



**City of Kingston
Information Report to Council
Report Number 19-115**

To: Mayor and Members of Council
From: Lanie Hurdle, Acting Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: April 16, 2019
Subject: 5 Lower Union Street & 55 Ontario Street – Ongoing Appeal of Applications for an Official Plan & Zoning By-Law Amendment
File Number D35-003-2017, LPAT Case Number PL180379

Executive Summary:

On March 26, 2018, the applicant (IBI Group Incorporated on behalf of 2502410 Ontario Incorporated) appealed to the Local Planning Appeal Tribunal (LPAT) based on the approval authorities' failure to make a decision within the prescribed period of time on the proposed applications for an Official Plan and zoning by-law amendment for the properties municipally known as 5 Lower Union Street and 55 Ontario Street. The applications propose the adaptive re-use of the Dry Dock and Pump House Complex located at 55 Ontario Street and the construction of a 20-storey residential building with 292 dwelling units at 5 Lower Union Street.

Although this application has been under appeal for over a year, no pre-hearings or LPAT hearings have been scheduled on this matter.

At the April 2, 2019 meeting, staff provided Council with an update on the application through a closed session report. Council directed staff to oppose the development through the LPAT. Staff will be suspending further without prejudice discussions until such time that all requested technical information is provided by the applicant.

Recommendation:

This report is for information purposes only.

April 16, 2019

Page 2 of 5

Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Acting Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Gary Dyke, Commissioner, Corporate & Emergency Services	<input checked="" type="checkbox"/>
Peter Huigenbos, Acting Commissioner, Community Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

April 16, 2019

Page 3 of 5

Options/Discussion:**Site Characteristics**

The subject property is made up of two parcels, which have an area of approximately 1.7 hectares, including the associated water lots. The parcel known municipally as 5 Lower Union Street has an area of approximately 0.77 hectares and is currently vacant (Exhibit A - Neighbourhood Context (2015)). It was the site of the former Union Street Jetty and wharf. The parcel known municipally as 55 Ontario Street has a land area of 0.47 hectares, with the associated water lots comprising an additional 0.43 hectares. 55 Ontario Street contains a building that formerly served as the dry dock on the site. The building was most recently subleased by the Marine Museum of the Great Lakes at Kingston. Both parcels have water frontage on Lake Ontario. The current owner of the properties, 2502410 Ontario Incorporated, purchased the lands from the Federal Government after they were declared surplus.

The properties are designated as a National Historic Site and under Part IV of the *Ontario Heritage Act* (OHA By-Law Number 84-65 & Amending By-Law Number 2007-219). The property owner is required to obtain municipal approval of a Heritage Permit prior to undertaking any alterations that would materially affect any of the heritage attributes identified within the applicable heritage designation by-law for the site. The applicable OHA designation by-law applies to both properties, 55 Ontario Street and 5 Lower Union Street.

Based on the timing of the applicant's submission of a complete application to the municipality, the consideration of the application falls under the 2010 Official Plan and not the 2017 Official Plan Update (OPA #50) (Exhibit B – Official Plan, Land Use). The subject lands are designated as Environmental Protection Area and Residential in the City of Kingston Official Plan. The associated water lots are designated Harbour Area. The subject site is currently zoned Harbour 'HR' and Site-Specific 'HR-6' zones in Zoning By-Law Number 96-259, as amended (Exhibit C - Zoning By-Law Number 96-259).

Proposed Development

The subject applications consist of a proposal to develop a 20-storey residential building with 292 units at the site known as 5 Lower Union Street. The concept for the proposed building is a podium and tower design. Of the 292 proposed residential units, 118 are to be 1 bedroom units and 174 are planned to be 2 bedroom units. The podium portion of the development is proposed to be 5-storeys in height and is intended to accommodate most of the on-site parking. To accommodate site access, the applicant is proposing a roundabout to be located on the subject site at the terminus of Lower Union Street. Exhibits D and E include the proposed site plan, renderings and elevations.

The applications include the proposed adaptive re-use of the Pump House and Dry Dock Complex. The proposed zoning framework for the site includes flexibility to permit residential, community use (i.e. museum) and commercial uses (office, retail, restaurant) within the existing Pump House building. The application submission indicates that the applicant is exploring options to provide public access to the pump room. The submission indicates that the Dry Dock is to remain largely as existing. The applicant is proposing a waterfront pathway connection as part of the redevelopment of the site.

April 16, 2019

Page 4 of 5

Appeals to Local Planning Appeal Tribunal

The applications for Official Plan and zoning by-law amendments were deemed to be complete as of August 29, 2017. On March 26, 2018, the applicant (IBI Group Incorporated on behalf of 2502410 Ontario Incorporated) appealed to the LPAT based on the approval authorities' failure to make a decision within the prescribed period of time. No hearings have been scheduled on this matter.

At the time of the City's receipt of the LPAT appeals, staff were in the process of preparing consolidated comments on the first technical review of the applicant's submission materials; however, comments were not completed due to the applicant's appeal. A peer review of the heritage and urban design reports was completed and provided to the applicant on March 6, 2018 (Exhibit F).

Since the receipt of the LPAT appeals, staff have attended "without prejudice" meetings with the applicants in an attempt to discuss outstanding issues and obtain outstanding information required to advance the technical review of the proposed applications.

Closed Session Meeting of Council

At the April 2, 2019 meeting, staff provided Council with an update on the application through a closed session report. Council directed staff to oppose the development through the LPAT. Staff will be suspending further without prejudice discussions until such time that all requested technical information is provided by the applicant.

Existing Policy/By-Law:

Provincial Policy Statement
City of Kingston Official Plan (2010)
Zoning By-Law Number 96-259

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Laura MacCormick, Deputy Director, Planning Division 613-546-4291 extension 3223

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

April 16, 2019

Page 5 of 5

Other City of Kingston Staff Consulted:

Alan McLeod, Acting Director, Legal Services & City Solicitor

Exhibits Attached:

Exhibit A Neighbourhood Context (2015)

Exhibit B Official Plan, Land Use

Exhibit C Zoning By-Law Number 96-259

Exhibit D Proposed Site Plan

Exhibit E Conceptual Renderings and Elevations Plans

Exhibit F Heritage & Urban Design Peer Review Comments Prepared by Dillon, Provided to the Applicant on March 6, 2018





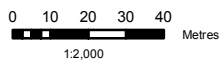
Planning, Building & Licensing Services
 a department of
 Community Services

CLOSED SESSION REPORT
NEIGHBOURHOOD CONTEXT (2015)

File Number: D35-003-2017
 Address: 55 Ontario Street & 5 Lower Union Street

LEGEND

-  Subject Property
-  Property Boundaries



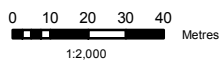


Planning, Building & Licensing Services







a department of
Community Services

CLOSED SESSION REPORT
OFFICIAL PLAN, Land Use (2010)

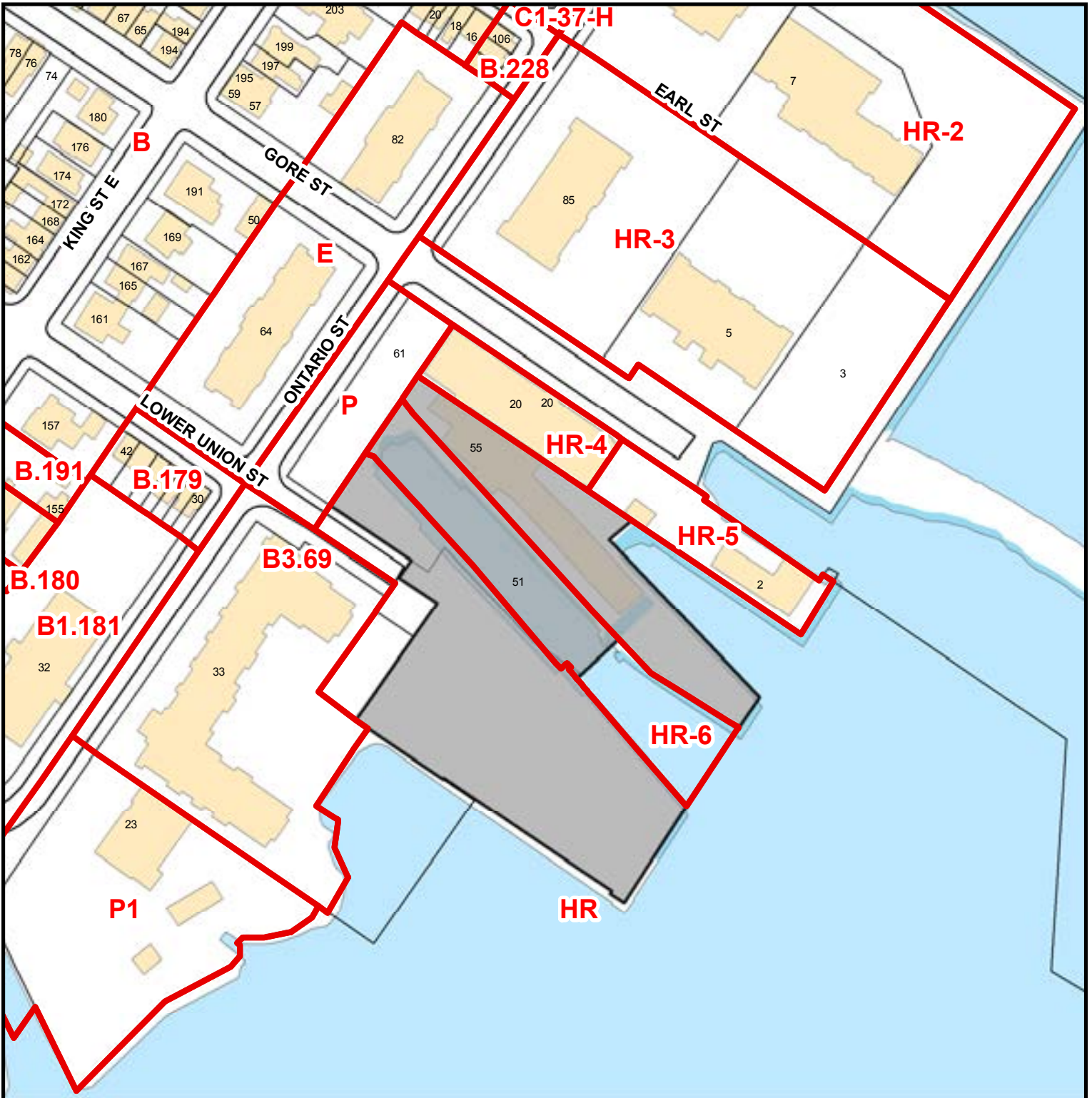
File Number: D35-003-2017
Address: 55 Ontario Street & 5 Lower Union Street



LEGEND

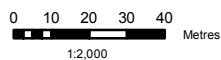
-  Subject Property
-  CENTRAL BUSINESS DISTRICT
-  ENVIRONMENTAL PROTECTION AREA
-  HARBOUR AREA
-  OPEN SPACE
-  RESIDENTIAL








CLOSED SESSION REPORT
ZONING BY-LAW 96-259

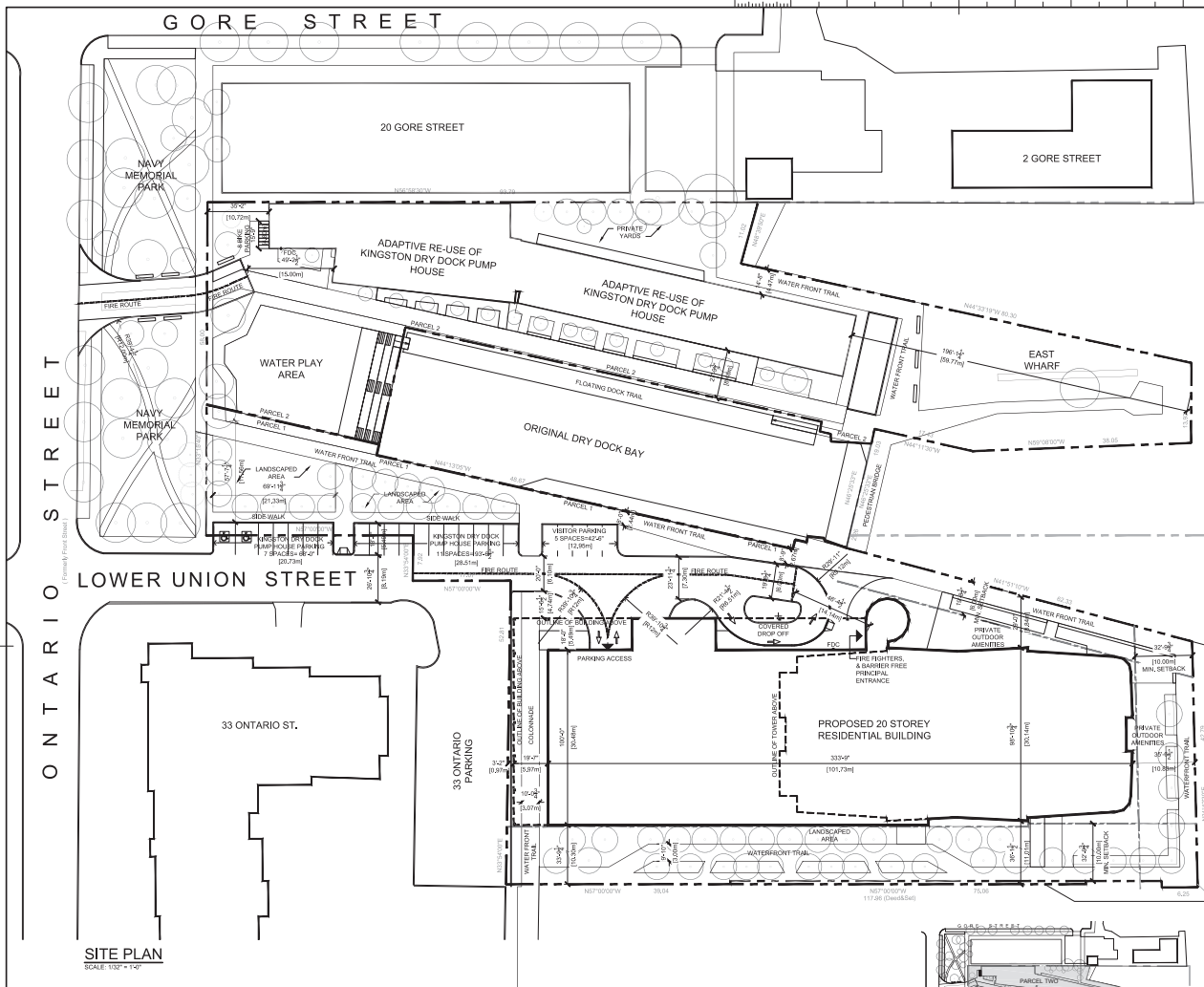
File Number: D35-003-2017
 Address: 55 Ontario Street & 5 Lower Union Street



