



**City of Kingston  
Report to City Council  
Report Number 16-130**

---

**To:** Mayor and Members of Council  
**From:** Jim Keech, President & CEO, Utilities Kingston  
**Resource Staff:** Mark Van Buren, Director, Engineering  
**Date of Meeting:** April 5, 2016  
**Subject:** 297 King Street East, Street Encroachment

---

**Executive Summary:**

An application for alteration under Section 42 of the Ontario Heritage Act was reviewed by Heritage Kingston to request approval to install a barrier free access ramp and entrance at 297 King Street East. The existing building is located at the corner of King and Clarence Street and the accessible entrance and ramp is proposed on the King Street frontage. The proposed ramp is located entirely within the City's right-of-way, and therefore the City is a joint applicant with the owner of 297 King Street East (RioCan Holdings Inc.). All costs associated with the proposed works in the right of way will be covered by the owner of 297 King Street East.

The proposal requires Council approval for the encroachment, through a process administered by the City's Engineering Department which has no significant concerns with the proposal. The owner will enter into a license agreement for the encroachment. In addition Council is requested to amend Schedule E, Authorized Alterations and Uses of Boulevards within By-Law Number 2004-190 by adding the proposed ramp at 297 King Street East.

**Recommendation:**

**That** Schedule E (Authorized Alterations and Uses of Boulevards) of By-Law Number 2004-190, otherwise known as the "Streets By-Law", be amended to include the following:

Location: 297 King Street East, King Street East frontage only

Purpose: To accommodate an accessibility ramp with the terms of a license agreement acceptable to the City; and

**That** the amending by-law be presented to Council for all three readings; and

April 5, 2016

Page 2 of 5

**That** the Mayor and City Clerk be authorized to execute a license agreement, in a form satisfactory to the Director of Legal Services, with the owner of 297 King Street East for the accessible ramp on the City road allowance fronting the subject lands; and

**That** the final engineering design details for the ramp be approved by the Director of Engineering.



April 5, 2016

Page 4 of 5

**Options/Discussion:****Proposal/Background**

The building at 297 King Street East was constructed for the Bank of Montreal (then "Montreal Bank") and continues to function as a bank branch today. It is located prominently at the corner of King Street and Clarence Street, adjacent to Springer Market Square. The property was designated under Part V of the *Ontario Heritage Act* in 1986.

On November 10, 2015 the applicant participated in a pre-application consultation meeting with City Departments where two options for accessibility upgrades were presented including re-grading the sidewalk or installing a ramp. The ramp was generally preferred from a Building Code and Engineering perspective.

The subject application requests approval to improve the accessibility of the King Street East entrance through the following alterations:

Installation of an accessibility ramp measuring approximately 1.23 metres (4 feet) wide, and 2.29 metres (7 feet 6 inches) in length, with the following characteristics:

- i. A hand rail, approximately 0.038 metres (1.5 inches) in diameter and 0.91 metres (3 feet) in height;
- ii. A new barrier-free push button on the handrail;
- iii. A new landing and step with a maximum height of 0.20 metres (7.87 inches);
- iv. Ramp and landing material that will blend with the surrounding sidewalk pavers or building materials; and
- v. A tonal contrast strip that will be provided at the top of the ramp and along the step.

The proposed ramp is located entirely within the City's right-of-way, and therefore the City is a joint applicant with the owner of 297 King Street East (RioCan Holdings Inc.). All costs associated with the proposed works in the right-of-way will be covered by the owner of 297 King Street East. The Heritage alteration application was reviewed by Heritage Kingston on April 4<sup>th</sup> and will be at Council on April 5<sup>th</sup>.

The Engineering Department has no concerns with the proposed installation of the ramp as discussed with the applicant. Council's approval for the encroachment of the proposed ramp within the public right-of-way is required. Staff is recommending an amendment to the City's By-Law Number 2004-190 "A By-Law to Regulate the Use of Streets" Schedule E, Authorized Alterations and Uses of Boulevards. A condition of the by-law amendment is the requirement for the owner to enter into a license agreement, in a form satisfactory to the City Solicitor, and registered on title that will outline specific conditions of the use of the boulevard including, but not limited to, design features, insurance, allocation of any future reconstruction costs, etc. The ramp will be subject to an annual encroachment fee which will be determined through the license agreement.

April 5, 2016

Page 5 of 5

**Existing Policy/By-Law:**

By-Law Number 2004-190 "A By-Law to Regulate the Use of Streets"

**Notice Provisions:**

Not applicable.

**Accessibility Considerations:**

The application was circulated to a representative of the City's Municipal Accessibility Advisory Committee for review and comment.

**Financial Considerations:**

All costs associated with the construction of the ramp as well as preparation and registration of the license will be the responsibility of the applicant. In addition, there will be an annual encroachment fee, as outlined in the fees and charges by-law as amended, placed on the taxes for the property.

**Contacts:**

Kimberley Brown, P.Eng, Manager, Infrastructure & Development 613-546-4291 ext. 3132

Mark Van Buren, P.Eng, Director, Engineering Department 613-546-4291 ext. 3218

**Other City of Kingston Staff Consulted:**

Paige Agnew, Director, Planning, Building & Licensing

**Exhibits Attached:**

Exhibit A – Draft Amending By-Law

By-Law 2016-\_\_\_\_

**A By-Law To Amend By-Law Number 2004-190, as amended “A By-Law to Regulate the Use of City Streets” (Authorized Alterations and Uses of Boulevards)**

Passed: [Meeting Date], 2016

**Whereas** the Council of the Corporation of the City of Kingston passed By-Law Number 2004-190, “A By-Law to Regulate the Use of City Streets”, to regulate the use of City road allowances; and

**Whereas** By-Law Number 2004-190 prohibits the alteration of a public highway for the benefit of a private property; and

**Whereas** the owner of 297 King Street East has requested an amendment to the Streets By-Law Number 2004-190 to construct an accessible ramp wholly within the public right of way for the purpose of accessible access and egress into their business; and

**Whereas** Section 5.6 of By-Law Number 2004-190 authorizes the modified use of City boulevards for locations specified in Schedule E – Authorized Alterations and Uses of Boulevards; and

**Whereas** a Staff review has determined there are no technical concerns with the construction of the accessible ramp within the King Street East right of way;

**Therefore be it Resolved That** the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That the City of Kingston Streets By-Law Number 2004-190, Schedule E (Authorized Alterations and Uses of Boulevards) be amended to include the following:

Location: 297 King Street East, King Street East frontage

Purpose: To accommodate an accessible ramp at the entrance to their property subject to the terms of a license agreement with the City

2. This by-law shall come into force and take effect on the date of its passing.

Given all Three Readings and Passed: [Meeting Date], 2016

---

**John Bolognone**  
**City Clerk**

---

**Bryan Paterson**  
**Mayor**