



**City of Kingston
Report to Planning Committee
Report Number PC-24-001**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: April 4, 2024
Subject: Recommendation Report
File Number: D35-014-2021
Address: 4085, 4091 and 4097 Bath Road
District: District 3 – Collins Bay, Bayridge
Application Type: Official Plan & Zoning By-Law Amendment
Owner: Frances H. Day, Clark Day, and Robert R. Kennedy
Applicant: Armitage Homes Ltd. and Arcadis

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding applications for Official Plan and zoning by-law amendments submitted by Armitage Homes Ltd. and Arcadis, on behalf of Frances H. Day, Clark Day, and Robert R. Kennedy, with respect to the subject site located at 4085, 4091 and 4097 Bath Road. The subject lands are conditionally approved to be severed and consolidated with 4091 Bath Road through applications D10-020-2022 and D10-021-2022.

The applicant is proposing to amend the Official Plan and Zoning By-Law to facilitate a residential condominium development including 41 single-detached houses, 66 double-stacked townhouses

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and 120 triple stacked townhouses as well as private roads, surface parking areas, private open space and a protected naturalized buffer adjacent to Collins Creek. Consistent with additional dwelling unit permissions enabled by the Province through Bill 23, the 41 single-detached homes are proposed to contain up to three dwelling units, for maximum total of 309 dwelling units in the proposed development.

The subject property is designated Residential in the Official Plan with a portion of the property in a Special Policy Area 15 and a portion of the property within an Environmental Protection Area designation applicable along Collins Creek. The Official Plan amendment proposes to amend Schedules 3-A and 3-D, which would have the effect of amending the land use designations for the site to apply a protected open space designation at the west end of the lands and adding a new Site-Specific Policy Area to the site. Site-Specific Policy Area 15 will remain on the retained lot at 4085 Bath Road. Related amendments to Schedule 8-A of the Official Plan are recommended to reflect a refined understanding of the location of significant woodland and valley land on the site, as determined through the Environmental Impact Study. The Site-Specific Policy Area applies a specific minimum density of residential development of 28 dwelling units per net hectare. This minimum density makes efficient use of land in this context, given setback requirements needed to protect public safety in relation to the CN rail line, localized servicing constraints, and balancing natural heritage resource and cultural heritage resource protection objectives. The site-specific policy area also clarifies that the open space designation contains significant natural heritage features that are intended to be protected in a naturalized state.

A number of zones apply to the subject lands, including the 'C2-41-H' and 'R1-37' zones of the former Township of Kingston Zoning By-Law Number 76-26, and the 'UR1.A' (Urban Residential 1.A zone), 'DR' (Development Reserve) and 'EPA' zone of the Kingston Zoning By-Law Number 2022-62. The proposal requires a Zoning By-Law amendment to permit the residential development in its proposed form, and to establish appropriate development standards to protect natural heritage and cultural heritage features on, and adjacent to, the site.

The residential development is proposed to be a standard, phased condominium. Each single-detached house or stacked townhouse dwelling unit will be owned by the purchaser of the unit and each unit will have an interest in, and maintenance responsibility for, the property's common property elements. The condominium corporation will be responsible for common property elements including the private road, surface parking areas, servicing infrastructure, landscaped areas and park space. In addition to the subject application, the proposal will require a future Site Plan Control application to address detailed design measures, and a Final Plan of Condominium application to create the proposed ownership structure. The Plan of Condominium will identify exclusive use of elements such as decks and porches, and yards.

A public meeting for this application was held on June 16, 2022. Since this time, through the technical review process, the applicant has made a number of adjustments to the proposal. Notably, the proposal incorporates a 50-metre protected open space buffer between Collins Creek and the area proposed for residential development. The revised proposal also incorporates required setback from an existing archaeological site in the Zoning By-Law amendment protect a portion of the archaeological site in situ.

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To make more efficient use of land, beyond protected open space to be established through the OPA and ZBA and minimum setbacks required from the CN rail line and archaeological site, the applicant has explored ways to accommodate additional density while ensuring that associated development will not result in adverse effects, as demonstrated through supporting studies. The original proposal put forward at the Public Meeting for 33 single-detached houses and 138 stacked townhouse units had a density of 22 dwelling units per net hectare, which would be considered a low density according to thresholds in the Official Plan. The proposal has been revised to include a potential maximum of 309 dwelling units, including double and triple stacked townhouses, and the potential for additional residential units in the single-detached dwellings which would bring the potential density of the development to 40 dwelling units per net hectare. This potential maximum density is dependent on uptake of additional residential units within single-detached houses and is dependent on specific noise mitigation measures established on the Bell utility building to enable 9 additional townhouse units. While this potential density cannot be ensured, it is enabled by the recommended zoning by-law amendment.

A Holding Symbol is recommended through the Zoning By-Law amendment to ensure specific technical matters are addressed prior to the applicant being in a position to obtain building permits. For example, upgrades will be required to the sanitary pumping station at Bath-Collins Bay Road to support the flows generated by the additional units, the cost of which will be borne by the applicant.

The proposal is compatible with surrounding land uses and implements the recommendations from environmental impact assessment and heritage impact assessment studies and the Stage 3 Archaeological Assessment to protect natural heritage and cultural heritage resources. The minimum density established for the lands makes efficient use of available infrastructure, while avoiding negative impacts on the site and its surroundings. Residential development and intensification of the subject lands meets strategic policy objectives for sustainable growth, through its location in the Urban Boundary, within walking distance of commercial uses and community facilities, transit stops and active transportation infrastructure. The proposal, as revised through technical review, is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-014-2021) submitted by Armitage Homes Ltd. and Arcadis, on behalf of Frances H. Day, Clark Day, and Robert R. Kennedy, for the property municipally known as 4085, 4091 and 4097 Bath Road, be approved ; and

That the City of Kingston Official Plan, as amended, be further amended, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-001; and

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That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-001; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Paige Agnew, Commissioner,
Growth & Development Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Statutory Public Meeting

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Amy Didrikson, Senior Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3296
adidrikson@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application meeting held on November, 17, 2020, with Planning Services and various other departments and agencies. Following this, a complete submission of the applications was made by the applicant on January 17, 2022.

In accordance with the Planning Act, these applications were subject to a decision by Council on or before May 17, 2022, which is 120 days after the complete applications were received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

The applicant has been working with staff to address technical comments pertaining to natural heritage, cultural heritage, transportation, noise and vibration, prior to bringing the applications

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forward for a recommendation, taking the applications beyond the 120 days after the complete applications were received.

Site Characteristics

The subject lands are approximately 8.6 hectares in area with approximately 150 metres of total lot frontage on Station Street and approximately 96 metres of road frontage on Bath Road and include portions of the properties known municipally as 4085, 4091 and 4097 Bath Road (Exhibit C – Key Map). The site abuts Collins Creek to the west, a CN rail line and cell tower to the north, a Bell utility building and Collins Bay Public School to the west, and predominantly residential uses to the south of Bath Road along the waterfront of Lake Ontario, along with Edith Rankin Church and a municipal boat launch (Exhibit D – Neighbourhood Context Map). Commercial uses are located within walking distance further to the east at the intersection of Bath Road and Collins Bay Road, including a convenience store, coffee shop, as well as a restaurant, hair salon and a legion.

The subject lands are located in the Urban Boundary on an Arterial Road where major sewer, water and transportation infrastructure has been planned. The site is within walking distance of bus stops on Bath Road for one local transit route (Route 10) which provides service between the adjacent Loyalist township and the Cataraqui Town Centre bus terminal in the City of Kingston. Bath Road includes bike lanes which provide an active transportation connection along the waterfront and to the cycling network detailed in the City of Kingston's Active Transportation Master Plan.

The subject lands are undeveloped and have been approved to be consolidated through two consent applications for lot additions approved by the Committee of Adjustment on June 19, 2023 (File Numbers D10-020-2022 and D10-021-2022). The approved consent applications are subject to conditions which are in the process of being satisfied. The resulting retained lots at 4085 Bath Road and 4097 Bath Road will each continue to be generously sized and will continue to contain their existing uses, which include the historic farmstead at 4085 Bath Road, and a single-detached house at 4097 Bath Road.

There are several natural heritage features and areas on and adjacent to the subject lands. Schedule 7 (Natural Heritage – A) of the Official Plan identifies the presence of a Provincially Significant wetland associated with Collins Creek and the watercourse at the western extent of the subject lands. Schedule 8 (Natural Heritage - B) of the Official Plan identifies the presence of significant and contributory woodland on the subject property, as well as valley land and a riparian corridor (Exhibit H - Official Plan, Natural Heritage B).

The property at 4097 Bath Road is designated under Part IV of the Ontario Heritage Act. The Part IV designation By-Law of the subject property recognizes the specific physical attributes associated with the "Hugh Rankin Junior House". The lands subject to the Official Plan Amendment and Zoning By-Law amendment application do not contain the "Hugh Rankin Junior House" or any of the physical heritage attributes identified in the designation By-Law. Extensive landscaping will be retained in the front and rear yard as well as in the large lawns on the eastern side which provide a significant landscaped buffer from the lands proposed for development.

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Council approved a modification to the heritage designation at 4097 Bath Road on July 11, 2023 (File Number R01-001-2023) to reflect the lot boundaries that will result from the approved lot addition to 4091 Bath Road, and to recognize the land where the heritage attributes of the property are located. This heritage designation modification is conditional on the finalization of the associated consent application.

The property at 4085 Bath Road is listed on the City of Kingston Municipal Heritage Properties Register. Heritage attributes of the property identified through the assessment in support of the listing include features of the original farmstead on the property known as “Bayview Farms”. These features are concentrated in the centre of the property and are contained on the 1.2-hectare parcel to be retained as part of the consent application. Providing an appropriate buffer around these features, and the land to be consolidated with 4091 Bath Road, was an important consideration as part of the consent application, supported by a Heritage Impact Statement. Further information is found in Report [COA-23-037](#).

A Stage 1, 2 and 3 Archaeological Assessment completed for the subject lands has identified a feature of cultural heritage value or interest called “the McGuin Millrace Site”. This registered archaeological site has a length of over 300 metres, extending from the property at 4097 Bath Road into the subject lands and north beyond the CN railway line where it has been filled in and covered at its crossing point. The mill race is a linear landscape feature that was intended to convey water to power the historic mill on the subject property. While the mill is no longer present along Collins Creek, the Stage 1 & 2 Archaeological Assessment report describes how the mill race (circa 1828) represents one of the earliest industrial uses within Kingston Township and is representative of landscape alteration by early Euro-Canadian settlers.

Proposed Application and Submission

The applicant is proposing to amend the Official Plan and Zoning By-Law to enable a residential condominium on the subject lands consisting of 41 single-detached houses, 66 double-stacked townhouses and 120 triple stacked townhouses as well as private roads, surface parking areas, private open space and a protected naturalized buffer adjacent to Collins Creek. Consistent with additional dwelling unit permissions enabled by the Province through Bill 23, the 41 single-detached homes are proposed to contain up to three dwelling units, for maximum total of 309 dwelling units in the proposed development.

The residential development is proposed to be a standard, phased condominium. Each single-detached house or stacked townhouse dwelling unit will be owned by the purchaser of the unit and each unit will have an interest in, and maintenance responsibility for, the property’s common property elements. The condominium corporation will be responsible for common property elements including the private road, surface parking areas, servicing infrastructure, landscaped areas and park space. In addition to the subject application, the proposal will require a Site Plan Control application to address detailed design measures, and a Final Plan of Condominium application to create the proposed ownership structure. The Plan of Condominium will identify exclusive use of elements such as decks and porches and yards.

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Since the Public Meeting in June of 2022, in response to technical review feedback, the applicant has made a number of adjustments to the proposal. Notably, the proposal incorporates a 50-metre protected open space buffer between Collins Creek and the area proposed for residential development which has been reviewed to the satisfaction of the CRCA. The revised proposal also incorporates required setback from an existing archaeological site in the Zoning By-Law amendment protect a portion of the archaeological site in situ.

To make more efficient use of land, beyond protected open space to be established through the OPA and ZBA and minimum setbacks required from the CN rail line and archaeological site, the applicant has explored ways to accommodate additional density while ensuring that associated development will not result in adverse effects, as demonstrated through supporting studies. The original proposal put forward at the Public Meeting for 33 single-detached houses and 138 stacked townhouse units had a density of 22 dwelling units per net hectare, which would be considered a low density according to thresholds in the Official Plan. The proposal has been revised to include a potential maximum of 309 dwelling units, including double and triple stacked townhouses, and the potential for additional residential units in the single-detached dwellings which would bring the potential density of the development to 40 dwelling units per net hectare.

Access to the proposed development is proposed via two new private road connections to Station Street. The private roads will be a minimum of 8 metres wide and will be owned and maintained by the Condominium Corporation. Station Street will be widened as a condition of the associated consent applications (File Numbers D10-020-2022 and D10-021-2022) and brought up to municipal standards as part of the required off-site works secured through the required Site Plan Control application process, with asphalt pavement, concrete curb and gutter, and concrete sidewalk on one side of the road. The cost of these upgrades will be borne by the applicant. A Transportation Impact Study submitted with the application confirms that the trips generated by the proposed development can be accommodated by the road network without any additional upgrades.

The site will be serviced by municipal sewer and water, through extensions to connect with existing infrastructure. Services internal to the site will be located within the private road allowance and will be privately owned. The Servicing Report submitted in support of the application details how upgrades and new servicing connections to existing water and sanitary infrastructure can accommodate the proposed development. The cost of required upgrades and new connections will be borne by the applicant. Detailed servicing plans and associated agreements will also be required through the site plan and plan of condominium processes.

The proposed triple stacked townhouses are 3.5 storeys in height (Exhibit M – Conceptual Elevations). For design flexibility to incorporate 10-foot floor-to-ceiling heights, the applicant has requested permission in the zoning by-law amendment for a 13-metre maximum height for the triple-stacked townhouses, measured from finished grade to the mid-point of a sloped roof. The proposal includes the potential for 8 triple stacked townhouse buildings containing 9 to 18 dwelling units (Exhibit L – Conceptual Site Plan). Entrances will front onto private streets with internal vestibules and stairways connected to each unit. Private amenity area will be provided through depressed patios, balconies and rooftop terraces in addition to common outdoor

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amenity areas. One parking space per unit is proposed to be located in a communal surface parking area adjacent to the private road. Secured long-term bike spaces will be provided in accordance with the Kingston Zoning By-Law in accessory structures adjacent to the triple stacked townhouse buildings.

The proposed double stacked townhouses will be three storeys in height (Exhibit M – Conceptual Elevations). For design flexibility to incorporate 10-foot floor-to-ceiling heights and a stair overrun to access rooftop amenity area, the applicant has requested permission in the zoning by-law amendment for a 11.8 metre maximum height for the double stacked townhouses, measured from finished grade to the mid point of the roof, with permission for a stair overrun projection. The proposal includes 8 double stacked townhouse buildings containing 8 to 10 dwelling units each (Exhibit L – Conceptual Site Plan). Each individual unit will have an entrance fronting onto a private streets or Station Street. Detached private garages are proposed at the rear of the double-stacked townhouses, which can contain one parking space per dwelling unit and will be accessed by a rear laneway. It is anticipated that long term bike parking requirements can also be met internal to the private garages. Private amenity area will be provided through rear yards between the townhouses and the private garages, as well as through rooftop amenity area and balconies.

Single-detached houses are proposed to be two storeys, with entrances fronting on private streets and attached private garages with driveways connecting to private streets (Exhibit M – Conceptual Elevations). Private amenity area will be provided at the rear of the single-detached dwellings and will be established through exclusive use permissions in the condominium plan.

Common outdoor amenity area that can meet provincial noise criteria is located in an area of approximately 1409 square metres north of Bath Road at the end of private street C (Exhibit L – Conceptual Site Plan). An area of open space is also provided adjacent to the McGuin Millrace archaeological site.

The stormwater management proposal has been revised for the subject site in light of technical review comments and public feedback. The original proposal for a stormwater management pond adjacent to Collins Creek has been revised to include a proposed underground storage system with controlled release and quality control measures. The supporting Stormwater Management Report has been reviewed to the satisfaction of City engineering staff, the CRCA, MTO as well as CN rail, for the purposes of the Official Plan amendment and Zoning By-Law amendment applications. A detailed Stormwater Management Report will be required to be reviewed to the satisfaction of the City, CRCA, MTO and CN Rail as part of the future Site Plan Control detailed design process and prior to the removal of the Holding Overlay. Proposed oil/grit separators required for quality control will require Environmental Compliance Approvals from the Ministry of the Environment, in accordance with Provincial requirements.

The multiple zones that apply to the subject property under the former Township of Kingston Zoning By-Law Number 76-26 and under the Kingston Zoning By-Law Number 2022-62 do not permit a residential condominium with multiple single-detached houses and stacked townhomes. The purpose and effect of the proposed zoning by-law amendment for the residentially designated

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lands is to apply a URM1 zone of the Kingston Zoning By-Law Number 2022-62, which permits single-detached houses and stacked townhouses as well as other low to mid-rise dwelling types. The recommended site-specific exception overlay will permit the proposed site configuration through appropriate development standards pertaining to matters such as maximum height provisions, minimum setbacks and separation distances and relief from specific visitor and car-share parking requirements and enhanced bike parking facility requirements. A protected open space (OS1) zone is proposed to be established over the lands to be designated open space through the Official Plan amendment, and to permit conservation uses only on these lands.

In support of the application, the applicant has submitted the following to support and illustrate the revised, proposed development:

- Concept Plan (Joselyn Engineering Inc., January 18, 2024);
- Planning Justification Report (Arcadis, April 26, 2023);
- Summary of Changes and Supplemental Planning Justification Letter (Arcadis, January 23, 2024);
- Servicing Report (Josselyn Engineering Inc., January 22, 2024);
- Stormwater Management Report (Josselyn Engineering Inc., January 19, 2024);
- Traffic Impact Study (Egis Group, Revised February 2, 2024);
- Stage 1-2 Archaeological Assessment (Abacus Archaeological Services, November 12, 2021);
- Stage 3 Archaeological Assessment (Abacus Archaeological Services, July 27, 2023);
- Environmental Noise Study (Valcoustics Canada Limited, April 19, 2023 revision);
- Transportation Noise Source Mitigation Update (Valcoustics Canada Limited, September 22, 2023);
- Supplemental Noise Assessment Memo, Amenity Space Acoustical Protection (Valcoustics Canada Limited, November 21, 2023);
- Railway Vibration Assessment Update (Valcoustics Canada Limited, February 23, 2023);
- Heritage Impact Statement (HeritageDowntowns.com, November, 2021);
- Supplemental HIS Letter (HeritageDowntowns.com, April 24, 2023);
- HIS Addendum (HeritageDowntowns.com, March 11, 2024);
- Tree Inventory (ArbreCare Tree Service, November 1, 2021);
- Environmental Impact Study (Ecological Services, April 24, 2023 Revision);
- Groundwater Impact Study (ASC Environmental Inc., February 14, 2023);
- Conceptual Elevations of Triple Stacked Townhouses (Exhibit M);

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- Conceptual Elevations of Double Stacked Townhouses (Exhibit M);
- Conceptual Elevations of Single-Detached Houses (Exhibit M); and,
- Conceptual Rendering of Overall Development (Exhibit N).

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The subject property is within the Urban Boundary of the City of Kingston, which would be considered a “Settlement Area” as defined by the PPS. The PPS guides growth and development to Settlement Areas to encourage land use patterns which make use of existing infrastructure, protect resources, and contribute to a mix of land uses and complete communities. The Urban Boundary of the City of Kingston is where major sewer, water and transportation infrastructure is available or has been planned, and where most growth is intended to occur. The proposed residential condominium is located on an undeveloped parcel with the potential to connect with municipal water and sanitary services. The proposal will use land efficiently to add residential density within the settlement area of the municipality. Costs associated with required road upgrades to Station Street and required upgrades to the sanitary pumping station at Bath-Collins Bay Road to support the proposal will be borne by the applicant, and no uneconomical expansion is required as demonstrated through the submitted servicing, traffic and stormwater reports.

Consistent with provincial policy with respect to the protection of health and safety and the protection of major infrastructure, and due to the proximity of the adjacent CN rail line to the north of the subject lands, the proposal has been evaluated through a Noise Impact Study and a Vibration Impact Study. The noise and vibration studies have demonstrated the feasibility of mitigating adverse effects from noise or vibration and have been reviewed by CN rail as part of the technical review of this application. A detailed Noise Impact Study will be required in support of mitigation measures proposed as part of the required Site Plan Control application and detailed design process. The Noise Impact Study will be required to be reviewed to the satisfaction of the City, in consultation with any public authority having jurisdiction, as a condition of removal of the Holding Overlay.

Due to the proximity of several natural heritage features on and adjacent to the subject lands, the proposal was evaluated through an Environmental Impact Study. The EIS concludes that there will be no negative impacts on the natural features or their ecological functions with the recommended mitigation and avoidance measures. A key mitigation and avoidance measure is

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the establishment of a 50-metre naturalized buffer from Collins Creek which is implemented through the recommended OPA and ZBA as discussed further below.

The proposal has been evaluated through the appropriate studies to ensure that there will be no negative impacts on adjacent built heritage resources, such as Bayview Farm at 4085 Bath Road and the Hugh Rankin Junior House at 4097 Bath Road, or archaeological resources.

A Stage 3 archaeological assessment was conducted in order to develop a strategy for long-term preservation and protection of the McGuin Millrace Site (BbGd-71) identified through Stage 2 assessment of the subject lands. The preservation and protection strategy developed in consultation with the provincial Ministry of Citizenship and Multiculturalism, and City of Kingston Heritage Planning staff includes detailed recording of this feature and protection of a portion of the features as part of open space in the proposed development. A minimum required setback from the portion of the millrace to be protected is incorporated into the recommended Zoning By-Law amendment.

As determined through a fulsome review of the applicable policies attached in Exhibit E, the proposed development is consistent with the direction and intent of the PPS.

Official Plan Considerations

According to Schedules 3A and 3D of the Official Plan, the subject lands are designated Residential with a portion of the property in a Special Policy Area 15 and a portion of the property within an Environmental Protection Area designation applicable along Collins Creek (Exhibit F – Official Plan Map, Land Use and Exhibit G – Official Plan Map, Special Policy Areas). The subject property is located in the Urban Boundary where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary is intended to be the focus of growth and development to achieve numerous strategic growth management and sustainability objectives.

To implement the required mitigation and avoidance measures identified through the Environmental Impact Study, the sensitive natural heritage features are proposed to be re-designated Open Space. The recommended Official Plan Amendment (Exhibit A) also includes a Site-specific Policy Area which clarifies the open space designation in this area contains significant natural heritage features which are intended to be protected in a naturalized state to preserve these features. Related amendments are proposed to Schedule 8-A to clarify the location of valley land and significant woodlands as identified through the EIS.

An Official Plan amendment is required to establish a site-specific minimum density for the subject lands and the proposal, which would be considered a large-scale development proposal on a greenfield. The minimum density achievable on the subject lands, at 28 dwelling units per net hectare, does not meet the minimum density criteria in the Official Plan under section 2.4.4 that specify a transit-supportive density of 37.5 dwelling units for large-scale, greenfield development. Through the technical review of the application since the Public Meeting, the applicant has explored ways to accommodate additional density while ensuring that associated development will not result in adverse effects.

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There are a number of constraints and unique contextual considerations that apply to the subject lands that have limited the ability for the proposal to achieve a transit supportive density, such as servicing capacity evaluated through the Servicing Report, minimum setbacks required from the CN rail line to ensure public safety is protected, minimum setbacks from natural heritage features to protect significant ecological functions of the lands, and minimum setbacks to mitigate potential impacts to adjacent cultural heritage resources and an archaeological site. The recommended Official Plan amendment and Zoning By-Law amendment enable a potential density of 40 dwelling units per net hectare, which could be achieved if noise mitigation measures are implemented on the Bell utility building on Station Street and if additional residential units are established in each single-detached dwelling. The site-specific policy area amendment meets the intent of the Official Plan by making efficient use of land and available servicing while protecting matters of provincial interest, such as cultural heritage resources, natural heritage resources, and public health and safety.

The potential density of 40 dwelling units per net hectare would be considered a medium density residential development according to thresholds established in the Official Plan. The location satisfies the locational criteria for a medium density residential development through the proximity of an Arterial Road (Bath Road), transit bus stops and commercial uses and community facilities within walking distance. The development is located in proximity to stable residential areas, although buffered by generous setbacks and features that establish natural boundaries (e.g. an Arterial Road, the CN rail line and Collins Creek). As demonstrated through the technical studies submitted with the subject application, such as the Heritage Impact Statement, Traffic Impact Study and Environmental Impact Study, the proposed residential development enabled by the Official Plan amendment and Zoning By-Law amendment is appropriate given the context of surrounding land uses.

The conceptual site design has adequately integrated the functional needs of future residents. The development represents a suitable scale and massing, integrates appropriate setbacks and landscaping buffers, makes efficient use of an underutilized site, as well as existing water, sanitary, transportation, and transit infrastructure. Staff consider that the applicant has adequately demonstrated that the proposal will conform to the policies in the Official Plan.

Through a fulsome review of the applicable policies detailed in Exhibit I, the proposed development conforms with the general intent and philosophy of the Official Plan.

Zoning By-Law Discussion

A number of zones apply to the subject lands, including the 'DR' (Development Reserve) and 'EPA' (Environmental Protection Area) zone of the Kingston Zoning By-Law Number 2022-62 which apply to 4097 Bath Road (Exhibit K – Kingston Zoning By-Law Number 2022-62 Map). The property is located in Parking Area 5 according to Schedule 2 of the Kingston Zoning By-Law.

A portion of the subject property at 4085 and 4097 Bath Road is not currently subject to the Kingston Zoning By-Law due to the historic site-specific General Commercial zone with a

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Holding symbol (C2-41-H zone), and the historic site-specific Residential Type 1 (R1-37). It's notable that the Kingston Zoning By-Law includes a Holding Overlay (H40) over the property known municipally as 4085 Bath Road which is intended to reflect the holding symbol applicable in the C2-41-H zone of Zoning By-Law Number 76-26 (Exhibit J – Zoning By-Law Number 76-26 Map).

The existing commercial zoning of the subject lands permits a limited range of residential and commercial uses. The DR zone that applies under the Kingston Zoning By-Law permits existing single-detached dwellings and park uses. To permit the proposed residential condominium development, that includes a mix of single-detached dwellings and stacked townhouses up to a maximum of 309 dwelling units, a zoning by-law amendment is required.

As described in further detail below, the effect of the zoning by-law amendment is to bring the entirety of the subject lands into the Kingston Zoning By-Law and to apply an OS1 zone and a URM1 zone with associated exception overlays and a new holding overlay (Exhibit B – Draft By-Law and Schedules to Amend Zoning By-Law Number 2022-62).

As a result of the technical review of the application and in consultation with the Cataraqui Region Conservation Authority, a protected open space ('OS1') zone with an Exception Overlay (E159) is recommended for the 50-metre portion of the property abutting Collins Creek to recognize the inherent sensitivity of these lands. An Exception Overlay (E159) is proposed over the OS1 zone to limit the permitted uses to conservation uses only. The Kingston Zoning By-Law defines conservation uses to mean the use of any lot for the protection of natural heritage features for the purpose of long-term protection of the natural heritage resource. A standard OS1 zone would permit parks defined to include outdoor recreational areas, sports fields, playgrounds, playfield, food concession, beach, outdoor theatres, or other similar uses in a manner that is generally accessible to the public.

To enable the proposed residential development, the applicant is proposing an Urban Multi-Residential 1 'URM1' Zone with an Exception Overlay (E158). As a result of the technical review of the application, a Holding Symbol (H234) was determined to be required to ensure technical studies of the future, detailed design are completed and accepted, servicing capacity is in place and all agreements required by the City, including development, site plan control and condominium agreements, have been executed and registered on title, as appropriate.

The URM1 zone permits a variety of built form types, including the proposed single-detached dwellings and stacked townhouses, as well as apartment buildings to a maximum height of 10.7 metres. The table below provides a review of the development standards of the URM1 zone that are proposed to be modified through the recommended Exception Overlay.

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Table 1 – Amended URM1 Zone Provisions

Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
Permitted Residential Uses (Table 12.1.2)	Residential Apartment building Duplex Semi-detached house Single-detached house Stacked townhouse Townhouse Triplex	Not proposed to change to enable the proposed mix of single-detached houses and stacked townhouses.
Minimum density (dwelling units per net hectare)	Not specified	28 dwelling units per net hectare.
Minimum lot area (square metres) Table 12.2.1.1	Single-detached house: 300 square metres Stacked townhouse: 540 square metres	An exemption is proposed to clarify that the subject lands to be zoned URM1, with a total lot area of approximately 7.7 hectares or 77,000 square metres, will be treated as one lot. In combination with multiple principal buildings proposed, the single-detached houses and stacked townhouses in the condominium will be exempt from minimum lot area requirements.

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
<p>Minimum lot frontage (metres)</p> <p>Table 12.2.1.2</p>	<p>Single-detached house: 10 metres</p> <p>Stacked townhouse: 18 metres</p>	<p>An exemption is proposed to clarify that the subject lands, with a total lot frontage of approximately 250 metres, will be treated as one lot. In combination with multiple principal buildings proposed, the single-detached houses and stacked townhouses in the condominium will be exempt from minimum lot frontage requirements.</p>
<p>Maximum Height (metres)</p> <p>Table 12.2.1.3</p>	<p>Single-detached houses and Stacked townhouses: 10.7 metres</p>	<p>Double and Triple stacked townhouses are proposed to have a maximum height of 11.8 metres and 13 metres, respectively. Locations where these maximum building heights are permitted are detailed in a height map figure.</p>
<p>Maximum Projection Above Height</p> <p>4.18.2</p>	<p>Despite the height provisions of this By-Law, the following building components are permitted to project a maximum of 3.5 metres above the maximum permitted height, with a maximum area of 10% of the roof area on which they are located, in the aggregate, and a minimum setback from the edge of the roof equal to the vertical height of such building component: 1. Mechanical and service</p>	<p>Exemption to permit enclosed building components providing tenants with access to rooftop amenity area, to a maximum height of 13.6 metres from finished grade to the highest point of these building components for the double stacked townhouses.</p>

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
	<p>equipment penthouse, elevator or stairway penthouses; 2. Enclosed building components providing tenants with access to rooftop amenity areas; and 3. Skylights or other similar rooftop components.</p>	
<p>Minimum front setback (metres)</p> <p>Table 12.2.1.4</p>	<p>Stacked townhouses and single-detached houses:</p> <p>The lesser of</p> <p>(a) 6.0</p> <p>(b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres</p>	<p>Stacked townhouses fronting on private streets:</p> <p>minimum 6 metre setback, except where an end wall abuts a private street the minimum setback is 2.5 metres.</p> <p>Stacked townhouses fronting on Station Street: minimum 4 metre setback.</p> <p>Single-detached houses fronting on private streets:</p> <p>minimum 4 metre setback.</p>
<p>Minimum rear setback (metres)</p> <p>Table 12.2.1.5</p>	<p>Single-detached houses and stacked townhouses:</p> <p>The greater of</p> <p>(a) 7.5 metres</p> <p>(b) 25% of the lot depth</p>	<p>Single-detached houses: The minimum setback from a lot line is 7 metres, except where the end wall of a single-detached house abuts a lot line, the minimum setback is 3.0 metres.</p> <p>Stacked townhouses: The minimum setback from a lot line is 7.5 metres.</p>

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
<p>Minimum exterior setback (metres)</p> <p>Table 12.2.1.6</p>	<p>Single-detached house: 5.0 metres</p> <p>Stacked townhouse: 6.0 metres</p>	<p>Stacked townhouses fronting on private streets:</p> <p>Where an end wall abuts a private street, the minimum setback is 2.5 metres.</p> <p>Stacked townhouses fronting on Station Street: a minimum 14 metre setback is required from Bath Road.</p> <p>Single-detached houses fronting on private streets:</p> <p>Where an end wall abuts a private street, the minimum setback is 4.0 metres.</p>
<p>Minimum interior setback (metres)</p> <p>Table 12.2.1.7</p>	<p>Single-detached house: 3.6 metres</p> <p>Stacked townhouse: (a) 6.0 metres (b) where a common party wall is located along a lot line: 0 metres</p>	<p>Single-detached house: The minimum separation distance between single-detached houses is 2.4 metres.</p> <p>Stacked townhouse: The minimum separation distance between triple stacked townhouses and any residential building is 6.0 metres.</p> <p>The minimum separation distance between double stacked townhouses and any</p>

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
		residential building is 2.4 metres.
Minimum landscaped open space Table 12.2.1.8	30%	The subject lands zoned URM1 are deemed to be one lot for the purposes of interpreting zoning provisions. The lot will comply with a minimum of 30% landscaped open space.
Maximum lot coverage Table 12.2.1.9	45%	The subject lands zoned URM1 are deemed to be one lot for the purposes of interpreting zoning provisions. The lot will comply with a maximum of 45% lot coverage.
Maximum number of principal buildings per lot Table 12.2.1.10	1.0 principal building	The Exception Overlay incorporates an exemption to this requirement to permit the multiple residential buildings proposed as part of the condominium.
Minimum aggregate of interior setbacks Table 12.2.1.11	Single-detached houses: 3.6 metres, of which one interior setback must be a minimum of 0.6 metres	The Exception Overlay incorporates an exemption to this requirement to permit a minimum 2.4 metre separation distance between single-detached houses.
Required Number of Parking, Visitor and Car-	I stacked townhouse:	Required minimum number of Visitor and Car-Share

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
<p>Share Spaces – Stacked Townhouses</p> <p>Table 7.1.1.1</p>	<p>(i) Required number of parking spaces: PA5: minimum and maximum of 1.0 per dwelling unit</p> <p>(ii) In addition to (i) the minimum number of car-share spaces: 0.05 per dwelling unit (9 car share spaces required for the proposed maximum of 186 stacked townhouse dwelling units)</p> <p>(iii) In addition to (i) and (ii), the minimum number of visitor spaces:</p> <p>PA5: 0.15 per dwelling unit (28 visitor parking spaces required for the proposed maximum of 186 stacked townhouse dwelling units)</p>	<p>Spaces for stacked townhouses:</p> <ul style="list-style-type: none"> • Car-share spaces: 3 spaces • Visitor spaces: 0.06 per dwelling unit (a minimum of 11 visitor parking spaces are required)
<p>Required Number of Parking, Visitor and Car-Share Spaces – Single-Detached House</p> <p>(Table 7.1.1.3)</p>	<p>PA5: 1.0 per dwelling unit</p>	<p>No change proposed.</p>
<p>Additional Driveway & Parking Provisions for Ground Oriented Residential in Urban Area</p> <p>(Section 7.4.8.5)</p>	<p>The maximum cumulative width of all driveways on a lot within the required front setback or exterior setback is the lesser of:</p> <p>(a) 6.0 metres; or</p>	<p>Exemption clarifying that driveways to each single-detached house may be a maximum width of 6 metres.</p>

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
	(b) 40% of the length of the applicable street line, provided that the minimum width of the driveway is 3.0 metres	
Required Number of Parking Spaces – Second Residential Unit (Table 7.1.1.3)	1 per second additional dwelling unit	No change proposed.
Required Number of Parking Spaces – Third Residential Unit (Table 7.1.1)	Not specified – none required	Exemption clarifying that no parking space is required for the third residential unit.
Number of Required Accessible Spaces (Section 7.2.3)	7.2.3. The minimum number of accessible spaces required by the following Subclauses must be provided on the same lot as the use or building: 3. Where the number of parking spaces in Clause 7.2.2. is between 101 and 200 parking spaces, one parking space plus 3% of the number of parking spaces in Clause 7.2.2. must be accessible spaces;	No exception required. 7 accessible parking spaces are proposed for the effective total number of parking spaces of 186 stacked townhouses.
Enhanced Bike Parking Facilities for Multi-Unit Residential	For apartment buildings, dwelling units in mixed use buildings, stacked townhouses or common	The Exception Overlay incorporates an exemption to

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
(Section 7.3.13.)	<p>element townhouses, enhanced bike parking facilities must be provided in accordance with the following:</p> <ol style="list-style-type: none"> 1. A minimum of 10% of the long-term bike spaces must be provided as larger horizontal bike spaces with minimum dimensions of 1.0 metre wide by 2.6 metres horizontal length, with a minimum vertical clearance of 1.9 metres and must be provided with access to one standard electrical outlet; 2. A minimum of 10% of the long-term bike spaces must be provided in secure bike lockers that are provided with individual, secure enclosures where a private lock can be affixed and must include a standard electrical outlet; 3. A minimum of 10% of the long-term bike spaces provided in a shared bike room must be provided with 	<p>this requirement for the stacked townhouses.</p>

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
	<p>access to one standard electrical outlet per long-term bike space;</p> <p>4. Where more than 25 long-term bike spaces are required, a bike maintenance area must be provided that is a sufficient size to accommodate repairs and maintenance of bikes, and must include a bike pump, bike repair stand and a bench; and</p> <p>5. A minimum of 50% of the short-term bike spaces must be weather protected.</p>	
<p>Long-term Bike Space – Location and Specifications for Additional Residential Units (Section 7.3.7.)</p>	<p>The long-term bike spaces required by Clause 7.3.1.:</p> <p>1. Must be provided in a secure, weather-proof enclosure with controlled access where a bicycle may be parked and secured for the long-term in a stable position with at least one point of contact with the frame of the bicycle;</p> <p>2. Are not permitted in a dwelling unit or on the balcony of a dwelling unit;</p>	<p>Exemption to clarify that the long-term bike parking space of an additional residential unit must:</p> <p>1. be provided in a secure, enclosed location such as within an accessory building, or within a vestibule or other interior floor area that doesn't form part of a dwelling unit; and</p> <p>2. be provided with a continuous pathway that ensures clear access from a private street to the long-term bike space.</p>

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
	<p>3. Must be provided in a location that has access directly to a street line by way of a continuous pathway consisting of:</p> <p>(a) A hallway, aisle, sidewalk or walkway;</p> <p>(b) An elevator that permits bikes to the satisfaction of the City;</p> <p>(c) A ramp, which may be provided as a wheel ramp along the side of a set of stairs if such ramp is a minimum of 0.15 metres wide and does not cut into the stair tread; and/or</p> <p>(d) A drive aisle or driveway</p>	
<p>General Provisions for Attached and Detached Additional Residential Units (Section 5.4.6.2)</p>	<p>A maximum of two additional residential units are permitted per lot including a maximum of one second residential unit and a maximum of one third residential unit.</p>	<p>Exemption to allow up to two additional residential units in a single-detached house, despite not being located on individual lots, provided permission has been legally established through a description under the <i>Condominium Act, 1998</i>.</p>
<p>Porches and Decks (Table 4.20.4.)</p>	<p>Maximum Area for a Porch over 1.2 metres above finished grade: 30 metres</p> <p>Minimum rear setback for a Porch or Deck over 1.2</p>	<p>Exemption for stacked townhouses (3 units stacked) to permit:</p> <ul style="list-style-type: none"> • a porch or deck over 1.2 metres above finished grade that has a

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
	metres above finished grade: 4 metres	maximum surface area of 100 square metres. Exemption for single-detached houses to require: <ul style="list-style-type: none"> • a minimum setback of 4 metres from a lot line. • a maximum width equal to the building frontage of the single-detached house.
Balconies (Section 4.20.2.2.)	Despite the setback provisions of this By-law, balconies that project from the main wall of a [...] stacked townhouse must comply with the following provisions: 2. The minimum front setback, rear setback, interior setback and exterior setback, must comply with the provisions that apply to decks greater than 1.2 metres in height in Table 4.20.4.	Exemption for stacked townhouses to permit balconies projecting from the main wall of a stacked townhouse provided the following standards are met: <ul style="list-style-type: none"> • The maximum horizontal projection from the main wall is 2.0 metres; and, • The minimum setback from a lot line is 1.2 metres.
Accessory buildings (Section 4.1.2.)	In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, an accessory building, excluding a marine facility, must comply with the following requirements:	Exemption to clarify that accessory buildings must comply with the Zone provisions that are applicable the lands subject to this Exception, except as follows: <ul style="list-style-type: none"> • An accessory building may encroach into the required setback on a lot

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
	<p>The accessory building must be located in a rear yard, exterior yard or interior yard;</p> <ul style="list-style-type: none"> • In the urban area, the maximum lot coverage for all accessory buildings on one lot is 10% in the aggregate; • The maximum height of an accessory building is 4.6 metres; • The accessory building may encroach into the required setback on a lot provided that such accessory building must be setback a minimum of 1.2 metres from all lot lines; • The accessory building must comply with the minimum required separation distance from a waterbody in accordance with Clause 4.23.1.; 	<p>provided that such accessory building must be setback a minimum of 6.0 metres from a private street and a minimum of 1.2 metres from all lot lines.</p> <ul style="list-style-type: none"> • Despite the above section, a detached private garage must be setback a minimum of 5.5 metres from a private street. • Despite the above, where an accessory building is located a maximum of 30 metres from the northern lot line, such accessory building must be setback a minimum of 1.2 metres from a private street.
Minimum Setback from an OS1 zone	Not specified	Minimum of 7.5 metres
Minimum Setback from the edge of the McGuin Millrace archaeological site	Not specified	5 metres except where documentation has occurred and been approved to the satisfaction of the City in consultation with the provincial

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Zoning Provision	URM1 Zone (By-Law 2022-62)	Proposed Exception (E158)
		public authority having jurisdiction.
Minimum Setback for buildings, structures, private streets, parking areas and drive aisles from Bath Road	Not specified	Minimum of 14 metres.

