



CITY OF KINGSTON  
INFORMATION REPORT TO COUNCIL

Report No.: 11-159

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TO: Mayor and Council

FROM: Cynthia Beach, Commissioner, Sustainability and Growth

RESOURCE STAFF: George Wallace, Senior Special Projects Manager

DATE OF MEETING: 2011-05-17

SUBJECT: North Block District; Status and Next Steps

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**EXECUTIVE SUMMARY:**

In view of the fact that in 2011 Council will be requested to make decisions regarding the redevelopment of the North Block, this report is being provided for the purpose of supplying Council with detailed background information and a status update regarding the North Block and the next steps for redevelopment. A further report with recommendations on next steps will be forthcoming over the coming months with resource requirements to initiate investment. Direction will depend on Council's strategic priorities.

The North Block District (the District) comprises four and a half city blocks bounded generally by Place D'Armes on the north, Wellington Street on the west, Queen Street on the south and Ontario Street on the east (see Exhibit A). The District is part of the Downtown & Harbour Special Policy Area, which Area is "intended to contain the broadest range of commercial uses, tourist and hospitality facilities, and civic activity within a context that preserves human scale, historic amenity and vibrant pedestrian activity" (Official Plan, Section 10A.1). The District is recognized as an area that provides potential opportunities for significant development/redevelopment that would assist in maintaining and enhancing the viability of the Downtown and achieving a number of goals under the four pillars of the Sustainable Kingston Plan.

A number of studies/reports have been initiated by the City to provide guidelines for development/redevelopment activities in the North Block District. These studies/reports include the following:

- The *Urban Design Guidelines for the North Block Central Business District Report*, completed in 2004, was prepared by Baird Sampson Neuert Architects Inc., in association with a group of sub-consultants. This Report resulted in site specific Official Plan policies (By-Law No. 2005-28) and Zoning regulations (By-Law No. 2005-29) to provide a planning framework for any development/redevelopment activities in the District, which framework is currently reflected in the City's Official Plan and the Downtown and Harbour Zoning By-Law No. 96-259. The Urban Design Study was prepared to provide consistent guidelines through zoning and the official plan which would encourage redevelopment supporting a healthy downtown.
- The *Downtown & Harbour Area Architectural Guidelines Study*, completed in 2007, was also prepared by Baird Sampson Neuert Architects Inc. This Study divided the Downtown Area into five component sub-areas, one of which was the North Block and Environs. This Study resulted in architectural guidelines that could be used in the evaluation of proposals for development and redevelopment or restoration projects to ensure that the integrity and character of the Downtown Area is maintained. The Study was received by Council on December 18, 2007. The recommendations of this Study were incorporated into the City's new Official Plan. The Study will also be used as background information in the preparation of the new comprehensive Zoning By-Law.
- The *North Block District Community & Business Enhancement Opportunities Report* (2009 Report), completed in 2009, was prepared by The Planning Partnership, in association with a group of sub-consultants. The 2009 Report

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provided a Concept Plan and series of development recommendations to identify the highest and best use of the City-owned properties in the District and at the same time identify development opportunities for the privately owned lands. On August 4, 2009, Council adopted the recommendations of the Study and that the next steps be undertaken for the redevelopment of the City-owned property based on the recommendations in the Report (Clause 5, Report No. 76).

In preparing the above noted Reports/Studies, there were a number of considerations that were addressed and that affected each to varying degrees. These considerations, which will need to be addressed in further detail as part of any development/redevelopment scenarios for the District, include: archaeological resource conservation; protected heritage properties; environmental risk/management (protection of health and safety); commercial absorption; servicing constraints (infrastructure); planning policy review; off-street parking; and, public parkland.

In addition to the above noted Reports/Studies, City Council approved the *Kingston Culture Plan* on September 21, 2010. The Culture Plan identified opportunities for the City to maintain and create great places that support cultural vitality in the downtown. Specific to the North Block District are recommendations 27 and 28 of the Culture Plan which recommend that a new civic exhibition space for the arts and affordable live/work space for artists along with high end residential development and elements contributing to an artful public realm in the proposal call for redevelopment of the North Block Area and that key cultural stakeholders be included in consultations regarding proposed uses for city-owned properties.

The next steps identified in the Community & Business Enhancement Opportunities Report (2009) related to:

1. Confirming whether or not the Downtown Transit Hub would be located in the North Block District - as part of ongoing work on an expanded transit service to introduce higher frequency express service to compliment the local service that currently exists, various options for the location of a new Downtown Transit Hub are currently being assessed (the expanded transit service plan is under development and has not received budget approval at this time);
2. Determining the appropriate parking strategy for the Downtown - Transportation Services is updating and evaluating the existing parking supply inventory and preparing a strategy on appropriate inventory management for the downtown area as part of the larger Transportation Demand Management Strategy to be presented to the Environment Infrastructure and Transportation Policies Committee in July 2011. As part of the new Zoning By-Law Consolidation project, a Parking Standards Review will be undertaken to look at the provision of off-street parking in a comprehensive fashion across the entire municipality, including the Downtown Area and the North Block District. A Terms of Reference for the Parking Standards Review and associated budget envelope would need to be prepared and approved.
3. Assessing potential traffic impacts on the road network from the Transit Hub, parking supply and proposed development - There have not been any recent traffic studies completed within the North Block District. Therefore a detailed traffic analysis should be undertaken in advance of development/redevelopment in the District. A Terms of Reference for the Study would need to be prepared and approved together with the required budget envelope.
4. Determining the site remediation costs for the block bounded by Queen, Ontario, Barrack and King Streets if it is to be offered for development by the City. A portion of this block already has a Record of Site Condition. An understanding of the nature and extent of required remediation (including costs) would make the lands more marketable and assist in establishing land values and development costs. A Terms of Reference for the Environmental Site Assessment Study and budget envelope would need to be prepared and approved; and,
5. Amendment to the Official Plan to implement the Concept Plan – in preparing the 2009 Report, the consultants reviewed the Preliminary Draft of the Official Plan (April, 2008). Based on a further review of the City's Official Plan, Staff has concluded that no amendments to the Plan are required. However, amendments to the Zoning By-Law and Parkland Conveyance By-Law would be required to implement the presented Concept Plan and certain recommendations of the 2009 Report.

Other next steps that have been identified include:

- As noted in the 2009 Report, the City must champion the redevelopment of the District. Given the complexity of issues involved, providing a **dedicated project lead** (18-24 months) to coordinate actions involving City Departments, other land owners in the District and development proponents will be essential. The Project Manager would have considerable development and project management experience and would be responsible for articulating the City's public policy objectives, establishing/tracking timelines and deliverables; coordinating the preparation of required studies; maintaining up to date site information for the City-owned lands, tracking accountability for the various required actions; and, providing a liaison between the various stakeholders.
- Addressing the property requirements for **Kingston Hydro Sub-Station No. 1** (29 Queen Street) – planning and design work for the complete refurbishment/upgrade of the existing Sub-Station is proposed to commence in 2012. Some of the existing infrastructure associated with the Sub-Station is located beyond the boundaries of the lands currently owned by Kingston Hydro, any development/re-development scenarios for this block will need to ensure the long term operation and viability of the existing Sub-Station; and
- Preparing a preliminary **servicing strategy for the North Block District** – based on background information appended to the 2009 Report, considerable analysis is required to assess capacity within and required upgrades to the existing water, sewer, electric and natural gas infrastructure servicing the District. An overall servicing strategy that addresses the servicing infrastructure in a comprehensive manner appears to be the preferred option rather than assessing each individual development/redevelopment proposal at the time of submission (terms of reference for the study and budget envelope have not yet been approved).
- In advancing development/redevelopment within the District, an **overall parkland dedication strategy** should be prepared to establish the City's expectations in terms of land conveyance versus cash-in-lieu contributions. This strategy would clearly set out the rationale for the approach being taken and would provide clarity in terms of the land requirements for public open space and provide options for directing the cash-in-lieu contributions in order to meet the recreational needs of the residents/employees in the North Block District and the City as a whole.