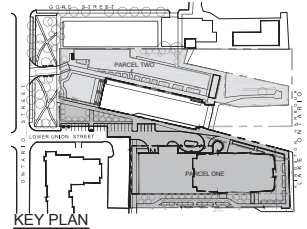
LEGEND

-  Consolidated Zoning
-  Subject Property
-  Property Boundaries





SITE & BUILDING DATA: PARCEL 1 (20 STOREY BLDG)				SITE & BUILDING DATA: PARCEL 2 (PUMPHOUSE BUILDING)			
55 ONTARIO STREET		KINGSTON, ONT.		55 ONTARIO STREET		KINGSTON, ONT.	
SECTION S4-HARBOUR ZONE		SECTION S4-HARBOUR ZONE		SECTION S4-HARBOUR ZONE		SECTION S4-HARBOUR ZONE	
ZONING		ZONING		ZONING		ZONING	
DENSITY		DENSITY		DENSITY		DENSITY	
377.2 UNITS/HA		377.2 UNITS/HA		377.2 UNITS/HA		377.2 UNITS/HA	
PROPOSED				PERMITTED			
RELIEF REQ'D				RELIEF REQ'D			
8.1	SITE AREA (LOT AREA)	7,735.10M ² (8,289,89FT ²) 0.7735 HA	NL	8.1	SITE AREA	4,651.03M ² (50,496,69FT ²) 0.669 HA	NL
8.1	PERMITTED USES	RESIDENTIAL MIXED USE (COMMERCIAL MARINE USES, NON-COMMERCIAL MARINE USES, ETC.)	YES	8.1	PERMITTED USES	RESIDENTIAL MIXED USE (COMMERCIAL MARINE USES, ETC.)	YES
8.2	LOT FRONTAGE	-	NL	8.2	LOT FRONTAGE	-	NL
8.2	SETBACKS	NORTH: 6M EAST: 10M SOUTH: 10M WEST: 0M	10M FROM WATERS EDGE	8.2	SETBACKS	NORTH: 4.47M EAST: 8.87M SOUTH: 8.87M WEST: 10.27M	10M FROM WATERS EDGE
8.2	BUILDING HEIGHT:	72.54M (238FT)	10.7M (35FT)	8.2	BUILDING HEIGHT:	13.2M (43FT)	10.7M (35FT)
8.2	BUILDING COVERAGE(%)	1,320.89M ² (14,285.99FT ²) 16.9%	50%	8.2	BUILDING COVERAGE(%)	1,972.84M ² (21,348.21FT ²) 42.4%	50%
8.2	LANDSCAPED AREA (INCLUDING WATERWAYS)	3,392.89M ² (36,511.99FT ²) 43.7%	NL	8.2	LANDSCAPED AREA (INCLUDING WATERWAYS)	5,479.05M ² (58,948.29FT ²) 70.8%	NL
8.2	PAVED AREA	911.56M ² (9,812FT ²) 11.8%	NL	8.2	PAVED AREA	-	NL
8.2	WATERFRONT PATHWAY WIDTH (MIN./M)	3M (9.84FT) 11.00M	10M (32.8FT) UNCOVERED	8.2	WATERFRONT PATHWAY WIDTH (MIN./M)	-	10M (32.8FT) UNCOVERED
8.2	FLOODPROOFING EROSION CONTROL:	REMOVE REGULATORY EROSION CONTROL	FLOODPROOFED TO THE REGULATORY FLOOD LEVEL AND PROTECTED TO THE REGULATORY FLOOD LIMIT	8.2	FLOODPROOFING EROSION CONTROL:	REMOVE REGULATORY EROSION CONTROL	FLOODPROOFED TO THE REGULATORY FLOOD LEVEL AND PROTECTED TO THE REGULATORY FLOOD LIMIT
8.5.1	AMENITY AREA (MIN./M)	GROUND (802.97M ²) PLAY AREA (MIN.) 20TH (182.20M ²) BALCONIES (2,284.41M ²) = 4615.78M ²	10M ² (109.07FT ²) (15) BALCONY PER UNIT (15) + 7.27M ²	8.5.1	AMENITY AREA (MIN./M)	PRIVATE YARDS 395.03M ²	10M ² (109.07FT ²) (15) BALCONY PER UNIT (15)
8.5.2	EQUIPPED CHILDRENS PLAY AREA (MIN.)	-	MAX 140M ²	8.5.2	EQUIPPED CHILDRENS PLAY AREA (MIN.)	-	MAX 140M ²
8.5.3	DESIGN OF AMENITIES	AS REQUIRED	LENGTH NOT TO EXCEED 4 TIMES THE WIDTH	8.5.3	DESIGN OF AMENITIES	-	LENGTH NOT TO EXCEED 4 TIMES THE WIDTH
8.5.8	GARBAGE AND REFUSE STORAGE	WITHIN BUILDING	WITHIN THE PRINCIPAL BUILDING, VISUAL SCREENING FROM ADJACENT SITES	8.5.8	GARBAGE AND REFUSE STORAGE	WITHIN BUILDING	WITHIN THE PRINCIPAL BUILDING, VISUAL SCREENING FROM ADJACENT SITES
8.5.9	HEIGHT RESTRICTIONS EXCEPTIONS	-	-	8.5.9	HEIGHT RESTRICTIONS EXCEPTIONS	-	-
8.5.11	OFF STREET PARKING:	AS REQUIRED	LOCATED ON SAME LOT	8.5.11	OFF STREET PARKING:	LOCATED ON PARCEL 1	LOCATED ON SAME LOT
8.5.12	PARKING LOCATION:	AS REQUIRED	UNCOVERED SURFACE PARKING SHALL BE PERMITTED AS REQUIRED IN THE SPECIFIC ZONE CATEGORIES	8.5.12	PARKING LOCATION:	AS REQUIRED	UNCOVERED SURFACE PARKING SHALL BE PERMITTED AS REQUIRED IN THE SPECIFIC ZONE CATEGORIES
8.5.14	PARKING ACCESS:	AS REQUIRED	AT LEAST ONE ENTRANCE LANE AND ONE EXIT LANE	8.5.14	PARKING ACCESS:	AS REQUIRED	AT LEAST ONE ENTRANCE LANE AND ONE EXIT LANE
8.5.14.1	STANDARD PARKING SPACES DESIGN (MIN./M)	2.2 X 6.5 (STANDARD) ABLE WIDTH 6 M	2.2 X 6.5 (STANDARD) ABLE WIDTH 6 M	8.5.14.1	STANDARD PARKING SPACES DESIGN (MIN./M)	2.2 X 6.5 (STANDARD) ABLE WIDTH 6 M	2.2 X 6.5 (STANDARD) ABLE WIDTH 6 M
8.5.14.2	ACCESS WIDTH (MIN./M)	6 M	6 M	8.5.14.2	ACCESS WIDTH (MIN./M)	6 M	6 M
8.5.15	OFF STREET PARKING:	310 PARKING (1,060 UNIT) 15 SPACES (PARCEL 2) 1333 TOTAL	202 UNITS (PER UNIT) 202 SPACES	8.5.15	OFF STREET PARKING:	18 SPACES (ON PARCEL 1) 150 SPACES	15 UNITS (PER UNIT) 15 SPACES
8.5.16	BARRIER FREE PARKING:	AS REQUIRED	4% OF 292 UNITS = 11 SPACES (8 TYPE A & 3 TYPE B)	8.5.16	BARRIER FREE PARKING:	2 SPACES (ON PARCEL 1) 4% OF 15 UNITS	4% OF 15 UNITS = 1 SPACES
8.5.17.1	BF SPACES DESIGN (MIN./M)	TYPE A 3.3M X 5.5M TYPE B 2.7M X 5.5M ACCESS ABLE 1.5M X 5.5M VERT. CLEARANCE GRADIENT 5% OR LESS LOCATED CLOSEST TO ACCESSIBLE ENTRANCE	TYPE A 3.3M X 5.5M TYPE B 2.7M X 5.5M ACCESS ABLE 1.5M X 5.5M VERT. CLEARANCE GRADIENT 5% OR LESS LOCATED CLOSEST TO ACCESSIBLE ENTRANCE	8.5.17.1	BF SPACES DESIGN (MIN./M)	TYPE A 3.3M X 5.5M TYPE B 2.7M X 5.5M ACCESS ABLE 1.5M X 5.5M VERT. CLEARANCE GRADIENT 5% OR LESS LOCATED CLOSEST TO ACCESSIBLE ENTRANCE	TYPE A 3.3M X 5.5M TYPE B 2.7M X 5.5M ACCESS ABLE 1.5M X 5.5M VERT. CLEARANCE GRADIENT 5% OR LESS LOCATED CLOSEST TO ACCESSIBLE ENTRANCE
8.5.17.2	BICYCLE PARKING SPACES DESIGN (MIN./M)	AS REQUIRED	1.8 X 0.6 (STANDARD) VERT. CLEARANCE COVERED	8.5.17.2	BICYCLE PARKING SPACES DESIGN (MIN./M)	AS REQUIRED	1.8 X 0.6 (STANDARD) VERT. CLEARANCE COVERED
8.5.18	BICYCLE PARKING:	18 (0.37 PER UNIT)	20 UNITS (PER UNIT) 202 SPACES	8.5.18	BICYCLE PARKING:	8 (0.53 PER UNIT)	15 UNITS (PER UNIT) 15 SPACES
8.5.19	FRONTAGE ON A STREET:	AS REQUIRED	NO BUILDING OR STRUCTURE SHALL BE BUILT UNLESS THAT LOT ABUTS A STREET	8.5.19	FRONTAGE ON A STREET:	-	NO BUILDING OR STRUCTURE SHALL BE BUILT UNLESS THAT LOT ABUTS A STREET
8.5.20	PERMITTED YARD PROJECTIONS (BALCONIES, CANOPIES):	1.5M X 2.2	MAX PROJECTION FROM FOUNDATION + 0.5 TO 0.8	8.5.20	PERMITTED YARD PROJECTIONS (BALCONIES, CANOPIES):	-	MAX PROJECTION FROM FOUNDATION + 0.5 TO 0.8
NUMBER OF STOREYS:		PARKING: 5 STOREYS REGUL. 20 STOREYS TOTAL: 20 STOREYS		NUMBER OF STOREYS:		2 STOREYS	
NUMBER OF UNITS:		ONE BEDROOM 118 UNITS TWO BEDROOM 174 UNITS TOTAL 292 UNITS		NUMBER OF UNITS:		15 UNITS	
BUILDING AREAS		FLOOR AREA		BUILDING AREAS		BALCONY/TERRACE AREA	
GROUND & SECOND FLOOR		3743.84M ² (40,490.77FT ²) PER FLR		GROUND & SECOND FLOOR		1820.7 (1,977FT ²) PER FLR	
TYPICAL FLOOR		1320.89M ² (14,285.99FT ²) PER FLR		TYPICAL FLOOR		1320.89M ² (14,285.99FT ²) PER FLR	
20TH FLOOR TOWER		1465.49M ² (15,774FT ²) PER FLR		20TH FLOOR TOWER		326.41M ² (3,535FT ²) PER FLR	



ALL DRAWINGS, SPECIFICATIONS AND OTHER RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE CONSULTANT AND SHALL BE RETURNED UPON REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS, IN WHOLE OR IN PART, BY PERMISSION WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.

THE CONSULTANT SHALL CHECK AND VERIFY ALL INFORMATION PROVIDED BY THE CLIENT FOR ACCURACY AND RELIABILITY. THE CONSULTANT SHALL NOT BE HELD RESPONSIBLE FOR CONSTRUCTION ERRORS OR OMISSIONS BY THE CLIENT.

THIS DRAWING IS NOT TO BE SCALED UNLESS OTHERWISE NOTED.

HANNA GHOBRAL AND ASSOCIATES LTD.
engineering
3100 Temple Drive
Windsor, ON N9W 5J6
(519) 344-3000 FAX: 5635

Date:	JAN. 2017
Scale:	AS SHOWN
Drawn By:	K.C.
Checked By:	S.K.
Rev:	1
Date:	JUNE 16-17
Issued For:	CPA & ZBA

Project:	KINGSTON HARBOUR CONDOMINIUMS SCHEME-F	Project No.:	16-0309
55 ONTARIO STREET		KINGSTON, ONTARIO	
ARCHITECTURAL SITE PLAN			
A-001			

**55 ONTARIO STREET
APARTMENTS**

HARBOUR VIEW
(NORTH EAST)



PERSPECTIVE KEY PLAN

NOTE:
ARTISTIC RENDERING, SCALE & PROPORTION MIGHT SLIGHTLY VARY.



HGA Limited
3100 Temple Dr, Suite 100
Windsor, Ont

55 ONTARIO STREET APARTMENTS

VIEW FROM NEIGHBORING
PROPERTY
(SOUTH WEST)



PERSPECTIVE KEY PLAN

NOTE:
ARTISTIC RENDERING, SCALE & PROPORTION MIGHT SLIGHTLY VARY.



HGA Limited
3100 Temple Dr, Suite 100
Windsor, Ont

55 ONTARIO STREET APARTMENTS

VIEW FROM NAVY
MEMORIAL PARK
(NORTH WEST)



PERSPECTIVE KEY PLAN

NOTE:
ARTISTIC RENDERING, SCALE & PROPORTION MIGHT SLIGHTLY VARY.



HGA Limited
3100 Temple Dr, Suite 100
Windsor, Ont

55 ONTARIO STREET APARTMENTS

VIEW OF APPROACH FROM
LOWER UNION AT NAVY
MEMORIAL PARK

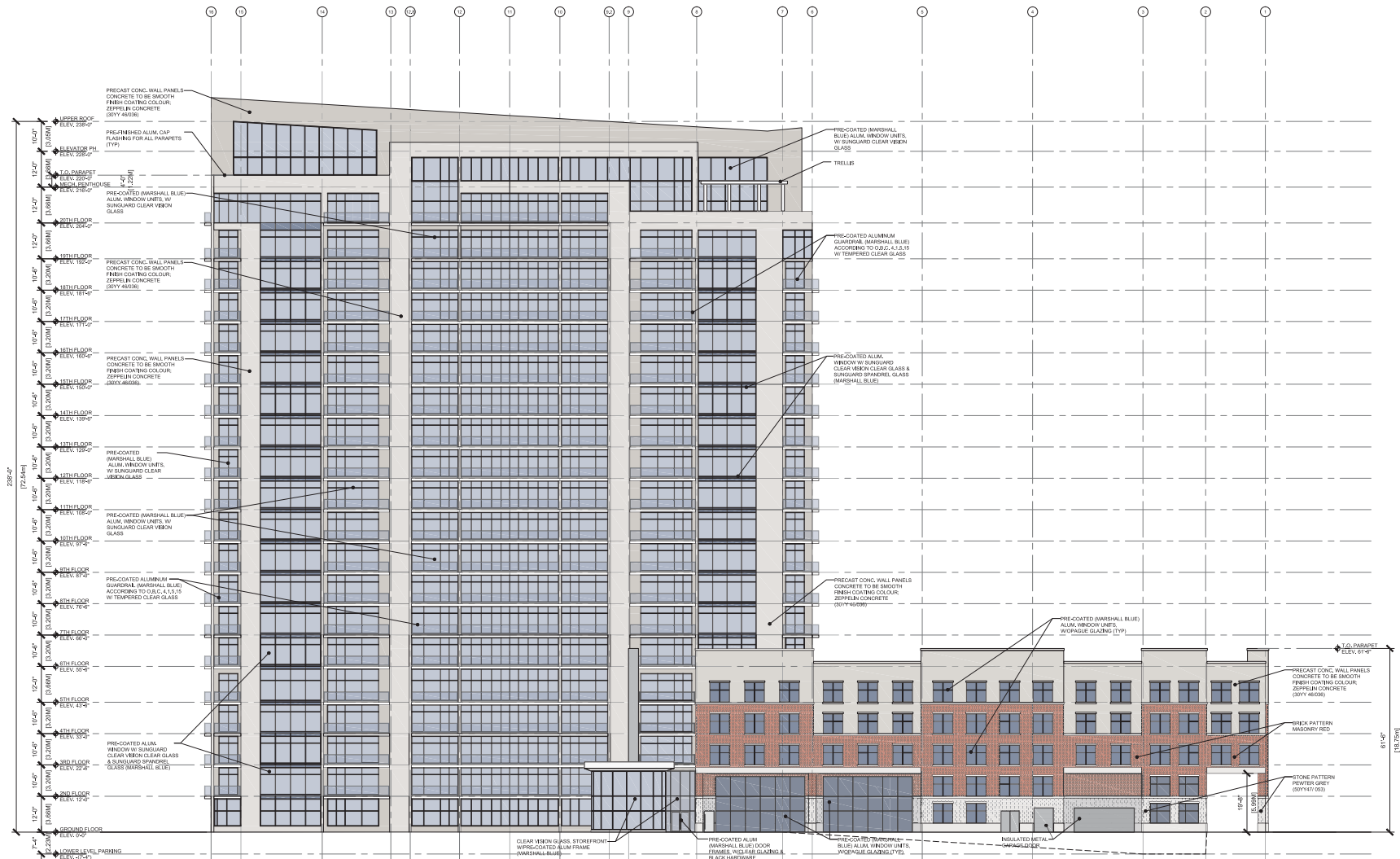


PERSPECTIVE KEY PLAN

NOTE:
ARTISTIC RENDERING, SCALE & PROPORTION MIGHT SLIGHTLY VARY.



HGA Limited
3100 Temple Dr, Suite 100
Windsor, Ont



NORTH ELEVATION
SCALE: 1/16" = 1'-0"

ALL DRAWINGS, SPECIFICATIONS AND OTHER RELEVANT DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE COMPANY AND SHALL BE NOT REPRODUCED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE COMPANY.
THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AND REPORT ANY DISCREPANCIES TO THE CONSULTANT PRIOR TO PROCEEDING WITH THE WORK.
THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS IT IS COUNTERSIGNED BY THE CONSULTANT.
THIS DRAWING IS NOT TO BE SCALED.
USE REPRODUCED DIMENSIONS ONLY.



HANNA GHOBRIAL AND ASSOCIATES LTD.
3100 Temple Drive
Windsor, ON N9W 5J6
(519) 544-5300 FAX: 0630

9	18
8	17
7	16
6	15
5	14
4	13
3	12
2	11
1	10
Rev:	Date:
Issued For:	Issued For:

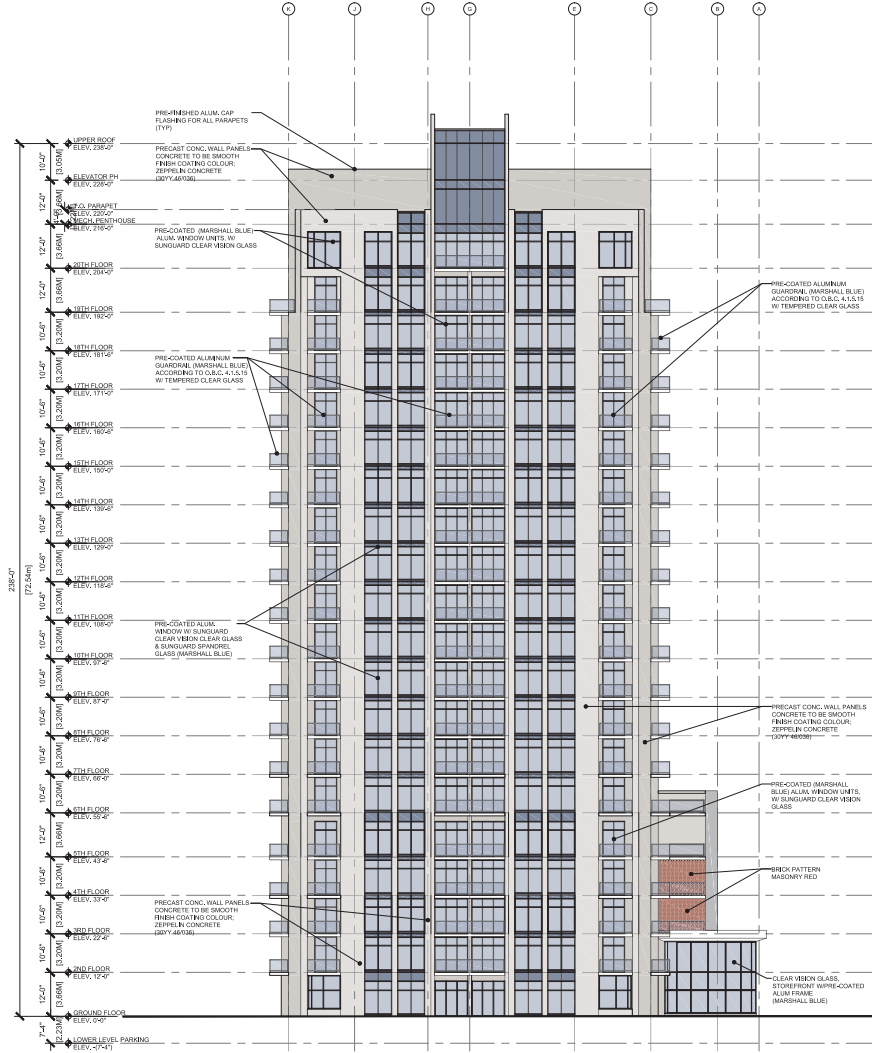
Date: JAN. 2017
Scale: AS SHOWN
Drawn By: K.C.
Checked By: S.K.

Project: KINGSTON HARBOUR CONDOMINIUMS SCHEME-F
55 ONTARIO STREET KINGSTON, ONTARIO

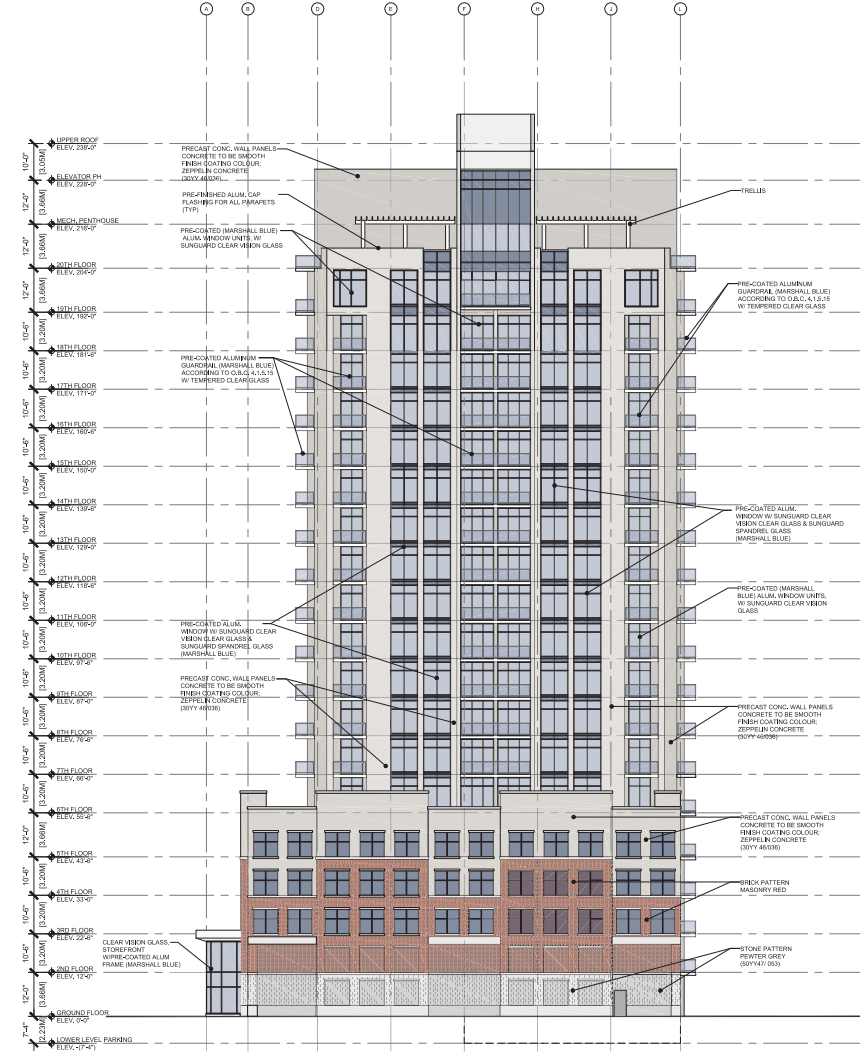
Project No.: 16-0309

COLOURED ELEVATIONS

A-401(A)

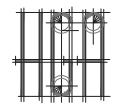


EAST ELEVATION
SCALE: 1/16" = 1'-0"



WEST ELEVATION
SCALE: 1/16" = 1'-0"

ALL DIMENSIONS, SPECIFICATIONS AND OTHER RELEVANT DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE CONSULTANT AND SHALL BE RETURNED UPON REQUEST.
REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT IS PROHIBITED.
THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AND REPORT ANY DISCREPANCIES TO THE CONSULTANT PRIOR TO COMMENCING WORK WITH THE WORK.
THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS IT IS COUNTERSIGNED BY THE CONSULTANT.
THIS DRAWING IS NOT TO BE COPIED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.

