

# LVEC

# NORTH BLOCK

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## **1. INTRODUCTION**

Since the early nineties various Councils for the City of Kingston have evaluated the prospects of developing a new facility to replace the Memorial Centre. In late 2003, Council passed a resolution to support the Large Venue Entertainment Centre Task Force (LVEC Task Force) established by the Mayor to make recommendations to Council regarding types of events and activities needed by the Community and supported by an LVEC, the appropriate location for an LVEC and a financing vehicle for an LVEC.

As a sports and entertainment venue, the LVEC will host concerts, family shows, special sporting events, trade shows, conventions etc. It will also be the home of the Kingston Frontenacs, an Ontario Hockey League Major Junior A franchise, and help meet the community's need for ice and floor based recreation sports. The facility will deliver significant direct and indirect economic benefits, estimated to be in the range of \$20 M annually.

The LVEC Task Force's recommendations with respect to location were twofold:

- (1) The LVEC be downtown, and
- (2) The LVEC be located at Anglin Bay, in the Inner Harbour.

As part of its evaluation of the Anglin Bay site, and in response to public input received, Council, at its September 20, 2005 meeting passed the following motion which, in part, reads:

**WHEREAS** the Market Study was distributed to members of Council on September 13, 2005;

**AND WHEREAS** the **North Block** remains a possible site within this Downtown context;

**AND WHEREAS** the Market Study is specific to a Downtown site;

**THEREFORE BE IT RESOLVED** that the Business Plan and Market Study be received and used as the basis for the construction of the new sports and entertainment centre at a downtown site, and that the **North Block** be the subject of a comprehensive site analysis under the direction of the Chief Administrative Officer for report to Council not later than November 15, 2005, for site decision by Council on that date,...

This report is submitted for Council's consideration as part of its deliberations on the North Block site.

## **2. NORTH BLOCK - LOCATION**

The four and one half (4 ½) blocks known as the North Block (see Figure 1) are bounded by:

- Place D'Armes on the north,
- Wellington Street on the west,
- Queen Street to King Street and the currently non-built frontage along Queen Street to Ontario Street on the south, and
- Ontario Street on the east.

The **North Block** is part of the Central Business District and the Downtown Kingston Business Improvement Area and occupies a strategic location in downtown Kingston. It is only one block from Princess Street, the city's principal downtown shopping street. To the east is Ontario Street, and further east is the shoreline of Kingston Harbour. To the northeast lie the historic Fort Frontenac, and the causeway leading across the Cataraqui River to Kingston East. To the north are law offices and an office building of the Provincial Ministry of Health, as well as a low-rise high-density residential development (Frontenac Village) constructed approximately 20 years ago. Just beyond it are Anglin Bay and the Inner Harbour. To the west of the North Block lies Wellington Street, a north south arterial street, linking Princess Street to residential districts north of it. To the south is the continuation of the Central Business District, the historic downtown core for the City of Kingston.

## **3. LVEC DESCRIPTION**

The proposed LVEC is to be a signature sports and entertainment facility.

From a functional perspective, the LVEC will include all amenities required to adequately host concerts, family shows, theatre, trade shows and community events, and to meet the facility operator's needs. It will include the construction and outfitting of food and beverage concessions, meeting rooms, private suites, and a four-sided video replay system. A 300 seat restaurant, complete with window seating, is also included in the plan.

The ice pad will be a single pad of National Hockey League (NHL) size, 200 feet by 85 feet. The LVEC will become the new home of the Kingston Frontenacs, and the Kingston and District Sports Hall of Fame.

The building concepts for the LVEC were prepared by Norr Architects and by Brisbin Brook Beynon Architects. These are shown as Figures 2 to 5. Both concepts are based on slab on grade construction.

The LVEC will have a building foot print of approximately 75,000 sq. ft (6,968 sq. m) and will contain a total floor area of approximately 132,000 square feet (12,263 sq m). It will initially have a total of 5,000 seats. The building will be designed in such a way to accommodate future expansion of the total seating from 5,000 seats to 6,000 seats to meet population growth in the City of Kingston and surrounding area.

#### **4. SELECTION OF DEVELOPMENT SITE**

Site selection of a specific land parcel for development within the North Block was based on:

- Land ownership;
- Existing land use;
- Serviceability;
- Accessibility;
- Compatibility;
- Avoidance of land acquisition, if practical; and
- Ability to build the LVEC while retaining the existing grid system for travelled roads without the need to close existing thoroughfares.

##### **4.1. Land Ownership**

The lands that comprise the North Block are owned by four parties. Land ownership is, as shown in Figure 6 and discussed as follows:

Block No.1: bounded by Wellington Street, Barrack Street, King Street, and Place D'Armes is owned by The City of Kingston and 771375 Ontario Limited.

Block No.2: bounded by King Street, Place D'Armes, Ontario Street and Barrack Street is wholly owned by the City of Kingston.

Block No. 3: bounded by Wellington Street, Queen Street, King Street, and Barrack Street is owned by Kincore Holdings Ltd. and the LCBO.

Block No. 4: bounded by King Street, Barrack Street, Ontario Street and Queen Street is wholly owned by the City of Kingston.

Block No. 5: is one half (½) of a block located on the south side of Queen Street between King and Ontario Streets and is owned by Kincore Holdings Ltd.

##### **4.2. Existing Land Use**

Existing land use is shown in Figure 7. Existing buildings on the North Block site are small. Existing land uses are commercial, industrial/utility, and parking. The number of parking spaces on each block is also shown in Figure 7.

Block No. 2 bounded by King Street, Barrack Street, Ontario Street and Place D'Armes is the only block to have no buildings or structures on it. It is gravel surfaced and used for ground level parking.