**RECOMMENDATION:**

This report is for information purposes only.

**AUTHORIZING SIGNATURES:**

ORIGINAL SIGNED BY COMMISSIONER	
Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth	
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER	
Gerard Hunt, Chief Administrative Officer	

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Lanie Hurdle, <i>Community Services</i>	√
Denis Leger, <i>Transportation, Properties &amp; Emergency Services</i>	√
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

*(N/R indicates consultation not required)*

## OPTIONS/DISCUSSION:

### Site Location and Site Characteristics:

The North Block District (the District) comprises 4½ blocks with an area of approximately 4.34 hectares (10.9 acres). The District is generally bounded by Ontario Street to the east, Wellington Street to the west, Place D'Armes to the north and Queen Street to the south. Half of the block south of Queen Street between King and Ontario Streets is also included in the District (See Exhibit A). The District is identified in the Official Plan as being part of the Downtown & Harbour Special Policy Area, which Area is "intended to contain the broadest range of commercial uses, tourist and hospitality facilities, and civic activity within a context that preserves human scale, historic amenity and vibrant pedestrian activity".

The blocks in the District can be summarized as follows:

**Block 1** – contains an area of 0.6 ha (6,055 sq.m) and is occupied by a surface parking lot (owned by the City) and a Food Basics Supermarket (owned by 771375 Ontario Limited).

**Block 2** – is owned by the City of Kingston and is the site of the new K-Rock Centre.

**Block 3** – is owned by Kincore Holdings Ltd. and the Liquor Control Board of Ontario, contains an area of 0.8 ha (8,350 sq.m) and is occupied by a Goodlife Fitness Centre, an LCBO Retail store, and surface parking lots.

**Block 4** – is owned by the City of Kingston and Kingston Hydro, contains an area of 0.8 ha (8,200 sq.m) and is occupied by a Kingston Hydro sub-station (29 Queen Street), commercial buildings (19-23 Queen Street - Modern Fuel Art Gallery, Workplace Magazine and storage uses), surface parking and the vacant lands where the former police station was demolished. The buildings at 19-29 Queen Street are all designated under Part IV of the Ontario Heritage Act.

**Block 5** – This half block, owned by the City of Kingston (west portion) and Kincore Holdings Ltd. (east portion), comprises an area of 0.4 ha (4,015 sq.m) and is occupied by surface parking lots. Kincore has a 99 year lease on the City-owned portion of this half block with an option to purchase.

### Previous Studies:

A number of studies have been initiated by the City to guide development/redevelopment activities in the North Block District. These Studies are briefly summarized as follows:

The *Urban Design Guidelines for the North Block Central Business District Report*, completed in 2004, was prepared by Baird Sampson Neuert Architects Inc., in association with a group of sub-consultants. In October 2002, this Report was commissioned by the City to undertake an urban design study of the North Block Central Business District in response to interest by a private developer (Kincore Holdings) in acquiring various properties within the Study Area. It was recognized that there were a number of under-utilized properties that were subject to a range of influences including archaeological and heritage concerns, environmental clean-up, and commercial absorption rates. As such, the City wished to have the benefit of an urban design study for the North Block Central Business District to evaluate possible volume and massing of new development, prior to any further conveyances or agreements with Kincore Holdings. Kincore Holdings funded half the cost of the study.

The consultant team conducted an analysis of the Study Area and obtained feedback from a design charette and a public meeting. The over-riding conclusion of this Report was that the City's planning policies were adequate to direct growth in the North Block area and a Secondary Plan was not warranted. The Final Report included three urban design scenarios that conformed to established guidelines pertaining to heritage issues, priority locations for retail uses, streetscape treatment, views to the water and City Hall, and brownfield issues. Some of the highlights included:

- the creation of a new public open space at the corner of Place D'Armes and Ontario Street;
- the creation of an interlinking system of courtyards and pedestrian walkways between various functions within and around the Study Area, for example, linking between the North Block Central Business District and the Waterfront Pathway System;
- the establishment of King Street as a pedestrian-oriented street with a range of retail establishments;

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- the preservation and enhancement of effective viewplanes to the City Hall cupola; and,
  - the promotion of live-work scenarios in specified locations within the Study Area.

The key output of this Report was the adoption of a planning framework (area specific Official Plan policies and Zoning By-Law regulations) to guide any development/re-development proposals in the North Block District. By-Law Nos. 2005-28 and 2005-29 were adopted by Council February 1, 2005. This planning framework, incorporated into the City's Official Plan and Zoning By-Law No. 96-259, is discussed further in this report under the heading "Existing Policy/By-Law".

The *Downtown and Harbour Area Architectural Guidelines Study*, completed in 2007, was prepared by Baird Sampson Neuert Architects Inc. In preparing the Study, the consultant team utilized the information contained in the 2004 *Urban Design Guidelines Report* (also prepared by the consultant team) which developed design guidelines and a planning framework for the District and the *Downtown Action Plan* which developed an infrastructure and comprehensive landscape and public open space strategy for the Downtown.

This Study provided the City of Kingston with a detailed guide for preserving the architectural and heritage integrity and character of the Downtown and adjacent Harbour area that would assist the private and public sectors in the development of a compatible built form in the Downtown Area. Components of the Study included: an Architectural Character Statement which provided a present day snapshot of the architectural and streetscape character of the area; an Architectural Character Plan which discussed how old and new buildings can complement each other, and how the character of the area can be protected; Architectural Guidelines which included standards designed to complement the existing architecture and unique characteristics of the area; and, an Implementation Plan which identified ways in which the Architectural Guidelines Study could be implemented.

The Study divided the Downtown and Harbour Area into five component sub-areas, one of which was North Block and Environs. This sub-area also included three blocks located north of Place D'Armes and excluded the half block on the south side of Queen Street between Ontario and King Streets. The Study identified six specific architectural guidelines applicable to the North Block District related to: mid-block pedestrian walkways; priority pedestrian walks along King and Ontario Streets; focusing pedestrian activity on King Street with some additional retail space along Wellington and Ontario Streets; designated parking and servicing access points; façade treatments; and, that a large scale development could be incorporated into the block bounded by Queen, Barrack, Wellington and King Streets. On December 18, 2007, Council received the Report in fulfillment of the Terms of Reference, indicated that the Study recommendations be considered as part of the Official Plan and Zoning By-Law Reviews, and referred the Final Report to other City Staff for consideration of the non-planning recommendations.

The recommendations of this Study were incorporated into the City's Official Plan. The Study will also be used as background information in the preparation of the new comprehensive Zoning By-Law.