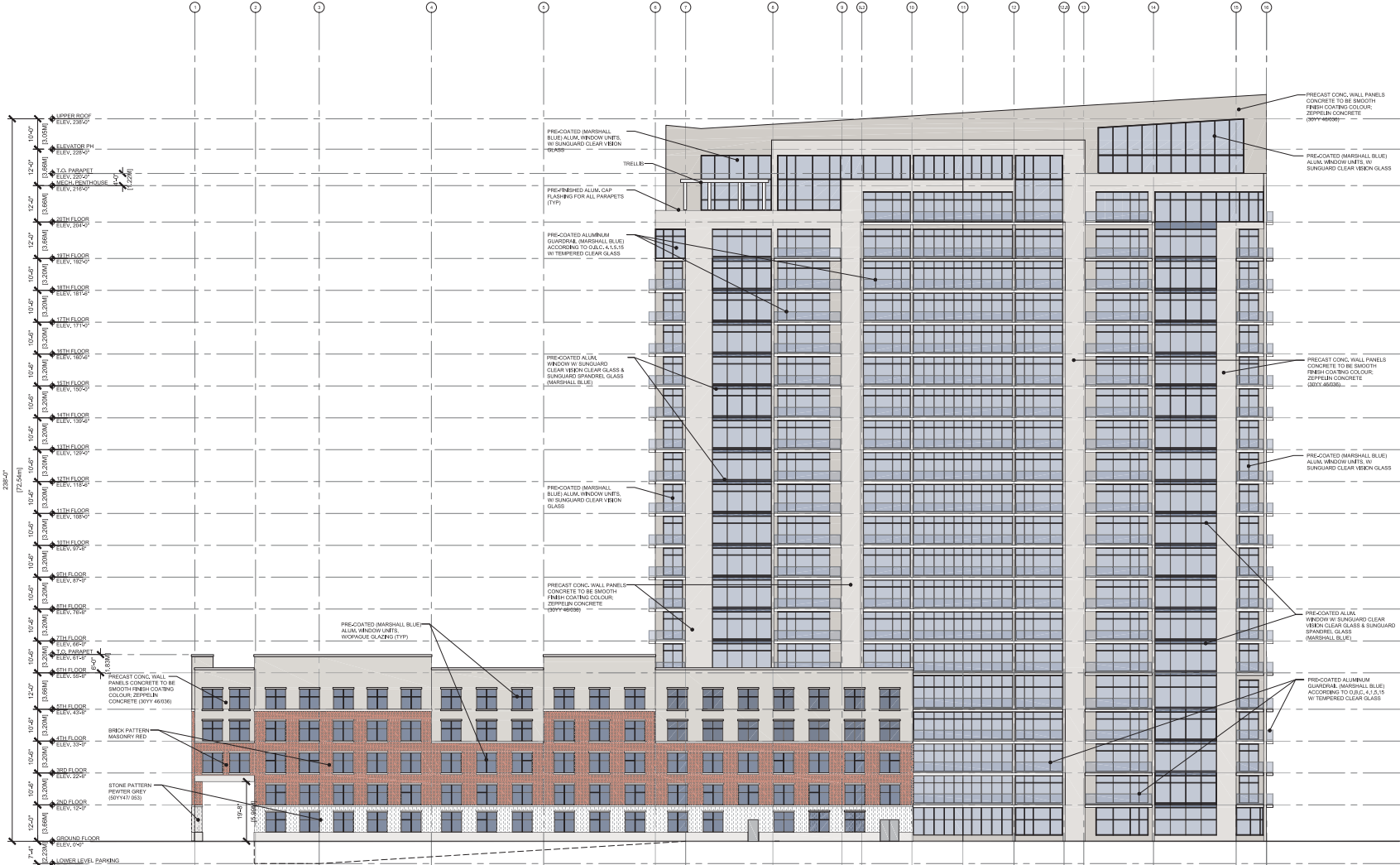


HANNA GHOBRIAL AND ASSOCIATES LTD.
3100 Temple Drive
Windsor, ON N9W 5J6
(519) 544-3300 FAX: 503-0030

9	18	Date:	JAN. 2017
8	17	Scale:	AS SHOWN
7	16	Drawn By:	K.C.
6	15	Checked By:	S.K.
5	14		
4	13		
3	12		
2	11		
1	10		
Rev.:	Date:	Issued For:	

Project:	KINGSTON HARBOUR CONDOMINIUMS SCHEME-F	Project No.:	16-0309
	85 ONTARIO STREET KINGSTON, ONTARIO		
	COLOURED ELEVATIONS		

A-402(A)



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

ALL DRAWINGS, SPECIFICATIONS AND OTHER RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE COMPANY AND SHALL BE RETURNED UPON REQUEST.

REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN WHOLE OR IN PART BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE COMPANY IS PROHIBITED.

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE CONSTRUCTION WITH THE DESIGN.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS IT IS COUNTERSIGNED BY THE CONTRACTOR.

THIS DRAWING IS NOT TO BE SCALED UNLESS SPECIFICALLY NOTED.



HANNA GHOBRIAL AND ASSOCIATES LTD.
 3100 Temple Drive
 Windsor, ON N9W 5J6
 (519) 544-3300 FAX: 5038

9	18
8	17
7	16
6	15
5	14
4	13
3	12
2	11
1	10
Rev: Date:	Issued For:
Rev: Date:	Issued For:

Date: JAN. 2017
 Scale: AS SHOWN
 Drawn By: K.C.
 Checked By: S.K.

Project: **KINGSTON HARBOUR CONDOMINIUMS SCHEME-F**
 55 ONTARIO STREET KINGSTON, ONTARIO

Project No.: 16-0309

COLOURED ELEVATIONS

A-403(A)



CITY OF KINGSTON

55 Ontario Street & 5 Lower Union Street

Urban Design and Heritage Impact Statement Peer Review

Commercial Confidentiality Statement

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



February 16, 2018

Planning, Building & Licensing Services
City of Kingston
1211 John Counter Boulevard
Kingston, ON K7L 2Z3

Attention: Ms Lindsay Lambert, MCIP, RPP
Senior Planner

Urban Design and Heritage Impact Statement Peer Review – 55 Ontario Street & 5 Lower Union Street

Dear Ms. Lambert:

Dillon Consulting Limited and Robert Martinson Architects are pleased to submit this Urban Design and Heritage Impact Statement Peer Review for the proposed development of 55 Ontario Street and 5 Lower Union Street in the City of Kingston.

This review provides an urban design and heritage assessment of the proposal, a review of the urban design and heritage impact statement report prepared by ERA, and presents a series of recommendations regarding next steps.

Sincerely,

DILLON CONSULTING LIMITED

A blue ink signature of Rory Baksh, consisting of a large, sweeping initial 'R' followed by several horizontal strokes.

Rory Baksh, MCIP, RPP
Project Manager

Encl.

Our file: 17-6767

177 Colonnade Road
Suite 101
Ottawa, Ontario
Canada
K2E 7J4
Telephone
613.745.2213
Fax
613.745.3491

Table of Contents

1.0	Introduction	1
1.1	Subject Site	1
1.2	Planning Framework.....	3
1.3	Site Context.....	12
1.4	Proposal Description	12
2.0	Urban Design Report Peer Review	13
2.1	Urban Design Analysis	13
2.2	Urban Design Issues and Recommendations.....	25
3.0	Heritage Impact Statement Peer Review	30
3.1	Heritage Significance	30
3.2	Heritage Analysis.....	35
3.3	Heritage Impacts and Recommendations.....	44
4.0	Conclusion	47
4.1	Urban Design Recommendations Summary	47
4.2	Heritage Recommendations Summary.....	47
4.3	Closure	48
	Figures	
	Figure 1: Development Site (Source: Google Maps)Heading 1 Style	1
	Figure 2: Subject Site (Source: ERA Architects)	2
	Figure 3: Image from the report showing the emerging built form and higher buildings along the waterfront (Source: ERA Architects)	14
	Figure 4: Image showing the proposed heights of the proposal and car parking podium (Source: Hannah, Ghobrial and Associates LTD).....	15
	Figure 5: Shadow analysis showing the summer and winter solstice and equinox (Source: HGA Limited).....	16
	Figure 6: View along Lower Union Street showing the siting of the proposed development (Source: HGA Limited)	17
	Figure 7: Rendering demonstrating the massing of the proposal (Source: HGA Limited)	18
	Figure 8: Massing of proposed building in relation to other waterfront development (Source: HGA Limited)	20

Figure 9: Waterfront walkways (Source: ERA Architects) 22

Figure 10: Ground floor floorplan showing amenity area (Source: Hanna, Ghobrial and Associated LTD) 23

Figure 11: Proposed vehicle access through the Navy Memorial Park (Source: ERA Architects)..... 24

Figure 12: View of site showing the Dry Dock, steel caissons, original stone Pump House and chimney as well as attached industrial heritage buildings (Ontario Plaques). 36

Figure 13: Floor plan showing adaptive reuse of heritage Pump House (Hanna, Ghobriel and Associates LTD)..... 38

Figure 14: Graphic showing ideal scale of base building (Toronto Tall Building Guidelines) 39

Figure 15: Various images showing the revitalized Thunder Bay waterfront, showing an integration of cultural, recreational, residential and retail functions to create a vibrant, well used landmark for city residents (City of Thunder Bay). 41

Figure 16: Aerial view of Toronto's Distillery District, a National Historic Site that his integrated multi-use functions through adaptive reuse to create a dynamic landmark for the city. While the scale of this project is much larger than the subject site, its success as a landmark is due to the integration of a range of functions that draw public to the site (urbantoronto.ca). 42

Figure 17: Schedule 9 as taken from the City of Kingston Official Plan (City of Kingston). 43

1.0 Introduction

This Urban Design and Heritage Impact Statement Peer Review has been prepared by Dillon Consulting Limited (Dillon) and Robert Martinson Architects, in response to the Urban Design and Heritage Impact Statement Report prepared by ERA (“the Report”) for the development of 55 Ontario Street and 5 Lower Union Street (“the subject site”). The proposed development would require an Official Plan and Zoning By-law amendment to develop a 20 storey residential building with a 5 storey podium for car parking, as well as the adaptive re-use of the Kingston Dry Dock and Pump House. This peer review is intended to provide an assessment of the urban design and heritage considerations of the proposal and to determine whether the development is a suitable urban design outcome for the subject site. It also evaluates the impact the proposal has on the heritage significance of the site.

1.1 Subject Site

1.1.1 Location

The subject site is located at the municipal address 55 Ontario Street and 5 Lower Union Street, between Lower Union and Gore Street, as shown on Figure 1. It is located directly adjacent to Lake Ontario and forms part of the Kingston waterfront. The site is made up of 2 wharves, with the historic Dry Dock located between them. The site abuts Navy Memorial Park and is approximately 850m east of Queens University. It is located in close proximity to services, employment areas and is located on the Waterfront Pathway / Rideau Trail running along the shoreline. The subject site also neighbours the Old Sydenham Heritage Conservation District, which is located to the west of Ontario Street.



Figure 1: Development Site (Source: Google Maps)Heading 1 Style

1.1.2 Description

The subject site is approximately 14,279.8m² and consists of two parcels: the Dry Dock and Pump House (6,606.8m²) and a developable parcel (7,673m²). The developable parcel consists of vacant land and is abutted to the south west by 33 Ontario Street, a 5 storey residential building. All other sides of the developable parcel are surrounded by Lake Ontario and the Dry Dock. The Pump House is located south of a 6 storey condominium building and is east of the Navy Memorial Park. The site is irregular in shape and therefore has a variety of frontages as shown in Figure 2.

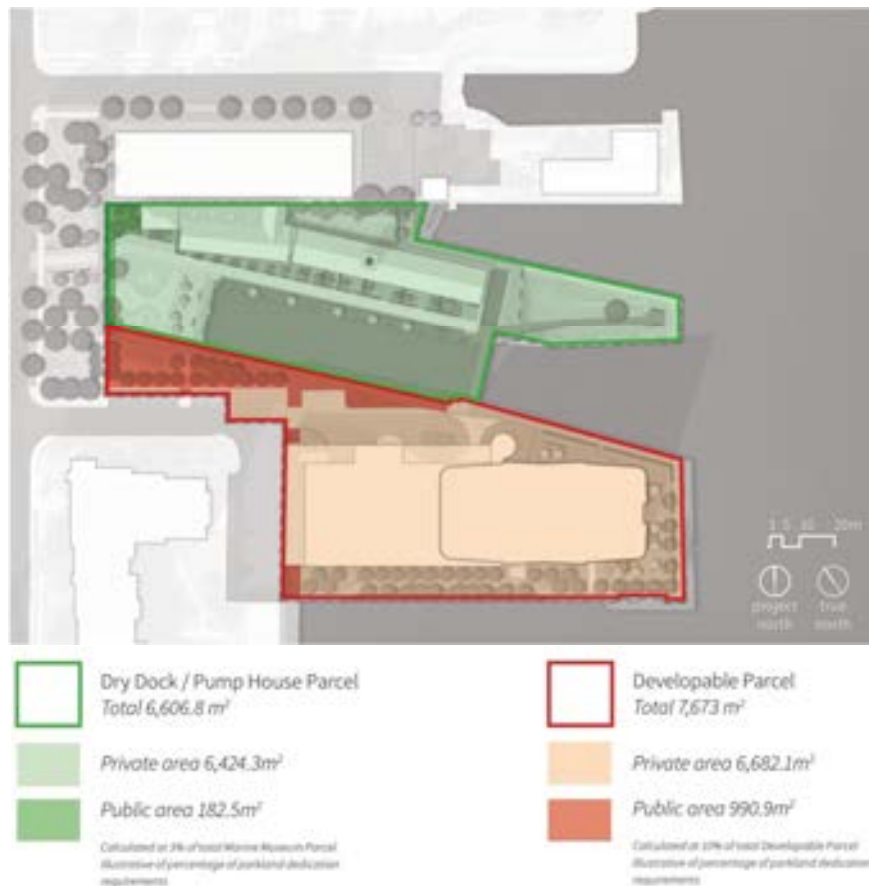


Figure 2: Subject Site (Source: ERA Architects)

For the purposes of this report, any directional reference shall be in line with the ‘project north’ as delineated by ERA architects and shown in Figure 2.

The site has the following interfaces:

- **North:** immediately north of the subject site is a 5 storey condominium. Across from Gore Street are 4 high rise buildings, ranging from 11 storeys to 18 storeys. Further north is the 16 storey Delta Hotel and the historic downtown area of Kingston.
- **East:** Lake Ontario is to the east of the subject site.

- **South:** South of the subject site is Lake Ontario, and to the south and west is a 5 storey residential building located at 33 Ontario Street. Beyond this building is the Pump House Steam Museum and the Kingston Yacht Club.
- **West:** The proposal immediately abuts Navy Memorial Park. The park is along Ontario Street, and across the street is an 8 storey residential building. This area also forms part of the Old Sydenham Heritage Conservation District. Further west is City Park and Queen’s University.

1.1.3 Heritage Summary

The subject site is commemorated as the Kingston Drydock National Historic Site of Canada as noted in the tender for its sale by the federal government in 2015. It is also a municipal heritage property that was designated in 1984 (By-law 84-65) under the *Ontario Heritage Act* while the property was still owned by the federal Crown. The by-law was amended (By-Law 2007-219) to conform to the requirements of the new *Ontario Heritage Act*. As soon as the property left federal ownership, the provisions of the municipal designation were in force. The subject property consists of a coherent set of buildings and engineering works that include a one-storey stone pumphouse (1891) with its 30-metre chimney, a one-storey machine shop (1915), a one-storey painthouse (1918), a pipebending shop (1942), the drydock, a side launch, and industrial relics. The cultural heritage elements are extant resources that are associated with a long history of shipbuilding, naval operations marine services and transshipment operations in Kingston that began in the late 17th century. The Kingston Drydock is also part of Kingston’s network of sites with a direct connection to the life and actions of Sir John A. Macdonald. Parts of the property have archaeological potential. It is one of the few locations in Kingston where remnants of Kingston’s industrial past are legible.

1.2 Planning Framework

1.2.1 City of Kingston Official Plan

The subject site is located within the urban boundary of the Official Plan (OP). While the City of Kingston has recently updated its OP as of August 2017, this proposal will be assessed against the 2010 OP (consolidated to May 15, 2015), which was in force when the application was originally submitted. This peer review will do the same, as the ‘Clergy Principal’ does not apply in this circumstance.

The subject site is designated as an Environmental Protection Area (EPA) on Schedule 3A of the OP. EPA policies in Section 3.10 of the OP indicate that an EPA is an area of particular environmental sensitivity and “must be maintained in their natural, undisturbed state”. The proposal requires an amendment to the OP to adjust the boundaries of the EPA and to allow a residential use building to be developed on this site.

Section 3.9 discusses policies related to waterfront protection. It states that new development “must be set back a minimum of 30m from all waterbodies” in order to maintain a “ribbon of life” area. Section 3.9.3 however does allow for exceptions to this, including to “allow improvement or extension of existing trail systems including the waterfront pathway and the Lake Ontario Waterfront Trail”. Further

policy direction in 3.9.8 and 3.9.9 demonstrates the importance as a waterfront pathway trail along the lake front and it is generally supported in policy to enhance this area as a multi-use trail.

Specifically, with regards to urban design principles, the OP makes reference to several important design considerations. Section 2.7.3 discusses land use compatibility matters which should be considered for new developments in order to maintain the existing quality of areas, while ensuring new development is respectful of this. Relevant to this proposal are the following land use issues:

- Shadowing;
- Loss of privacy due to intrusive overlook;
- Increased levels of light pollution, noise, odour, dust or vibration;
- Increased and uncomfortable wind speed;
- Reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;
- Visual intrusion that disrupts the streetscape or buildings;
- Architectural incompatibility in terms of scale, style, massing and colour; and
- The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.

Section 8 of the OP further discusses important urban design principles which should be incorporated into new development. Section 8.2 discusses the design principles to maintain accessibility and safety in new developments. Relevant to the proposal are the following:

- Clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;
- Arranging public uses and amenities within a convenient walking distance; and
- 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.

Section 8.3 discusses the value of maintaining streetscapes and public spaces. Specifically:

- Protecting views to the water, City Hall and other significant buildings or landscapes;
- Siting new buildings and structures in a manner that repeats and complements the siting and spacing of existing buildings, structures or landscapes areas in order to continue a pattern that is characteristic of surrounding neighbourhoods and heritage areas; and
- Designing public spaces or requiring the design of common spaces in private projects that have a clear sense of definition, and provide sufficient amenity and security to encourage public use and linkage to other public areas.

