around” circle at the far end of the building to accommodate emergency vehicles. At the same time, the builder claims that the area at the far end of the building would be able to handle the embarkation/disembarkation of hundreds of people from large cruise ships should the City decide to construct a deep-water dock there. This component in the design should be closely scrutinized for whether the design truly meets the need to ensure the building’s safety and that of dense crowds of pedestrians on the site.

Also mentioned during the Open House was the need for some “widening” at the end of Lower Union St. and a possible impact on the parking lot for the Marine Museum. This point requires much greater clarification.

4. Demolition/Drilling and Potential Impact on Buildings in the Area

At this point, it is not clear what kinds of demolition and drilling may be necessary to prepare the site for building. The area around the site includes many apartment buildings as well as the Marine and Pump House museums. Considerations about the safety of current residents and the integrity of neighboring buildings must be paramount in the City’s decision on the technical feasibility of the project.

5. Archaeological Excavation, Heritage and Indigenous History

The archaeological documents filed by Homestead identify the rich history of the site. As the Stage 1 document notes, “Analysis of the occupation sequence suggests that potentially significant archaeological resources located within the study area could include: Historic Native settlement and burials, Remnants of the War of 1812 battery, Remnants of the 1838 Marine Railway, Remnants of the 1840 row housing.” As Canada and Kingston are now in a process of reckoning with historic injustices inflicted on Indigenous Peoples, it is very important that special care be taken with respect to the excavation as a possible burial site. Furthermore, should the project go forward, the community would be well-served by an initiative to fully recognize and commemorate the history of Indigenous Peoples in Kingston on the site itself and in a manner befitting the importance of that history. This would likely necessitate changes in the design of the site to incorporate this new component.

Along with my neighbors, I look forward to a discussion of these and other topics at the upcoming Public Meeting. I trust that the Planning Committee, along with the technical experts evaluating the project, will carefully scrutinize the plans and consider its ramifications for neighborhood residents and the Kingston community at large.

Sincerely,

Dr. Catherine M. Conaghan
5 Gore St. Kingston, ON

From: [REDACTED]
To: [REDACTED] [Grant.Genise](#)
Subject: 5 Lower Union St proposal
Date: June 9, 2021 12:07:59 PM

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Hello Mark and Genise,

I'm reaching out regarding the development proposal for 5 Lower Union St. I feel that this is a strong proposal for the area, but I wonder if amendments might be considered around the pier's open space.

Being a waterfront site, this is a great opportunity to offer impressive views and space for the building's residents and the public. With this in mind, I wonder if putting 12 parking spaces on the waterfront is the best use of the space?

The roundabout's parking will allow 12 residents to store their cars, but they will spoil the view for everyone. Parking cars on the waterfront will spoil residents' views of the water, as well as spoil views of the shoreline for those on the water. I love that public art is proposed for the roundabout's centre, but you don't often see public art in the middle of a parking lot. Making this more of an open space, without parked cars, will greatly improve views of the art.

In addition, storing 12 cars is a gross underutilization of Kingston's waterfront. With only a narrow boardwalk included, I worry this proposal takes on a form similar to the Delta Hotel, where people are given very little room to enjoy the city's waterfront. I understand the roundabout is necessary for emergency vehicles, but considering how seldom this is needed, the roundabout may be designed primarily as an impressive public space -- albeit one that allows vehicle access in emergencies. Designed as a space for people, the paving could be similar to Battery Park's compass rose, making it more inviting and (once again) improving the view from the building.

This proposal is a wonderful opportunity for future residents and the public, so I look forward to what the final version will offer our waterfront. Thank you for your consideration.

Best,

Derek Fenlon
34 Plum St
Kingston, ON

From: [REDACTED]
To: Grant.Genise
Cc: [REDACTED]
Subject: 5 Lower Union Street
Date: June 14, 2021 5:04:00 PM

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Hi Genise,

I am a long time resident of the Royal George Condo and wish to submit the following comments on the applications made by Homestead Land Holding Ltd for the development of 5 Lower Union Street.

In general, I am very concerned that the size of the proposed building design is far too large for the land footprint available. As a consequence of a restricted footprint, Homestead is requesting numerous changes in setbacks from Lake Ontario which will increase the risks of environmental pollution, erosion and contamination. The City of Kingston must protect the limited waterfront available to all citizens and as such, must reduce the size of the building footprint as a critical step to save the environment for our future generations.

Specifically,

- 1) A previous urban design study commissioned by the City recommended any prospective building be no higher than 8 to 13 stories. Homestead's proposed 14 storey building is 75% greater than the minimum 8 stories and 40% greater than the average height recommended. The City should enforce height restrictions on Homestead's building that are consistent with the recommendations from the Design Study.
- 2) I am very concerned about the setback exemptions Homestead is requesting reducing the regulated 30 meters setbacks to 10 meters. In some places on the West and South side of the property, the requested setbacks are less than 5 meters. The City must enforce the Official Plan setbacks to ensure environmental integrity.
- 3) I am concerned that a building with 68 units will cause a large increase in traffic congestion in the area given the proposed design calls for a single public access route from Lower Union Street. Similarly, reliable emergency services to the proposed building would be compromised by the single public access road especially if a proposed new Cruise Ship Terminal is built on the Museum site.

Thank you for the opportunity to submit my comments and I look forward to the Public Meeting planned for July.

Regards

John

Sent from my iPad

From: [vicki.westgate](#)
To: [Grant.Genise](#)
Subject: Public Meeting about Lower 5 Union Street
Date: July 12, 2021 10:48:23 AM

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

Good Morning,

This email is in regard to the Notice of Public Meeting for an application for Official Plan Amendment and Zoning By-Law Amendment for the property at 5 Lower Union Street.

I would like to register my concerns about 5 Lower Union property build. This new build proposal is in direct violation of a number of City By-Laws, including an important 'ribbon of life' By-Law requiring a 10 meter setback of buildings from the waterfront as well as the provision of 10m wide public pathways. By allowing a 14 story structure to be built on the property of 5 Lower Union Street, the city's water front becomes an area for only those privileged enough to afford the expensive residences and the view of the water. Kingston's Waterfront property should be for all to enjoy. There is enough high towers closing the view and access to the waterfront already. Kingston does not need another structure that benefits only a few. Kingston needs to keep what is left of the downtown water access open to all its citizens to enjoy.

I am also concerned that this new build is being considered as it would be situated too close to the shore and its environmental effects on the shore and water flora and fauna.

Regards,

Vicki Westgate
121 Raglan Rd,
Kingston, ON
K7K 1L1

Members of Council

Re: Development Application
D-35 – 003-2021
Homestead Apartment Building
The Dry Dock
5 Lower Union St.

At the water's edge of Union Street are the remains of a wharf, a remnant of the active, busy times of the Kingston harbour, a century and a half ago. The present, post-industrial site starts with a huge mound of dirt followed by the wharf, constructed of wooden cribs filled with broken stone. The water sides have eroded, the former concrete cover is broken. We do not know what the content of the mound is but it is most likely fill, some from construction in the last fifty years, the remainder from the mid-to late 1880's and most likely Brownfield. But the application does not describe this, only the wooden cribs.

The footprint of the proposed apartment building will snuggle the Visitor Parking Spaces of the Shipyard apartment.

There is no information, in the application, of what is actually under this footprint of the proposed building, although we do know from the archeological report that the bedrock is limestone. A report from an Engineering firm would be helpful with information from bore samples.

The proposed fourteen-story apartment building with parking and a roadway is a very tight fit on this site.

PARKING, the Turning Circle, Emergency Vehicles, Snow Storage.

According to the application the parking places meet the City's requirements. Since these apartment units have two or three bedrooms, it may happen that some tenants may have more than one vehicle. This will surely result in there not being enough parking spots. The exterior spots are tucked here and there, only five for visitors. The parking spaces at the Marine Museum will be taken by that institution since it will now be in operation year-round. Of concern are the allocated tenant spots on the turning circle. The circle itself is to accommodate the egress of emergency vehicles, a fire route, which is usually marked as No Parking. As well, any fire ladder truck plus a pumper would be closely confined at the front of the building and prevent movement by any other vehicle. There is no report from the Fire Department. There is no snow-storage space on the site plan. Currently the Shipyard apartment has been using the Marine Museum vacant land, south of the Dry Dock. This space will no longer be available to the Shipyard or the Dry Dock apartments.

AMENITIES, the Front Lobby, the Loading zone, Garbage, Recycling and Organic Collection. The front lobby is small and adjacent to the loading zone. The loading zone, adjacent to the Garbage and Recycling room, is vital on garbage-collection day. The numerous blue garbage Bins have to be outside for collection. The Shipyard uses the sidewalk on Ontario Street. Where will this apartment put out the bins on garbage day?

Homestead is not in the habit of collecting organics in its apartment buildings. It doesn't take advantage of this free service offered by the City. Many new apartment buildings have shoots on each floor to accommodate the collection of garbage, recyclables and organic waste. These tenants will have to take these items to the garbage room.

THE FLOOR PLAN

There are two elevators on the plan. This is not sufficient. The Locomotive, a Homestead apartment, on Ontario Street, has two elevators, is about ten stories tall. One elevator was not in service for some weeks, much to the distress of the tenants, many of whom are elderly. There is no laundry room on the plans so it is assumed that there is a washing machine and dryer in each unit.

SERVICING

There is no mention of water pressure in these reports. This is a problem since the pressure in the Shipyard, on floors higher the third floor, is low. The Servicing report from the city did not discuss the possibility of low pressure. Notice should be taken that water pressure for tenants on the upper floors of the new Dry Dock apartment will be a problem.

CONCLUSION

This proposal will be presented, no doubt, as being an attractive apartment building on the water's edge. But this proposal, to build a fourteen-story apartment building, on a parcel of questionable land, that is too small, will not be mentioned.

July 13, 2021

To: Planning Committee

From: Steve Garrison, former councillor, and former member of Planning Committee

RE: Application for Official Plan Amendment and Zoning By-Law Amendment for the property at 5 Lower Union Street

I wish to express my concerns with what appears to be another flawed proposal to develop property in Kingston's downtown, this time at 5 Lower Union St. How could anyone who claims to appreciate and respect the Official Plan and zoning by-laws, whose purpose is to protect and preserve appropriate waterfront views, access, and the need to make planning decisions that promote a livable city for all, support such a proposal?

Years ago, the local Association of Women Electors successfully pushed to ensure that any development along the waterfront would not obstruct the sight line of anyone travelling down a road that ended at the waterfront. This proposal would clearly obstruct the waterfront view down Union St. In addition, cramming another apartment building along this section of the waterfront would block and restrict public access to the waterfront, as well as views of the water from other angles. How will this proposal enhance our Waterfront Masterplan?

The requested height of 14 stories is excessive, especially as we are now able see first-hand the horrible blight on the street scape that was recently created by giving into developers demands to build along Princess St. in the Williamsville area. In these cases, the need to maintain appropriate sight lines, skylscapes, and sunlight paths was clearly not addressed adequately, much to the dismay of local residents and those who walk through the area. Let's not make the same mistake along one of the last undeveloped pieces of the waterfront.

I strongly urge Planning Committee to reject the application to amend the Official Plan and Zoning By-Laws related to this proposal.

Sincerely,

Steve Garrison
37 Seaforth Rd.
stevegarrison70@yahoo.ca

From: [REDACTED]
To: [Grant,Genise](#)
Subject: Please respect our official plan - concern over proposal for bottom of Lower Union
Date: July 14, 2021 2:37:31 PM

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Dear Ms. Grant,

As a downtown resident, I am in favour of densification, to provide much needed housing at all price points, and to enrich and enliven the downtown experience and make local businesses more sustainable in the downtown core.

However, I have serious concerns about the proposal for a 14-storey apartment building at 5 Lower Union Street.

The waterfront is already dominated by too-tall buildings, to the detriment of everyone but the few who can afford to live there. As the last piece of open waterfront space in the downtown area, this water access must be protected; a building would shut it off to meaningful public access and diminish everyone's ability to enjoy our shoreline. Moreover, this development proposal violates our 'ribbon of life' by-law (10-metre setback of buildings from waterfront) and thus the provision of 10m-wide public pathways.

I know mine is not the only voice raised in concern. There is only one chance to get this right for today's residents and visitors and those of the future.

Kind regards,
Barbara Bell

From: [REDACTED]
To: [Grant, Genise](#)
Subject: Letter for Planning Committee RE: 5 Lower Union Homestead Proposal
Date: July 14, 2021 3:13:49 PM

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

Dear Planning Committee Members:

In advance of the July 15 Public Meeting, I am writing to express certain concerns regarding the proposed Homestead residential construction on 5 Lower Union St.

I have reviewed the proposed design and I believe that many of its plans contradict building criteria laid out in many of the City's recent planning documents and that in fact pose potential safety issues.

First, the Homestead proposal claims that the site design could facilitate building a dock for large cruise boats. But this simple claim is not really supported by what they are specifically planning.

Those cruise boats, ordinarily carrying several to as many as four hundred plus persons, would require a considerable embarkation and disembarkation area, including one that could accommodate the multiple number of buses that might be used to transport them downtown or elsewhere. The proposal does not explicitly consider this necessity. Instead such an area is simply incorporated by implication into the pedestrian setback and the buildings turnaround.

To make a large cruise boat docking even more awkward, Homestead is seeking a reduction from the city stipulated waterfront setback of 10 meters to 3 meters. The 3-meter setback is supposed to accommodate a public waterfront walkway. That would make the walkway in itself

narrow and visually unappealing. (How pleasant or used is the walkway around the Delta hotel?). And the idea that this narrow path would also accommodate the hundreds of people boarding and unboarding the ship is pretty absurd. Any future development on 5 Lower Union would need to be designed to harmonize with the City's plan to expand, rather than minimize pedestrian use in the Confederation Basin area.

Although the design proposes a "turnaround" area for emergency services, it is not clear that it would be adequate for the size of the building because of the particular construction of Lower Union Street (which dead ends into the residential site and includes a parking lot used by the Marine Museum as well as parking for the Shipyards apartment). And this worry would be intensified if there is to be any boarding and unboarding of a cruise boat which, especially with a reduced pedestrian walkway, would block the turnaround and make emergency access impossible during those times.

In conclusion, I believe that the current design is far too large for the 5 Lower Union St. At a projected 14 stories, the proposed building requires a very wide parking podium which necessitates a the narrow turnaround and a reduced pedestrian walkway and eliminates space for a proper embarking and disembarking area for any cruise ship.

I hope that the City will evaluate this project using the criteria that it has laid out in its many planning documents. Thank you for your consideration of this letter.

