



**City of Kingston
Information Report to Council
Report Number 17-316**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: November 21, 2017
Subject: Official Plan & Zoning By-Law Amendment Applications
Former Rideau Marina Property, 48A Point St. Mark Drive
Homestead Land Holdings Limited
File Numbers D09-005-2013 & D14-012-2013

Executive Summary:

On June 8, 2017, the applicant (Homestead Land Holdings Limited) appealed the proposed Official Plan amendment and zoning by-law amendment applications to the Ontario Municipal Board (OMB), based on the approval authorities' failure to make a decision within the prescribed period of time. Per the *Planning Act*, the approval authority (Council) has 180 days to make a decision once an Official Plan amendment has been deemed complete and 120 days to make a decision once an application for zoning by-law amendment has been deemed complete. The applicant was eligible to file an appeal for 'non-decision' as of August 31, 2013.

The Statutory Public Meeting was held at City Hall on May 2, 2013. Written technical comments with respect to the applicant's first submission were provided to the applicant on May 16, 2013. The application was in abeyance for nearly four years awaiting the submission of additional information to address the first round of technical comments. The second submission was received by the City of Kingston on March 13, 2017. The second submission was undergoing technical review, on June 9, 2017, when the city's Clerks office received Ontario Municipal Board (OMB) appeals under subsections 22(7) and 34(11) of the *Planning Act*. Although the applicant has exercised their appeal rights to the OMB, it is not a result of negligence or inaction on the part of the municipality.

A second Public Meeting (Non-Statutory) was held on October 19, 2017. At this meeting, the applicant presented the revised development proposal to staff, members of Planning Committee

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and the public. Input regarding potential Community Benefits was received at the October 19th meeting.

The Ontario Municipal Board (OMB) Pre-Hearing is scheduled for November 22nd, 2017, commencing at 10:00 a.m. in Council Chambers (2nd floor) of City Hall, 216 Ontario Street.

The purpose of this report is to provide information and an overview of the subject *Planning Act* applications under appeal, the status of the ongoing technical review and third party Peer Reviews and Council's direction for the upcoming OMB Pre-Hearing.

In 2017, Homestead Land Holdings Limited amended the proposed development from what was presented at the March 1, 2013 Planning Committee meeting. The applicant is proposing to develop an apartment building with a total of 95 residential units, associated on-site vehicular parking, bicycle parking and apartment complex amenities. Specific changes include reducing the proposed height from 8 storeys to 7 storeys, increasing the setback from the water to an average of 5.5 metres and adjusting the footprint of the building to remove it entirely from the floodplain. A shoreline promenade is now proposed along the entire water frontage of the site, connecting to the abutting Lilla Burke Park, an existing public open space. The applicant is also proposing a public boat launch in addition to some of the existing boat wharves proposed to be maintained as an amenity for the apartment dwelling residents.

The site is currently designated Marina in the Official Plan and zoned Water Area 'P2' Zone in Zoning By-Law Number 8499 and Tourist Commercial 'CT' zone in Zoning By-Law Number 32-74.

At the time of the city's receipt of the appeals to the OMB by the proponent, staff were in the process of completing a technical review of the applicant's second submission. Staff have engaged the services of two consulting firms to complete feasibility design work regarding the access road, Peer Review work with respect to site grading, as well as a Peer Review of the Heritage Impact Statement and Addendum Report.

At the November 7th Council meeting, Council provided direction to staff to attend the OMB Pre-Hearing on November 22, 2017 to advise the Board that a Council position with respect to the appeals has not been determined, as the technical review of the applications by staff is still ongoing (including two independent third party Peer Reviews). Council also provided direction to staff to report back to Council in closed session at the conclusion of its technical review of the applications and in advance of any additional Hearings with respect to the subject appeals. The reporting back by staff to Council shall also include the results of the two active third party Peer Reviews commissioned by the municipality.

Recommendation:

This report is provided for information purposes only.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

Denis Leger, Commissioner, Corporate & Emergency Services Not required

Mark Van Buren, Acting Commissioner, Transportation & Infrastructure Services Not required

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Options/Discussion:**Proposed Development**

The applicant, Homestead Land Holdings Limited, is proposing to develop the site known municipally as 48A Point St. Mark Drive with a 7 storey residential apartment building with a total of 95 units.

The proposed changes between the first submission received in 2013 and the second submission received in 2017 include reducing the proposed height from 8 storeys to 7 storeys, increasing the setback from the water to an average of 5.5 metres and adjusting the footprint of the building to remove it entirely from the floodplain. A shoreline promenade is now proposed along the entire water frontage of the site, connecting to the abutting Lilla Burke Park, an existing public open space. The applicant is also proposing a public boat launch in addition to some of the existing boat wharves proposed to be maintained as an amenity for the apartment residents.

With respect to the proposed amendments to the Official Plan, the applicant is seeking to amend the existing 'Marina' designation to a 'High Density Residential' designation in the Rideau Community Secondary Plan of the Official Plan.

To accommodate the proposal from a zoning perspective, the applicant is requesting to amend the Water Area 'P2' zone of Zoning By-Law Number 8499 and the Tourist Commercial 'CT' zone of Zoning By-Law Number 32-74 to a site-specific Residential Type 3 'R3-X' zone in Zoning By-Law Number 32-74, which is requested to incorporate zoning relief from minimum lot area per dwelling unit; minimum interior side yard; minimum underground parking vertical clearance requirement; and maximum building height.

Chronology

On June 9, 2017, the applicant (Homestead Land Holdings Limited) appealed the proposed applications for Official Plan amendment and zoning by-law amendment to the Ontario Municipal Board (OMB), based on the approval authority's failure to make a decision within the prescribed period of time. Per the *Planning Act*, the approval authority (Council) has 180 days to make a decision once an Official Plan amendment has been deemed complete and 120 days to make a decision once an application for zoning by-law amendment has been deemed complete.

Both the Official Plan amendment and zoning by-law amendment applications were submitted/received at the City of Kingston on March 4, 2013. The applications (File Numbers D09-005-2013 & D14-012-2013) were deemed complete and confirmed to the applicant by letter dated April 2, 2013.