Section 8.4 discusses specifically the urban design policies for new developments. This Section aims to encourage new developments to be compatible with the existing streetscape and surrounding areas. In relation to this proposal, development is to address the following:

- Siting, scale and design of new development in relation to the characteristic of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;
- Protecting natural features and areas and cultural heritage landscapes through the siting, design and review of new development; and
- Achieving compatibility 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 historic or cultural significance of the identified area.

Section 3.9.16 discusses the importance of protecting waterfront views in the city. These are further outlined in Section 8.6 which highlights the important views to protect. Schedule 9 demonstrates that the view looking down Lower Union Street is protected to the waterfront. The proposal needs to avoid obstructing this significant sight line.

1.2.2 Zoning By-law 96-259, Harbour (HR) Zone

The subject site is zoned as Harbour (HR) in Zoning By-law 96-259 (as amended on August 8, 2017) and has a site-specific HR-6 zoning (the Dry Dock). It should be noted that the HR-6 site specific zoning only applies to the Dry Dock itself and not the Pump House nor the developable portion of the site.

The HR zone permits commercial uses (such as restaurants, day care centres and a marina) and non-commercial uses (such as a public use building, visitor facility and Dry Dock). The proposal would require a site specific Zoning By-law amendment to allow the development to be built for a residential use.

The current zoning states that any development needs to be at least 10 metres from the water’s edge and that waterfront pathways need to be at least 10 metres wide. Furthermore, the zone states that buildings should not exceed 2 storeys.

The following provisions of Zoning By-law 96-259 and the HR zone are relevant to the proposed 20 storey building from an urban design perspective:

Zone Provision	Zone Requirement	20-Storey Building	Relief Required?
Lot Area (min) (m ²)	Nil	0.7735ha	No
Lot Frontage (min) (m ²)	Nil	-	No
Yards (min) (m)	10 m from water’s edge	N – 6m E – 10m S – 10m W – 0m (not on the waterfront)*	Yes
Building Height (max) (m)	10.7m (2 storeys)	73m (20 storeys)	Yes
Lot Coverage (max) (%)	50	46	No
Waterfront Pathway Width (min) (m)	10m uncovered	5.6m wide colonnade Minimum 3m wide	Yes

Zone Provision	Zone Requirement	20-Storey Building	Relief Required?
		waterfront trail	
Amenity Area (min) (m ²)	10m ² per unit – Total of 2,920m ²	4,615m ²	No
Off Street Parking	292 (1 per unit)	315 + 18 surfaces spaces	No
Parking Space Design (min) (m)	2.75 x 5.8 – 6m wide	2.6 x 5.5 m – 6m wide	Yes

* based on the proposal north and not true north

1.2.3 Kingston Waterfront Master Plan

The Kingston Waterfront Master Plan (KWMP) was prepared in 2016 and is focused on guiding development along the Kingston waterfront. The KWMP is guided by 3 principal mandates: connections, access and enhancement. The plan aims to provide direction on decision making for future waterfront improvements and to aid in the development of a long term vision for Kingston’s waterfront. With regards to the proposed development of 55 Ontario Street, the site is located in “Focus Area 5: Lake Ontario Central” of the KWMP.

The KWMP states numerous ways within which the waterfront can be improved in this area. The opportunities mentioned which are relevant to this proposal are:

- Enhancing existing waterfront walkways;
- Enhancing promenades ... to create a better building-water interface;
- Enhancing gathering opportunities; and,
- Incorporating public art.

It states a key challenge of the area is to enhance the space while also respecting heritage aspects of the area.

Several projects are highlighted within the KWMP in Volume 2 which apply to the proposed subject site. The intention of these projects is to widen the pathways, enhance the piers, create connections between piers and to enhance the waterfront parks. Of the 24 identified projects in Focus Area 5, six projects apply to the site. These are:

- Pathway connecting Pump House Museum to Lower Union;
- Lower Union Parking Reconfiguration;
- Lower Union Pier Enhancements;
- Navy Memorial Park;
- Pedestrian Feature Bridge; and
- Marine Museum Promenade and Park.

1.2.4 Design Guidelines for Residential Lots (2015)

These guidelines, approved in 2015, state the importance of how new development needs to respond to its surrounding context through a range of design measures, including size, density and appearance.

Some pertinent principles from the guidelines include:

- Protecting and preserving stable residential communities;
- Creating context appropriate development;
- Ensuring compact, walkable mixed-use development;
- Integrating and highlighting cultural heritage resources;
- Incorporate appropriate height transitions;
- Be oriented and designed to minimize shadows;
- Encourage the integration of a 3-4 storey building base with step-back above; and
- Be designed for a pedestrian-oriented streetscape.

Section 5.4 of the Design Guidelines also discusses important heritage considerations. There are a number of important guidelines and some of the relevant ones include:

- Use a complimentary scale, massing, and height for the development of new buildings; and
- Enhance and maintain the continuity of the existing historic streetscape when incorporating new development or redevelopment.

1.2.5 Standards and Guidelines for the Conservation of Historic Places in Canada (2010)

Approved in 2010, the Standards and Guidelines is an essential tool to guide decisions regarding historic places and promote revitalization of these areas while protecting their heritage value. The primary purpose of this document is to “provide sound, practical guidance to achieve good conservation practice” and “establish a consistent, pan-Canadian set of conservation principles and guidelines that are useful to anyone interested in the conservation of Canada’s historic places.”

The document identifies three different treatments for heritage properties, identified under the overarching umbrella of Conservation. Conservation and its three treatment options are defined as follows:

- **Conservation:** all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life. This may involve Preservation, Rehabilitation, Restoration, or a combination of these actions or processes.
- **Preservation:** the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of an historic place, or of an individual component, while protecting its heritage value.
- **Rehabilitation:** the action or process of making possible a continuing or compatible contemporary use of an historic place, or an individual component, while protecting its heritage value.

- **Restoration:** the action or process of accurately revealing, recovering or representing the state of an historic place, or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.

Key standards from this document which apply to the subject project are as follows:

General Standards for Preservation, Rehabilitation, and Restoration

1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to historic places that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.

11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

1.2.6 Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement (2014)

Approved in 2014, the Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS supports the principles of strong communities, a clean and healthy environment and economic growth for the long term in Ontario.

The PPS together with the provisions of the Ontario Heritage Act and its regulations, strengthens the framework for the identification and protection of Ontario's cultural heritage and archaeological resources.

PPS, 2014 Section 2.0: Wise Use and Management of Resources recognizes that Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources for their economic, environmental and social benefits.

PPS Section 2.6 sets out cultural heritage and archaeology policies as follows:

- 2.6.1** Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2** 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.
- 2.6.3** Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The Ministry of Culture information sheet series is support material for PPS and has yet to be updated to 2014 but is still applicable and relevant. These guidelines are intended to provide guidance and

information regarding cultural heritage and archaeological resource conservation in land use planning. **InfoSheet #5 - Heritage Impact Assessments and Conservation Plans** will be referenced for guiding principles:

Principles in the conservation of historic properties which should be respected include (pg. 2 of InfoSheet #5):

- **Respect for Documentary Evidence:** Do not base restoration on conjecture.
- **Respect for Original Location:** Do not move buildings unless there is no other means to save them.
- **Respect for Historic Material:** Repair/conservate rather than replace building materials and finishes, except where absolutely necessary.
- **Respect for Original Fabric:** Repair with like materials.
- **Respect for the Building's History:** Do not restore to one period at the expense of another period.
- **Reversibility:** Alterations should allow a resource to return to its original conditions.
- **Legibility:** New work to be distinguishable from old.
- **Maintenance:** With continuous care, future restoration will not be necessary.

Negative impacts include, but are not limited to (pg. 3 of InfoSheet #5):

- **Destruction** of any, or part of any, significant heritage attributes or features;
- **Alteration** that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- **Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
- **Isolation** of a heritage attribute from its surrounding environment, context or a significant relationship;
- **Direct or indirect obstruction** of significant views or vistas within, from, or of built and natural features;
- **A change in land use** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;
- **Land disturbances** such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.

Methods of minimizing or avoiding a negative impact include, but are not limited to (pg. 4 of InfoSheet #5):

- Alternative development approaches;
- Isolating development and site alteration from significant built and natural features and vistas;
- Design guidelines that harmonize mass, setback, setting, and materials;
- Limiting height and density;
- Allowing only compatible infill and additions;

- Reversible alterations; and
- Buffer zones, site plan control, and other planning mechanisms.

1.2.7 Old Sydenham Heritage Conservation District Plan (2015)

This Heritage Conservation District Plan, finalized in 2015, is a document specific to the Old Sydenham Heritage Conservation District neighbourhood that neighbours the proposed development to the West. The HCDP identifies the neighbourhood as having designated heritage value under Part V of the Ontario Heritage Act and includes an explanation of the designated features of the Old Sydenham Heritage Conservation District neighbourhood. The document acts as a tool to help the council of the municipality guide future change in the district, through adoption of policies and guidelines for conservation, protection and enhancement of the area's special character.

The design guidelines provided in this District Plan are intended to help those who are proposing any possible changes in the district, from routine maintenance through to new construction. They are the primary design tools by which change in the district is managed. In Old Sydenham, the guidelines support conservation of the heritage character of the district and its individual properties. The sub-district descriptions and the individual property descriptions contain heritage character statements and lists of heritage attributes. These character statements and list of attributes are the primary reference to guide any changes proposed to the district or individual property.

Heritage attributes of the District include:

- Varied ages, styles and types of buildings, with both vernacular and architect-designed examples of over two centuries of architectural styles;
- A compact scale comprised of street width, building height (predominantly 2-3 storeys) and setback;
- The presence of landmark civic properties (school, courthouse/registry office, churches) integrated within a residential neighbourhood and dominating the skyline;
- Prominent buildings at street corners;
- **Views down streets to the lake, to the park and to the downtown;**
- An irregular street grid that offers continuously changing views;
- Trees lining streets and dominating rear yards;
- Surviving examples of historic landscape elements such as period planting layouts, walls, fences and street furniture;
- Presence of National Historic Sites and portions of a World Heritage Site;
- A generally high standard of care for buildings and landscapes;
- Proximity to the downtown, major institutions and the lake; and
- Physical evidence and historical associations with every stage of Kingston's history.

1.3 Site Context

1.3.1 Existing Built Form

The surrounding area is predominantly low rise in nature with some higher density urban form along the waterfront. The Old Sydenham Heritage Conservation District to the west of the site is made up of predominantly 1 to 2 storey buildings yet there are some tall buildings nearby such as 85 Ontario Street. The two buildings immediately abutting the site (not including the Pump House) are five and six stories in height excluding their mechanical penthouses.

1.4 Proposal Description

The proposal is for the development of 2 separate parcels of land. The proposal on the developable parcel (5 Lower Union Street) is a 20 storey, residential building with a 5 storey car parking podium. The lot area is approximately 14,279.8m² and will accommodate a building approximately 72.54m tall. A total of 292 units and approximately 4,615.78m² of amenity space is proposed. The proposal has a 20 storey continuous façade aside from where it is stepped back above the car parking podium. The proposed building is set back 10m from the water's edge along the southern and eastern side, and 6m from the northern side.

The proposal at 55 Ontario Street is for the adaptive reuse of the Pump House. The exterior of the Pump House is to remain unchanged and will undergo an internal re-design for the adaptive re-use of the building to accommodate either all residential or a mixture of residential and commercial units. This will create a total of 15 units.

Determining the frontage of the lot is an important exercise in this peer review, as it dictates which design principles are applicable to which parts of the proposal. The developable parcel is an irregular shape and has no clear frontage onto a street, as the large developable portion of the lot is set back away from the road; the lot does have access to a street, however. According to Section 5.23.6 of the Zoning By-law, "no building or structure shall be built upon any lot unless that lot abuts a street." Section 5.23.7 elaborates further by saying "for the purposes of establishing minimum setbacks for a lot with no frontage on a street but with access to a street by way of a right-of-way, the lot line to which the right-of-way accesses the lot shall be deemed to be the front lot line." This parcel is considered to abut a street and its frontages are around the end of Lower Union Street. In terms of understanding the relationship of this development to the street however, the proposed building does not have direct access onto a street. The proposal addresses this by extending Lower Union Street so it meets the proposed building. For the purpose of this report, the proposal frontage is considered to be along the northern side where it will align along the extended road.

2.0 Urban Design Report Peer Review

2.1 Urban Design Analysis

This peer review provides an assessment of the Report for the proposed development of 55 Ontario Street. The Report draws on the design guidelines found within the OP, ZBL, KWMP and Design Guidelines for Residential Lots. There are no specific urban design guidelines for the subject site and so this review is based on policy documents and an analysis of the subject site's contextual compatibility. As Kingston has no tall building design guidelines, design guidelines for tall buildings from other municipalities are used to inform any recommendations for the design outcome of the proposal.

The Report discusses the following important urban design considerations:

- Height
- Shadow Analysis
- Protected Views
- Massing
- Walkways
- Ground Floor Plan Uses
- Elevations
- Vehicular Circulation
- Colonnade

This urban design peer review will discuss these design considerations from the Report. This peer review will also discuss how site planning considerations such as amenity space, waterfront setbacks and car parking have a relationship to urban design for this specific proposal.

2.1.1 Height

Section 2.7.1 of the OP discusses land use compatibility. It states that “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...buffering, massing, or other means of providing transition that are able to successfully address undue adverse effects.” This means that various types of development can occur so long as they are cognizant of their surrounding context and do not create any negative or adverse effects on surrounding areas. The OP states in Section 3.3.C.3 that “new high density residential projects must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this plan.” Generally, according to 3.3.C.2, new high density buildings need to be located “on the periphery of a low or medium density neighbourhood; adjacent to, or in proximity to, commercial areas; on an arterial or collector road designed for public transit, and; in proximity to parkland or open space.”

Building height is discussed in more detail in the ZBL. The ZBL for the subject site states that in a HR zone, buildings shall be no taller than 2 stories or to not exceed 10.7m (Section 9.2). The proposal at a height of 72.54m far exceeds the height of 10.7m as stipulated in the ZBL.

The design guidelines for residential lots discuss height in Section 5. It states that development should ensure it is “context-sensitive” to height considerations, including for adjacent properties and land use. Further, in Section 5.3, it states that multi-unit buildings should “incorporate appropriate height transitions, especially when higher density areas are located next to low density areas.”

The Report says with regards to height, that there are several other buildings along the Kingston waterfront which are of a significant height, notably the 18 storey building located behind the Pump House. The Report further states that there is an emerging higher built form present along the Kingston waterfront and to this end the proposal is in keeping with the emerging context. Figure 3 demonstrates the surrounding medium to higher density built form emerging along the waterfront.



Figure 3: Image from the report showing the emerging built form and higher buildings along the waterfront (Source: ERA Architects)

While the OP, ZBL and Design Guidelines for Residential Lots all point towards a lower building for the subject site, there is the case made in the OP for sites such as the one identified, to be important intensification areas. Section 3.3.8 of the OP discusses intensification. It states that “in fully serviced areas, intensification through moderate increases in building height or density, and gradual transition to more intense forms of housing may be approved at the edge of neighbourhoods.” The proposal however does not demonstrate a modest increase in height and therefore does not result in a transition in height between neighbourhoods as required in Section 2.7 of the OP. As a result, the proposed building height is too large for the site, given its relation to the Old Sydenham Heritage Conservation district, and its inappropriate relationship as a high rise building with low rise buildings in the neighbouring area.

Figure 4 illustrates the large scale of the proposal. While there is an emerging built form along the waterfront, new development should have a minimal impact on surrounding areas.

In order to determine the impact a higher built form may have on surrounding areas, the following three points are discussed in the Report and commented upon in this peer review: overshadowing, protected viewlines, and massing.

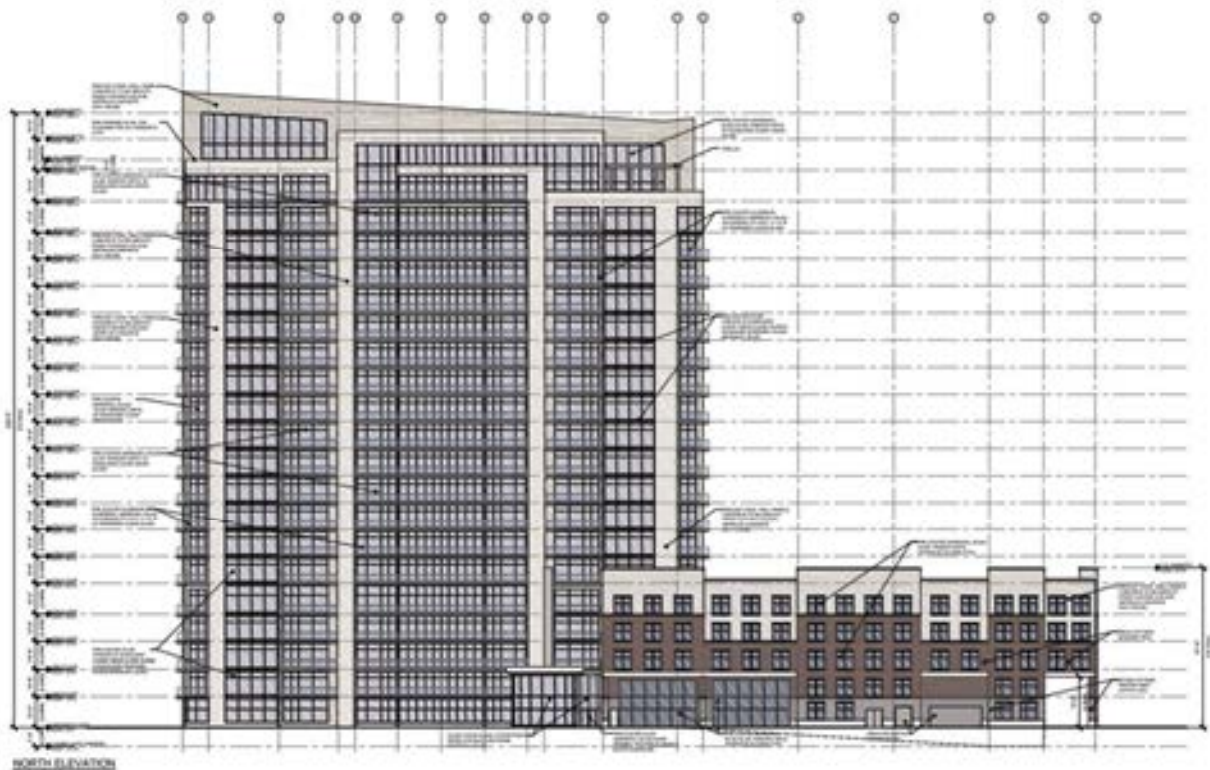


Figure 4: Image showing the proposed heights of the proposal and car parking podium (Source: Hannah, Ghobrial and Associates LTD)

2.1.1.1 Shadow Analysis

Section 2.7.3 of the OP states that the shadowing of one property as a result of the other is an adverse effect and should be mitigated. The proposal does not have any significant overshadowing impacts on any of the surrounding areas, including over the sensitive areas within the subject site boundaries.

Figure 5 shows the different shadow analysis results for the proposal during the spring, summer, fall and winter. During the summer solstice, the proposal casts a shadow within the open space area of 33 Ontario Street in the early morning. Until 3pm, the 20 storey building’s shadow is contained within its own footprint, with shadowing occurring on the north eastern wharf at 3pm. This is only minor however and after 5pm, the entire shadow of the building is cast over Lake Ontario. During the Spring and Fall equinox the proposal casts a larger shadow over 33 Ontario Street but after 10pm, the shadow is cast over the Dry Dock and the eastern end of the Pump House. This means any future residential units in the Pump House complex will not be affected, nor will the open space area in the north western end of the Dry Dock. The north eastern wharf is overshadowed entirely from 2pm onwards, but there is no significant impact on any built form here.