Sincerely,

Dr. Harold Mah

5 Gore Street, Unit 706

PROPOSED TOWER AT 5 LOWER UNION STREET KINGSTON

A proposal by John Berry, 67 Sydenham St, Kingston, [REDACTED]

In 1970 a group of concerned citizens formed the Kingston Mills to Lemoine Point Waterfront Committee. It was co-chaired by Flora Macdonald and John Berry (until Flora went to Parliament in 1972; replaced by Dorothy Geiger thereafter). We remained engaged with waterfront issues until 1987, when other groups formed to continue advocacy for access to waterfront.

Our first goal was to advocate for the development of a continuous public waterfront walk along this route. As part of this goal, we advocated for opening street ends to the water, and the purchase of Lemoine Point. We adopted the basic principle that waterfront land should be reserved for those uses that can only be done on waterfront. These are mainly recreational activities, but also buildings that serve these uses.

We also advocated that land that had been created by filling public harbours be returned to public ownership and use. We campaigned against the granting of 'quit claims' by various levels of governments that would allow the purchase and use of filled lands by private interests.

The well-known controversy over Block D, led to Bill Teron to abandon Kingston, and the eventual construction of a number of buildings on the site by Homestead.

Less well-known is the fate of Block E, which is the land between Ontario Street and the northern end of the drydock, between Lower Union and Gore Streets. A public meeting in the 1980s was held to consider a request by the then owner of Blocks D and E to construct buildings on both blocks with increased density and height. Our groups asked the proposer what he was willing to give the city in return for such concessions; he replied 'none'. We then proposed that he donate block E to the city as a park in return for permission for increased density on Block D. The results were the transfer of Block E to the city, and the granting of allowances on Block D to the builder.

Today we are proposing a similar arrangement: that Homestead be invited to negotiate with the City of Kingston with respect to the lands at 5 Lower Union Street and the other Homestead applications that are currently being considered by the city. The goal is to have Homestead donate the lands at 5 Lower Union Street to the city in return for some allowances on the other Homestead applications.

Sydenham District Association

Comments on Proposed Developments

5 Lower Union

Cruise Ship Dock

Assuming it is still under consideration, clarification is needed re a potential deep-water dock for cruise ships at the foot of Lower Union. How would that work beside the proposed apartment building and park? The size and number cruise ships/season, and the projected length of stay, and the number of city employees required to manage the ships should be determined to understand the feasibility of a deep-water dock. Is there room for the infrastructure required for loading and unloading passengers (and goods), let alone tour buses, taxis, etc., and what would it look like?

Waterfront Trail

Concerns about the Waterfront Trail and landscape design as shown in the plan drawing (#A095, 2/5/2024). The Landscape Architectural Graphic Standard for shared-use trails is that they be a *minimum* of 10 feet / 3.05 meters wide, with a *recommended* width of 12 feet or 3.67 meters.

To be fair to this proposal, there are not many stretches of the Waterfront Trail in Kingston where that standard is met. Nonetheless we see planning for the future using best practices, rather than setting our sights too low. Especially since the trail is marketed as a multimodal trail which allows motorized accessibility and recreational vehicles of all kinds with no posted speed limits or warnings... and already creates hazardous conditions with kids, bikes, dogs, electric scooters, joggers, and walker-users attempting to share dangerously narrow pathways.

Significantly worse than other new stretches of the Waterfront Trail, this plan does not show paths at anywhere near the recommended minimum widths... The only exception being where the drawing pretends that the Keewatin's anchorage area – consisting of large mooring cleats, ropes, and limestone block behind metal fencing – is available to become part of the Waterfront Trail. Which is doubtful!

On the southwestern portion of the proposed Trail, the (already narrow) path widens... only to split into two even narrower strips (approximately 1.8 meters each), divided by a 0.45 m “knee wall,” with seated people shown blocking access. No details are given about handrails or other visual cues that there is a sudden grade change / ramp.

Depending on how these grade changes are detailed, the transition from path to knee wall / ramp is likely to create trip hazards and “ankle breakers” of the same type as happened at Breakwater Park (near Time) where there’s a switchback ramp accessing the lakeshore. Additionally, the pier’s corners are at 90° squares, articulated by what appear to be benches, compounding the danger of collisions, as there is no spare room for passing.

Space between Drydock and Development

Another big area of concern, already highlighted during our meeting and above, is on the northeastern elevation, where the Waterfront Trail ostensibly passes under the proposed entrance ramp/roundabout at the building’s front entrance. The plan shows a 3-meter difference in elevation from the trail at “ground” level to the front door and turnaround. That space is immediately adjacent to the Keewatin (which looms at least “3 storeys” overhead), creating what will apparently be a dark and narrow tunnel / pinch point.

Additionally, we need to see architectural elevations/renderings that include the Keewatin.

The loss of the existing sidewalk running along the Shipyard’s parking lot area will create more vehicle-pedestrian conflicts, especially in winter weather.

The pier’s exposure makes it likely that waves will break over the path in storms / wind events / inclement weather, creating hazardous ice conditions when the temperature is below freezing, and unappealing walking conditions whenever the path is in the splash zone. Will this new path be maintained / plowed / treated in winter?

The plan for that section of the Waterfront Trail to be closed for up to four years (as confirmed in our meeting by James Bar) is also problematic. The required closure would begin at the boat ramp at An Gorta Mor Park, impacting Ahoy Rentals and the little pedestrian bridge beyond it where people do cold water plunges in winter. If it’s true that there will be *no* pedestrian access, it follows that residents of the Shipyards will be losing access to their parking lot, putting further pressure on parking for other area residents and visitors. Is that accurate?

Parking Garage

It is hard to see in the 2024 design how the parking garage may have evolved from the earlier design that showed above ground parking for 88 cars in a one-storey podium

circling the base of the building. It would be interesting to see what the parking garage might look like from the water, land, or by foot via the proposed pedestrian walkway hugging the shoreline around the building.

Other comments/questions on 5 Lower Union Development: from members

- 1) Will the waterfront pathway be blocked at the entrance to the Shipyards parking lot during construction?
- 2) Will the purchase of part of Lower Union Street from the City by Homestead remove Homestead's obligation to permit people traffic to and from the Waterfront path for this portion of the street?
- 3) Should Homestead be required to permit passage through the Shipyards parking lot as well as the planned pathway on the outside to the lot? This would permit a pathway in the event of large cruise boats (400 to 500 px) are berthed at the end of site.
- 4) Will the Waterfront Trail need to be closed to trail users when the large cruise boats are berthed, and the passengers are embarking and disembarking.
- 5) Does the Waterfront Master Plan include access for wheelchairs, bicycles, electric skateboards and equivalent electric mobility devices? Is so will the proposed path accommodate these?
- 6) Can a "public-facing" use of the one commercial space be requested or mandated? We'd like to see a coffee shop or market in that location, rather than another private office.
- 7) (Re: Cruise Ship Dock) The proposal specifically references the large cruise boats (400 to 500 passengers). These boats are least twice the length of intended loading area. Is this a realistic option?
- 8) (Re: Space between Drydock and Development, in particular the Keewatin and the Great Lakes Museum) The use of Lower Union for passage and waiting of construction vehicles, such as cranes, dump trucks, material delivery vehicles, etc., for the four year period of construction will likely have a significantly negative impact on volume of visitors to both the Keewatin and Museum due to noise levels, access difficulties and ease of parking.

234 - 242 University Avenue

We already asked about the material of the front porches on the original (street frontage) buildings, and we have yet to hear back... The 3D rendering we saw made them look like solid poured concrete blocks with shiny plastic or metal handrails, which would not be heritage appropriate. Reference the brick rowhouses along King St East, opposite the Belvedere Hotel, where this was allowed to happen.

Prefer to see the proposed courtyard buildings have gabled roofs rather than flat, even if this would require a height variance.

181 - 183 Union St

We asked during our meeting about the proposal's enlarged parking lot, but James' answer was geared more towards runoff flow and flood mitigation (and whether they would need to add a storm drain). The question was more about increasing the amount of impermeable cover and thus increasing the amount of heat being trapped on site, particularly if the proposed surfacing is black asphalt.

Sustainability

Kingston doesn't appear to be thinking about climate change mitigation in terms of the Urban Heat Island effect, i.e. by requesting higher albedo surfacing, which would be wise... as we already lose lots of summer precipitation to what is jokingly called the "Kingston Weather Shield" and is in fact an impact of our UHI. (See [here](#): painting black roofs white appreciably drops local summer temperatures.)

Integrating Current Waterfront Design with new Builds

Might the City (and Homestead) consider hiring the landscaping firm to continue the brilliant work it did along the waterfront, including the Gord Downie Pier, the Richardson Bath House rehabilitation and the landscaping between the two. This design work was funded by the Weston Family Foundation which has shown a keen interest in Kingston's waterfront improvement.

Claude Cormier's firm is internationally renowned for making sites like this come to life. (Claude Cormier died last year but his firm lives on; Claude Cormier et

Associés <http://www.ccxa.ca>) Could Homestead be encouraged to hire the firm to link the waterfront design from the Richardson Bath House to the Marine Museum? That would be something to celebrate!

Given that the Keewatin is now a valuable part of the Marine Museum what is the impact on the proposed design of the building – as the Keewatin has a large presence which curtails open space between the drydock and the turnaround circle drive for the building.

OVERVIEW OF ISSUES WITH THE 5 LOWER UNION STREET SITE DEVELOPMENT

INTRODUCTION

This submittal lists the issues found in the documents submitted by Homestead and its various consultants, and those prepared by the City staff and its peer review consultants. The documents were those found on the DASH web site, dated since April 24, 2022. Also included are concerns as shared by some members of the public and by the Sydenham District Association.

ISSUES REPORTED

In the attached Appendix is a list of 29 issues that include Homestead's requests for relief from zoning regulations. Fundamentally, these 29 issues result from attempting to fit a 116-unit apartment building on a small site on waterfront property and from including some provisions for a future deep-water dock.

Size and form of Apartment Building Proposed

A sufficient reduction in the number of apartments will create the opportunity to remove many of the 29 issues and thereby bring the design to conformance with zoning requirements for the benefit of the tenants, particularly those with accessibility issues, and increase the waterfront path to meet Waterfront Master Plan design standards, among many other aspects. In so doing, this could result in a pedestrian attractive location, embody more aspects of the Waterfront Master Plan and provide a more attractive waterfront scene for the many citizens and visitors presently enjoying Battery Park and Breakwater Park. Furthermore, it could permit the Great Lakes Museum to retain all its much-needed parking spaces. Fewer apartments could also eliminate the legal issues and future logistics problems of the transfer of a public roadway to private ownership in order to acquire more parking spaces for tenants.

Another significant issue resulting from the small, permitted building area is the inclusion of two non-connecting floors for the garage. This proposed design requires separate, non-connecting entrances and exits, some of which have to be located on adjacent properties. This design option reduces the waterfront path to a single person width at the Drydock edge. It also blocks the corridor view of the lake down Lower Union street. A single floor garage could eliminate many, if not all, of these issues.

Deep Water Dock for Mid-sized Cruise boats

"2024_09_26_Cruise_Boat_Dock-submitted" is a document submitted for public review that examines the requirements for a deep-water dock that meets the City requirement for docking a mid-sized cruise boat (400 to 500 passengers). The summary of the document is:

OVERVIEW OF ISSUES WITH THE 5 LOWER UNION STREET SITE DEVELOPMENT

“Given that a dock project has not yet been proven to be feasible and, as outlined herein may very well not be, the City should not consider the suggested dock as a feature that merits designation as a "community benefit", and the option of the dock should be removed from the consideration of this project. It should not be included as a permitted use in the Zoning Bylaw amendment unless some positive measure of feasibility has been presented.”

The omission of these deep-water dock provisions will provide further relief on the constraints on the building design on this small site.

SUMMARY

The City and Homestead have an opportunity to develop an addition to the waterfront, that is congruent with the City Waterfront Master Plan, adds to the housing stock, meets zoning standards, and thereby enables the site to provide enhanced enjoyment by Kingston citizens and visitors and continues Homestead's history of contributions to Kingston's heritage. Homestead and the City are requested to take full advantage of this opportunity.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Jim Parker". The signature is written in a cursive style with a large initial "J".

Jim Parker
B.A.; B.Sc.; Ph.D.
P. Eng. Retired

OVERVIEW OF ISSUES WITH THE 5 LOWER UNION STREET SITE DEVELOPMENT

Appendix – List of Issues Found in DASH documents and submitted Commentaries

#	ISSUE	FILE REFERENCE
1	Non-compliant width of the Waterfront path	1 - PM to Kingston-5 Lower Union 2024.09.26 2 _ 240916 SDA Comments on Proposed Developments
2	Public Waterfront Walkway encroachment	PM to Kingston-5 Lower Union 2024.09.26
3	Overshadowing of Waterfront path	
4	View corridor encroachment	
5	Waterfront design issues - trip hazards, ankle breakers, Knee wall, grade changes, switch back ramp, 90 deg pier corners	240916 SDA Comments on Proposed Developments
6	Space between Drydock and Development problems and ownership of the south-eastern part of the Drydock.	
7	Design not consistent with waterfront pedestrian principles	1 - 20230301_5-Lower-Union_UDS_FINAL [page 10, last paragraph] 2 - PM to Kingston-5 Lower Union 2024.09.26
8	Construction beyond Site Boundaries	PM to Kingston-5 Lower Union 2024.09.26
9	Size and height of podium	1 - PM to Kingston-5 Lower Union 2024.09.26 2 - Gower-Comments-Jan-2024
10	Building height not meeting urban design principles	PM to Kingston-5 Lower Union 2024.09.26

OVERVIEW OF ISSUES WITH THE 5 LOWER UNION STREET SITE DEVELOPMENT

11	Need to include realistic forecasts of storm strength, wave height and wind strength	2024_10_02-Robidoux_letter_Wilson
12	No provision for EV Charging stalls	Gower-Comments-Jan-2024
13	Insufficient number of parking spots	Table 5 - PTR_Planning Rationale-5LowerUnion_2023-12-18
14	Restriction of parking spot dimensions	
15	Non-compliances with parking space accessibility requirements	
16	Non compliances with accessibility movement requirements in both levels of parking	
17	Security concerns about visitor parking being in the garage.	PM to Kingston-5 Lower Union 2024.09.26
18	Parking availability for trades and delivery people	
19	Loss of parking space for the Great Lakes Museum	
20	Truck Loading space is small and on an adjacent property	
21	Acquisition of Lower Union Street by Developer is needed to gain needed parking spaces and truck loading area	Section 4.1.2 - PTR_Planning Rationale-5LowerUnion_2023-12-18
22	Need for ground floor garage exit to be on adjacent property	Drawing A099 - 1951-5 Lower-Union-2024-05-02 (Architectural)_reduced

OVERVIEW OF ISSUES WITH THE 5 LOWER UNION STREET SITE DEVELOPMENT

23	Space needed for loading and unloading of passengers and goods, etc. for the boats	240916 SDA Comments on Proposed Developments
24	Traffic congestion due to cruise boat turn-around geometry	2024_09_26_Cruise_Boat_Dock-submitted
25	Lack of space for shore power transformer and high voltage cable from Kingston Utilities	
26	Permitting issues for construction of berthing dolphins in the lake.	
27	Docking area too short for mid-sized cruise boats	
29	Safety of narrow Waterfront path for cruise boats embarkation and disembarkation	
29	Overshadowing of Keewatin ship	1 - Gower-Comments-Jan-2024 2 - 2024_10_02-Conaghan.5LowerUnionSt

**APPLICABILITY OF THE REVIEW AND DESIGN DOCUMENTS TO THE LATEST VERSION
OF THE ARCHITECTURAL DRAWINGS (REV 7)**

INTRODUCTION

This is a review the documents submitted by Homestead and its various consultants, and those prepared by the City staff and its peer review consultants. The documents reviewed were those uploaded to the DASH web site, since May 2022.