The recommended Zoning By-Law amendment included as Exhibit B includes relief or site-specific considerations for the following provisions. Each of these is discussed below.

Minimum Setback from an OS1 zone:

As described above, the recommended zoning by-law amendment divides the property into a protected open space (OS1) zone and a URM1 zone. The Kingston Zoning By-Law details explicitly under section 2.5.3. that where a lot is divided into more than one Zone, the Zone boundary is not treated as a lot line. To ensure a minimum 7.5 metre setback is provided between any building, structure, private street, parking area or drive aisle in the URM1 zone and the OS1 zone, this setback is explicitly required in the recommended Zoning By-Law Amendment.

Minimum Setback for the McGuin Millrace archaeological site:

As part of the information submitted in support of the subject application, the applicant’s consultant archaeologist recommended a 5 metre minimum setback from the McGuin Millrace archaeological site, derived in consultation with the Archaeology Review Officer at the Ministry of Tourism, Culture and Sport. This setback will apply to the portion of the archaeological site recommended to be retained “in situ” and has been incorporated into the recommended Zoning By-Law amendment to ensure this requirement is carried forward into the detailed designs for the proposed residential development.

Minimum Setback for buildings, structures, private streets, parking areas and drive aisles from Bath Road:

Bath Road is also known as Highway 33 and is under the jurisdiction of the Ministry of Transportation (MTO). As part of the technical review of the application, MTO identified a 14 metre setback requirement from the right-of-way of Bath Road for all buildings, structures, internal roads and required parking This setback has been incorporated into the recommended

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Zoning By-Law amendment to ensure this requirement is carried forward into the detailed designs for the proposed residential development.

Minimum Density:

To implement the minimum density specified in the Official Plan amendment that is achievable for the site, as demonstrated through the studies submitted in support of the application, the recommended Zoning By-Law amendment includes a minimum density of 28 dwelling units per net hectare.

One Lot for the Purposes of Zoning Interpretation:

The recommended amendment will treat the lands subject to Exception Overlay E158 as one lot for zoning purposes, with permission for multiple principal buildings, which effectively exempts each dwelling from minimum lot area and minimum frontage requirements. This exception meets the intent of the minimum required lot area and frontage provisions, which is to ensure that properties have adequate area to meet functional needs and to ensure access is available to an assumed road. Each condominium unit created around the dwelling units will have adequate parking for vehicles and bicycles, amenity and access to a private street which will connect with Station Street (Exhibit L – Conceptual Site Plan). The overall development will exceed the minimum required landscaped open space requirement of 30% and will be in compliance with the 45% maximum permitted lot coverage provision of the URM1 zone.

Maximum Number of Buildings per Lot:

The Kingston Zoning By-Law requires that a maximum of one building is permitted per lot in the URM1 zone; whereas the residential condominium proposed on the lot is for up to 10 stacked townhouse buildings and 41 single-detached dwellings. The purpose of this zone provision is to ensure that as-of-right developments can be adequately serviced. The proposal is supported by technical studies that have demonstrated feasibility to the satisfaction of City staff and Utilities Kingston. The proposed development will also require Site Plan Control where detailed design and updates to technical studies will be required. As a result, the exemption from this provision meets the intent of the Kingston Zoning By-Law.

Maximum Number of Model Homes:

The Kingston Zoning By-Law regulates the maximum number of model homes per lot under section 6.6.1 to 10% of the total number of lots intended for single-detached house, semi-detached house or townhouse purposes within the plan or description for registration, to a maximum of 10 model homes. Clarification is required to enable a comparable number of model homes on the subject lands due to the condominium ownership structure and the fact individual lots will not be created around dwelling units. A provision is incorporated into the exception overlay to clarify that the lands subject to this Exception are permitted to have a maximum of ten model homes in the form of single-detached houses or stacked townhouse dwelling units.

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Maximum Heights:

The maximum heights are proposed to be dictated through a figure within the recommended Exception Overlay (E158) which has been reviewed for consistency with the recommendations of the Heritage Impact Statement and Addendum with staff in Heritage Services. The additional height permitted by this exception allows for 10-foot ceilings in the stacked townhouses and design flexibility requested by the applicant. There is no potential for overlook or shadowing given the separation distance between the proposed stacked townhouses and existing residences. Through the site plan control process, staff will look for the landscape plan to include enhanced tree plantings consistent with the recommendations of the HIS and Addendum, such as tree plantings along Road A to further separate the surrounding development visually from the original historic lot parcel. For example, coniferous trees will be sought to break up straight view lines through the site in winter conditions. Given separation distances and the ability to soften the presence of additional height through landscaping, there are no adverse impacts anticipated from the increased height of the townhouses.

Minimum Setbacks from Private Streets, Streets and Lot Lines and Separation Distances Between Single-Detached Houses and Stacked Townhouses:

As the proposed development does not include individual lots around dwelling units as part of a plan of subdivision, minimum setbacks are proposed to be regulated from private streets, Station Street and Bath Road and lot lines, as well as separation distances between single-detached houses and stacked townhouses.

Separation distances between single-detached houses and stacked townhouses are specified in the Servicing Report prepared by Josselyn Engineering, dated January 22, 2024, and are intended to ensure adequate separations for fire safety given the available fire flows for the site.

The minimum separation distances carried forward into the Exception also meet the intent of the minimum interior side yard setback requirements and minimum aggregate side yard requirements of the Kingston Zoning By-Law by allowing for adequate access around residential buildings and maintaining a consistent character and spacing of development. With respect to the single-detached houses and double stacked townhouses, a minimum separation distance of 2.4 metres is comparable to the width of two 1.2 metre walkways which can provide pedestrian access to residential dwelling units. The single-detached dwellings will include attached garages which mean vehicular access is not required to the rear yard to allow for rear yard parking or vehicular storage, which is facilitated by the minimum 3.6 metre aggregate requirement in the Kingston Zoning By-Law. A specific provision is incorporated into the Exception to require a 3.0 metre setback between an end wall and a lot line, to require this minimum setback between a single-detached dwelling and the retained lot at 4085 Bath Road. This setback distance will allow for tree plantings which are recommended in the HIS to define new property boundaries.

The minimum separation distance of 6 metres between stacked townhouses and other residential dwelling types is comparable with the minimum interior side yard setback requirement of the Kingston Zoning By-Law in the URM1 zone. As a result, the minimum

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separation distance specified in the exception meets the intent of the minimum interior side yard provision and minimum aggregate interior side yard provision of the Kingston Zoning By-Law.

The stacked townhouses are generally proposed to front onto private streets with rear yards abutting a private garage or a consolidated lot boundary of the subject lands, with the exception of the double stacked townhouses proposed to front onto Station Street and the triple stacked townhouses that back onto the OS1 zoned parcel (Exhibit L – Conceptual Site Plan). A minimum front yard setback of 6.0 metres is required from a private street and a minimum rear yard setback of 7.5 metres is required where a stacked townhouse abuts a lot line or the OS1 zone. These minimum front and rear yard setbacks are in essence, the same requirements as are included in the URM1 zone for stacked townhouses but are customized to reflect the lot fabric, site layout and street network of the proposed condominium development. A reduced exterior side yard setback of 2.5 metres between the end wall of a stacked townhouse and a private street is incorporated to permit private street access between blocks of stacked townhouses and is recommended to facilitate a functional site layout.

Where the proposed stacked townhouses front onto Station Street, the minimum setback is 4.0 metres, which is comparable to the lesser minimum front yard standard in the URM1 zone and allows adequate area for tree plantings. This minimum setback was requested by Planning staff, in consultation with Heritage Services staff, through the technical review of the application. This setback is recommended as it allows for new plantings to be established to soften the presence of the new development on Station Street, in proximity to the Listed heritage property at 4085 Bath Road, consistent with the recommendations of the supporting Heritage Impact Statement.

The single-detached houses are generally proposed to front onto private streets with rear yards abutting the consolidated lot boundary of the subject lands, with the exception of the row of single-detached dwellings south of Street A, east of the intersection of Street C which include rear yards abutting the single-detached houses on Street C (Exhibit L – Conceptual Site Plan). The Exception incorporates a minimum front yard setback of 4.0 metres from a private street and requires a minimum rear yard setback of 7 metres where a single-detached house abuts a lot line. These minimum front and rear yard setbacks are comparable to the requirements of the URM1 zone but are customized to reflect the lot fabric and street network of the proposed condominium development.

The minimum front and rear yard setbacks recommended through the Exception meet the intent of the Kingston Zoning By-Law by ensuring a consistent pattern of development that meets the functional needs of users and mitigates any potential for adverse effects.

Car Share Spaces and Visitor Parking Spaces:

The subject property is located in Parking Area 5 in the Kingston Zoning By-Law which requires a minimum of 0.05 car-share spaces and 0.15 visitor spaces per stacked townhouse dwelling unit. The applicant is proposing to provide 3 car-share spaces and a reduced visitor parking standard to allow for a minimum of 0.06 visitor parking spaces per dwelling unit (11 visitor spaces) whereas 9 car share spaces and 28 visitor spaces are required for the for the proposed

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maximum of 186 stacked townhouse dwelling units. It is notable that proposed amendments to the Kingston Zoning By-Law put forward through file D01-002-2024 contemplate a reduced car-share and visitor parking rate for Parking Areas across the City of Kingston and would require a minimum of 4 car-share spaces and 11 visitor parking spaces for 186 stacked townhouse units. The minimum required number of parking spaces for the residents of the dwelling units is met by the proposal at a minimum and maximum rate of one parking space per dwelling unit.

Consistent with Official Plan policy direction, staff reviewed the provision of car-share and visitor parking with the intent of encouraging a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation. The location of the proposed development includes connections to active transportation infrastructure and one local transit route to provide alternatives to private vehicle use. The recommended Zoning By-Law amendment does not include any relief to the long-term and short-term bike space requirements of the Kingston Zoning By-Law with the exception of enhanced bike parking requirements, in recognition that active transportation is a viable option to travel to nearby commercial uses and community facilities as well as residential areas. A reduction to car-share and visitor parking requirements was determined to be appropriate in this context as it minimizes the need for paved surfaces, is consistent with the direction of proposed administrative amendments to the Kingston Zoning By-Law and strikes the balance sought under section 4.6.47. of the Official Plan.

Minimum Setback from a Detached Private Garage to a Private Street line:

The Kingston Zoning By-Law requires under section 7.4.8.8 that the minimum setback from a private garage to the street line where the driveway gains access to a street is 6.0 metres. The intent of these provisions is to provide adequate driveway length to accommodate most vehicles outside the municipal road allowance. While this minimum length is achieved for the single-detached houses on private streets, a minimum 5.5 metre length is proposed between detached garages and private streets to afford flexibility in the design of the double stacked townhouses. The reduction to 5.5 metres is appropriate adjacent to the private roadway, as the condominium corporation will manage snow removal, and the driveway will be able to accommodate a standard car with a length of approximately 4.5 metres. A warning clause to future purchasers and tenants can also be incorporated into the required condominium agreement, to advise that the minimum length of parking spaces is 5.5 metres and some larger vehicles may not fit in certain driveways.

Maximum Driveway Width for Single-Detached Houses:

The Kingston Zoning By-Law limits the maximum cumulative width of driveways on a lot within the required front setback or exterior setback to be 6.0 metres or 40% of the length of the applicable street line, provided that the minimum width of the driveway is 3.0 metres. The intent of these provisions is to limit the extent of driveways as front yard parking in residential areas has the potential to affect the visual amenity of the streetscape and the residential character of a neighbourhood.

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The proposed single-detached houses will not be located on individual lots that can be used to measure the maximum driveway width, and as a result, a provision is incorporated that allows for a maximum driveway width of 6 metres. The maximum driveway width is consistent with the standard regulated by the Kingston Zoning By-Law and will establish a consistent character and streetscape within the condominium. As part of the detailed design process, staff will work with the applicant to ensure that driveways and dwellings are oriented to maximize the potential for plantings in the front yards, and that adequate visitor parking will be provided outside of the private street road allowance.

Maximum Porch and Deck Area, and Limitations on Decks attached to Single-Detached Houses:

The triple stacked townhouses are proposed to contain front porches over 1.2 metres in height partially as access to the front doors. Given that the maximum area for porches over 1.2 metres in height is 30 square metres per lot and the whole of the site is treated as a single lot, the proposed porch area requires relief. In this instance, no adverse impacts are anticipated as a result of this relief as the porches are at the front of the stacked townhouses and do not overlook any amenity area or yard.

To regulate decks for the single-detached dwellings in a comparable way to Table 4.20.4. of the Kingston Zoning By-Law, the Exception Overlay limits the width of decks to the building frontage of the dwellings and ensures a minimum setback of 4.0 metres from a lot line. While the Zoning By-Law provides a framework to regulate the location and extent of decks on the subject lands, it should be noted that in this case, the Condominium ownership structure will identify areas for exclusive use for single-detached dwellings and will further regulate the area where decks can be consistently established.

Enhanced Bike Parking for Stacked Townhouses:

Zoning By-Law Number 2022-62 requires enhanced bike parking facilities for multi-unit residential developments, including for stacked townhouses. This provision requires that 10% of long-term bike parking spaces are larger spaces, 10% are in secure bike lockers and 10% have access to electrical outlets, as well as providing a bike maintenance area and ensuring that half of the short-term bike parking spots are weather protected. In this case it is considered appropriate to remove the enhanced bike parking requirement for the stacked townhouses, which will not include interior common storage rooms and are therefore not conducive to providing a bike maintenance area and other enhanced features. All the bike parking spaces for the stacked townhouses are proposed to be long-term bike parking spaces. For the double stacked townhouses, bike parking is to be provided inside individual garages which could include electric outlets for e-bikes. The long-term bike parking for the triple stacked townhouses is proposed in adjacent controlled access covered bike parking spaces.

Additional Residential Units:

Site-specific provisions are incorporated into the Exception Overlay to enable up to two additional residential units in each single-detached house, consistent with additional dwelling

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unit permissions enabled by the Province through Bill 23. Clarification is required in the exception due to the condominium ownership structure of the single-detached dwellings and the specifications of the Kingston Zoning By-Law which permit additional residential units on individual lots. The amendments carry forward applicable parking and walkway provisions of the Kingston Zoning By-Law into the exception and are consistent with the intent and purpose of additional residential unit permissions in the Kingston Zoning By-Law.

Clarification is incorporated into the Exception Overlay with respect to the permitted location of long-term bike parking spaces for the additional residential units, to enable long-term bike parking spaces in the private garages. The provisions are consistent with proposed administrative amendments to the Kingston Zoning By-Law under file number D01-002-2024.

Accessory Buildings:

The Exception Overlay applies specific minimum setbacks for accessory buildings such as sheds and private garages. The minimum required setbacks meet the intent of the provisions of the Kingston Zoning By-Law for accessory buildings by ensuring that they are not located in any required front yard and are sufficiently separated from lot lines to allow for maintenance and access around the structures. As illustrated on the conceptual site plan, accessory buildings dedicated to waste storage for the stacked townhouses are proposed within 30 metres of the north property line, which functions as a rear yard on the subject property and is an appropriate location for an accessory building that does not contain a sensitive use in relation to the CN rail line.

Other Applications

Two consent (lot addition) applications (City File Numbers D10-020-2022 and D10-021-2022) were approved with conditions by the Committee of Adjustment on June 19, 2023 to create the consolidated land parcel subject to this application for Zoning By-Law amendment and Official Plan amendment. The applicant is in the process of satisfying conditions, which include a required land transfer for the widening of Station Street.

Council approved a modification to the heritage designation at 4097 Bath Road on July 11, 2023 (File Number R01-001-2023) to reflect the lot boundaries that will result from the approved lot addition to 4091 Bath Road, and to recognize the land where the heritage attributes of the property are located.

A Site Plan Control application will be required to permit the proposed development. A future Final Plan of Condominium application is also required for the site as well as the applicable Holding Overlay removals prior to the applicant being in a position to apply for building permits.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

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Public Comments

The following is a summary of the public input received to date, including a summary of the feedback received at the Public Meeting on June 16, 2022. All original written public comments are available in Exhibit P of this report.

Traffic

Comment: Traffic lights are required at the intersection of Bath Road and Station Street to manage traffic safely in this area. Rush hour traffic is heavy on Bath Road and turning left from Station Street will be difficult for residents of this development.

Response: An updated Traffic Impact Statement (TIS) submitted in support of the application evaluated the additional trips generated by the proposed development, including the maximum number of dwelling units achievable on site, and concludes that there are no upgrades needed to the existing traffic network. The TIS has been reviewed to the satisfaction of City Transportation staff and the Ministry of Transportation (MTO) for the purposes of the OPA and ZBA application.

Comment: Concern with respect to the location of road access locations in relation to safety and access by emergency vehicles.

Response: Access to the proposed development is proposed via two new private road connections to Station Street. The private roads will be a minimum of 8 metres wide and will be owned and maintained by the Condominium Corporation. The minimum required fire route access width for emergency vehicles is 6 metres based on requirements in the Ontario Building Code for large buildings. Engineering and Transportation staff have reviewed the conceptual site plan as part of the technical review and have no concerns with the locations of the proposed access points. It should be noted that additional accesses onto Bath Road are not supported by MTO requirements. To meet the MTO's entrance standard, conveyed through the technical review of the application, the applicant has demonstrated through their conceptual design that the nearest vehicular entrance to the site is at least 85 metres from the intersection of Station Street and Bath Road.

Comment: Concern with respect to traffic circulation safety in relation to the adjacent school.

Response: The proposal has been evaluated through a TIS which has been reviewed to the satisfaction of City Transportation staff and the MTO for the purposes of the OPA and ZBA application. It is notable that Station Street will be widened as a condition of the associated consent applications (File Numbers D10-020-2022 and D10-021-2022) and brought up to municipal standards as part of the required off-site works secured through the required site plan control application process, with asphalt pavement, concrete curb and gutter, and concrete sidewalk on one side of the road. The cost of these upgrades will be borne by the applicant.

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Comment: Concern with the methodology of traffic study of the area. Rush hour should be closely assessed during a day of the week and time frame that accurately reflects the busy conditions on Bath Road.

Response: The updated TIS submitted includes traffic surveys during peak times and considers existing and future conditions. The TIS reviewed the intersections at Bath Road and Station Street as well as the intersection to the east at Collins Bay Road. The TIS has been reviewed to the satisfaction of City Transportation staff and the MTO for the purposes of the OPA and ZBA application.

Environment

Comment: Concern with the proposed location of the stormwater management pond in relation to sensitive environmental features to the west of the site.

Response: In response to public feedback and technical review feedback on the proposal, the stormwater management pond adjacent to Collins Creek has been eliminated from the proposal, and instead stormwater is proposed to be managed by a combination of overland flow and a proposed underground storage system with controlled release and quality control measures.

Comment: Concern with respect to potential impacts on fish habitat in the Collins Creek ecosystem.

Response: The Environmental Impact Study submitted with the application has been revised to address the updated proposal and comments from the Cataraqui Region Conservation Authority. A 50-metre natural heritage buffer is proposed between Collins Creek and the proposed residential development. With the implementation of the recommended buffer, there are no negative impacts identified to fish habitat by the EIS, which has been reviewed to the satisfaction of the CRCA as part of the technical review of the subject application.

Comment: Concern with respect to the limited 30 metre setback proposed between the proposed development and Collins Creek.

Response: The minimum required setback from Collins Creek recommended by the revised Environmental Impact Study, in consultation with the CRCA, has been increased to 50 metres. Protections incorporated into the Official Plan amendment and Zoning By-Law amendment will ensure that these buffer lands remain in a naturalized state to protect their ecological function.

Comment: Concern with the loss of tree cover that will result from this proposed development.

Response: The Environmental Impact Study of the proposal incorporates detailed consideration of woodland features on the subject property. The recommendations of the

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EIS have led to the expansion of a significant woodland area identified in Schedule 8-A of the Official Plan, and an open space land use designation to protect the extent of this feature adjacent to Collins Creek. The proposal will retain on-site trees on the remainder of the property, particularly in Contributory Woodland areas where possible. New plantings and landscaping will be required as part of the Site Plan Control process, consistent with City requirements and to implement the recommendations of the Heritage Impact Statement.

Groundwater

Comment: Concern that the proposed development will impact groundwater through contamination or will interrupt groundwater flow to Collins Creek.

Response: In response to public concerns expressed with respect to potential impacts on groundwater, a Groundwater Impact Study prepared by a qualified person was submitted on behalf of the applicant. The study concludes that the proposed development will not negatively impact groundwater supply through impermeable surfaces proposed through the subdivision and will not adversely impact neighbouring surface water resources, namely Collins Creek.

Cultural Heritage Resources

Comment: Concern that the proposed development will impact the heritage properties that form part of the consolidated subject lands to be severed at 4085 Bath Road and 4097 Bath Road.

Response: Recognizing the value of cultural heritage resources adjacent to the subject lands, including Bayview Farm at 4085 Bath Road and the Hugh Rankin Junior House at 4097 Bath Road, a Heritage Impact Statement and Addendum was provided as part of the subject application. The HIS and Addendum concludes that, with the recommended mitigation measures, including measures such as the delineation of new lot lines containing heritage resources through landscaping and fencing, limitations on height of proposed development and tree plantings to be implemented through the site plan control application process, the proposal will have no adverse impacts on the existing cultural heritage resources in proximity.

Comment: Concern that the proposed development will impact the archaeological site identified at 4097 Bath Road.

Response: A conservation strategy has been developed for the archaeological site identified on the subject lands, in accordance with Provincial standards and guidelines, as part of the archaeological assessment undertaken as part of the proposal. The conservation strategy was developed in consultation with the provincial Ministry of Citizenship and Multiculturalism and City of Kingston Heritage Planning staff and includes detailed recording of this feature and protection of a portion of the features as part of open space in the proposed development. A minimum required 5 metre setback from the

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portion of the mill race to be protected is incorporated into the recommended Zoning By-Law amendment. The site plan control agreement and associated drawings will incorporate protection measures for the portion of the millrace to be preserved.

Land Use Compatibility

Comment: Concern that the proposed residential development is not compatible with the adjacent Bell utility building and the adjacent cell tower.

Response: The Bell utility building adjacent to the subject lands would be considered a “public use” which is permitted in all zones of the Kingston Zoning By-Law. The Bell building does generate noise, and as was evaluated as part of the Noise Impact Study submitted with the application. The recommended Holding Overlay in the zoning by-law amendment will ensure the required noise mitigation measures are established on the Bell building to permit proposed sensitive residential uses prior to the full approval of the development, or that alternative noise mitigation measures have been implemented as specified by a qualified person to the satisfaction of the City.

There is a cell tower to the north of the subject lands which will be located at least 30 metres from the proposed stacked townhouse dwellings. There are no specific setback requirements for cell towers from residential uses, and no concerns were raised through the technical review of the application.

Comment: Concern in relation to the proximity of the CN rail line and proposed residential development. How will public health and safety be protected?

Response: The proposed development will incorporate a crash berm, fencing and a minimum required setback of 30 metres for sensitive uses to protect public safety in relation to the adjacent CN rail line, in accordance with CN rail requirements. In addition, the proposal has been evaluated through a Noise Impact Study and a Vibration Impact Study. The noise and vibration studies have demonstrated the feasibility of mitigating adverse effects from noise or vibration and have been reviewed by CN rail as part of the technical review of this application. A detailed Noise Impact Study will be required in support of mitigation measures proposed as part of the required site plan control application and detailed design process. The Noise Impact Study will be required to be reviewed to the satisfaction of the City, in consultation with any public authority having jurisdiction, as a condition of removal of the recommended Holding Overlay.

Affordability

Comment: It’s unclear how the proposal will improve housing affordability and how housing affordability is defined.

Response: For the purposes of the Official Plan, “affordable” means

a. in the case of ownership housing, the least expensive of:

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- housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low- and moderate-income households; or
 - housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.
- b. in the case of rental housing, the least expensive of:
- a unit for which the accommodation cost does not exceed 30 percent of gross annual household income for low- and moderate-income households; or
 - a unit for which the accommodation cost is at or below the average market rent of a unit in the regional market area.

While the proposal does not include affordable units as defined above, the proposal will add additional residential units into a low-vacancy market and is consistent with initiatives detailed in section 3.3.10 though the intensification of an under-utilized property in the Urban Boundary that adds to the mix of densities present in the area, and through enabling additional residential units in each single-detached house.

Construction

Comment: Concern that construction noise and site activity establishing the development will disturb wildlife that have habitat in the adjacent natural heritage areas.

Response: Recommendations of the EIS include a specific time of year for site preparation outside of the migratory birds breeding season (April 15 to August 15) to avoid contravening the Migratory Birds Act. However, as construction noise and activity is a temporary condition, it is not factored into studies submitted in support of land use planning applications.

Effect of Public Input on Draft By-Law

In response to public feedback with respect to potential impacts on groundwater, a Groundwater Impact Study prepared by a qualified person was submitted on behalf of the applicant. The study concludes that the proposed development will not negatively impact groundwater supply through impermeable surfaces proposed through the subdivision and will not adversely impact neighbouring surface water resources, namely Collins Creek.

In response to public feedback and technical review feedback on the proposal, the stormwater management pond adjacent to Collins Creek has been eliminated from the proposal, and instead stormwater is proposed to be managed by a combination of overland flow and a proposed underground storage system with controlled release and quality control measures.

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Conclusion

The proposed residential condominium on the subject lands is a compatible intensification of an underutilized site within the urban boundary, and in a location that meets the Official Plan criteria for medium density development. The proposal makes efficient use of land given localized constraints and features requiring specialized protection and setback distances. The recommended Official Plan amendment and Zoning By-Law amendment establishes an appropriate, achievable minimum density on the subject lands, while enabling additional, transit-supportive density where possible, while implementing natural heritage and cultural heritage protection measures recommended through technical studies. The proposal, as revised through technical review, is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The applications are recommended for approval.

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial*Planning Act*

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to property owners within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on June 7, 2022.

Notice of this Public Meeting was provided again by advertisement in the form of an updated sign on the subject site 20 days in advance of the meeting. In addition, notices were sent by mail to 90 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard on March 12, 2024. If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the Planning Act.

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If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, 18 pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Amy Didrikson, Senior Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft By-Law and Schedules to Amend the Official Plan
- Exhibit B Draft By-Law and Schedules to Amend Zoning By-Law Number 2022-62
- Exhibit C Key Map
- Exhibit D Neighbourhood Context
- Exhibit E Consistency with the Provincial Policy Statement
- Exhibit F Official Plan, Land Use
- Exhibit G Official Plan, Site Specific Policy Areas
- Exhibit H Official Plan, Natural Heritage B
- Exhibit I Conformity with the Official Plan
- Exhibit J Zoning By-Law Number 76-26 Map

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- Exhibit K Zoning By-Law Number 2022-62 Map
- Exhibit L Conceptual Site Plan
- Exhibit M Conceptual Elevations
- Exhibit N Conceptual Rendering of Overall Development
- Exhibit O Site Photographs
- Exhibit P Public Notice Notification Map
- Exhibit Q Public Comments

By-Law Number 2024-XXX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 94, 4085, 4091 and 4097 Bath Road)

Passed: [Meeting Date]

Whereas Public Meetings were held regarding this amendment on June 16, 2022 and March 21, 2024;

Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The City of Kingston Official Plan is hereby amended by the following map change which shall constitute Amendment Number 94 to the Official Plan for the City of Kingston.
 - a. **Amend** Schedule '3-A', 'Land Use', of the City of Kingston Official Plan, to re-designate the lands shown on Schedule 'A' to this By-Law, from 'Residential' to 'Open Space'.
 - b. **AMEND** Schedule '3-D', 'Site Specific Policies', of the City of Kingston Official Plan, so as to remove portions of the property located at 4085, 4091 and 4097 Bath Road, as shown on Schedule 'B' to By-law Number 2024-____, from Site Specific Policy Area Number 15.'
 - c. **AMEND** Schedule '3-D', 'Site Specific Policies', of the City of Kingston Official Plan, so as to designate portions of the property located at 4085, 4091 and 4097 Bath Road, as shown on Schedule 'B' to By-law Number 2024-____, as Site Specific Policy Area Number 76.'
 - d. **AMEND** Schedule '8-A', 'Natural Heritage Area 'B'', of the City of Kingston Official Plan, so as to adjust the boundary of the Significant Woodland and Significant Valleyland in accordance with Schedule 'C' to this By-law.'
2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.17.76:

4091 Bath Road, Schedule 3-D, SSP Number 3.17.76

- 1.1.1. That the property located at 4085, 4091 and 4097 Bath Road, shown on Schedule 3-D as Area 76 is intended to accommodate a phased condominium development. Notwithstanding the policies in Section 2.4.4, the minimum density for the lands shall be 28 units per net hectare. For the purposes of calculating density on this site, a net hectare does not include land that is (or will be) dedicated to the City for public purposes or land

which is designated as an Environmental Protection Area or as Open Space.

The condominium development is intended to accommodate a mix of housing types including single detached dwellings and stacked townhomes. The single detached dwellings are permitted to accommodate up to two additional residential units within the dwelling despite not being located on a separate residential lot, provided the Condominium Declaration is structured to permit these additional residential units.

The lands within the Open Space designation within this Site-Specific Policy Area contain significant natural heritage features and areas as shown on the natural heritage schedules of the Official Plan. These lands are intended to be protected in a naturalized state to preserve these features and no development is permitted.

3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the Planning Act, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the Planning Act, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Address: 4085, 4091 and
4097 Bath Road
File Number: D35-014-2021

Official Plan - Schedule 3 Land Use

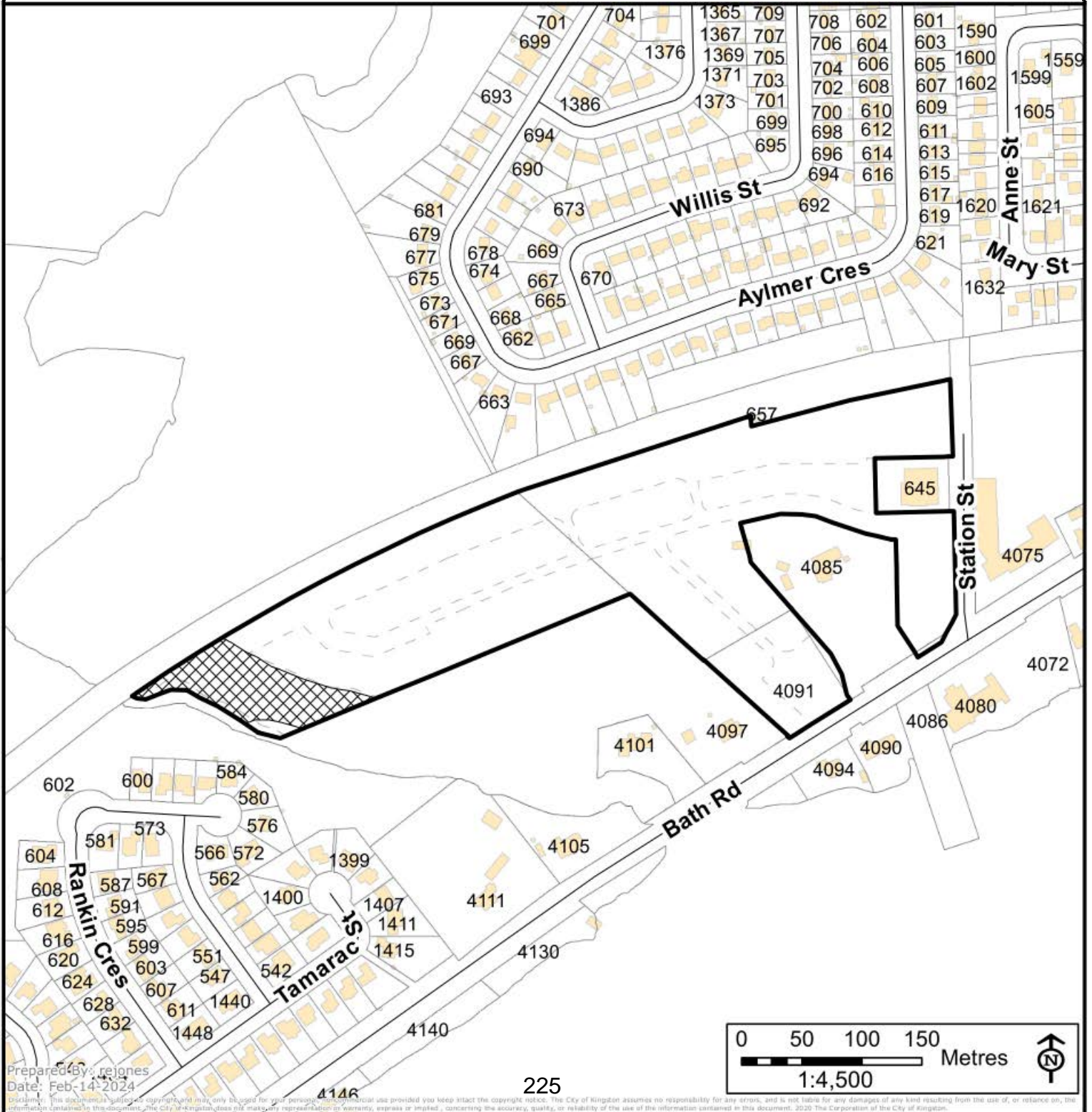
- Subject Lands
- Lands to be redesignated to Open Space

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor

Clerk








**Schedule 'B'
to By-Law Number**

Address: 4085, 4091 and
4097 Bath Road
File Number: D35-014-2021

Certificate of Authentication

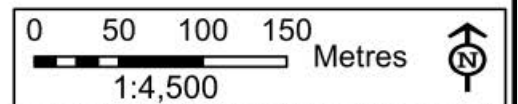
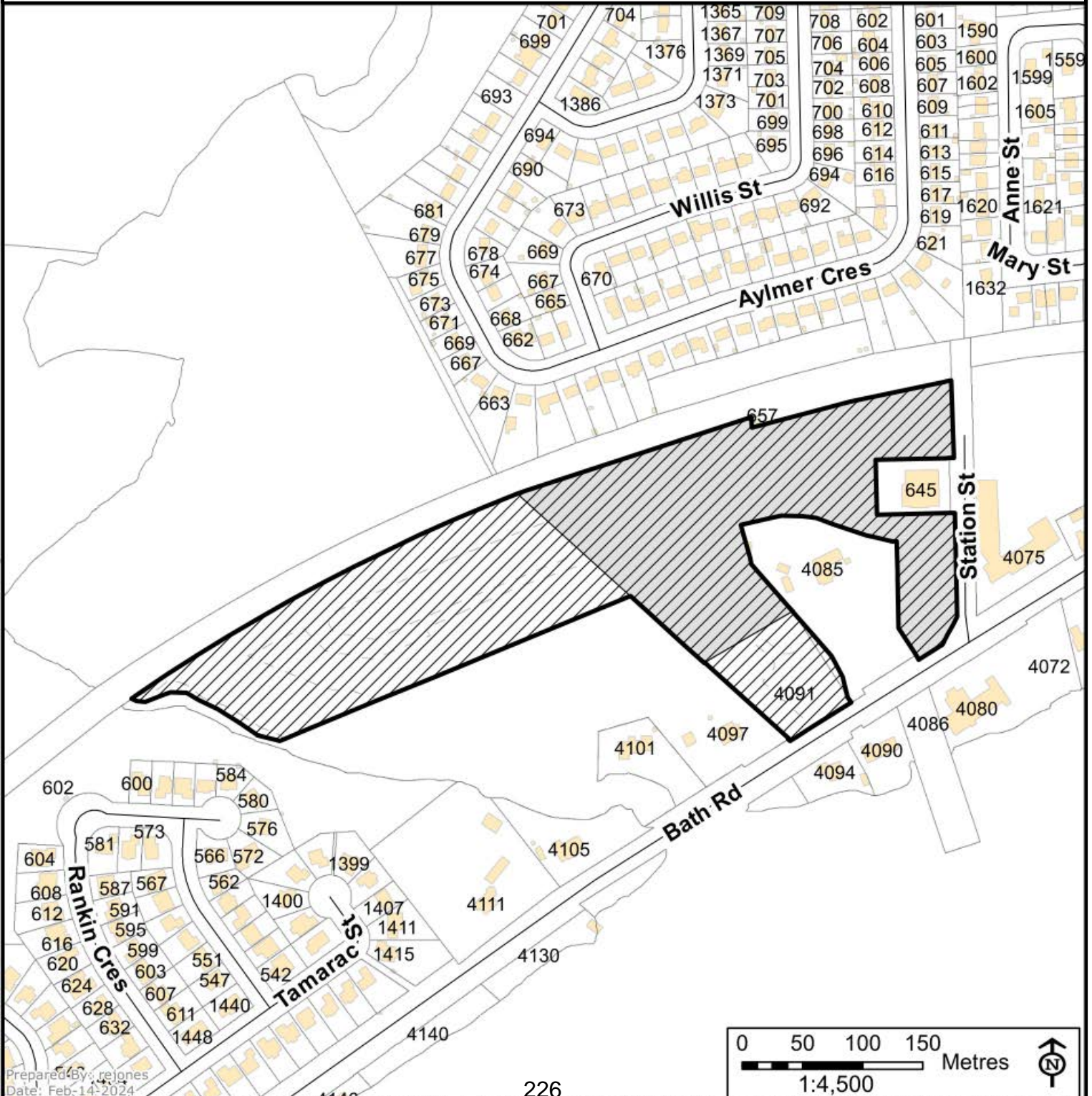
This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2024.

**Official Plan - Schedule 3D
Site Specific Policy Area**

-  Subject Lands
-  Lands to be added as SSP 76
-  Lands to be removed from SSP 15

Mayor

Clerk





**Schedule 'C'
to By-Law Number**

Address: 4085, 4091 and
4097 Bath Road
File Number: D35-014-2021

Certificate of Authentication

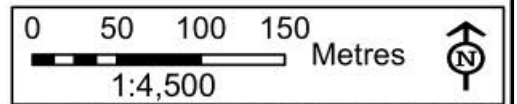
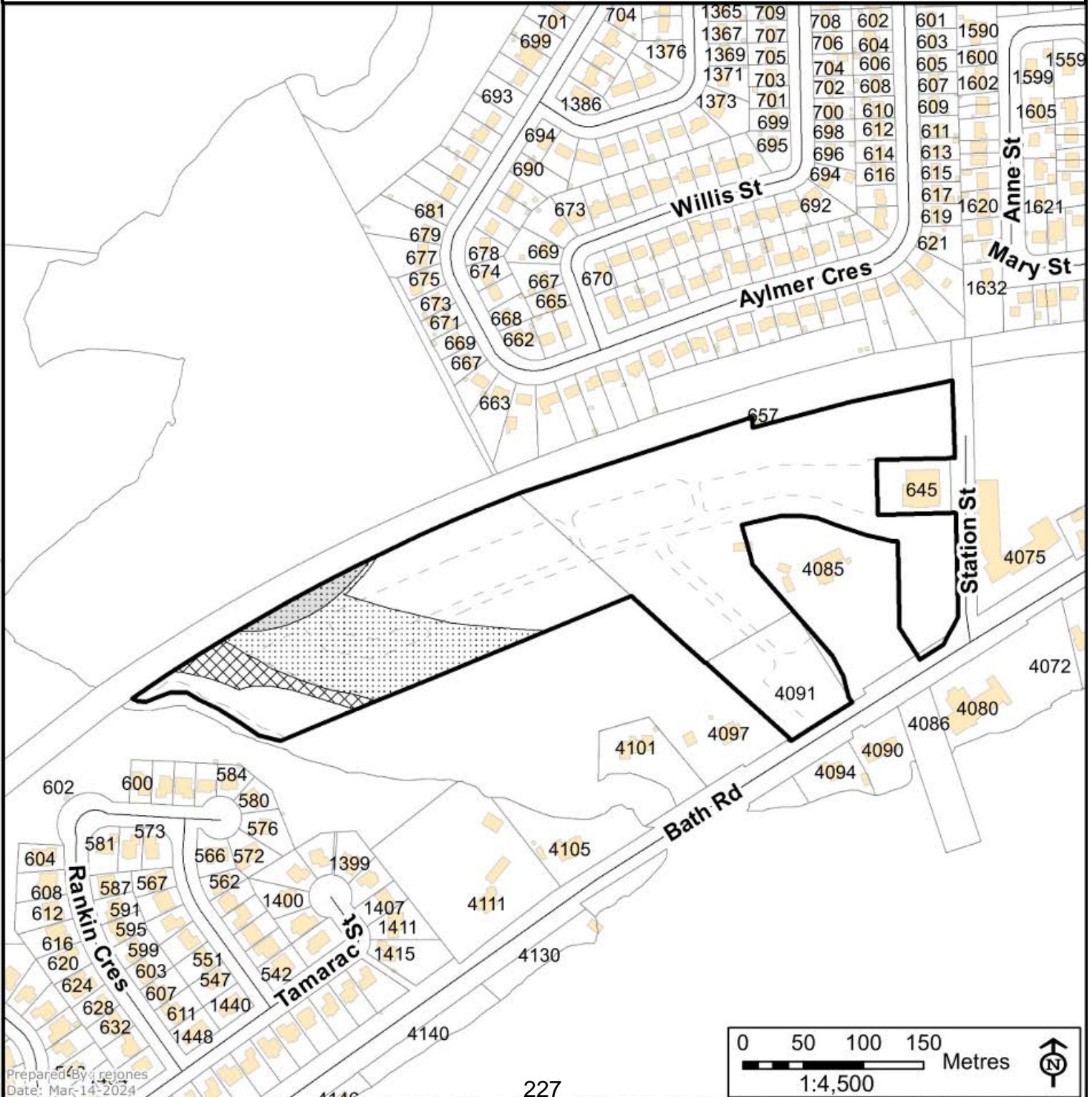
This is Schedule 'C' to By-Law Number _____, passed this _____ day of _____ 2024.