The winter solstice creates a larger shadow yet this predominantly affects the area behind the Pump House. Between 10am and 3pm, the building’s shadow moves across the Dry Dock and overshadows part of 5 Gore Street.

Overall, despite the height of the building, it does not cause any significant overshadowing issues; however, this is because the building is sited at the easternmost edge of the development site.

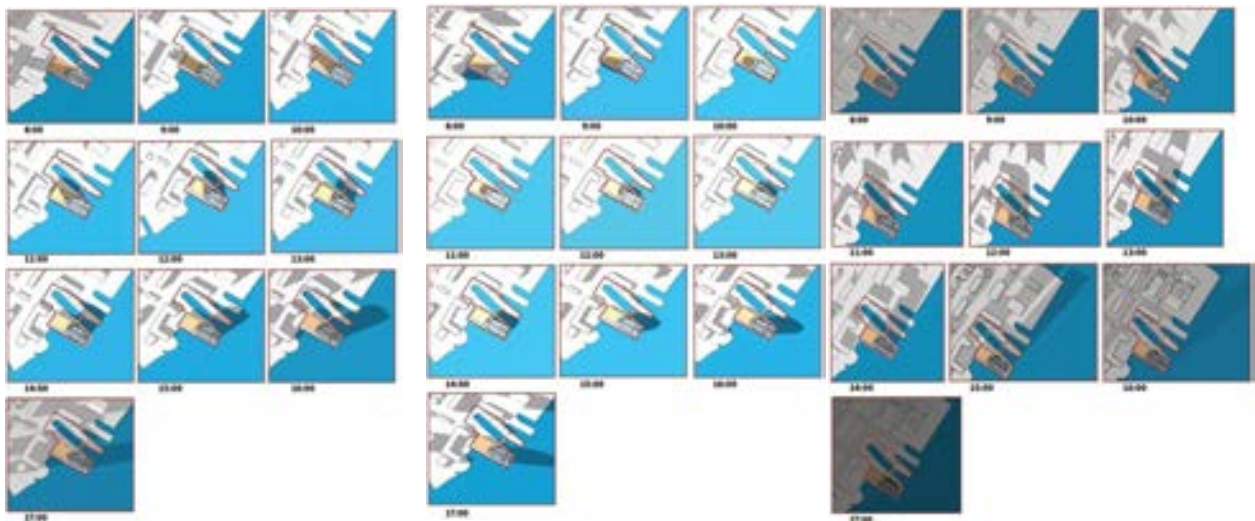


Figure 5: Shadow analysis showing the summer and winter solstice and equinox (Source: HGA Limited)

2.1.1.2 Protected Views

Section 8.3 of the OP states that views to the water must be protected in order to enhance the character of valued streetscapes. Section 8.6 of the OP identifies a series of protected views in Schedule 9. The OP states that protected views that terminate at the water must be preserved by “requiring that

the siting, massing and design of buildings and structures in areas adjacent to protected views maintain the views.”

The view along Lower Union Street is listed as a protected view in OP Schedule 9. The proposal has maintained the viewline to Lake Ontario along Lower Union Street by ensuring the proposal is set back from Lower Union Street and does not impose on direct lines of sight to the waterfront. It would, however, feature quite prominently in the skyline adjacent to the protected view. As stated in section 8.6 of the OP, protected views must be preserved by “requiring that the siting, massing and design of buildings and structures in areas adjacent to protected views maintain the views.” The proposal is located directly adjacent to this viewline and has a domineering presence in the skyline. As a result, the proposed 20 storey height of the building means that it does obscure the view in a tangible way, even if it does not directly block the view. This is demonstrated in Figure 6.

The sheer scale of the proposed building impacts upon this viewline in such a way that it detracts from the heritage area adjacent to it by dominating the skyline of a heritage district. It does not result in a transition of heights when looking down Lower Union Street and therefore needs to be reduced in height to result in a more desirable and appropriate outcome.



Figure 6: View along Lower Union Street showing the siting of the proposed development (Source: HGA Limited)

2.1.1.3

Massing

Section 2.7.2 of the OP establishes that “Only proposed 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.j. of

the OP indicates that “architectural incompatibility in terms of scale, style, massing and colour” is an adverse effect, and Section 2.7.6 indicates that mitigation measures include:

- a. ensuring adequate setbacks and minimum yard requirements;
- b. establishing appropriate transition in building heights, coverage, and massing;
- d. designing the building in a way that minimizes adverse effects;
- e. maintaining mature vegetation and/or additional new landscaping requirements.”

The Design Guidelines for Residential Lots discusses massing in Section 5.1. It states that massing should be context sensitive, avoid overshadowing, to consider the compatibility of the building with local character and to avoid blank walls along the front façade. Section 5.3 of the Design Guidelines for Residential Lots states that multi-unit buildings should “incorporate appropriate height transitions ... encourage the integration of a 3-4 storey building base with a step-back above (and) design for a pedestrian oriented streetscape.”



Figure 7: Rendering demonstrating the massing of the proposal (Source: HGA Limited)

The Report states that it “maintains a mid-rise profile closest to Ontario Street, through the 5-storey parking podium” and that this “provides an appropriate massing transition between the low-rise Sydenham neighbourhood to the west and the high-rise tower along Lake Ontario to the east.” Figure 8 demonstrates how the parking podium is actually lower than the neighbouring building and therefore does not aid in a transition of heights between the neighbouring building and the tower when viewed from the west. This does not therefore comply with section 2.7.6 of the OP as outlined above. The Report further states that “the proposed tower is not out of keeping with the character of existing built form along Kingston’s waterfront.” While this is the case as shown in Figure 8, it does not meet the guidelines regarding building massing in the OP (section 2.7.3 and 2.7.6) nor the Design Guidelines for Residential Lots, which call for a transition in heights through a series of setbacks.

The massing of the tower is not a positive urban design outcome for the site. The tower’s height of 20 storeys is a 15 storey jump up from the 5 storeys of the parking podium. If the podium is intended to have a mitigating effect on the tower, this is not possible since the tower essentially overpowers the podium since the tower is so large.

There are two proposed options available to result in a better massing outcome for the proposal. The tower needs to be reduced in height or reconfigured so its massing is reduced. By reducing the height, the transition from podium to tower can be achieved through incremental setbacks that meet the City’s guidelines. This would also result in a better relationship between the proposal and the neighbouring building. Alternatively, the building needs to undergo a major adjustment in its floorplate, to result in a more slender built form for the tower that properly creates a true tower-podium configuration for the building; furthermore, a reduction in the floorplate of the podium is needed to properly address the massing/bulk of the building at the ground/pedestrian level.

Further, the massing of the building is exaggerated as the ground floor has no visual interest and provides a blank wall along the western façade. As there is no visual interest or activity provided, the proposal appears larger from street level as it is not broken up. The first floor needs to incorporate visual interest, avoid blank walls, and consider incorporating uses that encourage activity, such as mixed use.

This is further exaggerated by the lack of relationship between the podium and the tower, which appear as two disparate building forms rather than one cohesive development. This serves to make the tower appear larger as there is no true tower-podium relationship. Notably, the podium should not stop where it meets the tower but continue to wrap around the entire base of the proposal with the tower stepped back above it from all sides.

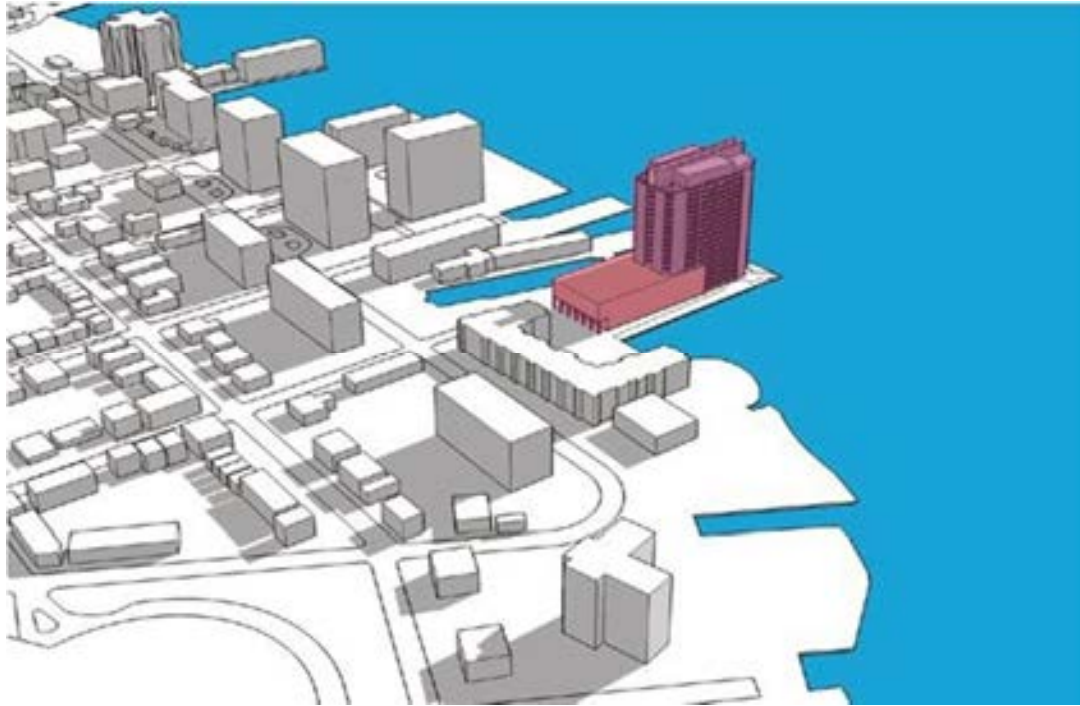


Figure 8: Massing of proposed building in relation to other waterfront development (Source: HGA Limited)

2.1.1.4 Height Analysis: Additional Guidance

The proposed development needs a better approach to scale and massing. While Kingston does not have its own tall building guidelines, there are numerous design guidelines from other municipalities that offer useful direction for this site.

One set of relevant guidelines are those from the City of Hamilton that include a number of principles which effectively guide the development of tall buildings. Hamilton's "Downtown Hamilton Tall Buildings Study", states that the "form, shape and height of tall buildings should be shaped to mitigate potential negative impacts," that "tall buildings should be located in a fashion that preserves key views and termini," and that they should "respond to the surrounding neighbourhood context (and) to respect existing heritage buildings and districts." Further, the Toronto Tall Buildings Guidelines recommends that the floorplate for tall buildings should be limited to 750m², which is half of the floor plate size for this proposal. This, according to the Tall Building Guidelines helps to "minimize shadow impacts and negative wind conditions ... minimize loss of sky view from the public realm ... create(s) architectural interest and visually diminish(es) the overall scale of the building mass ... present(s) an elegant profile for the skyline."

Hamilton and Toronto's guidelines suggest that an appropriate solution may exist for the subject site. It is recommended that applicant refer to these (or other relevant) design guidelines to aid in creating a positive outcome for this site. This is suggested by either reducing the height of the proposal or reducing the floorplate of the podium and tower. It is also suggested that the podium continues around the base of the building.

2.1.2 Waterfront Trail and Walkways

There are two components of the OP and ZBL which speak to the waterfront requirements of this site: one pertaining to the waterfront trail, and another to waterfront setbacks. Both of these policy pieces are discussed together as they both inform the urban design outcome for this site. In addition to this, it is also important to make reference to the colonnade along the western side of the proposal. These are discussed below.

2.1.2.1 Waterfront Trails

The policy regarding the waterfront trail along Lake Ontario is established in Section 3.9.9 of the OP. It states that the City supports the “maintenance and improvement of the Lake Ontario Waterfront Trail ... as part of a larger multi-use trail network on the shores of Lake Ontario ... that connects the City to other communities.” The design requirements for the waterfront trail are discussed in Section 9.2.2.1 in the ZBL. It states that the “minimum width of a waterfront pathway shall be 10 metres”.

With regards to the waterfront setback requirements, the ZBL states in Section 9.2.1 that within the HR zone, the “minimum required distance between the water’s edge and the nearest part of any land based building or structure shall be 10.0 metres.” As a result, if the building is set back 10m from the water’s edge, the proposed pathway would have to take up this entire space for it to be compliant with both the waterfront setback and the walkway width policies. Essentially, these two zoning requirements work together to protect a 10m wide corridor along the water’s edge.

It should be noted that the ZBL definition of a waterfront pathway (or walkway) in Section 4.1 means “open space, publicly or privately owned, for use by the public and shall include a waterfront pathway which is located adjacent to or in close proximity to a waterbody.” Presumably, this means that the pavement width could be narrower with a 10m wide landscaped right-of-way.

The proposal has walkways which go around the perimeter of the site, as shown in Figure 9. The conceptual landscape plan referenced in the Report discusses the waterfront trail and states that it reinforces the waterfront. While the incorporation of the walkway into the site responds to the direction of the OP and also serves to vitalise waterfront areas, the walkway does not meet the width standards as stipulated in the ZBL, as it is not 10m wide. However, the landscaping around the pathway could be included as being a part of the overall walkway if it is publicly accessible. This is the case for the southern side of the proposal, but the eastern and northern side have private amenity areas which are on the outside of the building. In these areas, the private area does not count as a part of the walkway and therefore the proposal does not meet the minimum width requirements for waterfront walkways as stated in ZBL Section 9.2.2.1.

With regards to the setback requirements, the proposal is setback 10m from the water’s edge on the southern and eastern side, but it is only 6m at its narrowest point on the northern side. The Report states this is due to the natural confinement of the site and that if it were 10m on the northern side, the proposed building would have an irregular shape. The proposal is therefore not compliant with 9.2.1 of the ZBL.

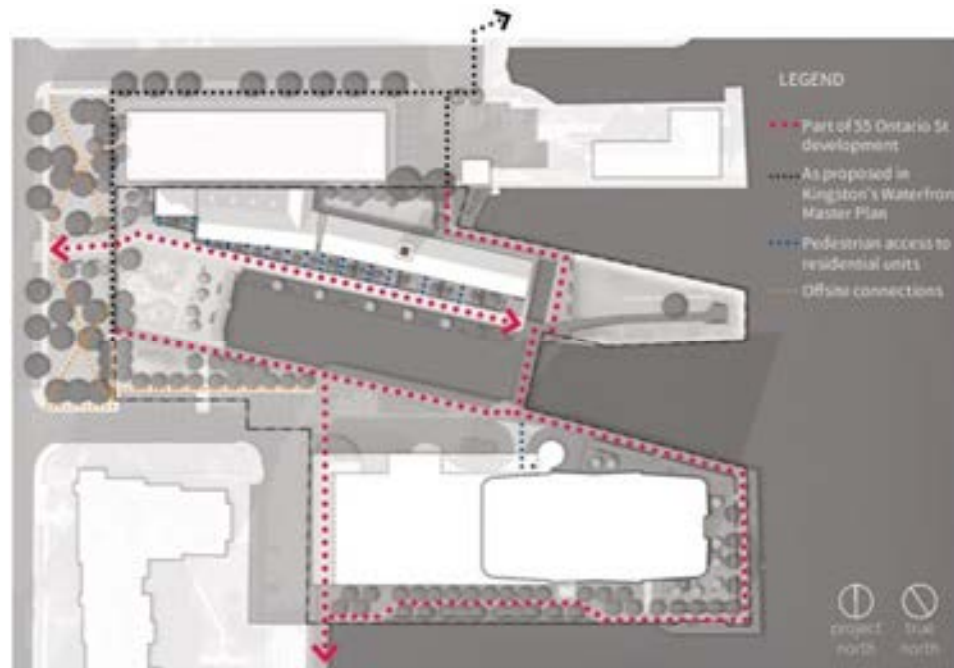


Figure 9: Waterfront walkways (Source: ERA Architects)

The proposed building footprint needs to be modified so it provides a 10m, publicly accessible buffer around the building to ensure compliance with the 10m setback from the water's edge and provide a 10m public walkway.

2.1.2.2 Colonnade

An additional element of the walkway is the inclusion of a colonnade along the western side of the proposal. The requirements for a pathway in the ZBL only apply to waterfront pathways. While this pathway forms part of the 'Waterfront Trail' it does not abut any part of the waterfront. As a result, it does not need to meet the requirements of waterfront pathway widths as outlined in the ZBL definition.

The Report says that it provides a "minimum 3-metre wide multi-modal trail, featuring differentiated paving". This walkway provides weather protection and follows on from the existing trail, maintaining the same widths as the existing pathway it connects to. The Report states that the wall along the inside of the Colonnade will be used as a space to showcase local art and this serves as a way of creating visual interest and activating the public realm along this pedestrian path. This avoids blank walls and results in a positive urban design outcome.

However, as stated in the discussion around massing, the ground floor would benefit from mixed use to provide better visual interest and encourage activity along the base of the building. This would aid in the breakup of the building's massing.

2.1.3 Amenity Space

The UD Report and the Planning Rationale indicate that a total of 7,270m² of amenity space is being proposed based on the amenity space standards of 10m² for every 1 bedroom unit and 35m² for every 2 bedroom unit.

However, the Amenity Area Review Study and resultant amendments to ZBL 96-259 require that only 10m² of amenity space should be provided for each residential unit on a lot (Section 5.5.1). If the new standards are applied then 2,920m² of amenity space needs to be provided within the development.

The proposal provides 4,613.78m² of amenity space. This is in the form of a series of dedicated amenity spaces on the ground floor. There is space set aside for potential game rooms, party rooms, library, theatres and lounges, as well as some private patios, as shown on Figure 10. There is also space identified on the 20th floor where there are additional party rooms, a library, games room, a lounge and 2 terraces.

While the current proposal can be commended for providing 1,693.78m² more amenity space than would be required, this has an impact on the building's footprint and resultant urban design since much of the amenity space is located at the ground floor, and the tower follows the building line from the ground floor up. This is a particular concern because the position of the building on the site, as well as the placement and amount of amenity space, contribute to the building's encroachment into the 10m waterfront trail and 10m setback from the water's edge.

The amenity space provided should be reduced to aid in addressing the aforementioned issues with insufficient walkways and the building's floorplate/massing.