VERSIONS OF THE SITE PLAN DRAWINGS AVAILABLE ON DASH WEB SITE

The following table is a list of the Architectural Drawings and Site Plans submitted by Wilson Architects, on behalf of Homestead, that are available of DASH.

Drawing File Name (DASH website)	Dated	Revision #
1951-5 Lower-Union-2024-05-02 (Architectural)_reduced	2024-08-09	7
1951-5 Lower-Union-2024-05-02 (Architectural)_reduced	2024-05-02	7
1951-5-Lower-Union-2024-03-27	2024-03-27	6
1951-5 Lower-Union-2023-12-18-Architectural drawings	2023-12-18	5
5-LOWER-UNION-project-1951-Architectural-drawings-(R2-issued-for-review)-15-03-2023	2023-03-15	2

Note - Revisions 4 and 5 were not found on the DASH web site

There is a significant difference between Revision 2 and Revisions 5, 6 and 7. The location of the building in Revision 2 is in the middle of the flood plain. Revisions 5, 6 and 7 each show the building abutting the Shipyards parking, thereby reducing the intrusion into the flood plain.

Revision 5 building is more centrally located between the North-East and South-West edges of the site. Revisions 6 and 7 are shifted toward the North-East.

Revision 7 is the latest released for review.

APPLICABILITY OF DOCUMENTS TO THE LATEST VERSION (REVISION 7)

All the DASH documents available from March 2024 were examined to determine the date of submittal, their specific version number and the Site Plan referenced.

- Of 34 Homestead documents ,15 documents are based on Revision 2 of the Site Plan.
- Only one document addresses Revision 7, which is the Architectural and Site Plan Drawing package for Revision 7 itself.

APPLICABILITY OF THE REVIEW AND DESIGN DOCUMENTS TO THE LATEST VERSION OF THE ARCHITECTURAL DRAWINGS (REV 7)

- The remainder of the Homestead documents address Revisions 4 and 5 or had no reference to a Revision. Many, of course were submitted prior to the release of Revision 7.
- All the City reviews pre-date the release date (2024-05-02) of Architectural Drawings Revision 7

Thus, none of the submitted planning and design review documents from the Homestead team address the latest revision. These include the reports on the following features of the design:

- A. Heritage,
- B. Pedestrian Wind Assessment,
- C. Noise Impact Study of the Proposed Residential Development,
- D. Traffic Impact Assessment,
- E. View Corridor assessment, and
- F. Public Waterfront Walkway encroachment.

Consequently, any change in these features due the changes in the latest building and site design are not yet available for peer or public review.

SUMMARY

It is essential that all outdated documents be updated to the the latest version of the Architectural drawings (Rev 7) to enable review and evaluation by the City and the public.

Respectively submitted



Jim Parker
B.A.; B.Sc.; Ph.D.
P. Eng. Retired

From: [REDACTED]
To: [Robidoux, Meghan](#)
Subject: Re: 5 Lower Union
Date: October 10, 2024 10:05:28 AM
Attachments: [image001.png](#)

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 for confirming what I suspected.

It seems entirely inappropriate, to me, for the city to create a situation which is non-compliant with the Kingston Zoning Bylaw. I see no public interest in doing so.

The proposition would take the existing situation where there are three properties with frontage on Lower Union (if the Shipyards property has not merged on title and the new development is a different ownership entity) and give control of that former road allowance to one of the three Owners. Easements can ensure access, but the owner of the former road allowance may have the right to require other users to share maintenance costs such as snow removal, and infrastructure renewal over time. That potential for the museum doesn't exist today, and any of these three properties may someday be transferred to new owners who are not as closely aligned as the current owners. The museum's acquiescence to all aspects of this development is virtually guaranteed by the generous donation of an individual closely related (but different from) the developer, but the negative impacts on the museum which could result from this development, as currently proposed, should be acknowledged.

I presume that the developer would pay for, own, and maintain new servicing infrastructure within in the current road allowance from the frontage on Ontario Street, and not the current property line at the current end of Lower Union. This would create a circumstance where some underground infrastructure under the new "driveway" (current road) would include both city-owned services (existing accessed by easement) and developer owned services (new). This could create confusion and cost sharing issues for the ongoing maintenance of the infrastructure. The developer's suggestion of later selling parking spaces to the museum on land which is, in part, currently a public road also seems inappropriate. The developer's apparent desire to clean-up the property boundaries at the end of Lower Union Street, could also be achieved by transferring the small parts owned by the developer to the city based on an extension of the original Lower Union Road allowance.

The proposal to transfer this section of Lower Union to one of three property owners fronting that portion of the street, to create a situation which would be non-compliant with the Zoning Bylaw, represents a bad policy precedent, and should be reconsidered and not be supported by staff or council.

Regardless of the benefits of creating new high density residential development, the city has an obligation to ensure that the public interest in this precious waterfront site is paramount.

There are many locations within the city where high density residential development is possible and better suited than this. We must collectively demand high quality, sensitive design, focused on the public realm, a reasonable density, and adherence to good public policy, for any development to occur on this site. The proposal to date does not demonstrate that.

I trust that this correspondence will be on the public record.

Thank you for your consideration.

Paul

Paul Mitchell
Kingston, ON

From: Robidoux, Meghan <mrobidoux@cityofkingston.ca>

Date: Wednesday, October 9, 2024 at 4:28 PM

To: Paul Mitchell [REDACTED]

Subject: RE: 5 Lower Union

Hello Paul,

Good question. Generally speaking, yes, the Kingston Zoning By-Law requires that a lot or building must not be used or developed unless the lot has a lot line which is also a street line. The intent of this provision is to ensure that any use or building can be sufficiently serviced and accessed from the municipal road network.

In this case, rights for existing underground servicing infrastructure and all property access requirements will be secured via easement, effectively meeting the intent of this provision. As such, staff have no concerns with the removal of municipal road frontage in this case, as the required easements will allow the use of the property to continue as it exists today.

Meghan

From: Paul Mitchell [REDACTED]

Sent: October 7, 2024 11:48 AM

To: Robidoux, Meghan <mrobidoux@cityofkingston.ca>

Subject: Re: 5 Lower Union

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Thank you, Meghan.

Is a “lot” required to have frontage on a municipal street? Would this transfer not eliminate any frontage on a municipal street for the museum? I do not know who owns Navy Park, but I assume it’s not the museum.

Thanks,

Paul

From: Robidoux, Meghan <mrobidoux@cityofkingston.ca>

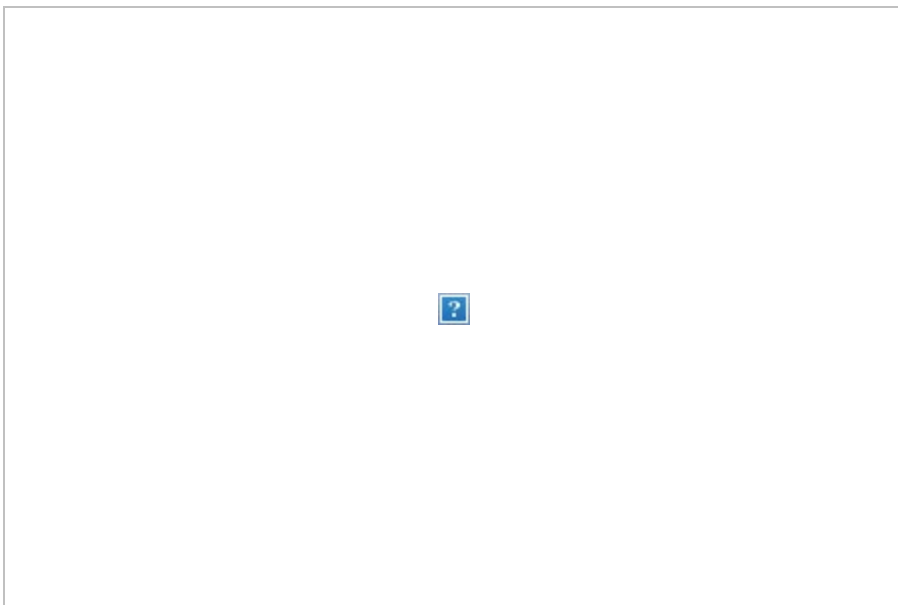
Date: Monday, October 7, 2024 at 10:49 AM

To: Paul Mitchell [REDACTED]

Subject: RE: 5 Lower Union

Hello Paul,

Should Homestead ultimately acquire ownership of this portion of Lower Union Street (which has not yet been finalized or reviewed by Council), the Marine Museum’s property access would be functionally unchanged. The Marine Museum’s parking area would be maintained, as shown on the site plan below:



Homestead would be required to provide public access easements over Lower Union Street to provide public access to the Marine Museum, as well as the Waterfront Trail.

Meghan

From: Paul Mitchell [REDACTED]
Sent: October 5, 2024 7:00 PM
To: Robidoux, Meghan <mrobidoux@cityofkingston.ca>
Subject: 5 Lower Union

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

Hi Meghan,
Quick questions:

1. If Homestead takes possession of the Lower Union St. right of way from Ontario to their property, would the Museum have any frontage remaining?
2. Would land title provide deeded passage rights to permit the museum and visitors to access the museum parking lot?

Thanks,

Paul

October 3, 2024

Ms. Meghan Robidoux
Senior Planner, Planning Services
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Via email: mrobidoux@cityofkingston.ca

Dear Ms. Robidoux:

Re: Application for Zoning Review and Official Plan Amendments
5 Lower Union Street, Kingston, ON
File Number D09-003-2021

I understand that city planners are currently conducting a review of the latest planning documents regarding the proposed apartment building at 5 Lower Union Street. As a resident of this neighborhood, I have been active the discussions about the future development of this property since it was sold to private developers in 2016. As such, I have closely followed the revisions in these plans and reviewed many of the documents submitted over the years. I'd like to take this opportunity to highlight some of the important issues that still appear to be pending in the latest building design submitted by Homestead. I know that a number of other residents of the area are bringing these issues to your attention as well; the well-researched analysis submitted on September 26 by a local architect, Paul Mitchell, is one of the excellent commentaries that you are receiving from local professionals in the city. Thus, my own comments will be brief; they are informed by my own review of the recent documents in this file as well as my discussions with fellow residents in the area.

1. Flooding and Public Safety

The revised building plan as of December 2023 did not fully resolve issues related to the dangers of flooding on this site. Writing for Cataraqui Conservation in the February 9 2024 submission (File:OP/CKN/143/2021) to Genise Grant, Michel Dakin concludes: "We continue to recommend a **substantial revision to the configuration of the overall development...**" (page 10 of 10, emphasis mine). Further revised drawings were submitted by Homestead in August (08/09/2024). As concerned citizens, we would like to know if the latest iteration of the design has addressed this ongoing issue in a fulsome manner. Public safety and environmental protection should be paramount in this design and the building needs to be configured in a way that maximizes both rather than meeting minimums that may easily be rendered completely ineffective by ongoing climate change.

2. Design Issues in Waterfront Walkway

The recommendation above for a "substantial revision" in design opens the door to consider additional revisions in the site. As the City is well aware, 5 Lower Union is the last open

waterfront property proximate to the downtown core and the historic Sydenham ward district. It is flanked by two important cultural sites, the Great Lakes Museum and The Pump House Museum. Given its significance, the City should view development on the site as its last opportunity to rectify poor design choices that have plagued many parts of the Waterfront Trail. As the Sydenham District Association has noted, amendments to the by-laws that would reduce the mandated width of the pedestrian walkway runs the risk of making the public space less appealing, less useable and outright dangerous (given that it will also be used for bicycles, e-bikes, scooters, skateboards and wheelchairs).

3. Building Form and Visual Impact

As Paul Mitchell has argued in his letter of September 26, the footprint and mass of the building is not in line with current “best practices” for excellence in architecture which stress minimizing the size and visual impact of podium structures. Moreover, I find that the documents submitted by Homestead are wholly inadequate for making a full-bodied assessment of the visual impact of this architecture in a residential neighborhood. I would strongly urge that city planners require Homestead to submit drawings and images that incorporate the imposing structure of the SS Keewatin (which is located parallel to the proposed development and **does not appear** in their drawings or photographic renderings). For example, it would be useful to have images (with Keewatin included) from the vantage point of Lower Union and Ontario St., Ontario and Gore St. along with other views a pedestrian might have walking Ontario St. as well as from different angles in Battery Park and the existing Waterfront trail path.

4. Community Benefits and Use of Public Space

A. The potential for cruise ship docking on the site has been cited by Homestead as one of the possible community benefits from this development. However, there is no indication in the documents that any detailed thought has figured into this claim. In a recent letter to the City dated September 30, Jim Parker has shown the myriad problems that would be associated with adding cruise ships to what would be an already congested area around the building. In short, Homestead should not be credited for a community benefit that is likely to be unfeasible (and/or very costly and environmentally damaging). In any future documents, Homestead should be directed by the City to remove this claim.

B. Among the many other issues related to the use of public space that require further clarification is Homestead’s request to acquire the “right-of-way” to 5 Lower Union (see Planning Justification Report, Revised: December 18, 2023). Citizens should be informed as to what such a right would entail --- would Homestead be responsible for road maintenance and snow removal? In addition, there is a reference that a portion of 5 Lower Union “could be made available for purchase by the Marine Museum as it is currently is used for museum parking” (see page 15). What are the implications for parking in the event that the Museum lacks the fund for this proposed “purchase”? Any reduction in accessibility and parking available to the Museum would likely impose a huge burden on the facility’s staff and could greatly reduce its appeal to visitors.