The Statutory Public Meeting was held at City Hall on May 2, 2013. Written technical comments with respect to the applicant's first submission were provided to the applicant on May 16, 2013. The application was in abeyance for nearly four years awaiting the submission of additional information to address the first round of technical comments. The second submission was received by the City of Kingston on March 13, 2017. The second submission was undergoing technical review, on June 9, 2017, when the city's Clerks office received Ontario Municipal Board (OMB)

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appeals under subsections 22(7) and 34(11) of the *Planning Act*. Although the applicant has exercised their appeal rights to the OMB, it is not a result of negligence or inaction on the part of the municipality.

A second Public Meeting (Non-Statutory) was held on October 19, 2017. At this meeting, the applicant presented the revised development proposal to staff, members of the Planning Committee and the public. Input regarding potential Community Benefits was received at the October 19 meeting.

The OMB Pre-Hearing is scheduled for November 22nd, 2017, commencing at 10:00 a.m. in Council Chambers (2nd floor) of City Hall, 216 Ontario Street.

On November 7, 2017, Council received a closed session report from the Planning Division related to the OMB appeals for the subject site. As a result of an appeal being filed to the OMB on this application, the matter is now subject to litigation/formal legal proceeding by way of a hearing. Discussing details in an open forum may undermine the city's position going into the hearing. At the November 7th Council meeting, Council provided direction to staff to attend the OMB Pre-Hearing on November 22, 2017 to advise the Board that a Council position with respect to the appeals has not been determined, as the technical review of the applications by staff is still ongoing (including two independent third party Peer Reviews). Council also provided direction to staff to report back to Council in closed session at the conclusion of its technical review of the applications and in advance of any additional Hearings with respect to the subject appeals. The reporting back by staff to Council shall also include the results of the two active third party Peer Reviews commissioned by the municipality.

The typical OMB process involves a sequence of events as follows:

- Appeal filed with the OMB;
- Notice of Pre-Hearing;
- OMB Pre-Hearing;
- OMB Hearing; and
- Written decision delivered.

OMB – Pre-Hearings

The OMB may choose to hold a meeting before an actual hearing, as is the case with the appeals with respect to the proposed amendment applications at the subject property. This meeting is called a 'pre-hearing'. A decision to proceed with a pre-hearing is usually invoked if there is a sense that the matter is expected to be long or complicated. The following topics are usually discussed at pre-hearings:

- Identification of issues, parties and participants;
- Organization of complicated matters;
- Decisions as to which documents should be exchanged; and
- Determination of procedures before and during the hearing.

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With respect to the anticipated timing of the OMB Hearing date, as there are a number of appeals across the province that are currently before the OMB, it takes an approximate average of one year from the pre-hearing for the pre-hearing date.

OMB – Party Status

The City of Kingston is a ‘party’ to these appeals. At OMB hearings, parties have a responsibility to:

- Provide an overview of what the appeal is about;
- Submit all necessary documentation as exhibits at the hearing (this includes any maps, case law, document books, etc.);
- Present their case using exhibits, witnesses and other evidence;
- To cross-examine the other parties’ witnesses and evidence; and
- At the end of the hearing, give final arguments or a summary of all the evidence.

OMB – Participant Status

A participant is an individual, group or corporation that may choose to attend only part of the proceedings but makes a statement to the Board on all or some of the issues in the hearing. Participants do not provide evidence or witnesses, and cannot be asked to pay costs.

Participants have a responsibility to:

- Attend on the first day of the hearing before it begins;
- Provide their name and address to the Board;
- Give a statement to the Board about the matter being dealt with at the hearing;
- Give their statement at a later date if the hearing has been scheduled for multiple days; and
- Follow the procedures set out in a procedural order from a prehearing. These procedures may set out when to appear at a hearing and when to provide participant statements to the parties.

OMB – Additional Resources

The OMB has a digital Guide Book, which is a helpful resource for interested members of the public with respect to key details involving process, what to expect, how to prepare for a hearing, etc. The OMB Guide Book may be accessed through the following link to the OMB website: <http://elto.gov.on.ca/wp-content/uploads/2017/06/OMB-Guide-EN-8.pdf>.

Site Characteristics

The subject site is located on the east shore of the Great Cataraqui River of the Rideau Canal and is municipally known as 48A Point St. Mark Drive. Access to the site is provided by an easement in favour of the applicant over a municipally owned access road connecting to Point St. Mark Drive, a Local Road. The subject lands are 1.85 hectares in area and are the site of the closed Rideau Marina. The property is located in the Cataraqui River East neighbourhood (Neighbourhood Profiles, 2011), which is characterized primarily as a residential area.

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Technical Review

Several studies have been completed and submitted in support of the applications. As part of the second submission, some of the studies were revised to reflect the proposed design changes. Below is a summary of the first (2013) and second (2017) submission technical studies.

Planning Rationale/Zoning Justification Report

A Planning Rationale/Zoning Justification Report (March 2013, Revised April 1, 2013) was prepared by Fotenn Consultants Inc. in support of the applications. The report describes the existing site and proposed development and assesses the proposed amendments to the Official Plan and zoning by-laws with respect to the policies of the Provincial Policy Statement, Official Plan and zoning by-laws. The report concludes that the proposed amendments represent good planning, are appropriate for the site and are in the public's interest.

Planning Rationale/Zoning Justification Report Addendum

An Addendum letter to the Planning Rationale/Zoning Justification Report dated 2017 was prepared by Fotenn Consultants Inc. to provide an overview of the changes in the proposed development from the first submission, respond to technical comments received from the city in 2013 and to update the proposed zoning relief being requested through the zoning by-law amendment application. The report concludes that through consideration of the proposed revisions to the design, it is still the position of Fotenn that the development represents good land use planning. Within the report, it is noted that in order to provide flexibility during construction due to the property's challenging topography, the proposed zoning includes a provision to waive the two-year period for which there shall be no application for minor variance.

Traffic Impact Study

The 2013 study was prepared by Aecom to assess the existing traffic operations at Highway 15 and Point St. Mark Drive and to examine future traffic impacts resulting from the redevelopment of the subject property.

Updated Traffic Impact Study

Aecom prepared an updated Traffic Impact Study (TIS) dated 2017 that incorporated the 2014 City Guidelines for the preparation of a TIS and also the 2015 City of Kingston Transportation Master Plan. The report concludes that the additional traffic generated by the 95 rental apartment units will have minimal impact on the operations of Point St. Mark Drive and the existing and future traffic operations of the Highway 15/Point St. Mark Drive intersection.