Official Plan - Schedule 8 Natural Heritage B

- Subject Lands
- Lands to be Removed from Valleyland
- Lands to be Added to Significant Woodland
- Lands to be Removed from Significant Woodland

Mayor

Clerk



By-Law Number 2024-XX

A By-Law to Amend By-law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law, Zone Change from ‘DR’ Zone to ‘URM1’ Zone and ‘OS1’ Zone, Introduction of Exception Numbers E158 and E159, and Introduction of Holding Overlay H234 (4085, 4091 and 4097 Bath Road))

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston enacted By-law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (the “Kingston Zoning By-law”);

Whereas the subject lands are identified as “Not Subject to this By-law” on Schedule 1 of the Kingston Zoning By-law;

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law to incorporate the subject lands into the Kingston Zoning By-law and to introduce new exception numbers and a holding overlay;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, by adding the zone symbol ‘URM1’, and by

changing the zone symbol from 'DR' to 'URM1' and 'OS1' as shown on Schedule "A" attached to and forming part of this By-Law.

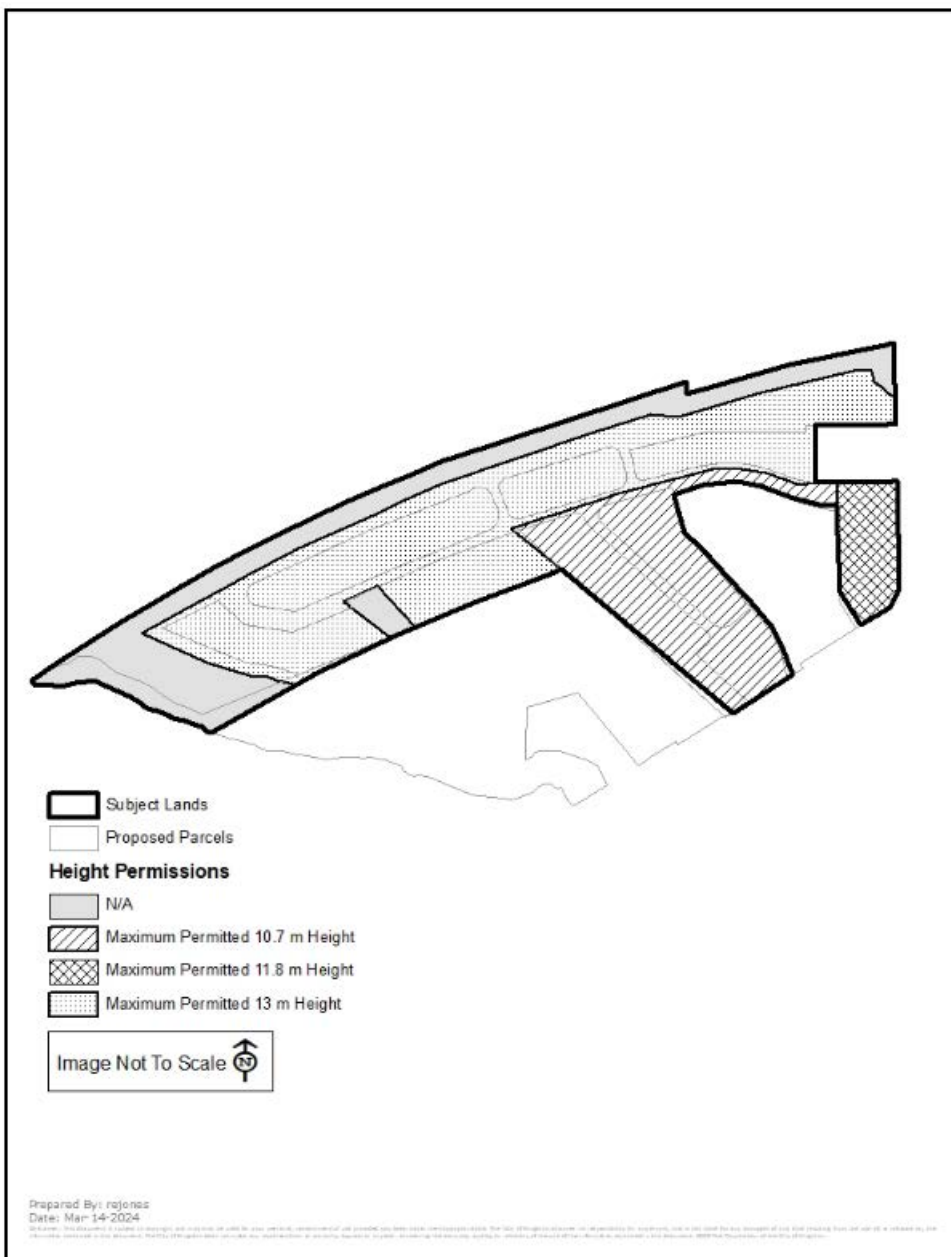
- 1.2. Schedule E – Exception Overlay is amended by adding Exception Numbers E158 and E159, as shown on Schedule "B" attached to and forming part of this By-Law.
- 1.3. Schedule F – Holding Overlay is amended by adding Holding Overlay 'H234' as shown on Schedule "C" attached to and forming part of this By-Law; and
- 1.4. By adding the following Exception Numbers E158 and E159 in Section 21 – Exceptions, as follows:

"E158. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The following definition applies for the purpose of this Exception:

End wall means all portions of the exterior side walls of a building perpendicular to the **building frontage** and all structural components of these exterior side walls essential to support the roof.

- (b) General Provisions
 - (i) The lands subject to this Exception are deemed to be one **lot** for the purposes of interpreting zoning provisions;
 - (ii) The maximum **building heights**, including location thereof, are specified on Figure E158;
 - (iii) **Figure E158**



- (iv) Despite the maximum **building heights** in Figure E158, stairway penthouses constructed for the sole purpose of providing access to rooftop **amenity areas** are permitted to project to a maximum total height of 13.6 metres, measured from the **finished grade** to the highest point of such stairway penthouse;
- (v) A maximum of 10 **model homes** in the form of **single detached houses** or **stacked townhouse dwelling units** are permitted in the aggregate;

- (vi) The minimum **density** of **dwelling units** per net hectare on the **lot** is 28 **dwelling units** per net hectare;
- (vii) The maximum number of **principal buildings** per **lot** does not apply;
- (viii) The minimum **setbacks** for any **building, private street, parking area** and **drive aisle** are as follows:
 - i. The minimum **setback** from an 'OS1' Zone is 7.5 metres;
 - ii. The minimum **setback** from the edge of McGuin Millrace archaeological site, as surveyed through a Stage 3 Archaeological Assessment, is 5.0 metres, except where documentation has been approved in writing to the satisfaction of the **City** in consultation with the provincial **public authority** having jurisdiction; and,
 - iii. The minimum **setback** from a **street line** abutting Bath Road is 14 metres;
- (ix) **Accessory buildings** must comply with the Zone provisions that are applicable to the lands subject to this Exception, except:
 - i. An **accessory building** may encroach into a required **setback**, provided that such **accessory building** must be **setback** a minimum of 6.0 metres from a **private street** and a minimum of 1.2 metres from all **lot lines**;
 - ii. Despite (b)(ix)(i), a detached **private garage** must be **setback** a minimum of 5.5 metres from a **private street**;
 - iii. The minimum **separation distance** between **stacked townhouses** and a detached **private garage** is 6.0 metres; and,
 - iv. Despite (b)(ix)(i), where an **accessory building** is located within 30 metres from the northern **lot line**, such **accessory building** must be setback a minimum of 1.2 metres from a **private street**.

(c) **Stacked Townhouses**

- (i) The minimum **separation distance** between triple **stacked townhouses** and any **residential building** is 6.0 metres;
- (ii) The minimum **separation distance** between double **stacked townhouses** and any **residential building** is 2.4 metres;
- (iii) The minimum **setback** from a **lot line** is 7.5 metres;
- (iv) The minimum **setback** from a **street line** abutting Station Street is 4.0 metres;

- (v) The minimum **setback** from a **private street** is 6.0 metres except, where an **end wall** abuts a **private street**, the minimum setback is 2.5 metres;
- (vi) **Porches** or **decks** that project from the **main wall** of a **stacked townhouse building** must comply with the following provisions:
 - i. The maximum surface area of floor levels of **porches** and **decks** for each triple **stacked townhouse building** is 100 square metres in the aggregate;
 - ii. The minimum setback of a **porch** or **deck**, excluding stairs and their associated guards, to a **private street** or to a **street line** abutting Station Street is 3.0 metres;
 - iii. Stairs and their associated guards connected to **porches** and **decks** are permitted to project into any required **setback**, provided such stairs are **setback** a minimum of 1.5 metres from a **private street** or to a **street line** abutting Station Street;
- (vii) Balconies that project from the **main wall** of a **stacked townhouse building** must comply with the following provisions:
 - i. The maximum horizontal projection of a balcony from the **main wall** is 2.0 metres; and,
 - ii. The minimum setback from a **lot line** is 1.2 metres;
- (viii) The minimum number of **visitor spaces** and **car-share spaces** required are as follows:
 - i. 3 **car-share spaces**; and,
 - ii. 0.06 **visitor spaces** per **dwelling unit**;
- (ix) The enhanced bike parking facilities described in Clause 7.3.13. do not apply.

(d) **Single Detached Houses**

- (i) The minimum **separation distance** between **single detached houses** is 2.4 metres;
- (ii) The minimum **setback** from any **lot line** is 7.0 metres except, where the **end wall** of a **single detached house** abuts a **lot line**, the minimum **setback** is 3.0 metres;
- (iii) The minimum **setback** from a **private street** is 4.0 metres;
- (iv) The minimum aggregate of **interior setbacks** does not apply;
- (v) A **deck** is not subject to the required **setbacks** that apply to a **single detached house**. A **deck** must comply with the following provisions:

- i. The maximum width of a **deck** is the width of the **building frontage** of the **single detached house**; and,
 - ii. The minimum **setback** from a **lot line** is 4.0 metres;
 - (vi) Each **single detached house** is permitted to have a **driveway** leading to a **private garage**, provided that the **driveway** is a maximum of 6.0 metres in width, and the limitation on the number of **driveways** per lot in Subclause 7.4.8.9 does not apply.
- (e) **Single Detached Houses – Additional Residential Units**
- (i) **Single detached houses** may accommodate up to two **additional residential units**, subject to and in accordance with a registered description under the *Condominium Act, 1998*;
 - (ii) The following provisions apply to **additional residential units** in **single detached houses** on lands subject to this Exception:
 - i. No **parking space** is required for a **third residential unit** in a **single detached house**;
 - ii. Where a **long-term bike space** is required for an **additional residential unit** in a **single detached house**, it is exempt from Clauses 7.3.7., 7.3.10., 7.3.11. and 7.3.12. and must:
 - 1. be provided in a secure, enclosed location, such as within an **accessory building**, or within a vestibule or other interior floor area that does not form part of a **dwelling unit**; and
 - 2. be provided in a location that has access directly to a **private street** by way of a a continuous pathway; and
 - iii. **Walkways** required under section 4.27 must be provided from a **private street** to the main exterior entrance, or to stairs leading to the main exterior entrance of every **dwelling unit** on the **lot**; and
 - iv. A maximum of 8 **bedrooms** are permitted per **single detached house** on the lands subject to this Exception.”
- “E159. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
- (a) Despite the uses permitted by the applicable Zone, the only permitted use is a **conservation use**.”

- 1.5. By adding the following Holding Overlay H234 in Section 22 – Holding Conditions, as follows:
 - “**H234.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
 - (a) The **City** has received confirmation that noise mitigation measures have been installed on the Bell Utility Building or that alternative noise mitigation measures have been implemented, as specified and approved by a qualified acoustical consultant, to the satisfaction of the **City**.
 - (b) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed development.
 - (c) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**, in consultation with any federal or provincial **public authority** having jurisdiction. Required studies may include, but are not limited to, studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition.
 - (d) All agreements required by the **City** have been executed and registered on title, as appropriate.
 - (e) The Stage 3 archaeological assessment report has been accepted by the **public authority** having jurisdiction and associated agreements regarding protection and avoidance of the McGuin Millrace archaeological site recommended in the report have been executed to the satisfaction of the **City**.”
2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of Kingston By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor






**Schedule 'C'
to By-Law Number**

Address: 4085, 4091 and 4097 Bath Road
File Number: D35-014-2021

Certificate of Authentication

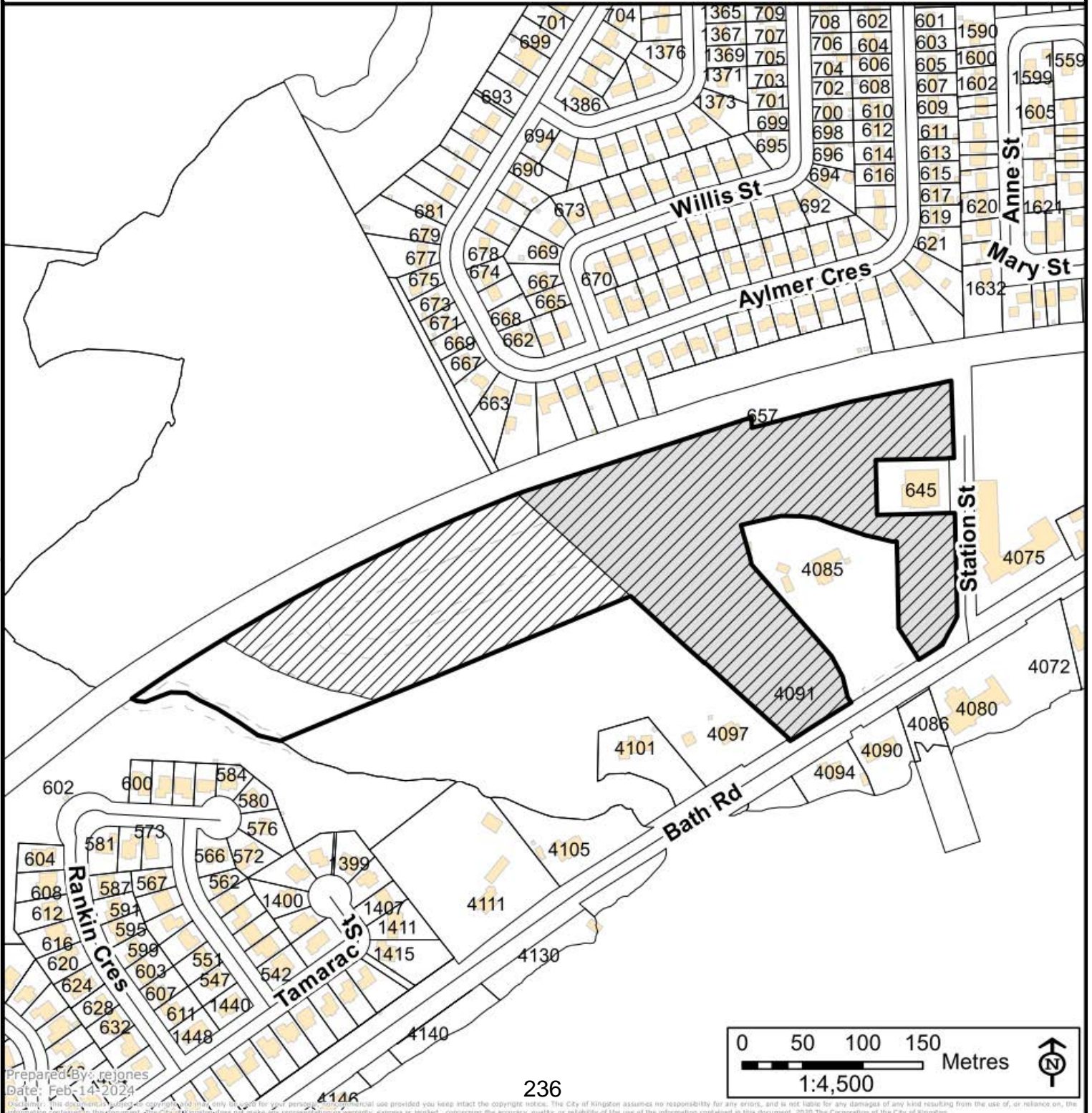
This is Schedule 'C' to By-Law Number _____, passed this _____ day of _____ 202__.

**Kingston Zoning By-Law 2022-62
Schedule F - Holding Overlay**

-  Subject Lands
-  Lands to be Added as H234
-  Lands to be Removed from H40

Mayor

Clerk

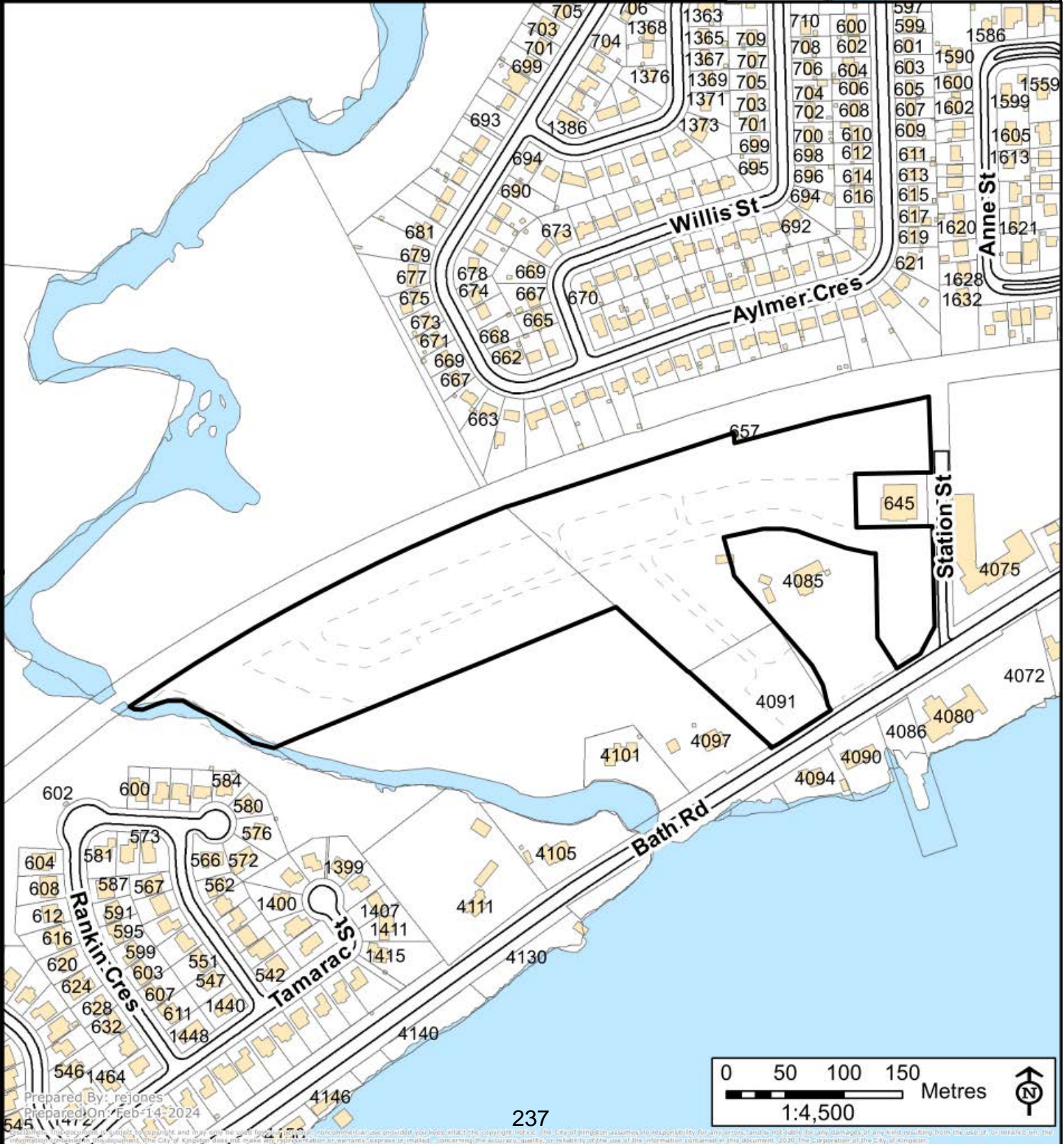




Planning Committee Key Map

Address: 4085, 4091 and 4097 Bath Road
File Number: D35-014-2021
Prepared On: Feb-14-2024

Subject Lands





Planning Committee Neighbourhood Context

Address: 4085, 4091 and 4097 Bath Road
File Number: D35-014-2021
Prepared On: Feb-14-2024

- Subject Lands
- Property Boundaries



Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting the integration of land use planning, growth management, transit-supportive development,</p>	1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	<p>The proposed residential condominium is located on an undeveloped parcel with the potential to connect with municipal water and sanitary services within the Urban Boundary. The proposal will use land efficiently to add residential density within the settlement area of the municipality.</p> <p>The proposed mix of single detached dwellings and stacked townhouses will add to the housing options in the west end of the City.</p> <p>The proposed development will incorporate a crash berm and minimum required setbacks to protect public safety in relation to the adjacent CN rail line. Noise mitigation measures will be required to meet Provincial criteria in relation to rail, transportation and noise generated by the adjacent Bell substation building. The proposed Holding Overlay will ensure that a detailed Noise Impact Study is</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society; g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs; h) promoting development and land use patterns that conserve biodiversity; and i) preparing for the regional and local impacts of a changing climate.</p>		<p>prepared to the satisfaction of the City to assess the detailed design of the condominium through the site plan control process, and to ensure the required noise mitigation measures are established on the Bell Utility building to permit proposed sensitive residential uses.</p> <p>The subject lands have frontage and vehicular access via Station Street to an Arterial Road (Bath Road) which is also known as Highway 33 and is under the Ministry of Transportation's jurisdiction. A Traffic Impact Study provided in support of the application has concluded that the transportation network can accommodate the additional trips generated by the maximum number of 309 dwelling units enabled by the zoning by-law amendment.</p> <p>The development will be required to comply with Accessibility for Ontarians with Disabilities Act (AODA) standards for private development.</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>Accessible parking will be provided throughout the site in accordance with the applicable zoning regulations.</p> <p>The proposed development supports efforts to combat the changing climate regionally through incorporating a significant portion of additional dwelling units in stacked townhouses, which represents a compact built form in relation to surrounding low density housing. Active transportation linkages will be provided throughout the subject lands to connect to bike lanes on Bath Road and to the broader cycling network and waterfront trail. Long-term and short-term bike parking will be provided in accordance with the Kingston Zoning By-Law for the stacked townhouse dwelling units.</p>
1.1.2	Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where	1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	The proposed development will add to the range and mix of land uses and housing options to the area. The site is located within the urban boundary and is suitable and desirable for intensification to add

Policy Number	Policy	Category	Consistency with the Policy
	<p>an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.</p>		<p>a potential 309 dwelling units in single detached houses and stacked townhouses.</p>
<p>1.1.3.1</p>	<p>Settlement areas shall be the focus of growth and development.</p>	<p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns 1.1.3 Settlement Areas</p>	<p>The proposed residential condominium is located within the Urban Boundary, which is identified as the designated growth area.</p>
<p>1.1.3.2</p>	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and</p>	<p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The proposed residential development will make efficient use of underutilized land in the Urban Boundary by achieving a transit supportive density for additional housing units where possible while protecting natural heritage and cultural</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed</p> <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated</p>	<p>1.1.3 Settlement Areas</p>	<p>heritage resources and protecting public health and safety. The proposal will contribute to the mix of uses present in the area. By locating additional dwelling units in proximity to existing commercial uses, open space, transit connections and active transportation connections, the proposal is expected to support active transportation and transit. Long-term and short-term bike parking will be provided in accordance with the Kingston Zoning By-Law for the stacked townhouse dwelling units.</p>
<p>1.1.3.3</p>	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to</p>	<p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns 1.1.3 Settlement Areas</p>	<p>As directed by the Official Plan for large development proposals and greenfield lands, the proposal seeks to achieve a transit-supportive density where possible, taking into account required protection measures for natural heritage features and cultural heritage resources. The proposal will add to the supply and range of housing options in the west extent of the Urban Boundary with</p>

Policy Number	Policy	Category	Consistency with the Policy
	accommodate projected need.		servicing capacity upgrades and connections pursued at the cost of the applicant.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns 1.1.3 Settlement Areas	Appropriate setbacks and development standards are incorporated into the recommended zoning by-law amendment to enable a compatible, residential development made up of stacked townhouses and single detached houses adjacent to a CN rail line and valleyland.
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within builtup areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.	1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns 1.1.3 Settlement Areas	The City, through its Official Plan, has established a minimum intensification target within the urban boundary, whereby a minimum of 40% of residential development is to occur through intensification. The proposed development will contribute to the City's efforts to achieve this target.
1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic	1.2 Coordination	The subject lands are located in an area designated for residential uses, with the exception of lands within the EPA designation along Collins Creek. Due to the proximity of the adjacent CN rail line, which would be

Policy Number	Policy	Category	Consistency with the Policy
	viability of major facilities in accordance with provincial guidelines, standards and procedures.		considered a “major facility” according to the PPS, the proposal has been evaluated through a Noise Impact Study and a Vibration Study. The noise and vibration studies have demonstrated the feasibility of mitigating adverse effects from noise or vibration and have been reviewed by City Engineering staff and peer reviewed by CN rail as part of the technical review of this application. A detailed Noise Impact Study will be required in support of mitigation measures proposed as part of the required site plan control application, and detailed design process. The Noise Impact Study will be required to be reviewed to the satisfaction of the City, in consultation with any public authority having jurisdiction, as a condition of removal of the Holding Overlay.
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the	1.4 Housing	The proposed residential condominium with a potential of 309 dwelling units within single detached houses and stacked townhouses, adds

Policy Number	Policy	Category	Consistency with the Policy
	<p>regional market area by: a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; d)</p>		<p>additional dwelling units to the City's housing stock and adds to the mix of housing options in the area.</p> <p>The Servicing Report submitted in support of the application details how upgrades and new servicing connections to existing water and sanitary infrastructure can accommodate the proposed development. The cost of required upgrades and new connections will be borne by the applicant and secured through the required site plan control approval process. Similarly, required upgrades to Station Street to bring this road up to municipal standards will be borne by the applicant.</p> <p>Refer to section 1.1.3.3</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>		
1.5.1	<p>Healthy, active communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces,</p>	Building Strong Healthy Communities	<p>The subject property is well situated in relation to existing active transportation infrastructure, including sidewalks and bicycle lanes on the north side of Bath Road. Cycling lanes connect to a broader waterfront trail and eventually to the downtown core of the City.</p> <p>The proposal includes a number of private open spaces intended for</p>

Policy Number	Policy	Category	Consistency with the Policy
	open space areas, trails and linkages, and, where practical, water-based resources; c) providing opportunities for public access to shorelines; and d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas		communal outdoor amenity areas for residents of the condominium. The proposal minimizes effects to adjacent protected areas through a 50 metre buffer adjacent to Collins Creek. This buffer area is proposed to be redesignated Open Space in the Official Plan and identified as an area of environmental sensitivity to implement the recommendations of a supporting Environmental Impact Study.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	1.6 Infrastructure and Public Service Facilities	A Servicing Report has been prepared by Josselyn Engineering Inc. in support of the proposal. Utilities Kingston is the supplier of water and sewer service in the area and has reviewed the application through the technical review process. Upgrades will be required to the sanitary pumping station at Bath-Collins Bay Road to support the flows generated by the additional units, the cost of which will be borne by the applicant. Extensions of existing public water and

Policy Number	Policy	Category	Consistency with the Policy
			sanitary infrastructure will be required as well, the cost of which will be borne by the applicant and secured through the required site plan control approval process. The recommended Holding Overlay will not be removed until the City is satisfied there is adequate servicing capacity (e.g. water, wastewater) for the proposed development.
1.6.6.7	Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and	1.6 Infrastructure and Public Service Facilities	A Stormwater Management report prepared by Josselyn Engineering Inc. was provided in support of the application and demonstrates it is feasible to provide adequate stormwater controls for the site. The stormwater management strategy for the development will include a combination of storm sewers and overland flow. The Stormwater Management Report and overall drainage plan was reviewed to the satisfaction of City Engineering staff, CRCA, MTO and CN rail staff as part of the technical review for the purposes of the OPA/ZBA application.

Policy Number	Policy	Category	Consistency with the Policy
	re-use, water conservation and efficiency, and low impact development.		As part of the detailed design regulated through the site plan control process, a detailed stormwater management report will be required to be reviewed to the satisfaction of City Engineering staff, CRCA, CN rail and MTO.
1.6.7.1	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	1.6 Infrastructure and Public Service Facilities	As evaluated through the submitted Traffic Impact Study, the City's transportation network is expected to be able to accommodate the additional traffic generated by the proposed development. Details of the upgrades to Station Street to bring this street up to municipal standards will be secured through the site plan control process.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	1.6 Infrastructure and Public Service Facilities	The proposal will make efficient use of the existing road network and by connecting additional units to existing transit and active transportation infrastructure will manage the transportation demand for additional road infrastructure for private vehicle use. The proposed condominium will connect with Bath

Policy Number	Policy	Category	Consistency with the Policy
			<p>Road via new entrances to Station Street and will include new private streets and new walkway connections.</p> <p>See section 1.6.7.4</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	1.6 Infrastructure and Public Service Facilities	<p>The residential condominium of single detached and stacked townhouses, with a potential density range of 28 to 40 dwelling units per net hectare, is proposed along an arterial road with a transit route, sidewalks on the north side and bike lanes. The applicant has explored options to provide a transit supportive density where possible, which is understood to be 37.5 dwelling units per net hectare based on thresholds established in the City's Official Plan. Density in this location is limited by servicing constraints and land area appropriate for development (see also Section 1.1.3.2). The site is within walking distance of community facilities, open space, and commercial uses at Bath Road and Collins Bay Road. No reductions to long-term or short-term bike</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>space requirements are sought for this development in recognition that active transportation is a viable option in this location to access a mix of land uses in the vicinity.</p> <p>The proposed development also includes the incorporation of a walkways throughout the internal road network which will link to the broader active transportation network. The proposal will support active transportation and transit through the creation of new connections to the sidewalks on the north side of Bath Road, connecting to existing transit stops on Bath Road, and will establish additional dwelling units connected to the bike lanes on Bath Road.</p> <p>The proposal also includes increased vehicular options (i.e. car share spaces). All of these factors are supportive of reducing the length and number of vehicle trips to and from the site.</p>
1.6.9.2	Airports shall be protected from incompatible land uses	1.6 Infrastructure	According to Schedule 11-A of the Official

Policy Number	Policy	Category	Consistency with the Policy
	and development by: a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP; b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and c) discouraging land uses which may cause a potential aviation safety hazard.	and Public Service Facilities	Plan, the subject lands proposed for residential development are outside of the area identified as having a “Noise Exposure Forecast” (NEF) of 25, associated with the Kingston Airport. Airport staff have reviewed the proposed development as part of the technical review of the application and have no concerns in relation to the potential for any aviation safety hazard associated.
1.7.1	Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness; b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; e) encouraging a sense of	1.7 Long-term Economic Prosperity	The proposal supports long-term economic prosperity through achieving multiple objectives under section 1.7.1., including the residential development of a site with potential access to municipal services in the Urban Boundary, while protecting sensitive environmental features which provide ecological benefits. The proposed development is supported by a Heritage Impact Study and Addendum that evaluates adjacent built heritage resources and the overall landscape

Policy Number	Policy	Category	Consistency with the Policy
	<p>place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; f) promoting the redevelopment of brownfield sites; g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people; h) providing opportunities for sustainable tourism development; i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network; j) promoting energy conservation and providing opportunities for increased energy supply; k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and l) encouraging efficient and coordinated communications and</p>		<p>and recommends a number of detailed design measures to ensure that existing cultural heritage resources are protected and enhanced. The application has demonstrated that the proposal can add to the mix and range of dwelling types on the subject site in the Urban Boundary, while also conserving and highlighting cultural heritage resources that help define the character of the area.</p>

Policy Number	Policy	Category	Consistency with the Policy
	telecommunications infrastructure.		
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <p>a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities; e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; f) promote</p>	1.8 Energy Conservation, Air Quality and Climate Change	<p>The proposed residential development in a location well connected to active transportation infrastructure contributes to goals of reduced green house gas emissions and sustainable development objectives under policy 1.8.1.</p> <p>The proposal will retain a 50 metre protected open space buffer adjacent to Collins Creek and will retain on-site trees on the remainder of the property where possible. New plantings and landscaping will be required as part of the site plan control process, consistent with City requirements and to implement the recommendations of the Heritage Impact Study. The proposed development meets and exceeds landscaped open space requirements in the Kingston Zoning By-Law.</p>

Policy Number	Policy	Category	Consistency with the Policy
	design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and g) maximize vegetation within settlement areas, where feasible.		
2.1.1	Natural features and areas shall be protected for the long term.	2.1 Natural Heritage	<p>The subject lands include the following natural features and areas:</p> <p>Schedule 7-A of the Official Plan (Natural Heritage Area 'A') identifies the following at the far west end of the subject lands: (i) a Provincially Significant Wetland (PSW) at the western extent of the property; and, (ii) a watercourse associated with Collins Creek.</p> <p>Schedule 8-A of the Official Plan (Natural Heritage Area 'B') identifies the following, primarily at the western extent of the lands along Collins Creek: (i) valleyland; (ii) riparian corridor; (iii) significant woodland; and, (iv) contributory woodland.</p> <p>The potential for impacts on these features have been evaluated comprehensively as</p>

Policy Number	Policy	Category	Consistency with the Policy
			part of the application as described below.
2.1.2	The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.	2.1 Natural Heritage	The proposal was subject to an Environmental Impact Study (EIS), which was reviewed to the satisfaction of the CRCA as part of the technical review of the subject application. The EIS comprehensively assessed potential impacts to natural features and biodiversity in the area, including elements such as significant woodland, valleyland, wetland, fish and wildlife habitat, and concluded that no negative impacts would result from the proposed development provided mitigation and avoidance measures are followed. The proposal will maintain a 50 metre buffer from Collins Creek, maintained as woodland, which is the primary measure recommended in the EIS to protect associated environmentally sensitive features.
2.1.4	Development and site alteration shall not be permitted in: a) significant	2.1 Natural Heritage	The proposed residential development is not located in a

Policy Number	Policy	Category	Consistency with the Policy
	<p>wetlands in Ecoregions 5E, 6E and 7E1; and b) significant coastal wetlands.</p>		<p>wetland; however, due to the proximity of the Collins Creek Provincially Significant wetland complex, an Environmental Impact Study of the proposed development was required. The EIS determined that, with the recommended mitigation and avoidance measures, there will be no negative impact to the wetland.</p>
<p>2.1.5</p>	<p>Development and site alteration shall not be permitted in:</p> <p>a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1; b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; d) significant wildlife habitat; e) significant areas of natural and scientific interest; and f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)</p> <p>unless it has been demonstrated that there will be no negative impacts on</p>	<p>2.1 Natural Heritage</p>	<p>The subject lands are not located north of Ecoregions 5E, 6E and 7E1.</p> <p>Due to the proximity of a valleyland and significant woodland, detailed on Natural Heritage “B” mapping of the Official Plan, and the potential for wildlife habitat, an Environmental Impact Study of the proposed development was prepared and determined that, with the recommended mitigation and avoidance measures, there will be no negative impact to the significant woodland and valleyland or to significant wildlife habitat. Mapping adjustments are</p>

Policy Number	Policy	Category	Consistency with the Policy
	the natural features or their ecological functions.		recommended through the OPA which will clarify the location of significant woodland and valleyland as determined through the EIS and survey information. The proposal will maintain a 50 metre woodland buffer from Collins Creek, which is understood to form the exact area of the valley and significant woodland in this location.
2.1.6	Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.	2.1 Natural Heritage	The development will not be within fish habitat and is proposed to be setback a minimum distance of 50 metres from Collins Creek, as recommended by the supporting Environmental Impact Study.
2.1.7	Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.	2.1 Natural Heritage	The Environmental Impact Study of the proposed development identified the Wood Thrush and the Eastern Wood Pewee through field work and recommends site works occur outside of migratory birds breeding season (April 15 to August 15) to avoid contravening the Migratory Birds Act and any potential impacts to

Policy Number	Policy	Category	Consistency with the Policy
			significant wildlife habitat.
2.1.8	Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.	2.1 Natural Heritage	See sections 2.1.4, 2.1.5 and 2.1.6.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water by: a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development; b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts; c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level; d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the	2.2 Water	<p>A Stormwater Management report prepared by Josselyn Engineering Inc. was provided in support of the application and demonstrates it is feasible to provide sufficient quantity and quality control of stormwater run-off to ensure that there are no negative impacts resulting from the development. This report was reviewed to the satisfaction of City Engineering staff, the CRCA and CN rail.</p> <p>Detailed design measures to manage stormwater quantity and quality will be reviewed as part of the site plan control application process. An Environmental</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>ecological and hydrological integrity of the watershed; e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas; f) implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; h) ensuring consideration of environmental lake capacity, where applicable; and i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.</p>		<p>Compliance Approval will be required for the proposed oil/grit separator from the Ministry of Environment, Conservation, and Parks.</p> <p>A Groundwater Impact Study prepared by ASC Environmental was provided in support of the application. The study was provided in response to public feedback and concern that surrounding residents who rely on well water would be adversely affected by the proposed development, and that the proposed development could impact groundwater flow to Collins Creek. The study was reviewed to the satisfaction of the City Environment staff as part of the technical review of this application. The study concludes that the proposed development will not negatively impact groundwater supply through impermeable surfaces proposed through the subdivision and will not adversely impact neighbouring surface</p>

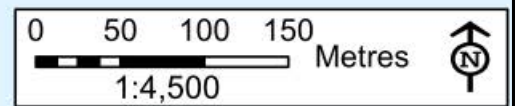
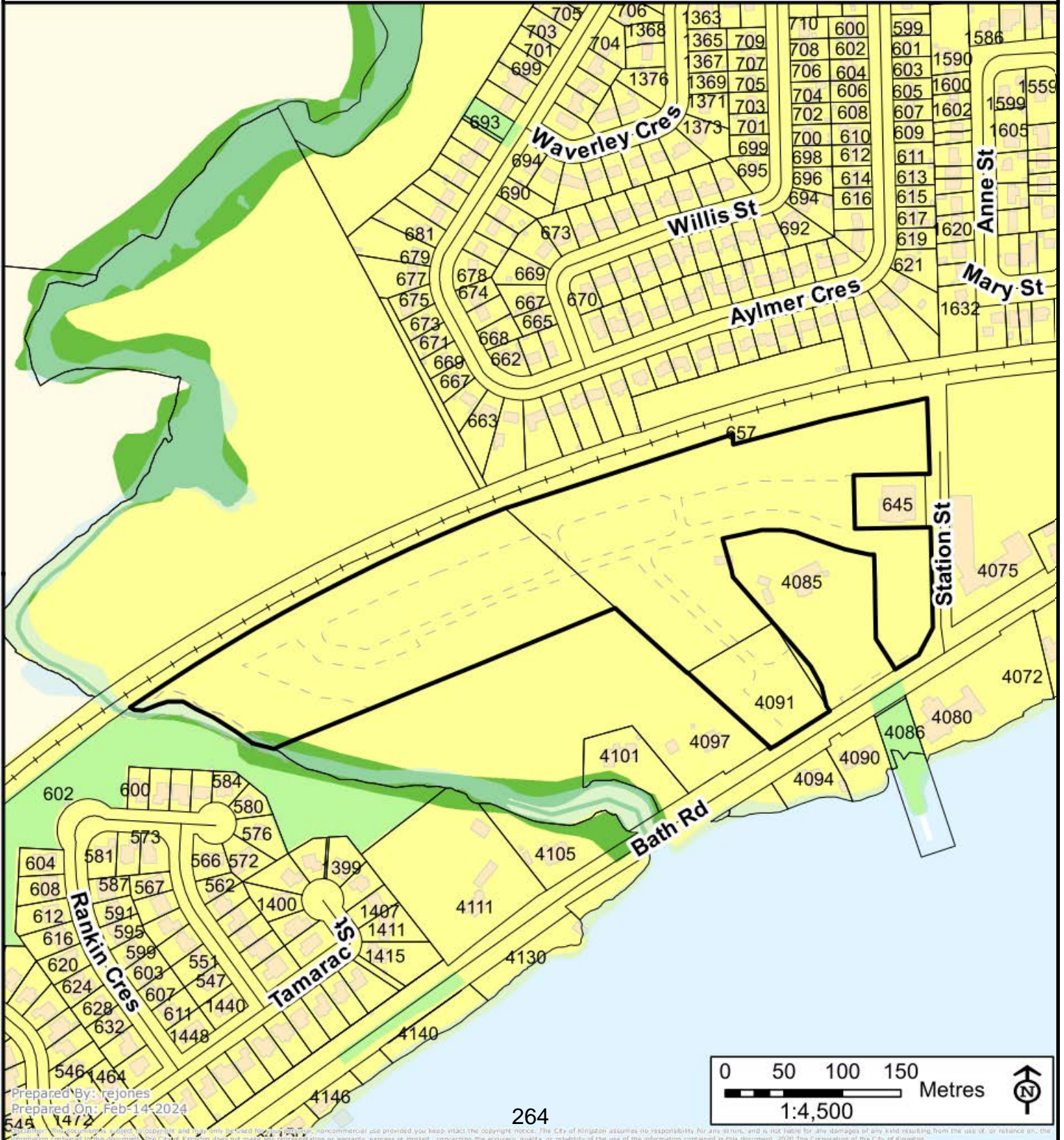
Policy Number	Policy	Category	Consistency with the Policy
			water resources, namely Collins Creek.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	2.6 Cultural Heritage and Archaeology	Significant built heritage resources exist on properties adjacent to the subject lands will be conserved through the proposal. Potential impacts have been evaluated through a Heritage Impact Study and Addendum as discussed further below under section 2.6.3.
2.6.2	<p>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.</p> <p>Conserved means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant</p>	2.6 Cultural Heritage and Archaeology	An archaeological site was observed during the Stage 2 archaeological assessment of the site and was registered with the Ministry of Citizenship and Multiculturalism as the McGuin Millrace Site (BbGd-71). A Stage 3 archaeological assessment was conducted in order to create a permanent record of the millrace location, form and construction, and to develop a strategy for long term preservation and protection. The preservation and protection strategy developed in consultation with the provincial Ministry of Citizenship and Multiculturalism, and City of Kingston

Policy Number	Policy	Category	Consistency with the Policy
	planning authority and/or decision-		Heritage Planning staff includes detailed recording of this feature and protection of a portion of the features as part of open space in the proposed development. A minimum required setback from the portion of the mill race to be protected is incorporated into the recommended Zoning By-law Amendment. The site plan control agreement and associated drawings will incorporate protection measures for the portion of the millrace to be preserved.
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.	2.6 Cultural Heritage and Archaeology	A Heritage Impact Study and Addendum was submitted with the subject application in accordance with this policy, demonstrating that there will be no negative impacts on adjacent heritage properties associated with the proposed development.



