



**City of Kingston
Report to Council
Report Number 21-112**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Tim Park, Manager, Development Approvals, Planning Services
Date of Meeting: April 6, 2021
Subject: Unassumed Laneway Access and Improvement Agreement –
333 University Avenue

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

On March 25, 2015, City Council approved the development of an 11-storey mixed use building at 333 University Avenue. The development is oriented to both the Princess Street and University Avenue frontages. Residential access to the units will be provided on University Avenue and access to the commercial units will be from entrances on Princess Street. Vehicular access for residents, service and loading will be from University Avenue and to a limited extent from a City-owned laneway exiting onto Garrett Street (the “Laneway”).

The developer is requesting permission to undertake improvements to the Laneway, and to use and maintain the Laneway for the purpose of vehicular and pedestrian access to the property at 333 University Avenue from Garrett Street. Staff have undertaken a technical review of this proposal and have no concerns.

The purpose of this report is to recommend execution of an Unassumed Laneway Access and Improvement Agreement with the property owner, which governs the property owner’s use of and improvements to the Laneway.

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Recommendation:

That Council authorize the Mayor and the Clerk to execute an Unassumed Laneway Access and Improvement Agreement with the owner of the property municipally known as 333 University Avenue, in a form satisfactory to the Director of Legal Services, for the purposes of vehicular and pedestrian access to the lands at 333 University Avenue from Garrett Street.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Commissioner, Business, Environment & Projects Not required

Brad Joyce, Commissioner, Corporate Services

Jim Keech, President & CEO, Utilities Kingston Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

Sheila Kidd, Commissioner, Transportation & Public Works

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Options/Discussion:

In 2014, 333 University Avenue Inc. submitted development applications for the creation of a mixed-use residential building at 333 University Avenue, as approximately shown on Exhibit A (Key Map – 333 University Avenue). On March 25, 2015, City Council approved the development of an 11-storey mixed use building, with commercial units on Princess Street and residential units limited to the first 10 storeys and amenity area provided within the uppermost 11th storey at 333 University Avenue ([Report Number - PC-15-053](#) for details).

The development at 333 University Avenue is oriented to both the Princess Street and University Avenue frontages. Residential access to the units will be provided on University Avenue and access to the commercial units will be from entrances on Princess Street. Vehicular access for residents, service and loading will be from University Avenue and to a limited extent from a City-owned laneway exiting onto Garrett Street (the “Laneway”). The Laneway also serves other adjacent property owners, and their access via the existing Laneway would not be altered by this agreement.

A Site Plan Control Agreement (File Number D11-052-2014) has been executed for the property at 333 University Avenue. The owner is seeking to construct an asphalt access to the underground parking at 333 University Avenue, in accordance with the Site Grading Plan attached as Exhibit B and other approved plans and drawings for the development. The function of the laneway was specifically reviewed as part of the site plan control review process. As a condition of the Site Plan Control Agreement, the owner is required to enter into an Unassumed Laneway Access and Improvement Agreement with the City, which permits the owner to undertake certain improvements to the Laneway, and to use and maintain the Laneway for purposes of vehicular and pedestrian access to the owner’s lands from Garrett Street. Other key terms of the agreement include:

- The owner is required to keep and maintain the Laneway improvements in good repair at all times, at the owner’s cost;
- The owner is prohibited from erecting any gates or barriers on the Laneway;
- The owner’s rights are subject to any rights of the City, Utilities Kingston, or any other service provider to install, maintain and replace infrastructure on or under the Laneway; and
- The owner acknowledges that members of the public have the right to access the laneway and that others may be granted permission to use the Laneway for similar purposes at the discretion of the City.

The owner has agreed to the above-noted terms. All costs related to the construction and maintenance of the proposed improvements are borne by the property owner.

Existing Policy/By-Law:

None

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Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

The property owner will reimburse the City for the legal and administrative fees involved in preparing and executing the Unassumed Laneway Access and Improvement agreement.