The two Traffic Impact Studies do not appear to consider the Third Crossing within their analyses or details regarding the function of the access to the site from Point St. Mark Drive.

Phase I & II Environmental Assessment

The assessment is dated 2008 and was prepared by Paterson Group Inc. to identify past and current uses of the site as well as the adjacent lands to determine any potential environmental concerns. The study identified significant concerns with the presence of an underground fuel storage tank and the existence of a small engine repair shop with a waste oil storage tank. The former private sewage system was identified as requiring decommissioning as part of the

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redevelopment of the site. Based on the results of the historical research and testing, the assessment has determined that based on Provincial Regulations, the property will require a Record of Site Condition to be filed with the Ministry of Environment and Climate Change prior to the redevelopment of the site to facilitate a sensitive use, such as a residential use being proposed through the subject applications.

Stage 1 & 2 Archaeological Assessment

The assessment is dated 2008 and was prepared by Ground Truth Archaeology. The report concludes that the study area was found to have no archaeological resources and should be considered cleared of all concerns with respect to pre and post contact archaeological potential.

Heritage Impact Statement (HIS)

Barry Podolsky Associates Inc. prepared the HIS dated 2012. The report includes an overview of the history and existing condition of the property, a review of applicable legislation, policies and guidelines and an assessment of the impacts of the proposed development on the cultural heritage value of the of the Rideau Canal and recommended strategies to mitigate such impacts.

Heritage Impact Statement Addendum

Barry Podolsky Associates Inc. prepared an Addendum to the HIS in 2017 to assess the revised 7 storey proposal and to respond to the first submission technical comments issued by city heritage planning staff and Parks Canada. The report concludes that the revised development proposal does not adversely impact the cultural heritage value of the Cataraqui River (Rideau Canal) National and World Heritage Site. Further, the report concludes that '...the proposed development meets the conservation objectives by keeping the building height below the tree canopy when viewed from key viewpoints'...and that 'the proposed landscape buffer also contributes to the mitigation of the visual impact of the proposed development from [the] key viewpoints' identified in the study.

Tree Inventory

The 2013 report prepared by Dogwoods identified a total of 75 trees on the property, with the majority being assessed as being in moderate to good condition and 5 being in poor condition.

Serviceability Report

A serviceability report dated 2013 was prepared by Josselyn Engineering Inc. in support of the subject applications. The report identifies existing sanitary service available to the property and that based on estimated sanitary flows generated from the development, a 100 millimetre diameter forcemain is adequate. With respect to water service, the report indicates that the existing 200 millimetre watermain located on the east side of Point St. Mark Drive should be sufficient for the proposal and that the future mechanical design of the proposed sprinkler system would inform as to whether the flow and pressure provided by the existing water service is sufficient for the development proposal. The report identifies the requirement of a minimum 150 millimetre water service to support an on-site fire hydrant, with a connection to be constructed by Utilities Kingston at the cost of the applicant.

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With respect to stormwater management, as the site is adjacent to the Great Cataraqui River, the proposed development is subject to meeting minimum guidelines with respect to quality control. For this site, the Cataraqui Region Conservation Authority indicates that a “normal” level of quality control is appropriate, which translates into a long-term average removal of 70% of suspended solids. The report indicates that the quality control requirements would be achieved through the on-site treatment of runoff and that the site grading design will need to respect the floodplain elevation and required setbacks.

Updated Serviceability Report

Josselyn Engineering Inc. prepared an updated servicing report for the 2017 second submission of the subject applications. The report appears to update the description and appendices to reflect the revised 7 storey proposal, however the analysis and recommendations with respect to servicing appear to be unchanged from those presented in the original report. The analysis and recommendations with respect to stormwater management appears to have been removed from the serviceability report to facilitate Josselyn Engineering Inc. authoring a separate report entitled ‘Stormwater Management Brief’ being submitted as part of the applicant’s second submission of the applications.

Stormwater Management Brief

A Stormwater Management Brief dated 2017 was prepared by Josselyn Engineering Inc. that incorporates the details of the revised 7 storey design and includes a more detailed assessment of pre-development release rates, confirms that a storm sewer system with an onsite oil/grit separator with an 80% removal rate is proposed to achieve the required ‘enhanced level’ of quality control now being required by the Cataraqui Region Conservation Authority.

At the time of the city’s receipt of the appeals to the OMB, staff were in the process of completing technical reviews of the second submission with internal departments and external agencies. Staff have also commissioned two independent third party Peer Reviews of critical technical pieces of the development proposal: site access, grading and the protection of the cultural heritage value of the adjacent Unesco World Heritage Site, the Rideau Canal. At the time of finalization of this report, the Peer Review consultants are actively completing their reviews of the applicable studies and plans prepared by the applicant.

Public Input

Two Public Meetings were held at City Hall in regards to the proposed development at 48A Point St. Mark Drive. The Statutory Public Meeting was held on Thursday May 2, 2013. One-hundred and sixty-eight (168) members of the public signed in at the Public Meeting while approximately 29 members of the public provided oral submissions.

A second Public Meeting was held Thursday, October 19, 2017 to provide an overview of the changes to the development plan, allow public input for Council’s consideration and seek input with respect to potential Community Benefits related to the proposed development. The second meeting is considered non-statutory, as it postdates the filing of appeals of the subject applications to the OMB by the applicant. Thirty-six (36) members of the public signed in at the second Public Meeting while seventeen (17) members of the public provided oral submissions.