Planning Committee
Official Plan, Existing Land Use
Address: 4085, 4091 and 4097 Bath
Road
File Number: D35-014-2021
Prepared On: Feb-14-2024

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- OPEN SPACE
- RESIDENTIAL
- RURAL



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Planning Committee
Official Plan, Existing Natural Heritage B
Address: 4085, 4091 and 4097 Bath
Road
File Number: D35-014-2021
Prepared On: Feb-14-2024

- Subject Lands
- ANSI
- LINKAGE
- RIPARIAN
- VALLEYLAND
- SIGNIFICANT WOODLAND
- CONTRIBUTORY WOODLAND



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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1 Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; c. enhanced access to public amenities and spaces for all residents, visitors and workers; d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices; f. promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and 	<p>Section 2 – Strategic Policy Direction 2.1 Sustainable Development - Urban Areas – Focus of Growth</p>	<p>The subject lands are located within the Urban Boundary. The proposed residential development can achieve sustainability objectives through a minimum density of 28 dwelling units per net hectare in a location with access to transit service and active transportation infrastructure in the form of sidewalks and bike lanes on Bath Road. The subject lands are within walking distance of community facilities, such as a public school and church, as well as commercial uses at Bath Road and Collins Bay Road. By locating residents in proximity to transit stops and land uses that help to meet daily needs, the proposal fosters transit and active transportation.</p> <p>See Section 2.4.4 for a discussion of the minimum density achieved for the site in relation to thresholds in the Official Plan.</p> <p>The proposed development will make efficient use of available infrastructure such as public roadways and below grade servicing.</p> <p>The potential for impacts to the surrounding natural heritage system was assessed through an Environmental Impact Study. This study was reviewed to the satisfaction of the CRCA. Please see further discussion under section 2.3.15.</p>

Policy	Category	Conformity with the Policy
<p>rehabilitate brownfield sites for re-use;</p> <p>i. parks that are planned to be accessed by urban residents within a ten minute walk and situated in locations that lessen the need for pedestrians to cross an arterial road or major highway;</p> <p>j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects;</p> <p>k. climate positive development;</p> <p>l. promotion of green infrastructure to complement infrastructure;</p> <p>m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and,</p> <p>n. an ecosystem approach to protecting the natural heritage system.</p>		<p>Mature trees in the significant woodland on the site will be preserved through including lands in a protected open space land use designation, and corresponding zone and exception overlay in the Kingston Zoning By-law. Mature trees will be preserved where possible in the contributory woodland present on the property, and new plantings will be required through the site plan control process to replace lost tree cover. Open spaces for residents will be provided throughout the proposed development, including a 1409 square metre park north of Bath Road.</p>
<p>2.1.4 In reviewing development applications, the City will promote sustainability through:</p> <p>a. encouragement of green building design to reduce greenhouse gases by adopting:</p> <ul style="list-style-type: none"> • energy efficient construction; • renewable sources of energy for lighting and heating; 	<p>Section 2 – Strategic Policy Direction 2.1 Sustainable Development</p>	<p>The recommended Official Plan amendment and Zoning By-law amendment will enable a residential development that meets several sustainability objectives. The development, that will be refined further through the site plan control approval process:</p>

Policy	Category	Conformity with the Policy
<ul style="list-style-type: none"> • natural lighting; • design that reduces water consumption; • design which minimizes discharge into the sanitary sewers; and • design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use. <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p> <p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>g. the creation of a mix of uses that support increased access to healthy foods;</p> <p>h. the use of materials that have been extracted or recovered locally;</p>		<ul style="list-style-type: none"> • will include a 50 metre protected open space buffer adjacent to Collins Creek, that will be required to be maintained as forest and significant woodland. • will incorporate a number of open spaces for outdoor recreation on the subject property, and notably a 1409 square metre private park north of Bath Road. • will meet and exceed 30% minimum landscaped open space requirements on each lot in the Zoning By-Law. • Incorporates a stormwater management strategy including a combination of storm sewers and overland flow, detailed in the submitted Stormwater Management report. • Promotes a reduction of automobile trips through new residential development in proximity to commercial uses, community facilities (i.e. an elementary school and a church), as well as transit stops and active transportation infrastructure; • Includes multiple locations where long-term and short-term bicycle parking spaces can be accommodated and secured; • Makes efficient use of existing municipal infrastructure such as water and sewer infrastructure, and avoiding the need for expanding such infrastructure at the expense of the municipality; • Adds to the mix of housing options available in the

Policy	Category	Conformity with the Policy
<p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>j. development that generates sufficient tax revenue to pay for the increased services (e.g., solid waste collection, fire and police services, snow clearing, etc.) that the City has to provide; and,</p> <p>k. development that suits the demographic and/or socio-economic needs of the community.</p>		<p>neighbourhood, which include primarily single detached houses.</p>
<p>2.2.4 The Urban Boundary shown by the dashed line on Schedule 2 has been established to recognize the substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth</p>	<p>Section 2 – Strategic Policy Direction 2.2 City Structure – Urban Boundary</p>	<p>The subject lands are within the Urban Boundary and are in proximity to municipal water and sanitary services. The proposed residential development includes the potential for 309 new dwelling units in an existing built-up area.</p>
<p>2.2.5 Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to</p>	<p>Section 2 – Strategic Policy Direction 2.2 City Structure – Housing Districts</p>	<p>The subject lands are in a Housing District. The residential development proposed for the subject lands</p>

Policy	Category	Conformity with the Policy
<p>mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.</p>		<p>conforms to the vision for the evolution of Housing Districts through the proposed residential condominium of stacked townhouses and single detached dwellings, which will integrate compatibly with the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood. The built form permitted along Station Street, visible from Bath Road, will maintain a compatible height in relation to adjacent residential lots, and a minimum setback to allow for tree plantings. Additional height beyond the 10.7 metres permitted on surrounding properties, is buffered from adjacent properties and development by generous setbacks and natural buffers created by Bath Road, Station Street, Collins Creek and the CN rail line.</p> <p>The proposed density is appropriate and desirable for the subject lands as detailed under policy section 2.4.4.</p> <p>See further discussion with respect to compatibility under section 2.7.3 and 7.</p>
<p>2.2.9 The Major Open Space/Environmental Areas within the City that are shown on Schedule 2 encompass environmental areas and functions and recreation and trail resources. They contribute to the sustainability of the ecosystem by including areas that provide a respite from urban forms of development. The City will</p>	<p>Section 2 – Strategic Policy Direction 2.2 City Structure - Major Open Space/Environmental Area</p>	<p>The subject lands contain areas of Major Open Space/Environmental Areas at the west end of the site, adjacent to Collins Creek.</p> <p>Consistent with the vision for this component of the City Structure, the recommended Official Plan amendment redesignates land within a 50 metre buffer of Collins</p>

Policy	Category	Conformity with the Policy
<p>preserve this resource and augment its open space inventory in newly-developing areas, in development areas and particularly along the waterfront. Linkage areas will be of particular strategic importance in enabling the maximum use of open space areas as trails and walkways. The City may employ special measures including the acquisition of community benefits (i.e., Section 37 Agreements under the Planning Act) to secure such areas for the benefit of the public.</p>		<p>Creek from a residential to open space land use designation with a special policy area identifying that the lands be maintained in their naturalized state.</p>
<p>2.3.1 The focus of the City’s growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston’s Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.</p>	<p>Section 2 – Strategic Policy Direction 2.3 Principles of Growth – Growth Focus</p>	<p>The proposed residential development is within the Urban Boundary. The proposal will provide up to 309 dwelling units, to be connected to municipal water and sewer services. The Servicing Report submitted in support of the application details how upgrades and new servicing connections to existing water and sanitary infrastructure can accommodate the proposed development. The cost of required upgrades and new connections will be borne by the applicant and secured through the required site plan control approval process. Utilities Kingston is the supplier of water and sewer service in the area and has reviewed the application through the technical review process and have identified the need for a Holding Symbol to ensure that servicing capacity is available for the development.</p>

Policy	Category	Conformity with the Policy
<p>2.3.2 In 2013, residential density within the City’s Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of under-utilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.</p>	<p>Section 2 – Strategic Policy Direction 2.3 Principles of Growth - Intensification</p>	<p>The proposal increases the residential density of the subject lands, located within the Urban Boundary, to a minimum of 28 dwelling units per net hectare in a compatible and complementary form of intensification, in conformity with policy 2.3.2. It should be noted that the density calculated for the subject lands does not include the lands to be designated Open Space, as these lands will not be available for development, similar to an Environmental Protection Area designation.</p> <p>See further discussion with respect to compatibility under section 2.7.3 and 7.</p>
<p>2.3.8 Cultural heritage resources will continue to be valued and conserved as part of the City’s defining character, quality of life, and as an economic resource that contributes to tourism in both the urban and rural portions of the City.</p>	<p>Section 2 – Strategic Policy Direction 2.3 Principles of Growth – Cultural Heritage</p>	<p>Recognizing the value of cultural heritage resources adjacent to the subject lands, including Bayview Farm at 4085 Bath Road and the Hugh Rankin Junior House at 4097 Bath Road, a Heritage Impact Statement and Addendum was provided as part of the subject application. The HIS concludes that, with the recommended mitigation measures, including the strategic delineation of new lot lines to contain heritage attributes and important views, limitations on height of proposed development and detailed design measures to be implemented through the site plan control application process, the proposal will have no adverse impacts on the existing cultural heritage resources in proximity and makes recommendations to reflect and enhance the</p>

Policy	Category	Conformity with the Policy
		<p>surrounding context of these resources.</p> <p>See further discussion under Section 7.</p>
<p>2.3.11. In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.</p>	<p>Principals of Growth - Transportation</p>	<p>The proposed residential development will facilitate active transportation through proximity to transit stops, connections to municipal sidewalks and bike lanes on Bath Road and the site’s location within walking distance to commercial uses and community facilities. Secured access to bicycle storage and parking is also able to be accommodated in individual garages, as well as accessory structures adjacent to the stacked townhouses.</p>
<p>2.3.15 Significant natural heritage features and areas and linkages comprising the natural heritage system will be protected utilizing an ecosystem approach.</p>	<p>Section 2 – Strategic Policy Direction 2.3 Principles of Growth – Natural Heritage System</p>	<p>The proposal was subject to an Environmental Impact Study (EIS), reviewed to the satisfaction of the Cataraqui Region Conservation Authority. The EIS reviewed the interconnected components of the natural heritage system, including wetlands, woodlands, valleyland, the riparian corridor, fish habitat, species at risk, and significant wildlife habitat. The EIS concludes that no negative impacts will result from the proposed development provided mitigation and avoidance measures are followed. The proposal will maintain a 50 metre buffer from Collins Creek, maintained as woodland, which is the primary measure recommended in the EIS to protect associated</p>

Policy	Category	Conformity with the Policy
		environmentally sensitive features.
<p>2.3.16 Shorelines of lakes and rivers are a valued visual, environmental, and recreational resource to be protected, and acquired, where feasible, to form a linked, public open space system.</p>	<p>Section 2 – Strategic Policy Direction 2.3 Principles of Growth – Shoreline Protection</p>	<p>The subject lands are adjacent to Collins Creek, which outlets to Lake Ontario south of Bath Road. The portion of the subject lands within 50 metres of Collins Creek is recommended to be included in an open space land use designation with a special policy area identifying that the lands be protected in their naturalized state. While these lands will not be acquired by the City, they will be protected for their environmental value, in conformity with this policy.</p>
<p>2.3.17. The City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase affordable housing in the City, and for it to be located primarily within the Urban Boundary in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).</p>	<p>Section 2 – Strategic Policy Direction 2.3 Phasing of Growth – Affordable Housing</p>	<p>The application does not propose affordable units as defined by the Municipal Housing and Homelessness Plan. However, the proposal introduces additional residential units into a low-vacancy market, which is understood to improve housing affordability overall. The proposed residential condominium will also include the option of additional residential units in the single detached houses, which is a form of affordable housing encouraged by Official Plan policy.</p>
<p>2.3.18. Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The</p>	<p>Section 2 – Strategic Policy Direction 2.3 Phasing of Growth – Accessibility</p>	<p>The proposal includes accessible parking spaces, in compliance with the Kingston Zoning By-Law, which will be required for the stacked townhouses. Through the Site Plan Control application process, detailed design drawings will be required to illustrate sidewalks and parking</p>

Policy	Category	Conformity with the Policy
City also encourages owners of private properties with public access to do the same		areas that meet accessibility standards and requirements.
<p>2.4.1 The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to:</p> <ul style="list-style-type: none"> a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit; d. conserve agriculture and natural resources within the City; and e. reduce reliance on private vehicles. 	Section 2 – Strategic Policy Direction 2.3 Phasing of Growth - Vision	The proposal optimizes the efficient use of land through the residential development of underutilized land while protecting lands with inherent environmental sensitivity. The lands can be connected to municipal services and will support the use of active transportation and public transit, through existing bus routes and infrastructure available to the property, to ultimately reduce reliance on private vehicles and reduce greenhouse gas emissions.
<p>2.4.2 It is the intent of this Plan to be consistent with the policies of the Provincial Policy Statement (PPS). The PPS supports residential intensification, infill development, and an appropriate range of housing types and densities needed to meet the projected requirements of current and future residents. It is the intent of the City to maintain, at all times, the ability to accommodate residential growth for a minimum of 10 years with lands that are designated and available for residential development. It is also the intent of this Plan to maintain lands with servicing capacity to provide at least a three year supply of</p>	Section 2 – Strategic Policy Direction 2.3 Phasing of Growth – Provincial Policy Statement	A review of the development proposal concludes that it is in conformity with the Provincial Policy Statement. For a detailed examination of the applicable policies, please see Exhibit E.

Policy	Category	Conformity with the Policy
<p>residential units available through lands suitably zoned and lands that are draft-approved or registered plans of subdivision. This Plan will ensure sufficient land is made available to accommodate an appropriate range and mix of land uses to meet projected need for a time horizon of up to 20 years</p>		
<p>2.4.3 It is the intent of this Plan to achieve an increase in the City’s net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	<p>Section 2 – Strategic Policy Direction 2.3 Phasing of Growth - Residential Density</p>	<p>This residential development proposal represents the intensification of the subject lands, and represents an appropriate minimum density as discussed below under section 2.4.4</p>
<p>2.4.4 New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <ul style="list-style-type: none"> a. for the existing built-up residential areas, a net urban residential density of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below; b. for large-scale developments and greenfield areas, a minimum of 37.5 residential units per net hectare is established for new residential development in order to be transit supportive; c. for mixed use building developments in existing and proposed Centres and Corridors, a minimum density of 75 residential units per net 	<p>Section 2 – Strategic Policy Direction 2.3 Phasing of Growth – Minimum Residential Density</p>	<p>While the proposal would be considered a large-scale development on a greenfield, there are constraints to development presented by available servicing, setbacks required from the CN rail line, Bath Road, a significant archaeological site, and sensitive environmental features.</p> <p>Staff have worked with the applicant through the technical review process to explore how a transit-supportive density can be achieved on site. With required noise mitigation measures on the Bell substation building on Station Street and the uptake of additional residential units within single detached houses, the proposal satisfies the minimum density requirements for new residential development in order to be transit-supportive at 40 dwelling units per net hectare. While this density cannot be assured, it is intended to be</p>

Policy	Category	Conformity with the Policy
<p>hectare is established as the target for new residential development in order to support active transportation and transit; and,</p> <p>d. a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.</p>		<p>enabled by the recommended Zoning By-Law amendment.</p> <p>A minimum density of 28 dwelling units per net hectare has been established in the recommended Official Plan Amendment through the site specific policy area. This minimum density makes efficient use of land in this context, given setback requirements needed to protect public safety in relation to the CN rail line, localized servicing constraints, and balancing natural heritage resource and cultural heritage resource protection objectives.</p>
<p>2.4.5 The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>a. It is the intent of the City that 40 percent (%) of new residential development occur through intensification.</p> <p>It is the intent of the City that ten percent (10%) of new non-residential development occur through intensification.</p>	<p>Section 2 – Strategic Policy Direction 2.3 Phasing of Growth – Intensification Targets</p>	<p>The proposal represents a residential intensification of under-utilized lands in the Urban Boundary, contributing to intensification targets established under Section 2.4.5.</p>
<p>2.4.6 Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:</p> <p>Urban Boundary</p> <p>a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;</p>	<p>Section 2 – Strategic Policy Direction 2.3 Phasing of Growth – Order of Development</p>	<p>The proposed development is on lands located in the Urban Boundary where there is servicing capacity in the municipal water and sanitary system, and would be considered under-utilized lands with no existing development.</p>

Policy	Category	Conformity with the Policy
<p>2.5.1 Development within the City will be coordinated with land use planning and phased according to the City’s ability to provide adequate transportation access and municipal infrastructure, including full water, sewer and stormwater management services within the urban area. The lands within the Urban Boundary, except for the Special Planning Areas, are the priority development areas. Special Planning Areas shown on Schedule 2 anticipate long-term infrastructure planning.</p>	<p>Section 2 – Strategic Policy Direction 2.5 Phasing of Municipal Infrastructure and Transportation - Phasing</p>	<p>The proposed development is located in the Urban Boundary and the subject lands are not within a Special Planning Area identified on Schedule 13. Studies submitted with the application have demonstrated that adequate transportation, water, sewer, and stormwater management services can be provided, with costs of extensions and upgrades to be borne by the applicant.</p>
<p>2.5.4 Development approval may be delayed until identified servicing constraints are resolved and necessary infrastructure is constructed or is scheduled to be in place.</p>	<p>Section 2 – Strategic Policy Direction 2.5 Phasing of Municipal Infrastructure and Transportation – Development Approval Delay</p>	<p>A Holding Symbol is recommended as part of the Zoning By-Law amendment to ensure the City is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed development and the applicant has pursued the required upgrades.</p>
<p>2.5.10. In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity</p>	<p>Section 2 – Strategic Policy Direction 2.5 Phasing of Municipal Infrastructure and Transportation – Strategic Direction to Promote Active Transportation</p>	<p>Active transportation and transit usage will be fostered by the proposed development, which introduces new dwelling units on the subject lands, at a transit-supportive density where possible, in proximity to existing transit stops, and connected to active transportation infrastructure. The proposal includes long term and short term bike spaces in accordance with the Kingston Zoning By-Law. As part of the future detailed design process, walkways will be pursued throughout the internal road network, to ultimately link</p>

Policy	Category	Conformity with the Policy
and improve environmental conditions		<p>with the broader active transportation network.</p> <p>The proposal includes townhouse units fronting onto Station Street, which is not currently built to municipal standards. The proposal will maximize existing road capacity through upgrades to Station Street to bring this public roadway up to municipal standards. The cost of these upgrades will be borne by the applicant. A Transportation Impact Study submitted with the application confirms that the trips generated by the proposed development can be accommodated by the road network without any additional upgrades.</p>
<p>2.5.11. The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites</p>	<p>Section 2 – Strategic Policy Direction 2.5 Phasing of Municipal Infrastructure and Transportation – Transit Priority</p>	<p>The proposal increases the density of the subject lands, which are located within walking distance of transit bus stops on Bath Road, with compatible residential and open space uses as detailed below.</p>
<p>2.6.1. It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from incompatible development or types of development and rates of change that may be destabilizing.</p>	<p>Section 2 – Strategic Policy Direction 3.6 Protecting Stable Areas – Stable Areas</p>	<p>The proposed development will be compatible with long-standing residential land uses in proximity to the subject lands as detailed below.</p>

Policy	Category	Conformity with the Policy
<p>2.6.2. Stable areas are those which are fulfilling their intended function and generally have the following neighbourhood characteristics:</p> <ul style="list-style-type: none"> a. a well-established land use pattern in terms of density, type of use(s) and activity level; b. a common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section; c. a stable pattern of land ownership or tenure; d. a consistent standard of property maintenance with relatively little vacancy in land or building occupancy; e. a limited number of applications for development that would alter the established pattern of land assembly and built form; and, f. a sufficient base of social and physical infrastructure to support existing and planned development. 	<p>Section 2 – Strategic Policy Direction 3.6 Protecting Stable Areas – Stable Areas</p>	<p>The area of the proposal has characteristics of a stable area as described in Section 2.6.2. A consistent residential character is present south of Bath Road in proximity to the subject lands, and includes single detached dwellings. To the north of Bath Road, immediately adjacent to the subject lands, there are two oversized lots, conditionally approved to be severed and consolidated with 4091 Bath Road. The residential uses adjacent to the subject lands have been long-standing. There have been relatively few applications for development that would alter the built form or established pattern of land assembly in the area, and there is a sufficient base of social and physical infrastructure to support existing and planned development.</p>
<p>2.6.3. Stable areas will be protected from development that is not intended by this Plan and is not compatible with built heritage resources or with the prevailing pattern of development in terms of density, activity level, built form or type of use. The following types of intensification are generally considered appropriate within stable areas:</p> <ul style="list-style-type: none"> d. intensification that requires a zoning by-law amendment or minor variance in support of factors that may affect the 	<p>Section 2 – Strategic Policy Direction 3.6 Protecting Stable Areas – Stable Areas</p>	<p>The proposal will introduce a complementary mix of dwelling types on the subject lands, with buffering and setbacks intended to provide a transition to existing development and low density zones, and mitigate any potential for adverse effects. The proposal is informed by the recommendations of a Heritage Impact Statement that evaluated any potential impacts to the Listed heritage property at 4085 Bath Road and the designated heritage property at 4091 Bath</p>

Policy	Category	Conformity with the Policy
<p>intensity of use (e.g., density, building height, reduction in parking and/or amenity areas, etc.) provided it can be demonstrated that the proposal will:</p> <ul style="list-style-type: none"> • complement existing uses in the area; • support a transition in density and built form; • support active transportation and public transit; and • be compatible with existing development taking into account the policies of Section 2.7 of this Plan. 		<p>Road. The proposal will support active transportation and transit as detailed in Sections 2.5.10. and 2.5.11.</p>
<p>2.7.1 Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	<p>Section 2 – Land Use Compatibility Principles 2.7 Land Use Compatibility Principles - Compatible Development and Land Use Change</p>	<p>Technical studies submitted in support of the proposed residential development demonstrate that the resultant form, function and use of land will be compatible as detailed in this Exhibit.</p>
<p>2.7.2 The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	<p>Section 2 – Land Use Compatibility Principles 2.7 Land Use Compatibility Principles - Compatible Development and Land Use Change</p>	<p>The proposed development will be compatible with surrounding land uses as detailed under Section 2.7.3. A Planning Justification Report was submitted with the application, which speaks to land use compatibility and the potential for adverse effects in conformity with Section 2.7.2.</p>
<p>2.7.3 The land use compatibility matters to be considered under</p>	<p>Section 2 – Land Use Compatibility Principles</p>	<p>a.&b. The proposed stacked townhouses, exceeding the height of surrounding residential</p>

Policy	Category	Conformity with the Policy
<p>Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; or, l. the loss or impairment of significant views of cultural heritage resources and 	<p>2.7 Land Use Compatibility Principles - Land Use Compatibility Matters</p>	<p>zones by up to 3.4 metres will not result in shadow impacts or loss of privacy due to intrusive overlook to surrounding residential uses. The proposed development includes appropriate minimum setbacks from lot lines abutting adjacent residential development.</p> <p>c. No increased levels of light pollution, noise, odour, dust or vibration are anticipated in association with the proposed residential use of the property. A Noise Impact Study, prepared by Valcoustics Canada Limited, was submitted with the application and details how noise criteria will be met for residential development on the lands. The Noise Impact Study has been reviewed by CN rail and City engineering staff and there are no concerns with the feasibility of recommended noise mitigation measures. A detailed Noise Impact Study will be required as part of a future site plan control application to establish the detailed design of noise mitigation measures. A Holding Overlay is recommended as part of the Zoning By-Law Amendment to ensure that required mitigation measures are installed on the Bell substation building adjacent to the site before development adjacent to this building can proceed.</p> <p>d. The scale of the proposed development is not expected to result in an increase in wind speed, with triple-stacked</p>

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<p>natural features and areas to residents.</p>		<p>townhouses proposed at a maximum height of 13 metres.</p> <p>e. A Traffic Impact Study Update, prepared by the Egis Group, and dated February 2, 2024 was submitted with the application. The TIS evaluated the potential for a maximum of 309 dwelling units on the subject lands and concluded that no adverse impacts on the road network are expected as a result of the traffic generated by the proposed residential development. This report has been reviewed to the satisfaction of the City Transportation staff and MTO, for the purposes of the OPA/ZBA application as part of the technical review.</p> <p>f. As demonstrated by the Environmental Impact Study submitted with the application, the proposed residential development is not anticipated to result in environmental damage or degradation provided mitigation and avoidance measures are followed. The proposal will maintain a 50 metre buffer from Collins Creek, maintained as woodland, which is the primary measure recommended in the EIS to protect associated environmentally sensitive features.</p> <p>g. As demonstrated by the submitted feasibility assessments, the proposed development can be supported by existing service levels, with the exception of upgrades required to the sanitary pumping</p>

Policy	Category	Conformity with the Policy
		<p>station at Bath-Collins Bay Road, the cost of which will be borne by the applicant.</p> <p>h. the proposed residential development of the subject lands will not impact the ability of surrounding land uses to continue to function in an enjoyable and safe manner. The proposed development will be compatible with the heritage setting created by the adjacent properties on the Municipal Heritage Register, as demonstrated by the Heritage Impact Study and Supplemental HIS Letter submitted with the application.</p> <p>i. the proposal will integrate compatibly with the streetscape, consistent with Urban Design policy detailed further below under section 8.</p> <p>j. There will be no adverse impacts on cultural heritage resources as detailed in the submitted Heritage Impact Study and Supplemental HIS Letter. The applicant has also undertaken the required Stage 3 archaeological assessment of the property which has recommended an associated strategy for long term preservation and protection of an archaeological site identified through a Stage 2 assessment of the subject lands.</p> <p>k. The proposed development will be architecturally compatible with the surrounding built form as detailed under the review of Section 8 below.</p>

Policy	Category	Conformity with the Policy
		<p>I. There are no protected views identified in the vicinity of the subject lands in Schedule 9 of the Official Plan. The proposal incorporates vegetative buffering along Bath Road to preserve the character of the streetscape adjacent to the Listed heritage property at 4085 Bath Road and the designated property at 4097 Bath Road. See further discussion under section 7 and section 8 below.</p>
<p>2.7.4 Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</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; c. requiring fencing, walls, or berming to create a visual screen; d. designing the building in a way that minimizes adverse effects; e. maintaining mature vegetation and/or additional new landscaping requirements; f. controlling access locations, driveways, service areas and activity areas; and, g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage. 	<p>Section 2 – Land Use Compatibility Principles 2.7 Land Use Compatibility Principles – Mitigation Measures</p>	<p>The proposal incorporates mitigation in conformity with policy 2.7.4 such as a 50 metre protected open space buffer adjacent to Collins Creek to protect significant woodland, valleyland and associated elements of the natural heritage system. The proposal includes an appropriate transition in height in relation to adjacent development and heritage properties, which is specified in a Figure incorporated into the recommended Zoning By-Law Amendment. Other mitigation measures include locating rear yards adjacent to existing residential uses, and locating open space to provide visual buffering and maintaining mature trees where feasible.</p> <p>The recommended zoning by-law amendment establishes a site-specific exception for the proposed development with minimum setbacks, intended to regulate a compatible site design that will limit adverse effects.</p> <p>Through the site plan control application process, additional</p>

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<p>Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>		<p>mitigation measures such as fencing details, a tree planting plan and landscaping plan will be required to implement recommendations of the Heritage Impact Study in particular. Please see further discussion under Section 7.</p>
<p>2.7.5 In some cases, distance separation will likely be the recommended form of mitigation, particularly:</p> <p>a. between heavy industrial uses (Class I, Class II and Class III Industrial Facilities), sewage treatment facilities, electricity generation facilities and electricity transmission and distribution systems, transportation and infrastructure corridors, airports, rail facilities, marine facilities, mineral aggregate resources and operations, and residential or other sensitive uses;</p> <p>b. between intensive land uses and sensitive environmental areas; and,</p>	<p>Section 2 – Land Use Compatibility Principles 2.7 Land Use Compatibility Principles - Distance Separation</p>	<p>The proposed development will incorporate a crash berm, fencing and a minimum required setback of 30 metres for sensitive uses to protect public safety in relation to the adjacent CN rail line.</p> <p>As discussed in further detail elsewhere in this Exhibit, a 50 metre wide protected open space buffer is recommended as mitigation to protect adjacent sensitive environmental areas associated with Collins Creek, as recommended by the submitted Environmental Impact Study.</p>
<p>2.7.6 Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p>	<p>Section 2 – Land Use Compatibility Principles 2.7 Land Use Compatibility Principles – Functional Needs</p>	<p>The functional needs of the occupants or users of the dwellings will be met as follows:</p> <p>a. The proposed development includes a suitable transition of density and dwelling types in relation to the existing built fabric. Triple stacked townhouses are concentrated in the north and west ends of the site, buffered by oversized lots maintained around existing low density</p>

Policy	Category	Conformity with the Policy
<p>a. suitable scale, massing and density in relation to existing built fabric;</p> <p>b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program;</p> <p>c. adequate land area and appropriate site configuration or provision for land assembly, as required;</p> <p>d. efficient use of municipal services, including transit;</p> <p>e. appropriate infill of vacant or under-utilized land; and,</p> <p>f. clearly defined and safe:</p> <ul style="list-style-type: none"> • site access; • pedestrian access to the building and parking spaces; • amenity areas; • building entry; and, • parking and secure and appropriate bicycle facilities. 		<p>residential uses as part of the conditionally approved consent applications. Double stacked townhouses are proposed at the corner of Station Street and Bath Road at a comparable permitted height as surrounding development.</p> <p>b. The proposal will meet and exceed the minimum 30% landscaped open space required under the Kingston Zoning By-Law for Urban Residential lots. Mature trees present on the property will be retained where possible, and replaced in accordance with the City's Tree By-Law through a Tree Planting Plan required as part of the site plan control application. Open spaces intended for private communal amenity area are planned throughout the development, and concentrated in a 1409 square metre area north of Bath Road.</p> <p>c. Adequate land area is available for the proposed residential development of the site, as demonstrated by the site's ability to accommodate Zoning By-Law requirements related to the minimum number of vehicular spaces, minimum amenity area requirements and minimum landscaped open space.</p> <p>d. The proposal will facilitate efficient use of existing</p>

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		<p>municipal water and sewer infrastructure, as well as existing transit service. The proposed dwelling units will be within walking distance of bus transit stops on Bath Road.</p> <p>e. The proposal represents appropriate residential development and intensification of underutilized land, by making efficient use of land while also meeting compatibility criteria with surrounding land uses and built forms. The conceptual design of the residential condominium is informed by setback requirements needed to protect public safety in relation to the CN rail line, localized servicing constraints, and balancing natural heritage resource and cultural heritage resource protection objectives.</p> <p>f. The proposal detailed on the Conceptual Site Plan includes clearly defined and safe vehicular and pedestrian access throughout the site to individual buildings, with private roads connecting to Station Street, and Bath Road beyond.</p> <p>For triple stacked townhouses, amenity area is proposed in depressed patios, balconies and rooftop terraces in addition to common outdoor amenity</p>

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		<p>areas. Double-stacked townhouses and single detached houses will have exclusive use of amenity area in rear yards, which will be detailed in the required condominium plan.</p> <p>Parking spaces for residents and visitors of triple stacked townhouses are proposed through surface parking adjacent to the private streets. A reduction to the required visitor parking rate and car share parking rate through the recommended Zoning By-Law amendment will require a minimum of 3 car share spaces and a minimum of 11 visitor parking spaces, which is expected to meet the functional needs of users while avoiding unnecessary paved surfaces. Parking for single detached houses and double stacked townhouses will be provided in private garages and individual driveways.</p> <p>Secured, long-term bike spaces will be provided in accessory structures for the triple stacked townhouses, and private garages for the double stacked townhouses and single detached houses respectively.</p>
<p>2.7.7 When assessing development applications or undertaking new development area studies, the City may require urban design guidelines,</p>	<p>Section 2 – Land Use Compatibility Principles 2.7 Land Use Compatibility</p>	<p>The following studies were required in accordance with this policy:</p> <ul style="list-style-type: none"> • Heritage Impact Study

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<p>a heritage impact statement or an environmental impact assessment, and other studies as appropriate, to be prepared by the proponent and at the expense of the proponent, and approved by the City. This is to assist in assessing impacts, to provide means of appropriate transition or mitigation, or to foster cohesive and improved conditions. At any stage of the application process, the City may require such studies to undergo a peer review at the proponent's expense.</p>	<p>Principles - Guidelines and Studies</p>	<ul style="list-style-type: none"> • Environmental Impact Study • Noise Impact Study • Vibration Impact Study • Stage 3 Archaeological Assessment • Groundwater Impact Study
<p>2.8.1 The City recognizes that the ecological functions of the natural heritage system and the biodiversity of its components are inter-related and function together to contribute to sustaining human health and economic welfare, as well as providing habitat for plant and animal communities. The City, in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and Fisheries and Oceans Canada, as appropriate, intends to protect significant elements of the natural heritage system, as more specifically discussed in Sections 3.10 and 6 of this Plan, and illustrated on Schedules 3, 7 and 8 and the secondary plans included in Section 10 of this Plan. It is the intent of the City to support and participate in stewardship programs in partnership with conservation organizations.</p>	<p>Section 2 – Land Use Compatibility Principles 2.8 Protection of Resources</p>	<p>The potential for impacts to the surrounding natural heritage system was assessed through an Environmental Impact Study. This study was reviewed to the satisfaction of the CRCA through the technical review of the subject applications.</p> <p>See under section 6.1 for further discussion regarding the protection of the natural heritage system.</p>

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<p>2.8.2 Forests and trees are recognized as a critical part of the City’s health and character. Kingston will take steps to achieve the Environment Canada guideline of 30 percent minimum forest coverage in the urban area and maintain the existing forest coverage outside the Urban Boundary, as well as achieve a doubling of the urban forest cover by 2025.</p>	<p>Section 2 – Land Use Compatibility Principles 2.8 Protection of Resources</p>	<p>There are significant and contributory woodlands identified on sections of the subject lands in Schedule 8 of the Official Plan. The recommended Official Plan Amendment adjusts the Significant Woodland area on Schedule 8 to encompass the area within 50 metres of Collins Creek, as recommended by the Environmental Impact Study reviewed to the satisfaction of the Cataraqui Region Conservation Authority. The woodland adjacent to Collins Creek is significant for its water protection and proximity function. The area proposed for residential development beyond the 50 metre protected open space buffer will include contributory woodlands. In accordance with the City of Kingston Tree By-Law, any tree removal will be compensated for through replantings or other means secured through the site plan control process or a tree permit process. Mature trees will be preserved where possible in the contributory woodland present on the property. Open spaces for residents will be provided throughout the proposed development, including a 1409 square metre park north of Bath Road.</p> <p>The submitted Tree Inventory identifies the species, size and condition of all trees on the site over 15 centimetres in diameter. It confirms the presence of approximately 750 trees on the subject lands, of which 99 are in poor condition. It is notable that</p>

Policy	Category	Conformity with the Policy
		butternut were among the species identified on the property, and health assessments will be required for these significant trees as part of the future site plan control application.
<p>2.8.3 The City recognizes the importance of its waterfront areas along Lake Ontario, the St. Lawrence River, the Great Cataraqui River and the many inland lakes and waterbodies that define the landscape character. As further outlined in Section 3.9 of this Plan, the City seeks to protect and enhance a 30 metre naturalized buffer, also known as a “ribbon of life”, along the waterfront. The continued acquisition of waterfront lands will accordingly be pursued by the City to ensure the long term protection of the resource and the amenity that it brings to residents and visitors alike.</p>	<p>Section 2 – Land Use Compatibility Principles 2.8 Protection of Resources</p>	<p>See Section 3.9.2 regarding the Ribbon of Life.</p>
<p>2.8.4 Water is a resource that must be protected. In order to maintain the quality and quantity of water, the City will restrict development and site alteration near sensitive surface water or groundwater features and in areas of medium to very high groundwater sensitivity and will implement the policies of the Cataraqui Source Protection Plan as required.</p>	<p>Section 2 – Land Use Compatibility Principles 2.8 Protection of Resources</p>	<p>See Section 2.8.5 regarding stormwater management.</p>
<p>2.8.5 Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be</p>	<p>Section 2 – Land Use Compatibility Principles 2.8 Protection of Resources</p>	<p>A Stormwater Management report prepared by Josselyn Engineering Inc. was provided in support of the application and demonstrates it is feasible to provide adequate stormwater</p>

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<p>required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.</p>		<p>controls for the site. The stormwater management strategy for the development will include a combination of storm sewers and overland flow. The Stormwater Management Report and overall drainage plan was reviewed to the satisfaction of City Engineering staff, the CRCA, MTO and CN rail for the purposes of the OPA and ZBA application as part of the technical review. As part of the detailed design regulated through the site plan control process, a detailed stormwater management report will be required to be reviewed to the satisfaction of City Engineering staff, CRCA, CN rail and MTO.</p>
<p>2.8.8 Cultural heritage resources, will be conserved, managed and promoted for their contribution to the City's unique identity, history and sense of place in such a way as to balance heritage concerns with environmental and accessibility issues. Care will be taken not to put the existing UNESCO World Heritage Designation of the Rideau Canal, Fort Henry and the Kingston Fortifications at risk by working with partners to implement the Rideau Corridor Landscape Strategy.</p>	<p>Section 2 – Land Use Compatibility Principles 2.8 Protection of Resources</p>	<p>See Section 3.9.12 for a detailed discussion regarding the findings of the Heritage Impact Statement and Supplemental HIS letter.</p>
<p>2.10.2 It is the intent of this Plan to protect public health and safety by generally directing development away from natural hazards.</p>	<p>Section 2 – Land Use Compatibility Principles 2.10 Climate Change Resiliency</p>	<p>A floodplain exists on the western extent of the property, associated with Collins Creek; however, the subject lands proposed for residential development are located outside of this floodplain.</p>

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<p>3.1.5 Parks are generally permitted in all land use designations. Parks are only permitted in areas shown as Environmental Protection Area if approved in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and/or Parks Canada. In the Prime Agricultural Area and Mineral Resource Area, and areas with mineral and aggregate reserves as shown on Schedules 3 and 12, parks are permitted only as accessory uses, subject to the policies of the respective designation.</p>	<p>Section 3. Land Use Designations & Policy 3.1 Generally Permitted Uses - Parks</p>	<p>A park is not proposed within the Environmental Protection Area designation present on the subject lands. As part of the recommended Official Plan Amendment a protected open space land use designation is recommended within the 50 metre buffer that will require the lands to be maintained in a naturalized state. The recommended Zoning By-Law Amendment for the protected open space permits “conservation uses” only in OS1 zoned lands, which does not include parks.</p>
<p>3.3.1 The predominant use of land in a Residential designation will be for various forms of housing. Community facilities are permitted in accordance with Section 3.2.</p>	<p>Section 3. Land Use Designations & Policy 3.3 Residential Uses - Permitted Uses</p>	<p>The subject lands are primarily designated Residential on Schedule 3 – Land Use, subject in part to Special Policy Area 15. The proposed housing conforms with the predominant use of land envisioned for the Residential designation.</p>
<p>3.3.3 The zoning by-law will establish standards for low, medium and high density areas, as well as standards for such matters as private open space, massing, height, setbacks, yards, accessory uses, and parking for vehicles and bicycles.</p>	<p>Section 3. Land Use Designations & Policy 3.3 Residential Uses - Zoning</p>	<p>The recommended Zoning By-Law Amendment establishes standards for the low density development in accordance with this policy.</p>
<p>3.3.4 New development is encouraged and expected to incorporate “green building features” as recommended in Section 2.1.4 of this Plan, and must comply with the policies of all other sections of this Plan.</p>	<p>Section 3. Land Use Designations & Policy 3.3 Residential Uses - Green Building Design Features</p>	<p>The proposal includes a number of features recommended in Section 2.1.4 (see above).</p>

