

**Council Meeting Number 24-2021
Addendum
Tuesday, November 2, 2021**

The Committee of the Whole “Closed Meeting”

The consent of Council is requested for the **addition** of Committee of the Whole “Closed Meeting” item 1b.

- 1b.** A proposed or pending acquisition or disposition of land by the municipality of local board
– Federally Owned Property.

Delegations

The consent of Council is requested for the **addition** of Delegation Numbers 1, 2 and 3.

- 1.** Deanna Hanes will appear before Council to speak to Clause 4 of Report Number 91: Received from the Chief Administrative Officer (Recommend) with respect to Partnership with Tennis Clubs of Canada for Indoor Sport Court Facility in St. Lawrence Business Park.
- 2.** Kody Kazda, Tennis Clubs of Canada, will appear before Council to speak to Clause 4 of Report Number 91: Received from the Chief Administrative Officer (Recommend) with respect to Partnership with Tennis Clubs of Canada for Indoor Sport Court Facility in St. Lawrence Business Park.
- 3.** David Bussiere will appear before Council to speak to Clause 4 of Report Number 91: Received from the Chief Administrative Officer (Recommend) with respect to Partnership with Tennis Clubs of Canada for Indoor Sport Court Facility in St. Lawrence Business Park.

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

The consent of Council is requested for the **addition** of Motion of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery Numbers 1, 2 and 3.

- 1.** Moved by Mayor Paterson

Seconded by Councillor Hill

That the sincere condolences of Kingston City Council be extended to the family and friends of former Mayor of Kingston, Isabel Turner, who passed away on Tuesday, October 26, 2021 with her family by her side at Kingston General Hospital at the age of 85. Mayor Turner immigrated to Canada from Scotland on her own in 1956. Elected in 1980, she was the first female Councillor on Kingston Township Council and later served

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as Reeve for 12 years where she also sat on Frontenac County Council before being elected as Mayor of the amalgamated City of Kingston in 2000. She worked tirelessly on many efforts during in her time in politics and in 2002 was the recipient of the Queen's Golden Jubilee Medal for her outstanding and exemplary contributions. Mayor Turner was a trailblazer to women of her generation, and she will be dearly missed and remembered by all who knew her. Our thoughts our with her family and friends during this difficult time.

2. Moved by Mayor Paterson

Seconded by Deputy Mayor Oosterhof

That sincere condolences of Kingston City Council be extended to Councillor Mary Rita Holland and her family on the passing of her father, Vincent Holland on October 26, 2021 in Miramichi, New Brunswick. Mr. Holland was a loving husband, father and grandfather. He worked for two local hospitals over his career and was a dedicated volunteer in the local fire department, his local church, senior citizen's club, softball association and curling club. He will be greatly missed by his many family and friends, and our thoughts are with them during this difficult time.

3. Moved by Councillor M^cLaren

Seconded by Deputy Mayor Oosterhof

That the congratulations of Kingston City Council be extended to Kingston Economic Development Corporation in recognition of winning a Gold Award, the highest honour in the industry from the International Economic Development Council for their partnerships with educational institutions in the form of Queen's Career Apprenticeship: Kingston program and to CEO Donna Gillespie in recognition of winning the Ontario East EDO of the Year from the Ontario East Economic Development Commission. Thank you for your continued service to our community.

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Communications

The consent of Council is requested for the **addition** of Communication Numbers 24-952, 24-953, 24-954, 24-955, 24-956 and 24-957.

24-952 Correspondence received from Richard Ryde, Director, Walnut Grove Estates Community Association, with respect to 2274 Princess Street, dated November 1, 2021.

(Distributed to all members of Council on November 2, 2021)

(Attached to Addendum as schedule pages 1-2)

24-953 Correspondence received from June Blackburn, Chairperson, Residents Against Incompatible Development, with respect to 2274 Princess Street.

(Distributed to all members of Council on November 2, 2021)

(Attached to Addendum as schedule pages 3-5)

24-954 Correspondence received from Christine Sypnowich, Barriefield Village Association Board and Shirley Bailey, Frontenac Heritage Foundation Board, with respect to 214 Green Bay Road, dated November 1, 2021.

