



**City of Kingston
Information Report to Council
Report Number 19-248**

To: Mayor and Members of Council
From: Lanie Hurdle, Interim Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: September 17, 2019
Subject: Supplementary Report - Application for Heritage Permit under the *Ontario Heritage Act, 72 – 82 Sydenham Street, P18-046-2019*

Executive Summary:

This report is supplementary to report number [HK-19-040](#), which was reviewed by Heritage Kingston at their meeting of August 21, 2019.

An application under the *Ontario Heritage Act* was presented for the property at 72 – 82 Sydenham Street, known locally as The Spire, to request heritage approval to install two new paved areas for seating and bicycle storage, a bicycle rack, sign, two new lamp posts and to relocate an existing bench. The application was supported (with conditions) by staff and Heritage Kingston from a heritage conservation perspective; however, as the relocated bench and one of the new lamp posts would be located on the City's right-of-way, these particular features were not supported.

Council, at its meeting of September 3, 2019, passed the following motion:

“That consideration of Report 69, Clause 2i) received from Heritage Kingston, and the accompanying motion to amend received from Councillor Doherty and Councillor Neill which reads as follows:

“That Report 69, Clause 2i): Received from Heritage Kingston, be amended in bullet number 1 by deleting the word “not” and the words “and the applicant shall remove these items from the plans” so that the bullet reads as follows:

“1. The proposal to install a bench and lamp post on the City's right-of-way are approved.”

be deferred until the Tuesday, September 17, 2019 meeting of Council in order to allow for staff to prepare a supplemental information report with respect to:

- the specific location of the proposed bench and lamp post;
- the financial implications to the City of permitting the bench and/or lamp post to be located in the City right-of-way; and
- any permits and/or encroachment agreements that may be required.”

Staff have confirmed that the new lamp post will be approximately one metre from the sidewalk, while the relocated bench will be between 1 metre and 3.5 metres from the sidewalk.

Engineering staff have reviewed the financial implications of permitting the bench and lamp post on the City right-of-way and note that while By-Law Number 2004-107 does not permit private fixtures on City right-of-ways the anticipated extra costs to remove them is negligible in this particular situation.

To proceed to approve these encroachments, Council would need to, by way of a motion, give staff direction to amend Encroachment By-Law Number 2004-107 to provide property specific permission to allow one pedestrian light fixture and one bench at 72 – 82 Sydenham Street.

Council would also need to authorize the Mayor and City Clerk to execute a license agreement, in a form satisfactory to the Director of Legal Services, with the owner of 72 – 82 Sydenham Street for one pedestrian light fixture and one bench on the City road allowance on the William Street frontage of the subject lands subject to confirmation that the design details are satisfactory to the Director of Engineering Services.

The statutory expiry for the Heritage Permit approval is October 14, 2019. To proceed with the approval of the permit as requested, the amendment to the encroachment by-law would need to proceed to Council on Tuesday, October 1, 2019.

Recommendation:

This report is for information purposes only

Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Interim Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

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
Sheila Kidd, Commissioner, Transportation & Public Works	
Deanne Roberge, Acting Commissioner, Corporate Services	Not required

Options/Discussion:

The subject property at 72 – 82 Sydenham Street, is located at the northwest corner of Sydenham and William Streets in the Old Sydenham Heritage Conservation District. The property contains an 1851 limestone church, known locally as The Spire.

This report is supplementary to report number [HK-19-040](#), which was reviewed by Heritage Kingston at their meeting of August 21, 2019 and by Council at their meeting of September 3, 2019.

Ontario Heritage Act approval (File Number P18-039-2017) was granted for a new barrier-free access ramp and repairs to the door on the southern (William Street) side of the building on September 19, 2017.

The current application under Section 42 of the *Ontario Heritage Act*, File Number P18-046-2019, was submitted to request heritage approval for the inclusion of a few additional features as part of the revitalization of the William Street entrance to the building. This is to include two new paved areas (grey concrete pavers) for seating and bicycle storage, two new lamp posts (one in the planter by the door and one nearer to the side walk next to the new seating area) and the relocation of an existing bench. The applicant would also like to alter the hand rail to the left of the stairs to accommodate a new sign and bicycle rack.

The application was supported (with conditions) by staff and Heritage Kingston from a heritage conservation perspective, as the new installations had no impact on the heritage attributes of the property or character of the Old Sydenham Heritage Conservation District. However, as the relocated bench and one of the lamp posts would be located on the City's right-of-way, these particular features were not supported. Staff do not have the authority to permit encroachments into the municipal right-of-way that are contrary to By-Law Number 2004-107, Encroachment By-Law.