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<p>3.3.7 Within existing stable residential areas, applications for infill must be located and organized to fit with neighbouring properties, including cultural heritage resources, and must satisfactorily address the following criteria:</p> <ul style="list-style-type: none"> a. confirmation that adequate municipal services can be provided; b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and c. demonstrated ability to achieve compatible use and development of the property taking into account the policies of Section 2.7. 	<p>Section 3. Land Use Designations & Policy 3.3 Residential Uses - Infill</p>	<ul style="list-style-type: none"> a. See Section 2.5.8. b. The proposed development includes a suitable transition of density and dwelling types in relation to the existing built fabric. Triple stacked townhouses are concentrated in the north and west ends of the site, buffered by oversized lots maintained around existing low density residential uses as part of the conditionally approved consent applications. Double stacked townhouses are proposed at the corner of Station Street and Bath Road at a comparable permitted height as surrounding development. See further discussion on the suitability of the proposed development under section 7 and 8 below. c. See Section 2.7.3.
<p>3.3.8 Within the Urban Boundary, intensification through moderate increases in building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.</p>	<p>Section 3. Land Use Designations & Policy 3.3 Residential Uses - Intensification</p>	<p>The proposal intensifies existing undeveloped land and establishes stacked townhouses in an area characterized predominantly by single detached houses. The subject lands meet the locational criteria of this section by being adjacent to a transit route on Bath Road, and a public school immediately to the east.</p>
<p>3.3.10 The City's affordable housing initiatives are designed to support development of housing that is affordable for low and moderate income households and to help households transition out of core housing need. Affordable initiatives are designed to</p>	<p>Section 3. Land Use Designations & Policy 3.3 Residential Uses – Affordable Housing</p>	<p>The proposal will add additional residential units into a low-vacancy market and is consistent with initiatives detailed in section 3.3.10 though the intensification of an under-utilized property in the Urban Boundary that adds to the mix of densities present in the area, and through enabling</p>

Policy	Category	Conformity with the Policy
<p>provide a full range of housing in terms of tenure, affordability, accessibility, and locations in different urban residential neighbourhoods, to increase choice for low and moderate income households. Such initiatives include:</p> <p>a. a minimum target that 25 percent of all new housing in the City be affordable to low and moderate income households.</p> <p>b. in accordance with Section 9.5.25 of this Plan, where an increase in height, density or both, is requested, the City will place a high priority on the provision of affordable housing where community benefits are requested. This affordable housing contribution may take the form of affordable housing construction on-site, the conveyance of land near the proposed development site, or cash-in-lieu for the purpose of constructing affordable housing, with each site negotiated on an individual basis;</p> <p>c. a Municipal Non-Profit Housing Corporation or other not-for-profit housing associations that may acquire, assemble, rehabilitate or dispose of lands, buildings or structures for the purpose of providing residential units;</p> <p>d. the use of surplus lands owned by the municipality and other governmental agencies be considered for affordable housing as promoted in Section 9.9.4 of this Plan;</p>		<p>additional residential units in each single detached house.</p>

Policy	Category	Conformity with the Policy
<p>e. promoting the development of not-for-profit housing projects by cooperative and not-for-profit housing organizations;</p> <p>f. the use of upper storey space in mixed use commercial development through such mechanisms as reduced parking requirements, financial incentives, or other programs;</p> <p>g. participation in programs of higher levels of government, and conformity with legislation of higher levels of government;</p> <p>h. other initiatives suggested through the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013), as may be amended from time to time;</p> <p>i. monitoring the development and availability of affordable housing, including by:</p> <ul style="list-style-type: none"> • tracking the percentage and number of new affordable housing units, with reference to the 25 percent target and information provided as required in Section 9.12.2.c.; • tracking the number of affordable housing units that receive affordable housing capital funding; • tracking the number of building permits issued for second residential units; and, • other methods as may be developed; 		

Policy	Category	Conformity with the Policy
<p>j. encouraging intensification and a mix of densities in new communities as a way to promote affordability; and,</p> <p>k. promoting the use of second residential units as affordable housing.</p>		
<p>3.3.11. Additional residential units are permitted on lands where a single detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use or where a place of worship is located in a residential zone, provided they are in accordance with the zoning by-law and subject to the following criteria:</p> <p>a. A maximum of two additional residential units shall be permitted on a lot, of which a maximum of one additional residential unit may be detached and a maximum of one additional residential unit may be attached to or located in the principal building.</p> <p>b. Notwithstanding subsection 3.3.11.a, the zoning by-law will restrict additional residential units in areas that are known or potential servicing constraints through the use of holding provisions or other overlay provisions. The City will evaluate opportunities to reduce or remove known or potential servicing constraint areas, based upon a review of servicing capacities and other applicable land use</p>	<p>Section 3. Land Use Designations & Policy</p> <p>3.3 Residential Uses – Additional Residential Units</p>	<p>In conformity with this policy section, and amendments to the Planning Act under Bill 23, additional residential units are enabled through the Official Plan Amendment and Zoning By-Law Amendment in each single detached house. Clarification is incorporated into the Official Plan Amendment and Zoning By-Law Amendment due to the condominium ownership of the dwelling units, and the fact single detached dwellings will not be on separately conveyable lots as part of a standard plan of subdivision. The condominium declaration and associated documents will establish permission for additional residential units (secondary and tertiary) within single detached dwellings.</p>

Policy	Category	Conformity with the Policy
<p>planning matters and will amend the constraint areas in the zoning by-law accordingly.</p> <ul style="list-style-type: none"> c. Additional residential units shall not be limited by minimum lot area or maximum density requirements established in the zoning by-law, but may be included in the calculations of density where minimum density requirements are established; d. Additional residential units are prohibited on a lot containing a boarding house or lodging house. A detached additional residential unit is prohibited on a lot containing a tiny house; e. Additional residential units shall not be permitted in a floodplain. f. An additional residential unit shall not be severed from the lot containing the principal residential unit. 		
<p>3.3.16. Some forms of residential development will be subject to the site plan control policies of Section 9.5 of this Plan.</p>	<p>Section 3. Land Use Designations & Policy 3.3 Residential Uses – Site Plan Control</p>	<p>The proposal will require a future site plan control application in accordance with the City of Kingston Site Plan Control By-Law 2010-217.</p>
<p>3.3.A.1 Low density residential land uses and building types are the predominant part of the City’s urban neighbourhood system, both in number of units and physical area. They represent low profile, ground oriented types of housing suitable for households.</p>	<p>Section 3. Land Use Designations & Policy 3.3.A Low Density Residential Policies</p>	<p>The minimum density enabled through the Official Plan Amendment and Zoning By-Law Amendment of 28 dwelling units per net hectare would be considered low density according to thresholds established in the Official Plan. It should be noted that the maximum density</p>

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		achievable on the site of 40 dwelling units per net hectare, supported through revised technical studies, would be considered a medium density residential development. See further discussion under section 3.3.B.
<p>3.3.A.2 Low density residential uses include, but are not limited to, single detached dwellings, semi-detached dwellings, duplexes, triplexes, second residential units, and converted dwellings that have a density up to 37.5 units per net hectare of land, unless an approved secondary plan establishes alternative provisions. Second residential units shall not be limited by this maximum density requirement.</p>	<p>Section 3. Land Use Designations & Policy 3.3.A Low Density Residential Policies</p>	<p>Although the proposal has a minimum density of 28 dwelling units per net hectare, which is considered low density, the proposal includes stacked townhouses which are typically considered a medium density form of development. See further discussion under section 3.3.B.</p>
<p>3.3.B.1 Medium density residential land uses include such building types as townhouses, additional residential units, maisonettes, multiple dwelling conversions, walk-up or small-scale apartments, and mixed use buildings with commercial on the ground floor. The density range for medium density extends from 37.5 up to 75 units per net hectare, unless an approved secondary plan establishes alternative provisions.</p>	<p>Section 3. Land Use Designations & Policy 3.3.B Medium Density Residential Policies</p>	<p>The proposal can achieve a maximum of 309 dwelling units with required noise mitigation measures on the Bell substation building on Station Street and the uptake of additional residential units within single detached houses, which would result in a medium density development of 40 dwelling units per net hectare. The proposed built form also includes stacked townhouses which are identified in this policy section as a type of medium density building type.</p>
<p>3.3.B.2. New medium density residential land uses may be approved through rezoning without amendment to this Plan, subject to the following: a. site plan control review;</p>	<p>Section 3. Land Use Designations & Policy 3.3.B Medium Density Residential Policies – Rezoning Requirements</p>	<p>a. The proposal will be subject to site plan control review. See section 3.3.16. b. Adequate municipal services can be made available to the lands, with upgrades and extensions pursued at the cost of</p>

Policy	Category	Conformity with the Policy
<p>b. availability of adequate municipal services;</p> <p>c. provision of amenity areas, which are functional and provide recreational opportunities to the satisfaction of the City. Functional amenity areas are designed to be programmed, versatile, and well integrated;</p> <p>d. adequate on-site parking for vehicles and bicycles for each residential unit and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the City deems appropriate; and,</p> <p>e. protection of adjacent low density residential areas from adverse effects such as overshadowing and excessive traffic.</p>		<p>the applicant. See also section 2.3.1.</p> <p>c. See section 2.7.6. The amenity areas proposed for the stacked townhouses include a combination of private and communal outdoor amenity area. The 1409 square metre open space proposed north of Bath Road in particular will provide a large, versatile open space that can be versatile and well integrated with active transportation infrastructure proposed throughout the site.</p> <p>d. See section 2.7.6</p> <p>e. See section 2.7.3</p>
<p>3.3.B.3. New medium density residential developments must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this Plan.</p>	<p>Section 3. Land Use Designations & Policy 3.3.B Medium Density Residential Policies – Locational Criteria</p>	<p>See sections 2.7 and 8.</p>
<p>3.3.B.4. In order to assess new medium density residential projects, the applicant must provide an analysis through a planning justification report. The analysis must address the location of the project. Generally, medium density residential projects will be located:</p> <p>a. on a site that is appropriate given the context of surrounding land uses;</p> <p>b. adjacent to, or within walking distance of, commercial areas;</p>	<p>Section 3. Land Use Designations & Policy 3.3.B Medium Density Residential Policies – Locational Criteria</p>	<p>The proposal satisfies the locational criteria for a medium density residential development as follows:</p> <p>a. The proposed development is appropriate given the adjacent residential land uses, and with site design consideration for the adjacent rail corridor, Bell Substation building, and adjacent cultural heritage and natural heritage resources. See further</p>

Policy	Category	Conformity with the Policy
<p>c. in an area that has access to public transit; and, d. within walking distance of parkland, open space or community facilities.</p>		<p>discussion on compatibility under section 2.7.</p> <p>b. The subject lands are within walking distance of commercial areas.</p> <p>c. The subject lands are in an area that has access to public transit through bus stops within walking distance on Bath Road.</p> <p>The subject lands are within walking distance of community facilities, including an elementary school (Collins Bay Public School) and a church.</p>
<p>3.3.B.5. The zoning by-law will establish medium density residential zones categorized by type of dwelling, height and density, as well as other standards of significance. In general, low density housing types may not be included in medium density residential zones.</p>	<p>Section 3. Land Use Designations & Policy 3.3.B Medium Density Residential Policies – Zoning</p>	<p>The recommended Zoning By-Law Amendment establishes standards for the medium density building types (i.e. stacked townhouses) in accordance with this policy. The URM1 zone of the Kingston Zoning By-Law permits a range of ground-oriented dwelling types including single detached houses and stacked townhouses.</p>
<p>3.8.13. In accordance with the Planning Act and the policies of this Plan, the City requires as a condition of development, a land dedication to be conveyed to the municipality for park or other public recreational purposes. This can amount to up to 2 percent of the total land area in the case of land proposed for industrial or commercial development, and an amount of up to 5 percent in the case of land proposed for residential development. These provisions apply unless an alternative cash-in-lieu contribution is approved by the City, or a higher</p>	<p>Section 3. Land Use Designations & Policy 3.8 Parkland Dedication</p>	<p>Cash-in-lieu of parkland will be required at the Site Plan Control approval stage for the development of 218 to 309 dwelling units on site.</p>

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dedication is required for more intensive residential development, as required under Section 3.8.15.		
3.9.2 The protection of a 30 metre naturalized buffer along the waterfront, also referred to as a “ribbon of life”, can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.	Section 3. Land Use Designations & Policy 3.9 Waterfront Protection – “Ribbon of Life”	The proposal protects the “ribbon of life” along Collins Creek, which is recognized as an important component for waterfront protection under section 3.9 of the Official Plan. A 50 metre protected open space buffer is recommended through the Official Plan Amendment, in conformity with this section, which was derived through consultation with the Cataraqui Region Conservation Authority.
3.9.3 Zoning controls will be used to establish a minimum 30 metre water setback from the high water mark to implement the objectives of the “ribbon of life” policy, as expressed in Section 3.9.2 above. A zoning by-law amendment or minor variance, as appropriate, will be required in support of any relief from the 30 metre water setback, subject to the policies of Section 3.9.8 and other applicable policies of this Plan.	Section 3. Land Use Designations & Policy 3.9 Waterfront Protection – “Ribbon of Life”	The recommended Zoning By-Law Amendment includes a 50 metre wide protected open space (OS1) zone adjacent to Collins Creek, in conformity with this section.
3.9.5 It is the intent of this Plan that the following land uses be permitted within the “ribbon of life” recognizing that, by necessity, the use must be located in close proximity to the water. The implementing zoning by-law will identify and define specific land uses that are permitted within the 30 metre	Section 3. Land Use Designations & Policy 3.9 Waterfront Protection – Exceptions	In accordance with this policy section, and in consultation with the Cataraqui Region Conservation Authority, the recommended Zoning By-Law Amendment includes a 50 metre wide protected open space (OS1) zone adjacent to Collins Creek, where “conservation uses” only are permitted. A

Policy	Category	Conformity with the Policy
<p>water setback, being uses that are generally consistent with those listed below. The by-law may establish limitations (e.g., maximum lot coverage, gross floor area, height, etc.) associated with the following uses to ensure that their impact on the “ribbon of life” is minimized:</p> <ul style="list-style-type: none"> a. park or conservation areas to provide for the intentional, properly designed, publicly-controlled, and maintained access to the shoreline and the waterbody; b. 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; c. dock and boat launching areas; d. marinas; e. shoreline stabilization works; and f. utilities infrastructure including stormwater outfall, water treatment and pumping facilities, and combined sewer overflow management facilities. 		<p>“conservation use” means the use of any lot for the protection of natural heritage features for the purpose of long-term protection of the natural heritage resource.</p>
<p>3.9.10 Any application for development along the waterfront areas is subject to the natural hazard policies set out in Section 5 of this Plan, in consultation with the Cataraqui Region Conservation Authority. Available mapping for natural</p>	<p>Section 3. Land Use Designations & Policy 3.9 Waterfront Protection – Hazard Lands</p>	<p>The CRCA reviewed the application through the technical review and provided feedback with respect to natural hazards. A floodplain exists on the western extent of the property, associated with Collins Creek; however, the subject lands proposed for</p>

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hazard areas is shown on Schedule 11-A.		residential development are located outside of this floodplain.
<p>3.9.11. The City intends to improve water quality through such means as:</p> <ul style="list-style-type: none"> a. implementing appropriate stormwater management and pollution control measures; b. protecting the “ribbon of life” along watercourses; c. restricting water-based activities that may be harmful to the aquatic environment; d. implementing the Cataraqui Source Protection Plan; and, e. supporting the enforcement of federal and provincial abatement legislation. 	<p>Section 3. Land Use Designations & Policy 3.9 Waterfront Protection – Water Quality</p>	<p>In accordance with this policy, the proposal incorporates water quality protection measures through the stormwater management plan reviewed to the satisfaction of City Engineering, CRCA, CN and MTO, as well as through 50 metres of protected open space adjacent to Collins Creek.</p>
<p>3.9.12 There is a high potential for cultural heritage resources to be located along shorelines and an archaeological study and/or heritage impact statement may be required by the City for any proposed development. Site amenities that promote and sustain cultural vitality will be encouraged as part of development proposals.</p>	<p>Section 3. Land Use Designations & Policy 3.9 Waterfront Protection – Cultural Heritage Resources</p>	<p>A Heritage Impact Study (HIS) and Stage 3 Archaeological Assessment has been undertaken for the subject property. The HIS concludes that the heritage attributes of the proximate heritage properties will not be negatively affected by the proposed development. The Stage 3 Archaeological Assessment recommends an associated strategy for long term preservation and protection of an archaeological site identified through a Stage 2 assessment of the subject lands. See further discussion under section 7.</p>
<p>3.9.21 Ontario Regulation 148/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses is administered by the Cataraqui Region</p>	<p>Section 3. Land Use Designations & Policy 3.9 Waterfront Protection – CRCA Regulations</p>	<p>The CRCA was circulated on the technical review of the subject application. The CRCA has confirmed that there are no further concerns with the approval of the recommended</p>

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<p>Conservation Authority. This regulation applies to lands adjoining all watercourses, waterbodies, wetlands, lands subject to natural hazards, and within a certain distance of these features. While the City does not have jurisdiction over site alteration in the areas regulated by Ontario Regulation 148/06, where a site alteration would change land use designations, an official plan amendment may be required. The City's Site Alteration By-law applies to lands not covered by the above-noted Conservation Authority Regulations.</p>		<p>OPA and ZBA. Further comment by the CRCA will be provided through the technical review of future development applications in relation to elements under their jurisdiction.</p>
<p>3.10.2 Uses within the Environmental Protection Area are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and/or Parks Canada as appropriate. Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works. Recreational or educational activities, generally of a passive nature, may be permitted in suitable portions of Environmental Protection Areas only if such activity will have no negative impacts on natural heritage features and areas, does not involve the use of structures or buildings, and is not subject to natural hazards. Where an Environmental</p>	<p>Section 3. Land Use Designations & Policy 3.10 Environmental Protection Areas - Permitted Uses</p>	<p>A small portion of the subject lands are located within an Environmental Protection Area designation (Exhibit F). In accordance with this policy, no development is proposed within EPA designated lands, and furthermore, a 50 metre wide protected open space land use designation is proposed immediately adjacent to the lands within the EPA designation.</p>

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<p>Protection Area designation is solely tied to a local area of natural and scientific interest, a locally significant wetland, or riparian corridors, consideration may be given to new mineral mining operations or mineral aggregate operations and access to minerals or mineral aggregate resources, subject to compliance with provincial and federal requirements.</p>		
<p>3.10.7 Building setbacks from the Environmental Protection Area designation must be established in the zoning by-law.</p>	<p>Section 3. Land Use Designations & Policy 3.10 Environmental Protection Areas - Setbacks</p>	<p>The recommended Zoning By-Law amendment includes a 50 metre wide protected open space zone where no development is permitted, adjacent to the EPA designated lands, which has the effect of establishing a minimum 50 metre setback. It is notable that an additional 7.5 metres rear yard setback will be required for residential development from the lot line created by the Exception Overlay.</p>
<p>3.10.8 Within an Environmental Protection Area designation, any proposal for development or site alteration will generally be subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the Cataraqui Region Conservation Authority. Proposals that are subject to Ontario Regulation 148/06 may be subject to additional requirements including those of this Plan and of Parks Canada along the Rideau Canal.</p>	<p>Section 3. Land Use Designations & Policy 3.10 Environmental Protection Areas – CRCA Regulations</p>	<p>The CRCA has confirmed through the technical review that there are no further concerns with the approval of the recommended OPA and ZBA. Further comment by the CRCA will be provided through the technical review of future development applications in relation to elements under their jurisdiction.</p>

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<p>3.10.9 Nothing in this Plan is intended to imply that lands designated Environmental Protection Area are open to the general public or that any public body will be required to purchase such lands.</p>	<p>Section 3. Land Use Designations & Policy 3.10 Environmental Protection Areas – EPA not Public Lands</p>	<p>The lands within the EPA land use designation are not proposed to be accessible by the residents of the proposed condominium, and are not being purchased by the City.</p>
<p>3.10.10 Lands within an Environmental Protection Area are not accepted in fulfillment of the parkland dedication requirements, except as provided for in Section 7.3.A.10(f) of this Plan and are subject to the foregoing policies of Section 3.9 and 3.9.A.</p>	<p>Section 3. Land Use Designations & Policy 3.10 Environmental Protection Areas – EPA not accepted as Parkland</p>	<p>The applicant has elected to provide cash-in-lieu of parkland for parkland dedication requirements.</p>
<p>3.10.11 Applications for development in an Environmental Protection Area, and/or the adjacent lands to an Environmental Protection Area, will be required to submit an environmental impact assessment in accordance with the policies of Section 6. Section 6.1.8 defines the adjacent lands distances that relate to the various components making up an Environmental Protection Area.</p>	<p>Section 3. Land Use Designations & Policy 3.10 Environmental Protection Areas – Environmental Impact Assessment</p>	<p>As a result of the subject lands' adjacency to various natural heritage features of significance, including the lands within the Environmental Protection Area, an Environmental Impact Study was submitted with the subject application in accordance with this policy.</p>
<p>3.17.15 Despite any provisions of this Plan to the contrary, the following site specific policies apply to the lands located east of Collins Creek, north of Bath Road and west of Station Street, more particularly described as Parts 1, 2 and 3 on Reference Plan 13R-7335, and shown on Schedule 3-D as Area 15.</p> <p>a. single detached dwelling house is permitted in addition to the other uses permitted by the</p>	<p>Section 3. Land Use Designations & Policy 3.17 Site Specific Policies – 4085 Bath Road, Schedule 3-D, SSP Number 15</p>	<p>The recommended Official Plan Amendment removes the subject lands from Site Specific Policy Area 15. This policy area permits arterial commercial uses such as a hotel and restaurant, on the Bayview Farm property and allowed for the C2-41-H zone. The special policy area permitted the former Bayview Farm Restaurant which formerly operated on the site. The new site specific policy area and recommended holding overlay in</p>

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<p>Arterial Commercial policies of this Plan, to be included in a separate zoning category;</p> <p>b. the absence of piped municipal sewer services, development of permitted residential and commercial uses may proceed provided that the on-site servicing requirements of the Cataraqui Region Conservation Authority, the Ministry of the Environment and Climate Change and the KFL&A Public Health Unit are satisfied;</p> <p>c. stormwater quality control measures, satisfactory to the Cataraqui Region Conservation Authority, the Ministry of Transportation, the appropriate railway and the City, are required for any new commercial development;</p> <p>d. new commercial development is subject to site plan control review;</p> <p>e. any new buildings or additions to buildings are to be designed and located in a manner which complements the existing limestone building; and,</p> <p>f. land severance may be granted provided that, in the absence of piped municipal sewer services, the minimum lot area and lot frontage for a single detached dwelling house is no less than 0.8 hectares and 60 metres respectively. A smaller lot area may be considered if such a reduced standard is acceptable to the Ministry of the Environment and Climate</p>		<p>the Zoning By-Law maintains the relevant provisions of this special policy area, including the requirement that stormwater quality measures are reviewed to the satisfaction of any public authority having jurisdiction, but is customized to permit the proposed residential development.</p>

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Change and/or the KFL&A Public Health Unit.		
<p>4.1.1 New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>	<p>Section 4. Infrastructure & Transportation 4.1 General Policies – New Development</p>	<p>The Servicing Report submitted in support of the application details how upgrades and new servicing connections to existing water and sanitary infrastructure can accommodate the proposed development. The cost of required upgrades and new connections will be borne by the applicant and secured through the required site plan control approval process. Utilities Kingston is the supplier of water and sewer service in the area and has reviewed the application through the technical review process and have identified the need for a Holding Symbol to ensure that servicing capacity is available for the development.</p> <p>The Transportation Impact Study submitted with the application concludes that the additional trips generated by the proposed development will not have an adverse effect on the surrounding road network and has been reviewed to the satisfaction of City Transportation staff and MTO for the purposes of the OPA and ZBA application.</p>
<p>4.1.2 Limitations in the capacity of service or utility systems or of the transportation system will be recognized as effectively constraining the timing of proposed development.</p>	<p>Section 4. Infrastructure & Transportation 4.1 General Policies – Capacity Limitations</p>	<p>The proposed development will not be permitted to be constructed until the Holding Overlay conditions related to servicing capacity have been satisfied and the Hold is removed through a By-Law passed by City Council.</p>

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<p>4.1.4 Developers are responsible for municipal services (including water, sanitary sewer and stormwater management), roads and other transportation rights-of-way or facilities within a plan of subdivision or condominium, or within a new development site until they are assumed by the City.</p>	<p>Section 4. Infrastructure & Transportation 4.1 General Policies – Developer Responsibility</p>	<p>The services internal to the subject lands will be the responsibility of the Condominium Corporation and will not be assumed by the City. It is understood through technical feedback from Utilities Kingston that an encroachment permit from the MTO will be required for the sanitary sewer infrastructure proposed within the right of way of Bath Road, and that Utilities Kingston will consider this to be a private lateral owned and managed by the Condominium Corporation. It is also understood that the water lateral proposed to connect to water services north of the CN rail tracks will require a permit process regulated by CN rail, and that this will be a private lateral owned and managed by the Condominium Corporation.</p>
<p>4.1.8 In addition to all municipal requirements, a permit from the Ministry of Transportation (MTO) is required if a building structure, entrance, road or sign is proposed within the defined controlled areas. In addition, the MTO requires a municipality to obtain the consent of the Minister to open, close or divert any road entering upon or intersecting a provincial highway.</p>	<p>Section 4. Infrastructure & Transportation 4.1 General Policies - Ministry of Transportation Permit Areas</p>	<p>The proposed development falls within the MTO's permit areas, and will require a permit from the MTO as part of future, required approval processes.</p>
<p>4.2.6 All lands within the Urban Boundary, as well as the Future Development Areas on Schedule 2, are planned to have municipal water and sanitary sewage services. These services will be provided, in a phased manner, in accordance with the Order of</p>	<p>Section 4. Infrastructure & Transportation 4.2 Municipal Water and Sewage - Phased Servicing</p>	<p>The subject lands are in the Urban Boundary with potential access to municipal water and sanitary sewage services. Upgrades will be required to the sanitary pumping station at Bath-Collins Bay Road to support the flows generated by the additional units, the cost of which will be</p>

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Development policies in Section 2.		borne by the applicant. Extensions of existing public water and sanitary infrastructure will be required as well, the cost of which will be borne by the applicant and secured through the required site plan control approval process. The recommended Holding Overlay will not be removed until the City is satisfied there is adequate servicing capacity (e.g. water, wastewater) for the proposed development.
<p>4.3.1 Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.</p>	<p>Section 4. Infrastructure & Transportation 4.3 Stormwater Management - Purpose</p>	<p>A Stormwater Management report prepared by Josselyn Engineering Inc. was provided in support of the application and demonstrates it is feasible to provide adequate stormwater controls for the site, including quality and quantity controls.</p>
<p>4.3.3 The City requires that stormwater management be adequately studied and appropriately addressed in any development proposal in order to:</p> <ul style="list-style-type: none"> a. ensure flood elevation or velocities upstream or downstream to the receiving waterbody are not increased, or are properly mitigated; b. maintain base flow in receiving watercourses; c. ensure erosion is not increased and sediment is not 	<p>Section 4. Infrastructure & Transportation 4.3 Stormwater Management - Objectives</p>	<p>A Stormwater Management Report was submitted in accordance with this policy and was reviewed to the satisfaction of City Engineering staff, the CRCA, MTO and CN rail for the purposes of the OPA and ZBA application.</p>

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<p>increased in the water column or the bed of the receiving waterbody during and after construction;</p> <p>d. meet water quantity flow targets and water quality sediment, nutrient, bacterial, chemical and temperature targets, where identified;</p> <p>e. ensure fish habitat, wetlands or other environmental features are not degraded; and,</p> <p>f. increase, where possible, groundwater recharge in a manner that will not contaminate the resource.</p>		
<p>4.3.4 For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the management of stormwater from the existing development areas.</p>	<p>Section 4. Infrastructure & Transportation 4.3 Stormwater Management - Quality and Quantity of Water</p>	<p>A Stormwater Management Report was submitted in accordance with this policy and was reviewed to the satisfaction of City Engineering staff, the CRCA, MTO and CN rail for the purposes of the OPA and ZBA application.</p>
<p>4.3.5 For development that is located adjacent to or in the vicinity of a provincial highway where drainage would impact the highway downstream, the stormwater management report must be reviewed and approved by the Ministry of Transportation.</p>	<p>Section 4. Infrastructure & Transportation 4.3 Stormwater Management - Quality and Quantity of Water</p>	<p>The Stormwater Management Report has been reviewed to the satisfaction of the Ministry of Transportation for the purposes of the OPA and ZBA application. As part of the detailed design regulated through the site plan control process, a detailed stormwater management report will be required to be reviewed to the satisfaction of the MTO.</p>
<p>4.6.11 The City may require the proponent of any development to prepare a traffic impact analysis</p>	<p>Section 4. Infrastructure & Transportation</p>	<p>A Traffic Impact Study provided in support of the application has concluded that the transportation</p>

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<p>or a transportation study to the satisfaction of the City to address the requirements of Sections 4.6.1 through 4.6.10, and to assess the influence of development on active transportation movement, vehicular flows and traffic volumes, and transportation demand management. Any such analyses will assess the impact of the proposal on the roadways and, if needed, will recommend improvements necessary to accommodate the proposal, to discourage excessive through traffic, provide traffic calming measures, and maintain satisfactory service levels for all modes of transportation on public streets. The City may determine that such analyses may be subject to a peer review at the cost of the proponent. In addition, the Ministry of Transportation may require a property owner and/or the City to undertake, at their cost, a traffic impact analysis and subsequently the design and construction of warranted highway improvements related to a proposed development, as a requirement for the issuance of Ministry permits.</p>	<p>4.6 Transportation - Transportation Impact Study Requirements</p>	<p>network can accommodate the additional trips generated by the maximum number of 309 dwelling units enabled by the zoning by-law amendment without any required upgrades. The TIS has been reviewed to the satisfaction of MTO and City Transportation staff for the purposes of the OPA and ZBA application.</p>
<p>4.6.17.1 Planned road allowance widths are indicated on Table 1 for new roads and for existing roads, where widening is planned. Adequate road allowances must be protected to meet future needs</p>	<p>Section 4. Infrastructure & Transportation 4.6 Transportation - Protection of Road Allowances</p>	<p>Station Street is identified as a Local Road on Table 1, and requires a widening to be brought up to municipal standards to support the proposed development.</p>

Policy	Category	Conformity with the Policy
<p>4.6.20 Road widenings and new road allowances will be obtained in accordance with the Planning Act and this Plan in a fair, equitable and reasonable manner. Where provincial highways are affected, consultation with the Ministry of Transportation is required.</p>	<p>Section 4. Infrastructure & Transportation 4.6 Transportation - Acquisition of Road Widenings</p>	<p>The transfer of the required road widening of Station Street to the City is a condition of approval of the associated consent applications (City File Numbers D10-020-2022 and D10-021-2022). Station Street will be brought up to municipal standards as part of the required off-site works secured through the required site plan control application process, with asphalt pavement, concrete curb and gutter, and concrete sidewalk on one side of the road. The cost of these upgrades will be borne by the applicant and secured through the required Site Plan Control agreement. MTO will be circulated on the site plan control application as a technical review agency having jurisdiction.</p>
<p>4.6.21 The City may require the extension of a road or the dedication of additional road allowance width in accordance with Table 1 as a condition of approval of a consent, plan of subdivision or condominium, or site plan control review.</p>	<p>Section 4. Infrastructure & Transportation 4.6 Transportation - Acquisition of Road Widenings</p>	<p>The required road widening of Station Street is a condition of the associated consent applications which will consolidate the subject lands with 4091 Bath Road once all conditions are satisfied (City File Numbers D10-020-2022 and D10-021-2022).</p>
<p>4.6.22 In general, a 20 metre road allowance width is required for emergency vehicle access, snow storage, landscaped boulevards, vehicle parking, transit, and facilities for active transportation, including amenities such as street furniture (e.g., benches, bus shelters, etc.). The road allowance width must also be sufficient to provide for the required utilities, including but not limited to water, sewers,</p>	<p>Section 4. Infrastructure & Transportation 4.6 Transportation - Standard Road Allowance Width</p>	<p>A reduced road width is proposed for the private roads internal to the proposed condominium, at a minimum width of approximately 8 metres. The conceptual site plan has been reviewed to the satisfaction of the City Engineering and Transportation staff and further details will be provided as part of the future site plan control application.</p>

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<p>gas, and communication. Therefore, it is the City’s standard policy to recommend a 20 metre road allowance width for new roads. There may be justified circumstances where a reduced road allowance width is appropriate and will accommodate all required features. The City will review requests for a reduced width on a case-by-case basis when the request is substantiated by supporting information to the satisfaction of the City. A lesser width may be approved by Council in new subdivisions without an amendment to this Plan.</p>		
<p>4.6.25 New development requiring planning approval by the City will be requested:</p> <ul style="list-style-type: none"> a. to dedicate, at no cost to the City, the full width of any proposed road widening or future road allowance; b. to provide for adequate active transportation, transit and vehicular linkages to the transportation system; and, c. to design sites and buildings to accommodate the components of the transportation system that affect the site, in accordance with the Planning Act and other tools that the City may deem appropriate, including acquisition or other forms of compensation. 	<p>Section 4. Infrastructure & Transportation 4.6 Transportation - Dedication of Widening</p>	<p>The required road widening of Station Street is a condition of the associated consent applications which will consolidate the subject lands with 4091 Bath Road once all conditions are satisfied (City File Numbers D10-020-2022 and D10-021-2022). The costs to bring Station Street up to municipal standards to support the proposed development will be borne by the applicant in accordance with this policy.</p>
<p>4.6.47. It is the intention of this Plan to encourage a balance</p>	<p>Section 4. Infrastructure & Transportation</p>	<p>Consistent with Official Plan policy direction, staff reviewed the provision of car-share and</p>

Policy	Category	Conformity with the Policy
<p>between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation.</p>	<p>4.6 Transportation - Parking</p>	<p>visitor parking with the intent of encouraging a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation. The location of the proposed development includes connections to active transportation infrastructure and one local transit route to provide alternatives to private vehicle use. The recommended Zoning By-Law Amendment does not include any relief to the long-term and short-term bike space requirements of the Kingston Zoning By-Law with the exception of enhanced bike parking requirements, in recognition that active transportation is a viable option to travel to nearby commercial uses and community facilities as well as residential areas. A reduction to car-share and visitor parking requirements was determined to be appropriate in this context as it minimizes the need for paved surfaces, is consistent with the direction of proposed administrative amendments to the Kingston Zoning By-Law and strikes the balance sought under section 4.6.47. of the Official Plan.</p>
<p>5.5 New development and site alteration in the regulatory floodplain is prohibited, except those uses that by their nature must be located within the regulatory floodplain. Areas that</p>	<p>Section 5. Protection of Health & Safety 5.5. Regulatory Floodplain</p>	<p>The subject lands contain floodplain associated with Collins Creek, as identified in Schedule 11-A of the Official Plan. The CRCA has reviewed the application and has not identified</p>

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<p>may be subject to flooding hazards are illustrated in Schedule 11-A Constraint Mapping. The City will work with the Cataraqui Region Conservation Authority to identify and assess new areas that may be prone to flooding hazards. Periodic updates to floodplain mapping may be undertaken in consultation with the Cataraqui Region Conservation Authority and any other agency having jurisdiction without an amendment to this Plan.</p> <p>Where there is existing development within the regulatory floodplain, development and site alteration may be permitted in consultation with the Cataraqui Region Conservation Authority, and subject to risk mitigation measures (i.e., floodproofing).</p>		<p>any new areas that may be prone to flooding hazards associated with this natural hazard.</p> <p>The area proposed for residential development is not located in the floodplain and is setback a minimum of 50 metres from Collins Creek.</p>
<p>5.21 The City of Kingston recognizes the importance of noise management. Any proposed development that has a sensitive use within the potential influence area as described in the Province’s D-6 Guideline or between the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include</p>	<p>Section 5. Protection of Health & Safety 5.21. Noise Study</p>	<p>A Noise Impact Study and Update evaluating rail, traffic and stationary noise sources, prepared by a qualified person, have been submitted in support of the subject application.</p> <p>According to Schedule 11-A of the Official Plan, the subject lands proposed for residential development are outside of the area identified as having a “Noise Exposure Forecast” (NEF) of 25, associated with the Kingston Airport. Airport staff have reviewed the proposed development as part of the technical review of the application and have no</p>

Policy	Category	Conformity with the Policy
<p>recommendations for mitigation to meet the applicable noise criteria.</p>		<p>concerns in relation to the potential for noise impacts. See section 5.22</p>
<p>5.22 The City requires a detailed noise study for all sensitive uses proposed within 300 metres of an active railway to the satisfaction of the City and CN. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.</p>	<p>Section 5. Protection of Health & Safety 5.22. Rail Noise</p>	<p>A Noise Impact Study and Update evaluating rail, road traffic and stationary noise sources, prepared by a qualified person, have been submitted in support of the subject application.</p> <p>The Noise Impact Study and Update have demonstrated the feasibility of mitigating adverse effects from noise and have been reviewed to the satisfaction of City Engineering staff as part of the technical review of this application. A detailed Noise Impact Study will be required in support of mitigation measures proposed as part of the required site plan control application, and detailed design process. The Noise Impact Study will be required to be reviewed to the satisfaction of the City, in consultation with any public authority having jurisdiction, as a condition of removal of the Holding Overlay.</p>
<p>5.23 The City requires a detailed vibration study for all sensitive uses proposed within 75 metres of a property line for the railway, to the satisfaction of the City and CN. The study must be conducted by a qualified person, address all sources of vibration affecting the site, and include recommendations for mitigation to meet the applicable vibration criteria.</p>	<p>Section 5. Protection of Health & Safety 5.23. Vibration</p>	<p>The proposal has been evaluated through a Vibration Impact Study prepared by a qualified person. The Vibration Impact Study has been peer reviewed by CN rail as part of the technical review of this application. It is noted that based on the results of the Vibration Impact Study, mitigation measures are not shown to be required.</p>

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<p>5.24 Where development of a sensitive use is proposed within 500 metres of the Highway 401 right-of-way, or within 100 metres of an arterial road allowance, the City requires a noise study in accordance with Ministry of the Environment and Climate Change guidelines that demonstrates how acceptable noise levels can be achieved without the use of noise barriers.</p>	<p>Section 5. Protection of Health & Safety 5.24. Road Noise</p>	<p>The proposed residential development is within 100 metres of an arterial road allowance. A Noise Impact Study evaluating rail, road traffic and stationary noise sources, prepared by a qualified person, has been submitted in support of the subject application.</p> <p>The Noise Impact Study and Update have demonstrated the feasibility of mitigating adverse effects from noise and have been reviewed to the satisfaction of City Engineering staff as part of the technical review of this application. Recommendations include a combination of architectural elements to achieve acceptable indoor noise guidelines for transportation sources and design features to protect outdoor areas providing required amenity area. The design features recommended include a 3.8 metre high noise barrier in two areas where the rear yards of the double stacked townhouses are exposed to rail transportation noise. A noise barrier is not required or recommended to mitigate noise in relation to Bath Road which is an arterial road. A detailed Noise Impact Study will be required in support of mitigation measures proposed as part of the required site plan control application and detailed design process. The Noise Impact Study will be required to be reviewed to the satisfaction of the City, in consultation with any public authority having jurisdiction, as a</p>

Policy	Category	Conformity with the Policy
		condition of removal of the Holding Overlay.
<p>5.25 Any development application that proposes a sensitive use within 500 metres of the Highway 401 right-of-way, or within 100 metres of an arterial or major collector road allowance or a future transit right-of-way, requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.</p>	<p>Section 5. Protection of Health & Safety 5.25. Road Noise</p>	<p>See section 5.24</p>
<p>5.27. Where a sensitive use is proposed within 300 metres of a stationary source of noise, the City requires that a noise study be prepared to address the Ministry of the Environment and Climate Change noise guidelines. All related means of mitigation are required to be secured prior to approval of development.</p>	<p>Section 5. Protection of Health & Safety 5.27. Noise from Stationary Sources</p>	<p>A Noise Impact Study and Update evaluating rail, road traffic and stationary noise sources, prepared by a qualified person, have been submitted in support of the subject application.</p> <p>The proposed residential development is adjacent to a Bell building on Station Street which generates stationary noise in excess of Provincial criteria for sensitive uses as a result of rooftop mechanical units and ventilation openings on the western facade of the building. The recommended Holding Overlay in the zoning by-law amendment will ensure the required noise mitigation measures are established on the Bell building to permit proposed sensitive residential uses prior to</p>

Policy	Category	Conformity with the Policy
		the full approval of the development, or that alternative noise mitigation measures have been implemented as specified by a qualified person to the satisfaction of the City.
<p>6.1.1 The City will protect and encourage the stewardship and restoration of the natural heritage system identified on Schedules 7 and 8 by directing development away from natural heritage features and areas. Further, land use and development within the adjacent lands to natural heritage features and areas will be regulated by the City to protect the ecological function of the natural heritage system. Environmental impact assessments may be required to demonstrate that development and land use change will not result in negative impacts.</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System</p>	<p>The proposal was subject to an Environmental Impact Study (EIS), which was reviewed to the satisfaction of the CRCA as part of the technical review of the subject application. The EIS assessed potential impacts to natural features in the area, including significant woodland, valleyland, wetland, fish and wildlife habitat, and concluded that no negative impacts would result from the proposed development provided mitigation and avoidance measures are followed. The proposal will maintain a 50 metre buffer from Collins Creek, maintained as woodland, which is the primary measure recommended in the EIS to protect associated environmentally sensitive features.</p>
<p>6.1.2 Areas identified as Natural Heritage “A” on Schedule 7 are designated Environmental Protection Area on Land Use Schedule 3 and the Land Use Schedules of the secondary plans in Section 10. In these areas, development or site alteration will not be permitted unless the feature or area is solely associated with a local area of natural and scientific interest, or a locally significant wetland, in which case consideration may be given to</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System - Natural Heritage “A” Features and Areas</p>	<p>The following Natural Heritage “A” features listed in section 6.1.2 are present on /adjacent to the subject lands:</p> <p>Schedule 7-A of the Official Plan (Natural Heritage Area ‘A’) identifies the following at the far west end of the subject lands: (i) a Provincially Significant Wetland (PSW) at the western extent of the property; and, (ii) a watercourse associated with Collins Creek.</p>