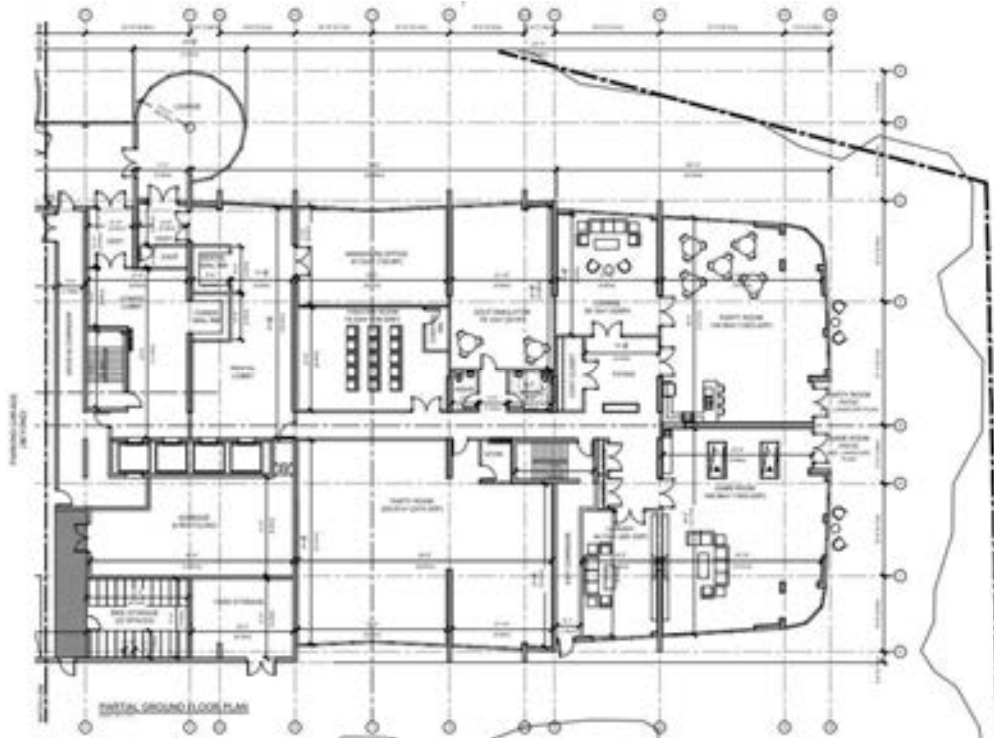


Figure 10: Ground floor floorplan showing amenity area (Source: Hanna, Ghobrial and Associated LTD)

In addition, section 5.5.2 of the ZBL has communal amenity area size requirements. It states that “if provided as communal space, (amenity areas) must be aggregated into one area or grouped into areas of not less than 54.0 square metres.” The proposal meets these requirements for all amenity spaces, apart from the library on the ground floor which is 44.74m², and it is anticipated that this will be resolved in the updated design addressing the above-noted issue with the building floorplate.

2.1.4 Emergency Access

The Report proposes the creation of an access route through the existing Navy Memorial Park from Ontario Street, as shown in Figure 11. Section 3.2.3 of the Report states that the fire route through Navy Memorial Park will “feature a differentiated paving treatment to give it the appearance of a pedestrian plaza, thus deterring other vehicles from entering the site. Retractable decorative bollards (or similar) may also be used to control access.” The route is only 6m wide, and below the required 20m standard width for emergency vehicle access as stated in Section 4.6.22 of the OP.

Navy Memorial Park is a City-owned park, and the OP provides strict guidance in Section 3.8.9, as follows:

“Municipal open space must not be sold or removed from the open space system unless extenuating circumstances warrant its disposal, and the City holds a public meeting prior to the disposal of any such property.”

It does not appear that there are extenuating circumstances that warrant the creation of an emergency access through Navy Memorial Park. The Pump House site can be accessed from Lower Union Street and it is common practice that the emergency route for a development be located on site. The Park should remain unaltered and the access route located in a way which does not impact the existing layout of the park.

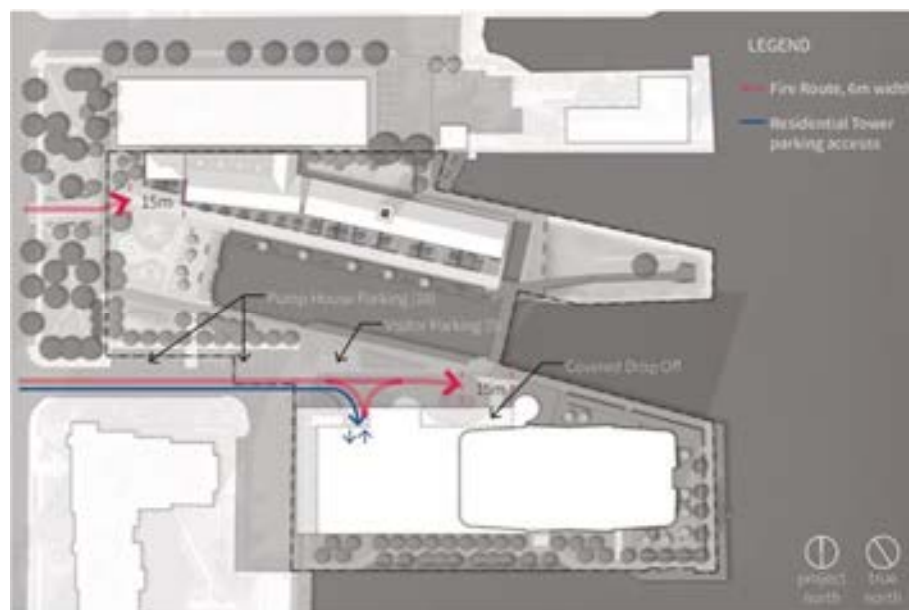


Figure 11: Proposed vehicle access through the Navy Memorial Park (Source: ERA Architects)

2.1.5 Car Parking

For this specific proposal, car parking requirements have implications to the urban design of the development. The proposal has 292 units and is required to provide one car parking space per unit, as stipulated in Section 5.22.5.2 of the ZBL. The proposal provides 333 spaces which is 41 spaces more than the minimum requirement.

This excess of additional car parking means that more space is given to the car parking podium than is necessary. As a result, this has an influence of the overall footprint, scale, and massing of the building's podium which is all car parking.

Reducing the car parking spaces to the ZBL minimum requirement provides an opportunity to reduce the size of the building footprint, and potentially improve the podium's scale and massing, as well as possibly opening up space that would allow the building to be compliant with the waterfront trail requirement and setback from water's edge requirement.

2.2 Urban Design Issues and Recommendations

Moving forward, the following series of recommendations are suggested to address the issues mentioned above. These are made in reference to policy, the ZBL and other relevant identified documents.

Issue	Kingston OP	Zoning By-law	Design Guidelines for Residential Lots
<p>Height / Massing / Protected Views</p>	<p>2.7.1 – the term compatible means 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, methods of buffering, massing, or other means of providing transition that are able to successfully address undue adverse effects.</p> <p>2.7.2 - Only proposed land use changes that are compatible, or can be made compatible, with surrounding sites and land use designations will be approved.</p> <p>2.7.3 - Adverse effects created by one land use on another, or one building on others may include, but are not limited to: j) architectural incompatibility in terms of scale, style, massing and colour</p> <p>2.7.4 – all proposed land use changes will be required to be implemented in a manner that either eliminates or minimizes to an acceptable level any adverse effects on adjacent sites and surrounding land use designations</p> <p>2.7.6 – mitigation measures between sites with different land use designations and between residential uses of different density will include one or more of the following measures:</p> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; d. designing the building in a way that minimizes adverse effects; e. maintaining mature vegetation and/or additional new landscaping requirements. <p>3.3.C.2 - The analysis must address the location of the project. Generally, high density residential projects will be located: a) on the periphery of a low or medium density residential neighbourhood</p> <p>3.3.C.3 – new high density residential projects must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this Plan.</p> <p>3.3.8 – intensification through moderate increases in building height or density, and gradual transition to more intense forms of housing may be approved at the edge of neighbourhoods, adjacent to transit routes, community facilities, significant areas of open space or adjacent to mixed-use centres and corridors.</p>	<p>9.2 – within a harbor zone, no land shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used except in compliance with the applicable regulations contained in Section 5 of the General Provisions, the regulations set out in Table 9.2, and as specified below.</p> <p>Table 9.2 – Maximum Building Height – 2 storeys, not to exceed 10.7 m (35 ft).</p>	<p>5.1 – a) Determine context-sensitive height and massing for residential development and redevelopment through careful site analysis, including consideration of adjacent properties, land use and transit access. c) Consider compatibility with local community character, including building style, form, colour, material and roofline.</p> <p>5.3 – a) incorporate appropriate height transitions, especially when higher density areas are located next to low density areas. Mitigate potential negative impacts such as an overbearing visual presence, overshadowing and overlooking by using building form and appropriate setbacks such as stepping back upper floors of buildings over 4 storeys to maintain a human scale along the sidewalk and to reduce shadow and wind impacts on the public street. f) encourage the integration of a 3-4 storey building base with a step-back above to control the overall massing of the building, minimize shadow impacts on adjacent properties, provide a transition to adjacent residential communities and create additional outside amenity areas (e.g. rooftop gardens). The building base should be highlighted by architectural elements such as entrances, awnings, large areas of glazing and retail opportunities, to create a pedestrian-scaled streetscape.</p>

Issue	Kingston OP	Zoning By-law	Design Guidelines for Residential Lots
	<p>8.3 – The City maintains or enhances the character of valued streetscapes, community areas and landscapes through the following measures:</p> <ul style="list-style-type: none"> a. preserving human scale in locations that are pedestrian-oriented by controlling building heights, requiring step-backs, having entrances at street level, and other means as appropriate <p>8.4 – The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of historic or cultural significance ... 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 ... <p>8.6 – 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>Recommendations</p>	<p>While the OP and ZBL states that there is a 2 storey maximum height limit for development along the waterfront in the HR zone, there is clearly an emerging higher built form along the waterfront. While this is the case, a taller built form still needs to have a limited impact on neighbouring areas for it to be justified. While the proposal has no significant overshadowing issues, it does present as an issue when considering the protected view down Lower Union Street. Although the proposal does not impede upon a direct view to the water, its presence would overtake the skyline of the adjacent heritage district and does not create an appropriate transition between the Old Sydenham Heritage Conservation District neighbourhood and the subject site. As per the OP (Section 8.6 (d)), these adjacent views must be protected. Based on the visualization in Figure 6, reducing the building’s height by 7 to 12 stories is recommended since this would remedy issues with the viewshed/skyline intrusion of the tower when viewed down Lower Union Street and align it with the height of the existing buildings along Lower Union Street.</p> <p>Alternatively and preferably, it is suggested that the tower’s floorplate be reduced so that the overall massing of the tower does not dominate the skyline as significantly. The podium also needs to be reduced to create a true tower-podium relationship.</p> <p>The existing massing of the building does not present a suitable transition between the low-rise Sydenham neighbourhood and the proposed tower. Reducing the height serves to create a better transition in heights and therefore improves the massing while reducing the floorplate results in a more slender massing that is preferable. The following remedies are recommended:</p> <ul style="list-style-type: none"> • As noted above, reduce the height of the building; and/or, • Reduce the floorplate of the tower and podium; and, 		

Issue	Kingston OP	Zoning By-law	Design Guidelines for Residential Lots
	<ul style="list-style-type: none"> • Incorporate setbacks from the podium up to the tower to address massing/transition in height; and, • Wrap the podium around the entire base of the building; and, • Activate the ground floor with mixed use to address the large blank wall. 		

Issue	Kingston OP	Zoning By-law	Kingston Waterfront Master Plan
Walkways / Waterfront	<p>3.9.2 – increasingly, the benefits of shoreline protection and re-vegetation to protect all waterbodies are recognized. Public and private agencies, as well as residents, are encouraged to protect this “ribbon of life” along the waterfront. New development must be set back a minimum of 30 metres from all waterbodies, and this “ribbon of life” area must be maintained with non-disturbance of soils and vegetation. In some cases, the area may be re-vegetated in order to protect the quality of the waterbody.</p> <p>3.9.3 – The feasibility of establishing the 30 metre “ribbon of life” is to be assessed as part of any waterfront development proposal and any shoreline or remediation work, but may be modified or exempted under the following circumstances:</p> <p>b. to allow improvement and extension of existing trail systems including the waterfront pathway and the Lake Ontario Waterfront Trail in a manner which is sensitive to impacts on contiguous waterbodies</p> <p>3.9.8 – The City is committed to the maintenance and improvement of the Waterfront Pathway ... 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, waterfront views, heritage focal points, the great Cataraqui Marsh, and Little Cataraqui Creek Wetland Complex</p> <p>3.9.9 – The City supports the maintenance and improvement of the Lake Ontario Waterfront Trail ... 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>9.2.1 – notwithstanding any provisions of this By-Law to the contrary, within the HR Zone, the minimum required distance between the water’s edge and the nearest part of any land based building or structure shall be 10.0 metres.</p> <p>9.2.2.1 – The minimum width of a waterfront pathway shall be 10.0 metres</p> <p>9.2.2.2 – All waterfront pathways shall be designed so that they are open and uncovered from the ground to the sky.</p>	<p>Focus Area 5</p> <p>Possible improvements include:</p> <ul style="list-style-type: none"> - Widening of pathway to create a promenade which facilitates multi-use - Enhanced connections between sections of pathway - Enhancements to existing waterfront parks and spaces <p>Privately owned waterfront and on street connections are key obstacles/opportunities for cooperation in creating a complete waterfront pathway network in this area.</p>
Recommendations	<p>The proposal is not located far enough away from the water’s edge as per the requirements in the ZBL. It is complaint in some areas but it does not fully meet the minimum 10m setback. It also does not provide enough space to accommodate the minimum 10m wide walkway around the entire perimeter of the building. It is therefore recommended that the building footprint is redesigned to achieve these remedies:</p> <ul style="list-style-type: none"> • Move the building footprint to ensure compliance with the 10m waterfront setback • If the proposed outdoor private amenity space is to be retained in its general location, then further adjust the building footprint so that the private amenity space does not encroach into the 10m wide walkway width around the perimeter of the building. 		

Issue	Kingston OP
Emergency Access	<p>3.8.9 - Municipal open space must not be sold or removed from the open space system unless extenuating circumstances warrant its disposal, and the City holds a public meeting prior to the disposal of any such property.”</p> <p>4.6.9 – Cycling routes and pathways - it is the intent of the City to designate and develop bicycle routes and pathways on City street, walkways, and in public open space area to encourage cyclists to travel within the City. Such routes and pathways will be generally developed using the broad framework of routes shown on Schedule 5, and on the basis of the following principles: e) any cycling facilities are designed with regard to safety, emergency access, and maintenance functions.</p> <p>4.6.22 – a 20 metre right-of-way for roadways is needed for emergency vehicle access.</p> <p>8.2 – The City promotes the provision of barrier free access and safety through the review of development proposals, construction of public works, or the preparation and approval of area plans by: (b) improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-travelled areas, and ease of accessibility for emergency personnel or vehicles.</p>
Recommendations	<p>Access to the Pump House and Dry Dock area through Navy Memorial Park is proposed for this development. However, there are no extenuating circumstances that warrant an access driveway through the park. It is recommended that access be provided at another point of egress, and the following specific remedy be considered:</p> <ul style="list-style-type: none"> • Provide emergency access from Lower Union Street

Issue	Zoning By-law
Car / Bike Parking	<p>5.22.4.2 – all off-street parking areas shall be provided with adequate means of ingress and egress to and from a street or lot and shall be arranged not to interfere with the normal public use of a street.</p> <p>5.22.4.3.1 – the minimum parking space dimensions for parking spaces shall be as illustrated in the following table: 90 degree parking alignment Width – 2.75m Length – 5.8m Aisles – 6.0m</p> <p>5.22.5.2 – residential parking ratios – dwelling containing 3 or more units or a row dwelling – 1 per unit</p> <p>5.22.8.1 – bicycle parking ratios – multiple dwelling or converted dwelling – 1 space for each unit within a bicycle parking area</p>
Recommendations	<p>It is recommended that the car parking be reduced to the minimum number of required spaces. This will allow for several design elements to be addressed. It will allow more space to meet the bike parking requirement, provide the possibility of reducing the building footprint to create a larger setback from the water edge, allow for a reduction in the building’s scale and massing, or aid in creating space to reduce the height of the building to accommodate additional dwellings.</p>

3.0

Heritage Impact Statement Peer Review

This peer review considers whether the Heritage Impact Statement prepared by ERA (HIS Report) might have missed any potential heritage impacts associated with the proposed development of 55 Ontario Street and 5 Lower Union Street. The property has national and local cultural heritage value confirmed through multiple reviews (Historic Sites and Monuments Board of Canada, Federal Heritage Buildings Review Office, Commemorative Integrity Statement and municipal by-law under the *Ontario Heritage Act*). This review of the HIA-ERA considers impacts and mitigation opportunities using guidance provided by the Standards and Guidelines for the Conservation of Historic Places in Canada (SGCHPC), the Ontario Heritage Toolkit issued by the Minister of Tourism, Culture and Sport, sections of Kingston's Official Plan (OP), the City of Kingston Design Guidelines for Residential Lots, and the Old Sydenham Conservation District Plan.

The review begins by outlining the history of the heritage place and identifying heritage values and attributes assigned through previous evaluations and studies. For the assessment of negative impacts on cultural heritage values and heritage attributes, the review follows the approach used in the HIS-Report by measuring impacts through the application of a by applying the set of criteria outlined in the Ontario Heritage Toolkit. The criteria are:

- Destruction of any, or any part of any, significant heritage attributes or features;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- Shadows created that alter the appearance of a heritage attribute or change the viability of an associated natural feature or plantings, such as a garden;
- Isolation of a heritage attribute from its surrounding environment, context or significant relationship;
- Direct or indirect obstruction of significant views or vistas within, from or if built and natural features;
- A change in land use (such as rezoning a church to a multi-use residence) where the change in use negates the property's cultural heritage value;
- Land disturbances such as a change in grade that alters soils and drainage patterns.

3.1 Heritage Significance

3.1.1 Site History

The Kingston Dry Dock National Historic Site of Canada, which is also designated as a municipal heritage property, was built in the late 19th century by the Government of Canada. It was required to reinvigorate shipbuilding and marine services in Kingston, a city whose history and economic fortunes were connected to its logistical and military value within St. Lawrence-Great Lakes marine transportation system. The decision to build the dry dock was made while Sir John A. Macdonald was Prime Minister of Canada and the Member of Parliament for the Kingston area. His influence was a factor that led to choosing Kingston, over other Ontario communities, as the location of the dry dock. At the time of its construction, business was being lost to American ship repair facilities throughout the Great Lakes and

St Lawrence, including a nearby dry dock in Oswego, New York, which threatened an important industry and employer in Kingston.

The federal government leased the property to private interests in the early 20th century, but it was the major customer for work on military vessels in and between both world wars. The dry dock’s value ended with the opening of the St. Lawrence Seaway in 1959 that permitted much larger ships than those that could be serviced at the Kingston Dry Dock to travel along the waterway.

The federal government had planned to remove the dry dock and demolish buildings in 1968 but plans stopped. In 1976 the property was leased to the Department of Public Works and Government Services as the the location of the Marine Museum of the Great Lakes. The Kingston Dry Dock was designated a National Historic Site in 1978 by the Historic Sites and Monuments Board. It was designated in 1984 (By-law 84-65) under the *Ontario Heritage Act* while the property was still owned by the federal Crown. The by-law was amended (By-Law 2007-219) to conform to the requirements of the new *Ontario Heritage Act*.

3.1.2 Heritage Designation

3.1.2.1 Federal Designation

The Kingston Dry Dock was designated a National Historic Site of Canada (NHSC) in 1978 based on its role in shipbuilding on the Great Lakes. See Section 3.1.3 of this report for the complete Statement of Significance.

3.1.2.2 Provincial Designation

55 Ontario Street and 5 Lower Union Street are was designated under Part IV of the Ontario Heritage Act (OHA) in 1984, with its designation by-law amended in 2007 by City of Kingston By-Law No. 2007-219. The property is designated for its physical/design features, its historical associations, and its contextual values.

3.1.2.3 Adjacent Heritage Resources

The Old Sydenham Heritage Conservation District is located in close proximity to 55 Ontario Street, at the southwest corner of Ontario Street and Lower Union Street. The Old Sydenham HCD was designated under Part V of the OHA in 2015.

3.1.3 Kingston Dry Dock - National Historic Site of Canada - Statement of Significance

Below is the *Statement of Significance* for the Kingston Dry Dock pertaining to its designation as a National Historic Site of Canada.