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All of the comments received to date have noted concerns and/or opposition with the proposed development. Some of the public input noting concerns with the proposed development were tempered by also indicating support for some form of redevelopment of the site, but with a significantly reduced scale, height and massing. A summary of the common themes of concerns with the proposal raised by the public through the 2013 Statutory Public Meeting and the 2017 Non-Statutory Public Meeting is provided as follows:

- Significant concerns with scale, height and massing of the proposed development within the context of an established low profile, low density residential neighbourhood;
- Proposed pathway conflicts with naturalized shoreline objectives, 30 metre ribbon of life and negatively impacts this area as an area for wildlife habitat;
- Concerns that the proposed development will impact threatened and endangered species;
- Concerns regarding the potential for light pollution;
- Comments indicating that the proposed development is not good planning based on the extent of amendments required to the Official Plan and zoning by-laws;
- Concerns with the ability for the proposed landscape buffer to grow to the extent that the applicant contends in their submission;
- Concerns that the floodplain information for the property may need to be updated to account for the flooding experienced in the earlier summer season;
- If public boat access is proposed, how will parking for vehicles and boat trailers be accommodated?
- Concerns with the impacts of the proposed development on views to the Canal currently enjoyed by residents in the area;
- Concerns that the proposed development is too far removed from access to a transit stop;
- The proposed 9 metre access road is not acceptable and will set a precedent;
- Concerns with fire access and the ability of the city to access the site in a vehicle or from the water to address an onsite fire;
- How is the proposed development consistent with Parks Canada's Rideau Corridor Landscape Strategy?;
- Proposed development represents another instance where the city is sacrificing its waterfront;
- The development will set a precedent for what is considered appropriate development along the Rideau Canal;
- If approved, the city would not be meeting its obligations to its Rideau Canal partners and the World in terms of protecting the Rideau Canal as a National Historic Site and Unesco World Heritage Site;
- Concerns with the impact of the proposed development on the tourism potential of Kingston based on the Rideau Canal's designation as a Unesco World Heritage Site;
- Proposal does not meet the Official Plan's locational criteria for the proposed density and is not consistent with the land use compatibility policies of the Official Plan;

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- Concerns with traffic and neighbourhood traffic safety impacts on Point St. Mark Drive and Highway 15, along with concerns that the impacts of the Third Crossing have not been factored into the review of the proposed development;
- Concerns with the implications of the applicant reducing the proposed height of the building while being able to maintain the same number of proposed units;
- Concerns with the impact of the proposed development on the integrity of the adjacent public park (Lilla Burke Park);
- Concerns that the development will necessitate a send point of access through Lilla Burke Park; and
- Concerns with the ability to sell homes in the area and concerns with the impact of the proposed development on existing equity built up in neighbourhood properties.

Existing Policy/By-Law:

Provincial Policy Statement

The Provincial Policy Statement (2014) 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. Policy sections that appear to be relevant to the proposed development include the following:

- Healthy livable and safe communities are sustained by:
 - Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term (1.1.1a.);
 - Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons)...to meet long-term needs (1.1.1b.);
 - Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (1.1.1e.);
- Settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted (1.1.3.1);
- Land use patterns within settlement areas shall be based on (1.1.3.2):
 - a. Densities and a mix of land uses which:
 1. Efficiently use land and resources;
 2. Are appropriate for and efficiently use, the infrastructure and public service facilities which are planned or are available, and avoid the need for their unjustified and/or uneconomical expansion;
 3. Support active transportation; and
 4. Are transit-supportive, where transit is planned, exists or may be developed.

The PPS cites a number of ways that planning authorities shall provide an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents. Of these, the following policy sections appear to be relevant to the proposed development:

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- Permitting and facilitating
 - All forms of housing required to meet the social, health and well-being requirements of current and future residents...(1.4.3 b.1); and
 - All forms of residential intensification...and redevelopment in accordance with policy 1.1.3.3 (1.4.3.b.2);
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. (1.4.3.c); and
- Promoting densities for new housing which efficiently use land resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. (1.4.3.d).

In terms of natural hazards, Section 3.1.1 states that development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

With respect to the wise use and management of resources, the following policy sections from the PPS with respect to cultural heritage and archaeology are applicable:

- Significant built heritage resources and significant cultural heritage landscapes shall be conserved (2.6.1);
- Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved (2.6.2); and
- Planning authorities shall not permit development and site alteration on adjacent lands to a protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (2.6.3).

Official Plan Considerations

Based on the timing of the submission of a complete application to the municipality, the consideration of the applications falls under the 2010 Official Plan and not the 2017 Official Plan Update (OPA #50). The subject site is designated Marina in the Rideau Community Secondary Plan of the Official Plan (Exhibit D – Land Use). Permitted uses in the Marina designation include existing docking or mooring facilities, marine services or repairs, marine fuel supply or effluent transfer facilities, vehicular or boat storage areas, the display or retailing of marine supplies, products and provision including food and sundries as well as accommodations and restaurants that complement or support the marina use.

To permit the proposed development, the applicant has requested that the land use designation of the site be changed to High Density Residential in the Rideau Community Secondary Plan of the Official Plan. The permitted uses in this designation include planned unit townhouse dwellings, stacked townhouse dwellings and apartment dwellings, with the overall density not intended to exceed 60 units per net hectare of land and the maximum height not exceeding 14 storeys. Generally, residential development within the Rideau Community area is to ‘...provide

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sufficient lands for landscaping to protect the amenity of residential areas and may include buffering by berms, landscaping, fencing or a combination thereof.’ Section 10B.2.5 requires residential development adjacent to the Great Cataragui River to provide public access along the entire water frontage and be designed to preserve and maintain views of these natural areas...’.

The Plan also contains general residential policies for the Residential Land Use designation under Section 3, Land Use. Based on the proposed density, the development falls within the medium density category of the general Official Plan policies. New medium density residential land use development proposals are subject to the following rezoning requirements and locational criteria:

‘3.3.B.2 Rezoning Requirements:

- a. Site Plan Control review;
- b. Availability of adequate municipal services;
- c. Provision of adequate outdoor amenity areas, which must include a children’s play area, common areas and private areas to the satisfaction of the city;
- d. Adequate on-site parking for each residential unit and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the city deems appropriate; and
- e. Protection of adjacent low density residential areas from adverse effects such as overshadowing and excessive traffic.’

3.3.B.3 Locational Criteria: ‘new medium density residential developments must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this Plan, which refer to such matters as siting and designing the building to be compatible with adjacent land uses in terms of function and design, and avoidance of undue adverse effects on adjacent land uses.’

Section 3.3.B.4 states that ‘generally, medium density residential projects will be located:

- a. On a site that is appropriate given the context of surrounding land uses;
- b. Adjacent to, or in proximity to, commercial areas;
- c. In an area that has access to public transit; and
- d. In proximity to parkland or open space.’