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<p>new mineral mining operations or mineral aggregate operations and access to minerals or mineral aggregate resources, subject to compliance with provincial and federal requirements. Natural Heritage “A” features include the following:</p> <ul style="list-style-type: none"> • areas of natural and scientific interest (ANSIs); • fish habitat; • provincially significant wetlands, significant coastal wetlands and locally significant wetlands; • Snake and Salmon Islands, located in Lake Ontario, as shown in Schedule 3-A; and, rivers, streams and small inland lake systems 		
<p>6.1.3. Areas identified as Natural Heritage “B” on Schedule 8 will be treated as an overlay to land use designations on Schedule 3 and the land use designations of the secondary plans in Section 10. In these areas, development and site alteration will not be permitted unless it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or ecological functions. Natural Heritage “B” features include:</p> <ul style="list-style-type: none"> • significant woodlands; • significant valleylands; • significant wildlife habitat; unevaluated wetlands; and coastal wetlands. 	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System - Natural Heritage “B” Features and Areas</p>	<p>The following Natural Heritage “B” features are on and adjacent to the subject lands:</p> <p>Schedule 8-A of the Official Plan (Natural Heritage Area ‘B’) identifies the following, primarily at the western extent of the lands along Collins Creek: (i) valleyland; (ii) riparian corridor; and, (iii) significant woodland.</p>

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<p>6.1.5 Development and site alteration will not be permitted in fish habitat or habitat of aquatic species at risk, except in accordance with provincial and federal requirements.</p> <p>Development and site alteration will not be permitted adjacent to the habitat of aquatic species at risk unless an environmental impact assessment demonstrates that there will be no negative impacts on natural heritage features and areas or ecological functions, and that Species At Risk Act (SARA) and Endangered Species Act (ESA) provisions have been addressed. The environmental impact assessment must be completed in consultation with Fisheries and Oceans Canada. They will also provide guidance on how projects must be carried out to remain in compliance with the SARA (i.e., by modifying the project to avoid impact, development of appropriate mitigation, or acquiring a SARA permit to carry out the activities). The Ministry of Natural Resources and Forestry will provide guidance on how projects must be carried out to remain in compliance with the ESA.</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System</p>	<p>The proposed development will not be within fish habitat and is proposed to be setback a minimum distance of 50 metres from Collins Creek, as recommended by the supporting Environmental Impact Study.</p>
<p>6.1.8 The Province of Ontario's "Natural Heritage Reference Manual," as amended from time to time, specifies the adjacent lands for each category of natural heritage features and areas.</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System</p>	<p>As described under sections 6.1.2 and 6.1.3, a number of Natural Heritage "A" and "B" features are on and adjacent to the subject lands.</p> <p>The potential for impacts on Natural Heritage "A" and "B" features have been evaluated</p>

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<p>Development and site alteration are not permitted on adjacent lands to Natural Heritage “A” or “B” features shown on Schedules 7 and 8 respectively, unless it has been demonstrated that there will be no negative impacts on the natural heritage features and areas or on their ecological functions. In the review of any development or site alteration, an environmental impact assessment will be required as follows, unless otherwise directed by the City in consultation with the Cataraqui Region Conservation Authority:</p> <ul style="list-style-type: none"> a. within 120 metres of a provincially significant wetland, significant coastal wetlands and other coastal wetlands; b. within 50 metres of locally significant wetlands; c. within 120 metres of fish habitat; d. within 120 metres of significant woodlands; e. within 120 metres of significant valleylands; f. within 120 metres of areas of natural and scientific interest – life science; g. within 50 metres of areas of natural and scientific interest – earth science; h. within 120 metres of significant wildlife habitat; i. within 120 metres of the habitat of endangered species and threatened species, in accordance with the Endangered Species Act, and as tracked by the Ministry of Natural Resources and 		<p>comprehensively as part of the application as described in the sections below.</p>

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<p>Forestry “Natural Heritage Information Centre”; and j. within 120 metres of habitat of aquatic species at risk, in accordance with the Species At Risk Act and as tracked by the Federal Department of Fisheries and Oceans.</p>		
<p>6.1.10 The boundaries of some of the natural heritage system features are approximate and may require validation through field investigations. Where the boundaries of these features are considered inaccurate, an environmental impact assessment will be required to confirm the limits of the feature(s) and their associated ecological functions. In reviewing potential boundary adjustments, the City will consult with the Cataraqui Region Conservation Authority and the Ministry of Natural Resources and Forestry, as appropriate. Minor adjustments to the boundaries of natural heritage system features, being Natural Heritage ‘A’ Features and Areas and Natural Heritage ‘B’ Features and Areas, may be permitted without amendment to this Plan. As outlined in Section 3.10.6, the identification of new Natural Heritage ‘A’ Features and Areas, listed in Section 6.1.2 of this Plan, will require an amendment to this Plan to ensure these features fall within an Environmental Protection Area designation. A zoning by-law amendment may be required to implement the objectives of the</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System - Boundaries</p>	<p>Mapping adjustments are recommended through the OPA which will clarify the location of significant woodland and valleyland on schedule 8 as determined through the EIS and survey information. The adjustments to the mapping have been reviewed to the satisfaction of the CRCA through the technical review.</p>

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Official Plan amendment as they relate to boundary adjustments		
<p>6.1.18 The City encourages the preservation of all woodlands as shown on Schedule 8 of this Plan, and the consideration of all woodlands in the preparation of an environmental impact assessment. For the purposes of applications related to mineral aggregate operations, significant woodlands will be defined based on the criteria in the Natural Heritage Reference Manual.</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System</p>	<p>The Environmental Impact Study of the proposal incorporates detailed consideration of woodland features on the subject property. The recommendations of the EIS have led to additional land proposed to be located in an open space designation to protect significant woodlands adjacent to Collins Creek. The proposal will retain on-site trees on the remainder of the property, particularly in Contributory Woodland areas where possible. New plantings and landscaping will be required as part of the site plan control process, consistent with City requirements and to implement the recommendations of the Heritage Impact Study.</p>
<p>6.1.22 Setbacks from natural heritage features and areas are established based on the recommendations of an approved environmental impact assessment or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in consultation with the Ministry of Natural Resources and Forestry, the Cataraqui Region Conservation Authority, or Parks Canada, as appropriate.</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System</p>	<p>Informed by the Environmental Impact Study and in consultation with the Cataraqui Region Conservation Authority, a 50 metre setback from Collins Creek has been incorporated into the Zoning By-Law amendment by establishing a protected open space zone in this buffer area.</p>
<p>6.1.23 Land division through severance or plan of subdivision (or condominium) that has the effect of fragmenting lands within the natural heritage system is discouraged. The policies of</p>	<p>Section 6. The Environment & Energy 6.1 Natural Heritage System</p>	<p>The Environmental Impact Study of the proposal recommends the protection of key components of the natural heritage system outside the proposed development. The intent of the</p>

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Section 9.6 of this Plan must also be addressed.		50 metre buffer is to maintain the continuity of the significant features within the associated valley, watercourse and wetland. The area proposed for the condominium will not fragment lands along the Collins Creek natural heritage system.
6.1.24 Where a site is within a Natural Heritage “A” feature, no new land division that results in the creation of a new lot will be granted except for lands that are to be held by land trusts, public agencies, or for conservation purposes.	Section 6. The Environment & Energy 6.1 Natural Heritage System	The Natural Heritage “A” features described under section 6.1.2 are located within the recommended 50 metre setback implemented by the Official Plan Amendment and Zoning By-Law Amendment, supported by the submitted EIS, and as a result, the proposed condominium will not result in land division of these features.
6.1.25 Where a site is within a Natural Heritage “B” feature, no land division that results in the creation of a new lot will be granted if it results in negative impacts on the feature or function, except for lands that are to be held by land trusts, public agencies, or for conservation purposes.	Section 6. The Environment & Energy 6.1 Natural Heritage System	The Natural Heritage “B” features described under section 6.1.3 are located within the recommended 50 metre setback implemented by the Official Plan Amendment and Zoning By-Law Amendment, supported by the submitted EIS, and as a result, the proposed condominium will not result in land division of these features.
6.1.26 Where a site is on adjacent lands to either a Natural Heritage “A” feature or a Natural Heritage “B” feature, no land division that results in the creation of a new lot will be approved unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural heritage features and areas, or on their ecological functions.	Section 6. The Environment & Energy 6.1 Natural Heritage System	See sections 6.1.24 and 6.1.25.

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<p>7.1.7 The City may require that a heritage impact statement be prepared by a qualified person to the satisfaction of the City for any development proposal, including a secondary plan, which has the potential to impact a built heritage resource. The scope of the heritage impact statement is determined in consultation with the City and must include information and assessment relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the built heritage resource and its heritage attributes. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a protected heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>	<p>Section 7. Cultural Heritage and Archaeology 7.1 Built Heritage Resources - Heritage Impact Statement</p>	<p>The subject lands contain portions of a Listed heritage property at 4085 Bath Road (the “Bayview Farm” property) and a designated heritage property at 4097 Bath Road (the “Hugh Rankin Junior House” property) which have been conditionally approved to be severed and consolidated with 4091 Bath Road. There is also a designated heritage property in proximity at 4111 Bath Road. While none of these heritage properties will be directly impacted by the proposal, due to the proximity of lands proposed for development, a Heritage Impact Statement and Supplemental HIS Letter was submitted with the subject application in accordance with this policy.</p>
<p>7.1.10 Conserving built heritage resources forms an integral part of the City’s planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the</p>	<p>Section 7. Cultural Heritage and Archaeology 7.1 Built Heritage Resources - Conservation of Built Heritage Resources</p>	<p>Recommendations of carried forward into the conceptual plans and Zoning By-Law Amendment include:</p> <ul style="list-style-type: none"> • Ensuring that the maximum height of dwellings visible from Bath Road are regulated through the Zoning By-Law

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<p>Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this Section. This may include the following:</p> <p>a. designating real property under Part IV, or V of the Ontario Heritage Act, or encouraging the Province to designate real property under Part VI of the Ontario Heritage Act;</p> <p>b. requiring, as a condition of any approval, the retention of any built heritage resources found within a plan of subdivision, a plan of condominium, or on any parcel created by consent, or other land division approval;</p> <p>c. using zoning by-law provisions as appropriate, to conserve identified built heritage resources;</p> <p>d. using the provisions of Section 37 of the Planning Act in order to maintain the integrity of identified built heritage resources;</p> <p>e. using site plan control provisions of Section 41 of the Planning Act to ensure that new development on adjacent properties is compatible with the adjacent identified built heritage resources;</p> <p>f. using design guidelines to provide for sympathetic development of adjacent lands that are not designated, but which could impact the</p>		<p>Amendment, consistent with the recommendations of the HIS Addendum. A height figure in the recommended zoning by-law amendment clearly delineates where additional height is acceptable beyond the maximum 10.7 metre height permitted in the surrounding zones.</p> <ul style="list-style-type: none"> • Orienting rear yards of the single detached houses and rear lanes of the townhouses on Station Street towards the new property line delineated around 4085 Bath Road, establishing generous setbacks between the Bayview Farm house and new development. <p>As part of the future site plan control process, the following recommendations of the HIS and Supplemental Letter will be pursued in the detailed designs and Landscape Plans:</p> <ul style="list-style-type: none"> • The Landscape Plan should employ new tree plantings and wood fencing to fully demarcate the developable parcel from the original heritage property parcels. • The Tree Planting Plan will be required to demonstrate the retention and augmentation of the tree cover on the shared property line with 4097 Bath Road and 4085 Bath Road. • New construction should include limestone veneer, in particular in construction along Bath Road, and a colour

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<p>site of the built heritage resource;</p> <p>g. ensuring that archaeological resources are evaluated and conserved prior to any ground disturbance, in accordance with the City’s Archaeological Master Plan and provincial regulations;</p> <p>h. in partnership with Kingston’s Indigenous Peoples of Canada community, a Protocol outlining the working relationship with them and the City will be designed, approved and implemented; and</p> <p>i. using heritage easements as a means to protect significant built heritage resources, where appropriate.</p>		<p>palette drawing inspiration from Bayview Farm.</p> <ul style="list-style-type: none"> • Landscaping of the open space at the end of the private road cul-de-sac, north of Bath Road should feature existing and new plantings, along with the potential for new features such as piers and stone fencing.
<p>7.2.5 The City may permit development and site alteration on adjacent lands to a protected heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated through the preparation of a heritage impact statement that the heritage attributes of the protected heritage property will be conserved.</p>	<p>Section 7. Cultural Heritage and Archaeology 7.2 Protected Heritage Properties</p>	<p>The Heritage Impact Statement and Addendum demonstrates that no heritage attributes listed in the designating by-law for 4097 Bath Road, or the attributes noted for Bayview Farm, will be adversely affected by the proposed redevelopment of the property.</p>
<p>7.4.2 The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved. In general, preservation of the resources “in situ” is the preferred method, but in some</p>	<p>Section 7. Cultural Heritage and Archaeology 7.4 Archaeological Resource Conservation</p>	<p>The subject lands contain a significant archaeological resource which has been registered with the Ministry of Citizenship and Multiculturalism as the McGuin Millrace Site (BbGd-71) which will be conserved through partial preservation “in situ” and through</p>

Policy	Category	Conformity with the Policy
<p>cases the conservation can occur by removal and documentation. Where significant archaeological resources are preserved “in situ”, only development and site alteration that maintains the heritage integrity of the site is permitted.</p> <p>The investigation and conservation of archaeological resources shall be completed in consultation with all appropriate First Nations, Métis and Inuit communities.</p>		<p>thorough documentation of the remainder of the feature.</p> <p>A Stage 3 archaeological assessment was conducted in order to create a permanent record of the millrace location, form and construction, and to develop a conservation strategy. The preservation and protection strategy developed in consultation with the provincial Ministry of Citizenship and Multiculturalism, and City of Kingston Heritage Planning staff includes detailed recording of this feature and protection of a portion of the features as part of open space in the proposed development. A minimum required 5 metre setback from the portion of the mill race to be protected is incorporated into the recommended Zoning By-law Amendment. The site plan control agreement and associated drawings will incorporate protection measures for the portion of the millrace to be preserved.</p>
<p>8.3. The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential development is integrated into the existing built fabric, and is conducive to active transportation:</p> <p>a. protect and preserve stable residential communities (in</p>	<p>Section 8. Urban Design 8.3 Guiding Principles for Development of Residential Lots</p>	<p>The proposed residential development follows the guiding principles outlined in the Design Guidelines for Residential Lots as follows:</p> <ul style="list-style-type: none"> a. See section 2.6; b. See sections 2.2.5 and 7.1.10; c. Detailed design measures to achieve objectives related to fostering attractive developments and highlighting cultural heritage resources will be pursued

Policy	Category	Conformity with the Policy
<p>accordance with Section 2.6 of this Plan);</p> <p>b. foster developments that are context appropriate;</p> <p>c. foster attractive developments which add to the existing sense of place;</p> <p>d. provide a variety of housing types;</p> <p>e. ensure compact, accessible mixed-use development;</p> <p>f. encourage environmentally sustainable development; and,</p> <p>g. integrate and highlight cultural heritage resources.</p>		<p>through the site plan control and Final Plan of Condominium process. The conceptual renderings submitted with the application include a mix of materials intended to reflect the character of surrounding development and highlight adjacent cultural heritage resources including limestone veneer.</p> <p>d. The proposal includes a mix of single detached houses, double stacked townhouses and triple stacked townhouses.</p> <p>e. The townhouses proposed as part of the development provide a compact residential built form that can make more efficient use of land available for development. Through the site plan control process, detailed design drawings, sidewalks and parking areas will be designed to meet accessibility standards and requirements.</p> <p>f. See sections 2.1.1 and 2.4.1</p> <p>g. See section 7.1.10.</p>
<p>8.6 The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p>	<p>Section 8. Urban Design 8.6 New Development</p>	<p>The design of the proposed residential condominium, enabled by the recommended zoning by-law amendment, will be visually compatible with the surrounding neighbourhood and cultural heritage resources in proximity through tree plantings and landscaping in key locations as well as a compatible 2-3.5 storey height, and adequate rear</p>

Policy	Category	Conformity with the Policy
<p>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, access, landscaped treatment, building materials, exterior design elements or features;</p> <p>b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development;</p> <p>c. promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility;</p> <p>d. achieving compatibility in land use and 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 cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and,</p> <p>e. encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</p>		<p>yard setbacks from adjacent residential lots.</p> <p>As part of the Final Plan of Condominium application, architectural design guidelines will be required to guide the detailed design of the development and to carry forward recommendations of the submitted HIS and the City of Kingston residential design guidelines. The proposal achieves land use compatibility policy in Section 2.7 (see above).</p>
<p>8.10 New multiple building development projects involve a number of separate buildings</p>	<p>Section 8. Urban Design</p>	<p>The application has demonstrated that consideration has been given regarding</p>

Policy	Category	Conformity with the Policy
<p>being built either at one time or in phases on an initial single landholding. It is the intent of Council to review multiple building projects in accordance with the following policies:</p> <p>a. in support of any development application, and as part of any site plan control application, the proponent of a multiple building development project must prepare an overall plan for the total project showing such features as:</p> <ul style="list-style-type: none"> • building footprints and configurations; • parking areas and structures for vehicles and bicycles for each building; • lands devoted exclusively to each building, and where applicable, the location of affordable units in accordance with Section 3.3.10 of this Plan; • vehicle, cyclist and pedestrian access to the project and to each building; • amenity areas for each building, and associated lighting; • public open space areas and access where required; • stormwater management schemes; • site servicing details; • internal vehicular and active transportation movement; • landscaping details, buffering and screening in terms of a multilevel design proposal; 	<p>8.10 Multiple Building Projects</p>	<p>appropriate site circulation, building configurations, parking areas, vehicle and active transportation access and facilities, stormwater management, private open space, site servicing and landscaping. Detailed designs for these elements will be required as part of the Site Plan Control application and Final Plan of Condominium application.</p>

Policy	Category	Conformity with the Policy
<ul style="list-style-type: none"> • any proposed phasing for the project in order of sequence; and, • any intended future proposals for land division; <p>b. in projects where the phasing of buildings is planned in conjunction with the dedication of public parklands, or the dedication of a public road, Council may require that development proceed by way of a plan of subdivision to ensure permanent universally designed longterm public access to public parklands, access to each building site, appropriate construction of a public road, and the availability of full services at each phase of the phasing program;</p> <p>c. the design of individual buildings within multiple building projects are to be coordinated and mutually compatible;</p> <p>d. residential multiple building projects are encouraged, where feasible, to incorporate a variety of compatible residential building types such as street row housing, townhousing, stacked townhousing, maisonnettes, quadruplexes and various apartment building types in a comprehensive plan;</p> <p>e. the maximum permissible density for any residential multiple building project may be calculated comprehensively for the project as a whole, exclusive of lands required for roads, parks, or other public purposes;</p>		

Policy	Category	Conformity with the Policy
<p>f. in residential projects where some form of individual dwelling unit ownership is anticipated for all or a portion of the project, each separate building and land parcel must have frontage on an assumed road and be designed to stand ultimately as an independent project. A plan of condominium may provide frontage on a private road provided the lands making up a plan of condominium have frontage on an assumed road;</p> <p>g. the design of residential multiple building projects must be coordinated in terms of individual resident privacy, residential unit views, solar access, amenity area access and use, and private and public vehicular and active transportation access and movement;</p> <p>h. where it is clearly demonstrated by the proponent that the development is in the long-term interests of the residents of a residential multiple building project, a ground floor convenience commercial outlet serving the day to day needs of nearby residents, and located within the main walls of one of the residential buildings, may be permitted without amendment to this Plan; and,</p> <p>i. Council must be satisfied prior to any approval that any residential multiple building project will serve the long-term housing and daily needs of the intended residents, and provide</p>		

Policy	Category	Conformity with the Policy
a safe, healthy, accessible and convenient living environment.		
<p>9.3.1 As required by the Planning Act, any amendment to this Plan must be consistent with any Provincial Policy Statement in effect on the day of the decision, and should any provincial plan come into effect for this municipality, any decision must also conform with, or not conflict with provincial plans that are in effect.</p>	<p>Section 9. Administration & Implementation 9.3 Official Plan Amendments</p>	<p>The proposed amendment to the Official Plan is consistent with the Provincial Policy Statement (2020) as detailed in Exhibit E.</p>
<p>9.3.2 Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:</p> <ul style="list-style-type: none"> a. the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including sustainability, stability and compatibility outlined in Section 2, and consistency with provincial policy; b. the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use; c. the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses, including cultural heritage resources and natural heritage features and areas; 	<p>Section 9. Administration & Implementation 9.3 Official Plan Amendments</p>	<p>The recommended amendment to the Official Plan establishes a minimum, area-specific density that can be accommodated on the subject lands based on an assessment of servicing availability and capacity, and developable land outside setbacks required to protect cultural heritage resources and natural heritage resources. The OPA has the effect of re-designating specific lands from a residential land use designation to an open space designation with a Special Policy Area identifying environmental sensitivity of the lands. The application addresses the considerations under section 9.3.2 as follows:</p> <ul style="list-style-type: none"> a. the amendment conforms with the general intent and philosophy of the Official Plan as detailed in this Exhibit, and is consistent with provincial policy as detailed in Exhibit E. b. the residential land use designation is being reduced slightly to identify

Policy	Category	Conformity with the Policy
<p>d. the potential of the proposal to cause instability within an area intended to remain stable;</p> <p>e. the ability of the City’s infrastructure to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure improvements in other areas of the City;</p> <p>f. the financial implications (both costs and revenues) to the City;</p> <p>g. the degree to which approval of the amendment would establish an undesirable precedent; and,</p> <p>h. consistency with the Provincial Policy Statement and provincial legislation and guidelines.</p>		<p>lands available for development beyond natural heritage areas of significance.</p> <p>c. The proposed residential development will incorporate feasible measures recommended through numerous technical studies to ensure compatibility with adjacent land uses, such as the CN rail line, natural heritage features and cultural heritage resources, as described in this Exhibit.</p> <p>d. the residential development will not destabilize the area as detailed under section 2.6.</p> <p>e. The Servicing Report submitted in support of the application details how upgrades and new servicing connections to existing water and sanitary infrastructure can accommodate the proposed development. The cost of required upgrades and new connections will be borne by the applicant and secured through the required site plan control approval process. Utilities Kingston is the supplier of water and sewer service in the area and has reviewed the application through the technical review process and have identified the need for a Holding Symbol to ensure that servicing</p>

Policy	Category	Conformity with the Policy
		<p>capacity is available for the development.</p> <p>f. The costs of required infrastructure connections and upgrades (to Station Street) will be borne by the applicant, and as a result there are no direct financial implications to the City. Cash-in-lieu of parkland will be required to be obtained as part of the future site plan control application process.</p> <p>g. The context of the proposal is unique and amending the Official Plan to accommodate the minimum density achievable on the site, along with natural heritage protections is not expected to establish an undesirable precedent. The housing enabled through the amendment will add to the range and mix of housing in the area and is in a location that can foster sustainable practices.</p> <p>h. The proposal is consistent with the Provincial Policy Statement and applicable provincial legislation and guidelines, such as noise criteria.</p>
<p>9.5.7. Amendments to the zoning by-law will be made only after public notice and consultation as required by the Planning Act and consultation with affected authorities or agencies.</p>	<p>Section 9. Administration & Implementation 9.5 By-Laws</p>	<p>Public notices have been provided in accordance with the requirements in the Planning Act, and the technical review has occurred in consultation with affected authorities and agencies.</p>

Policy	Category	Conformity with the Policy
<p>9.5.9 When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</p> <p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p>	<p>Section 9. Administration & Implementation 9.5 By-Laws</p>	<p>a. The proposal conforms with the intent of the Official Plan policies and schedules as detailed in this table.</p> <p>b. The residential land use will be compatible with surrounding residential uses and community facilities. See section 2.6. The proposed development will incorporate mitigation measures recommended through numerous technical studies to ensure compatibility with adjacent land uses, such as the CN rail line, natural heritage features and cultural heritage resources, as described in this Exhibit.</p> <p>c. See section 2.6 and 8.</p> <p>d. The subject lands, located in the Urban Boundary, are undeveloped, underutilized lands in a residential land use designation. Consistent with strategic policy direction under section 2 and locational criteria under section 3 of the Official Plan, the proposed residential development is warranted on the subject lands.</p> <p>e. The proposed development can meet required standards of open space and amenity areas for residents as well as the required parking and loading standards for residents, with the</p>

Policy	Category	Conformity with the Policy
<p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		<p>exception of reductions in visitor and car share parking which are in alignment with proposed administrative amendments to the Kingston Zoning By-Law.</p> <p>f. The site will achieve a minimum density of 28 dwelling units per net hectare, which is considered a low density, and is suitable given the constraints of the site and the surrounding neighbourhood.</p> <p>g. There is no anticipated impact on municipal infrastructure, services and traffic, as demonstrated by the submitted Servicing Report, Traffic Impact Study and Stormwater Management Report.</p> <p>h. Comments and submissions from the public are addressed in the body of this report.</p> <p>i. The context of the proposal is unique and amending the Zoning By-Law to enable the residential development and protect natural heritage features is not expected to establish an undesirable precedent. The housing enabled through the amendment will add to the range and mix of housing in the area and is in a location that</p>

Policy	Category	Conformity with the Policy
		can foster sustainable practices.

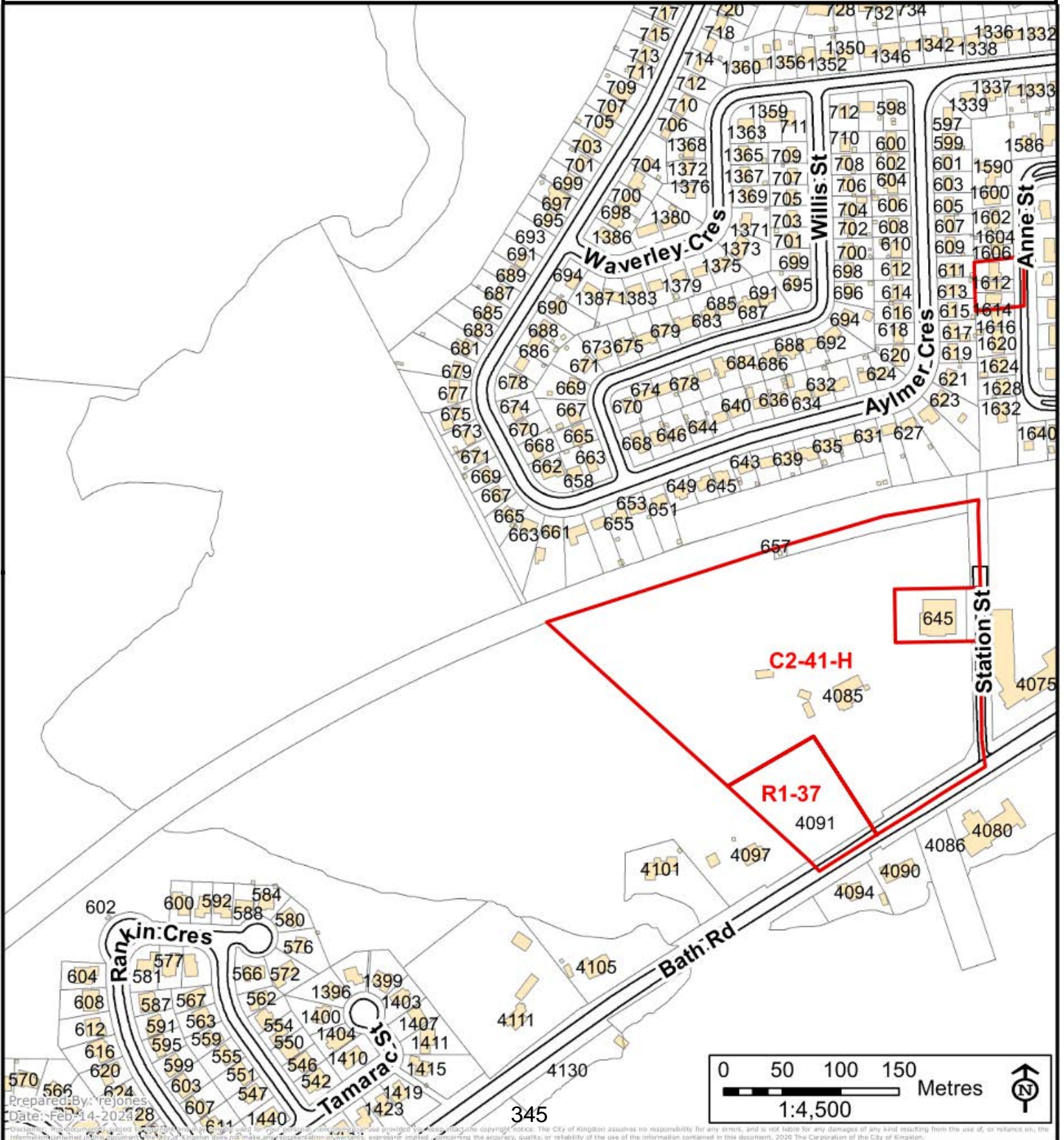


CITY OF KINGSTON

Existing Zoning - Bylaw 76-26, Map 4

Addresses: 4085, 4091
and 4097 Bath Road
File Number: D35-014-2021

- Subject Lands
- By-law 76-26 Zoning In Effect
- Property Boundaries



Prepared By: rejonas
Date: Feb 14-2024

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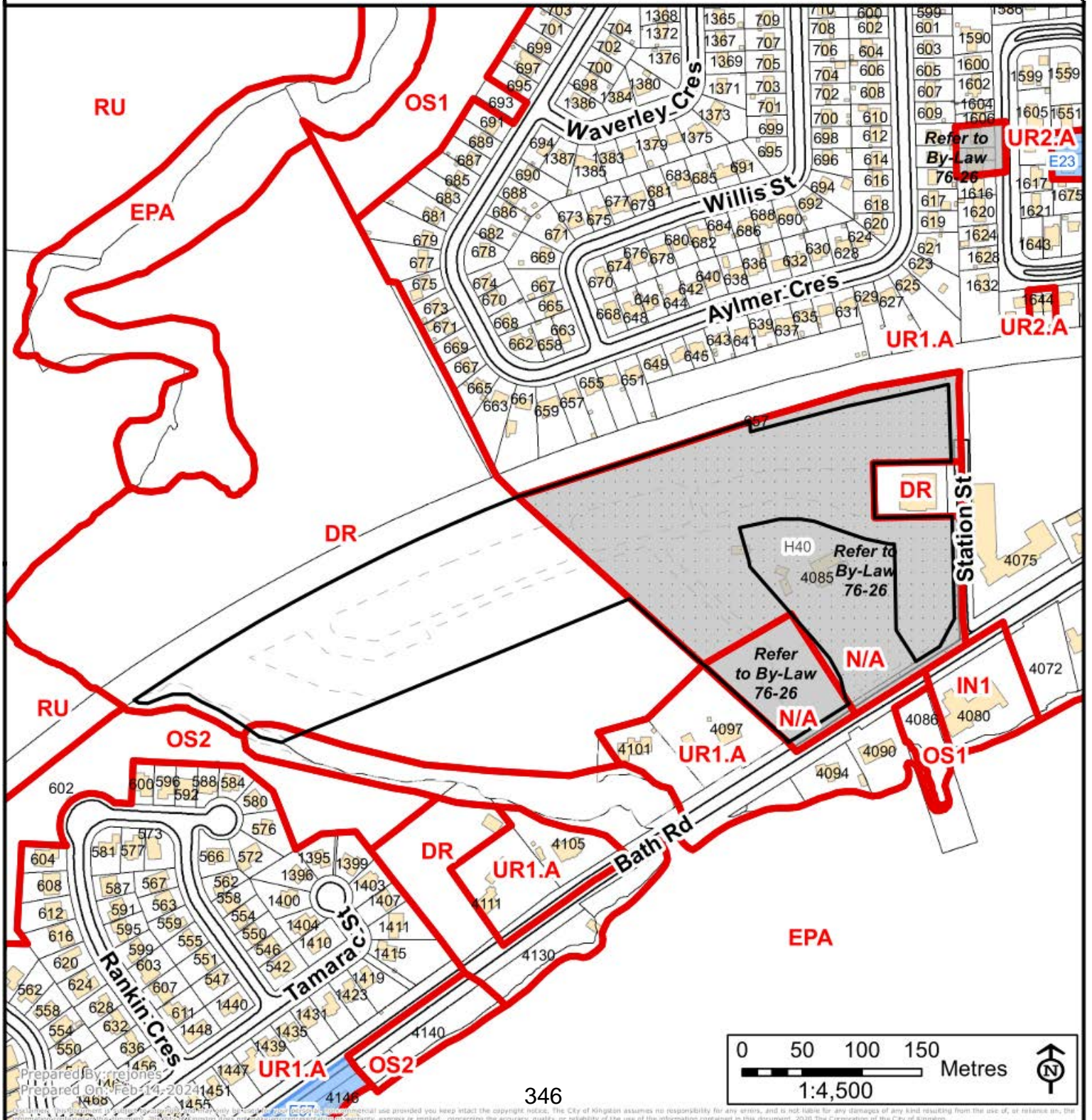


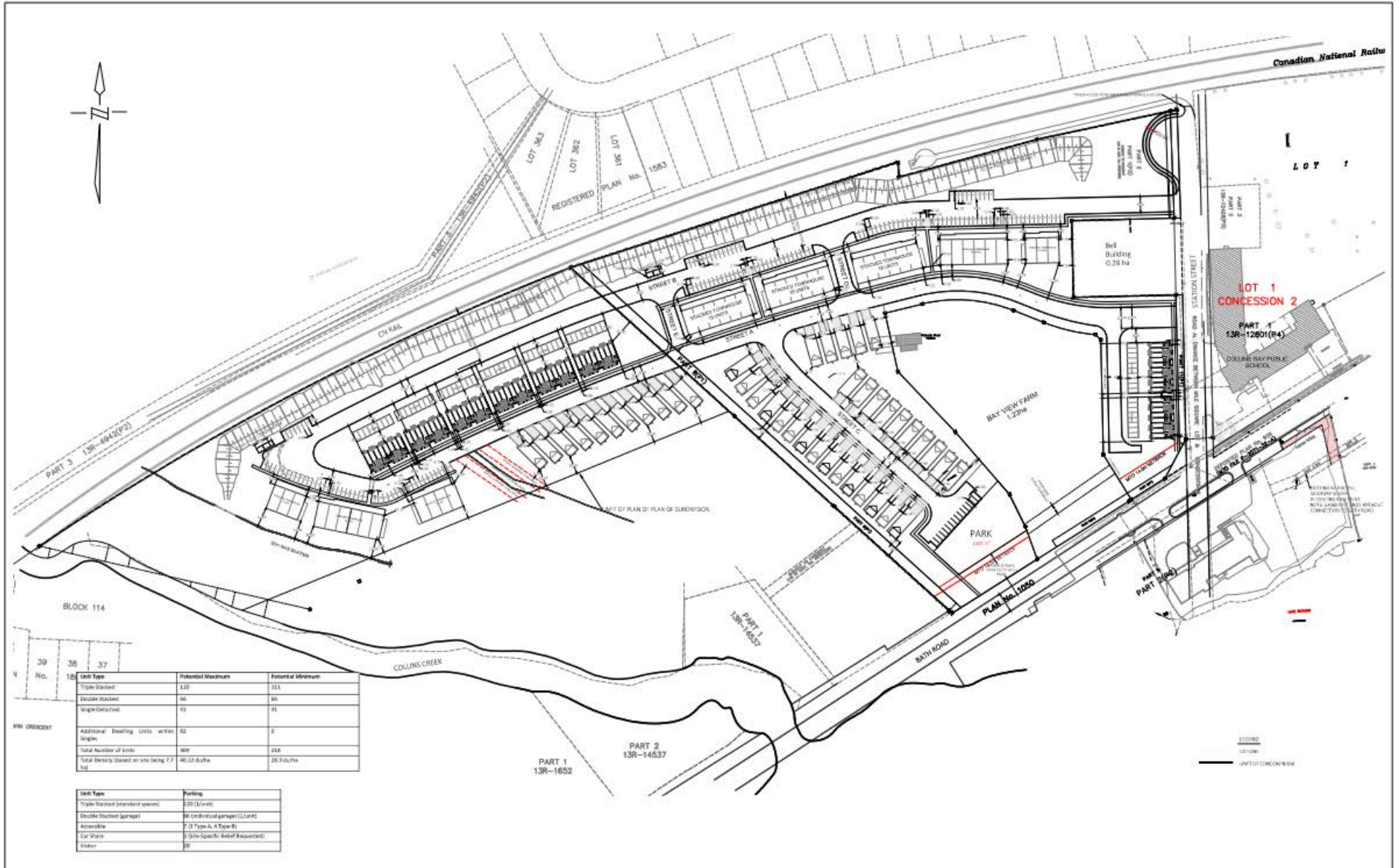
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 4085, 4091 and 4097 Bath Road
File Number: D35-014-2021
Prepared On: Feb-14-2024

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- HoldingOverlay (HXXX)





Unit Type	Putational Maximum	Forced Minimum
Triple Attached	130	111
Double Attached	50	50
Single Detached	11	11
Additional Dwelling Units - written Singles	12	0
Total Number of Units	200	218
Total Density Based on site being 7.7 ha	40.22 du/ha	28.3 du/ha

Unit Type	Parking
Triple Attached (attached spaces)	230 (2 units)
Double Attached	60 (10 detached garages) (2 units)
Detached	2 (3 Type A, 1 Type B)
Car Share	7 (Site Specific, based on requirement)
Stubs	20

JE Josselyn Engineering Inc.

1225 GARDINER ROAD
SUITE 105
KINGSTON, ONTARIO K7P 2R9
TEL : 613-634-9278
E-MAIL : mjosselyn@josselyn.ca

OWNER:
4085 BATH ROAD - FRANCES DAY
4097 BATH ROAD - RICHARD KENNEDY

PROJECT:
4085 AND 4097 BATH ROAD

DRAWING TITLE:
CONCEPT PLAN

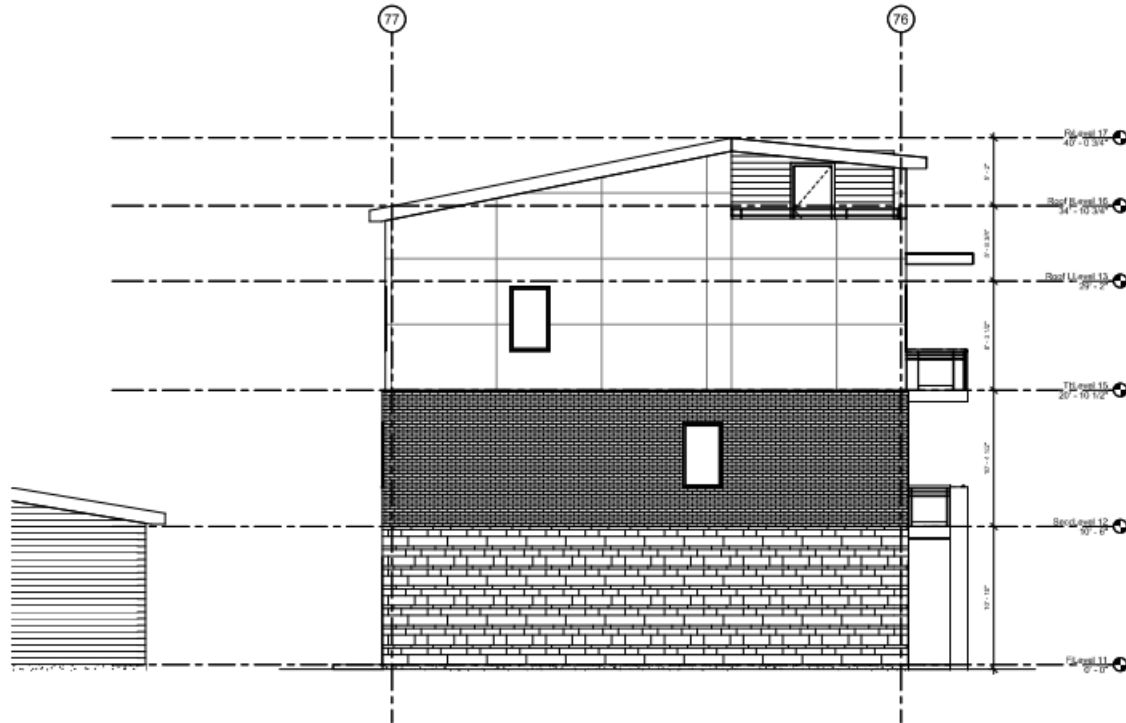
Designed By: J.E.L.	Date: FEBRUARY 23, 2024	Project No.:	Drawing No.:
Checked By: R.B.	Scale: 1:1000	1504	C000
Drawn By: E.L.L.			