### **4.3. Serviceability**

All four blocks have services available to them as is discussed further below.

### **4.4. Accessibility**

All four blocks are accessible. The North Block is bounded on all sides by arterial roads as shown on Schedule E (See Figure 8) to the Official Plan. These are Place D'Armes, Wellington Street, Queen Street and Ontario Street. Each block abuts an arterial road on two sides.

### **4.5. Compatibility**

The North Block is located in downtown Kingston. The North Block is used for commercial, industrial/utility and parking. There are no residential uses within or directly abutting the site.

The site is surrounded by commercial uses along Wellington Street; commercial uses along Queen Street; commercial, transportation and education uses along Ontario Street; and open space and commercial uses along Place D'Armes.

The nearest residentially designated and occupied lands are Frontenac Village. Frontenac Village is separated from the North Block by an arterial road (Place D'Armes), a park at Place D'Armes and Ontario Street, and commercial uses on the north side of Place D'Armes.

Proposed height for the LVEC, based on the architectural concepts, is approximately 12.8 metres at the build-to-plane (the lot line) and 18 metres at the maximum height of the LVEC for the concept by Norr Architects and 13.8 metres at the build-to-plane and 21.8 metres at the maximum height of the LVEC. This is well within the heights permitted by Zoning By-law 96-259 of 17 metres at the build-to-plane and 25.5 metres at the apex of the angular plane. A pictorial representation of the above is contained in Appendix B.

A high degree of compatibility is achieved by the location of the LVEC on the North Block site. The proposed use, from a land use planning perspective, is compatible with the adjoining uses.

### **4.6. Land Acquisition and Avoidance of Building(s) Demolition**

The buildings located along Queen Street are of historical significance. Other buildings such as the LCBO, Good Life Fitness, and Food Basics all contain active business. The only block able to accommodate the LVEC without the need to relocate existing businesses, demolish existing buildings, or acquire additional land is block No. 2.

#### **4.7. Street Pattern and Grid Street System Retention**

The site, if possible, is to accommodate the LVEC without the need to close existing streets to pedestrian and vehicular traffic and retain the existing block grid pattern. Block No. 2 is the only block which can accommodate the LVEC without the closure of roads, and maintain the existing grid pattern of roads.

#### **4.8. Summary**

Based on the above evaluation, Block No. 2 is the only block which appears to satisfy all the above criteria. It is bounded by Place D'Armes, King Street, Ontario Street, and the existing park at Ontario Street/Place D'Armes. The block is evaluated in more detail and is hereafter referred to as the "subject site".

### **5. POLICY FRAMEWORK**

The subject site, was evaluated from the standpoint of the Official Plan, Zoning By-law, Site Plan Control By-law, the *Environmental Assessment Act*, and Council Policy on Energy and Environmental Design.

#### **5.1. Official Plan**

The subject site is designated Central Business System and Open Space (see Figure 9).

Within the Central Business System a full and diversified commercial land use mix is permitted. Uses include recreation and entertainment, cultural facilities and community facilities. The subject site is partly within the Lower Princess Street Commercial Core. Within the Lower Princess Street Commercial Core, the proposed use is permitted.

The portion of the site designated Open Space permits both active and passive recreation uses, social and cultural facilities and community centres. The LVEC would be in conformity with the permitted uses in the Official Plan if located on the subject site.

#### **5.2. Zoning By-law**

The Zoning for the North Block area is regulated by Comprehensive Zoning By-law No. 96-259, the Downtown and Harbour Zoning By-law for the City of Kingston (see Figure 10). The subject site is zoned "C1-22 -H" Special Central Business District Zone. Within the C1-22-H zone a wide range of community and commercial uses are permitted. This includes an Arena and a Community Recreation Centre. The two uses are defined as follows:

**Arena**: means a building or structure, or part thereof, where facilities are provided primarily for athletic, artistic, circus, entertainment, or recreation programs, activities, performances or events.

**Community or Recreation Centre**: means a publicly owned building, structure or lot used for recreation or social or cultural activities, meeting or other leisure activities. Common types of facilities may include: swimming pools, curling rinks, hockey rinks, racquet courts, training rooms, meeting rooms, gymnasiums, auditoriums and arenas.

Based on the information received from the architects to date, and based on the review of the concepts, the proposed LVEC can be constructed on the block of city owned lands in conformance with the existing zoning. The LVEC, as seen in Table 1, would comply with the C1-22-H zone on the subject site, which is owned by the City.

**TABLE 1  
ZONING PROVISIONS AND  
COMPARISON TO LVEC**

<b><u>C1-22-H ZONING PROVISIONS</u></b>		<b><u>LVEC CONCEPT</u></b>
<b>Lot Area (Min)</b>	<b>Nil</b>	<b>Complies</b>
<b>Lot Frontage (Min)</b>	<b>Nil</b>	<b>Complies</b>
<b>Yard (Min)</b>	<b>Nil</b>	<b>Complies</b>
<b>Height (Max)</b>		
• <b>At build-to-plane</b>	<b>17m</b>	<b>Complies</b>
• <b>Angular-plane</b>	<b>25.5m</b>	<b>Complies</b>
<b>Lot Coverage (max)</b>	<b>100%</b>	<b>Complies</b>
<b>Off Street Parking</b>	<b>Nil</b>	<b>Complies</b>
<b>Off Street Loading</b>	<b>Nil</b>	<b>Complies</b>
<b>Bus Bays</b>	<b>3</b>	<b>Complies</b>

Full compliance is achieved by encroaching onto the road allowance of Barrack Street, King Street and Place D'Armes and shifting the centreline of roads accordingly. The right hand turn lane from Place D'Armes to Ontario Street will be removed, in accordance with the Downtown Action Plan.