3.1.3.1 Description of Historic Place

Kingston Dry Dock National Historic Site of Canada is located on Mississauga Point, part of the Kingston waterfront on the St. Lawrence River. It now forms part of the Marine Museum complex. The Kingston Dry Dock was an important repair facility for ships and provided dry working access to the exterior of a

vessel below the waterline. The long, rectangular-shaped dock has stepped sides that rise 9.1 metres from its bed. The original Dry Dock had an inner invert width of 16.8 metres and a floor length of 85.3 metres. Both the walls and bed of the dock are constructed of limestone. The dock was subsequently lengthened to 115.2 metres using concrete. The dock gate or floating caisson is seated in a rectangular berth set at right angles to the Dry Dock entrance. The caisson is built of steel in the shape of a rectangular box with parallel sides and inclined ends. Along each side of the caisson berth are heavy cast iron rollers placed at intervals, on which the caisson rests and travels when being moved. Steps at either side of the entrance provide access to the dock floor. Official recognition refers to the geographically definable location, which is circumscribed by boundaries.

3.1.3.2 Heritage Value

Mississauga Point was for over 150 years the site of major shipyards when Kingston was one of the important ports and ship building centres on the Great Lakes. The significance of the shipping industry led the federal government to construct this Dry Dock in 1890. Initially operated by the Department of Public Works as a repair facility for lake vessels, it was enlarged and leased in 1910 to the Kingston Shipbuilding Company; the first of a series of private companies, which operated the shipyards until 1968. During the Second World War naval vessels, notably corvettes, were built in this shipyard.

3.1.3.3 Character Defining Elements

- The location on Mississauga Point facing the St. Lawrence River, on the Kingston waterfront;
- The long, rectangular dock with 9.1 metres high stepped sides, the inner invert width of 16.8 metres, the floor length of 85.3 metres in smooth dressed limestone with a matching 29.9 metres extension in concrete resulting in an overall length of 115.2 metres, and the dock's overall form, construction and finish;
- The steel caisson, or dock gate in the shape of a rectangular box with parallel sides, inclined ends and internal watertight compartments that allowed for vertical and lateral movement according the amount of water contained within, and the mechanism for moving the gate;
- The heavy cast iron rollers placed at intervals, each side of the caisson berth upon which the caisson rests, and on which it travels when moved;
- The 7.3 metres long rudder well in the floor of the dock at the lake end, and the steps at either side of the entrance that provide access to the dock floor, and the cast iron mooring parts; the stone Pump House including evidence of original functional plan and remaining operating mechanisms including pumps, engines, and interior finishes associated with its operational period including the wooden panelling, wainscoting, and metal walkways;
- Aspects of the Pump House characteristic of industrial architecture of its time, such as solid limestone construction, regularly placed windows, prominent stone chimney, decorative cast iron posts, and the combined use of wood and iron structural features;
- The industrial nature of the two other buildings, their surviving materials, volumes, openings and finishes, and their proximity to the Pump House and Dry Dock;

- The open area surrounding the Dry Dock and Pump House previously used as working space; the integrity of any surviving offshore underwater archaeological remains; and
- The views across the lake.

3.1.4 Kingston Dry Dock - National Historic Site Commemorative Integrity Statement

The Kingston Dry Dock was the subject of a Commemorative Integrity Statement (CIS) prepared by Parks Canada in 2008 when the property was still in federal ownership. Several parties were involved in the preparation of the CIS – Parks Canada, Marine Museum of the Great Lakes, City of Kingston, PWGSC, and an archaeologist from the Cataraqui Archaeological Research Foundation. The CIS is a particular type of document that is focused tightly on heritage values and attributes of national significance as identified in decisions made by the Minister responsible for Parks Canada on the advice of the Historic Sites and Monuments Board of Canada. Other parties participated in the CIS for the Kingston Dry Dock specifically because Parks Canada was aware of the site's local heritage value as demonstrated in the preparation of a heritage designation by-law for the site in 1984 and the public profile of the property due to its use as a museum and its physical presence along the Kingston waterfront. The CIS distinguished buildings and structures from the 1890 to 1910 period that were related to the national commemoration from buildings and structures of all periods that were of value in a local context.

3.1.4.1 Nationally Significant Heritage Resources

- The engine house (the original pump house)
- The caisson gate and chamber
- The original section of the dry dock
- The east and west wharves
- Docking and repair structures
- Views to the property from land and water
- Sight-lines across the property
- The purposely conceived outline of the shipyard

3.1.4.2 Other Heritage Resources

- Machine shop
- Storehouse
- Workshop
- Bollards
- Extension to the dry dock
- Side-launch area
- Remnants of the crane track

The CIS recognized that the above list of other heritage resources were valued due to their association with shipbuilding at Kingston, the connection of the site to Kingston's role in the Second World War, and

the way in which the site communicated the skill, planning and execution of public engineering works in the 19th century.

3.1.5 Designation under Part IV of the Ontario Heritage Act - By-Law 2007-219

After it's recognition as a National Historic Site, 55 Ontario Street and 5 Lower Union Street were designated under Part IV of the Ontario Heritage Act based on its physical design features, historical associations and its contextual values. Below are the Heritage Attributes that contribute to its heritage value.

3.1.5.1 Physical/ Design Attributes

- The complex as a whole, particularly the original pump house, gate, drydock and related constructions which operated as a coherent unit.
- The long low gable-roofed rough faced limestone pump house (103'6" by 33' 31/2").
- The original 90 foot tall square chimney, which has a 15 foot square pyramidal base with its chambered quoined corners and large corbelled lip.
- The internal division of the pumphouse into a tripartite arrangement of space, which originally held the dynamo, boiler and engine.
- The 39 foot ventilator on the roof peak overtop of the original location of the boiler room.
- The interior of the pump house with its wainscoting of 2 1/2 inch V joint panelling and full panelling in the former dynamo room.
- The pump house's original regularly spaced windows and door openings, with their semi-circular headed arches.
- The steel truss 35' (" by 86' 2" additional built c. 1915 with its pressed metal covering designed to emulate masonry and its long low design reflecting the original pump house section.
- The small concrete block building built in 1918 and the 1942 30' by 106' 4" rectangular wooden truss structure which contribute to the overall understanding of the property as an industrial site.
- The drydock with its original limestone section with granite corner quoins, the gate equipment which exists in situ, and the subsequent additions.

3.1.5.2 Historical/ Associative Attributes

- The recognition of the property by the Historic Sites and Monuments Board as well as FHBRO as having national importance.
- It's representation of an important theme in Canadian history; the late 19th century public efforts to upgrade the level of services to St. Lawrence River and Great Lakes shipping by upgrading facilities to accommodate the largest ships of the time.
- It's role as a surviving example of Kingston's industrial past and role in the transshipment industry which existed prior to the construction of the St. Lawrence Seaway.
- Its reflection of the shipbuilding tradition, which has existed in Kingston since the 1670's.

- Its association with the total mobilization of Canadian Society and industry during the Second World War when the shipyard built corvettes.
- Its direct association with the Mississauga First Nation.
- Its direct association with the military history of Canada and with the War of 1812.
- Its associations with several persons and businesses of national, provincial and local significance including Richard Cartwright, Richard Drummond, John Counter, Henry Guidlersleeve, Mrs. Thomas Cassidy, John Carruthers, William Powers, Henry Perley, Public Works Canada and the Marine Museum of the Great Lakes.
- Its association with the first Capital of Canada when the buildings of the Marine Railway were leased to the first Parliament for the uses as offices.
- It's high potential to reveal information about the history of Kingston through terrestrial and marine archaeological resources.

3.1.5.3 Contextual Attributes

- Its visual historic and functional relationship to the waterfront and to Ontario Street.
- Its role as a landmark to the people of Kingston.

3.2 Heritage Analysis

3.2.1 Destruction of Heritage Attributes

3.2.1.1 Pump House and Adjacent Heritage Structures

The proposed adaptive reuse of the Pump House and adjacent structures includes the retention of the engine room, the modification of the roof, windows and doors as well as adding new partitions to accommodate the proposed residential function. The interior partitions proposed for the original Pump House should be reconsidered as they alter the tripartite internal division of space that narrates the site's industrial heritage. The original pump and steam engine should remain in situ. More detailed drawings and information would be required to understand the extent of the changes to the exterior of the building as well as the legibility of the additional changes, such as the proposed dormer windows and alterations to existing window openings. Contrary to the argument made in the HIS Report, the changes proposed should be considered as permanent. As explained in the Standards and Guidelines (Standard 12), the removal of integral built-in historic elements, such as windows, doors and walls, are not reversible.

Additional buildings on the site, including the machine shop (1915), storehouse (1918), and pipe bending shop (1941-2) are considered heritage attributes for both federal and municipal designations. It is recommended that any changes to their exteriors are in keeping with the site's overall heritage character. Again, elevations and details are required to understand the level of intervention intended for these buildings.

3.2.1.2 Dry Dock

Proposed elements that have the potential of impacting the site's industrial heritage are the pedestrian bridge planned for over the Caisson Gate and Chamber, the floating dock on the North side of the Dry Dock, and the interpretive play area to infill the 1929 dry dock extension. When considering these interventions, it is crucial that they be integrated with minimal intervention and are distinctive yet compatible, in keeping with Standards 9 and 12 of the SGCHPC. The proposed pedestrian bridge should highlight the Caisson Gate's original functionality including its operability, design, and materials as a way for the public to understand the workings of the original dry dock facility. The proposed floating dock should be fully reversible and not only function as a recreation area but also educate visitors on the purpose and functionality of the dry dock. The overall form, materiality and interpretive strategy of the waterplay area should be thoughtful and reflect the dry dock's role within the overall site. In general, each of these interventions needs to thoughtfully articulate the site's industrial heritage while integrate thoughtfully with the existing character defining elements.



Figure 12: View of site showing the Dry Dock, steel caissons, original stone Pump House and chimney as well as attached industrial heritage buildings (Ontario Plaques).

3.2.1.3 Tower and Podium

The proposed 20 storey tower and 5 storey podium are located south of the Dry Dock on the West Wharf. Originally designed as large, artificially filled open work areas, both the East and West Wharf contribute to the industrial character of the site, providing an understanding of the workings of a shipbuilding facility from this era. While the proposed interventions for the East Wharf appears to respect the heritage character of the industrial space, the proposed tower and podium are completely out of context, not only erasing the West Wharf's industrial heritage but also contextually disconnecting the Pump House and East Wharf through its expansive height and position so close to the water's edge.

As stated in the *Statement of Significance* for its federal designation, the site's location on the St. Lawrence River, known as Mississauga Point, is considered a character defining element along with contextual views and sight lines across the property. As the site's heritage value is based on location and context, guidelines relating to protecting visual relationships within the cultural heritage landscape should be adhered to. A cultural heritage landscape is defined as:

"a property or defined geographical area of cultural heritage significance that has been modified by human activities and is valued by a community. These activities or uses may be key to the cultural value, significance and meaning of this landscape. Examples may include, but are not limited to: heritage conservation districts (designated under the Ontario Heritage Act), villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, shrines and special spiritual places, aboriginal landscapes, trails, views, vistas, view corridors, land-use patterns, traditional agricultural lands and industrial complexes of cultural heritage value."

Section 4.1.5 of the SGCHPC provides guidelines for protecting *Visual Relationships in Cultural Heritage Landscapes*. Guideline 15 emphasises respecting historic visual relationships when designing new features in and/or adjacent to heritage properties, including maintaining proportions, densities, ratios of open space to building mass and protecting significant views or vistas as well as not dominating the surrounding heritage context. Based on these recommendations, we feel that the proposed tower overwhelms the cultural heritage landscape due to its bulky massing, overpowering height and close proximity to the waterfront, altering the relationship of the heritage site to the waterfront by obstructing southern views and impacting the overall built scale. This impact would be mitigated by reducing the tower's overall footprint, creating a leaner massing, incorporating additional setbacks to create height transitions, reducing the tower's overall height, and pulling the tower's footprint away from the waterfront.

While the Old Sydenham Heritage Conservation District is not directly adjacent to the development site, the proposed size and scale of the 20 storey tower does negatively affect two of the District's character defining elements: Views down streets to the lake, to the park and to the downtown; and the district's compact scale of predominantly 2-3 storey buildings. As discussed in Section 2.1.1.2 of this report, while no specific significant view is directly impacted, the tower does feature quite prominently in the skyline adjacent to the view line along Lower Union Street. As a result, the proposed 20 storey height of the building does obscure the view in a substantial way. (Refer to image 6). In terms of scale, as discussed in section 2.1.1 of this report, the District Guidelines for Residential Lots state in Section 5 that new developments should ensure they are "context sensitive" to height restrictions, including for adjacent properties and land use and should incorporate appropriate height transitions, especially when higher density areas are located next to low density areas. Reiterating the arguments made in Section 2.1.1.2 of this report, in order to respect the character defining elements of the Old Sydenham Heritage Conservation District regarding significant views and overall scale, the overall height and massing of the proposed tower should be reduced by 7-12 storeys in order to create the recommended transition in height between the heritage conservation district and the proposed development.

3.2.1.4 Overall Heritage Value

As described in the *Statement of Significance*, the site's overall heritage value lies in its association with the federal ship building industry for over 150 years. As such, there needs to be an in-depth commemorative interpretation strategy integrated into the overall project scheme in order to safeguard against losing the site's industrial heritage. Based on the current design plans, the proposed functions focus solely on residential and recreational functions, with few concrete instances of interpreting the site's history. We agree with the recommendation in the HIS report that tangible interpretive strategies should be integrated throughout the adaptive reuse proposal. See Section 6.4.3 Interpretation Strategy in the HIS Report for the various layers of heritage significance that need to be integrated into the proposal's programming.

3.2.2 Compatibility with Heritage Fabric and Appearance

3.2.2.1 Pump House and Adjacent Heritage Structures

Both Standard 11 of the SGCHPC and Guideline 5.4 b) of the Guidelines for Residential Lots promote a compatible yet distinguishable relationship between a new addition/intervention and the existing heritage context. In general, the proposed rehabilitation of the Pump House and adjacent buildings has the potential to follow an approach of minimal intervention, by maintaining the overall height and massing of the heritage structures when integrating new uses. However, as stated in section 3.2.1.1, the drawings provided do not adequately describe how the proposed intervention will impact the exterior of the buildings or interact with existing character defining elements. It is recommended that drawings outlining basic conservation strategies and proposed alterations be provided in order to better understand the overall rehabilitation project and the compatibility of any new additions with the existing heritage structure.



Figure 13: Floor plan showing adaptive reuse of heritage Pump House (Hanna, Ghobriel and Associates LTD)

3.2.2.2 Dry Dock

The interventions proposed for the Dry Dock and surrounding landscape are clearer in their intent, and appear to be compatible yet distinct. Based on the landscape plan provided, it appears that all new elements have the potential to commemorate without overwhelming the original industrial character of

the site. However, as stated in section 3.2.1.2, new elements, such as the pedestrian bridge proposed for caisson gate, the interpretive play area, as well as the floating dock need to be integrated not only in a thoughtful, minimal fashion, but also honour the site's role as a significant federal ship building facility.

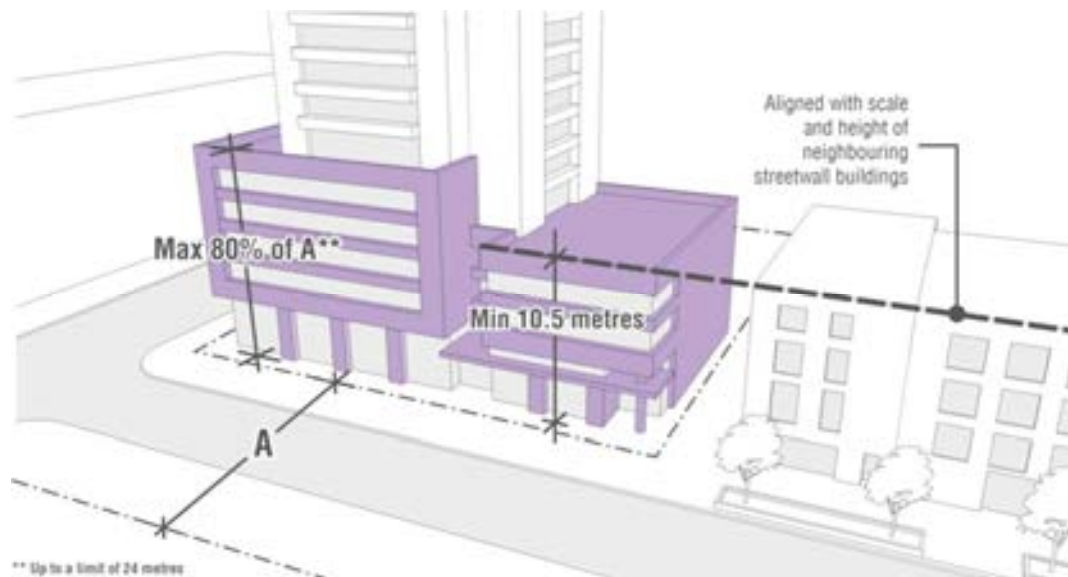


Figure 14: Graphic showing ideal scale of base building (Toronto Tall Building Guidelines)

3.2.2.3

Tower and Podium

While the HIS Report states that the tower's parking podium has been designed to be compatible with neighboring heritage resources in terms of scale, articulation and materiality, it is assessed that the design of the podium (or base building) requires further refinement to better integrate with the heritage character of the National Historic Site. As previously stated, PPS 2014 recommends that any new development should respect the heritage attributes of adjacent heritage properties. The intent of the base podium to break up the building's massing is understood; however, the impact of its 5 storey massing should be reduced, as discussed in Section 5.4 consideration b) of the Design Guidelines for Residential Lots which encourages to "use a complementary scale, massing, and height for the development of new buildings and renovations to protected heritage properties." As the intent of the podium is to ground the large tower and relate it to the heritage buildings, its scale needs to be addressed by breaking up the facade with further setbacks and adding additional architectural details that further assist in relating it in terms of scale to the neighboring heritage buildings. The base podium should, in addition, wrap around the entirety of the podium, grounding the overall structure.

As previously stated, the design of the 20 storey tower requires a complete redesign in the terms of placement, massing and overall design strategies in order to better integrate the heritage character of the National Historic Site. While it is understood that the placement of the tower's footprint was intended to minimize shadowing, we disagree with the assessment in the HIS Report that its placement minimizes its impact on the surrounding heritage fabric. It is our assessment that the tower's positioning in combination with its dominating height and massing overwhelms the built heritage's relationship to

its context and overpowers the low profile of the industrial site. As previously stated in Section 4.1.5 of the SGCHPC, it is not recommended to "introduce a new feature that alters or obscures the visual relationships in the cultural landscape, such as constructing a new building as a focal point."

While they do not apply to the development site, the Toronto Tall Building Guidelines can offer sound recommendations when considering guidelines from constructing tall buildings adjacent to heritage sites:

- Design new base buildings to respect the urban grain, scale, setbacks, proportions, visual relationships, topography and materials of the historic context;
- Integrate the existing heritage character into the base building through high-quality, contemporary design cues;
- Provide additional tall building setbacks, stepbacks and other appropriate placement or design measures to respect the heritage setting; and
- Ensure consistency with applicable heritage requirements.

Based on the above guidelines, the tower and podium should not only be compatible with the surrounding historical context, they should also exude high quality design cues that will ultimately make the overall project reflect the site's importance. The tower's design should bring innovation and dynamism to the site while drawing design cues from its surrounding context. The tower's overall height should be reduced while its base should be pulled away from the waterfront in order to reduce its dominance over the heritage site and respect the surrounding context. Its footprint should be reduced and massing narrowed to further reduce its impact. Setbacks and stepbacks should additionally be employed to not only reduce the tower's dominance over the landscape and surrounding heritage assets, but also add design interest to the overall proposal.