(Distributed to all members of Council on November 2, 2021)

(Attached to Addendum as schedule pages 6-7)

24-955 Correspondence received from John Harrison with respect to “Shadow from 2274 Princess Street”, dated October 31, 2021.

(Distributed to all members of Council on November 2, 2021)

(Attached to Addendum as schedule pages 8-16)

24-956 Correspondence received from Peter Burbidge with respect to 2274 Princess Street – Courtyard Shadowing, dated October 31, 2021.

(Distributed to all members of Council on November 2, 2021)

(Attached to Addendum as schedule pages 17-18)

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24-957 Correspondence received from Alma Thayer, President, Kingston Tennis Club, with respect to Tennis Clubs of Canada (item COU-21-253 on the agenda), dated November 1, 2021.

(Distributed to all members of Council on November 2, 2021)

(Attached to Addendum as schedule pages 19-20)



To Mayor Paterson and Councilors

November 1st, 2021

There has been much debate on the proposed development at 2274 Princess Street and numerous issues and concerns brought forward with more yet to be examined and solved.

The Walnut Grove Estates Community Association has long held the opinion and has made many submissions in support of the position that density is the core of the matter. It is the cause for many of the requested planning concessions and the requirement for special site specific zoning that is being recommended by the Planning Committee.

If the site were to be rezoned under the Residential Type 5 zoning, the maximum allowable units per hectare would be 125uph. This would equate to 215residential units not 230 units being recommended for approval. For the City to grant density beyond that allowable and create a site specific zoning there must be benefit to the public. (Official Plan Policy 9.5.25) Where is the benefit?

Retaining the R5 zoning maximum allowable number of residential units of 215 would reduce the mass of the building, reduce the parking requirements, allow more setback and green space while reducing the impact on traffic and creating more design options to mitigate other development concerns.

The Walnut Grove Estates Community Association would once again ask that this Council consider rejecting the Planning Committee’s recommendation for creating a site specific zoning and ask for compliance with the allowable Residential Type R5 zoning.

Thank you for your consideration.

Richard A. Ryde
 Director, Walnut Grove Estates Community Association

**CITY COUNCIL
MEETING OF:**

November 2, 2021

COMMUNICATION

No: 24-952

Dear Mayor Paterson and Councillors:

Introduction:

This document sets out the objections of the community group, Residents Against Incompatible Development (RAID), against the development proposed by Patry Inc. for 2274 Princess Street in its current form. It includes a brief narrative addressing each issue and concludes with proposed measures for your consideration.

RAID has stated consistently that we do not oppose development on this parcel of land. We oppose incompatible development and the proposed building as currently designed.

RAID acknowledges with appreciation the support it has received from Planning Services and the Planning Committee and the concessions that have been made by the Developer but believes that more needs to be done to provide an adequate response to the land use compatibility (LUC) provisions of the Official Plan (OP).

The mitigation measures RAID requests are the following.

- **Increased setback of the apartment building to a minimum of 25 meters from the current 12.5 meters to allow for sufficient buffering utilizing existing trees and new plantings to provide visual buffering and climate calming mature trees for both current and future residents of Walnut Grove and 2274 Princess Street.**
- **Relocation of the elevator shaft and remaining fourth floor apartments to provide a continuous line of three stories across the north side of the building to reduce shadowing, intrusive overlook and allow continued enjoyment of our homes and backyards.**
- **The use of Juliet balconies on the north wall.**
- **Reduction of the scale and mass of the building to further reduce the length of the wall facing our properties and provide an appropriately sized building that conforms with the OP and Zoning By-Laws (ZBLs).**

Councillors of the Planning Committee acknowledged the validity of RAID's LUC concerns by expressing these views:

- there was too much take and not enough give on the part of the Developer;
- there had not been better negotiations with the developer to recognize LUC concerns;
- suggested mitigation measures, such as Juliet balconies, were not implemented
- the removal of all the trees and the unfavorable impact on the climate with special note of the 15 Black Walnut trees that will be lost;
- the serious LUC issues that have not been addressed;
- studies provided by RAID that contradict the findings of Planning Services.

RAID extends its thanks for the Planning Committee motion to have no protruding balconies on the third floor along the north wall.