A copy of the C1 and the C1-22-H zone provisions are attached as Appendix A. Schematics of the height permitted in the C1-22-H zone and the proposed height for the LVEC are shown in Appendix B. Based on the information shown in this appendix, and information received from the architects who prepared the preliminary concepts, full compliance with the zoning provisions can be achieved on the site.



- A wholly commercial project with the retail on the ground floor and office uses above the ground floor.

A mixed use building is expected to generate 63 parking spaces for retail and approximately 251 spaces for residential. A commercial use would generate the need for 464 parking spaces. Although technically there is no parking requirement for commercial uses in the applicable zoning, parking for those uses would be required at the same time as the demand for spaces for other uses downtown, that is, during normal business hours. Also, traffic generated would be for the same journey to work times as other commuters who work downtown. Conversely LVEC parking needs and travel is at "off" normal business hours. This therefore allows for "shared parking" and travel at "off" peak commuting times.

#### **5.4. Site Plan Control and Holding (H) Removal**

Site Plan Control Approval will be required and the removal of the Holding (H) Symbol will also be required in accordance with the Zoning By-law's general provision and the provisions for the C1-22-H zone.

By-law No. 98-91 establishes the approval authority for applications for Site Plan Control. Section 5 of the By-law delegates final approval authority for Site Plan Control to the Manager of the Planning Division. When an application for Site Plan Control is received it is circulated to all members of Council. Any one member of Council may "bump up" the application to the Planning Committee for final approval.

An application for Site Plan Control approval will require the following supporting information:

- Overall Site Plan;
- Site Servicing Plan;
- Site Grading and Drainage Plan;
- Landscaping Plan;
- Plan for dealing with Storm Water Management;
- Building Elevations and Floor Plans;
- Traffic and Parking Analysis and design of any offsite road improvements; and
- Site Specific Risk Assessment.

Once all technical departments are satisfied, Site Plan Control approval can be issued by the Manager of the Planning Division unless approval is "bumped up" to the Planning Committee.

Following Site Plan Control approval and once a Record of Site Condition has been registered in accordance with Provincial laws a report can go forward to Council for the removal of the " H " Holding Provision on the subject site. A Record of Site Condition has been prepared for the subject site based on a generic development scenario. Once a development plan is finalized a Risk Assessment specific to that

development should be conducted and an addendum to the Record of Site Condition prepared.

In the case of both Site Plan Control approval and the removal of the "H " Holding Symbol the only appeal to the Ontario Municipal Board is by the Applicant, in this case, the City of Kingston.

### **5.5. Environmental Assessment Act**

The subject site and related road works do not raise any requirement for an environmental assessment. As the design of the LVEC progresses and becomes more specific, the requirements of the *Environmental Assessment Act* will be monitored to ensure compliance is continued.

## **6. SITE EVALUATION**

The subject site was considered from the standpoint of:

- Environmental Site Condition;
- Site Servicing;
- Traffic;
- Parking;
- Downtown Action Plan;
- LVEC Infrastructure Costs; and
- Costing.

## **7. ENVIRONMENTAL**

### **7.1. Site Background**

The subject site is the location of a former coal gasification works. In 2001 the City of Kingston completed a risk-based site clean up on the subject site and other coal tar affected sites. The \$2.3 million clean-up involved removal and disposal of contaminated soils, pure phase coal tar and some groundwater as well as a risk assessment and risk management plan (RA/RMP) that addressed risks to future development posed by coal tar that remains trapped at depths within the fractured limestone bedrock.

### **7.2. Site Clean Up**

The 2001 North Block Risk Assessment/Risk Management Plan provided a generic approach to risk management since no particular type of development was envisioned at the time of writing. The RA/RMP identified little risk associated with slab on grade commercial or industrial development. It did identify the potential for increased risks if sub-grade occupancy occurred.

With the advancement of the LVEC project, well defined structure plans will become available. These plans should form part of an addendum to the existing

North Block RA/RMP. The addendum should be completed by a qualified risk assessor in accordance with O.Reg. 153/04 and will need to be submitted for review to the Ontario Ministry of the Environment before redevelopment can take place. The addendum will assess potential human health risks posed by remaining subsurface contaminants to the occupants and users of the proposed LVEC. If required, risk management measures will be incorporated into the design of the LVEC structure.

Development on the subject site must adhere to the requirements set out within the RA/RMP and to any amendments made thereto and accepted by the Ministry of the Environment.

During site preparation it is anticipated that contaminated soils will be encountered beneath roadways adjacent to the North Block site. Contaminated soils are relatively simple to manage through excavation and off-site disposal. Given the quantities of contaminated soil predicted from road construction it is anticipated that costs would not become prohibitive. The City will be required to clean up the soils as part of planned road improvements whether or not the LVEC proceeds.

### **7.3. Impacts on Project Schedule**

Once a Council approved design concept is available, the addendum to the RA/RMP should take 3 to 4 weeks to complete depending on the degree to which engineering controls must be incorporated into the design of the structure.

Once the addendum is completed it must be submitted for review and approval to the Ministry of the Environment. For the purpose of project planning, we recommend the allocation of 20 weeks for the completion of review and comment by the Ministry. This timing for Ministry approval, through pre-consultation with the appropriate Ministry personnel, is expected to be comparatively short. The time schedule will be addressed as part of the project timelines to be approved by Council.

Removal of contaminated soils beneath adjacent roadways should have no significant impact on project schedules.

## **8. SITE SERVICES**

A review of site services indicated the following:

### **8.1. Sanitary Drainage**

Trunk sanitary sewer and local sewers are present in the immediate area. Sanitary sewers connect to the existing Harbour Front Trunk sewer located on Ontario Street and Place D'Armes. This sewer intercepts the combined storm and sanitary sewers in the older areas of the City and drains to the River Street Pumping Station to the north.