The *North Block District Community & Business Enhancement Opportunities Report* (2009 Report), completed in 2009, was prepared by The Planning Partnership, in association with a group of sub-consultants. One of the key objectives was to distinguish the public policy objectives for development of the City-owned properties within the District while recognizing that the development costs will ultimately impact the value of the City-owned lands and their marketability to the private sector. The Report provided a Concept Plan and series of development recommendations to identify the highest and best use of the City-owned properties in the District and at the same time identify development opportunities for the privately owned lands. The Report provided a series of public objective recommendations related to such things as the disposition of City-owned lands, heritage preservation, public parking, public open space/linkages, site remediation, sustainable development, affordable housing, transit facilities, mixed use developments and building heights and configuration.

The Report recognized that in order for the North Block District to be developed, the City will be required to take an active role and champion the redevelopment and be willing to share the risk of change. It also recognized that support from the private

sector was crucial and that the process of achieving a vision for the District will be a complex combination of actions, players and time. One of the underlying themes in the Concept Plan and recommendations was that re-development of the District will require various tools to enhance market demand, reduce the costs and risks of typical development and the associated approval processes, and a reasonable approach to built form and maximum development potential. Some of the suggested tools were public investment in incentive programs, flexible planning policies and regulations, increased building heights, public investment in the heritage buildings, public investment in parking facilities, and the City undertaking required site remediation. The Report also suggested the use of Section 37 of the *Planning Act* (height and density bonus) where a development proponent requests an increase in height or density in order to achieve the City's identified public objectives for the District.

The Concept Plan included in the Report was considered the preferred plan for the purposes of establishing the basic parameters for future development that would achieve a variety of public benefits. The Concept Plan was created following a series of workshops and focus groups with various stakeholders and consideration of five different alternatives that varied building heights and land use mix. The preferred concept proposed 651 residential units, a 214 room hotel, approximately 1,000 square metres of hotel-related conference space, an 8 bay inter-modal transit facility, 9,425 square metres of commercial floor space (including incorporation of the LCBO and food store) and the potential for 1,362 structured parking spaces (including replacement of 300 existing parking spaces). Significant variations from the existing planning framework related to building height (18 storeys proposed in Block 4), parking regulations and parkland dedication.

The next steps identified in the 2009 Report related to:

1. confirming whether or not the Downtown Transit Hub would be located in the District;
2. determining the appropriate strategy for providing parking in the Downtown;
3. assessing the traffic impacts on the road network from the Transit Hub, parking supply and proposed development;
4. determining the site remediation costs for the block bounded by Queen, Ontario, Barrack and King Streets if it is to be offered for sale by the City; and,
5. amending the Official Plan to implement the Concept Plan.

On August 4, 2009, Council adopted the recommendations of the Report and that the next steps be undertaken for the redevelopment of the City-owned property based on the recommendations in the Report (Clause 5, Report No. 76).

On September 21, 2010, City Council approved the *Kingston Culture Plan* and the recommendations contained therein as a framework for supporting community development and cultural vitality within Kingston, and directed staff to proceed with the implementation of the Plan (Clause 1, Report No. 128 of the Arts, Recreation and Community Policies Committee). The purpose of the Culture Plan was to articulate a sustainable, authentic, long-term vision for cultural vitality in Kingston and to develop strategic directions, initiatives and recommendations for action. The Culture Plan identified opportunities for the City to maintain and create great places that support cultural vitality in the downtown. Specific to the North Block District are recommendations 27 and 28 with respect to the creation of a new civic exhibition space for the visual arts and affordable live/work space for artists in the downtown core as part of the North Block District development. Consultation with key cultural stakeholders regarding uses for city-owned lands was also recommended.

#### **Recent Council Actions Impacting the North Block District:**

On October 20, 2009, Council received Report No. 09-315 with respect to the property located at 11 Queen Street (former police headquarters). It was noted that the 2009 North Block Study demonstrated that this property had considerable development potential and that all the various development scenarios involved the removal of the existing building. Report No. 09-315 recommended that the former police headquarters building be demolished and that the site be declared surplus to the City's needs, with the intention of commencing an RFP process for the redevelopment of the entire block in conformance with the 2009 North Block Study. Council approved the demolition of the former police headquarters. The motion to declare the property surplus to municipal need was Lost.

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**Key Development Considerations:**

During preparation of the above noted Reports/Studies, there were a number of considerations that were addressed and that affected each Report/Study to varying degrees. These considerations, which will need to be addressed in further detail as part of any development/redevelopment scenarios in the District, are discussed as follows:

**Archaeological Resource Conservation** – The City's goal respecting archaeological resources, as stated in Section 7.4 of the Official Plan, is: "To recognize, protect and conserve archaeological resources within the City". Identification and protection of archaeological resources is also one of the goals related to the Cultural Pillar (Cultural Vitality) as articulated in the Sustainable Kingston Plan.

When preparing the Urban Design Guidelines for the North Block Central Business District Report, a Stage 1 Archaeological Assessment was completed. The Stage 1 Assessment noted that there are significant archaeological remains in the area as well as four buildings of historical significance in the District (19, 21, 23 and 29 Queen Street). The Site Specific Policy for the District in the Official Plan specifically references the need for further archaeological investigation in accordance with the Stage 1 Assessment recommendations given the moderate to high potential for the discovery of archaeological resources. The recently completed Archaeological Master Plan confirms that the North Block District is not only an area of archaeological potential, but an Archaeologically Sensitive Area (ASA) that requires further archaeological investigation prior to any site disturbance. Considerable archaeological work has been completed in the area of the District, particularly around the K-Rock Centre and Fort Frontenac. There are also a number of registered archaeological sites in the area. The cost and timing implications for any development proposal in the District will be contingent on the further archaeological investigations that are conducted, whether or not Stage 3 and/or 4 Assessments are required, and acceptance of the Archaeological Assessment(s) by the Province.

**Protected Heritage Properties** – The City's goal respecting Cultural Heritage Resources, as stated in Section 7.1 of the Official Plan, is: "To conserve and enhance recognized cultural heritage resources within the City so that they may be experienced and appreciated by both residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations". With respect to City-owned cultural heritage resources, Section 7.2.1 of the Official Plan indicates that the City "must lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship", that the City "protect and maintain all City-owned cultural heritage resources in accordance with a high standard of heritage conservation", and that "City-owned built heritage resources be integrated into the community and put to adaptive reuse, where feasible". The Site Specific Policy for the District in the Official Plan indicates that the existing heritage buildings must be protected and conserved and that any deviations from that would require consultation with the Kingston Municipal Heritage Committee and approval by Council. Identification, protection and re-use of cultural heritage resources are goals that are related to both the Cultural Pillar (Cultural Vitality) and Environmental Pillar (Environmental Responsibility) as outlined in the Sustainable Kingston Plan.

The North Block District contains four designated heritage buildings (19-23 Queen Street [City owned] and 29 Queen Street [owned by Kingston Hydro]). During preparation of the Urban Design Guidelines for the North Block Central Business District Report, the existing heritage buildings were assessed through a building condition assessment by an expert in heritage preservation. The Condition Assessment described in detail how individual structures were in better condition than others. Concerns about the need to undertake the environmental clean-up beneath these structures raised questions regarding the economic feasibility to clean up the overburden as well as retain some the heritage structures at 19-23 Queen Street. The Building Conservation Master Plan completed in 2003 and updated in 2004 estimated the cost to stabilize and address areas of deterioration respecting 19-23 Queen Street at \$570,000. In 2008, these estimates were updated as part of the preparation of the Community & Business Enhancement Opportunities Report (2009) and ranged from a low estimate of \$659,000. to a high of \$691,000.