Council, at its meeting of September 3, 2019, passed the following motion:

“That consideration of Report 69, Clause 2i) received from Heritage Kingston, and the accompanying motion to amend received from Councillor Doherty and Councillor Neill which reads as follows:

“That Report 69, Clause 2i): Received from Heritage Kingston, be amended in bullet number 1 by deleting the word “not” and the words “and the applicant shall remove these items from the plans” so that the bullet reads as follows:

“1. The proposal to install a bench and lamp post on the City's right of way are approved.””

be deferred until the Tuesday, September 17, 2019 meeting of Council in order to allow for staff to prepare a supplemental information report with respect to:

- the specific location of the proposed bench and lamp post;
- the financial implications to the City of permitting the bench and/or lamp post to be located in the City right-of-way; and
- any permits and/or encroachment agreements that may be required.”

The focus of this supplementary report is the proposed installation of a two metre tall lamp post, with artist-designed head, and relocated wooden and metal bench, onto a proposed paved area (grey concrete pavers) adjacent to the William Street sidewalk on the City of Kingston owned right-of-way. As indicated on the applicant’s site plan (Exhibit A – Concept Plans) the William Street right-of-way extends to within less than one metre of the existing steps. The approved barrier-free ramp and modified entrance stairs have been specifically designed to be wholly located on private property. Similarly, the proposed bicycle rack, sign and second lamp post (in the planter) are also proposed to be on private property. The proposed new paved areas, however, are both wholly or partially located on City-owned property. The proposal to install these paved areas is supported by staff as they can be easily removed should work within the City’s right-of-way be required.

Staff have reviewed the proposed concept plans in detail and confirmed with the applicant that the new lamp post (proposed on City property) will be approximately one metre north of the existing sidewalk. The relocated bench is to be located between one metre and three and a half metres north of the sidewalk.

Staff have further considered the bench and lamp post proposed within the William Street road allowance. There is no provision in the City Encroachment By-Law, Number 2004-107 to permit this specific type of encroachment on a long-term basis. Approval for this encroachment requires the approval of Council.

The proposed encroachments will not impact the travel of pedestrians on the municipal sidewalk. There are no immediate financial implications to the City as a result of the proposed encroachments. The owner of the subject lands would be responsible for all costs associated with the installation, operation, maintenance and repair of the encroachments. Should future capital works be conducted by the City within the road allowance then the City would be responsible for the costs of managing these encroachments. While an estimate of costs is not practical at this time, these costs are expected to be negligible considering the impact of the proposed encroachments.

To proceed to approve these encroachments, Council would need to, by way of a motion, give staff direction to amend Encroachment By-Law Number 2004-107 to provide property specific permission to allow one pedestrian light fixture and one bench at 72 – 82 Sydenham Street.

Council would also need to authorize the Mayor and City Clerk to execute a license agreement, in a form satisfactory to the Director of Legal Services, with the owner of 72 – 82 Sydenham Street for one pedestrian light fixture and one bench on the City road allowance on the William Street frontage of the subject lands subject to confirmation that the design details are satisfactory to the Director of Engineering Services.

A recommendation to advance this direction would be as follows:

That Schedule C-5 (Existing Authorized Encroachments – Other) of By-Law Number 2004-107, otherwise known as the “Encroachment By-Law”, be amended to include the following –
Location of Encroachment: 72 – 82 Sydenham Street frontage only; Type of Encroachment: one (1) pedestrian light fixture and one (1) bench; and

That the Mayor and City Clerk be authorized to execute a license agreement, in a form satisfactory to the Director of Legal Services, with the owner of 72 – 82 Sydenham Street for one pedestrian light fixture and one bench on the City road allowance on the William Street frontage of the subject lands; and

That the final engineering design details for the proposed encroachments be approved by the Director of Engineering Services; and

That an amending by-law be presented to Council for all three readings on October 1, 2019.

Existing Policy/By-Law:

Encroachment By-Law Number 2004-107

Notice Provisions:

Pursuant to Section 42(3) of the *Ontario Heritage Act (OHA)*, notice of receipt of a complete application has been served on the applicant. As per Section 42(4) of the *OHA*, Council may, within 90 days after the notice of receipt is served, give the applicant: the permit applied for; a notice that Council is refusing the application; or the permit with terms and conditions attached.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Tyler Lasko, Manager, Engineering, 613-546-4291 extension 2307

Andrea Gummo, Acting Manager, Policy Planning 613-546-4291 extension 3256

Ryan Leary, Senior Planner, Heritage 613-546-4291 extension 3233

Other City of Kingston Staff Consulted:

The application was circulated to a number of internal departments for review and all comments have been incorporated

Exhibits Attached:

Exhibit A Revised Concept Plans, Submitted by Applicant

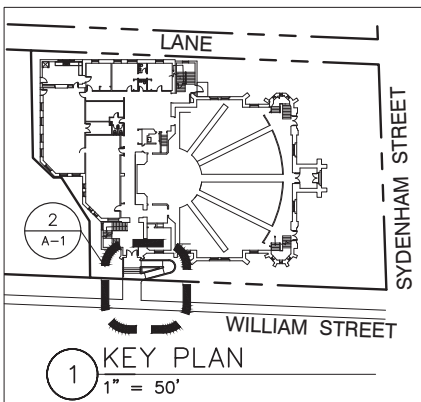
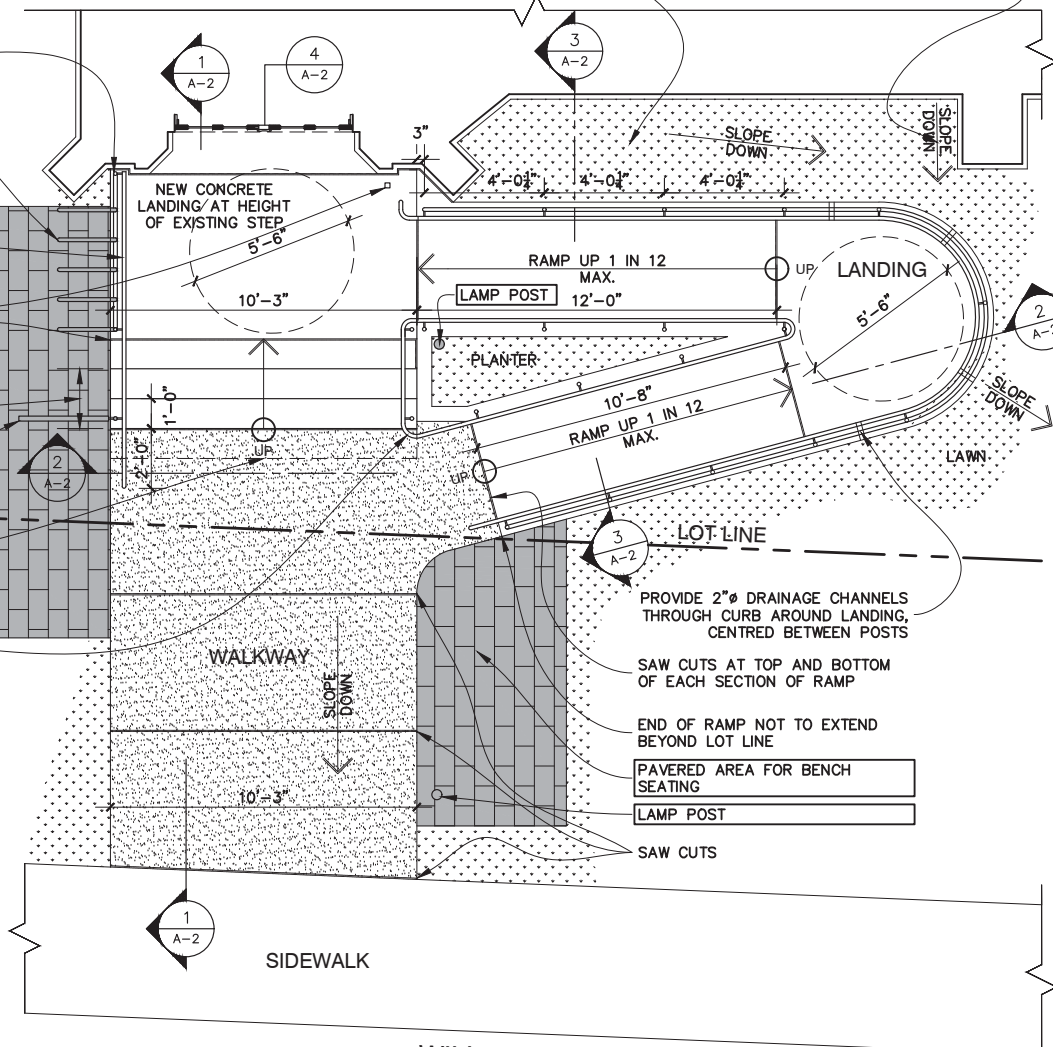
DRAWING LIST