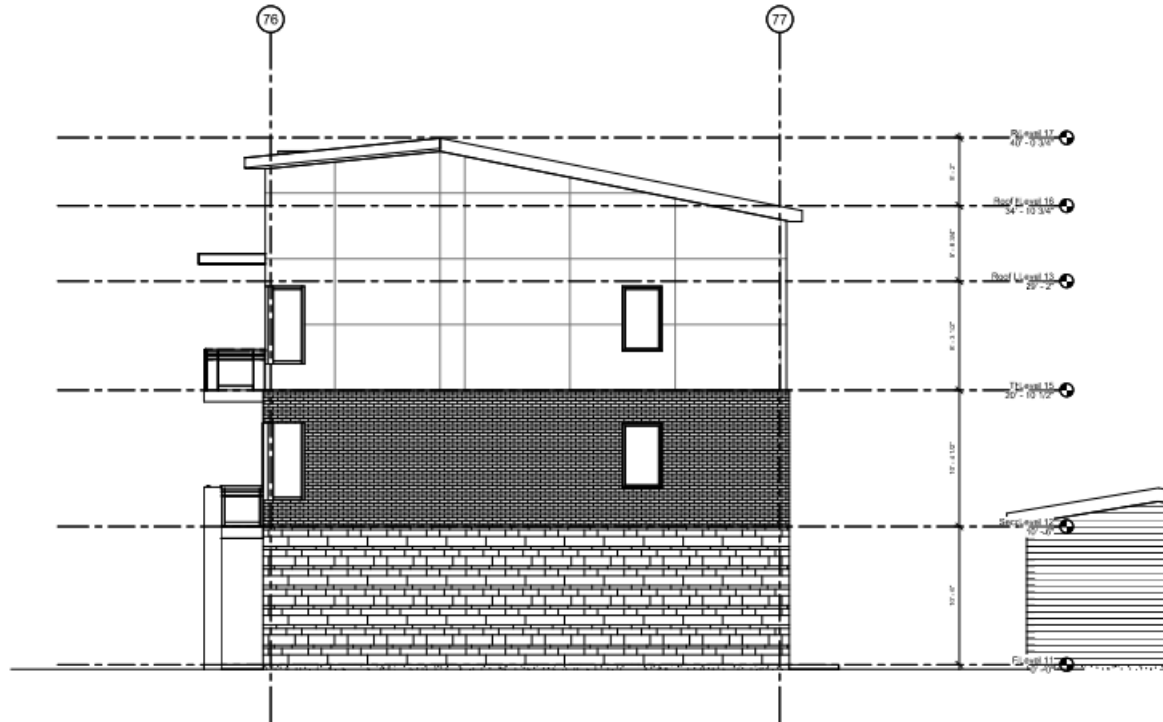
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South Elevation	
Project Number	Project Number
Date	Issue Date
Drawn by	Author
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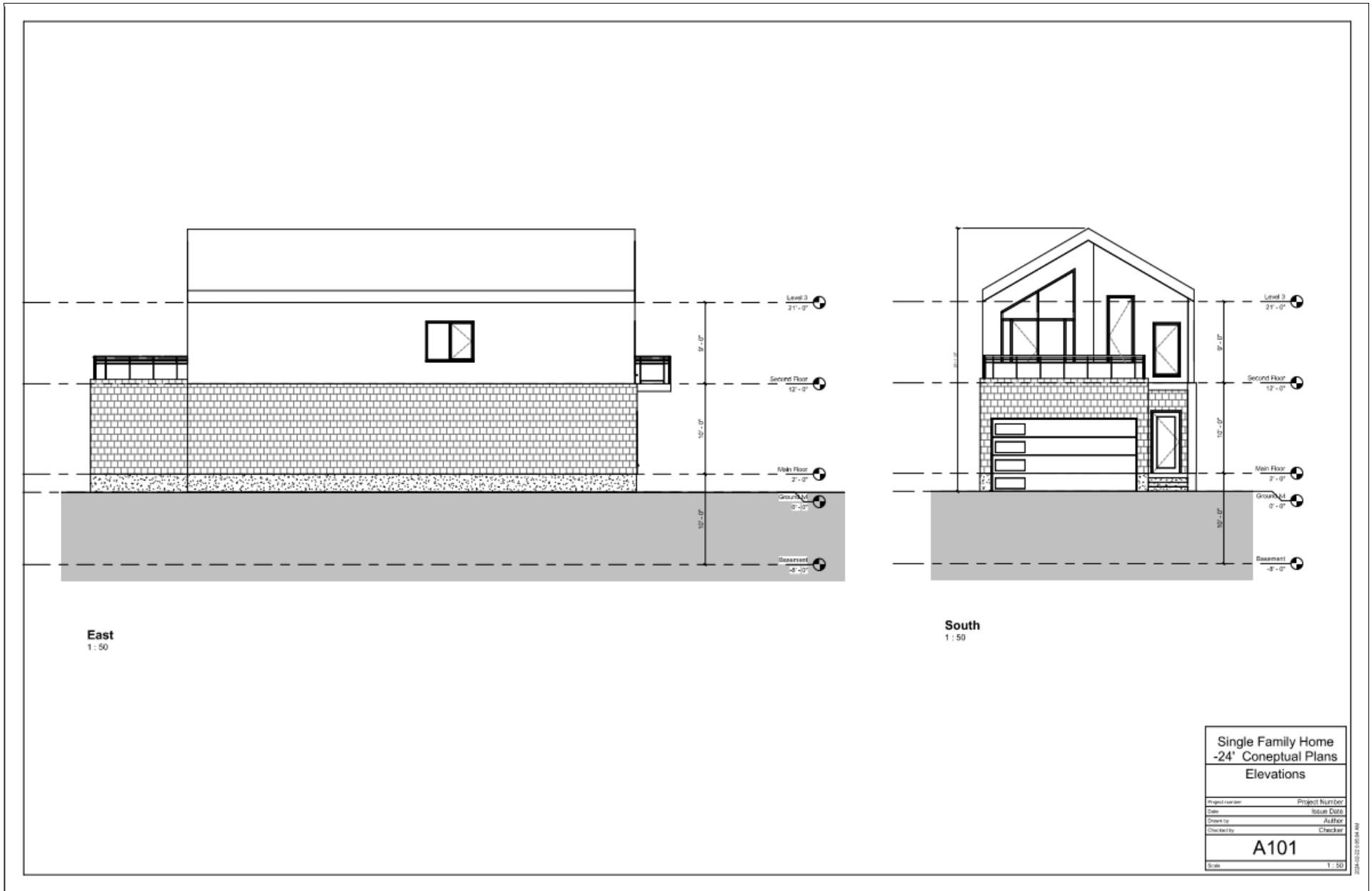
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Drawn by	Author
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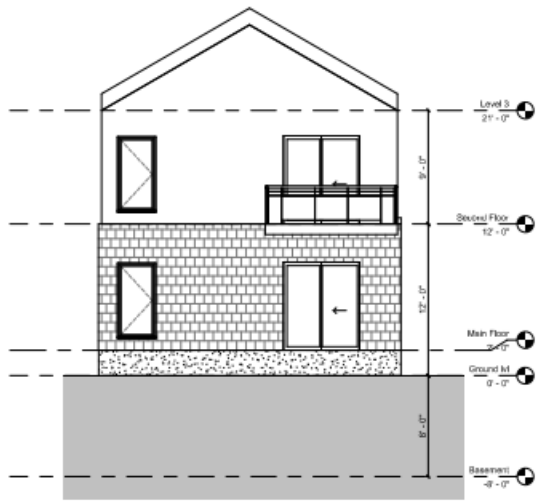
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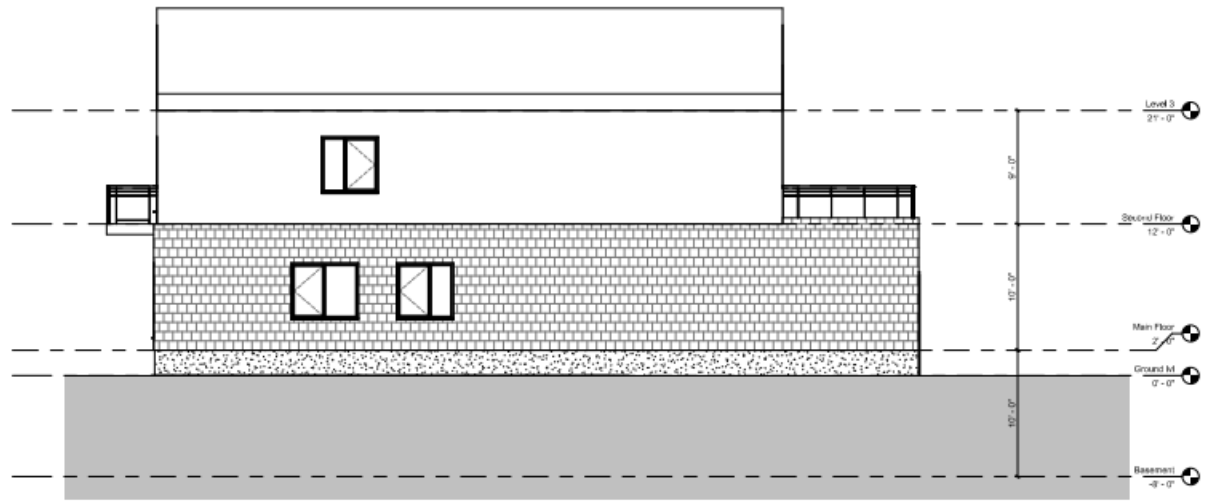
TOWNHOME	
West Elevation	
Original number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
09	
Scale	1/4" = 1'-0"

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North
1:50



West
1:50

Single Family Home -24' Conceptual Plans Elevations	
Project Number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
A102	
Scale	1:50

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Site Photographs – 4085, 4091 and 4097 Bath Road – May 29, 2023



Figure 1: View of East Property Frontage from Station Road Looking South



Figure 2: View of East Property Frontage from Station Road Looking North.

Site Photographs – 4085, 4091 and 4097 Bath Road – May 29, 2023



Figure 3: South East Corner of the Subject Property Facing North



Figure 4: View of East Portion of 4085 Bath Road Street Frontage Facing North

Site Photographs – 4085, 4091 and 4097 Bath Road – May 29, 2023



Figure 5: View of 4085 Bath Road Frontage Facing North



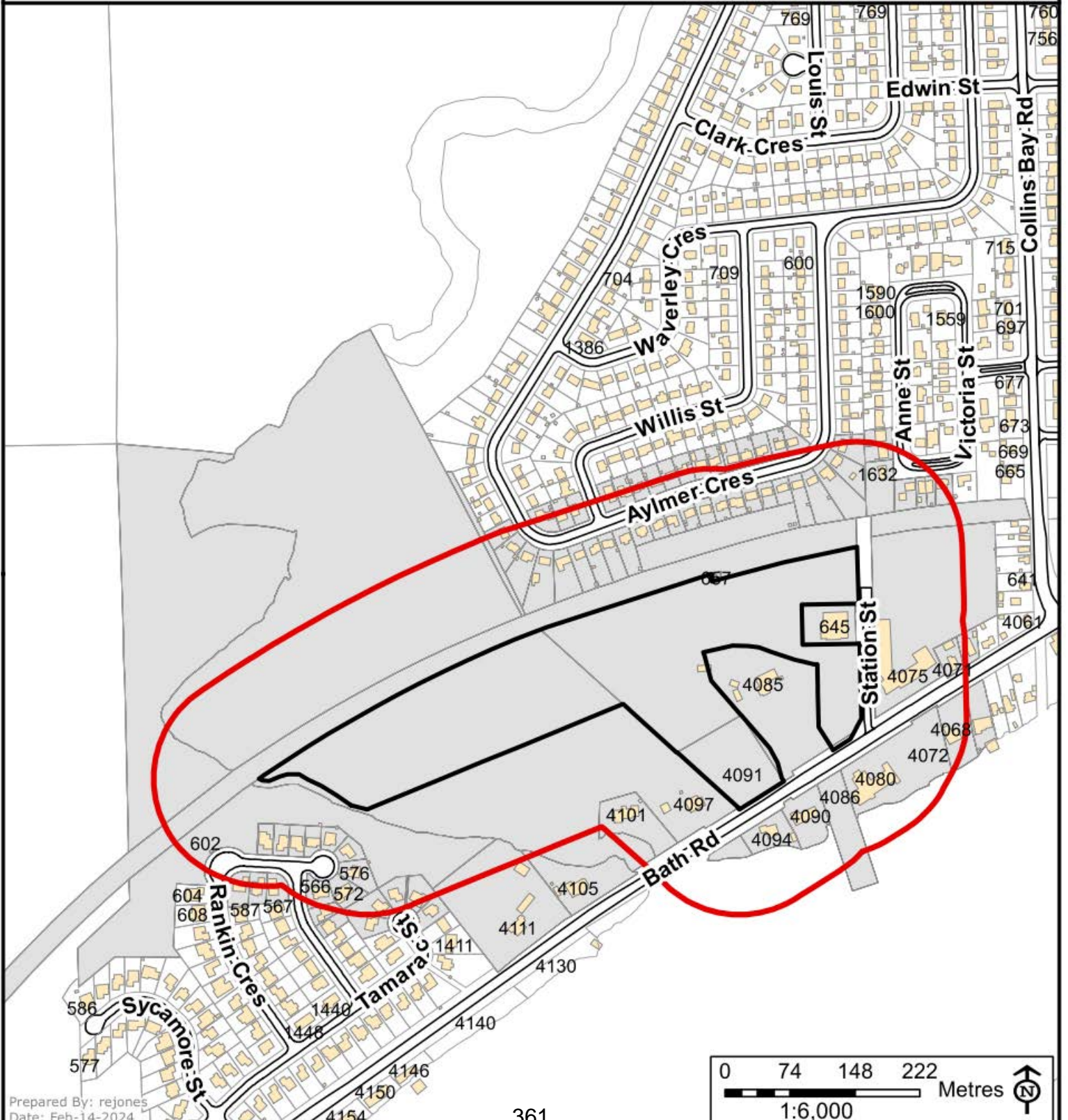
Figure 6: View of 4097 Bath Road Frontage Facing North West



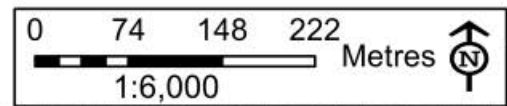
CITY OF KINGSTON Public Notice Notification Map

Addresses: 4085, 4091 and 4097
Bath Road
File Number: D35-014-2021

- Subject Lands
- 120m Public Notification Boundary
- Property Boundaries
- 90 Properties in Receipt of Notice (MPAC)



Prepared By: rejonas
Date: Feb-14-2024



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Didrikson, Amy

From: Megan Troughton <
Sent: June 18, 2023 11:32 PM
To: Didrikson, Amy
Subject: Re: File Number D10-021-2022

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

Hello Amy,

I appreciate you keeping me up to date with what is happening.

I noticed that the signs are not very noticeable due to the size of them. I only noticed the one at the intersection of Station Street as I have a child that attends Collins Bay School. This sign is blocked by both the stop sign as well as construction sign.

A note about this intersection, with the current traffic flow it is very hard to get out of especially turning left. This area of Bath Road is extremely busy.

Has anyone surveyed traffic flow at different times, especially during rush hour? I suggest that this whole section along Bath Road be properly surveyed within the Kingston boundary as heading to Amherstview can get very busy as well as near Collins Bay Road area. I live close to Elmwood and getting out of my street as well as for other residents in the neighbouring area is very difficult as well as edging on the side of dangerous. I have spoken to a couple of my neighbours who have told me that there have been some near misses as a consequence. People tend to spend in this area especially in the school zone area making it equally dangerous for the kids.

The parcel of land mentioned is a forested area with several houses of historical significance. This is an important area for environmental purposes especially with Collins Bay Creek and Lake Ontario and it is home to a lot of different wildlife.

I would like to see the land kept this way and perhaps put a nice park at the back that many people from surrounding areas can enjoy as well as at the same time protecting wildlife and the ecosystem.

There are plenty of other areas in the city that don't impact the scenic and natural landscape or harm the forested area and wildlife that call it home. Collins Bay Creek as well as the flow into Lake Ontario should be a huge concern as well as the fish and other wildlife.

Collins Bay Marina is also in this area making it for a busy recreational area and of scenic significance.

Some of the reasons that attracted us to the Kingston area are mentioned above as well as the limestone, water natural beauty and history. Please don't ruin this for future generations.

Please include my comments at the meeting on Monday night as well as for future meetings.

Regards,

Megan Lee.

From: Didrikson,Amy <adidrikson@cityofkingston.ca>
Sent: Friday, 16 June 2023 2:36 pm
To: Megan Troughton
Subject: RE: File Number D10-021-2022

Hello Megan,

Thank you for reaching out with your further comments below. Beyond the meeting on Monday regarding consent applications to enable the lot consolidation, there will be continued opportunities to engage in the Official Plan and Zoning By-Law amendment (OPA/ZBA) application that enables the proposed residential development. As mentioned below, the OPA/ZBA application is undergoing a technical review and will come back to Planning Committee and Council at a future date when staff are in a position to make a recommendation. Comments are encouraged throughout the processing of the application and another public meeting will be held when staff are in a position to make a recommendation.

You can also find the most recent concept plans for the residential development enabled by the OPA/ZBA application at the link below, and details on the green spaces proposed and the form and height of the residential development (which you had asked about further below). The proposal submitted for a second technical review includes single detached dwellings, double and triple stacked townhomes, private roads, parks and retention of a forested area next to Collins Creek. The triple stacked townhouses are proposed to be 3.5 stories in height according to the latest submission available at the link below.

<https://aca-prodca.accela.com/KINGSTON/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=REC21&capID2=00000&capID3=002V8&agencyCode=KINGSTON&IsToShowInspection=>

Again, just to re-iterate the purpose of the applications going to Committee of Adjustment on Monday, these applications will create the land parcel proposed for residential development, but the OPA/ZBA application is required to enable the specific residential development proposed by the applicant. Further approvals will be required for the residential proposal if the OPA/ZBA application is approved, including site plan control approval (addressing detailed design matters) and a final plan of condominium application (establishing the proposed ownership structure).

Thank you again for your feedback on the public notice signage. The applicant posted five notice signs in total for the consent applications along the frontages of the properties, which exceeded our standard notice sign requirements for consent applications; however, we'll review the locations again as signs are updated for the related OPA/ZBA application, when a future public meeting is scheduled, to ensure the notice signs are in highly visible locations.

I hope this is helpful information. I can include your comments below in the Committee of Adjustment's addendum package for the meeting Monday night.

Regards,
Amy



Amy Didrikson MCIP, RPP (she/her/hers)

Intermediate Planner
Planning Services
Community Services

City of Kingston

Located at: 1211 John Counter Boulevard

Mailing Address: 216 Ontario Street, Kingston, ON K7L 2Z3

613-546-4291 extension 3296

adidrikson@cityofkingston.ca



**** Vacation alert: I will be away from the office from July 3rd to July 7th and will not be checking emails during this time. ****

From: Megan Troughton
Sent: Wednesday, June 14, 2023 8:26 PM
To: Didrikson,Amy <adidrikson@cityofkingston.ca>
Subject: Re: File Number D10-021-2022

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

Hello Amy,

Unfortunately, I can't make the meeting as I have an appointment scheduled.

Please can you pass on my concerns so that there is a record and so that they along with other comments will be considered before a formal decision is made.

Also, another concern that popped to mind as I was waiting for a train is the Collins Bay crossing. This is already a really busy intersection even without trains going through. With more housing developments it is going to be even more congested as the crossing is so close to the intersection of Bath Road and Collins Bay Road.

Rush hour is extremely busy along Bath Road too and as stated it is only getting busier especially with the new housing developments in Amherstview. I invite you as well as counsellors to drive along this stretch of road as well as to turn left out of streets such as where I live during rush hour. My husband commented tonight while waiting at the lights of Bath Road and Collins Bay Road "where is all of the traffic coming from, is there that many people that live west of here"? There was a lot of traffic travelling west which is a standard normal these days.

It is just food for thought as it always impacts local residents when such decisions are made.

Regards,
Megan Lee.

From: Megan Troughton
Sent: Wednesday, 7 June 2023 4:57 am
To: Didrikson,Amy <adidrikson@cityofkingston.ca>
Subject: Re: File Number D10-021-2022

Hello Amy,

I intended to reply to your last email but have been busy. I still do intend on sending you a proper reply.

Please include my comments for any future meetings as well as discussions regarding my concerns.

I have noted that more signs have been added but to the same sign post and still aren't very noticeable for public viewing.

I would like to have residents in the area notified properly of such intentions. Building in this location impacts so many people on so many different levels including scenic and recreation relevance as well as potential environmental impact with Collins Bay Creek and Lake Ontario and the traffic flow is poor at the best of times.

Station Street has a very poor intersection that has an extremely poor angle to it which is very difficult for buses to get in and out of and trying to turn left is a nightmare as well as dangerous.

Are any green spaces being considered for such a development and how many stories are the potential condos?

I have so many more things that I can add about this potential development that I am opposed to due to its negative impact and it is the environment and residents that will suffer in the long term not the policy makers or developers.

I am happy for you to share these remarks and concerns as well.

Regards,
Megan Troughton-Lee.

From: Didrikson,Amy <adidrikson@cityofkingston.ca>
Sent: Tuesday, 6 June 2023 1:43 pm
To: Megan Troughton
Subject: RE: File Number D10-021-2022

Hello Megan,

I'm reaching out further to my e-mail below to confirm whether or not you would like your comments below included as formal correspondence on application D10-021-2022 and included in the Committee of Adjustment's agenda package posted to the City's website? (I've highlighted the question below)

Please let me know if you have a moment.
Regards,
Amy



Amy Didrikson MCIP, RPP (she/her/hers)

Intermediate Planner
Planning Services
Community Services

City of Kingston

Located at: 1211 John Counter Boulevard

Mailing Address: 216 Ontario Street, Kingston, ON K7L 2Z3

613-546-4291 extension 3296

adidrikson@cityofkingston.ca



From: Didrikson,Amy
Sent: Thursday, May 25, 2023 8:47 AM
To: Megan Troughton
Subject: RE: File Number D10-021-2022

Hello Megan,

I am reaching out to confirm that I have received your correspondence below. I am also the assigned planner to the related Planning application files, being the Official Plan Amendment and Zoning By-Law Amendment (D35-014-2021) and a related consent application (D10-020-2022).

As the City has received public comments during the public notification period, consent files D10-021-2022 and D10-020-2022 will be referred to the Committee of Adjustment for consideration at a future meeting. A new public notice will be mailed to all property owners within a 60-metre radius of the property and new signage will be posted on the site. I will add your name to our e-mail notification list so you will receive a notice by e-mail as well.

The future Committee of Adjustment meeting will be held in a hybrid format, with an opportunity to attend in person at Council Chambers in City Hall or virtually through Zoom. Members of the public can provide comments directly to the Committee of Adjustment, staff and the applicant at this meeting.

Please confirm if you would like your email below included as formal correspondence on application D10-021-2022 and included in the Committee's agenda package posted to the City's website. We will include a fulsome response to the comments we've received in the staff report regarding the applications.

In particular, thank you for the feedback on the public notice signage. We'll review the sign posting locations with the applicant and endeavour to improve visibility for the public meeting signs, in terms of font size. I should clarify that consent applications D10-021-2022 and D10-020-2022 are intended to create a land parcel that is subject to an Official Plan Amendment and Zoning By-Law Amendment application proposing the residential condominium development. The OPA/ZBA application is undergoing a technical review by staff and will include a future meeting hosted by the Planning Committee where the public can provide comments in person or participate virtually. This is City file D35-014-2021 and the full application details, including a Traffic Impact Study, is available on the City's website at the following [link](#).

Regards,
Amy



Amy Didrikson MCIP, RPP (she/her/hers)

Intermediate Planner
Planning Services
Community Services

City of Kingston

Located at: 1211 John Counter Boulevard

Mailing Address: 216 Ontario Street, Kingston, ON K7L 2Z3

613-546-4291 extension 3296

adidrikson@cityofkingston.ca



From: Megan Troughton
Sent: Thursday, May 18, 2023 12:36 PM
To: Didrikson,Amy <adidrikson@cityofkingston.ca>
Subject: Re: File Number D10-021-2022

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

Dear Ms. Didrikson,

It has come to my attention and concern regarding the future development regarding 4097 and 4091 Bath Road.

First of all, I would like to point out the poor placement of sign and small lettering regarding the additional proposal of a future condominium to the rear of 4097 Bath Road. This makes me question whether this was done on purpose to elude public attention to the fact that a condominium is proposed for this development. The public wasn't notified of this in the original application and also no public meeting is being held regarding this. This to me appears to be a deliberate and sneaky measure and is politically motivated which doesn't make me a happy resident of the area.

Have any of the counsellors and people proposing the development of 4097 and 4091 spent any time in the area monitoring the traffic flow which at the best of times is very congested? It takes a while to get out onto Bath Road and there have been some near misses. I have noticed that the traffic flow is just getting worse. Building in this area is just going to make things a lot worse and it is going to require more infrastructure as well as road maintenance. To me this isn't a smart move.

Collins Bay School is also in this area with buses and cars coming in and out as well as a concern for the safety of the children crossing. This development is very close to Collins Bay Road which is a busy and congested intersection and I find that cars travel above speed limit in this area adding to safety concerns.

This development doesn't address the shortage of affordable housing as the area is an expensive area to live with high taxes and housing prices. Adding a condominium and additional housing isn't going to address this problem.

Another concern is the environmental impact that such a development will have on the area with Collins Bay Creek and water close by. This no doubt will affect the fish population and will have an affect on other wildlife with the cutting down of the existing trees. The existing trees also aid in pollution control as well as erosion control.

This building development will have an impact on residents as stated in my above concerns and will also downgrade the area and take away from the natural flow of the existing houses and development. It requires the use of a car to get around as it isn't close to a lot of shops and the public transportation in the area is poor. Adding more cars and traffic is just going to make Bath Road and the area even more congested.

Why plan a new neighbourhood so close to a creek and water flow where there is the possibility of pollution and endangerment of wildlife? Also, cutting down existing trees and green belt adds to future problems and new developments are built so close together with very little green space which in a fast-paced society only adds to people's stress levels.

I welcome politicians to come and talk to local residents and to monitor traffic flow. I am guessing that the people who are proposing this development don't even live in the area.

I hope that my concerns will be taken seriously. I have spoken to other residents who also share the same concerns.

Please do not rush into a hasty decision that may come with some regrets.

Regards,
Megan Troughton-Lee.

From: [Maxine Cupido](#)
To: [Didrikson, Amy](#); [David Cupido](#)
Cc: [Osanic, Lisa](#); [Robidoux, Meghan](#)
Subject: Re: Proposed condominium at corner of Collins Bay Road and Bath Road
Date: June 6, 2023 1:38:35 PM
Attachments: [image001.png](#)

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

Yes, please include my email in any correspondence on this application.

Sent via [BlackBerry Hub+ Inbox for Android](#)

From: adidrikson@cityofkingston.ca
Sent: June 6, 2023 1:12 p.m.
To:
Cc: losanic@cityofkingston.ca; mrobidoux@cityofkingston.ca
Subject: RE: Proposed condominium at corner of Collins Bay Road and Bath Road

Hello Maxine and David,

I am reaching out to confirm that I am the assigned planner for the proposed consent application (lot addition) at 4097 Bath Road (File D10-021-2021) and have received your correspondence below. I am also the assigned planner to the related Planning application files, which include the Official Plan Amendment and Zoning By-Law Amendment (D35-014-2021) required to permit the residential development, and the second consent application required to create the overall land parcel (D10-020-2022).

I'd like to clarify the scope of the consent applications going forward at this time to the Committee of Adjustment at their meeting on June 19th, 2023: the consent files are intended to create the overall land parcel subject to the OPA/ZBA application, and have the effect of reducing the size of two existing lots at 4085 Bath Road and 4097 Bath Road and adding land to the parcel known as 4091 Bath Road. I'm attaching the public notice that was issued to property owners within 60 metres of the lands for your reference.

I can confirm that the related OPA/ZBA application required to permit the proposed residential development is undergoing a technical review and will come back to Planning Committee and Council at a future date when staff are in a position to make a recommendation. There are a number of studies required to support the residential development proposal, including a Traffic Impact Study and Environmental Impact Study. I'm including a link below to our Development Approvals Services Hub where you can access these studies directly:

<https://aca-prodca.accela.com/KINGSTON/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=REC21&capID2=00000&capID3=002V8&agencyCode=KINGSTON&IsToShowInspection=>

I'll include your comments and concerns below on the public record for the OPA/ZBA application related to traffic and environmental features, to be considered as part of the review of this application.

Please confirm if you would like your email below included as formal correspondence on the consent file D10-021-2022 and included in the Committee of Adjustment's agenda package posted to the City's website for the June 19, 2023 meeting. We will include a fulsome response to the comments we've received in the staff report and presentation regarding the application.

I hope that this is helpful information, but please let me know if you have any further questions.

Amy



Amy Didrikson MCIP, RPP (she/her/hers)

Intermediate Planner
Planning Services
Community Services



City of Kingston
Located at: 1211 John Counter Boulevard
Mailing Address: 216 Ontario Street, Kingston, ON K7L 2Z3
613-546-4291 extension 3296
adidrikson@cityofkingston.ca

From: David Cupido
Sent: Tuesday, June 6, 2023 5:33 AM
To: Maxine Cupido Planning Outside Email
<Planning@cityofkingston.ca>
Cc: Lisa Osanic
Subject: RE: Proposed condominium at corner of Collins Bay Road and Bath Road

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

Maxine,

Well written.

Lisa do we have any updates on this yet.

Regards,

David Cupido (President)

David J Cupido Construction Limited

Cell:

Email:

Note: Please send all invoicing to Kaitlyn Livingstone,

-

From: Maxine Cupido

Sent: Monday, June 5, 2023 10:37 AM

To: planning@cityofkingston.ca

Cc: Lisa Osanic

David Cupido

Subject: Proposed condominium at corner of Collins Bay Road and Bath Road

RE: File #D10-021-2022, Application for Lot Addition

I am not surprised that there is more to this 'housing development' than was first proposed, but I am profoundly concerned on two fronts: the impact on traffic on Bath Road and the impact on the Collins Creek watershed.

1. Traffic on Bath Road. We live on Bath Road at the Collins Creek bridge, and I can tell you that traffic is already a nightmare at the peak periods of 7 to 8 and 4:30 to 6:00. That's without the new housing development that is already underway at 4097/4091 Bath Road. There are now times that I have had to go west on Bath Road (right hand turn) just to get out of my driveway, which means I have to go to the nearest lights on the way to Amherstview (Coronation Blvd) to turn around and get back onto the eastbound lane of Bath Road. Just imagine what a nightmare that will be when the new houses are built on the south side of the tracks, and the new houses are built in Amherstview on the west side of County Road 6. We will never get out!! The only way this could possibly work is if there is major widening of Bath Road at the Collins Creek bridge, and/or installation of traffic lights at Bayshore that are coordinated to give those of us who live on Bath Road some hope of ever getting out of our driveways .
2. Collins Creek is already under a great deal of stress from all the building that has taken place over the years. This is an important area for wildlife conservation and the health of Lake Ontario. How much more stress can it handle?? Not to mention that the area of the proposed condominium is a flood plane. I can't think of a worse place to put high-density housing.
- 3.

Please reconsider. This is not the right place for this condominium.

Maxine Cupido
4105 Bath Road

Kingston

"I've decided to stick with love. Hate is too big a burden to bear." MLK

From: Emily Bickell

Sent: May 8, 2023 10:27 PM

To: Osanic, Lisa <losanic@cityofkingston.ca>; Planning Outside Email <Planning@cityofkingston.ca>

Subject: Re: Application of Consent for Lot Addition, File D10-021-2022, 4097 and 4091 Bath Rd.

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

Dear Sirs and Madams,

I have a number of concerns about applications D10-021-2022, and also D10-020-2022 and D35-014-2021 in advance of development, ranging from environmental and infrastructure to heritage, and the lack of consistency in these applications seems misleading, particularly if each application is considered singly rather than as a whole.

Beginning with Application **D10-021-2022**, properties 4091 and 4097 Bath Road:

Zoning: The developers have asked for rezoning and 23 separate instances of "zoning relief" to get around the zoning regulations in place at the June 14, 2022 Planning Committee meeting.

Heritage:

- "The property at 4097 Bath Road is designated under Part IV of the Ontario Heritage Act. A Heritage Act application will be required to amend the designating by-law (By-law 217-82) for 4097 Bath Road to remove the Part IV designation from the severed parcel. The heritage designation will remain on the retained parcel."

This is a previously designated Heritage Property (Hugh Rankin Jr. House circa 1860). In the 2017 notice of intention for this designation:

"The Hugh Rankin Junior House, built circa 1860, is an early example of a two-storey limestone farmhouse. It has associative value through its connection with the Hugh Rankin Junior, who built the house, and the Rankin and McGuin families, who owned and operated a grist mill formerly located adjacent to the subject property. The McGuin and Rankin Mill operated for almost 100 years and aided in shaping the development of the Collins Bay community. The Rankin Junior House is a landmark along historic Bath Road."

I would direct you to the City of Kingston Historical Register page which states,

"Designation under the Ontario Heritage Act is applied by the passing of a municipal bylaw to recognize and to promote good stewardship of the District's cultural heritage value,"

Policy 2.8.8: "Cultural heritage resources will be conserved, managed and promoted for their contribution to the City's unique identity, history and sense of place in such a way as to balance heritage concerns with environmental and accessibility issues."

and Policy 6.1.23 "Land division through severance or plan of subdivision (or condominium) that has the effect of fragmenting lands within the natural heritage system is discouraged."

The proposed development divides and destroys the historic McGuin mill race. From the City's own Report to Planning Committee dated June, 14, 2022: "Stage 1-2 Archaeological Assessment submitted with the subject applications has identified the circa 1828 McGinn mill race, which the report indicates is archaeologically significant due to its early age of construction and its historical importance of the mill race related to the early occupation of the former Township."

It does not appear consistent with stewardship of a Heritage Property, especially one so recently recognized as in need of protection - or the City's planning policies - to sever a large portion of it to build townhouses.

Environment:

- The property at 4097 Bath Road is designated 'Residential' in the City of Kingston Official Plan, with a portion in an 'Environmental Protection Area' designation along Collins Creek. The proposed land marked for development is directly along Collins Creek, with a 30m buffer. I would argue that a much greater buffer is needed for the protection of the riparian habitat, nearby wetlands, and the creek itself, which diverts underground in the dry late summer - there is no indication that the developer has made any effort to determine what the blasting of limestone to create foundations and water services will do to deteriorate or redirect the existing water flow.
- From Application D10-021-2022: "Number of existing trees proposed to be removed from the property: 1"

I live directly west of this property. I can look out my window and see *hundreds* of trees. This property is heavily wooded. The statement on the application is so clearly false it's laughable. I recommend you look at the property yourself (consent is provided in the application: "The Owner/Applicant authorizes City staff and Committee of Adjustment members to enter the subject property to conduct site inspections related to this application.: YES"). In fact, the Heritage Impact Assessment clearly describes this property "Most the site (sic) is a well-treed woodlot."

- The rest of the Environmental Impact Report is remarkably empty. It does not contain any of the environmental impact statements included in Applications D10-020-2022 and D35-014-2021. This property is the only one of the three that borders the creek directly. Why is the EIR so sparse?

Regarding **D10-020-2022** (for which we did not receive a notice, by the way - we received only a notice for D10-021-2022), severing land from 4085 Bath Rd. for development of condominium:

Regarding Heritage,

- in the application: "4085 Bath Road is designated under Part IV of the Ontario Heritage Act. The proposed retained parcel contains a dwelling and outbuildings. There is also an existing Barn which appears to straddle the proposed severance." Two additional outbuildings are also listed in the developer's Environmental Impact Assessment.

This property is listed in the City of Kingston Heritage Register as "Bayview Farm prior to 1860," a Listed Property of Cultural Heritage Value. It does not say Heritage Building but rather Heritage Property. I would argue that therefore the entire property is of cultural heritage value and should

not be severed. The existing barn evidently will be destroyed if severed. I would refer you again to the City of Kingston website for the Heritage Register, which states,

"The City's Official Plan directs that these resources are to be conserved, managed and marketed for their contribution to the City's unique character, history and sense of place in such a way as to balance heritage with environmental and accessibility concerns. Cultural heritage resources are non-renewable, and once lost cannot be regained."

I also read in the Heritage Impact Assessment that Bayview Farm has been continuously severed and parceled out for development from 200 acres to the current 15 acres since at least the 1950s. There has been an attempt to preserve what remains by listing it in the Heritage Register, and even that may not be enough to prevent its further reduction to the proposed 3.05 acres.

- I also see that "This application is within an area of archaeological potential. An archaeological assessment may be required." The Heritage Impact Statement from November, 2021 states "The Master Plan indicates that the subject property has composite archaeological potential. Archaeological clearance of the property is required". The Heritage Impact Assessment states, "

Environment:

- From the Environmental Impact statement: "Number of existing trees proposed to be removed from the property: 1"

A visit to Station Street will immediately provide you with a vastly different number of visible trees. A great portion of this lot is currently woodland. I walked along Station Street on Sunday, May 7th and was within earshot of an owl, and saw woodpeckers, songbirds, a fox, and rabbits - just from the road. This area is prime habitat for wildlife in the natural corridor along Collins Creek.

I see on the application that

"The Owner/Applicant authorizes City staff and Committee of Adjustment members to enter the subject property to conduct site inspections related to this application,"

I invite you to visit both this site and the adjacent proposed severance at 4097 Bath Rd. (D10-021-2022) to see for yourself.

- "This application is within a moderate to very high ground water sensitivity area."

The current naturalized woodland on the property has high natural absorption of water. Paving and developing this property will result in that water being diverted and instead of rainwater going to trees it will be directed to a storm pond with overflow into the creek. This creek is currently full of frogs, used by waterfowl, and salmon and other fish species spawn in this creek every year - I've seen them myself. It is certainly a vibrant habitat for a range of diverse species and deserves to be protected. It also feeds the wells of a number of residents south of Bath Road who are not on City water.

- In fact, the application states, "Wetlands (Provincially Significant) - This application is within close proximity to a significant wetland. An Environmental Impact Assessment will likely be required."
As this adjoins a Provincially Significant Wetland, was the assessor certified as a wetland evaluator by the Ministry of Natural Resources (MNR)? According to Province of Ontario

information, wetlands can only be evaluated by trained evaluators who have completed the Ontario Wetland Evaluation System (OWES) course and passed an exam.

- Amphibian breeding habitat is mentioned in passing in the January, 2022 Bath Road EIA provided by the developer's assessor, Ecological Services, stating "Spring field work will be required to determine if nearby portions of the Collins Creek PSW contain significant amphibian breeding habitat." Has any further field work been completed to date? On my property and on the west side of the creek I have personally observed leopard frogs and Eastern red-backed salamanders, as well as toads, as recently as today.
- I refer you to Policy 2.8.4: "Water is a resource that must be protected. In order to maintain the quality and quantity of water, the City will restrict development and site alteration near sensitive surface water or groundwater features and in areas of medium to very high groundwater sensitivity and will implement the policies of the Cataraqui Source Protection Plan as required."
- "This application is within 30m of possible riparian habitat."

I don't know why it says "possible." By definition, a riparian habitat is "*a transition zone between aquatic and dry, upland habitats.*" and is explained well by Watersheds Canada as "an area between the upland zone and the shoreline. It forms a corridor between land and water, allowing animals to travel between different biomes. Lining the border of the water, the riparian zone provides distinct rich, moist soils in which diverse plant communities can grow. A healthy riparian zone contains diverse plant species, aquatic and terrestrial wildlife. It helps to maintain water levels, temperature and also prevents erosion." There is no question that this IS a riparian habitat.

Regarding Application **D35-014-2021**, properties 4085, 4091 and 4097 Bath Road:

Infrastructure and Zoning:

- In the application, "Access is proposed via Station Street." Station Street is little more than a driveway for an elementary school, and a utilities service station. I use this street often as my son attends Collins Bay Public School. The street is narrow, and difficult to turn into and out of. Bath Road is very busy, and there is no traffic control at the intersection. The planned development has 181 units (according to the June 2022 Planning Committee notes - this number seems to keep increasing) in a neighbourhood only accessible via this street. There is also limited bus access. There are hourly buses on Bath Road at this location, none of which go directly downtown. All these potential residents will need cars to get around. This proposed volume of traffic on Station Street is not feasible. The 2021 Traffic Impact study is (a) based on forecast data, not actual data, and (b) also refers to a school population of 80 students. The surrounding existing neighbourhoods are in a state of turnover, with owners aging out and being replaced by young families. Current student population at CBPS is 98, an increase of 25% over two years. It also refers to a planned development of 168 units, which is not the current plan.
- "The property known as 4085 Bath Road is the subject of Site Specific Policy Area Number 15 per Section 3.17.15 and Schedule 3-D of the Official Plan."

When I looked into this Section of the Official Plan, I read (3.17.15.a) "single detached dwelling house is permitted" and in the application, "4097 Bath Rd - (R1) Residential Type 1 Zone which permits single detached homes only"

I understand that the proposed new zoning designation is R4, which I find confusing - I have explored the Kingston Zoning By-Law Number 2022-62 (April 2022) and it appears to me that Urban Residential 4 permitted use includes "single detached house" and "non-residential community centre", the same as UR1.

I don't see where UR4 allows for the proposed "mix of Single Detached Dwellings and Townhouse Dwelling residences, including the introduction of Zero Lot line Single Detached Housing as an affordable form of Single Detached Dwellings. The proposal will introduce 171 units developed as Condominium Style ownership 33 Single Family homes of which 19 proposed Zero Lot Line Single Family Homes 138 Stacked townhome units" that the application describes.