RAID Concerns

Buffering:

The clear cutting of the site will result in no viable visual buffering for the adjacent residents. RAID asks for an increased setback to 25 meters from the current 12.5 meters to allow for sufficient buffering utilizing existing trees and new plantings to shield and provide climate calming mature trees for both current and future residents of Walnut Grove and 2274 Princess Street. According to Patry Inc's landscape architect, existing and new plantings can be integrated into a viable landscape buffering plan. However, the current proposed distance from the property line will not sustain these mature trees.

Shadowing:

A major LUC concern is the shadowing created by the building. Changes to the design of the building have reduced the shadowing impacts during Spring, Summer and Fall; however, shadowing remains non-compliant on and about the winter solstice. This was ignored in the Technical Review and in the Planning Committee decision. A mitigation measure requested by RAID that the remaining fourth floor structures be relocated elsewhere in the building has been refused by the Developer. This change would eliminate **all** shadowing on Walnut Grove properties and would not reduce the number of units.

Noise:

The full impact of noise on the residents of Walnut Grove has not been properly assessed despite assertions by the Developer's consultant that it has. A resident of Walnut Grove's own detailed noise analysis (copied to Planning Services) shows that the impact of the air-conditioner noise alone at some Walnut Grove homes will be non-compliant with NPC-300. The OP and the City of Kingston Shadow Guideline are Kingston documents and subject to the whims of Council. However, noise is subject to Provincial Regulation and cannot be set aside.

Independent Land Use Compatibility Study:

RAID is told that an independent land use compatibility study can be requested; however, since in the eyes of Planning Services the building does meet the LUC requirements, one is not necessary. In view of RAID's concerns, and the recognition of these concerns by the Planning Committee, it is our belief that an independent review is, indeed, necessary to provide a third-party perspective.

In addition to the LUC issues, RAID views with concern the following amendments to existing ZBLs requested by the Developer and supported by Planning:

Orientation of the Building, Lot Frontage Section and Traffic:

RAID continues to have concerns about the orientation of the building, the width of the opening from Princess Street, and traffic lights or pedestrian cross walks at the entrance.

- The building does not meet the **compulsory** requirement that it front onto Princess Street. The response that it is enough to have the entrance face Princess is insufficient. In fact, the doors to the front entrance points towards Jiffy Auto rather than Princess Street. In the future, the building will be visually obstructed by the commercial development in front of it.
- The traffic study does not adequately address traffic concerns. It does not consider the need for traffic lights and a pedestrian crosswalk in front of the building without which the probability of traffic accidents is high and pedestrians who wish to take a city express bus heading east are denied easy access to a bus stop thus discouraging use of mass transit. A study that analyzes current traffic movements at specific times of the day on Princess Street is required.
- The width of the entrance is less than half of the requirement of the ZBL. The developer's assertion that it is safe will be verified only at site plan control. This is too late. It needs to be confirmed before approval by City Council.
- The width does not take into consideration the commercial enterprise to the west nor the impact of the planned commercial development to the east.

Community Benefits:

It has been recommended by Planning Services that the Developer be absolved from paying Community Benefits. As the Developer is requesting a substantial increase in density, as well as nine ZBL amendments, RAID is of the opinion that Community Benefits should be applied as per the OP. The fact that the Developer will have to pay a fee for clear cutting the site as part of construction should not be viewed as "Community Benefits" as these are entirely separate matters.

Wellbeing of the Residents of 2274 Princess Street:

Unresolved issues affecting the tenants of 2274 Princess Street which impact negatively on its future residents, include:

- Excessive shadowing of some of the units;
- Proposed one bedroom size of 40 square meters, below R5 requirements, is smaller than the standard used in the City of Toronto; and is too small to accommodate bicycle storage as proposed by the Developer;
- Greatly reduced privacy and potential safety and security concerns for ground floor residents due to the proposed 60.5% decrease in distance from living rooms to outdoor public areas and the 62% reduction requested in distance from a bedroom to an outdoor public area.

Conclusion:

1,283 people signed RAID's petition and approximately 150 letters supporting RAID were submitted to Planning Services which shows the considerable public opposition to this development. The public does not agree with the size of this building,

the clear cutting of the urban forest on the site, and the domineering presence the proposed building imposes on its residential neighbours. The size of RAID's petition must be appreciated in the context of the limitations of the protracted lock downs and restrictions imposed by the pandemic that prevented RAID from petition related activities for several months. Had these restrictions not been in place, there is no doubt that many more signatures would have been collected.