3.2.3 Shadowing

It is understood that the proposed tower has been designed to minimize shadowing on the adjacent National Historic Site as well as proposed public areas and the neighboring Navy Memorial Park. As stated in section 2.1.1.1 of this report, based on the shadow studies provided it is clear that shadows have been minimized based on the placement of the tower on the eastern most edge of the property.

3.2.4 Isolation of Heritage Attributes

3.2.4.1 Pump House and Dry Dock

The overall proposal for the National Historic Site attempts to reintegrate the site into its immediate context through the addition of new landscape features and outdoor public spaces. It appears that the relationship between the Pump House and Dry Dock to the waterfront and surrounding community is being enhanced through elements such as the waterfront trail, pedestrian bridges, Dry Dock beach and interpretive water play area. While these aspects of the proposal are positive in terms of reengaging the heritage site with minimal intervention, Standard 5 of the SGCHPC encourages finding a new use based on its "likeliness to provide a lasting, new life for the historic place." As such, the proponent should

incorporate additional mixed uses into the adaptive reuse of the Pump House and/or adjacent heritage structures to encourage further interaction with the heritage structures and sustained use all year round. Additionally, the proposed residential function for the Pump House is not in keeping with the site's industrial nature, which must be maintained in order to understand its value as a National Historic Site. The residential functions proposed for the Pump House and Adjacent buildings should be replaced with public functions that will better conserve the site's character defining elements as well as disseminate its industrial heritage.

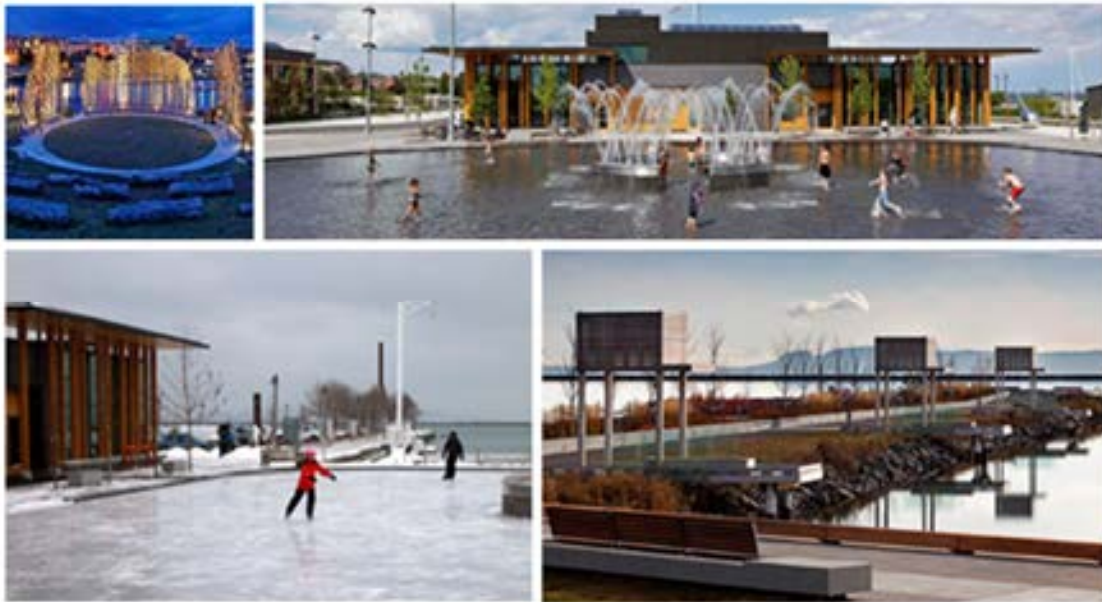


Figure 15: Various images showing the revitalized Thunder Bay waterfront, showing an integration of cultural, recreational, residential and retail functions to create a vibrant, well used landmark for city residents (City of Thunder Bay).

3.2.4.2

Tower and Podium

Currently, the private residential functional programming of the tower, as well as the monotonous parking garage that occupies the entirety of the base podium, does little to animate the heritage property. Additionally, the overall design of the base podium does little to promote a positive pedestrian relationship. As previously stated, as the City of Kingston currently does not have "tall building guidelines", the City of Toronto's Guidelines for Tall Buildings will be referenced for mitigation strategies. When considering the design and functionality of the building's podium, or base building, the guidelines recommend that "for sites including or adjacent to heritage properties, design the scale and height of the base building to respect and reinforce the streetwall height established by the historic context (Section 3.1.1 (f))." In this case, stepbacks and additional design features need to be integrated into the base podium at the pedestrian level to better relate to the scale of the adjacent heritage buildings and encourage pedestrian use. The guidelines further advise to "line the base building with active, grade-related uses to promote a safe and animated public realm (Section 3.1.2)." As this is a National Historic Site, any new buildings should promote vibrancy and encourage use of the heritage property site rather

than a single, private function. It should also reflect and promote the site's industrial heritage. The placement of the tower so close to the waterfront additionally reduces public engagement and potential for public realm space as the width of the waterfront trail is reduced.



Figure 16: Aerial view of Toronto's Distillery District, a National Historic Site that has integrated multi-use functions through adaptive reuse to create a dynamic landmark for the city. While the scale of this project is much larger than the subject site, its success as a landmark is due to the integration of a range of functions that draw public to the site (urbantoronto.ca).

3.2.5 Obstruction of Significant Views

As identified in the HIS Report, there are a number of significant views potentially impacted by the height of the proposed 20-storey residential tower. As outlined in Schedule 9 of the OP, there are various defined significant views associated with the Old Sydenham Heritage Conservation District and the Kingston Waterfront, most significantly the view leading down Lower Union Street towards the waterfront. Additional views to consider are views from Lake Ontario, Battery Park and the Kingston Yacht Club of the Dry Dock Pump House chimney as well as views from the lake of landmarks such as church spires and domes. As stated in Section 2.1.1.2 of this Report, while the current location of the tower does not directly obstruct any of these views, its 20 storey height does dominate many of the overall viewscales.

The site's *Statement of Significance* additionally states that the site's location along the Kingston waterfront is a character defining element in its own right, along with views across the lake. Again, while the proposed tower does not obstruct the direct view east across the lake, its massing and height do impact the site's relationship to the waterfront and views directly south by being placed so close to the waterfront. As a result, the tower's 20-storey height needs to be reduced while its massing requires refinement, either by creating an overall leaner profile or applying setbacks.



Figure 17: Schedule 9 as taken from the City of Kingston Official Plan (City of Kingston).

3.2.6 Change in Land Use

3.2.6.1 Pump House and Dry Dock

As stated in Sections 3.2.4 the proposed public functions for the Dry Dock are positive as they promote revitalization throughout the site. The HIA report states that the "given the change in Kingston's waterfront from industrial to residential, parks/ recreation and mixed use, the proposed change in use is appropriate and compatible with the site's evolved context." While we agree that the proposed residential and recreational functions are appropriate for certain areas throughout the site, such as the development parcel on the West Wharf, public functions that narrative the site's industrial heritage need to be incorporated into the proposed functional programming, most notably in the original Pump House and associated heritage buildings, in order to enrich public engagement and disseminate the site's rich industrial heritage.

3.2.6.2 Tower and Podium

As described in section 3.2.4, the garage function proposed for the entirety of residential tower's podium not only isolates the waterfront trail that surrounds it, it also deadens the public area directly south of the Dry Dock, discouraging public engagement. The functions at ground level require diversification to sustain and encourage the public's interaction with the National Historic Site. The

podium should additionally wrap around the entirety of the tower's base to encourage public interaction with the waterfront.

3.2.7 Land Disturbances

Based on the site's layered history, there is some probability that archeological material could be uncovered during the land remediation/construction process. An archeological survey should be undertaken during the approval process and care should be taken during remediation/construction to protect and preserve potential remains.

3.3 Heritage Impacts and Recommendations

The following explains the level of impacts used to assess the proposed development, which have been divided into Positive and Negative, with three subcategories under the Negative umbrella.

POSITIVE	NEGATIVE		
	LOW	MODERATE	HIGH
The proposed development positively impacts the heritage value of the property.	The proposed development slightly impacts the heritage value of the property.	The proposed development moderately impacts the heritage value of the property.	The proposed development negatively impacts the heritage value of the property.

The following table summarizes our assessment of the proposed development's impacts to the heritage property and outlines recommendations to mitigate the impacts.

Issue	Impact	Recommendations
<p>1. Conservation of Heritage Attributes</p>	<ul style="list-style-type: none"> Based on the drawings provided, it is unclear as to how the character defining elements are being preserved and integrated into the proposed adaptive reuse of the Pump House and adjacent heritage structures. Proposed alterations to character defining elements associated with the drydock's functionality, including the Caisson Gate and 1929 Dry Dock extension, need to be refined and expressed in greater detail in order to ensure their integrity as it relates to the site's industrial heritage of the site is maintained. The location, massing and scale of the proposed tower impacts the overall cultural heritage landscape, views across the site and its relationship to its context on the St. Lawrence that are all considered <i>character defining elements of the</i> National Historic Site. Section 2.6 of PPS 2014 states that "mitigative measures and/or alternative development approaches may be required to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration." There does not appear to be an interpretation strategy to integrate aspects of the site's industrial heritage into the overall project scheme. The overall height and massing of the tower impact both the protected views and overall scale and massing, which are character defining elements of the Old Sydenham Heritage Conservation District. While the District is not technically adjacent to the development site, the overall scale of project does impact its defined heritage attributes. 	<ul style="list-style-type: none"> Provide additional drawings including elevations and perspectives of the proposed changes to the Pump House, demonstrating how the new interventions will integrate with the existing building and the proposed treatment of character defining elements will be conserved. Drawings demonstrating the interaction of the proposed changes to character defining elements of the Dry Dock need to be provided in order to understand how the new interventions will impact the site's industrial heritage. The tower's overall height needs to be reduced approximately 7-12 storeys (as stated in section 2.2) in order to better integrate with the surrounding heritage context and views that are character defining elements of the site. The tower's overall footprint and massing needs to be reduced in order to diminish its impact on the adjacent heritage site, either by creating an overall leaner form or integrating stepbacks that break up its monolithic nature. The tower's location needs to be pulled away from the waterfront to lessen its impact on the relationship between the waterfront and the heritage property. Integrate an interpretive strategy into the overall rehabilitation plan to ensure that the site's history and heritage value is disseminated.
<p>2. Compatibility</p>	<ul style="list-style-type: none"> The proposed adaptive reuse of the Pump House appears to be compatible in scale, massing and articulation; however additional drawings are required to clarify the level of intervention that will be required to accommodate the adaptive reuse. Section 5.4 consideration b) of the <i>Design Guidelines for Residential Lots</i> encourages to "use a complementary scale, massing, and height for the development of new buildings and renovations to protected heritage properties." Currently, the massing of the proposed podium does not relate to the proportions of the adjacent heritage structures. Section 4.1.5 of the SGCHPC: it is not recommended to "introduce a new feature that alters or obscures the visual relationships in the cultural landscape, such as constructing a new building as a focal point." The overall design scheme of the tower, including scale, massing and materiality needs to be redesigned in order to relate to the scale and context of the heritage property. 	<ul style="list-style-type: none"> Provide additional drawings including elevations and perspectives of the adaptive reuse and Pump House demonstrating how the new interventions will integrate with the existing building and which character defining elements will be conserved. Reduce the scale of the podium by adding additional stepbacks and breaking of the facades with additional architectural detailing. Redesign the tower in order to create a high quality design that not only relates contextually to the heritage property in terms of height, massing and scale but also evokes a landmark status appropriate for a <i>National Historic Site</i>.
<p>3. Shadowing</p>	<ul style="list-style-type: none"> Overall, impacts from shadowing on the heritage property have been mitigated through the placement of the tower at the eastern-most edge of the property. However, as stated in other sections, the tower should be relocated away from the edge of the waterfront to better relate to the surrounding urban scale, including the scale of the adjacent National Historic Site. 	<ul style="list-style-type: none"> As it is recommended that the tower be pulled away from edge of the waterfront in order to better interact with its context, the tower will need to be redesigned in terms of massing and height to ensure shadowing does not impact the heritage site.

Issue	Impact	Recommendations
<p>4. Isolation of Heritage Attributes</p>	<p>Standard 5 SGCHPC: Finding a new use depends on an analysis of heritage value and physical compatibility with the historic place and its likeliness to provide a lasting, new life for the historic place.</p> <ul style="list-style-type: none"> The recreational uses proposed for the Dry Dock are positive in terms of reinvigorating the now vacant heritage site; however the proposed functional programming for the Pump House and adjacent buildings requires diversification in order to disseminate the site's industrial heritage and sustain use. The current scale and function of the podium do not promote an attractive animated public realm, which will negatively impact the use of the heritage site. The location of the tower at the most easterly point of the property without any public functions to foster use isolates this section of the waterfront trail, and consequently does not promote an inviting, attractive entry to the site from the south. 	<ul style="list-style-type: none"> Integrate mixed use functions into the Pump House rehabilitation, including educational, retail and community functions, in order to disseminate the site's industrial heritage and to encourage and sustain use. Remove parking from the functional programming of the base building podium and integrate mixed use functions in order to encourage an animated public space. Redesign the base podium to ensure it is at a pedestrian friendly scale by introducing stepbacks and architectural features. Wrap the base podium around the entirety of the proposed tower to ground and break up its overall massing and height. Redesign the relationship between the tower and the waterfront trail at the east facade, incorporating public spaces and inviting landscaping features that are in line with the <i>Kingston Waterfront Guidelines</i> and speak to the heritage character of the neighboring heritage site. It is recommended that the podium be wrapped around the entirety of the building base with integrated interior and exterior mixed use to provide an inviting waterfront area that will encourage animation along the waterfront and throughout the heritage site.
<p>5. Obstruction of Views</p>	<ul style="list-style-type: none"> While none of the protected view are directly impacted by the proposed tower, its overall height makes it present in many of the protected views in Schedule 9 of the OP as well as the other significant views associated with the heritage structure. 	<ul style="list-style-type: none"> Improve overall massing by reducing the tower's overall bulk and/or introducing stepbacks. As stated in section 2.2, the building's overall height should be reduced by 7-12 storeys to reduce its impact on significant views, its prominence in relationship to the heritage site, and to better integrate with the surrounding urban scale.
<p>6. Change in Land Use</p>	<p>Standard 5 SGCHPC: Finding a new use depends on an analysis of heritage value and physical compatibility with the historic place and its likeliness to provide a lasting, new life for the historic place.</p> <ul style="list-style-type: none"> The current functional programming assigned to the heritage buildings in the proposed adaptive reuse is residential only and does not disseminate the site's history or promote public realm interaction or use. The private functional programming of the podium and tower do not encourage use of the adjacent heritage buildings and contribute to the site's isolation. 	<ul style="list-style-type: none"> Provide diverse functional programming throughout the Pump House and adjacent heritage structures to encourage and sustain public engagement and appreciation for the site. Ensure the site's industrial heritage is integrated into the functional programming throughout the entirety of the proposal. Provide mixed use, especially at the pedestrian level, throughout the podium to encourage use of the entire site and discourage isolation. Wrap the base podium around the entirety of the building's base to animate the waterfront and facade facing heritage site.
<p>7. Land Disturbances</p>	<ul style="list-style-type: none"> Based on the site's history and previous archaeological record, there is a strong probability of archeological remains on the site during site remediation and construction. 	<ul style="list-style-type: none"> Perform an archeological survey prior to any construction or site remediation.

4.0 Conclusion

4.1 Urban Design Recommendations Summary

A summary of the recommendations above are to:

- Reduce the building size to have less impact on the protected viewline by:
 - Reducing the height of the building **by** 7 to 12 storeys;
 - Or, reducing the floorplate of the building to create a more slender tower;
- Wrap the podium of the building around the entire base of the building to create a better relationship between the podium and the tower;
- Provide stepbacks to reduce the building massing and create transitions in height; Setback the proposal further from the water's edge on the northern side to meet the 10m setback requirement;
- Provide ground floor commercial uses to break up the building's rhythm and to reduce the negative outcome of the current blank wall;
- Move the outdoor private amenity space so that it does not encroach into the required pathway on the eastern side of the building;
- Ensure that a 10m walkway is provided on the northern side of the building;
- Rather than an emergency vehicle access route through Navy Memorial Park, create an access route off Lower Union Street; and,
- Reduce the number of car parking spaces to aid in incorporating the above recommendations.

From these recommendations, it is clear that a re-design of the proposed tower and podium is required. Reducing the height or floorplate, incorporating stepbacks and setting the building back from the water's edge will require a reconfiguring of the entire building layout to achieve an urban design outcome that is both compliant with policy and respectful of the existing/surrounding area.

4.2 Heritage Recommendations Summary

A summary of the recommendations above are to:

- Provide additional drawings of the Pump House adaptive reuse and rehabilitation to better understand the breadth of the changes to be applied to the heritage structures and character defining elements.
- Provide additional details as to how the proposed interventions to the drydock will impact character defining elements, such as the Caisson Gate and Dry Dock Extension.
- Reduce the height and massing of the tower's podium to improve its relationship to the neighboring heritage structures and to pedestrians.
- Wrap the podium around the entirety of the building's base to ground and break up its massing.
- Redesign the tower, including its location, massing, scale, materiality and height to better relate to its surrounding urban and heritage context.

- Integrate the existing heritage character into the base building and tower through high-quality, contemporary design cues.
- Integrate an interpretive strategy into the functional programming of the site to ensure its industrial heritage is disseminated to visitors.
- Integrate educational functions in the site's functional programming in order to disseminate its industrial heritage.
- Diversify the functional programming of both the Pump House and podium in order to promote sustained public engagement.
- Assess the site for archeological remains prior to any site remediation or construction.

4.3 Closure

The proposed development falls short in meeting many urban design and heritage policies of the Province, the City of Kingston, and general good practice. The resultant issues include potential significant negative impacts to view/skyline intrusion of the Old Sydenham Heritage Character District, disruption of Navy Memorial Park by an emergency access route, a blank façade, an oversupply of amenity area and parking that creates difficulty with the building's massing, and insufficient setback from the water's edge/provision of the required walkway around the building.

Further, from a heritage perspective, the intended reinvigoration of the Pump House and Drydock is somewhat positive; however there needs to be further delineation to how the changes will affect the heritage structures as well as diversification in function. As one of the few surviving industrial heritage site's of its kind in Canada, significantly more consideration is necessary as to how the site's industrial heritage will be integrated and disseminated throughout the proposal. The height, massing and overall design aesthetic for the proposed 20 storey significantly impacts the site's overall context and relationship to the waterfront and requires a full redesign. The current design of the podium does not relate to the scale of the Pump House, while its homogenous parking function does little to animate the surrounding context. Lastly, the tower's overall height and monolithic massing makes it evident in many of the protected views outlined by the city of Kingston, especially those associated with the neighbouring Old Sydenham Heritage Character District. Overall, we feel that the HIS Report falls short in recognizing how the proposed interventions impact the site's nationally and locally significant industrial heritage.

The proposed development of this site could help shape Kingston's skyline in a positive way and stimulate other good development in the surrounding area, while also revitalizing a brownfield site. The site's prominent location means that it will become a benchmark for future development in Kingston so it is in the public interest that the urban design and heritage design of this site achieve the optimum, positive outcome possible.