A-1 PLAN
A-2 SECTIONS AND DETAILS
A-3 ELEVATION

PROVIDE DRAINAGE AT STONE WALL AND RAISE GRADE TO RAMP HEIGHT (SEE SECTION 3 ON DRAWING A-2). ADJUST GRADE AROUND RAMP AND LANDING TO MERGE SMOOTHLY WITH EXISTING LAWN AND PROVIDE POSITIVE SLOPE FOR DRAINAGE CHANNELS IN LANDING

ENSURE GRADE SLOPES AWAY FROM BUILDING AND DOES NOT TRAP WATER AT BUTTRISS

- 1 1/2" Ø POST WITH CAP SET INTO NEW LANDING
- BIKE RACK MOUNTED TO HANDRAIL
- PAVERED AREA FOR BICYCLES
- 1 1/2" Ø HANDRAIL WITH TOP AT 2'-10" ABOVE LANDING
- POWER DOOR OPERATOR ON 2"X2" HSS POST C/W CAP
- NEW STEP EQUAL TO HEIGHT OF EXISTING
- EXISTING STEPS RETAINED
- SIGN AS PART OF HANDRAIL STRUCTURE
- REMOVE EXISTING BOTTOM STEP AND SET NEW WALKWAY AT HEIGHT FOR 4 EQUAL RISERS
- HANDRAIL CONTINUOUS AROUND PLANTER



THESE DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE USED WITHOUT REFERRING TO THE ARCHITECT. DRAWINGS ARE NOT TO BE SCALED AND ARE TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS' DOCUMENTS.

DESIGN ONLY - NOT FOR CONSTRUCTION

#	D/M/Y	REVISION DETAILS
2	4/7/19	FOR HERITAGE
1	17/5/19	FOR REVIEW

Mikaela Hughes Architect Inc.
82 OAK POINT ROAD, WOLFE ISLAND ON K0H 2Y0 613-544-9183

PROJECT
THE SPIRE - ACCESS RAMP
82 SYDENHAM ST
KINGSTON
DRAWING
DRAWING NAME

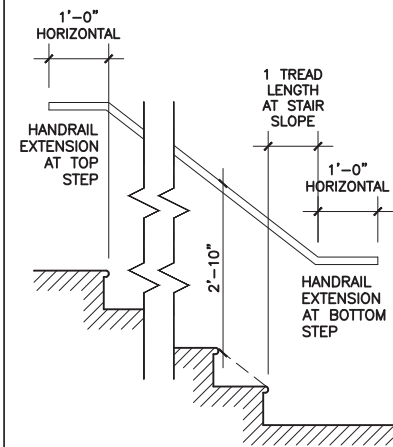
DRAWN BY JM, MJH
DATE 1 MAY, 2019
SCALE AS NOTED
PRINT ON 11x17 PAPER

JOB NO.
1907

DWG. NO. **A-1** REV. NO. **2**

STAIR HANDRAIL NOTES

1. STAIRS, GUARDS AND HANDRAILS TO MEET REQUIREMENTS OF OBC 3.4.6.5. AND 3.4.6.6.
2. INSTALL HANDRAILS ON BOTH SIDES OF STAIR WITH EXTENSIONS AS SHOWN BELOW.
3. HANDRAILS ARE TO BE SECURELY FASTENED TO POSTS AND TO BE CONTINUOUSLY GRASPABLE ALONG THEIR FULL LENGTH.
4. HANDRAILS ON RAMPS TO EXTEND HORIZONTALLY MINIMUM 12" BEYOND TOP AND BOTTOM OF RAMP.