Utilities Kingston has undertaken the Harbour Front Trunk Sewer Environmental Assessment (EA). Trunk sanitary sewer capacity should be available upon completion of the Harbour Front Trunk Sewer Project and the River Street Pumping Station Upgrades. Utilities Kingston indicates that hooking up to the trunk sanitary sewers should not be a problem.

The projected peak flow for the LVEC is estimated at 20 to 35 l/s. As there is no current analysis regarding available capacity within the local network, LVEC local sewer development capacity cannot be confirmed without a detailed assessment. A sanitary sewer assessment, including an evaluation of available existing capacity and estimated loading in accordance with the City of Kingston Site Plan Design Guidelines, will need to be undertaken for the LVEC development.

## **8.2. Storm Water Management**

The subject site is served by combined storm and sanitary sewers. Flow from the combined sewers drains into the Harbour Front Trunk Sewer.

The existing storm sewer system offers no storm water management measures to address water quality issues. There is no opportunity for end-of-pipe storm water management measures to improve storm water quality at the sewer outfalls. Lot level storm water management controls should be used where possible.

Three potential outlets exist to the northwest, north, and southeast. The post development flows will increase marginally from existing conditions. Some quantity control will be required depending on capacity in the system and will likely entail rooftop or partial rooftop control. Location is in close proximity to receiving water bodies. Some minor quality control measures may also be incorporated. Run-off is expected to be fairly clean because the site is 100% rooftop and sidewalk.

Analyses of existing capacity, proposed drainage, and storm water management handling techniques will need to be fully considered at the Site Plan Control stage.

## **8.3. Water Supply**

Water service is available. 400mm watermains are located along Wellington Street and Place D'Armes. The watermains should be sufficient to service the site. The building would likely need a 200mm service to meet fire flow demands. A water capacity assessment including fire flows available, design estimated loading, and capacity evaluation in accordance with the City of Kingston Site Plan Design Guidelines will need to be undertaken for the LVEC development.

## **8.4. Electrical Supply**

Electrical service in the area is constrained by the available capacity at Substation 1. Substation 1 (MS1) operated by Utilities Kingston is located at 29 Queen Street (north east corner of Queen Street and King Street East). The LVEC is estimated to

require 1.0 to 1.5 MVA service and therefore will need to be serviced off the 44kV distributions system. Capacity is available from the 44kV network. All connections, transformation, switching etc. will be part of the LVEC. There will not be any impact or changes to MS1 as a result of the LVEC service.

### **8.5. Natural Gas Supply**

Natural gas service is available. Current gas configuration would likely be insufficient to service the facility at the proposed location. However upon completion of the second High Pressure gas main (currently under construction) and the completion of several gas regulator stations (also part of the gas main project) sufficient gas will be available to meet the demand.

Confirmation of natural gas capacity and loading will need to be confirmed for the LVEC development as part of the Site Plan Control approval process.

### **8.6. Communications**

There does not appear to be any constraint in other utilities such as telephone, cable television, and communications in and around the subject site.

Actual connections to the utilities would be determined at the Site Plan Control stage.

Some surface and subsurface relocation of services in existing ROWs would be required. This includes water main, Bell, and Hydro.

### **8.7. Services Summary**

In summary, sufficient utility services are located adjacent to the subject site to service it. Actual connections and confirmation of servicing requirements are typically the subject of the Site Plan Control approval process.

## **9. TRAFFIC**

The Transportation Master Plan outlines the City's strategic direction for the development of its transportation networks, programs, and priorities. The Urban Growth Strategy specifies growth scenarios for the City of Kingston. The two studies work in tandem and both have been approved by Council. The studies anticipated growth within the North Block as a whole, which includes the subject site, to the period 2026. Development of the North Block, as envisioned by the Urban Design Guidelines for the North Block Central Business District, includes a mixture of commercial and residential uses together with parking facilities.

The Transportation Master Plan identifies roadway capacity deficiencies. Future growth in the North Block and downtown will necessitate transportation network improvements regardless of whether or not the LVEC is constructed on the subject site.

Implementation of transportation network improvements including two additional lanes across the Cataraqui River, the extension of Wellington Street north to John Counter Boulevard/Elliott Avenue and operational capacity improvements in the area will be required to accommodate general growth in the Downtown area, additional growth in Kingston East, expanded needs associated with Wolfe Island Ferry, and new development in the North Block area. Such improvements are required whether or not development of the LVEC proceeds.

A traffic analysis is required at the Site Plan Control stage for development of the LVEC to ensure adequacy of site access, and safety and efficiency of operations on the adjacent road network at the time of construction.

## **10. PARKING**

The Zoning By-law (No. 96-259) states that there are no parking requirements for uses listed as Commercial Uses in the C1 Zone. An Arena and a Community or Recreation Centre are listed as permitted uses in the C1 and C1-22-H zones.

Parking availability was analysed for the Anglin Bay LVEC proposal by Castle Glenn Consultants. Overall, it was concluded that there is sufficient parking downtown to accommodate the proposed use.

With the location of the LVEC on the subject site, it is more central to the downtown and to existing public and private parking spaces. Parking lots such as the Hanson Lot and the Robert Bruce Lot are now within 600 metres of the LVEC. Hence, the analysis for the Anglin Bay site remains valid.

## **11. DOWNTOWN ACTION PLAN (DAP)**

The Downtown Action Plan (DAP) is an infrastructure renewal and public open space plan. The Plan forms part of Kingston's ten year Capital Plan for the infrastructure for the whole downtown. Council, by resolution on September 7, 2004, extended the timeline for the DAP's implementation to 15 years, and the DAP is to be implemented as capital project financing and logistics permit.