To date, recommendations on the issue of retention or sale of any of the affected buildings will require approval by Council through the property used and disposal policies. The 2009 Report recommended that the heritage buildings be retained by the City and that the City take the responsibility for restoration and re-use of the buildings. The 2009 Report further recommended that the balance of the block in which these heritage buildings are located be sold and that the proceeds of the sale be used to offset some of the site remediation and restoration costs associated with the heritage buildings. It was also suggested that approval of any increased height or density within this block (the Concept Plan proposed an 18 storey building) be subject to Section 37 of the *Planning Act* and that approvals of any increased height or density be granted in exchange for community benefits, which benefits could relate to the preservation and restoration of the heritage buildings.

Given the presence of designated heritage buildings within the District and adjacent to the District (e.g. Fort Frontenac, S&R Building and other designated properties on abutting streets) as well as the UNESCO World Heritage designation for the Rideau Canal and Kingston Fortifications, it is anticipated that a Heritage Impact Statement will be required for any development/redevelopment proposals within the District.

**Environmental Risk Management (Protection of Health and Safety)** – The City's intent regarding contaminated sites, as set out in Section 5 of the Official Plan, is that such human-made hazards be responsibly managed. Sections 5.10 – 5.12 of the Official Plan identify the need for Phase 1 and 2 Environmental Site Assessments and the mandatory filing of a record of Site Condition (RSC) for the change of use of a property from industrial or commercial to residential or parkland. The Site Specific Policy for the District in the Official Plan requires that development proponents file a Record of Site Condition (RSC) for lands being developed/redeveloped and the Site Specific Zoning requires registration of the RSC prior to the Holding (H) Symbol being removed to allow development to commence. Remediation and re-use of brownfield sites is one of the goals related to the Environmental Pillar (Environmental Responsibility) of the Sustainable Kingston Plan.

This issue relates to the remnants of the former industrial land uses in the District and the resultant soil, rock and groundwater contamination. Some portions of the Study Area have been tested, and some clean up has already taken place at considerable cost to the municipality. Any development proposals within the District will be subject to the same technical review process that applies to all development applications across the City (i.e. submission of Phase 1 and 2 Environmental Site Assessments and filing a Record of Site Condition). Records of Site Condition are in place for all of Block 2 and portions of Blocks 4 and 5. The cost and timing implications for any development proposal in the District will be contingent on the nature and extent of site remediation that may be required prior to the commencement of development.

The North Block District is located in one of the City's Community Improvement Plan Brownfields Project Areas. The City's Brownfields Program allows the City to provide a variety of incentives, such as grants and property tax assistance, to assist development proponents in rehabilitating and developing eligible Brownfield properties. However, the bulk of the clean-up costs must be front-ended by the development proponent and then repaid following occupancy of the development through tax incremental financing over a ten year period or until the costs of the clean-up have been covered, whichever comes first. The costs associated with site remediation and the technical feasibility of clean-up without a risk based approach could impact the viability of development depending on the nature and extent of any required site clean-up, which would depend on the nature of the proposed uses.

If any City-owned lands within the District are to be offered for sale (as suggested in the Community & Business Enhancement Opportunities Report, 2009), decisions will need to be made whether or not to initiate any required site remediation studies/works prior to offering the lands for sale. Information regarding the costs of site remediation could make the property more marketable and assist in the determination of land values. A Terms of Reference for any studies together with an appropriate budget allocation would need to be approved and a time line for completing the work established.

**Commercial Absorption** – As noted above, the District is part of the Downtown & Harbour Special Policy Area, which Area is intended to function as the prime, multi-faceted "centre" of the City and surrounding region and contain the broadest range of

commercial uses, tourist and hospitality facilities and civic activity as well as medium and high density residential development. A thriving downtown contributes to the City's quality of place and quality of life and supports the Economic Pillar (Economic Health) of the Sustainable Kingston Plan.

Two significant retail functions exist in the District in the form of the Food Basics Supermarket and the Liquor Store, both of which can be considered to be anchors in the District and should be retained as part of any development/re-development scenarios. Other non-retail commercial uses include the K-Rock Centre, the Goodlife Fitness Centre, Modern Fuel Art Gallery and offices for Workplace Magazine. The existing planning framework, as set out in the Official Plan and Zoning By-Law, requires commercial on the ground floor of any development within the District (except development fronting on Place D'Armes and on Wellington Street between Barrack Street and Place D'Armes). The Concept Plan included in the 2009 Report, proposed 9,425 square metres of commercial space (including incorporation of the existing food store and LCBO), or roughly 6% of the existing commercial floor space in the Downtown Area. The Report also indicated a commercial vacancy rate in the Downtown of 7.7% (12,245 square metres). It was therefore recommended that new commercial space be phased in over time in order to prevent disruption to the Downtown retail market supply/demand balance.

**Servicing Constraints (Infrastructure)** – The City's goal respecting infrastructure as set out in Section 4 of the Official Plan is: "To provide municipal infrastructure and co-ordinate utilities and private services in an orderly, environmentally sound, and fiscally prudent manner, in accordance with the policies of this Plan, so that reliable and safe service is provided to sustain the land use and development planned in the City for the term of this Plan". Section 4.1.1 indicates that "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". Investing in municipal infrastructure and services is one of the goals related to Infrastructure under the Economic Pillar (Economic Health) of the Sustainable Kingston Plan.

The North Block District is currently serviced with water, sanitary sewers, storm sewers, electrical supply, natural gas and various communication services. However, as part of the 2009 Report there was no requirement for any master planning related to the existing infrastructure and submitted Concept Plan. The Background Report (Appendix D to the 2009 Report) provided available information based on a general knowledge and understanding of the various infrastructure systems. Any requirements for upgrades to the various systems will depend on the location, use and density of any proposed development/redevelopment.

Areas identified in the Background Report that will require further analysis prior to advancing any development scenarios for the District, include the following:

- A water capacity assessment including fire flows available, estimated loading and capacity evaluation;
- A sanitary sewer assessment including an evaluation of existing capacity and estimated loading;
- A storm sewer system assessment including an evaluation of capacity (portions of the area are still served by combined sewers), proposed drainage, stormwater management controls (quality and quantity) and the need to reduce post-development flows (potentially 20%);
- An electrical capacity analysis of the existing Kingston Hydro Sub-Station No. 1 located within the District in order to determine required capital improvements and confirm the land requirements for the continued operation of the sub-station, or alternatively, to assess the costs and land requirements should the District be serviced from the existing 44Kv network; and
- An analysis of natural gas capacity and loading.

The existing planning framework places a Holding (H) Symbol on the entire District. One of the conditions for removal of the Holding (H) Symbol is that all servicing issues be addressed to the satisfaction of the City. Given the amount of analysis that appears to be required in order to assess the current infrastructure, a preliminary servicing strategy for the District should be prepared to identify any existing capacity issues and the works that will be required in order to accommodate development/redevelopment of the nature proposed by the Concept Plan contained in the 2009 Report. An overall servicing

strategy that addresses the servicing infrastructure in a comprehensive manner appears to be the preferred option rather than assessing each individual proposal when submitted.