Thank you for your attention. I realize that many of the points above repeat or dovetail with commentaries that you have already received. Nonetheless, I believe it's important for the City to understand that many Kingston residents are following these deliberations. Our hope is that City planners will mandate that any future development be configured to maximize public safety, community engagement and environmental protection in conjunction with excellence in architecture and landscape design. Thus far, the current plan looks to be painfully deficient in these areas.

Sincerely,

Catherine M. Conaghan
5 Gore St.

Comments on the Cruise Boat Dock on 5 Lower Union Street

1. Introduction

In the Planning Justification Report (PTR_Planning Rationale-5LowerUnion_2023-12-18), the provision for the docking of mid-sized cruise ships is mentioned 13 times. There is also reference to these cruise ships in the Urban Design Study document, the Conceptual Landscape Plan and Conceptual Site Plan. In Section 4.1.1 of the aforementioned report, the need to dock mid-sized cruise ships (400 to 500 passenger) is stated as the objective of a deep-water cruise dock in Kingston. Hence, the provision for accommodating mid-size cruise ships appears to be a salient component of the proposed design and development.

This review examines the three provisions mentioned in the submitted documents for their adequacy to retain the option of a docking facility for mid-sized cruise ships with the proposed design (Revision 7) of the building and its amenities on the 5 Lower Union Street lot.

1. "the building footprint has been situated on the western portion of the property, leaving potential for the integration of a cruise ship dock";
2. "a vehicular turnaround to accommodate cruise ship traffic"; and
3. "one approximately 3m wide path from the Waterfront path to the turnaround circle".

The retention of this cruise boat docking option in this apartment development will require the site design to accommodate the length of these mid-sized ships and the necessary dock-side facilities. The inherent features needed to fulfill these requirements are also reviewed.

2. The docking of mid-size cruise ships

In Section 4.2.1 of the Planning Rationale document, a provision is stated to be "for mid-size ships of 400 to 500 people." The MS Hamburg is such a ship and it has stopped in Kingston on several occasions. It has a passenger capacity 420 passengers and its dimensions are listed in Table 1. Hence, it is a relevant example of a mid-size cruise ship to assess the adequacy of the provisions for servicing cruise ships of that size.

Table 1 - Dimensions of the MS Hamburg

	ASPECT	VALUE	DEFINITION
A	LENGTH	472ft 10in (144.13m)	Longest distance between bow and stern
B	BEAM	70 ft 6 in (21.5m)	The widest part of the ship
C	DRAFT	16ft 11in (5.15m)	Minimum depth of water to clear ship keel
D	FREEBOARD	26ft 7in (8.1m)	Depth from main deck to water level
F	# OF DECKS	6	Includes crew quarters
G	HEIGHT	Approx. 48ft (14.6m)	Above water level

Figure 1 shows the MS Hamburg length superimposed on the site. (This is similar to that of Figure 4.3 in Rigg's Exhibit A of City Report # 10-220. There are no provisions reported in this

Comments on the Cruise Boat Dock on 5 Lower Union Street

If the initial Waterfront path construction at the end of the 5 Lower Unit wharf is does not have the required structural strength for the later installation of breasting bollards, then a set of breasting docking dolphins will be needed as well as such the mooring dolphins. An example is shown schematically in Figure 3.

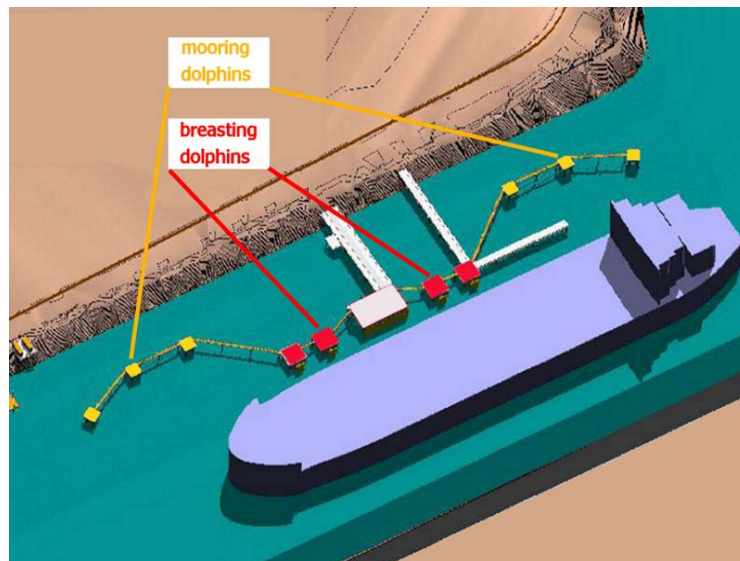


Figure 3 Possible configuration of mooring and breasting dolphins

The mooring dolphins will be in front of the bow and behind the stern of the ship. These must be significantly strong structures to accommodate the loads imposed by the ships. These dolphins will be permanent structures built in the lake. The likelihood of obtaining permits for building such structures in the lake is an issue that needs to be addressed prior to accepting this site as a viable option for the docking of mid-sized cruise ships.

3. Provisions for Shore Power

When cruise ships are docked, their diesel engines continue running to provide electrical power for heat, light and electricity for the passengers and crew. As an example, the MS Hamburg has four Wartsila engines rated at 2.64 million watts each. Even one of these running at quarter-power (680 HP) will create at least noticeable noise and exhaust pollution in its surroundings. These pollutants are respectively particularly noxious and odious in the vicinity of residential neighbourhoods. The apartments of this proposed development, the Shipyards Apartments and the Admiralty Condominiums, the Boat House (2 Gore Street) and the Museum of the Great Lakes are in close proximity and will suffer most from both the noise and exhaust pollutants. The proximity of the high-density residential units should in itself disqualify this docking location from consideration. are in close proximity and will suffer most from both the noise and exhaust pollutants.

The Noise Impact Study of the Proposed Residential Development (286609-Noise-Study-Report-5-Lower-Union-St-Kingston-Homestead-March-13-2023) was performed on Site Plan Revision 2, which is significantly different from the most recent Revision 7. Even that noise study did not

Comments on the Cruise Boat Dock on 5 Lower Union Street

include the impact of diesel engines of mid-sized cruise ships on the noise levels. In the past the MS Hamburg has remained at anchor overnight. Consequently, a Noise Impact study needs to be done to assess the noise and environmental impact of the cruise ship for the new building design proposed and for both short and overnight durations.

The MS Hamburg has four Wartsila engines rated at 2.64 million watts each. An alternative being implemented by environmentally conscious dock and municipal authorities is to use an electrical shore power source that eliminates the polluting diesel exhaust and noise. For 400 to 500 passenger ships, approximately 10 to 20 % of the total engine power is assumed to be needed from the shore power source. Hence, this project would need a large transformer substation with a rating of 1 to 2 million watts. Kingston Utilities would need to install a High Voltage power cable that connects to a shore power transformer substation. This cable and shore power substation will likely have to be installed above ground on the site, since nothing in any versions of the Site Plan appears to be installed underground. None of the submitted documents mention or show such a substation, the space required for it, nor the need for the installation of a High Voltage power cable. Without shore power, a cruise ship will impose noise and air pollution on this densely populated residential and pedestrian environment.

4. Means of disembarkation or embarkation (Gangways)

The Waterfront walkway for the East and North sides is 3m wide, which is less than the zoning requirement of 10m. This width appears to be chosen to accommodate the large turn-around circle needed for busses as mentioned above. Also, the path between the Waterfront walkway and the turn-around circle is also approximately 3m wide. The disembarkation of 400 or more passengers would likely create overcrowding of both these pathways, which would be a significant safety hazard.

If the design is for the ships to berth against the Waterfront Path wall, a gangway may be needed for the passengers to descend to the pathway and taxis or busses. There is no preliminary provision for a gangway shown in any of the documents. Moreover, there does not seem to be space or other provision for a gangway.

An alternative to a gangway on the Waterfront path is the use of breasting dolphins that introduces other issues as described in Section 2 above.

5. Transport of disembarking and embarking passengers.

In Section 4, Table 2 of the Planning Rationale document, (PTR_Planning Rationale-5LowerUnion_2023-12-18) a provision is stated to be “a vehicular turnaround to accommodate cruise ship traffic (i.e., taxis, coach buses, etc.) has been incorporated at the end of the wharf”.

Section 4.1.1 of the same document, states that “a new deep-water dock that would enable mid-sized cruise ships to dock in the City’s downtown” and then proceeds to define the size as “mid-sized ships (carrying between 400-500 people)”. Furthermore, In the Report to Council 19-220,

Comments on the Cruise Boat Dock on 5 Lower Union Street

the objective of the dock is stated to be to prevent the ships from having to anchor out in the lake and then must ferry passengers to and from the shore.

The dimensions of the Scania K114EBX2 bus are used as being typical of a 50-seat bus .The dimensions are listed in Table 2 and used in Figure 4. These buses are shown as yellow rectangles and are dimensioned to the same scale as the drawing. Figure 4 shows the worst-case scenario of the location of the buses to transport the 400 passengers disembarking to be taken to a scheduled event or events. Sufficient school buses (8) of 50 seat capacity are shown in the turnaround circle. They block the turn-around circle and could block the entrance traffic circle to the building garage with a long tail-back. Even a single bus could block the turn-around circle to other traffic and cause prolonged disruption to traffic and parking.

Table 2 Dimensions of the School Bus

Seats	Length	Width	Height
50	42 ft (12.8m)	8.4 ft (2.55m)	12 ft (3.7m)

Furthermore, the ship turnaround circle is also the fire emergency access. This situation is not compatible with the need for immediate and urgent access by ambulances or fire tenders.

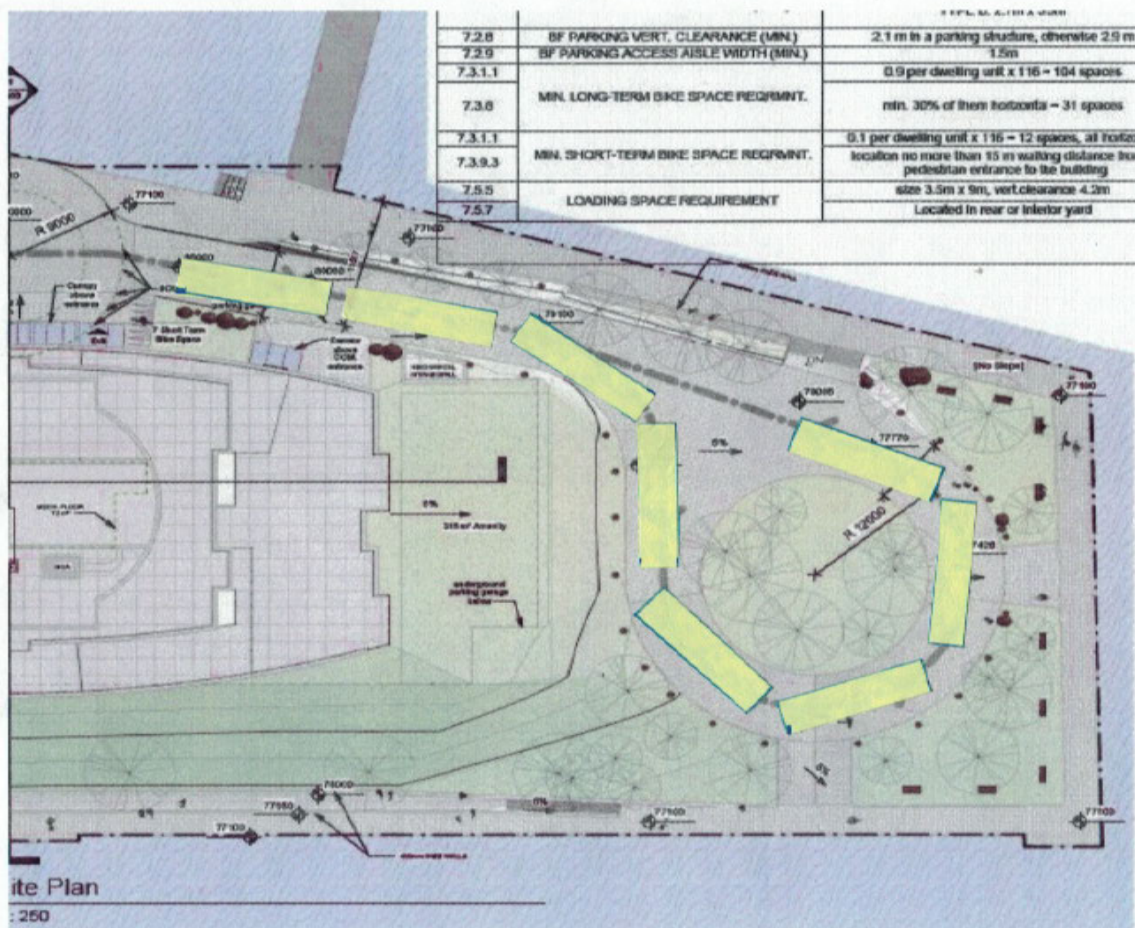


Figure 4 – Bus Parking in Turn-around Circle

Comments on the Cruise Boat Dock on 5 Lower Union Street

6. Access to the Waterfront Pathway

The requirement for the turn-around circle for the busses for the transport of the cruise ship passengers necessitates reducing the width of the Waterfront path. It is reduced from the required 10m to approximately 3m. Yet as seen in Figure 4 and explained in Section 5 above, this turnaround circle is inadequate for a 400-passenger ship and even more so for a ship with 500 passengers.

The design of the whole site would be significantly different, if it were designed for berthing of the mid-size ships as well as disembarkation and embarkation of over 400 to 500 passengers and the buses needed to transport them. It would also change the character from public pedestrian waterfront park to marine transportation infrastructure, which is not, in my view, a use compatible with residential and parkland uses.

Furthermore, I submit that the size and geometry of this site is not suitable for both a 116-apartment building and a mid-size cruise dock.

7. Conclusions

A The current design of the building and site is totally inadequate to retain the opportunity to include a future landing dock for mid-sized ships (400 – 500) passengers.

B The narrow width of the Waterfront walkway and the dimensions of the turnaround circle are impediments to implementing this option and create safety hazards.

C The inclusion of parking for buses and taxis in the turnaround circle needs to be examined in terms of the codes of design for fire lanes that typically prohibit parking.

D There is no space allocated on the site for the 1 or 2 mega-watt transformer substation and the High Voltage cable needed for the shore power of a cruise ship to eliminate the exhaust pollution of diesel engines and their noise for the residents of proposed building and the many adjacent properties.