The DAP study area consists of approximately thirty-six city blocks. The project will involve the replacement of roughly nine kilometres of urban streets and sidewalks, from building edge to building edge.

Beyond the infrastructure replacement, the DAP also:

- Directs increased green space and connections to the waterfront;
- Co-ordinates streetscape improvements (street furniture, paving, lighting, road cross sections, and open space);
- Identifies opportunities for tourism, recreation and entertainment; and
- Improves traffic movement.

The DAP looked comprehensively at the downtown. The DAP refined the work and principles set out in the Downtown Design Concept released in 2001. The DAP (2003) has created an opportunity to enhance the success of the downtown, and to build on community expectations and synergies. The Urban Design Guidelines for the North Block Central Business District (2004) compliment the DAP and provide a guide intended to encourage development at the North Block. Construction of the LVEC on the subject site is, therefore, consistent with the goals and objectives of the Downtown Action Plan.

### **11.1. DAP and Phasing**

The DAP proposes a detailed phasing program for implementation and construction of the works over a 10-year period. The program has been extended to a 15 year period. Each phase has been identified according to a geographic area. It is planned that both underground hard service and above ground streetscape works be undertaken together. Each phase will result in a ‘completed’ section when finished.

As part of the phasing, the DAP shows (see Figure 11) major infrastructure along Wellington Street, Place D’Armes and Barrack Street being within Phase 2 of the DAP. Work along Wellington Street has commenced. Improvements are required and are proceeding whether or not the LVEC is located on the subject site. Construction of the LVEC at the subject site, and any site improvements, are consistent with the intent of the DAP.

## **12. DAP IMPROVEMENTS and LVEC**

### **12.1. Downtown Action Plan (DAP)**

As part of the Downtown Action Plan (DAP) a number of improvements are projected to proceed in the near future. Infrastructure improvements include such items as servicing upgrades, intersection reconfigurations, signalization upgrades, road widenings, additional traffic signals, improvements to accommodate pedestrians and bicycles, and lighting upgrades. These costs are not attributable to the LVEC because the City will be reconstructing these roads in any event. The LVEC, however, will influence the phasing anticipated in the DAP. Improvements listed in the DAP are part of the City Capital works budgeting process and require Council approval as part of that process.

### **12.2. LVEC Infrastructure Costs**

Construction of the LVEC on the subject site will require relocation of existing infrastructure located either on-site or in the public right of way immediately adjacent to the site. The costs of relocating existing infrastructure and servicing the LVEC are as follows:

Utility Infrastructure .....	\$570,000
Site Servicing .....	\$870,000
Site Environmental.....	\$65,000
Archaeological .....	\$125,000
<b>Total: .....</b>	<b>\$1,630,000</b>

**12.3. Summary**

Significant improvements were planned for the North Block as part of the DAP. The DAP represents Council's policy to proceed with downtown improvements. The LVEC location on the subject site is consistent with the intended timing of improvement within the DAP.

**13. LVEC FACILITY COSTING**

Two architectural firms were asked to consult with their design-build general contractor partners to estimate the construction costs. The criteria for costing were as follows:

- The building is to have the same seating and amenities as were detailed in the Business Plan;
- The external and internal finishes are to be similar to the John Labatt Centre in London;
- The costs estimated will be included in the RFP for short-listed design-build teams who will be asked to provide a Guaranteed Maximum Price for constructing and outfitting the building. For this reason, they were asked for estimates that were both conservative and realistic.

Before taking into consideration the costs associated with acquiring the privately owned Anglin Bay properties and the relocation of Metal Craft Marine, the total capital cost of \$37.3 M in the Business Plan is composed of:

- Construction Cost (including hard costs, soft costs, costs external to the site and contingency ..... \$30.5M
- Furniture, Fixtures and Equipment ..... \$3.1M
- Guaranteed Maximum Price (to be quoted by the design-build teams) ..... \$33.6M
- City Fees (including building permits, impost fees and development charges..... \$1.7M
- City Pre-construction and administration ..... \$0.8M
- Optional Equipment (Fly Grid and Cat Walk)..... \$1.2M
- Capital Cost (excluding land acquisition and business relocation) ..... \$37.3M

With the exception of the site conditions, most of the costing of the building and furniture, fixtures and equipment will be the same as on the Anglin Bay site. There are also some similarities in the geotechnical conditions. However, the geotechnical and environmental conditions on the North Block site are better known and there is greater certainty. In the case of Anglin Bay, the building foundations needed additional piling driven down to bedrock whereas, on the North Block, caissons will be constructed down to bedrock.

In costing an LVEC for the North Block site, both design-build teams have the benefit of having concept plans, building schematics and sound geotechnical data. The end result of the exercise is that the costing of \$33.6M above remained valid.

The estimated costs of \$1.7M for City fees and \$0.8M pre-construction and administration for the Anglin Bay site should remain the same on the subject site. The Optional Equipment cost of \$1.2M is also independent of the site selected.

As a result of the above cost analysis, if the decision is made to proceed with construction on the North Block, it is reasonable to assume that the Capital Cost for constructing and equipping the LVEC will remain the same as the \$37.3M in the Business Plan.

If the decision is made to build on the North Block site, there are:

- No land acquisition costs,
- No cost for relocating a business, and
- No costs for refurbishing/replacing the dry dock.

## **14. NORTH BLOCK OPPORTUNITIES AND OPPORTUNITY COSTS**

Location of the LVEC on the subject site within the area known as the North Block creates a number of additional opportunities as well as opportunity costs.