**Planning Policy Review** - The North Block District is part of the Downtown and Harbour Special Policy Area and is subject to Site Specific policies in the Official Plan and Site Specific Zoning in the Downtown and Harbour Zoning By-Law. In addition, there are a number of other policies in the Official Plan that would apply to the District. The existing planning framework for the District is described in more detail in the "Existing Policy/By-Law" section of this report. The existing planning framework supports a broad range of commercial uses, mixed commercial/residential development, ground floor commercial and a pedestrian friendly environment. A healthy, vibrant and pedestrian friendly downtown supports many of the goals under the Cultural Pillar (Cultural Vitality), Economic Pillar (Economic Health) and Environmental Pillar (Environmental Responsibility) of the Sustainable Kingston Plan.

The 2009 Community & Business Enhancement Opportunities Report (the 2009 Report) includes a number of recommendations that could necessitate amendments to the existing planning framework or other City By-Laws in order to implement the submitted Concept Plan. These amendments relate to such things as increased maximum building height (18 storeys proposed for Block 4), reduced requirement for off-street parking spaces for "affordable" housing, requiring off-street parking for new office buildings, reduced parking requirements for a hotel use and allowing parking for a hotel within 500 metres of the hotel, reduced parkland dedication requirements, and accepting private lands as part of the required parkland dedication.

Recommendations within the 2009 Report suggest the use of Section 37 of the *Planning Act* in order to obtain public benefits in exchange for approval of increased height and density. This relates specifically to the proposed 18 storey building in Block 4 and the conservation/restoration of the existing City-owned heritage structures on Queen Street and achieving sustainable building design. Existing Official Plan policies identify the conservation of cultural heritage resources and providing green technology and sustainable architecture as public benefits that could be achieved in exchange for approving increased height and density.

The 2009 Report also recommended an area specific Site Plan Control By-Law to enable the City to control site details, as well as the colour, materials and architectural detailing of proposed buildings. Current policies in the Official Plan as well as recent amendments to the City's Site Plan Control By-Law provide authority for the City to control those elements of building design. In addition, should the City decide to dispose of any of its holdings within the District, conditions could be included in the Agreement of Purchase and Sale to outline the City's expectations in terms of the design elements of proposed development on the lands being sold.

**Off-Street Parking** – The City's policies with respect to parking are set out in Sections 4.6.47 to 4.6.54 of the Official Plan. These policies indicate an intent to:

- Encourage a balance between providing sufficient parking and not oversupplying parking to the detriment of public transit usage, cycling or pedestrian traffic;
- Provide parking in accordance with the applicable Zoning By-Law;
- Pass cash-in-lieu of parking By-Laws;
- Provide alternative parking in accordance with the policies of the Central Business District and establish areas of differentiated parking policies and regulations based on land use characteristics and user requirements;
- Undertake public works as necessary to develop parking lots, structures and on-street parking spaces; and
- Participate with private enterprise, property owners, major institutions or groups such as the Downtown Kingston BIA to plan and develop parking facilities and strategies and prepare any required studies.

With respect to the Downtown and Harbour Special Policy Area, the policies (Section 10A.3.10) recognize that vehicle parking is vital to the health of the Downtown, but its provision requires more flexibility and greater sensitivity in order to maintain the area's cultural heritage and pedestrian character. Policies specific to the North Block Central Business District (Section

3.18.22f.) indicate the intent to replace the surface parking lots in the District with above-grade parking structures subject to specific zoning regulations and design considerations.

A significant portion of the North Block District is currently being used for paid surface parking lots. The 2009 Report indicates that it is the City's objective to maintain a sufficient supply of public parking, both on-street parking and in structured parking facilities. The Report recommends planning for public parking spaces as part of structured facilities on Blocks 1 and 4 to account for parking that is lost or required due to new development/re-development. The Report also sets out a number of design guidelines/recommendations with respect to the provision of parking in the North Block District (maximum height for parking structures, access locations, and specific requirements for various permitted uses).

Transportation Services is updating and evaluating the existing parking supply inventory this year and will provide an updated strategy on appropriate inventory management for the downtown area, including the north block, as part of this review. The management of the parking supply will be considered as part of the larger Transportation Demand Management Strategy that is currently being developed and will be presented to the Environment Infrastructure and Transportation Policies Committee in July 2011. As part of the new Zoning By-Law Consolidation project, a Parking Standards Review will be undertaken by the Planning & Development Department in 2012. The Parking Standards Review will look at the provision of off-street parking in a comprehensive fashion across the entire municipality and would include any special regulations deemed appropriate for the Downtown Area and the North Block District.

**Public Parkland** – The City's goal with respect to parkland/open space as set out in Section 3.8 of the Official Plan is: "To support the significant role that Open Space areas play in responding to the recreational and leisure needs of City residents, . . . and to the City's quality of life and sense of place". The availability of appropriate areas to meet the recreational and leisure needs of the City's residents also supports a number of goals under the Cultural Pillar (Cultural Vitality), Economic Pillar (Economic Health) and Environmental Pillar (Environmental Responsibility) of the Sustainable Kingston Plan.

Currently there is no public parkland located within the District. There are some open space areas associated with the K-Rock Centre and the Fort Frontenac ruins. Under the current *Planning Act* and Official Plan (Sections 3.8.13 - 3.8.17), new development within the District would be subject to a requirement to contribute up to 2% of commercial development and 5% of residential development for public parkland. The legislation also allows for an Alternate Parkland Contribution of 1 hectare for each 300 dwelling units being proposed. Under the newly proposed Parkland Dedication By-Law, which is currently under review, an alternate parkland dedication of 0.5 hectare for each 300 dwelling units would be required for urban intensification areas such as the North Block District. Alternatively, the City may agree to accept cash-in-lieu of land for all or a portion of the required parkland contribution.

Section 3.8.17 of the Official Plan indicates that Council may consider waiving or reducing the required parkland dedication in limited circumstances as set out in the City's Parkland Conveyance By-Law. The existing City of Kingston Parkland Conveyance By-law No. 8820 provides Council, if in its opinion it is in the public interest to do so, the opportunity to reduce the required parkland dedication in special circumstance such as where the land involved is to be used by non-profit groups. The new consolidated by-law, may propose to provide Council, the opportunity to reduce the required parkland dedication for affordable housing.

The Concept Plan submitted as part of the 2009 Report proposes 3 small urban squares which, in the written description, were identified as having a minimum size of 5 metres by 5 metres and would be either public or privately owned. The concept plan located the sites in the north-west, south-west and south-east corners of the Barrack and King Streets intersections but illustrated that they were significantly larger in size than the written description. A main urban square at the south-east corner of the Barrack and Ontario Streets intersection is also identified. The balance of open space shown on the Concept Plan is rooftop amenity space (typically roof top green space is provided to meet the amenity space requirements of the Zoning By-Law). As proposed, the urban squares would constitute only a small portion of the required parkland dedication required under

current legislation. The 2009 Report recommends that the Alternate Requirement not be used in calculating the parkland requirements for any development/re-development within the District. This requirement was viewed by the Report as “a direct penalty to urban development and a significant factor in calculating financial feasibility”. The Report also stated that “Parkland dedication in the North Block is focused on achieving urban square, courtyard and or green roofs”.