Section 2 of the Official Plan establishes the city’s strategic land use policy direction that establishes the municipality’s fundamental physical structure and land use planning objectives that are not intended to change during the life of the Plan. Section 2.2 sets out the broad land use planning structural uses within the city, with the more specific land use designations stemming from these broader structural elements. Although the subject property is in a ‘Marina’ designation, it is located in a Housing District, as per Schedule 2 – City Structure of the Official Plan. Section 2.2.5 indicates that Housing Districts are generally planned to remain stable and that ‘minor infilling and development that can integrate compatibly within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood [is

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encouraged]. The policy section also states that 'Council promotes higher levels of density along major transit routes and in proximity to Centres'.

As the subject lands are adjacent to the Rideau Canal, which is designated as a National Historic Site, a Canadian Heritage River and is inscribed as a Unesco World Heritage Site, Sections 3.10.A and 7.3.A Unesco World Heritage Designation apply. Section 3.10.A.3 states that it is the intent of the Official Plan '...to maintain and protect the diversity of landscape and the scenic, natural and tourism resources related to the Rideau Canal in cooperation with Parks Canada and other agencies having jurisdiction.' Section 3.10.A.6 states that development is permitted only if potential adverse effects on the Canal and its environs can be remedied, as demonstrated through a Heritage Impact Statement...' The Plan places emphasis on the city obtaining a continuous open space corridor along the Great Cataraqui River, with particular focus on the urban boundary. With respect to viewscales, they are intended to be preserved and enhanced along the Rideau Canal '...to maintain the integrity of this unique cultural heritage feature.'

Section 7.3.A.1 states that the city together with Parks Canada intends to recognize and protect the cultural heritage significance of the Rideau Canal. To achieve this end, the Plan identifies a number of objectives. Subsection policies applicable to the proposed development include the following:

- a. Identify and protect the cultural heritage landscapes and built heritage resources directly associated with the Canal;
- c. Require that both the terrestrial and marine archaeological resources associated with the Rideau Canal be conserved;
- d. Ensure that all development adjacent to or over the Canal does not interfere with the safe and efficient navigation on the Canal;
- g. Ensure that development or redevelopment under the *Planning Act* be in accordance with the policies of Sections 3.10.A. and 9 of this Plan.

The Unesco World Heritage designation is also recognized within the Strategic Direction Section of the Official Plan, namely Section 2.3.8 states 'it is the city's intention to protect and enhance this natural and cultural heritage asset and develop, in a sustainable way, the tourism potential which may arise from this inscription.' Under Section 2.8 Protection of Resources, the Plan states that 'care will be taken not to put the Unesco World Heritage Designation at risk.

Section 2.7 includes the land use compatibility policies of the Official Plan. The Plan defines 'compatible' as '...the ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another from both a functional and visual perspective through their arrangement, location (including in some instances their separation), methods of buffering, massing, or other means of providing transition that are able to successfully address undue adverse effects.' Further under Section 2.7.2, the Plan affirms that 'only land use changes that are compatible, or can be made compatible with surrounding sites and land use designations will be approved.' Section 2.7.3 lists a number of potential adverse effects that are to be successfully addressed and mitigated in order for a development to achieve compatibility as defined by the Plan:

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- a. Shadowing;
- b. Loss of privacy due to intrusive overlook;
- c. Increased levels of noise, odour, dust or vibration;
- d. Increased and uncomfortable wind speed;
- e. Increased level of traffic that can disrupt the intended function or amenity of a use or area;
- f. Environmental damage or degradation;
- g. Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;
- h. Reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, historic quality or setting;
- i. Visual intrusion that disrupts the streetscape, building, or cultural heritage resource;
- j. Architectural incompatibility in terms of scale, style, massing and colour; or
- k. The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.

In order to successfully address potential adverse effects, the Plan lists a number of mitigation strategies under Section 2.7.6:

- a. Ensuring adequate setbacks and minimum yard requirements;
- b. Establishing appropriate transition in building heights, coverage, and massing;
- c. Requiring fencing, walls, or berming to create a visual screen;
- 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.

A significant aspect in a development achieving compatibility as defined in the Plan is meeting its own functional needs in relation to its surroundings. Under Section 2.7.7, the Plan requires proponents to demonstrate that the functional needs of occupants or users will be met by providing the following:

- 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 for land assembly, as required;
- d. Efficient use of municipal services, including transit;
- e. Appropriate infill of vacant or under-utilized land; and
- f. Clearly defined and safe:
 - Site access;
 - Pedestrian access to the building and parking spaces;
 - Amenity areas and play space;
 - Building entry; and

November 21, 2017

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- Parking and bicycle facilities.

Zoning By-Law Considerations – Zoning By-Law Numbers 8499 & 32-74

The site has split zoning between two of the city's zoning by-laws, currently zoned both Water Area 'P2' Zone in Zoning By-Law Number 8499 and Tourist Commercial 'CT' Zone in Zoning By-Law Number 32-74 (Exhibit E – Zoning). The only uses permitted in the Water Area 'P2' zone are water-related recreational uses and associated accessory buildings. The uses permitted in the Tourist Commercial 'CT' zone include an accessory dwelling house; accessory dwelling unit; convenience store; day nursery; home occupation; hotel; marina; motel; public use; rental cabin; restaurant; take-out restaurant.

To permit the proposed development, the applicant has requested a zone change to a site-specific Residential Type 3 'R3-X' Zone in Zoning By-Law Number 32-74. Permitted residential uses in the parent 'R3' zone include an apartment dwelling house, a boarding house and a row dwelling house. The applicant has requested relief from the minimum lot area, minimum interior side yard, maximum height, permitting mechanical equipment and associated screening to be exempt from the maximum height provision, and maximum vertical clearance for the proposed barrier free parking spaces within the underground parking garage. The applicant has also requested a site-specific provision to waive the two-year period for which no application for minor variance is permitted (Section 45.1.4 of the *Planning Act*).

Previous & Concurrent Applications

Based on a review of planning records, there does not appear to be any previous *Planning Act* applications with respect to the subject lands. Currently, there are no concurrent applications. Should the applications be approved by the OMB, in accordance with the city's Site Plan Control By-Law (By-Law Number 2010-217) the development would be subject to Site Plan Control.