### **14.1. Opportunities**

- Acts as a catalyst for development of the balance of the North Block. Such development could include additional hotel accommodation and retail development.
- Locates the LVEC in an area where it conforms to the Official Plan and Zoning By-law.
- The LVEC is judged to be compatible with existing and future potential land uses on the North Block site and the downtown.
- Multi-level parking facilities/transit facilities could be undertaken by the City, by the private sector, or as a joint effort by the City and the private sector on adjacent land.

- The development of a large municipal project represents a downtown opportunity at Brownfield Reclamation by bringing these lands into a highly productive use.
- The subject site will access existing infrastructure and parking, thus reducing the need for new or extended systems. Water, sanitary and storm sewers, natural gas and electrical as well as communications and transportation infrastructure needs will be minimized.
- In accordance with Kingston's Transportation Master Plan, the selection of a site within the downtown core allows for a more integrated systems approach by using existing pedestrian, bicycle and public transit infrastructure.
- A downtown destination with a heavy reliance on dispersed parking also compliments the use of the existing public transit system and supports greater pedestrianization.
- Should spur additional development in the downtown through the creation of synergies.
- When combined with the tourism opportunities at Fort Henry, and tourism opportunities through the improvement to Market Square, the LVEC activities, by way of enhanced recreation, convention facility and tourism, will contribute to the retention of a vibrant downtown.
- Should speed up the implementation of development ideas in the Urban Design Guidelines for the North Block Central Business District.
- Above activities should improve the downtown tax base.
- LVEC location, based on the work of the Mayor's Task Force, the Business Plan and the Market Study, should provide for the greatest economic benefit to the City as a whole if located downtown

#### **14.2. Opportunity Cost**

- Development of the site for an LVEC would mean that the site is not available for sale to development interests for uses such as office, hotel, retail facilities or a combination of commercial and residential uses.

## LVEC North Block - Appendix A – C1 and C1-22-H Zone Provisions

### SECTION 7 - CENTRAL BUSINESS SYSTEM (C1) ZONE

#### 7.1 PERMITTED USES

The following are permitted uses within the Central Business System (C1) Zone:

#### **Commercial Uses**

Adult Entertainment Parlour  
Adult Entertainment Store  
Auditorium or Public Hall  
Amusement Arcade  
Arena  
Art Gallery  
Automobile Gas Bar  
Automobile Sales Establishment  
Automobile Service Station  
Automobile Specialty Repair Shop  
Bakery  
Bake Shop  
Bank or Financial Establishment  
Bed or Breakfast Establishment  
Church or Religious Institution  
Commercial Entertainment Establishment  
Commercial Establishment  
Commercial Recreation Facility  
Commercial School  
Computer Programming Establishment  
Community or Recreation Centre  
Convenience Store  
Data Processing Establishment  
Day Care Centre  
Department Store  
Drugstore/Pharmacy  
Dry Cleaning Outlet  
Florist  
Food Store  
Funeral Home  
Government Office  
Hardware Store  
Home Improvement Centre  
Hotel  
Laundry, Coin Operated

Liquor or Beer Store  
Medical Clinic  
Medical Office  
Mixed Commercial/Residential Development  
Motel  
Nursing Home  
Office  
Office Supply and Equipment Sales, Rental and Service  
Parking Lot  
Parking Structure  
Personal Service Establishment  
Pet-Grooming Establishment  
Photo or Artist Studio  
Photocopying or Blueprinting Shop  
Photofinishing Establishment  
Postal or Courier Service  
Printing and Binding Establishment  
Private Social and Cultural Facility  
Public Use  
Radio or Television Studio  
Rental Outlet  
Repair Service  
Restaurant  
Restaurant, Outdoor Patio  
Restaurant, Take-Out  
Service Establishment  
Specialty Retail Store  
Taxi Establishment  
Telecommunication Services  
Transportation Terminal  
Video Rental

**Non-Commercial Uses**

Community Home  
Community Support House  
Crisis Care Shelter  
Home Occupation  
Recovery Home  
Residential Care Facility

7.2 **REGULATIONS**

Within a Central Business System (C1) Zone, no lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or

used except in compliance with the applicable regulations contained in Section 5 of the General Provisions, the regulations set out in Table 7.2, and as specified below:

**Table 7.2  
Regulations Governing Central Business System (C1) Zone**

Minimum Lot Area	nil
Minimum Lot Frontage	nil
Minimum Front Yard	The required front yard shall be prescribed by the build-to-plane requirements of Section 7.2.1 or in accordance with Section 7.2.7
Minimum Side Yard	nil, except as required in: Section 7.2.5 or Section 7.2.7 whichever is greater
Minimum Exterior Side Yard	The required exterior side yard shall be prescribed by the build-to-plane requirement of Section 7.2.1
Minimum Rear Yard	nil, except as required in: Section 7.2.5 or Section 7.2.7 whichever is greater
Maximum Building Height Angular Plane	In accordance with Section 7.2.2 In accordance with Section 5.6, and as prescribed in Section 7.2.3
Build-to-Plane Minimum Building Height	In accordance with Section 7.2.1 2 storeys, not to be less than 8.5 m (27 ft)
Maximum Lot Coverage	100 %
Minimum Lot Coverage	50 %
Maximum Density	123 residential units per net hectare
Off-Street Parking	In accordance with Sections 5.22.5.5, 5.22.5.6, 5.22.5.7 and 7.2.6
Off-Street Loading	nil
Amenity Area	In accordance with Section 5.5
Waterfront Pathways	In accordance with Section 7.2.8
Water's Edge Floodproofing and Erosion Control	In accordance with Section 5.37

7.2.1 BUILD-TO-PLANE

In addition to the regulations in Section 5.8, the build-to-plane shall match the existing setback line of immediately adjacent buildings within the block face. Where immediately adjacent buildings have different setback lines, the setback line shall be the same as the immediately adjacent building sited closest to the street right-of-way. Where no adjacent buildings exist within the block face, the build-to-plane shall be at the street right-of-way.