Park Development Staff has reviewed the submitted Concept Plan and is generally supportive of utilizing public squares to meet the public open space requirements in the District. Staff indicated that considerable work will be required to prepare a strategy for addressing the recreational needs of the future residents/employees of the North Block District. This would include a rationale for any special treatment within the District. This strategy, may consider the following:

- The application of the City's consolidated Parkland Dedication By-Law currently in progress;
- That all proposed urban squares be publicly owned and developed to prescribed City standards in terms of being extensions of the public realm and without constraint of main building entryways and pedestrian egress;
- The appropriate sizes of public or private squares as per locations shown on the North Block concept plan. These areas being the urban squares around King Street and Barrack Street intersection and at the intersection of Barrack Street and Ontario Street.;
- That parkland dedication may be taken in the form of cash-in-lieu of land;
- That, to maintain the intent of the Planning Act that parkland dedication be for public recreational facilities, private rooftop amenity space and mid block connections will not be accepted toward the fulfillment of the parkland dedication requirements.

Preparation of an overall strategy for parkland dedication should be one of the next steps. With a strategy in place, all development proponents will be aware of the City's expectations in terms of public open space as well as the potential costs associated with any required cash-in-lieu contributions.

#### **Next Steps:**

The next steps that were identified in the North Block Community & Business Enhancement Opportunities Report are as follows:

#### ***Downtown Transit Hub/Transit Service***

Transit service in the North Block District is currently provided by two local routes (Routes 1 & 12) and two peak service routes (Routes 19 & 12A). These routes provide service along Montreal Street to the 401, along Princess Street to the Cataraqui Town Centre and between the downtown, Kingston Centre and Kingston East. The existing Downtown Transfer Point (Bagot & Brock Streets) provides access to additional routes and connections. Currently, 30 minute service is provided during daytime hours from Monday to Saturday, with hourly service on evenings, Sundays and holidays. 15 minute service is provided along Princess Street and during weekday peak times when Route 19 (Montreal Street to Queen's/KGH) and Route 12A (Downtown to CFB Kingston) are operating.

Kingston Transit is exploring the concept of higher frequency express service to compliment the local service that currently exists. The express routes would provide 15 minute service, 7 days a week. Three different express routes are being explored, two that would connect the west end to the downtown core and one that would connect the east end to the downtown core. The proximity of the North Block District to the existing Downtown Transfer Point would make these express routes accessible to residents/employees in the North Block District. A preliminary stop on the east end/downtown route has been identified at the K-Rock Centre/Wolfe Island Ferry Terminal, within easy walking distance of the entire District. The expanded transit service plan is under development and has not received budget approval at this time.

The Concept Plan submitted as part of the 2009 Report proposed locating a new Downtown Transit Hub in the block bounded by Place D'Armes, Wellington Street, Barrack Street and King Street. The Report recognized that situating the new Transit Hub in this location would limit the City's options for either developing or selling its portion of this block. As part of the work on the

expanded transit service plan briefly discussed above, various options for the location of a new Downtown Transit Hub are being assessed.

***North Block and Downtown Parking Strategy:***

The North Block study recommends planning for public parking spaces as part of structured facilities on Blocks 1 and 4 to account for parking that is lost or required for new development. Transportation Services is updating and evaluating the existing parking supply inventory this year and will provide an updated strategy on appropriate inventory management for the downtown area, including the north block, as part of this review. The management of the parking supply will be considered as part of the larger Transportation Demand Management Strategy that is currently being developed and will be presented to the Environment Infrastructure and Transportation Policies Committee in July 2011. As part of the new Zoning By-Law Consolidation project, a Parking Standards Review will be undertaken by the Planning & Development Department in 2012. The Parking Standards Review will look at the provision of off-street parking in a comprehensive fashion across the entire municipality and would include any special regulations deemed appropriate for the Downtown Area and the North Block District.

***Traffic Impact Study:***

All of the roads within the District (except Barrack Street) are identified in the Official Plan as Major Roads (Ontario, Queen and Wellington Streets and Place D'Armes are designated as Arterial Roads and King Street is designated as a Collector Road). Arterial Roads are intended to carry high volumes of traffic and have limited access from abutting properties and may have restrictions on stopping, parking or loading during peak hours. Collector Roads are intended to carry medium volumes of traffic, permit full access to abutting properties and have few parking restrictions during peak hours. Proposed improvements to the road network that could impact the North Block District in the longer term include the proposed Wellington Street extension (two lane extension north of Bay Street) and the proposed Third Crossing of the Great Cataraqui River. In addition, the Province is currently reviewing various alternatives for providing ferry service between Wolfe Island and the mainland, including maintaining the current ferry dock location, increasing the size of the ferry, adding a second ferry, and relocating the ferry dock. A second Public Information Centre for the Kingston/Wolfe Island Transportation Study is proposed within a couple of months to present the preferred alternative.

There have not been any recent traffic studies completed within the North Block District. Engineering Staff also have indicated that the traffic studies prepared for the K-Rock Centre would not likely have provided detailed analysis of various development scenarios within the North Block District. Therefore a detailed traffic analysis should be undertaken in advance of development/re-development in the District. A Terms of Reference for the Study would need to be prepared and approved together with the required budget envelope.

***Site Remediation Study (Block 4):***

As noted above, one of the underlying principles of the 2009 Report was to identify actions that would potentially reduce the costs and risks of a typical development and the associated approval processes. If the City decides to sell lands within Block 4 (bounded by Queen, Ontario, Barrack and King Streets), an understanding of the nature and extent of required site remediation and the associated costs could make the lands more marketable and assist in determining the value of the lands. A Record of Site Condition is already in place for a portion of this block. A Terms of Reference for the Study would need to be prepared and approved together with the required budget envelope (capital budget funding has been approved for municipally owned brownfields sites that could be used for this work).

***Official Plan Amendment:***

The 2009 Report indicated that an Official Plan Amendment would be required to facilitate the proposed Concept Plan, principally with respect to the planning techniques suggested to facilitate development and achieve the public objectives identified. In preparing the 2009 Report, the consultant team reviewed the Preliminary Draft Official Plan dated April, 2008. The City's Official Plan was approved in January, 2010 and came into full force and effect with the resolution of all appeals in August, 2010. Staff has had an opportunity to further review the recommendations of the 2009 Report in the context of the

City's new Official Plan. Based on that review, Staff has concluded that no amendments to the Plan would be required to implement the Concept Plan and recommendations as presented in the 2009 Report. It appears that amendments will be required to the Zoning By-Law (e.g. building height and parking requirements) and the Parkland Conveyance By-Law.

In addition to the Next Steps identified in the 2009 Report, four others have been identified as follows:

***Project Management:***

As noted in the 2009 Report, the process of achieving the vision for the North Block district will not be quick, nor will it be the result of one single action. The process will be a complex combination of actions, players and time. As a key land owner, the City must champion the re-development of the District and demonstrate its commitment to the success of redevelopment through tangible investments. Given the complexity of issues involved in any redevelopment scenario for the District, providing a dedicated project lead to coordinate actions involving City Departments, other land owners in the District and development proponents will be essential. The Project Manager would be required for a period of 18-24 months and would have considerable development and project management experience. Key responsibilities would include: articulating the City's public policy objectives in the re-development of the District; establishing/tracking timelines and deliverables and providing ongoing documentation and consistent information to Council and other stakeholders; coordinating the preparation of required studies for City-owned properties (e.g. archaeological investigations); maintaining up to date site information for the City-owned lands (e.g. status of ongoing studies, site remediation, heritage buildings); tracking accountability for the various required actions; and, providing a liaison between the various stakeholders.