Contacts:

Tim Park, Manager, Development Approvals, Planning Services, 613-546-4291, extension 3223

Tyler Lasko, Manager, Corridor Control and Development, Transportation Services, 613-546-4291, extension 2307

Chris Wicke, Senior Planner, Planning Services, 613-546-4291, extension 3242

Other City of Kingston Staff Consulted:

Jenna Morley, Associate Legal Counsel, Legal Services

Exhibits Attached:

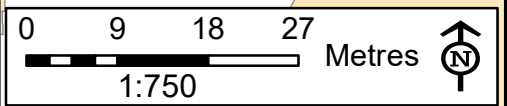
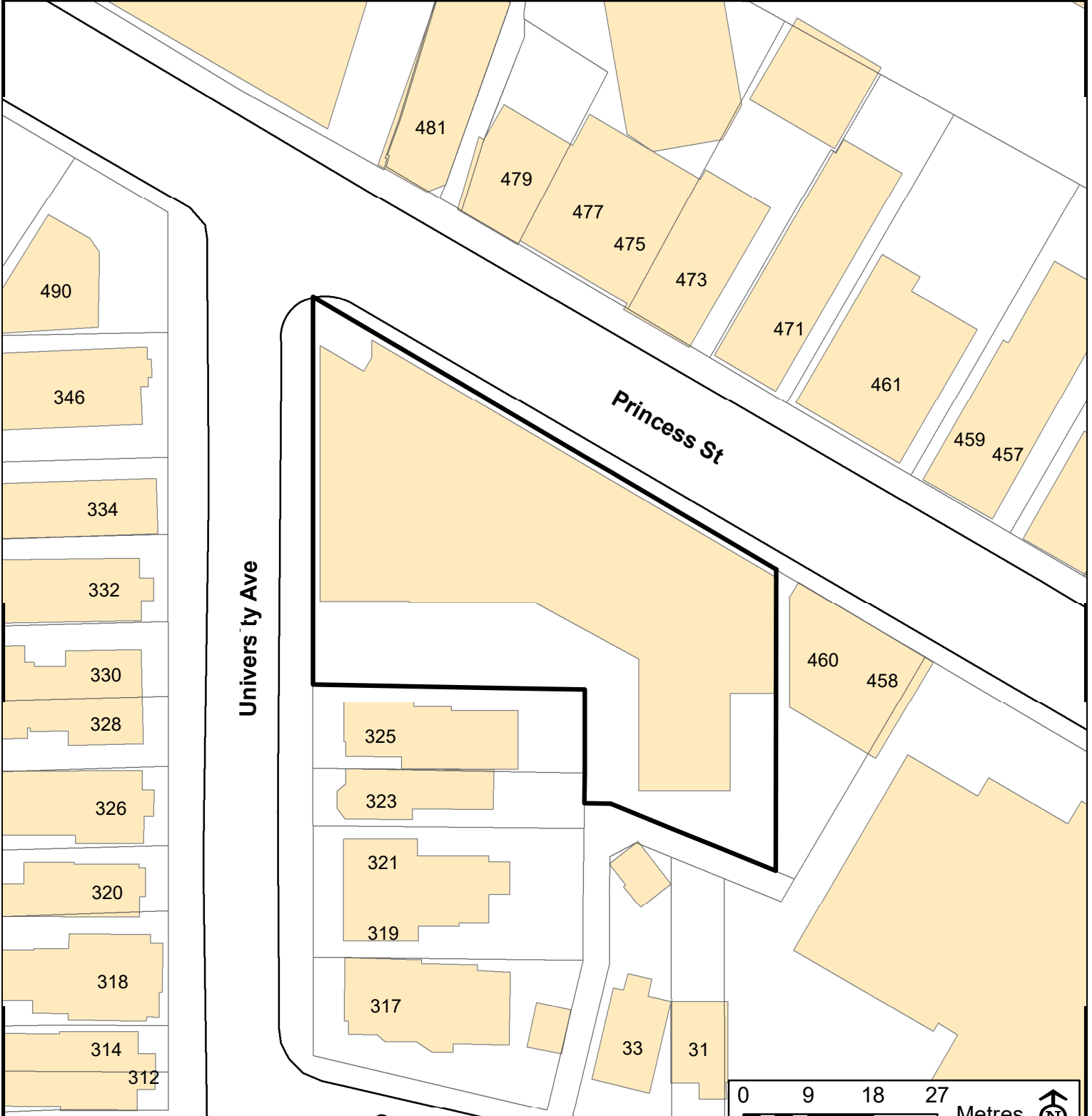
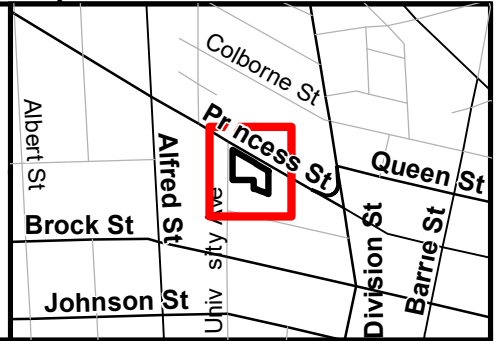
Exhibit A Key Map – 333 University Avenue