It matters to people in Kingston when developers refuse to respect the ZBLs and request relief from several zoning provisions at the expense of neighbors. OP and ZBL policies are intended to reflect best planning principles. They are in place to prevent ongoing neighborhood conflicts. To quote from Section 2.7 of the OP, "[G]rowth and development within the city will be guided by principles of land use compatibility that respect the quality of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment, and intensity in order to avoid or mitigate adverse effects."

In view of this, RAID is puzzled how this Development can be viewed as being in the best interests of the Kingston public.

RAID acknowledges the city is in a difficult period of ZBL transition. In many instances, the applicable ZBL is said to be outdated. The proposed draft ZBLs are not applied as they have not yet been approved. Contents of visionary reports such as Density by Design are not considered as they are not yet complete. All of this leaves City Planners, the Planning Committee and City Council with significant problematic grey areas for which there is no official policy guidance. Sadly, this predicament is evident in the design of this Development.

RAID has heard it said that we can't ask for more. We disagree. Given that the applicant is asking for new zoning and for relief from several elements from the zone, Council is in a good position to approve those changes as long as the Developer does better in other areas such as land use compatibility. A better development that shows more respect for the R5 zoning and for Walnut Grove neighbors is possible on this site. Please send this proposal back so that Planning Services can continue to work with the applicant to arrive at a more respectful proposal that requires less relief.

RAID Proposes the Following Measures to City Council:

- **That the amendments to the Official Plan and ZBLs not be approved at this time;**
- **That City Council defer a vote on this matter to allow further negotiation between Planning Services, the Developer, and RAID and the completion of an independent third-party land use compatibility study to address buffering, shadowing, noise, overlook, and privacy issues;**
- **That the Planning Committee motion be supported and expanded to include having no protruding balconies on any floor of the north wall;**
- **That the Developer be directed to remove and relocate the remaining fourth floor structures to provide a consistent three storey wall facing Walnut Grove and eliminate shadowing during the winter months;**
- **That more be asked of the Developer to address climate change concerns;**
- **That any further action on this development by City Council be deferred until there is assurance that noise impact on nearby residential properties is compatible with Provincial Regulations NPC-300 and NPC-216;**
- **That Community Benefits be included as part of this Application.**

On behalf of RAID, I thank you for taking the time to consider our submission.

June Blackburn
Chairperson
Residents Against Incompatible Development (RAID)
November 1, 2021

**CITY COUNCIL
MEETING OF:**

November 2, 2021

**COMMUNICATION
No: 24-953**



1 November 2021

Dear Mayor Paterson and Kingston City Councillors,

We are writing regarding the proposal for 214 Green Bay in Barriefield Village to express our concern with the lack of attention paid to the Heritage Conservation District Plan (HCD Plan).

The proposal before you involves the construction of a house with a porch of 8' depth, as well as a prominent garage with a larger cross gable design (the drawings also still indicate a residential upper level, although this is not included in the approval of the staff report).

Members of the Heritage Committee pointed to the plan's emphasis at **4.5.2: New construction shall reflect and be compatible with pre-existing forms and massing already present in the District.**

There are no heritage buildings, or even new builds, with porches of that depth. Windows of this kind, particularly in garages (and residential upper levels in garages), are also out of keeping with the existing heritage and modern houses.

We are concerned that the HCD Plan be interpreted, not as binding only where there are quantitative rules, but in a spirit of maintaining the heritage character of the village in light of the existing heritage building stock as set out in the HCD guidelines. This is especially important given plans are in process for an ambitious residential development at the former school site.

New builds, particularly ones that risk 'monster' houses and garages at odds with the modest vernacular of the village, threaten to destroy the essence of Barriefield's heritage. Given the significant work of current residents to maintain the heritage character of their homes, such a move would seem a betrayal of the principle of good faith required to maintain the fragile heritage of Barriefield.