E In the submitted Services and Stormwater Management Report, there is no mention of any provision for the servicing of the mid-sized cruise ships. In particular, no consideration is given to the water supply or hydrants for responding to a fire on-board the docked ship.

Comments on the Cruise Boat Dock on 5 Lower Union Street

8. Summary

Given that a dock project has not yet been proven to be feasible and, as outlined herein may very well not be, the City should not consider the suggested dock as a feature that merits designation as a "community benefit", and the option of the dock should be removed from the consideration of this project. It should not be included as a permitted use in the Zoning Bylaw amendment unless some positive measure of feasibility has been presented.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Jim Parker". The signature is written in a cursive style with a large, looped initial "J".

Jim Parker
B.A.; B.Sc.; Ph.D.
P. Eng. Retired

September 30, 2024

Meghan Robidoux
Senior Planner, Planning Services, City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Via email: mrobidoux@cityofkingston.ca

Dear Ms. Robidoux:

**Re: Application for CIP Amendment, 5 Lower Union Street, Kingston, ON
File Number D09-003-2021**

I understand that the City is accepting public commentary as part of the review process of this official plan and by-law amendment application. I oppose the application on the grounds that the site is subject to stormwater hazards.

The proponent has amended the original application to move part of the building outside of the current flood hazard boundary. Two criticisms occur to me. In light of current climate change research, storm intensity is increasing and hence flood plain mapping needs to be constantly revised. Second, flood risk is considered mainly from a summer perspective and ignores problems facing emergency service delivery in winter.

Storm intensity is increasing because of climate change. An internet search of the phrase “storm intensity climate change” produces a long list of peer reviewed research showing increasing trends in wind and rainfall. I point to Tamm et al, “The intensification of short-duration rainfall extremes due to climate change – Need for a frequent update of intensity–duration–frequency curves”, Climate Services, 2024 (vol. 30). This work deals with European research but numerous other citations are possible. The submission of Paul Mitchell makes the same point, that current storm safety criteria are evolving and that this is a vulnerable site.

My second issue relates to the difference in storm risk in summer and winter. Our residence faces the Marine Museum and the subject property. The photograph below taken on or just after December 25, 2022 shows the ice coverage following the Christmas Eve storm that year. The picture shows a piece of the Marine Museum roof, the Dry Dock and the ice coverage of the proposed residential site. I, for one, cannot envisage how an emergency services intervention could be delivered on that day.

In addition to this letter, I am attaching a short video of waves overshooting the subject property during the storm. The video forms part of my submission.

I appreciate the opportunity to comment.

Yours truly,

Clarke Wilson, 802, 5 Gore Street, Kingston



September 26, 2024

Meghan Robidoux
Senior Planner, Planning Services
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Via email: mrobidoux@cityofkingston.ca

Dear Ms. Robidoux:

**Re: Application for Zoning Bylaw and Official Plan Amendments
5 Lower Union Street, Kingston, ON
File Number D09-003-2021**

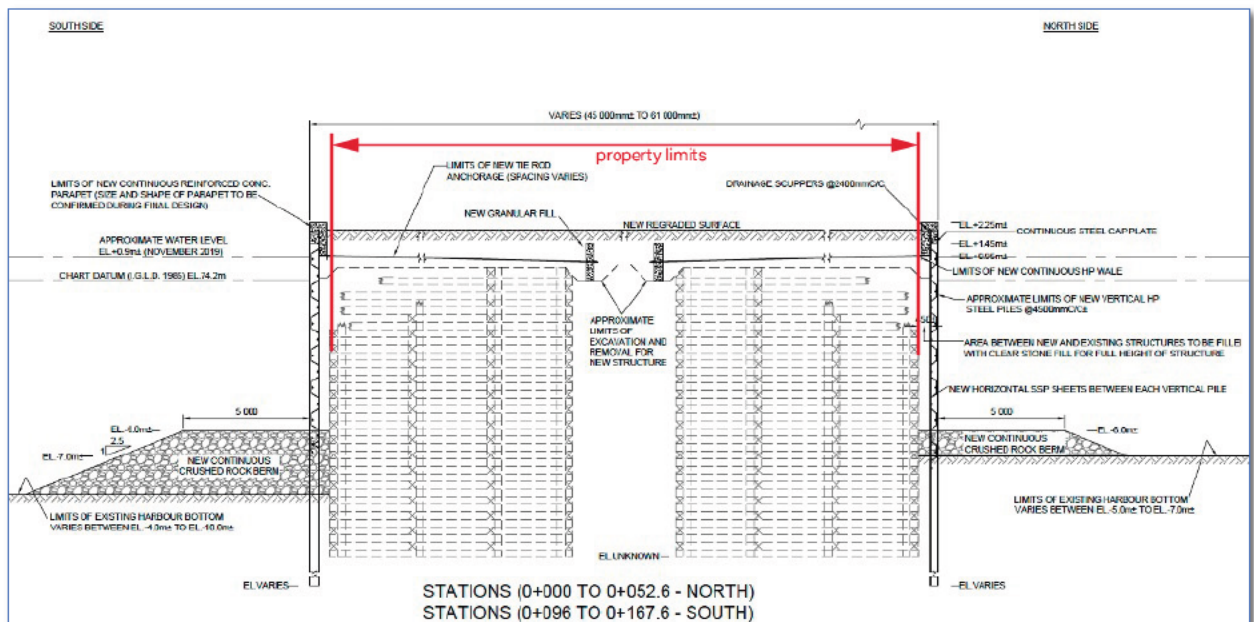
Thank you for the opportunity to review the latest planning documents regarding this proposed development, made available on the City of Kingston's website. I wish to offer my comments to contribute to the City's review process. To illustrate my comments, I have shaded and annotated drawings provided, as produced by Alexander Wilson Architect Inc., Riggs Engineering Ltd. and ERA Architects Inc. My comments are informed by my familiarity with this site, through which I walk most days, and 30 years of experience as practicing architect.

1. Construction Within Flood and Wave Impact Hazard Zone

I have read the technical commentary of the Conservation Authority and the latest response by Riggs Engineering Ltd. Building location changes made to avoid erosion and potential flood areas have lessened the risks, but the current building design and location is not completely beyond the defined limits of these hazards. There appears to be sufficient land available such that through careful design these hazards limits can be avoided. I see no reason to compromise on these reasonable limitations, to reinforce that public safety is paramount. Climate change is likely to increase impacts on shoreline structures, beyond that which we currently understand from historic precedent, and make us question whether developments such as that proposed here are responsible at all.

2. Construction Beyond Site Boundaries

A concern which I previously communicated is that this project proposes to reclaim land from Lake Ontario, which is beyond the site boundaries. I understand that the boundaries have been defined by the survey as the face of the deteriorated wood cribbing under water. The proposed vertical sea wall structure adds almost a metre to the site, beyond the property line and the crushed rock berm on the lakebed and boulder revetments extend much further into the Lake. This to me is the equivalent of someone building a retaining wall and berm on adjacent public lands to enhance and expand their usable property. Surely this would not be acceptable.



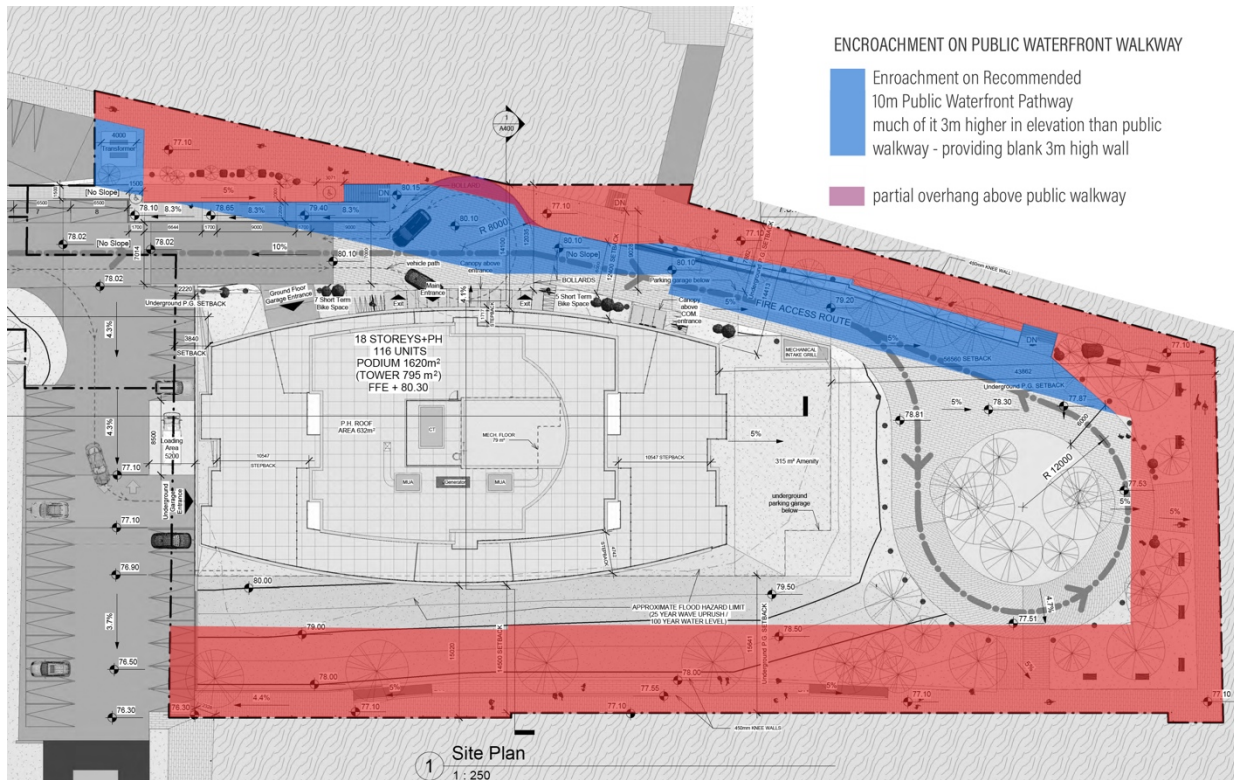
original drawing by Riggs Engineering

I believe the back and forth discussion related to Comment #32 by the Conservation Authority addresses this issue. It would appear from the Riggs Engineering latest response, April 2, 2024, that reconstruction to the original geometric configuration is possible, perhaps not using all original materials, but that a 100

year life expectancy can still be achieved. The letter states “It is our opinion that a 100 year design life could be achieved with a shorewall constructed in the same location to the same elevations.” I support a strong stance that any new structures be built within the limits of the property.

3. Public Waterfront Walkway Encroachment

The drawing below is highlighted to illustrate the required 10m public zone (red + blue). It also illustrates the extent to which the current design proposal imposes upon that essential public space (blue). Most of this impact results from the proposed single storey structure created to provide vehicle access to a level one full storey above current grade, and above the proposed public walkway grade (more on the impact of this below under the heading View Corridor Encroachment). Also impactful is the retaining wall structures required to bring the large vehicle turning circle back down to adjacent grades. A pad-mounted transformer is also proposed to be within this Public Waterfront Walkway.

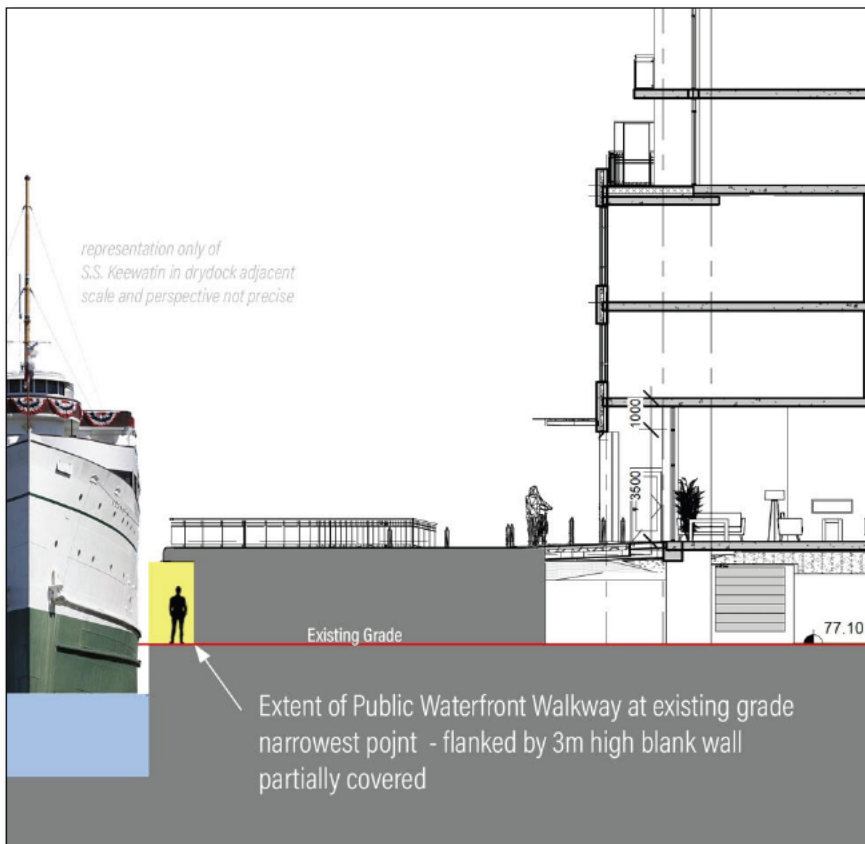


original drawing by Alexander Wilson Architect Inc.

The most egregious imposition on the public walkway is proposed adjacent to the elevated drive lane/turning circle where the path is reduced in width to approximately two metres (not dimensioned). This restricted path is flanked by a blank wall nearly 3m high and partially covered by a cantilevered structure above it which would support the vehicle turning circle. This entirely inappropriate public space is made more cavernous by the adjacent Keewatin Cruise ship which is not illustrated on the drawings. The drawings also do not illustrate any detail regarding the walls of the drydock or the bollards with which the ship is moored. There may be conflicts to further reduce the available public walkway which are not yet apparent.



original drawing by Alexander Wilson Architect Inc.



original drawing by Alexander Wilson Architect Inc.

I believe that the 10m public walkway allowance should not be encroached upon by structures. The encroachment is not in my view a necessary component of development here. The design demonstrates priorities which push to maximize buildable area for private gain, at the expense of mandated requirements which preserve the public interest in this waterfront resource.