Exhibit B Site Grading Plan

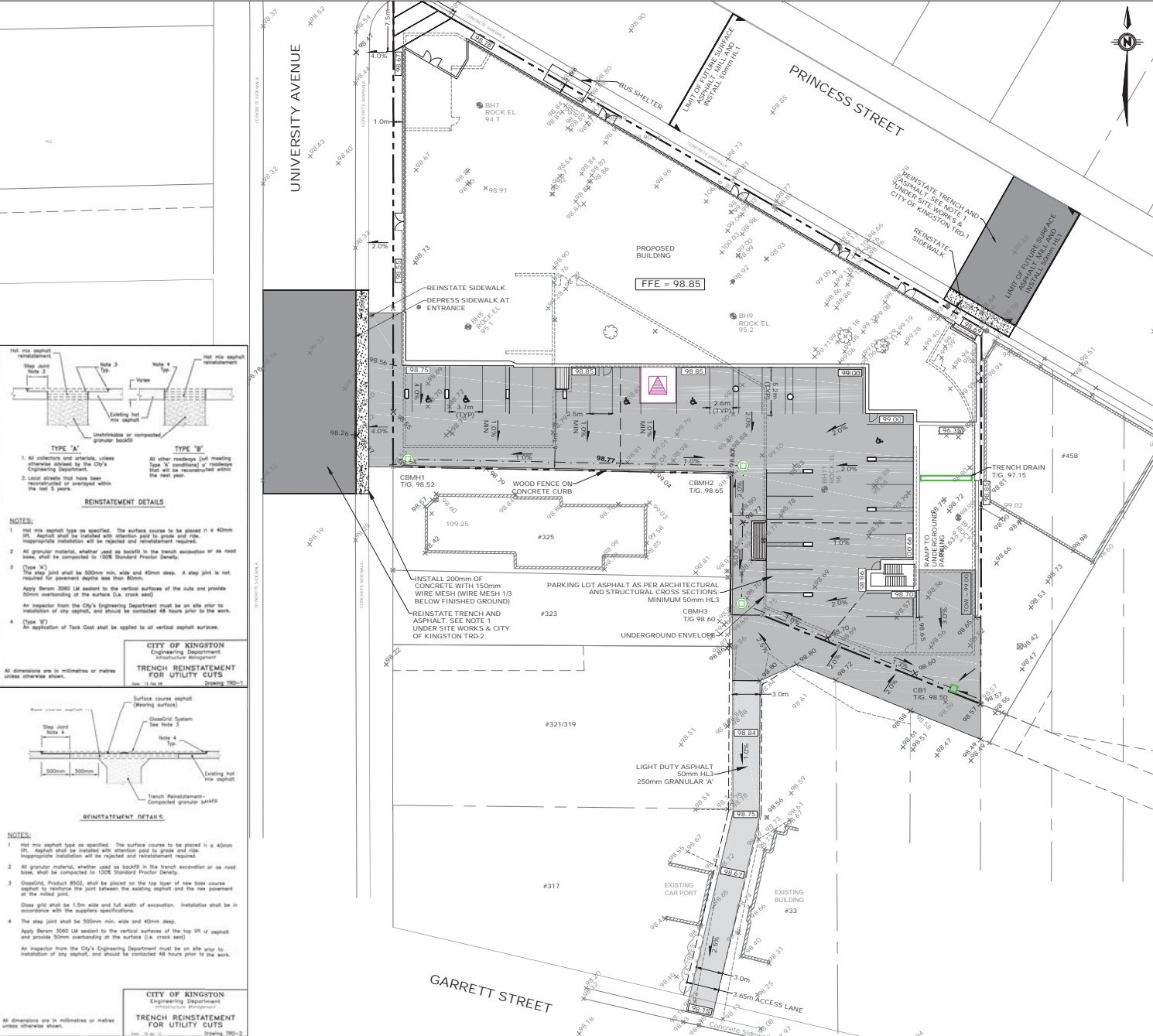


Planning Committee
Key Map
Address: 333 University Avenue

Subject Lands



Prepared By: adewker
Date: Mar-08-2021



LEGEND

- ASPHALT AS PER ARCHITECTURAL CROSS SECTION
- LIGHT DUTY ASPHALT
- TRENCH, ASPHALT REINSTATEMENT
- SIDEWALK REINSTATEMENT
- CLEAR, GRUB AND REMOVE ALL HARD SURFACES THROUGHOUT THE SITE
- EXISTING ELEVATION
- PROPOSED ELEVATION AT BUILDING
- PROPOSED GRADE
- CATCH BASIN
- STORM MAINTENANCE HOLE
- SANITARY MAINTENANCE HOLE
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED WATER SERVICE
- PROPOSED GAS SERVICE
- PROPOSED COMMUNICATIONS
- EXISTING ELECTRICAL
- EXISTING WATER VALVE
- EXISTING HYDRO POLE
- EXISTING HYDRANT
- EXISTING CATCH BASIN
- EXISTING PARKING METER
- EXISTING GAS VALVE
- EXISTING GAS METER
- EXISTING LIGHT STANDARD
- EXISTING TREE
- EXISTING STORM MAINTENANCE HOLE
- EXISTING SANITARY MAINTENANCE HOLE
- BOREHOLE
- EXISTING UNDERGROUND HYDRO
- EXISTING OVERHEAD HYDRO
- EXISTING GAS
- EXISTING WATER MAIN
- EXISTING STORM SEWER
- EXISTING UNDERGROUND BELL
- EXISTING COMBINED SEWER

- GRADING**
- Finished surfaces shall be at a minimum grade of 2% unless otherwise noted.
 - Side slopes shall be a maximum slope of 3:1 unless otherwise noted.
 - All existing elevations and grades are to be verified by the contractor prior to grading.
 - Utilities are to be located prior to construction.
 - All ground surfaces shall be graded to prevent ponding and without low areas except where approved easer or catchbasin outlets are provided.
 - Maximum hand surface grades are to be 8.0%.
 - Staked straw bale filters and flow checks to be installed as per CPSS 219.100 and CPSS 219.180 around catchbasins and sewer inlets.
 - Conflicts between the architectural drawings and grading shall be brought to the attention of the contract administrator.
 - The contractor is responsible for reviewing proposed grades with conflicts regarding the proposed structures.