BUILDING PERMIT NOTES

EXTENT OF WORK:
THESE DRAWINGS ARE TO BE USED FOR BUILDING PERMIT AND CONSTRUCTION OF A NEW ACCESSIBLE RAMP

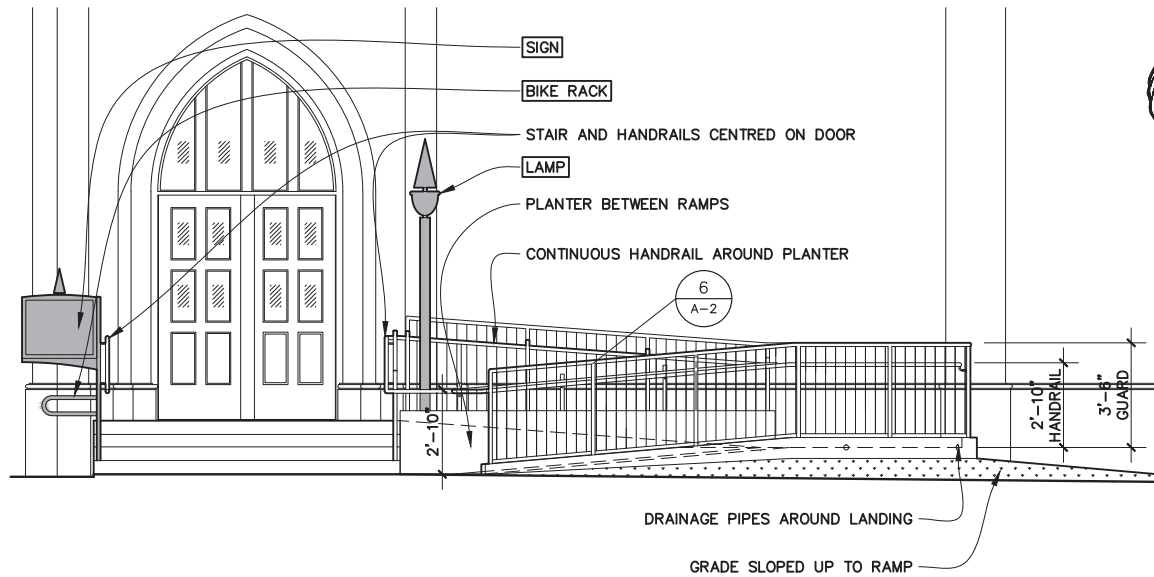
THE ARCHITECT WHO SEALS AND SIGNS THIS DRAWING HAS EXERCISED RESPONSIBLE CONTROL WITH RESPECT TO DESIGN ACTIVITIES. THE ARCHITECT'S SEAL NUMBER IS THE ARCHITECT'S BCDN. THE CERTIFICATE OF PRACTICE NUMBER OF THE HOLDER IS THE HOLDER'S BCDN.

THESE DRAWINGS FORM THE BASIS FOR PERMIT ISSUANCE AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEM, WOODSTOVE, FIREPLACES, DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

PERFORM ALL WORK IN COMPLIANCE WITH THE CURRENT EDITIONS OF THE ONTARIO BUILDING CODE AND THE ONTARIO HEALTH AND SAFETY ACT.

GENERAL NOTES

1. THE STRENGTH OF UNREINFORCED CONCRETE AFTER 28 DAYS SHALL BE NOT LESS THAN 32 MPA (4650 PSI) FOR GARAGE AND CARPORT FLOORS AND ALL EXTERIOR FLATWORK AND 15MPA (2200 PSI) FOR ALL OTHER APPLICATIONS UNLESS INDICATED OTHERWISE
2. CONCRETE USED FOR GARAGE AND CARPORT FLOORS AND ALL EXTERIOR STEPS SHALL HAVE AIR ENTRAINMENT OF 5-8%



ELEVATION

1/4" = 1'-0"

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#	D/M/Y	REVISION DETAILS

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PROJECT
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82 SYDENHAM ST
KINGSTON
DRAWING
ELEVATION AND HANDRAIL NOTES

DRAWN BY JM, MJH
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CONFIRM SCALE



Additional details provided by M. Hughes Architect - revised

The additional items were requested by members of the congregation who are providing funding for the project.

Lamp posts:

One lamp post is located on City property. Bruce has told the Spire committee that any items on City property will need to have approval and may have to be delayed.

The idea for the lamps is to have a local artist design and fabricate them, so the actual design is still to be developed. The lamp post is a 100 mm round steel section 2100mm tall on which a light can be placed. This post has a 150 mm plate with holes to accept threaded rod and nut connector for levelling.

It is hoped that the electricity for the lamps can be included in the approved wall penetration for the barrier-free door opening system.

Paved Area:

Proposed to use 6" x12" grey concrete pavers (Triple H concrete products 'Holland Paver' <http://triplehconcreteproducts.ca/products/driveway/holland-paver/>).

Bench:

The bench is existing and to be moved and affixed to the new pavers.

Bicycle Rack:

The bike rack is 12 mm diameter solid rod extending 600 mm out from rail as a 'U' shape (six pieces).

Sign:

They would like a heritage appropriate sign to be able to update events, but it would not be animated, but may be lit by an external source so it is visible at night. So people could see the dates and times of events going on without coming into the building. To reduce signage, Bruce has talked to the committee about painting the door trim a fresh green (the "Spire" colour) and the door and railings a deeper green. This way the eye could be drawn to the building and entrance without a large sign conflicting with the architecture. Sign is to be 30" x 24" x 3" deep and may be digital in order to change the messaging with ease. The sign post is to form part of the handrail as a 75 mm round steel pipe with a dome top. The post height is 1800 mm with three 15 mm wide x 6 mm thick x 200 mm long tabs on the side to hold the sign.