Environment:

- Again from the Official Plan, (3.17.15.b, c) "development of permitted residential and commercial uses may proceed provided that the on-site servicing requirements of the Cataraqui Region Conservation Authority, the Ministry of the Environment and Climate Change and the City or applicable approval authority are satisfied"

Can you confirm that indeed the Cataraqui Region Conservation Authority has evaluated this proposal and is satisfied with the proposed development? I have read the letter by Michael Dakin of the CRCA dated March 4, 2022 in the file and share ALL of the concerns. Responding comments from the developer on May 11, 2022 do little to address the concerns, instead replying "work is ongoing" to nearly every point.

- All notes above under **D10-020-2022** also apply here.

The City of Kingston declared a climate emergency in 2019. Clearcutting woodland and impacting wetlands for development is directly contradictory to the intent of reducing and mediating our impact on the environment.

Parceling off sites that were designated heritage properties as recently as 2017 is directly contradictory to the intent of preserving, and maintaining our cultural heritage.

Placing a high density residential neighbourhood in a place directly beside a creek, a railroad track, and accessed only by a narrow road is an invitation to a huge environmental impact, it would be a difficult area for emergency services to access, and there is the consideration of the noise and vibration from the railroad only metres away. We live 138m from the train tracks, and the passing trains shake our house. The proposed houses are a quarter of that distance away.

This proposed development is a terrible idea for so many reasons. I beg you to reject these applications.

Emily Bickell
580 Rankin Cres., Kingston.

Didrikson, Amy

From: Mary Ann McAndrews
Sent: August 11, 2022 12:55 PM
To: Lambert, Lindsay
Cc: Osanic, Lisa
Subject: Re: new subdivision on 4085 Bath Rd.

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

Yes please, thank you.

On Thu, Aug 11, 2022 at 11:43 AM Lambert, Lindsay <llambert@cityofkingston.ca> wrote:

Good morning Ms. McAndrews,

CN Rail was circulated for comment on the applications, as required by the Planning Act. In their response, they have indicated that they will require a 1.83 metre chain link fence along the property line that they share with the subject lands.

In terms of providing safety in terms of the proximity of the moving trains to the proposed dwellings, CN Rail requires a minimum 30 metre setback in combination with a safety berm that is 2.5 metres above grade at the property line.

Would you like me to add your August 6 email correspondence to the file for these applications?

Lindsay



Lindsay Lambert MCIP, RPP (she/her/hers)

Senior Planner

Planning Services

City of Kingston



Located at: 1211 John Counter Boulevard,

Mailing Address: 216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 2176

llambert@cityofkingston.ca

From: Osanic,Lisa <losanic@cityofkingston.ca>
Sent: August 8, 2022 12:20 AM
To: Mary Ann McAndrews
Cc: Lambert,Lindsay <llambert@cityofkingston.ca>
Subject: RE: new subdivision on 4085 Bath Rd.

I am forwarding your email to planning staff. Thank you, Mary Ann. Lisa

Lisa Osanic (she/her)

Councillor – Collins-Bayridge

From: Mary Ann McAndrews
Sent: August 6, 2022 1:39 PM
To: Osanic,Lisa <losanic@cityofkingston.ca>
Subject: new subdivision on Bath Rd.

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

Good afternoon , Lisa,

I am writing for some information regarding the fencing along the railway line. I live directly behind the new subdivision on the other side of the tracks. Over the almost 50 years that I've lived there, if I am correct, six children have been killed on the tracks, taking short cuts . This is a main line rail service that is almost exactly half way between Toronto and Montreal and often the trains pass each other behind my house. Because the west side of this development borders a creek, the property is a draw for kids to explore, build forts and fish along the water. In order to get to the woods, they will be crossing the train tracks. Could you please let me know what kind of fencing will be used to prevent this.

Thanks for your time, Mary ann McAndrews

Linda O'Connor
476 McCullough Park Drive
Kingston, Ontario
K7M 8K3

11 July 2022

Submitted electronically to:

City of Kingston Planner: Lindsay Lambert (llambert@cityofkingston.ca)

City of Kingston District Councilor: Lisa Osanic (losanic@cityofkingston.ca)

Record D35-014-2021: OPA, ZBA, DPC, DPS
- Proposed Development Vicinity of 4085 Bath Road

I have reviewed the subject application as presented on www.cityofkingston.ca/business/dash and wish to make known some of my observations:

1. Destruction of woodlands and wetlands.

- The intent of the proposal is to **comprehensively redevelop** the subject lands.
- It is proposed to remove 550 mature trees which will be replaced with 46 buildings consisting of 171 units and only 130 “new” trees.
- The western end of proposed property is considered a **wetland** (Source: Ontario Ministry of Agriculture, Food and Rural Affairs Agmap). The proposal falls with the extensive Cataraqui Source Protection Area and also falls within the extensive Southern, Central and Eastern Ontario area of **Highly Vulnerable Aquifers**. The western edge of the proposed development would see the destruction of existing habitat along Collins Bay Creek which contributes beneficially to an Aquatic Species At Risk zone at the mouth of the creek.
- There is a water branch coming off Collins Creek north of the rail tracks and terminating just north of 4101 Bath Road. This is not addressed in this proposal.
- The proposed development would sit on an area of Paleozoic zone with bedrock consisting of limestone, dolostone, as well as some shale, arkose, and sandstone. The surface is categorized as Landowne Clay.
- We understand that significant effort would need to be undertaken to tie into services north of the railway and south of Bath Road/Hwy 33. This undertaking and its impacts are not addressed in the application.

Concerns

- This undertaking proposes a significant razing of the 8+ hectares of landscape which contains wetlands and woodlands and wildlife habitat. The impacts on the existing local environment unequivocally need to be addressed and mitigated.

- Much disruption can be foreseen in order to develop the property with blasting and or hoe-ramming of the bedrock to accommodate foundations and roads, sewers and other services as well as routing of service connections under the railway to the north and under Hwy 33 to the south. The effect on the local area and its residents must be addressed and the impacts mitigated.
- The work to be undertaken raises serious concerns about the loss of mature soil retaining/erosion preventing root systems. Impact on the Riparian Habit, Valleylands, Wetlands and Ground Water Sensitivity all need to be addressed and mitigated if that is even possible.

2. Significantly Increased Vehicular Traffic.

Observation

- The proposal plans for the introduction of 306 dedicated parking spaces associated with 171 units. It appears there will be only single road access to Bath Rd only from Station St. There is no mention in the proposal as to how this is to be dealt with.

Concerns

- Possibly the biggest concern for current residents of Bath Road and its adjacent subdivisions is the impact of significantly increased traffic that this proposal represents. Hwy 33 is already a very busy roadway. Current residents already suffer significant wait times trying to get onto the highway from their driveways and access roads. Now it proposed to inject the output from an additional possible 306 vehicles from the development (not including those parked in non-dedicated parking areas) and this will occur from a single access road to Highway 33 that lies 256m west of the busy Collins Bay/Bath Rd T-intersection and 285m east of an existing 2 lane bridge. It is unlikely the impacts of this can be mitigated and that reason alone should be enough to deny this proposal.
- Also of importance is that Station Street runs beside Collins Bay Public School which will now become a heavily trafficked school zone. I also view this as unacceptable.

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- This proposal states the intent is to: “to comprehensively redevelop the subject lands with a mix of Single Detached Dwellings and Townhouse Dwelling residences, including the introduction of Zero Lot line Single Detached Housing as an **affordable** form of Single Detached Dwellings. (Note: Zero Lot line Single Detached Houses are for all intents and purposes row houses with a small open space between them instead of a common or party wall). (Note: The housing density of the proposed development approaches 21 units/hectare which is 4 to 8 times denser than existing Bath Road developments like Sycamore and Elmwood which have an approximate density ranging from 2.5 to 5 units/hectare. The term affordable is not defined in the proposal.

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Closing Summary

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And finally, I re-iterate that injecting a high-density development with a single access road onto an already busy 540 m segment of a provincial highway bottlenecked between a two lane bridge and a busy T-intersection does not seem viable. For this reason, if for no other, I believe this proposal should be denied.



Linda O'Connor

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Ed and Janice Clapp
4307 Bath Rd
Kingston, ON
K7M 4Y9

04 July 2022

Submitted electronically to:

City of Kingston Planner: Lindsay Lambert (llambert@cityofkingston.ca)

City of Kingston District Councilor: Lisa Osanic (losanic@cityofkingston.ca)

Record D35-014-2021: OPA, ZBA, DPC, DPS
- Proposed Development Vicinity of 4085 Bath Road

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1. Destruction of woodlands and wetlands.

- The intent of the proposal is to **comprehensively redevelop** the subject lands.
- It is proposed to remove 550 mature trees which will be replaced with 46 buildings consisting of 171 units and only 130 “new” trees.
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Concerns

- This undertaking proposes a significant razing of the 8+ hectares of landscape which contains wetlands and woodlands and wildlife habitat. The impacts on the existing local environment unequivocally need to be addressed and mitigated.
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Didrikson, Amy

From: Sharon Montague-Jackson
Sent: July 1, 2022 6:46 PM
To: Lambert, Lindsay; Osanic, Lisa
Subject: Record D35-014-2021: OPA, ZBA, DPC, DPS - Proposed Development Vicinity of 4085 Bath Road
Attachments: Draft Letter.docx
Follow Up Flag: Follow up
Flag Status: Flagged

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

Sent from [Mail](#) for Windows

01 July 2022

Submitted electronically to:

City of Kingston Planner: Lindsay Lambert (llambert@cityofkingston.ca)

City of Kinston District Councilor: Lisa Osanic (losanic@cityofkingston.ca)

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Tim & Lynn Matthews
1572 Fairleigh St. K7M5P5

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Submitted electronically to:

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City of Kingston District Councilor: Lisa Osanic (losanic@cityofkingston.ca)

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Timothy Matthews

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From: [Fawcett, Elizabeth](#)
To: [Colin B](#)
Cc: [Lambert, Lindsay](#)
Subject: Re: 4085, 4091, and 4097 Bath Road
Date: June 27, 2022 12:45:17 PM

Good afternoon Colin,

Thank you for your email on this matter. By way of copy to the Planner on the file, your correspondence will be added to the file and included in a future agenda of the Planning Committee when the item returns for consideration. Please be advised that any personal information in the email you submitted (including but not limited to, your name, contact information, opinions and views, etc.) may form part of the public agendas and minutes, and therefore will be made available to members of the public at the meetings, through requests, and through the website of the Corporation of the City of Kingston.

Should you wish to be added to the notification list for this application and receive an email when the matter is scheduled to return to the Committee, please let Lindsay know.

If I can be of further assistance, please do not hesitate to contact me.

Kind regards,



Elizabeth Fawcett
(she/her/hers)
Committee Clerk
Office of the City Clerk



City of Kingston
City Hall,
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 ext. 1219
efawcett@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over his shared land.

From: Colin B
Sent: June 20, 2022 4:53 PM
To: Fawcett, Elizabeth <EFAWCETT@cityofkingston.ca>
Subject: 4085, 4091, and 4097 Bath Road

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

I watched the planning meeting from June 16th and had a few comments regarding the proposed development on Bath road. Well there are some very good aspects of it, I particularly like that it is higher than the average density that is typical of current suburban areas (though it could be still higher density). The concern I have is allowing development close to the creek. It is very much a story of two halves. The eastern half closer to Station st makes a lot of sense for a new housing development, the western half that is currently forest and close to the creek should not be built on.

One other note. If this goes ahead, it should be ensured that the bike lane on Bath rd is extended out that far and that the bus line is improved (it is very indirect) before the first houses are occupied.

Thank you for your time
Colin Burt
33 Ontario st

409 Southwood Dr.
Kingston, On.
June 24/22.

To Kingston Planning
Committee & Kingston Councillors ~

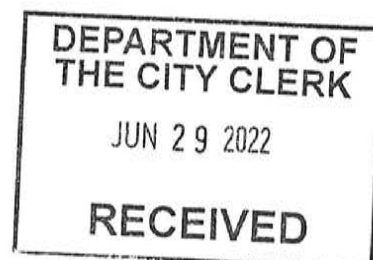
As a Kingston resident, I'm writing about concerns re a proposed residential development along Bath Rd; -4085, 4091, 4097 Bath Rd. I've lived in Elmwood for fifty-seven years and seen traffic increase greatly, road expanded and housing developed immensly.

Not only are we in climate change where trees shouldn't be cut down, but there is only one exit where homeowners will be able to exit onto Bath Rd. Elmwood has two exits and is still very difficult to exit onto Bath Rd.

I urge Kingston councillors to decline this proposal and look for alternate treeless properties closer to downtown services.

It is rare that I would express my opinion about developments being proposed but in this case I feel very strongly opposed. Please take this consideration into your decision.

Sincerely,
Ailane Hickling.



Didrikson, Amy

From:
Sent: June 16, 2022 8:18 PM
To: Lambert, Lindsay
Subject: submission to Planning Committee
Attachments: 4058 Bath Road 17 jun 22.pptx

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello Lindsay:

Please accept these comments as my written submission regarding the planning application for 4085 Bath Road.

Thank you.

Vicki

Vicki Schmolka

Development Proposal Armitage Homes Ltd. 4085, 4091, 4097 Bath Road

Submission to Planning Committee

June 17, 2022

Vicki Schmolka

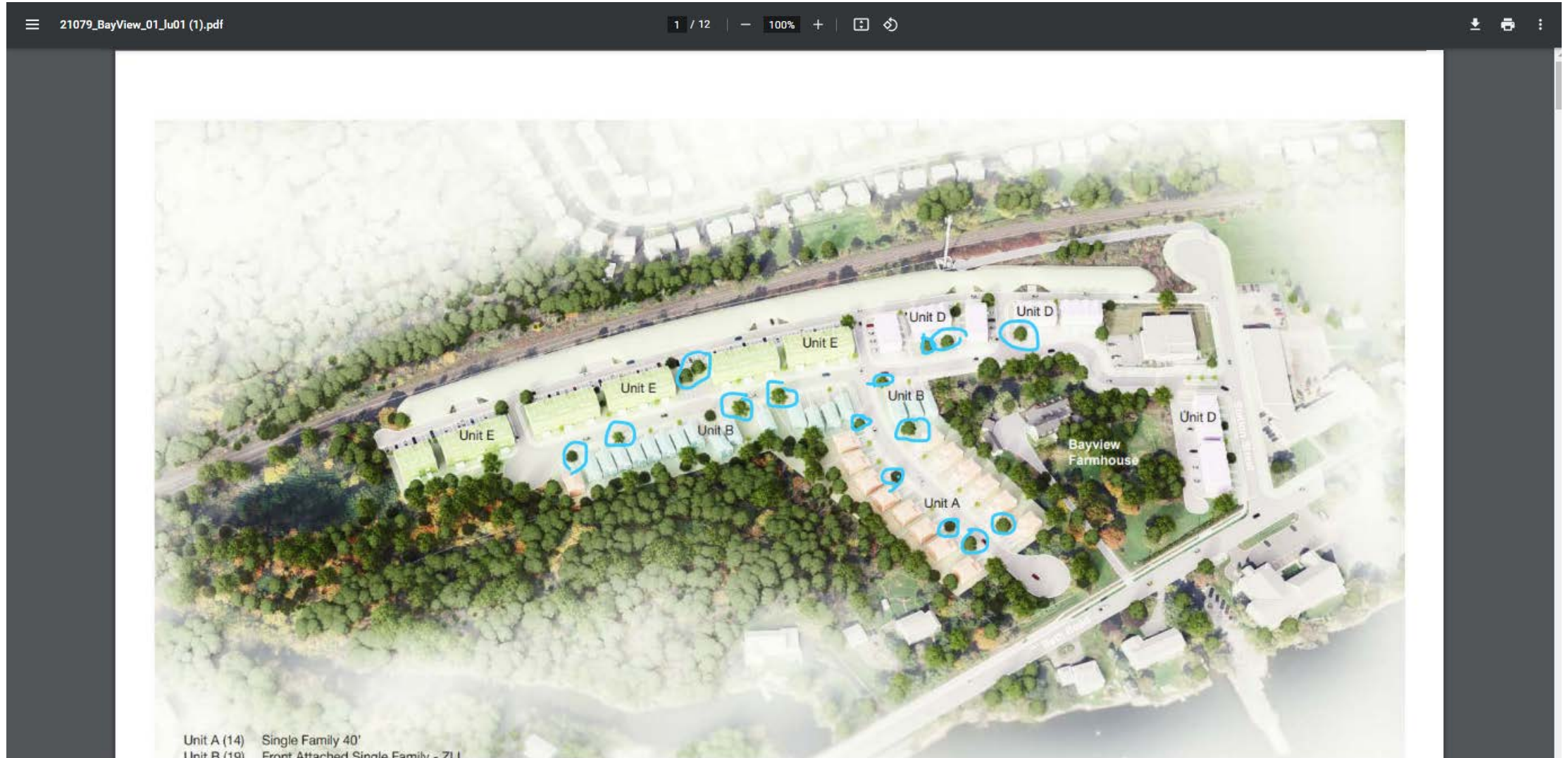
From Google Maps



Big picture questions

- Is it appropriate to build in this interior space behind existing homes?
- Is there the required road frontage/access for the proposed development?
- Is it wise to have 171 units – 500+ people with access through only Station Road?
- How are the abutting industrial uses compatible with the proposed residential uses?
- Is it good planning to have the space “privatized” as a condominium without a public park or the municipality assuming the roadways, lighting, sewer, etc. What are the risks to the municipality of this approach?
- Is this condominium housing going to be close to affordable or will it be a return on investment opportunity for investors who will rent the units?

Concept plan submitted by the applicant



Practical questions

- With zero lot line homes, where do people put the snow they need to clear from their stairs and walkways? Where will there be room for street trees? Only a handful are shown in the proposed layout.
- The Planning Rationale says: “The local roads within the proposal will be designed to a 16 m right of way, with sidewalks on both sidewalks and parking on one.” Is a 16 m roadway sufficient? The City’s standard?
- Why are there over 300 parking spaces provided for 171 units when 214 spaces are required? i.e. hard-surfacing 86 spaces.
- The stormwater plan seems to direct some of the rain water etc. directly into the city’s system. Is this correct? As there does not seem to be a cost to do this at this time, is this beneficial to the city’s stormwater management system? i.e. what is now absorbed on the property will be directed into city pipes at no cost to the developer/condominium owners.
- Why are parking spaces being reduced in length?

Requested reduction in parking space length

Required: 2.75 m x 6 m with 6.5 m aisle

Requested: 2.6 m x 5.2 m (surface) and 2.6 m x 5.9 m (garage) with 6 m aisle



From: Fawcett, Elizabeth
To: [REDACTED]
Cc: Osanic, Lisa; Lambert, Lindsay
Subject: Re: Citizen Concerns for Planning Meeting Record, June 16th
Date: June 15, 2022 12:25 01 PM

Good afternoon Sarah,

Thank you for providing these comments. To include this correspondence as part of the record, the communication will be added to the agenda materials to be shared with the Planning Committee, staff and members of the public. Please be advised that any personal information in the email you submitted (including but not limited to, your name, contact information, opinions and views, etc.) may form part of the public agendas and minutes, and therefore will be made available to members of the public at the meetings, through requests, and through the website of the Corporation of the City of Kingston.

Please do not hesitate to contact me directly if you have any questions regarding the collection, use, and disclosure of your personal information.

Kind regards,



Elizabeth Fawcett
(she/her/hers)
Committee Clerk
Office of the City Clerk



City of Kingston
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efawcett@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over his shared land.

From: Sarah Knight [REDACTED]
Sent: June 14, 2022 1:26 PM
To: Fawcett, Elizabeth <EFAWCETT@cityofkingston.ca>
Cc: Osanic, Lisa <losanic@cityofkingston.ca>
Subject: Citizen Concerns for Planning Meeting Record, June 16th

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

Dear Elizabeth - Please see my letter below which I request be included in the official records for Thursday's meeting. I copy Cllr. Osanic here as my local representative. Many Thanks.

Dear Kingston Planning Committee,

I am writing to express my concerns over the proposed development at 4085 Bath Road. I cannot attend the meeting on June 16th, and request that the contents of this email are submitted to the official record of this meeting.

As a local resident my concerns are numerous, but for the purpose of this letter I will stick to my concern of priority which is the impact on the surrounding natural environment.

As you are aware, there is a significant woodland that would be affected by this development. The woodland is a diverse one, with nearly 20 tree species identified in a recent survey. The carpets of trilliums in the spring are a testament to its overall health. It is home to many creatures. I myself have spotted foxes, fishers, bald eagles, deer, and numerous species of small mammals, ducks, birds and amphibians on my strolls along the paths that run alongside the rail.

Within this proposed development there are measures that could be taken to better ensure the health of the woodland and creek are not excessively compromised, without having to eliminate the development entirely.

1. The proposed stormwater pond would result in the loss of many trees. I understand that another way to manage stormwater has been suggested that would allow for the preservation of these trees. What is the barrier to considering this alternate approach?
2. Could the units not be built to a higher density? It is what urban planners everywhere are suggesting as a no-brainer approach to balancing out the need for development with that of environmental conservation. We must build up, not out. Three story units are a common and popular approach.
3. Prioritizing the health of the creek and creekside habitats could be better included by a setback much larger than merely 30 metres. This is simply not enough.

Given Kingston declared a climate emergency in 2019 and apparently committed to safeguarding the environment for future generations, the city must hold itself accountable to that claim. It is the city's responsibility to its citizens who choose to live here. In fact, I am one who chose Kingston, 7 years ago now, as a place to live because of Kingston's seeming commitment to prioritizing the natural environment. I do hope that my choice was a good one, and that council representatives and city staff continue to reach for the goals that you set yourself and promised to future generations of Kingstonians.

Best Regards

Sarah Knight, PhD
703 Aylmer Crescent, Kingston ON

From: William Campbell

Date: May 19, 2022 at 4:43:37 PM EDT

To: "Hurdle,Lanie" <lhurdle@cityofkingston.ca>

Cc: "Bolognone,John" <jbolognone@cityofkingston.ca>, "Lambert,Lindsay" <llambert@cityofkingston.ca>

Subject: File D-35-014-2021 , Proposed Official Plan Amendment / Bylaw Amendment

Dear Madam ,

Pleased be advised that I am opposed to this development as proposed and wish to address my concerns at the public /planning meeting scheduled in June .

Kindly acknowledge my opposition .

Thank you .

Bill Campbell BA MPA

(former City of Kingston Councillor)

From: William Campbell

Date: June 8, 2022 at 5:23:56 PM EDT

Cc:

Subject: Proposed Residential Subdivision, Project # 4085

I am forwarding this submission as a past Kingston Township Councillor (6 years) and past City of Kingston Councillor (6) years with some concerns regarding the proposed residential subdivision File # D -35-014-2021.

Most of us who have reviewed the developers application are familiar with this site as we generally travel Hwy 33 several times each day . The draft plan of subdivision shows lands contained by Collins Creek to the west, to the north by the CNR rail corridor, to the east by Collins Bay Public School and to the south by the Kings Highway 33. This proposed residential subdivision will contain 33 single residents and 138 stacked townhouses with a total of 171 residential units. The existing Bayview Farm lands are to be excluded from this proposed development.

This proposed residential subdivision will generate 300 + vehicles daily. These vehicles will be directed thru the subdivision road network to a relatively small municipal road ...Station Road...to eventually spill out onto Hwy 33. This anticipated traffic will pass directly by Collins Bay Public School.

Herein lies my concerns.

I am in favour of residential development in The City of Kingston. Based on the present shortage of housing stock reasonable residential development is encouraged. My past record on council clearly indicates my continued support for reasonable residential development in the city.

My opposition to this proposed plan of subdivision is based on several features directly related to safety and traffic as outlined as follows:

(1) A single subdivision entrance along Station St. To Hwy 33.

(2) The magnitude (171) residences with 300+vehicles attempting to access an extremely busy Hwy 33 during AM and PM rush hour periods . This will become even more dangerous as there is no proposed signification, Traffic Lights, at this intersection of Station St. / Hwy 33.

(3) The Traffic Impact Study indicates that this residential subdivision will generate traffic to and from the highway based on traffic counts etc... I note that this study was completed during the Covid pandemic and may not accurately predict the future traffic patterns along

Hwy 33. Many residents, in Kingston, and to the west may now be working from home and not travelling the highway regularly. The traffic impact review should consider the impact of the new highway bike lanes. The public boat launch ramp located across from the development is quite busy spring to fall which may create more traffic congestion.

(4) The close proximity of Collin Bay School must be a consideration when monitoring the traffic and school safety. The school has a pupil enrolment, an after school program and a resource centre. Staff and parents access the west school parking lot located directly beside Station St. There could be safety issues related to traffic and parking. These issues should be resolved with the developer and the school board.

(5) The developers planner has suggested that the potential traffic problems can be resolved without traffic lights. The plan involves vehicles exiting Station St easterly onto Hwy 33 can first enter the left turning lane before crossing into the drive thru lane, when it becomes clear of heavy traffic. This solution does have a flaw. Once the vehicle is prepared to cross into the clear drive thru lane it must cross the continuous white line. I believe that this is illegal. It would seem that this " Safety Lane " is not a good solution .This information has been offered by a reliable source .

(6) Initially , the Draft Plan of Subdivision showed (2) entrances , Station St entrance and a second entrance westerly . The second entrance has now been eliminated in favour of an interior cul-du -sac. This is a serious safety issue that should raise some concerns. Three subdivisions in the neighbourhood, Homewood, Lawrence Park, and Ridgewood Estates. Each of these (3) three established neighbourhood subdivisions have (2) two entrances. The second entrance is a " Safety Valve " that permits emergency vehicles fast and easy access to each subdivision in the event that the primary entrance is blocked and inaccessible . At present, the developer proposes only (1) one entrance. Emergency vehicle response must be a priority.

(7) A resident raised what I thought was a valid concern. Will the development of 171 new residences in this neighbourhood have an impact on the municipal water pressure to the other neighbourhoods? I do not have an answer for this valid question but expect that an answer can be expected shortly.

Conclusions:

I have drafted this submission based on personal observations and discussions with many residents. Almost all agree that the Draft Plan of Subdivision should incorporate plans to install signalized Traffic Lights at the intersection of Station St / Hwy 33. Without proper signification, this intersection will become a traffic nightmare. Also, the developer should incorporate a second entrance (possibly right-in / right-out) for serious safety concerns that cannot be ignored . The second entrance will also reduce the heavy traffic flow at the

Station St entrance.

My review was completed with the assistance of a retired MTO traffic analyst who agrees with my recommendations. Many agencies have provided comments regarding this proposed Plan of Subdivision. I encourage the Planning Committee and Council to carefully review this Proposed Plan of Subdivision and give considerable thought to the future traffic impact and the remedies to resolve a probable traffic nightmare in Kingston West.

Respectfully submitted,

Bill Campbell , BA , MPA , SR/WA , CRA

Lambert,Lindsay

From: Osanic,Lisa
Sent: April 25, 2022 10:16 PM
To: Lambert,Lindsay
Subject: FW: 4085 Bath Road Proposed Development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lindsay. Please add this correspondence to the file and the request that traffic lights be added to Station St. and Bath Road to pre-empt traffic accidents that are going to be bound to occur at this intersection on Bath Road when cars try to turn left to go eastbound on Bath Road during rush hour. Bath Road is extremely busy with non-stop traffic at this exact spot during rush hour and there are going to be accidents with cars turning left. It is doubtful that traffic won't be able to get through during the investigation. A road closure will be a major problem due to all of the traffic on Bath Road. The residents living in the area who know the traffic patterns best in this immediate area are requesting traffic lights.

Lisa Osanic (she/her)
Councillor – Collins-Bayridge
599 Rankin Cr. Kingston, ON K7M 7K6 613-389-7336 www.lisaosanic.ca

-----Original Message-----

From: William [REDACTED]
Sent: April 21, 2022 1:10 PM
To: Osanic,Lisa <losanic@cityofkingston.ca>
Cc: Pat And tom Harpell [REDACTED]; Dean & Linda Lane [REDACTED]
Subject: 4085 Bath Road Proposed Development

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Hi Lisa ,

Hope all is well and that you and family are staying well. Have you heard any new developments for this proposal since we communicated ?

I have had the opportunity to discuss this proposal with many Bayshore residents . It appears that one solution to the anticipated traffic spill out onto Highway 33 could be a signalized intersection . In my opinion , the MTO would likely not recommend traffic lights at this location in close proximity to the Collins Bay traffic lights .

However , Bayshore residents are very concerned that this proposed development could be signalized even though we have requested traffic lights for many years . I believe that as both a Bayshore resident and district councillor that you may wish to review these resident concerns .

Let's hope that these concerns are resolved prior to the proposed Public Meeting June 16th 2022 .
Thank you .

Best,

Bill

Sent from my iPad

March 11, 2022

Lindsay Lambert
City of Kingston – Planning Services
216 Ontario Street
Kingston ON K7L 2Z3

Sent via email to llambert@cityofkingston.ca
cc Lisa Osanic losanic@cityofkingston.ca

Subject: Proposed Official Plan Amendment (OPA) and Zoning By-Law Amendment (ZBA)
City File Number: D35-014-2021

Dear Ms. Lambert,

I understand that housing is in short supply in Kingston and am not opposed to residential development in the Collins Bay Area. That being said, I do have environmental concerns regarding the proposed residential development in the vicinity of Collins Creek.

My primary concerns are outlined under the headings below. After reading the Scoped Environmental Impact Assessment that was submitted by Armitage Homes Limited along with their application, I do not believe that these concerns have been properly addressed.

Fish Spawning Habitat

Section 4.3 of the assessment discusses fish habitat. A screenshot of this section is included below for reference.

4.3 Fish Habitat (Natural Heritage “A” Feature)

There is no specific fish sampling record for the Collins Creek system, and at this location, the fish habitat in the creek will be more reflective of fish in Lake Ontario. The water becomes progressively shallower with distance from the lake until it reaches the CN Line, whereby upstream fish movement would not be possible due to upstream barriers. Extreme water events might allow fish to get past this barrier, but the downward water flows and shallow water would limit the fish species that could be found upstream in proximity to the development area. Overall, it is a warm water system, and typical species expected here would be the 3-spine stickleback, fathead minnow, golden shiner, brown bullhead, pumpkinseeds, largemouth bass, and northern pike.

The bare limestone pavement in the upper reaches of the creek that are adjacent to the development lacks a suitable substrate to support nesting. The closest suitable nesting areas with riparian features start more than 120 m southwest of the of the development area. Impacts to fish would not be expected at this distance, especially considering the intervening wooded buffer.

Since there is a large separation distance between fish habitat and development, stormwater impacts are likely negligible. Having said that, stormwater controls will be put in place as defined by the Ministry of the Environment Stormwater Management Planning and Design Manual and as required by the City of Kingston and Cataraqui Region Conservation Authority.

Fall Season

The assessment makes no mention of salmon spawning in Collins Creek. In fact, the assessment states that “[t]he bare limestone pavement in the upper reaches of the creek that are adjacent to the development lacks a suitable substrate to support nesting.”

This statement is troubling given what I, and other local residents, know about fish activity in Collins Creek. Each and every year, in late October and early November, salmon spawn in the region immediately to the west of the proposed development. A portion of the creek contains a gravel substrate, which appears to be suitable for nesting. The fact that salmon return year after year (despite no stocking efforts in Collins Creek) indicates that this spawning activity is successful.

Images of spawning salmon in the vicinity of the development are included as Appendix A. There is very little distance between some of the nesting area and the proposed stormwater pond.

The salmon that I have personally observed and identified are Chinook salmon. Pacific salmon (including Chinook) were introduced to Lake Ontario after the original Atlantic salmon were extirpated in the late 1800s. Pacific salmon continue to be stocked in Lake Ontario, and these species have become an important part of Lake Ontario’s fishery system.

Efforts to reintroduce Atlantic Salmon continue in rivers in the western region of Lake Ontario (refer to <https://www.bringbackthesalmon.ca>). It is possible that rivers in the Kingston region may also be suitable for reintroduced Atlantic salmon if habitat is preserved.

Habitat destruction from damming, deforestation, and other development was one of the primary reasons for the loss of the original salmon in this area.

Spring Season

The assessment also states that “[t]he water becomes progressively shallower with distance from the lake until it reaches the CN Line, whereby upstream fish movement would not be possible due to upstream barriers. Extreme water events might allow fish to get past this barrier...”

The assessment report’s findings are based on a single site visit in January 2022. The water levels are low in January, and the conditions described may be accurate at that time of year. In both spring and fall, water levels are significantly higher, and upstream fish movement occurs on a yearly basis. Images of typical spring water levels are included as Appendix B.

Every spring, numerous fish species enter Collins Creek from Lake Ontario and make their way up the creek to spawn in the areas immediately to the west, southwest, north, and northwest of the development area. Observed species include Northern Pike (*Esox lucius*), Bowfin (*Amia calva*), Rainbow Trout (*Oncorhynchus mykiss*), Stonecat (*Noturus flavus*), and White Sucker (*Catostomus commersonii*). Gar are also present in Collins Creek in the Lawrence Park area. Images of some of these fish species are included as Appendix C.

Groundwater

A portion of Collins Creek flows through a small cave system at the southeast corner of the pond that lies to the north of the CN rail line and in close proximity to the proposed residential development. One would be unable to determine the exact path of the water without testing, but it appears to flow underground through the development area.

The flow of water underground is high during the spring and fall (which also coincides with fish spawning activity in Collins Creek) and low or non-existent at other times of the year.

During spring and fall, water can be observed flowing out of the limestone cliffs on the eastern side of Collins Creek that are in the direct vicinity of the proposed development. It appears likely that this water originates from the pond and flows underground through the development area.

There is no mention of this water source in the development application documents. Given that the developer intends to construct water lines, sanitary sewers, and other underground infrastructure, there may be risk of contamination or obstruction of the water flow in the lower portion of Collins Creek.

Loss of Trees and Small Buffer Zone

A related issue is the significant loss of trees in the heavily wooded area along Collins Creek. The public documents show a net loss of 420 trees, but this only appears to count mature trees. The site plan shows a 30 metre buffer along the creek, which is very minimal. A wider buffer would benefit terrestrial wildlife while also providing more substantial separation between the development and spawning fish.

I believe that more research is required to determine the effects of any proposed development on the fish species in Collins Creek. Spawning fish are sensitive to changes in water quality, temperature, depth, and rate of flow. I would oppose any zoning change or development until appropriate research has been completed.

The submitted assessment is scoped in nature, and the cover letter makes reference to additional work in May/June. It is unclear if any of this work would relate to fish habitat. I would defer to experts, such as the Cataraqui Region Conservation Authority, but perhaps field work in March, April, late October, and early November when fish are active in Collins Creek would be more suitable.

I would also like to request assurances from the City that there will be no development to the parcel of land that is north of the CN rail line (PIN 36126-0184 according to the local land registry office). This land appears to also be zoned EPA and D. I believe many local residents would be surprised (as I was) to learn that this land is not already part of Lawrence Park. If the owner is willing to sell, would the city consider purchasing this land instead of letting a developer buy it? A commitment by the City to preserve this land, and other land in the Collins Creek watershed, would be appreciated.

Sincerely,



Nick Stefano
683 Aylmer Crescent
Kingston ON K7M 6L7

Appendix A – Fall Fish Species



Salmon in Collins Creek a few metres north of the CN rail line. October 27, 2021.



Salmon on its way towards the pool that lies north of the proposed development. October 30, 2021.

Appendix B – Spring Water Level



Images of Collins Creek at the CN bridge. Note that the cement blocks nearest the proposed development are submerged. These water levels are typical in Spring and Fall when fish spawning takes place. March 12, 2016.

Appendix C – Spring Fish Species



Rainbow Trout that became trapped in a shallow pool to the northwest of the proposed development. May 24, 2020.



Male and female Northern Pike northwest of the proposed development. Much of Collins Creek contains suitable breeding grounds for Pike. Pike must travel past the development zone to reach spawning areas. March 27, 2016.



Bowfin in shallow water near the pond that lies north of the development zone. June 23, 2016.



White sucker. Large numbers of these fish enter Collins Creek in April to spawn. April 6, 2020.

Lambert,Lindsay

From: Bill Rhamey [REDACTED]
Sent: February 27, 2022 3:45 PM
To: Lambert,Lindsay
Subject: Residential development proposal for 4085 Bath Road

Follow Up Flag: Follow up
Flag Status: Flagged

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Thank you for the opportunity to comment on the proposed OPA and ZPA for the subject lands under City File Number: D35-014-2021. I am a property owner on Tamarac Street and not directly affected by the proposed subdivision development but offer my comments for your consideration.

First, I note that the amendments relate to both the lands north of the CN railway and south of the railway to Bath Road adjacent to Collins Creek. I acknowledge that the proposed subdivision only relates to the southern lands, specifically the portion of lands "known as 4085 Bath Road." The City of Kingston's DASH provides a more detailed map of the subdivision proposal which is helpful.

With regards to the area north of the CN line, the lands include a wide floodplain for Collins Creek and significant vegetation, tree cover and wildlife. I note Collins Creek has a wide seasonal variation in flow - the creek floodplain is critical to handling the spring flow. I do hope that City will maintain this environment as is.

Collins Creek south of CN track is narrow and deep with rushing waters in spring. I am not familiar with the vegetation east of the creek that would be removed to accommodate the proposed development but Google Maps does show extensive tree cover. I would highly recommend that the developer provide a buffer zone of at least 12 metres (ideally greater) similar to other Collins Creek developments. This would serve to provide an element of child safety i.e. separation of properties from the creek; maintain a wildlife corridor along the creek; and help to retain at least some of the tree cover that will be otherwise removed through development of these lands.

While I support the intensification of land uses within the urbanized area, there are ample lands for the development within the city that I think are better suited for development. On that basis, I'm opposed to the development. That said, I appreciate that the City must address the applicant's proposal on its "merits" in the context of existing city land use and other policy.

My central concern is the proposed density in this limited area as it is limited with respect to proximity to the creek, CN track and access to Bath Road via Station Road. No doubt that is why the proponent is proposing a large (133) component of stacked townhouses vs detached (33) dwellings. I trust that the planning department will look closely at the appropriate number of townhouses and location within the subdivision.

I think a traffic impact study would be beneficial: the 166 units would likely generate (conservatively) 166 trips in the a.m. and p.m. peaks all focused on the Station Rd / Bath Rd intersection. (In contrast most subdivisions have multiple points of road access). Bath Road is very busy during this period and left turns will be quite difficult. (The impact study must consider future traffic levels on Bath Road not just the existing). I note that there is also Collins Bay school and day care in the corner for which access onto Bath Rd can be difficult at peak periods. It may become an issue for the city in the future as people may call for a traffic signal for vehicular and pedestrian safety (which should be at the developer's expense). A reduced number of units would lower the number of vehicles and risks in accessing Bath Road.

I hope these comments are helpful. I look forward to the preliminary information report.

Thank you,
Bill Rhamey
1407 Tamarac Street

Lambert,Lindsay

From: Lambert,Lindsay
Sent: May 17, 2022 12:36 PM
To: [REDACTED]
Subject: FW: 21079 JA Bayview Farm_Siteplan
Attachments: 21079_JA-BayviewFarm_Siteplan_01 (1).pdf

Hello Mr. Cupido,

I am reaching out to confirm that I am the assigned planner for the proposed OPA/ZBA at 4085, 4091 and 4097 Bath Road (File D35-014-2021) and have received your correspondence below.

The applicant has submitted a Traffic Impact Study (TIS) in support of the applications. All of the supporting documents for the applications can be accessed on the City's Public DASH portal: <https://apps.cityofkingston.ca/DASH/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=REC21&capID2=00000&capID3=002V8&agencyCode=KINGSTON>

The TIS and all of the other plans and studies have been circulated to all relevant departments and agencies for review and comment. Please note that this section of Bath Road is under the jurisdiction of the Ministry of Transportation (MTO). MTO has been included on the technical circulation of the applications.

There will be a virtual public meeting for the proposed development on June 16 hosted by the City's Planning Committee. You will receive a notice of this public meeting by both mail and email. Interested members of the public can register in advance for an opportunity to speak at the public meeting.

Please confirm if you would like your email below included as formal correspondence on these applications and included in the Committee's agenda package posted to the City's website. Interested members of the public have the opportunity to provide written comments on the proposed applications throughout the process.

Lindsay



Lindsay Lambert MCIP, RPP (she/her/hers)

Senior Planner
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard,
Mailing Address: 216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 ext. 2176
llambert@cityofkingston.ca



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

From: David Cupido [REDACTED]
Sent: May 17, 2022 10:35 AM
To: Sthamann,Lindsay <lsthamann@cityofkingston.ca>
Cc: Agnew,Paige <pagnew@cityofkingston.ca>; Capener-Hunt,Lisa <lcapener-hunt@cityofkingston.ca>; Maxine Cupido [REDACTED]
Subject: 21079 JA Bayview Farm_Siteplan

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Good morning, Ladies,

I live in the area and do have some concerns. Our home is the first home on the west side of the creek. My main concern is the traffic. There are some mornings that I cannot get out of my driveway for at least five minutes. I tried one morning to force this this and was almost hit broadsided. It was like the driver didn't see me. As you are aware we have a traffic light at Collins Bay Road. If one is installed Station St. this would again cause further traffic delays. Also, the amount of people that are going into this subdivision in front of the school is a further concern of ours. I hope you would consider, posting signs and slower speeds, also warning the motorists to allow entry for our neighbors to Bath Road. Bath Road has become a very busy road and creating the subdivision is going to create an extreme amount of pressure on the traffic flow for us and all of my fellow neighbors. My neighbor was hit recently by a motor vehicle.

I'm assuming there will be a traffic study and a recommendation on how to resolve the concerns that I mentioned in this email. Is it possible to give me an update on where we are on this?

Regards,

David Cupido (President)
David J Cupido Construction Limited

[REDACTED]