The City will remember that Barriefield residents, who are members of the Barriefield Village Association whose mandate is to conserve the heritage of the village, worked tirelessly in the development of the current HCD Plan to ensure it has the resources to secure Barriefield's heritage character. We are committed to its premise, purpose, and goals in protecting Barriefield's built heritage. We urge that our efforts be backed up and given more rigorous support from the City's heritage planning staff in their application of the HCD Plan.

We ask that you please reconsider this proposal. Many thanks.

Yours sincerely,

Christine Synowich on behalf of the Barriefield Village Association Board

Shirley Bailey on behalf of the Frontenac Heritage Foundation Board

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**CITY COUNCIL
MEETING OF:**

November 2, 2021

COMMUNICATION

No: 24-954

From: John Harrison

Sent: October 31, 2021 9:30 PM

To: Lambert,Lindsay <llambert@cityofkingston.ca>; Agnew,Paige <pagnew@cityofkingston.ca>; Neill,Jim <jneill@cityofkingston.ca>; Osanic,Lisa <losanic@cityofkingston.ca>; Hutchison,Rob <rhutchison@cityofkingston.ca>; Kiley,Robert <rkiley@cityofkingston.ca>; Hill,Wayne <whill@cityofkingston.ca>

Cc: June Blackburn ; Chapelle,Simon <schapelle@cityofkingston.ca>

Subject: Shadow from 2274, Princess Street

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

Dear Members of Planning Services and Planning Committee,

As you are aware I was surprised that December 21st was avoided in the shadow section of the Technical Review of the 2274, Princess Street Development. It has just come to my attention that there are updated Terms of Reference - Shadow Impact Study. December 21st remains among the test dates. I have re-visited my earlier (April) report in the light of the updated Terms of Reference. With the present site plan, shadow remains non-compliant on and about Dec. 21st. This is explained in the attached report. Also attached are the City of Kingston Terms of Reference - Shadow Impact Study. As I conclude, the Planning Committee and Council need to insist that the building be moved to the south to bring about compliance with the City of Kingston Terms of Reference.

Yours Sincerely,
John Harrison

Terms of Reference – Shadow Impact Study
2274, Princess Street
John Harrison
October 31st, 2021

Earlier (April 11th, 2021) I had submitted to Planning Services a “Shadow Report for Homes on Ellesmeer Avenue following the Revised Site Plan for the Proposed Development of 2274, Princess Street”. I concluded that shadow was non-compliant with the Terms of Reference on and about one of the “test dates” (December 21st) for several homes on Ellesmeer Avenue. At the time I was using the Terms of Reference in the Official Plan. I have just discovered that there is an extended Terms of Reference stand-alone document, appended as an appendix to this report. One extra inclusion is labelled “Qualified Persons”:

Qualified Persons

A Shadow Impact Study should be completed by a registered architect, professional engineer, Registered Professional Planner, or a qualified consultant with experience in this field.

Although not a professional architect or professional engineer¹, registered professional planner or a qualified planner, by virtue of my PhD and membership of the Canadian Association of Physicists, I am a Professional Physicist. In any case, the shadow calculation is very straightforward for someone who has taught mechanics to the upper three years of undergraduate physics and engineering physics students and to second year civil engineering students.²

¹ However, I have taught undergraduate engineering physics students in their final 3 years, including supervision of their final year engineering design thesis course and advanced laboratory course.

² I also have experience with shadow, having determined the shadow impact of 26 wind turbines on Amherst Island, so forcing Hatch (an engineering consultant for the developer) to make the same determination – we came to the same conclusion.

2. Shadow Models

2.1. The shadow model should be done with a computer program capable of simulating shadow patterns surrounding the development site as influenced by the proposed development.

2.1.1. The shadow impacts should be simulated for the dates that correspond with the winter solstice, summer solstice, and the vernal and autumnal equinoxes.

I do not have access to a computer program simulating shadow patterns. In any case, pattern simulations do not address the specific conditions addressed in section 2.2.2 high-lighted below. My calculations used numbers from the National Ocean and Atmospheric Administration for the elevation and azimuth for the sun, the latitude and longitude of Kingston and simple trigonometry, all handled with Excel spreadsheets and Excel graphing tools for which I have decades of experience.

Note that I included the winter solstice, omitted in the Technical Review used by Planning Services and the Planning Committee in their decision.