***Land Requirements for Sub-Station No. 1:***

Utilities Kingston has identified a need for additional lands to be conveyed to Kingston Hydro in order to ensure the long term operation and viability of Sub-Station No. 1. The property concern relates to existing infrastructure that is currently located outside of the lands currently owned by Kingston Hydro (Part 2, Plan 13R-18158). This infrastructure consists of two underground 44Kva feeders that service Sub-Station No. 1 and two underground structures (PP01 and PP02) that facilitate the transitioning of the underground 44Kva feeders from below ground to above ground in order to enter the Sub-Station. According to Kingston Hydro, this existing underground infrastructure cannot be moved. Prior to any development or land disposition within the block containing the Sub-Station, the land requirements (which could include easements) will need to be finalized.

Kingston Hydro has indicated that planning, pre-engineering and design work respecting Sub-Station No. 1 is scheduled to commence in 2012. This work will involve a complete refurbishment/upgrade of the existing Sub-Station. As part of the planning and design work for the Sub-Station, growth within the service area of the Sub-Station will be considered. In order to inform that design work, a comprehensive servicing strategy for the North Block District would be very helpful.

***Comprehensive Servicing Strategy:***

The entire North Block District is subject to a Holding (H) Symbol through the existing zoning that will not be removed until such time that all servicing issues have been addressed to the satisfaction of the City. As discussed above, substantial analysis appears to be required in order to assess the current infrastructure. A preliminary servicing strategy should be prepared to confirm the existing infrastructure and identify any existing capacity issues/constraints and the works that will be required in order to accommodate development/redevelopment of the nature proposed by the Concept Plan contained in the 2009 Report. An overall servicing strategy that addresses the servicing infrastructure in a comprehensive manner appears to be the preferred option rather than assessing each individual development/redevelopment proposal when submitted. Preparation of such a study may also eliminate the need for multiple applications to remove the Holding (H) Symbol on individual properties.

***Comprehensive Parkland Dedication Strategy:***

In advancing development/redevelopment within the District, an overall parkland dedication strategy should be prepared to establish the City's expectations in terms of land dedication and cash-in-lieu contributions. This strategy would clearly set out

the rationale for the approach being taken and would provide clarity in terms of the land requirements for public open space and provide options for directing the cash-in-lieu contributions in order to meet the recreational needs of the residents/employees in the North Block District and the City as a whole.

## EXISTING POLICY/BY LAW:

### Official Plan Context:

In terms of the **City Structure**, as shown on Schedule 2 to the Official Plan, the North Block District is part of the City's Central Business District Centre which is intended to remain as the City's Primary Centre during the life of the Official Plan. As such, it is intended to contain the most diverse uses and public facilities in a setting that respects both its heritage resources and commercial role (Section 2.2.9). Centres are also identified as areas where intensification will be focused, and where greater heights and densities will be permitted when the infrastructure is available (Section 2.2.8). The Commercial land use designation for these areas is intended to foster residential intensification, a pedestrian-focused mix of land uses, and support for transit, in order to encourage more sustainable development (Section 3.4.1).

As shown on Schedule 3-A, **Land Use**, to the Official Plan, the North Block District is designated Central Business District (CBD). The planned function of the CBD is to continue as a multi-faceted centre of the City and surrounding region and as such it is identified at the top of the City's commercial hierarchy (Section 3.4.6). The goal for the Central Business District is: "To provide for the broadest range of commercial activity that is suitable to the Central Business District setting, in order to support the traditionally diverse role and pedestrian oriented activity focus of the City's architecturally valuable downtown core" (Section 3.4.A). A broad range of commercial use is permitted and encouraged provided that the built form is sensitive to the historic building fabric, scale, pedestrian amenity linkages with the lake, and protected view corridors (Section 3.4.A.3).

Development within the Central Business District is to be guided by the Downtown Action Plan, the Urban Design Guidelines for the North Block Central Business District, the Downtown and Harbour Architectural Guidelines Study, the Downtown and Harbour Zoning By-Law and the Downtown and Harbour Special Policy Area policies of Section 10A of the Official Plan (Section 3.4.A.7).

As shown on Schedule 3-D to the Official Plan, the North Block District is identified as **Site Specific Policy Area No. 22** and is subject to the policies of Section 3.18.22 of the Plan. These policies recognize the special status of the North Block District and outline a number of provisions intended to guide the gradual intensification of the District. These provisions relate to such matters as: building heights; strengthening pedestrian access; ground floor building setbacks to allow for covered pedestrian walkways; reduction of amenity space requirements; maintaining waterfront views; replacement of surface parking with parking structures; traffic and parking impact studies; protection of heritage buildings; archaeological investigations; site remediation; and, the use of a Holding (H) Symbol (see Exhibit C).

Section 10A to the Official Plan provides more detailed policies for the **Downtown and Harbour Special Policy Area**. These policies, to be read in conjunction with the other policies of the Plan respecting the North Block District, are based on a number of other special studies, including: the Downtown Action Plan; Urban Growth Strategy; Downtown and Harbour Architectural Guidelines Study; Community Improvement Plan Brownfields Project Areas 1A and 1B; Kingston Transportation Master Plan; Cycling and Pathways Study; and, Core Area Transportation Review. Similar to the policy direction noted above, the goal for the Downtown and Harbour Special Policy Area is: "To foster the continued prominence and function of the Downtown and Harbour Area as the principal mixed use business district or commercial "Centre" and civic focus within the City, for both residents and visitors". A wide range of commercial use is permitted, including all levels of retailing, offices, professional and service uses, hospitality uses and tourist accommodation, cultural, entertainment and recreation uses. Medium and high density residential uses are also encouraged in the Area. New industrial, automotive and low density residential uses are prohibited. Large-scale commercial uses that may not be compatible with the massing of historic buildings and automobile sales or gas bars will be required to locate on the periphery of the Area or may be prohibited.

Four of the blocks in the North Block District are included in the North Block and Environs component sub-area of the Downtown and Harbour Special Policy Area. The half block on the south side of Queen Street is included in the Lower Princess Street Retail Area component sub-area, although Section 10A.5.2 makes it clear that this property is part of the North Block Site Specific Policy Area and therefore subject to the policies of Section 3.18.22 of the Official Plan. Particular policies in Section 10A that affect the North Block District include:

- Identification of the half block south of Queen Street and the half block on the north side of Queen Street between King and Wellington Streets as Major Development sites on Schedule DH-2;
- Identification of King Street, Ontario Street, Barrack Street (between Ontario and King Streets) and Queen Street (between Ontario and King Streets) as Prime Pedestrian Streets on Schedule DH-3;
- Identification of Ontario Street, King Street, Queen Street, Barrack Street and Wellington Street (between Queen and Barrack Streets) as requiring Mandatory Commercial Frontage on Schedule DH-3;
- A maximum building height of 25.5 metres (after employing angular plane setbacks) – higher building heights may be considered subject to submission of a site specific urban design study to the satisfaction of the City;
- Preserving views to the water from Barrack and Queen Streets;
- Conservation and re-use of existing heritage buildings; and
- New development to be compatible with the built heritage fabric and street-oriented pedestrian function of the Area.