7.2.2 MAXIMUM BUILDING HEIGHT - C1 ZONE

In addition to the provisions of Section 5.6 and Section 5.8, the following shall also apply:

7.2.2.1 MAXIMUM BUILDING HEIGHT

This regulation affects those lands, buildings, and structures contained within the C1 Zone that are not otherwise regulated for maximum building height:

Height at Build-to-Plane      4 storeys, not to exceed  
17 metres (55 feet)

Height Along Angular Plane    6 storeys, not to exceed  
25.5 metres (83 feet)

7.2.3 ANGULAR PLANE HEIGHT - C1 ZONE

The commencement height of the angular plane shall be 17 metres (55 feet).

7.2.4 CONVERSION OF COMMERCIAL BUILDINGS FOR RESIDENTIAL USE

Any building erected on or before the date of approval of this by-law and located in the C1 Zone may be converted in such a manner as to contain one or more dwellings subject to the regulations contained in Section 7.2 and in accordance with the following:

- (a) all such dwellings are located in or above the second storey (exclusive of the basement or cellar);
- (b) there is no expansion or enlargement of the external walls or roof of the existing building; and
- (c) there shall be no regulations regarding Minimum Front Yards, Side Yards, Rear Yards, Maximum Percentage of Lot Coverage, and Amenity Area.

7.2.5 ABUTTING RESIDENTIAL ZONES

Notwithstanding the regulations set out in Table 7.2, where the interior side yard or the rear yard abuts a Residential Zone, then the minimum interior side yard or rear yard respectively shall be increased to half the height of the building or 6 metres (20 feet), whichever is greater.

7.2.6 OFF-STREET PARKING LOCATION

Off-street surface parking shall only be located in a side yard or a rear yard.

7.2.7 MINIMUM REQUIRED BUILDING OR STRUCTURE DISTANCE FROM WATER'S EDGE

Notwithstanding any provisions of this By-Law to the contrary, within the Central Business System (C1) Zone the minimum required distance between the water's edge and the nearest part of any land based building or structure shall be 10.0 metres (33 feet). In addition to the structures set out in Section 5.1.5 the following structures shall be exempt from the 10.0 metre (33 feet) setback: emergency response or rescue equipment, lighting, poles and benches.

7.2.8 WATERFRONT PATHWAYS

7.2.8.1 PATHWAY WIDTH

The minimum width of a waterfront pathway shall be 10.0 metres (33 feet).

7.2.8.2 PATHWAY DESIGN

All waterfront pathways shall be designed so that they are open and uncovered from the ground to the sky.

7.2.9 PARKING STRUCTURES

Notwithstanding Table 7.2, the following regulations shall apply to parking structures:

- (a) the build-to-plane requirements of Section 7.2.1 shall not apply;
- (b) the minimum building height requirements shall not apply;
- (c) the minimum lot coverage requirement shall not apply.

**7.3.22 – NORTH BLOCK CENTRAL BUSINESS DISTRICT C1-22**

**7.3.22.1(H) HOLDING SYMBOL**

The use and removal of the 'H' Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law.

The 'H' Holding Symbol shall not be removed until such time as:

- (i) All site servicing issues have been addressed to the satisfaction of the Municipality;
- (ii) A Record of Site Condition has been registered in accordance with Provincial regulations.

**7.3.22.2 PERMITTED INTERIM USES**

Existing 'C1' uses

**7.3.22. ZONE REGULATIONS WHEN 'H' (HOLDING SYMBOL) IS REMOVED**

Notwithstanding any provision of the By-Law to the contrary, the following uses and regulations shall apply to the C1-22 Zone:

**7.3.22.3 (a) PERMITTED USES**

Permitted uses shall be as set out in Section 7.1 of this By-law, with the exception of the Prohibited Uses listed in Section 7.3.22.3 (b) hereafter.

**7.3.22.3 (b) PROHIBITED USES**

Notwithstanding Section 7.1, Automotive Gas Bar, Automotive Sales Establishment, Automobile Service Station and Automobile Specialty Repair Shop shall be prohibited.