2.1.2. The times for testing shadow impacts should begin 1.5 hours after sunrise and be done at 1 hour intervals until 1.5 hours before sunset.

2.2.2. Other shadow sensitive areas should receive full sun coverage at least half the time or 50% sun coverage all the time on each of the test dates.

Section 2.1.2 was not in the original Terms of Reference. The “daylight hours” on Dec. 21 have now been reduced by 3 hours from 8.5 hours to 5.5 hours.

Assuming a 1 metre safety parapet, there remains one and one quarter hours of full sun at 121, Ellesmeer Avenue. This is 23% ($1.25/5.5$) of the “revised” daylight hours, well below the stipulated 50%. Full sun is non-compliant on Dec. 21st at that address: also, around that date and inclusive of nearby homes.³

Assuming a 1 metre safety parapet, there remains at 121 Ellesmeer Avenue 50% sun coverage from 10am to 11am, 12 noon to 2pm for a total of 3 hours. This is 55% ($3/5.5$) of all the “revised” daylight hours, well below the stipulated 100%.

³ The full calculations were presented in the April 12th report to planning Services

50% sun coverage is non-compliant on Dec. 21st at that address: also, around that date and inclusive of nearby homes.

On and around Dec. 21st, the shadow on several Ellesmeer Avenue homes will be non-compliant with the most recent City of Kingston Terms of Reference for Shadow. The Planning Committee and Council needs to insist that the building be moved to the south to bring about compliance.

Description

A Shadow Impact Study is a document intended to illustrate how a proposed development's shadow will impact shadow sensitive areas such as neighbouring streets, adjacent properties, nearby open spaces and the public realm. Compiling this study requires knowledge of the surrounding area and urban fabric as well as a software program capable of simulating sun and shadow patterns. The study should include a written description of the impacts of shadows cast by the proposed development as well as a visual model demonstrating shadowing at specified times of the day and through the year. This Terms of Reference document is intended to be applied in conjunction with all other applicable guidelines, such as the City of Kingston's Site Plan Control Guideline and the City of Kingston's Subdivision Development Guideline and Technical Standards.

Rationale

A Shadow Impact Study will provide the City with a means of evaluating the compatibility of a proposed development with the surrounding area, and ensuring it does not overshadow existing development to an unacceptable degree. Particular emphasis will be placed on protecting public and private recreation and amenity spaces during the period of April to September, when these spaces are most commonly used. In addition, certain areas of the City, including the Market Square Heritage Conservation District, City Hall, and Confederation Park must be protected from unacceptable amounts of shadowing.

When Required

A Shadow Impact Study is required when a proposed development has the potential to create undue impacts on adjacent properties and sensitive shadow areas. Sensitive shadow areas may include:

- Low density residential areas
- Open spaces and parks
- Public and private amenity areas
- Areas with landscaping and tree cover
- Schools, hospitals, and daycares
- Other areas and/or uses that require sunlight for comfort, function, enjoyment, or commercial viability
- Specific areas as outlined in the policies of the City of Kingston's Official Plan such as City Hall, Springer Market Square, and Confederation Park (s. 8.7.c.)
- Or any other development application deemed appropriate by Council or delegate

Applicable Legislation

Section 2 of the *Planning Act* outlines matters of provincial interest to which all approval authorities shall have regard for in making a decision. Item (r) of Section 2 states that approval authorities shall have regard for:

- (r) the promotion of built form that,
 - (i) is well designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The *Planning Act* gives Council the authority to request other information or material that it deems necessary in order to evaluate and make a decision on a proposed planning application.

Qualified Persons

A Shadow Impact Study should be completed by a registered architect, professional engineer, Registered Professional Planner, or a qualified consultant with experience in this field.

Required Contents

1. Development Proposal

- 1.1. Provide a short description of the proposed development and the context of the surrounding area. This may include any relevant maps, diagrams or site plans.