4. View Corridor Encroachment

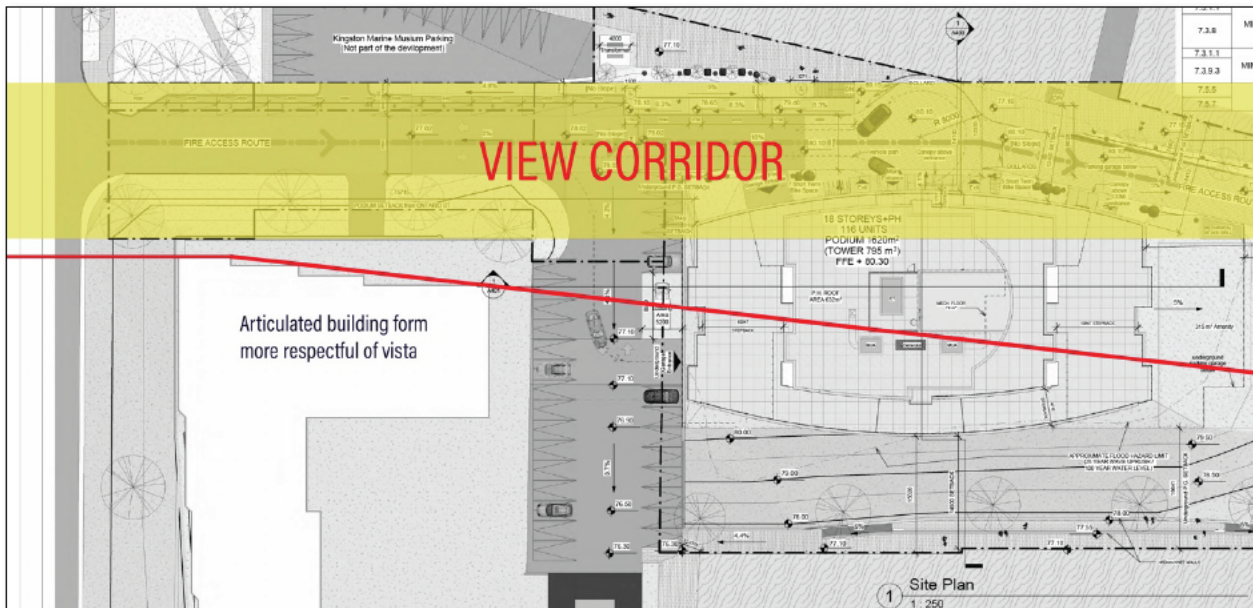
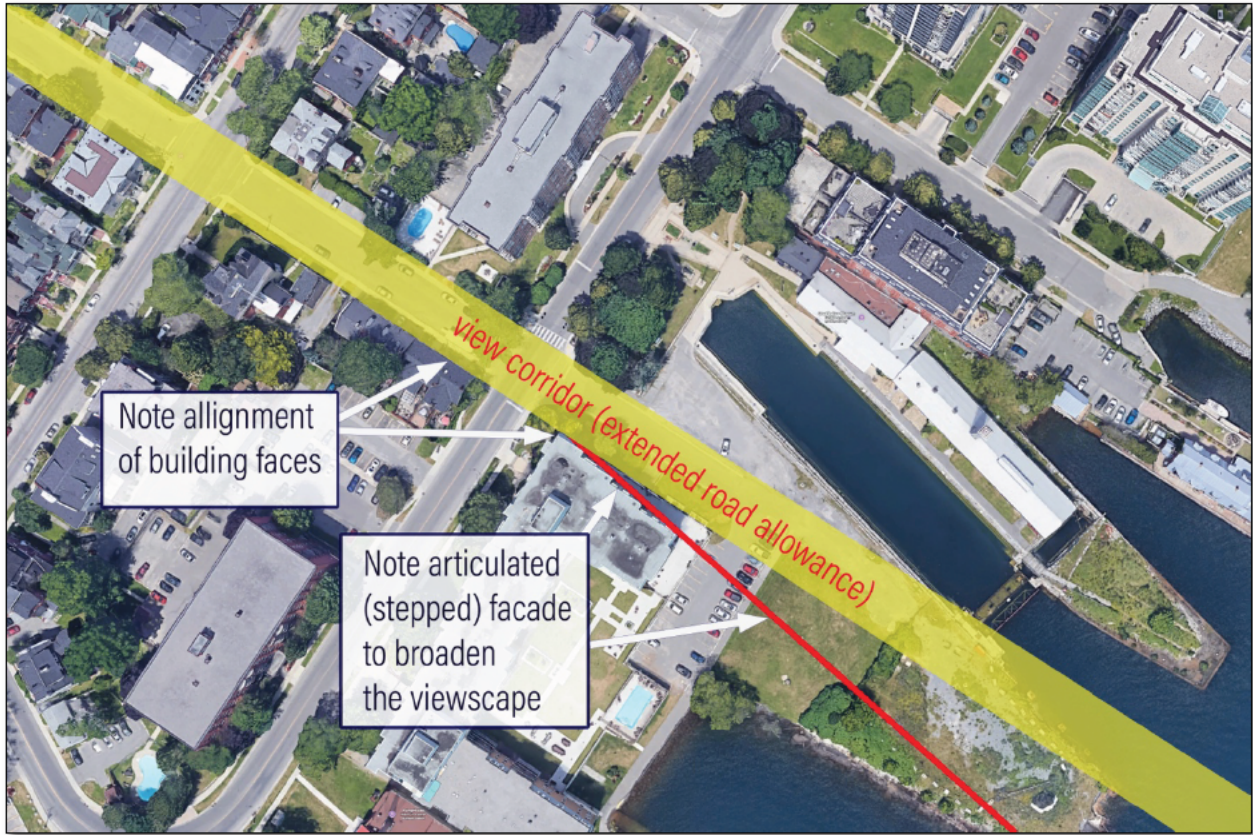
The following image is copied from the Urban Design Study and Conceptual Site Plan, March 1, 2023, by ERA Architects Inc. I believe that this image does not fully reflect the current design.

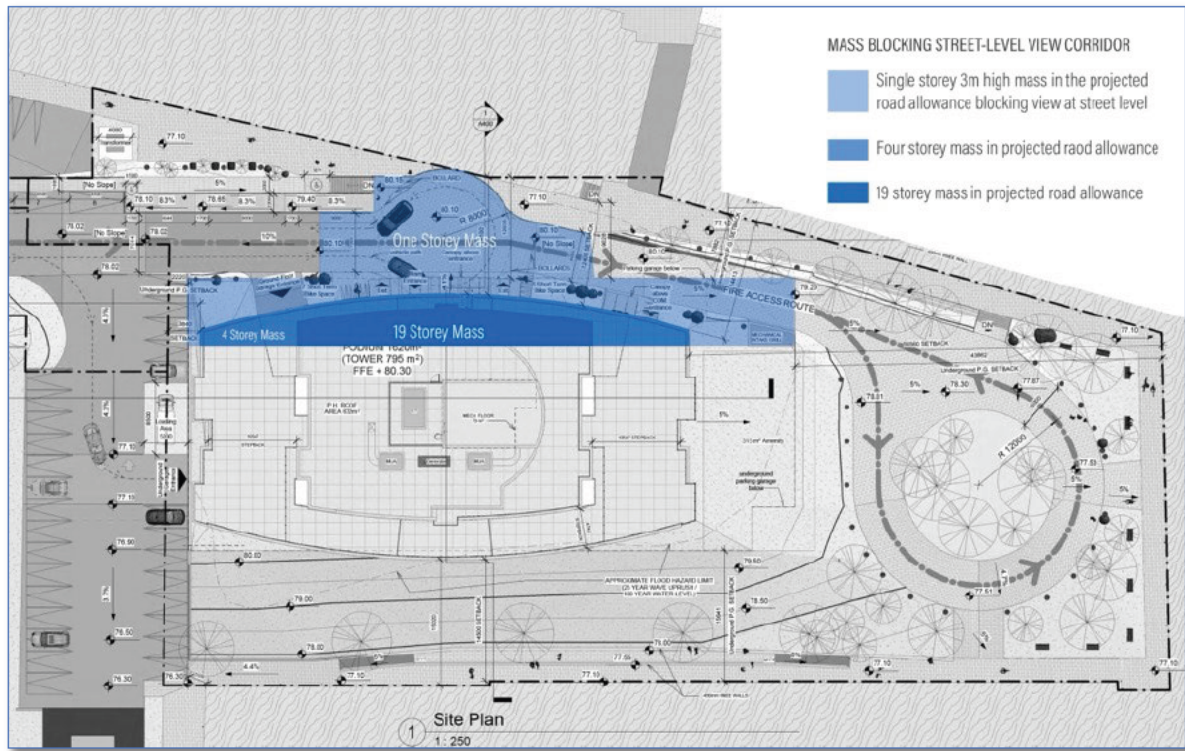


33. View analysis showing the protected view down Lower Union Street, to Lake Ontario, from Wellington Street, with the proposed tower (Source: Alexander Wilson Architect Inc, 2023).

The developed roadway between Ontario Street and the water is a) narrower than the balance of Lower Union Street, and b) the centreline is shifted north from the balance of the street. To fulfill the intent of a protected view corridor, the proposed design should be evaluated relative to the extension of the road allowance which forms the main portion of Lower Union St. for several blocks west.

The placement of the proposed tower may not appear correct in the image above. The site plan drawings show its north face to be close to the projected south curb line of Lower Union, and in the photo, it appears to have been placed be further south than that, and the single storey drop-off structure is not represented at all. It must also be recognized that this elevated vantage point, several blocks away, does not reflect the reality at street level closer to Ontario Street.



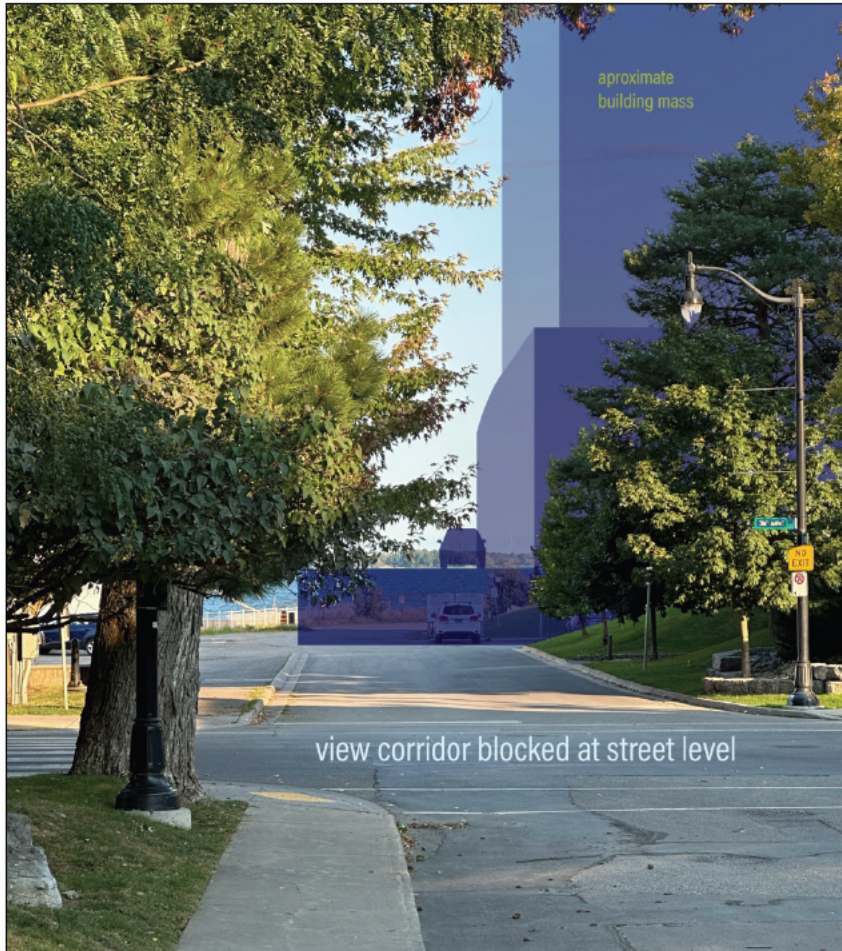


original drawing by Alexander Wilson Architect Inc.



West Elevation (facing Ontario Street)

original drawing by Alexander Wilson Architect Inc.



I do not believe that the design meets the intent of the land use compatibility policies presented in Section 2.7.3 of the Official Plan (OP), along with the protected view policies outlined in Section 8.6 of the OP. The principle was respected in the Block D Development at the base of Gore Street, Earl Street and William Street and has also been preserved at Johnson Street, William Street, and Queen Street. Princess Street is impeded only by the Holiday Inn's entrance canopy. This project should not be permitted to construct any building or landmass in the width of Lower Union Road allowance as it is projected from the width of the main portion of the street to the water's edge.

5. Building Form

5.1 Podium/Base Structure

The building form previously included a single storey podium structure to accommodate parking. The design progressed to include a distinct base in March 2023. The current design proposes a podium of four stories (15 metres) in height and an elongated footprint. The lowest level is at existing grade, and therefore not a basement as it is called in the drawings. The second floor (main entrance level) includes more parking, lobby and residential units and retail space. The third and fourth floors are residential units.

This mass would negatively impact the pedestrian experience of the neighbourhood and the public spaces which would surround the structure.

The currently proposed form was recommended by the peer review of the heritage impact study provided by Dillon Consulting (see 2.2.2.3), April 2022. The following is an excerpt of the recommendations therein:

“Recommendation 3.1: Increase the height of the podium to three (3) storeys to:

- match the adjacent heritage structures, including the Pump House Museum, so that the proposal is better integrated into the surroundings;
- ensure a more appropriate transition to surrounding mid-rise buildings and neighbouring low-rise areas;”

On page 17 of the Dillon report (presumably reviewing the original proposal) it is stated “The podium itself is a one-storey structure with a larger footprint than the tower above. The low height of the podium does not relate to the historic context including the Pump House and the primarily residential buildings in the Old Sydenham HCD.”

The Dillon report references the Design Guidelines for Residential Lots, adopted by the City of Kingston in 2015, which states “encourage the integration of 3-4 storey building base with step back above” (quoted from Dillon Report page A-19).

As I will expand on below, I believe, in this context, that the building should be designed with highest regard to the public, pedestrian experience. I believe that the recommendation to increase the height of the podium is an inappropriately applied, academic argument in this context which would detract from and not enhance public realm surrounding this building.

I believe the arguments in recommending this larger podium form do not recognize the difference between this site and a typical, urban tower site bounded on one or more sides by streets. A podium of consistent scale and texture is entirely appropriate in an urban context when there is a desire to sustain an urban edge and develop or retain a street wall at an appropriate scale. Compatibility in this regard is fundamental principle of good urban design as reflected in the previously mentioned City of Toronto Tall Building Guidelines cited by Dillon Consulting as well as those of the City of Ottawa.

Toronto <https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>

Ottawa https://documents.ottawa.ca/sites/documents/files/design_guide_tall_bldgs_en.pdf.