 - Sub-drain and outlet elevations are to be confirmed prior to construction any structures.
 - Sub-grade shall be graded at a minimum of 2% until a lower ditch is encountered or the existing surface drains away from the sloped sub-grade.
 - Gravel areas include all rounding required to maintain the proposed gravel pad edges.

- SITE WORKS**
- Road cuts to be reinstated as per TRD-1 and a minimum of 50mm H.L. 150mm granular A, 300mm Granular B. University Avenue to be reinstated as per TRD-2.
 - Where in earth subgrade granular depths to be 150 mm Granular A and 300mm Granular B. Provide 3% crossfall on subgrade.
 - Existing pavement thickness to be matched on University Avenue and Princess Street.
 - Hot mix, hot laid asphalt concrete as per CPSS 1150. Mix design shall contain a minimum of 6.4% asphalt cement with a performance grade of PG-58-28 and 3.5% air voids. Parking lot Hot mix asphalt shall be 40mm H.L.3 and 40mm H.L.8.
 - Concrete curb and gutter shall be mountable type CPSS 600.100 (or better type CPSS 600.040 where indicated). Concrete shall be 30 Mpa 28 day strength, 19mm coarse aggregate normal maximum size, 6.0% to 8.0% air content. Normal portland cement type as per CPSS 130.1.
 - Concrete materials and production as per CPSS 350, 351, 352, 353, 1301, 1302 and 1350.
 - Boulevard slopes shall be a minimum of 2% and a maximum of 2% within ROW.
 - Boulevards to be finished with 100mm of topsoil and nursery sod.
 - Existing elevations as per Hopkins and Chitty, February 2014 field survey.
 - All ground surface grades shall be graded to prevent ponding and without low areas.
 - In the event that human remains are encountered during construction, the Contractor shall immediately contact the Ministry of Tourism Culture and Sport, the Registrar of the Cemeteries Registration Unit from the Ministry of Consumer Services, at (416) 326-8393 and City Police. Parking lot cross section as per Architectural and Structural drawings. A minimum of 50mm H.L.3.
 - Show storage shall be provided off-site.