2. Shadow Models

- 2.1. The shadow model should be done with a computer program capable of simulating shadow patterns surrounding the development site as influenced by the proposed development.
 - 2.1.1. The shadow impacts should be simulated for the dates that correspond with the winter solstice, summer solstice, and the vernal and autumnal equinoxes.
 - 2.1.2. The times for testing shadow impacts should begin 1.5 hours after sunrise and be done at 1 hour intervals until 1.5 hours before sunset.
 - 2.1.3. The shadow impacts must take into account daylight savings time.
 - 2.1.4. Identify the shadow outline that would be cast if the proposed development were to be approved and built.
 - 2.1.4.1. The shadow simulation images should be done in a top down view with streets, the proposed development, and any significant landmarks identified.
 - 2.1.4.2. The rendering should demonstrate the buildings in the surrounding area as well as their shadows.

- 2.1.4.3. The diagram should identify any nearby sensitive shadow areas.
- 2.1.4.4. The rendering will be accurate with respect to geodetic location (i.e. longitude and latitude) and hemisphere.
- 2.2. The criteria for acceptable shadow impacts is as follows:
 - 2.2.1. No more than 2 consecutive hours of shadowing on private residential outdoor amenity areas for the June and September test dates.
 - 2.2.2. Other shadow sensitive areas should receive full sun coverage at least half the time or 50% sun coverage all the time on each of the test dates.

Please include the original digital files of the 3D rendering with the submission. This will provide City staff the opportunity to understand the broader context of the proposal, check for accuracy, and provide feedback and suggestions on the rendering.

3. **Shadow Impact Results**

- 3.1. The results of the analysis should be presented in pictorial/graphic form for each interval and test date.
- 3.2. Provide a summary of the results of the shadow impacts of the proposed development.
 - 3.2.1. This may include:
 - Any significant periods of shadowing over shadow sensitive areas
 - Locations of the shadow impacted areas
 - Assessment of the shadow impacts

4. **Mitigation Measures**

- 4.1. Mitigation measures to lessen shadowing impact should be highlighted, with a rationale provided for why the preferred approach is superior and acceptable to other design alternatives. This may include:
 - Changing of the building's orientation
 - Adjustment of the massing and/or setbacks
 - Reduction of the height
 - Introduction of transitions and/or podiums
 - Other mitigation features that can be incorporated into the design

5. **Conclusion**

- 5.1. Conclude the shadow impact study with a brief summary of the results and the impacts of the proposed development on the surrounding area.

Submission Requirements

All development applications and accompanying studies and reports should be submitted through the City of Kingston's **Development and Services Hub** (DASH) which can be accessed online at: [City of Kingston DASH](#)

Additional Information

For additional information, please contact the City of Kingston Planning Services Department at:

1211 John Counter Boulevard, Kingston

613-546-4291 ext. 3180

planning@cityofkingston.ca

or visit the Ministry of Municipal Affairs and Housing website at:

[Ministry of Municipal Affairs and Housing](#)

**CITY COUNCIL
MEETING OF:**

November 2, 2021

COMMUNICATION

No: 24-955

On Oct 31, 2021, at 7:14 PM, Peter Burbidge

wrote:

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Lindsay Lambert

I raised the question regarding the amount of shadowing in the courtyard at the Planning meeting; however did not receive a response to my concerns.

The shadowing studies provided by the developer, show little to no sunlight for the apartments on the south side of the courtyard. The courtyard model has many disadvantages in terms of privacy, sound and shadowing.

The following outlines the importance of the light levels:

- The design illuminance levels need to enable people to perform visual tasks efficiently and accurately shall be obtained by means of daylight, electric light or a combination of both.
- Windows are strongly favoured in buildings for the daylight they deliver, and for the visual contact they provide with the outside environment. It is important to ensure windows do not cause visual or thermal discomfort, or loss of privacy.
- Potential energy savings by using daylight
- Light is important to people's health and well-being.

Daylight factor (DF) is a daylight availability metric that expresses as a percentage the amount of daylight available inside a room compared to the amount of unobstructed daylight available outside under overcast sky conditions.

Daylight autonomy (DA) is a daylight availability metric that corresponds to the percentage of the occupied time when the target illuminance at a point in a space is met by daylight (Reinhart, 2001). A target illuminance of 300 lux and a threshold DA of 50%, meaning 50% of the time daylight levels are above the target illuminance, are values that are currently promoted in the Illuminating Engineering Society of North America (IESNA, 2013).