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613 546-4291 extension 3252

Marnie Venditti, Manager, Development Approvals 613 546-4291 extension 3256

Lindsay Lambert, Senior Planner 613-546-4291 extension 2176

November 21, 2017

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Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

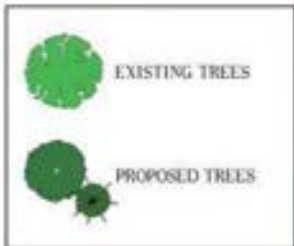
Exhibit A Proposed Conceptual Site Plan, Floor Plan and Elevation Drawings

Exhibit B Section Plans

Exhibit C Conceptual Perspective Plans – Viewscapes

Exhibit D Official Plan (2010) – Land Use

Exhibit E Existing Zoning



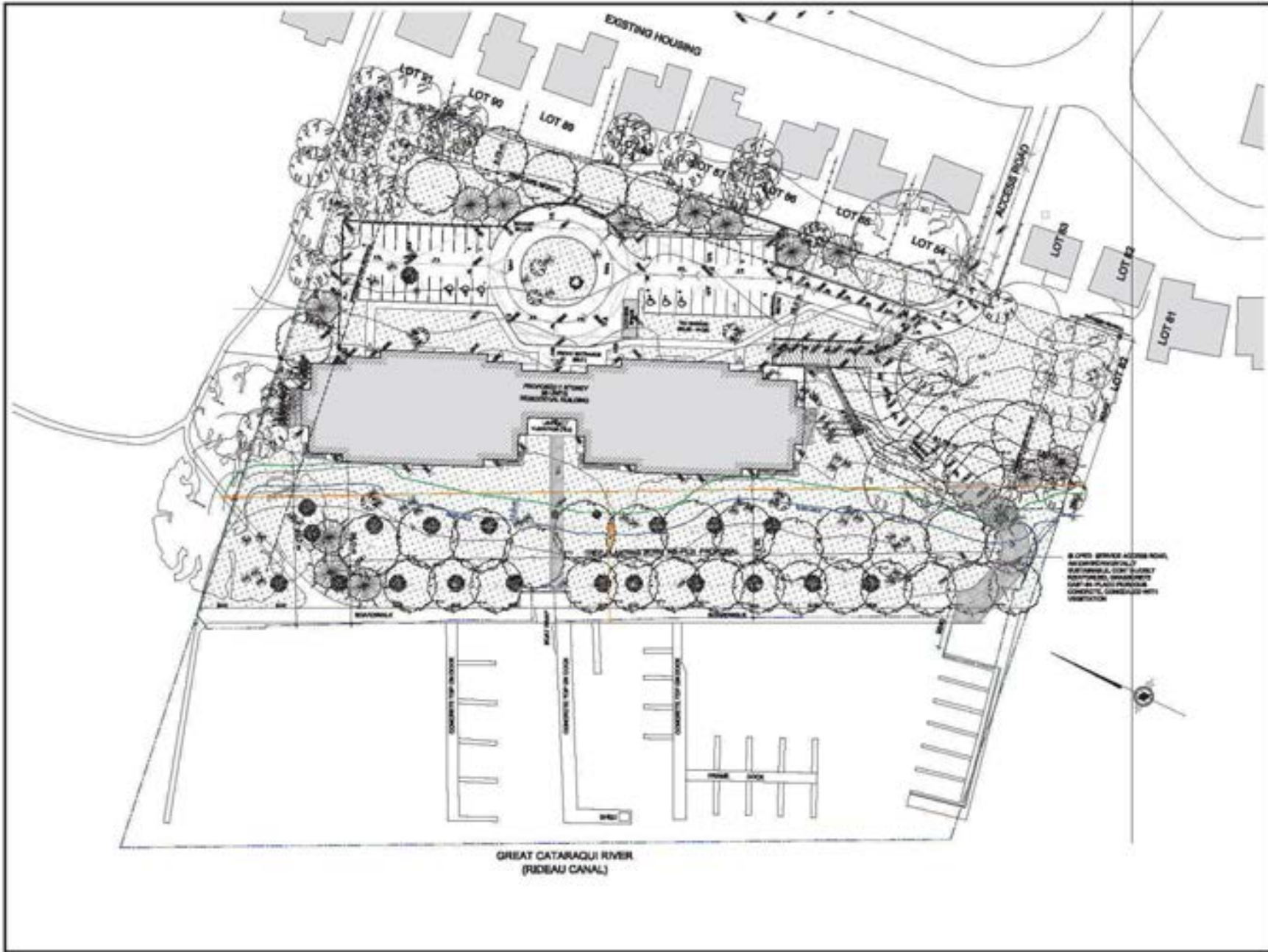
A-2 SITE PLAN SHOWING PROPOSED DEVELOPMENT

Scale: 1:1000

October, 2015

HOMESTEAD Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario

SCOTT WESTWORTH
Alexander
Wilson
Architect
Inc.



IF NOT SHOWN OTHERWISE AND NOT TO BE USED FOR CONSTRUCTION UNLESS SHOWN AND NOTED BY THE CONSULTANT. THIS DRAWING AND SPEC. DRAWING IS INTENDED TO BE USED WITH THE STANDARD BUILDING CODE AND SPECIFICATIONS TO THE BUILDING ACT AND REGULATIONS.

NO.	DATE	DESCRIPTION
1		PRELIMINARY PLAN

- LEGEND
- FINE SOLTS
 - BRICKWORK
 - ASPHALT
 - CONCRETE DRIVEWAY
 - CONCRETE DRIVEWAY WITH REINFORCING BARS
 - EXISTING FOOTING ON TOP OF EXISTING WALL

Alexander
Wilson
Architect
Inc.