From the Ottawa guidelines:

“A high-rise building should address two important questions related to this objective: how the building is experienced by pedestrians, and how the building expresses the image of the location, the owner, and/or the occupants. The first question is typically addressed through the design of the lower portion of a high-rise building.”

In designing a tall building, it is the base that is most impactful to the pedestrian experience and offers the greatest opportunity to enhance public space. Both Toronto and Ottawa guidelines recommend high degrees of animation, articulation and transparency, at the pedestrian level. The Dillon report suggested townhouse style units at grade to provide better pedestrian experience and possible retail – all feasible and welcome on a city street. At the pedestrian level surrounding the current design there is no townhouse style units and the one retail unit which is not associated with the public pedestrian path in any way. In fact, the public pedestrian has no interaction with the face of this building except the blank wall adjacent to the dry dock. It is an insular design which does not engage the passing public or enhance the public realm. I acknowledge that the enlarged podium was not designed as it was recommended in the Dillon Report. The podium at the pedestrian level is parking. The apparent infeasibility of effectively applying the criteria for a well-designed podium at the pedestrian level (articulation, transparency, etc.) reinforces that the simple application of an urban street style podium is not suited to this location.

The site is fundamentally not an urban street edge condition. This recommended conceptual approach has been applied reasonably well to the new Residential/Commercial tower under construction on Queen Street/Ontario St., and other projects on Princess Street. But this site has effectively no street face (the lot has minimal frontage, only perpendicular to Lower Union Street). As currently designed, this building effectively faces a driveway and not a street. Pedestrians do not interact with the building face. It is, in my view, better characterized as building in a public waterfront park land setting than a street. As such, many of the guidelines for the design of an urban street face massing are inappropriate in this location.

Further evidence that this is not a street wall to be extended can be seen in the form of the adjacent Shipyards Apartments building which does not sustain a consistent street edge, but rather it is articulated, stepping back in recognition of the expanding vista. See drawings on page 6. A feature which would be negated by the current design under consideration.

The primary feature of the public realm in this location is not a street but the lake and waterfront promenade. To be sensitive to that, the form should be as narrow as possible with minimal ground level impact to maximize long range views of the lake and sky. The revised building form, with an elongated, four storey high base with very little set-back of the tower on the north face and inaccessible at the public pedestrian level, fails in this regard and is entirely inappropriate. When compared to the March 2023 version of the design, you see how the developer has capitalized on the misapplication of the concept of the contextual base to expand the footprint and the floor area, to the detriment of the pedestrian public space.



March 2023 proposed north elevation (Alexander Wilson Architects, 2023).

Proposed north elevation (Alexander Wilson Architects, 2023).

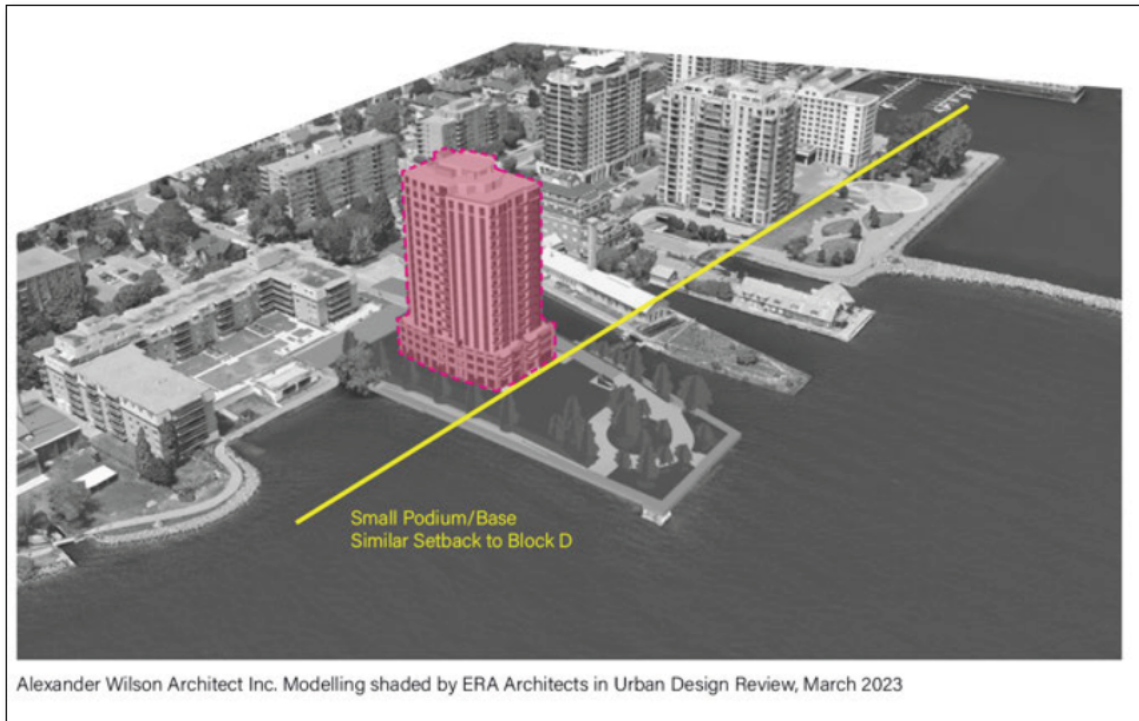
A pedestrian following the waterfront trail through Navy Park would be confronted by a long 4-storey high, imposing wall, with tower above. It is this pedestrian experience and the integration of the built form with the public realm which should be the focus of this design and not the abstract application of urban street design principles which are not suited to this location.



Rendering of the proposed tower, view looking south-west (Alexander Wilson Architects, 2023).

Note that there is no water vista visible to the pedestrian moving from Navy Park and not even a sidewalk on the building side of the “driveway” as there would be if this were a “street”.

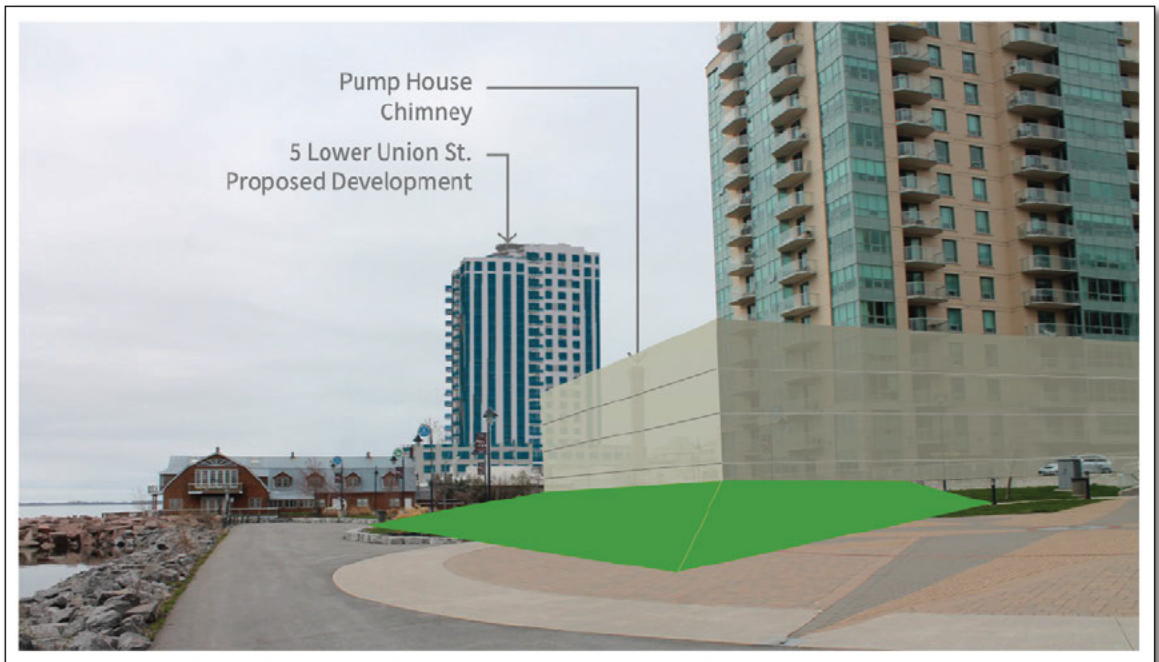
By comparison, the form of the residential buildings on Block D are based upon a parking single storey podium which is mostly a full or half storey below adjacent pedestrian grade and does not interrupt the visual connections between the towers, at the pedestrian level in the same way. The previously considered (March 2023) design with a smaller base mass was also set back from the water's edge approximately equal to the Block D buildings which seems more reasonable than the current proposal which extends further, with a taller mass. Block D is not a model design in many respects, but I believe Battery Park and the pedestrian waterfront space is largely successful.



This image below from the latest ERA Architects' report shows the impact of the enlarged 4 storey mass, in contrast to the simple tower structure which is the Royal George Condominium on Block D.



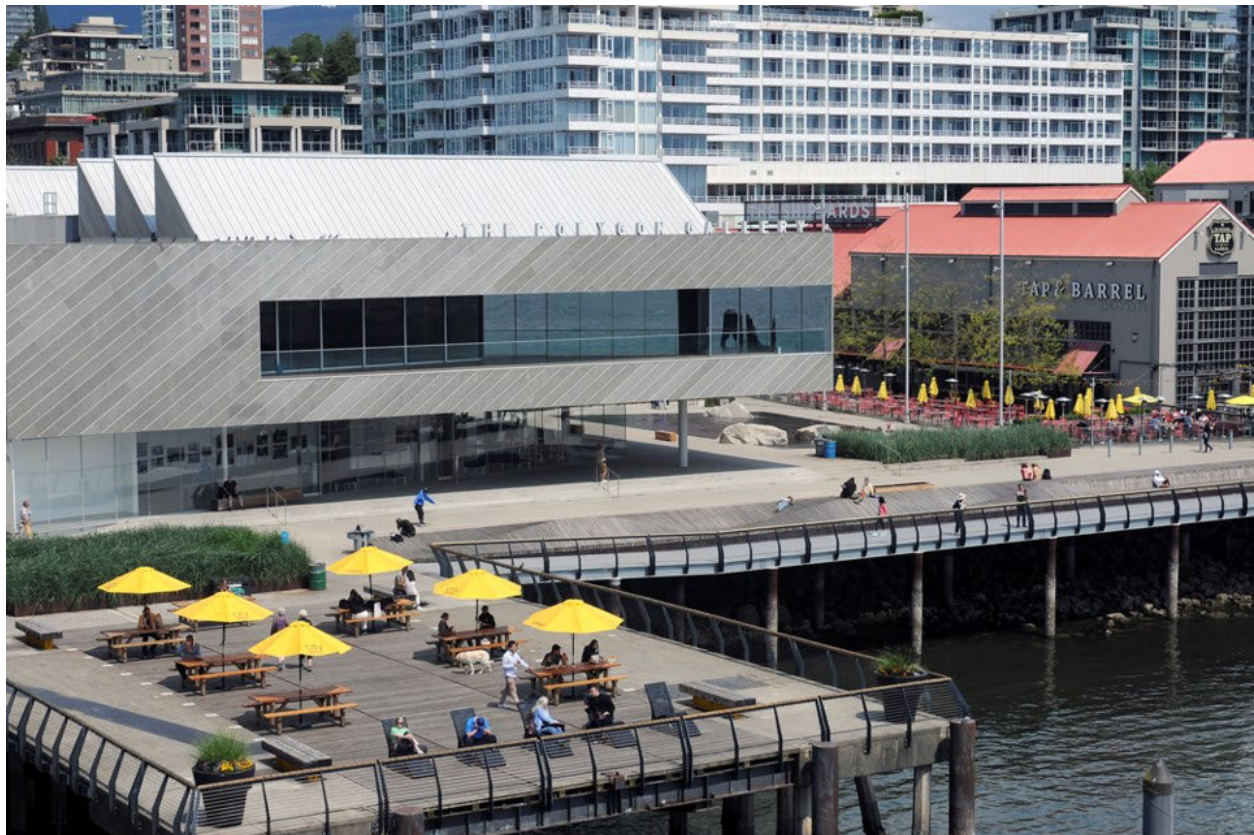
The base of the proposed building would form a complete backdrop to the smaller scale heritage buildings on the waterfront trail. Let's imagine that the Royal George Condominium had adopted a similar form to that proposed for this new development as approximated below. This would be significantly more visually imposing than the building which exists, if it were just more private condos. It illustrates the inappropriateness of the proposed form, in this location. Imagine the impact if this design principle had been applied to all four buildings on Block D.



While I am supportive of concepts which differentiate the base of the building from the tower with articulation, transparency and more textured, higher quality materials respectful of nearby heritage architecture, I do not support a four-storey elongated podium to enlarge the footprint and obstruct more of the ground level vistas of lake or sky, while repelling and not engaging the pedestrian public in anyway.

In my view, to be acceptable, any base/podium design which impacts grade-level vistas would have to be sensitively scaled and demonstrate that it enhances the public realm in other compensatory ways. This might include functions and features to engage the public with the building at grade level such as shops, restaurants, etc., textured, articulated façades. Another option might be small scale townhome type units facing highly landscaped public realm as suggested by Dillon. This approach requires a granular integration of landscape design and architecture to create a public place which subjugates the automobile in favour of pedestrians, blurs the boundaries between public and private space, and offers unique outdoor experiences along the waterfront trail.

The Dillon report offers Lonsdale Quay North Vancouver as an example (image below), featuring the Polygon Gallery by Patkau Architects. Notice how the base of the building is minimized to give precedence to pedestrians and views outward. This form may not inform the design here, but it is an example of design which prioritizes the public realm.



I would also commend the Prince Arthurs Landing in Thunder Bay, by Brook McIlroy Architects as an example of excellence in the integration of public realm on a waterfront. While the building shown is a restaurant, the overall development includes residential buildings of reasonable scale.



Brook McIlroy Architects also designed an award-winning Master Plan for the Hamilton Waterfront which illustrates the concept (at a much larger scale) of integrating building and the public waterfront domain.



This approach requires innovation and design excellence, and a commitment by the developer to public place-making. If the developer continues to pursue a building which would be private, insular and distinct from the public realm, as the current design is, it must occupy the most minimal footprint possible.

5.2 Tower Floor Plate

The benefits of a smaller floor plate “point tower” are described below in the City of Toronto Tall Buildings Design Guidelines, 2013, page 50.

3.2.1 FLOOR PLATE SIZE AND SHAPE

Limit the tower floor plate to 750 square m or less per floor, including all built area w the building, but excluding balconies.