Common Standards:

10% glass area to floor area

300 to 500 lux in the apartment

Daylight Factor of 2%-3% (light inside as proportion to light outside)

Daylight should be used as primary source of light in buildings in daytime to meet both visual and non visual needs.

Given the very high shadowing impact within the courtyard, are these standards being met on the south side?

Peter Burbidge

**CITY COUNCIL
MEETING OF:**

November 2, 2021

**COMMUNICATION
No: 24-956**

From:**Date:** November 1, 2021 at 5:30:47 PM EDT**To:** CityClerk@cityofkingston.ca**Cc:** pstroud@cityofkingston.ca, losanic@cityofkingston.ca**Subject:** Tennis Clubs of Canada (item COU-21-253 on the agenda)**Reply-To:**

Dear Mayor Paterson and Members of Council,

I write on behalf of the Board of Directors of the Kingston Tennis Club (KTC) with respect to the proposal Council is considering tomorrow, related to Tennis Clubs of Canada (item COU-21-253 on the agenda). I request that the City Clerk kindly distribute the attached printable pdf copy of this letter to City Council prior to their meeting on November 2nd.

The KTC is a deeply-rooted, locally operated, non-profit organization that has served the Kingston community since 1924. It is with dismay that we have just learned that the City is proposing to use taxpayer dollars to heavily subsidize an out-of-town, private, for-profit tennis consortium based in Toronto. We understand that the city staff report proposes what is essentially a subsidy of \$88,000 per year from the city for at least ten years - as well as a deferral on 1.3 million in development charges.

Yet, in KTC's almost 100 years of service and benefit to the community, we have never received even a dollar of support from the City of Kingston, nor been supported in other ways that are priorities for us. The City refuses even to pick up our garbage and recycling in spite of the fact we are in the heart of a residential neighbourhood in Kingston.

We have been good tax-paying citizens and have provided a wide array of programs and services to the community (including junior camps, tournaments, adult programs, lessons etc.) at a topnotch recreational facility available to all at an affordable price. This year alone we had 1500 people access our tennis facilities, half of them children enrolled in our extremely popular junior summer camps. We make all of our junior programs accessible to members and non-members, and never turn away any family with limited financial means.

In the early part of this season, we approached the City of Kingston (Parks and Recreation) to offer an outreach program to children in the local community, given that many of their regular activities (such as soccer and camps) were not being offered because of COVID. This program was to be a partnership with the City, with the KTC providing high quality instruction, tennis equipment and subsidies for children of limited means, and the City

simply being asked to provide a few hours of court time each week at local public tennis courts. Despite ongoing discussions with Parks and Recreation, we were not successful in getting their support for this program.

Yet here we now are, with a private, deep-pocketed business, with no particular loyalty to Kingston or the interests of our local community, asking for substantial public funding from the city.

We are not trying to bring this project to a stop – and indeed, many of our members would welcome an indoor tennis facility being established in Kingston. But we are strongly opposed to using taxpayer dollars to subsidize a private company that will almost certainly be -and certainly ought to be- profitable without this level of support. And there simply is no argument to be made that the city will reap economic benefits from this agreement. The effective costs of city court usage at TCC will be over \$25 per hour. It is unrealistic for the city to even come close to recouping its costs by charging court fees at this rate. By comparison, our club charges the Queen’s tennis teams between \$5 and \$15 per hour, depending on the time slot, and our club members pay no court fees at all. The TCC facility would have at least 90 hours of daily tennis and 180 hours of daily pickleball, but the proposal allows fewer than ten off-peak hours of that to the city, and does not even specify how much is tennis and how much pickleball. The city expects to lose on average over \$42,000 per year over the ten years of the contract; quite frankly, that seems very optimistic, after all costs are included.

Please support our community-based club by at least picking up our garbage and recycling at 45 Napier Street!

We kindly ask that this letter be distributed to members of City Council prior to their meeting on Tuesday, November 2nd.

Yours sincerely,

Alma Thayer,

President, Kingston Tennis Club

cc Councilors Lisa Osanic and Peter Stroud
(pdf copy of this email is attached)

**CITY COUNCIL
MEETING OF:**

November 2, 2021

**COMMUNICATION
No: 24-957**