SCALE 1:500 0.0000 0'



RIDEAU MARINA

DATE: 11/21/17

SITE PLAN

NO.	DATE	DESCRIPTION
1	11/21/17	FINAL



WEST ELEVATION



EAST ELEVATION

A-10 CONCEPTUAL BUILDING MATERIALS

October, 2015

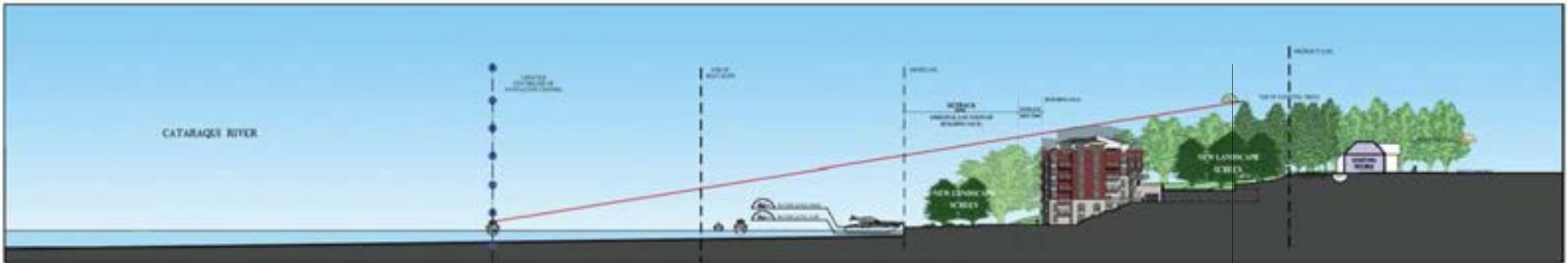
HOMESTEAD Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario



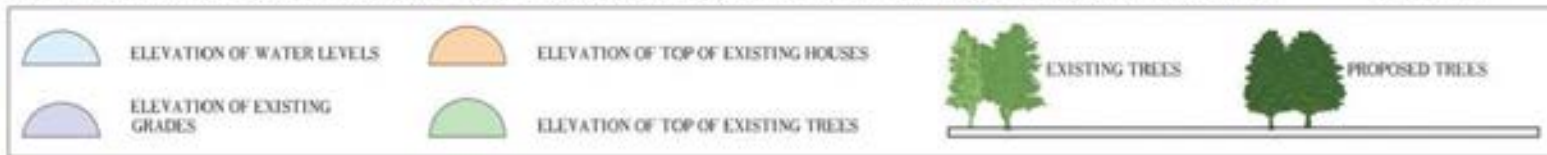
Alexander
Wilson
Architect
Inc.



EAST-WEST SECTION SHOWING CONCEPTUAL PROPOSED DEVELOPMENT AND LANDSCAPE SCREENING STRATEGY AT 10 YEAR GROWTH SCALE 1:500



EAST-WEST SECTION SHOWING CONCEPTUAL PROPOSED DEVELOPMENT AND VIEW FROM NAVIGATION CHANNEL SCALE 1:1000



A-3 SECTIONS - CONCEPTUAL PROPOSED DEVELOPMENT

October, 2015

HOMESTEAD Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario

Scott Westwood
Architects
Inc.



EAST-WEST SECTION COMPARING CONCEPTUAL PROPOSED DEVELOPMENT vs. CONCEPTUAL 3 OR 4 STOREY TOWNHOUSES SCALE 1:500



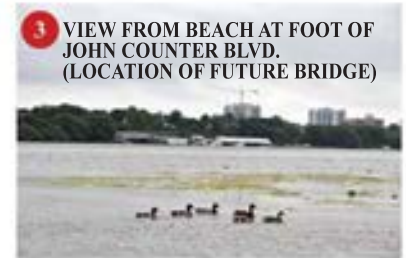
A-4 SECTION - CONCEPTUAL PROPOSED DEVELOPMENT

October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario

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Architect
Inc.



A-11 CONTEXT PLAN ALONG RIDEAU CANAL WORLD HERITAGE SITE SHOWING KEY VIEWS

October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario



I KEY VIEW 1-VIEW FROM BELLE ISLAND BEACH
EXISTING CONDITIONS



A-12 KEY VIEW #1 LOOKING TOWARDS RIDEAU MARINA SITE FROM BELLE ISLAND BEACH

October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario



I KEY VIEW 1-VIEW FROM BELLE ISLAND BEACH
PROPOSED DEVELOPMENT WITH INITIAL PLANTING OF LANDSCAPE BUFFER



EXISTING CONDITIONS



PROPOSED DEVELOPMENT WITH INITIAL LANDSCAPE PLANTING



PROPOSED DEVELOPMENT WITH 10 YEAR LANDSCAPE BUFFER



A-13 KEY VIEW #1 LOOKING TOWARDS RIDEAU MARINA SITE FROM BELLE ISLAND BEACH

October, 2015



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Rideau Marina, Kingston, Ontario



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Architect
Inc.

I KEY VIEW 1-VIEW FROM BELLE ISLAND BEACH
PROPOSED DEVELOPMENT WITH 10 YEAR LANDSCAPE BUFFER



A-14 KEY VIEW #1 LOOKING TOWARDS RIDEAU MARINA SITE FROM BELLE ISLAND BEACH

October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario



2 KEY VIEW 2 - VIEW FROM 4TH FAIRWAY
EXISTING CONDITIONS



A-15 KEY VIEW #2 LOOKING TOWARDS RIDEAU MARINA SITE FROM BELLE FAIRWAYS (4TH FAIRWAY) October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario



2 KEY VIEW 2 - VIEW FROM 4TH FAIRWAY
 PROPOSED DEVELOPMENT WITH INITIAL PLANTING OF LANDSCAPE BUFFER



EXISTING CONDITIONS



PROPOSED DEVELOPMENT WITH INITIAL LANDSCAPE PLANTING



PROPOSED DEVELOPMENT WITH 10 YEAR LANDSCAPE BUFFER



A-16 KEY VIEW #2 LOOKING TOWARDS RIDEAU MARINA SITE FROM BELLE FAIRWAYS (4TH FAIRWAY) October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
 Rideau Marina, Kingston, Ontario



2 KEY VIEW 2 - VIEW FROM 4TH FAIRWAY
 PROPOSED DEVELOPMENT WITH 10 YEAR LANDSCAPE BUFFER



EXISTING CONDITIONS



PROPOSED DEVELOPMENT WITH INITIAL LANDSCAPE PLANTING



PROPOSED DEVELOPMENT WITH 10 YEAR LANDSCAPE BUFFER



A-17 KEY VIEW #2 LOOKING TOWARDS RIDEAU MARINA SITE FROM BELLE FAIRWAYS (4TH FAIRWAY) October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
 Rideau Marina, Kingston, Ontario