Sheet	TOP OF WARDMAN WEST - WEST OF SOUTH WEST CORNER CIVIC 455 - ELEV. 605.0
01	ALFORD ARCADE CONCRETS
02	ALFORD ARCADE CONCRETS
03	ALFORD ARCADE CONCRETS
04	ALFORD ARCADE CONCRETS
05	ALFORD ARCADE CONCRETS
06	ALFORD ARCADE CONCRETS
07	ALFORD ARCADE CONCRETS
08	ALFORD ARCADE CONCRETS
09	ALFORD ARCADE CONCRETS
10	ALFORD ARCADE CONCRETS



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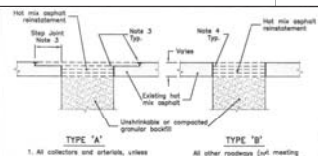
Client: PRK DEVELOPMENTS LP.

Project: 333 UNIVERSITY AVENUE DEVELOPMENT

Drawn: SITE GRADING PLAN

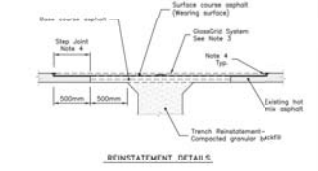
Drawn by	Checked by	Project No.
JL	OM	033
Designed by	Approved by	Company No.
OM	OM	

Date: MARCH 07, 2024
Scale: 1:500
GI



- REINSTATEMENT DETAILS**
- Hot mix asphalt type as specified. The surface course to be placed in a 40mm lift. Asphalt shall be installed with attention paid to grade and rise. Inappropriate installation will be rejected and reinstatement required.
 - All granular material, whether used as base in the trench excavation or as road base, shall be compacted to 100% Standard Friction Density.
 - (Type A)
The step joint shall be 500mm min. wide and 40mm deep. A step joint is not required for pavement depths less than 40mm.
Apply Seam 3082 LM sealant to the vertical surfaces of the rule and provide 50mm overhang of the surface (i.e. crack seal).
 - (Type B)
An inspector from the City's Engineering Department must be on site prior to installation of any asphalt, and should be contacted 48 hours prior to the work.
An application of Tack Coat shall be applied to all vertical asphalt surfaces.

CITY OF KINGSTON
Engineering Department
Infrastructure Management
TRENCH REINSTATEMENT FOR UTILITY CUTS
Rev. 1 to 4
Drawing 780-1



- REINSTATEMENT DETAILS**
- Hot mix asphalt type as specified. The surface course to be placed in a 40mm lift. Asphalt shall be installed with attention paid to grade and rise. Inappropriate installation will be rejected and reinstatement required.
 - All granular material, whether used as base in the trench excavation or as road base, shall be compacted to 100% Standard Friction Density.
 - Granular Product 8502 shall be placed on the top layer of new base course asphalt to reinforce the joint between the existing asphalt and the new pavement at the raised joint.
Close grid shall be 1.5m wide and full width of excavation. Installation shall be in accordance with the supplier's specifications.
 - The step joint shall be 500mm min. wide and 40mm deep.
Apply Seam 3082 LM sealant to the vertical surfaces of the top lift of asphalt and provide 50mm overhang of the surface (i.e. crack seal).
 - An inspector from the City's Engineering Department must be on site prior to installation of any asphalt, and should be contacted 48 hours prior to the work.

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