**7.3.22.3 (c) MAXIMUM BUILDING HEIGHT**

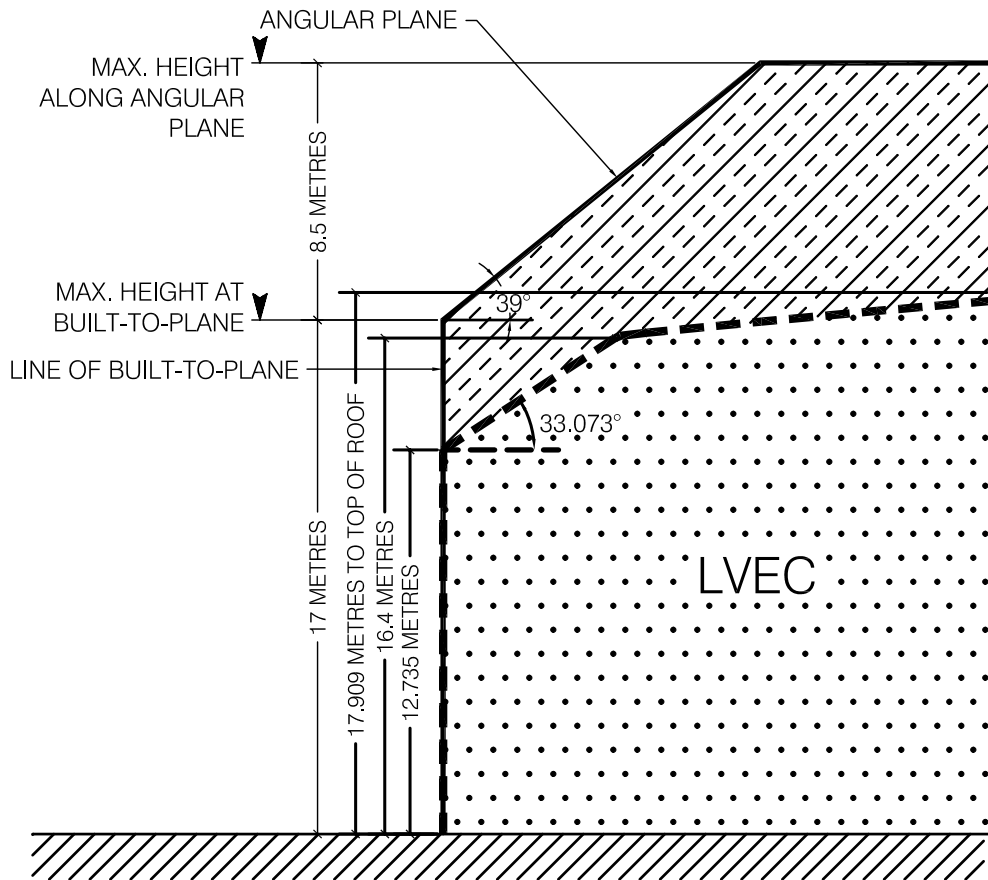
Notwithstanding Section 7.2.2.1 hereof to the contrary, the maximum building height for buildings or structures shall be as follows:

Height at Build-to-Plane, not to exceed 17 metres (55 feet) (storey limit deleted)

Maximum Along Angular Plane, not to exceed 25.5 metres (83 feet) (storey limit deleted)

**7.3.22.3 (d) PARKING STRUCTURES**

Notwithstanding Section 7.2.9 of this By-Law, any parking structure constructed within the 'C1-22' Zone shall comply with the minimum and maximum building height requirements, the minimum lot coverage requirements and the build-to and angular plane requirements as set out in Table 7.2 and Sections 7.2.1, 7.2.2 and 7.2.3 of this By-Law.



**Appendix B - Figure 1**  
**LVEC and**  
**Existing Zoning (C1-22-H)**

CITY OF KINGSTON

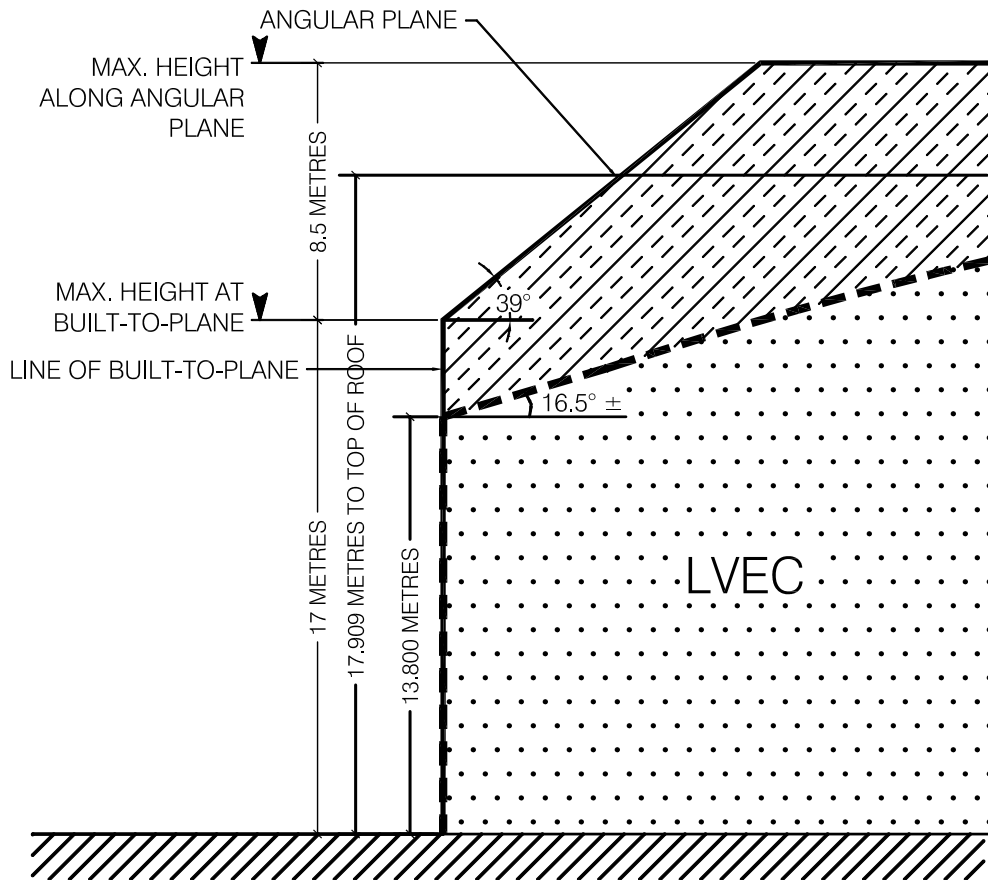
Legend:

-  EXISTING ZONING
-  LVEC



Date: October 24, 2005  
 Prepared by: D.R.P.  
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**Appendix B - Figure 2**  
**LVEC and**  
**Existing Zoning (C1-22-H)**

CITY OF KINGSTON

Legend:



Date: October 24, 2005  
 Prepared by: D.R.P.  
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