- a. Organize, locate, and articulate the tower floor plate to:
 - minimize shadow impacts and negative wind conditions on surrounding streets, parks, open space, and properties;
 - minimize loss of sky view from the public realm;
 - allow for the passage of natural light into interior spaces (e.g. shallow rather than deep floor plans);
 - create architectural interest and visually diminish the overall scale of the building mass; and
 - present an elegant profile for the skyline.
- b. Provide greater tower separation, setbacks, and setbacks proportionate to increases in tower floor plate size or height to mitigate resultant wind, shadow, and sky view impacts (see 1.4 Sunlight and Sky View and 3.2.3 Separation Distances).

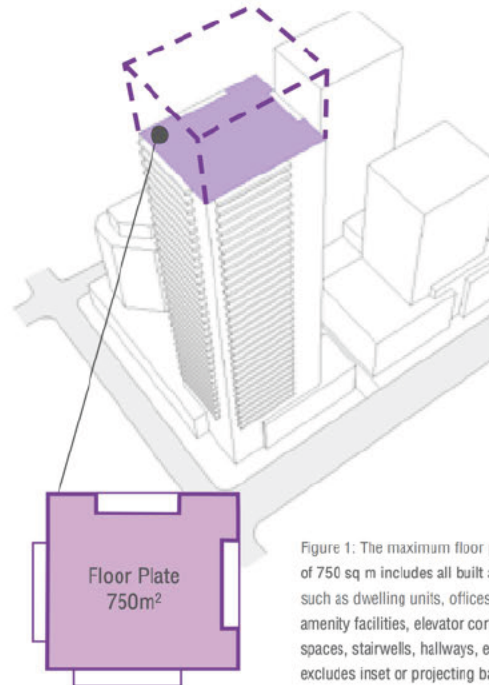


Figure 1: The maximum floor plate size of 750 sq m includes all built areas, such as dwelling units, offices, indoor amenity facilities, elevator cores, storage spaces, stairwells, hallways, etc., but excludes inset or projecting balconies.

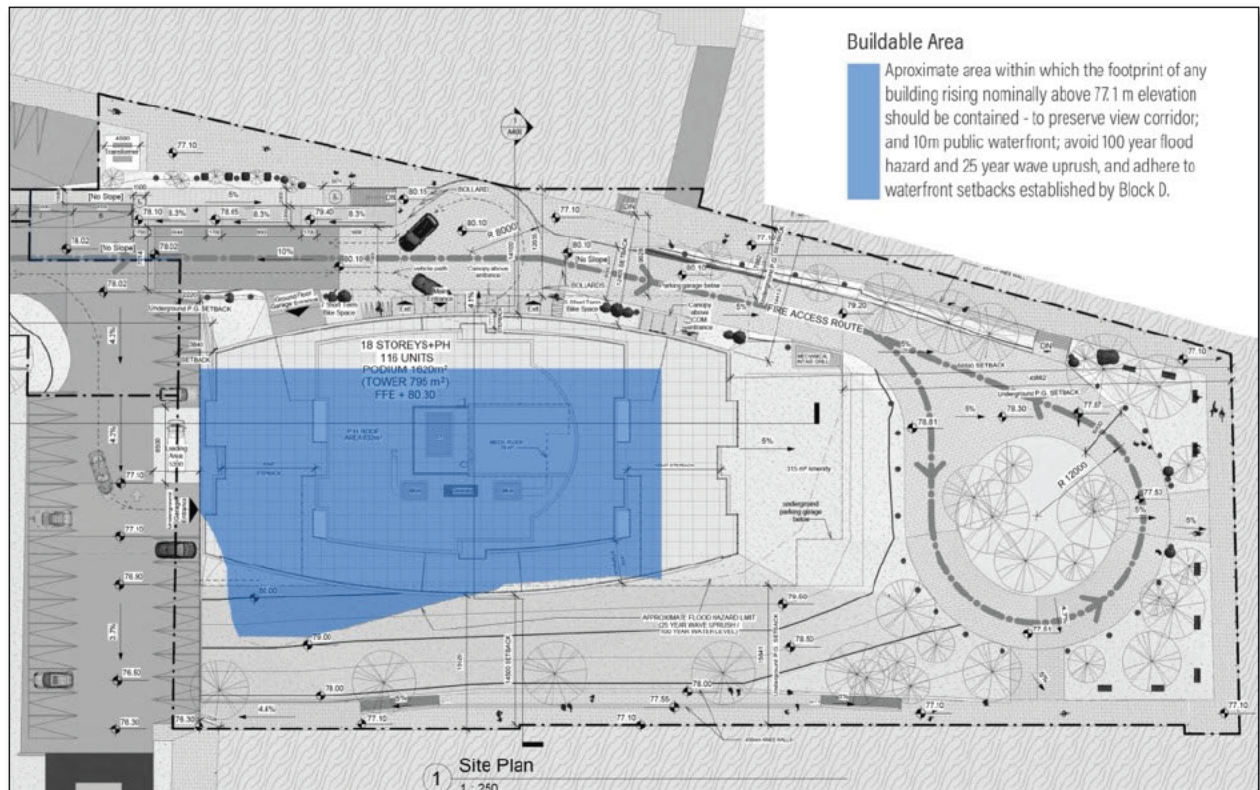
The City of Kingston “Density by Design: Kingston Mid-Rise and Tall Building Policy - Issues and Options Report” page 28, recommended a maximum 700m2 floor plate for waterfront buildings. The current design is 795m2.



As stated above in the excerpt from the City of Toronto Tall Buildings Design Guidelines, shallow rather than deep floor plates are preferred for many reasons. The current design proposes a very “deep” floor plate, negatively impacting the penetration of natural light into the interior of residential spaces, increasing shadows on neighbouring properties and reducing sky views. For comparison purposes, below is the proposed floor plate in approximate relation to other Homestead-built apartments in the vicinity (visual comparison, not precisely to scale). You will note the proposed tower floorplate is significantly deeper than most adjacent apartment buildings,

and deeper even than the buildings on Block D. Best practices have evolved, since the design of Block D and this project should be expected to meet current best-practices, with a shallower depth floor plate.

I further believe that the eastern water setback should align with the Block D Buildings (even a single storey podium). Considering the 10m waterfront path, wave uprush and flood hazard zone, the extension of the Lower Union Street Road allowance as view corridor and the eastern limits established by Block D, I believe the area highlighted below should be considered the extent of acceptable buildable site area.



original drawing by Alexander Wilson Architect Inc.

5.3 Building Height

It is an established urban design principle that properties nearer the edges of high-density development zones, in proximity to areas of less-dense smaller buildings must be shorter to provide a transition in height and not overwhelm adjacent properties. This can be seen in both Toronto and Ottawa urban design guidelines. This property is bordered by a 5-storey apartment block (Shipyards) a, one/two storey heritage building (museum), and a 5-storey condominium (Admiralty). The imposition of a 19-storey tower does not provide effective transition. Moving further from City centre, within the urban core, should necessitate lower buildings, but this proposal includes a structure taller than any other along the Ontario Street corridor south of City Hall. The existing buildings south on Ontario Street from Block D, are 5, 6, 6, 8, 10 stories – down from the one 17-storey building on Block D. This building should contribute to that transition, by being less than the 17-storey building on Block D and no more than the 10-storey building at the south end of Ontario Street (Simcoe).

5.4 Building Form Summary

To summarize my thoughts on building form, I suggest that current project design is not appropriate and that any design on this site should be required to provide:

1. a footprint within the buildable area defined by the figure above, respectful of view corridor, public walkway space, environmental hazards and precedent set-backs (Block D),
2. a tower with a floor plate of 700m² or less,
3. a building height less than 17 stories,
4. a “shallow” rather than “deep” floor plate design,
5. a building design which minimizes impact on vistas over the water,
6. base level finishes, textures and quality of materials which reflect the heritage architecture in the vicinity of the project, and
7. excellence in architecture and landscape design which better integrates the building form with the public realm.

This site is too precious to be squandered on excessive, insular built form and cars – so it should be restricted to minimal footprint or permitted to build slightly more by committing to integration and design excellence in the public realm.

6. Parking

In concept, I support a reduced number of resident parking spaces. However, the impact of getting this wrong could have serious repercussions on neighbourhood streets and must be considered with caution. I must assume that residents of a new apartment building here would not be eligible to purchase on-street parking permits in Sydenham district or Ontario Street.

The visitor parking is illustrated to be within the parking garage. Does this negate the potential to secure the parking garage from intruders, or does it make access to visitor parking controlled in some way? It would not seem appropriate (or likely effective) for visitor access to be controlled, nor does it seem appropriate that non-residents have full access to the parking garage. Where would tradespeople and delivery people park? The proposal also seeks relief on the number of visitor parking spaces, which could negatively impact the neighbourhood and the adjacent museum.

The extent of effective parking for the museum will be significantly reduced by this development to 14 spaces. Museum staff and volunteers likely use more space than this at present, extending onto to property which is part of the subject parcel. I would suggest that the parking space for the museum will be made entirely inadequate by this development and, unless controlled in some way, will become the defacto visitor parking for the new apartment. I read in the Planning Rationale that there is potential for additional parking spaces along the current Lower Union Street which is proposed to be closed and transferred to the developer. These nine additional spaces would be difficult to use as they require a U-turn to access the parallel parking spaces.

The proposal seeks relief from parking space and drive aisle size to allow smaller spaces when all evidence is that the market is favouring larger vehicles such as SUVs, and all cars are larger than previous versions of the same model. Reduced parking space size in a restricted garage is challenging for users and especially seniors and those with compromised abilities. A standard parking space used to be 3m x 6m.

Zoning bylaws, like Kingston's, changed when cars began to get smaller but that trend (if it ever really existed) has reversed and cars are getting considerably larger.

"Large cars are becoming ever more popular. In fact, the size of the average car is growing wider at a rate of 1cm (0.4in) every two years, according to the non-profit Transport and Environment. With this increase in size comes some equally large problems, from environmental repercussions to safety hazards, and the sheer difficulty of maneuvering cars in streets and parking spaces designed for smaller models."

<https://www.bbc.com/future/article/20240207-are-cars-getting-too-big-for-the-road>

"Vehicles have been growing in size since the 1980s. The 1973 oil crisis and ensuing sky-high gas prices shrank cars and parking spaces, but all these decades later, we're back to driving big ol' road hogs. At nearly six-metres long, the 1973 Chrysler Imperial LeBaron was one of the largest cars ever to roam the Earth, but today's Cadillac Escalade ESV is only slightly shorter, even wider and much taller. The latest Jeep Grand Cherokee is 4.9-metres long, 30.2 centimetres longer than the 2002 model. Even the modern Mini Cooper dwarfs the dainty 1960s original."

<https://www.theglobeandmail.com/drive/mobility/article-our-love-of-big-suvs-is-ruining-us-but-theres-no-end-in-sight/>

Further, the proposal seeks relief to provide 23 "Small Car Parking Spaces" (2.4m x 4.8m), when the Bylaw would permit only 9. I suggest that smaller parking spaces cannot be justified and would contribute to potentially over-building this site. I suggest working from the site and the primacy of public space. Start with a reasonable footprint, respectful of the restrictions discussed herein, and the resultant parking, with reasonable size spaces and aisles, should be used to establish the maximum number of units which can be built on this property.

Relief is also sought for the loading space required by the Bylaw, which could be problematic if the reality proves that 7.8m is not long enough for moving trucks. The loading area, required by the Zoning Bylaw is not on the subject property. The design reduces surface parking available to The Shipyards apartment building which could impact its compliance with bylaw requirements applicable to that property.

7. Cruise Boat Docking

I believe that the feasibility of using this pier for cruise boat docking has not been determined and I believe that it may be misguided. It seems disingenuous to dangle this unstudied "opportunity" to curry favour for the development of this site from decision-makers charged with many other community priorities in addition to land-use planning.

Improving accommodations for the cruise ship industry may sound lucrative for the community. I suggest the reality could be quite different. Other communities have experienced cruise ship programming in which visitors are bused to specific attractions and back to the ship, leaving very little in terms of benefit to the broader community. I suggest cruise lines docking here would bus their guests to the Penitentiary and Fort Henry (with priority access), and perhaps a series of smaller attractions like City Hall and Bellevue House. They would then be bused back to the ship and be on their way, likely without even buying a meal. Hotels, restaurants and shops may see little economic benefit. Without the time required to ferry passengers by tender from an anchorage, it is likely ships would stay in Kingston no more than half a day.

The cruise ship industry is drawing much negative attention for the toll it is taking on cities and smaller communities, the environment and natural habitats. I am not convinced that it is right to use public money to support this industry which provides minimal, narrowly focused economic benefits and many negative impacts.

The landscape design of the public waterfront path would be significantly different if it were designed for mooring large vessels as well as handling the loading and off-loading of over 400 passengers and the buses needed to transport them.



Simply for scale reference, here is an illustration of the Viking Polaris ship currently cruising the Great Lakes. It is 203m (666 ft) long, 24m (79 ft) beam and carries 368 passengers and up to 260 crew. Maneuvering and mooring such behemoths in this location has not, to my knowledge, been studied, and would most certainly require land or new marine structures beyond the site under consideration.

The one short section of what is now Lower Union Street would experience a concentration of the traffic from this new apartment, the Shipyards apartment, the Great Lakes Museum and potentially 10 or more buses.

If Kingston concludes that it wants to accommodate cruise ships, is this the right place? This waterfront site would become transportation infrastructure rather than waterfront parkland. In my view this is not good planning within a mostly residential neighbourhood, rich in heritage resources.

I suggest that the potential for cruise ship docking be taken out of this conversation, to ensure that the allure of imagined economic impact does not promote bad planning decisions.

8. Proposed Zoning Bylaw and Exhibited Design

Much of my commentary here has been focused on the design exhibited in support of the Zoning Bylaw and Official Plan amendments. I recognize that the road to permitting and construction is long. The specific amendments proposed provide permissions, within which there may be considerable latitude in subsequent design development. The means by which to influence that future design then shifts to Site Plan approval, which is a function delegated to City Staff.

Care must be taken to ensure that any Zoning Bylaw and Official Plan amendments, if any, adopted at this stage are sufficiently detailed and site specific to exclude the negative aspects of the current design, such as those discussed herein.

Thank you for considering my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Mitchell', with a long horizontal flourish extending to the right.

Paul Mitchell, B.Arch., FRAIC
Retired Architect

From: willy harpell [REDACTED]
Sent: December 19, 2024 12:17 PM
To: Robidoux, Meghan <mrobidoux@cityofkingston.ca>
Subject: 5 Lower Union photos

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



Mr Jim Parker suggested I send you these photos of the waves hitting 5 Lower Union St. They go well into the center of the property. I believe this is further than the high water line rule.

Willy