3 KEY VIEW 3 - VIEW FROM BEACH AT FOOT OF JOHN COUNTER BOULEVARD
EXISTING CONDITIONS



A-18 KEY VIEW #3 LOOKING TOWARDS RIDEAU MARINA SITE FROM FOOT OF JOHN COUNTER BOULEVARD October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
Rideau Marina, Kingston, Ontario



3 KEY VIEW 3 - VIEW FROM BEACH AT FOOT OF JOHN COUNTER BOULEVARD
 PROPOSED DEVELOPMENT WITH INITIAL PLANTING OF LANDSCAPE BUFFER



A-19 KEY VIEW #3 LOOKING TOWARDS RIDEAU MARINA SITE FROM FOOT OF JOHN COUNTER BOULEVARD October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
 Rideau Marina, Kingston, Ontario



3 KEY VIEW 3 - VIEW FROM BEACH AT FOOT OF JOHN COUNTER BOULEVARD
PROPOSED DEVELOPMENT WITH 10 YEAR LANDSCAPE BUFFER



A-20 KEY VIEW #3 LOOKING TOWARDS RIDEAU MARINA SITE FROM FOOT OF JOHN COUNTER BOULEVARD October, 2015



Proposed 7 Storey Apartment Development For Homestead Land Holdings Ltd
 Rideau Marina, Kingston, Ontario

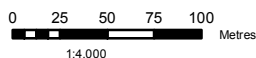




Planning, Building & Licensing Services
a department of
Community Services

PLANNING COMMITTEE
OFFICIAL PLAN, Land Use (2010)

Applicant: Homestead Land Holdings Limited
Owner: Homestead Land Holdings Limited
File Numbers: D09-005-2013 & D14-012-2013
Address: 48A Point St. Mark Drive



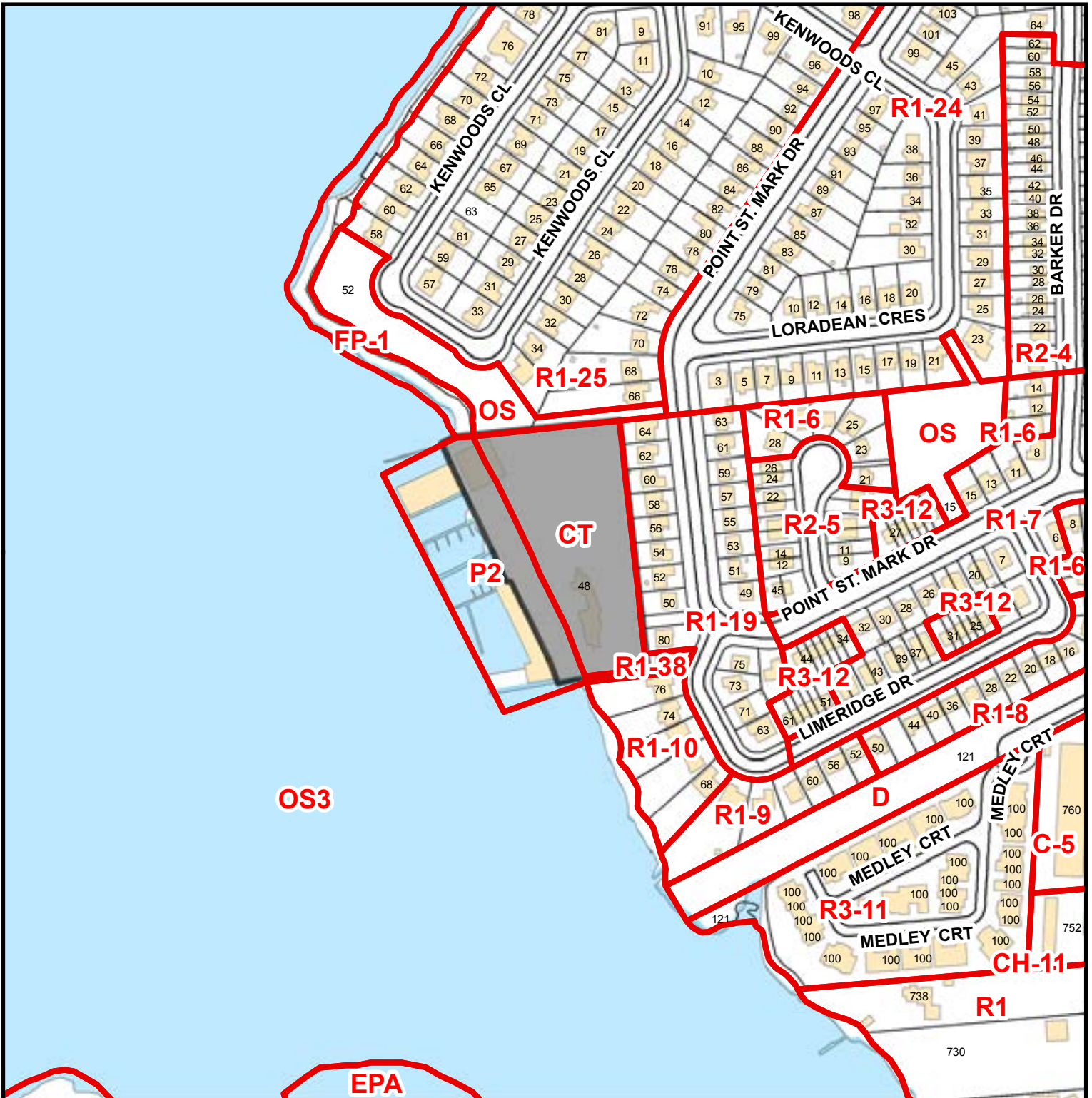
LEGEND

- Subject Property
- Low Density Residential
- Marina
- Environmental Protection Area
- Open Space
- Environmental Protection Area
- EPA Submerged Vegetation
- Harbour Area; Water Area
- Secondary Plan Area



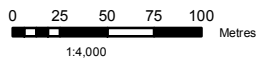
PREPARED BY: J.Partridge
DATE: 8/15/2017

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PLANNING COMMITTEE
ZONING BY-LAWS 32-74, Map 4 & 8499, Map 32

Applicant: Homestead Land Holdings Limited
 Owner: Homestead Land Holdings Limited
 File Numbers: D09-005-2013 & D14-012-2013
 Address: 48A Point St. Mark Drive



LEGEND

- Consolidated Zoning
- Subject Property
- Property Boundaries