Recommendations within the 2009 Community & Business Enhancement Opportunities Report suggest the use of Section 37 of the *Planning Act* (**Height and Density Bonus**). Section 9.5.25 of the Official Plan provides for the use of Section 37 where an increase in height or density is requested as part of a development proposal. In exchange for granting the increased height and/or density, the types of public benefit that could be achieved include: provision of a range of housing types (e.g. affordable housing, seniors housing); additional parkland dedication; improved public transit facilities; public areas, pathways and connections (this could be the urban squares); providing public and/or underground parking; conserving cultural heritage resources; providing public art; providing green technology and sustainable architecture; and, providing streetscape improvements in accordance with Council-endorsed documents such as the Downtown Action Plan. Such requests for increased height and density must be supported by appropriate studies to ensure that: there are no adverse effects on neighbouring uses; the proposed development is compatible with surrounding uses; the development supports the strategic objectives of the Official Plan; appropriate infrastructure exists to support the proposed development; there is a reasonable planning relationship between the proposed development and the public benefit being achieved; that there is an equitable relationship between the value of the increased height and density and the value of the public benefit; and, that the development constitutes good planning and is consistent with the policies of the Official Plan.

#### **Zoning By-Law No. 96-259:**

The Downtown and Harbour Zoning By-Law zones the North Block District as a site specific '(H) C1-22' Central Business System Zone. This zoning permits a wide range of commercial uses as well as mixed commercial/residential developments. The minimum building height is two storeys. Minimum lot coverage is 50%; maximum lot coverage is 100%. Maximum density is 123 dwelling units per net hectare. There are no off-street parking requirements for permitted commercial uses and no off-street loading requirements. Parking for residential uses is to be provided at a ratio of 1 space per unit. The site specific zoning places a Holding (H) Symbol on the entire District that will not be removed until such time as all servicing issues have been resolved to the City's satisfaction and a Record of Site Condition has been registered in accordance with Provincial regulations. Automotive gas bars, automotive sales establishments, automobile service stations and automobile specialty repair shops are specifically prohibited in the District. The maximum permitted building height is 17 metres (55 feet) at the street line and 25.5 metres (83 feet) along the required angular plane (upper floor step-back). Specific provisions are also included for parking structures.

**Kingston Culture Plan:**

Specific to the North Block District are recommendations 27 and 28 of the Culture Plan:

- Recommendation 27 – “That the Commissioner, Sustainability and Growth, consider the inclusion of a new civic exhibition space for the arts and affordable live/work space for artists along with high end residential development and elements contributing to an artful public realm in the proposal call for redevelopment of the North Block Area.”
- Recommendation 28 – “That the Commissioner, Sustainability and Growth, ensure that key cultural constituencies be included in consultations around recommendations on uses of city-owned properties.”

**Policy for the Sale and Acquisition of Land:**

The sale of any City-owned lands within the North Block District would be subject to the City's Policy for the Sale and Acquisition of Land that was approved by Council on June 20, 2006.

**NOTICE PROVISIONS:**

There are no Notice requirements associated with this Information Report.

**ACCESSIBILITY CONSIDERATIONS:**

Copies of this Report are available in alternate formats upon request. Accessibility requirements for any development/re-development proposals submitted within the District will be assessed during Site Plan Control review.

**FINANCIAL CONSIDERATIONS:**

There are a number of financial implications associated with the next steps as outlined in this report. These financial implications, which have not yet been budgeted, would include:

- Hiring a Project Lead (18-24 months) - \$150,000;
- Site Remediation Study, Block 4 - \$50,000 (this study would determine the nature and extent of required remediation and the associated clean-up costs for any City-owned lands to be offered for sale – approved capital budget funding for municipally owned brownfields could be used for this work);
- Comprehensive Servicing Strategy - \$65,000 (this study would identify the nature and extent of infrastructure improvements that would be required to accommodate development within the District);
- Traffic Impact Analysis - \$50,000 (this study would identify the nature and extent of any changes to the surrounding road network that would be required to accommodate development within the District);
- Transit improvements/downtown transit hub – this analysis is currently underway and a budget envelope will need to be approved;
- Parking Standards Review (component of comprehensive Zoning By-Law Review) - \$75,000;
- Conservation/restoration of City-owned heritage buildings (this cost was estimated in the 2009 Report to be between \$659,000 - \$691,000 (2008 dollars);
- Parkland Dedication Strategy - \$45,000.

Some of the foregoing costs could potentially be recovered from the proceeds of the sale of any City-owned lands or through the granting of additional height and density in exchange for an equivalent value of public benefits.

**CONTACTS:**

Cynthia Beach, Commissioner, Sustainability and Growth Group (613-546-4291, ext. 1150);

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**OTHER CITY OF KINGSTON STAFF CONSULTED:**

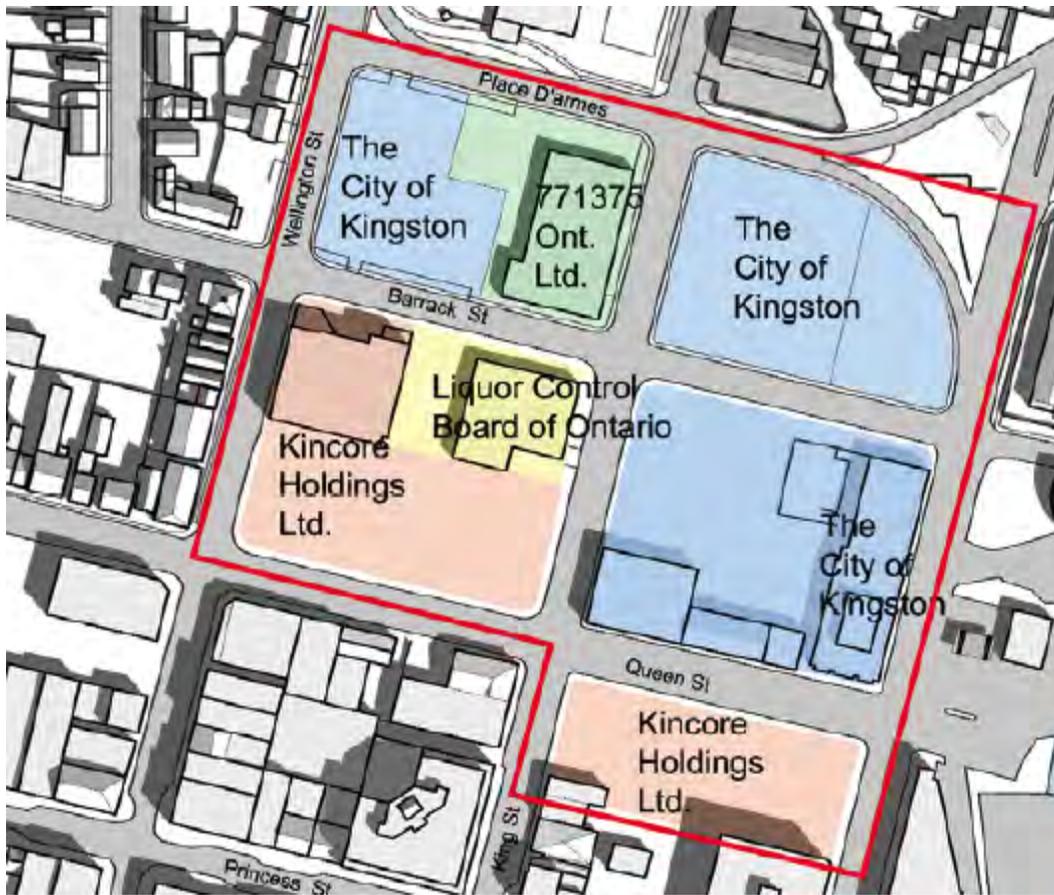
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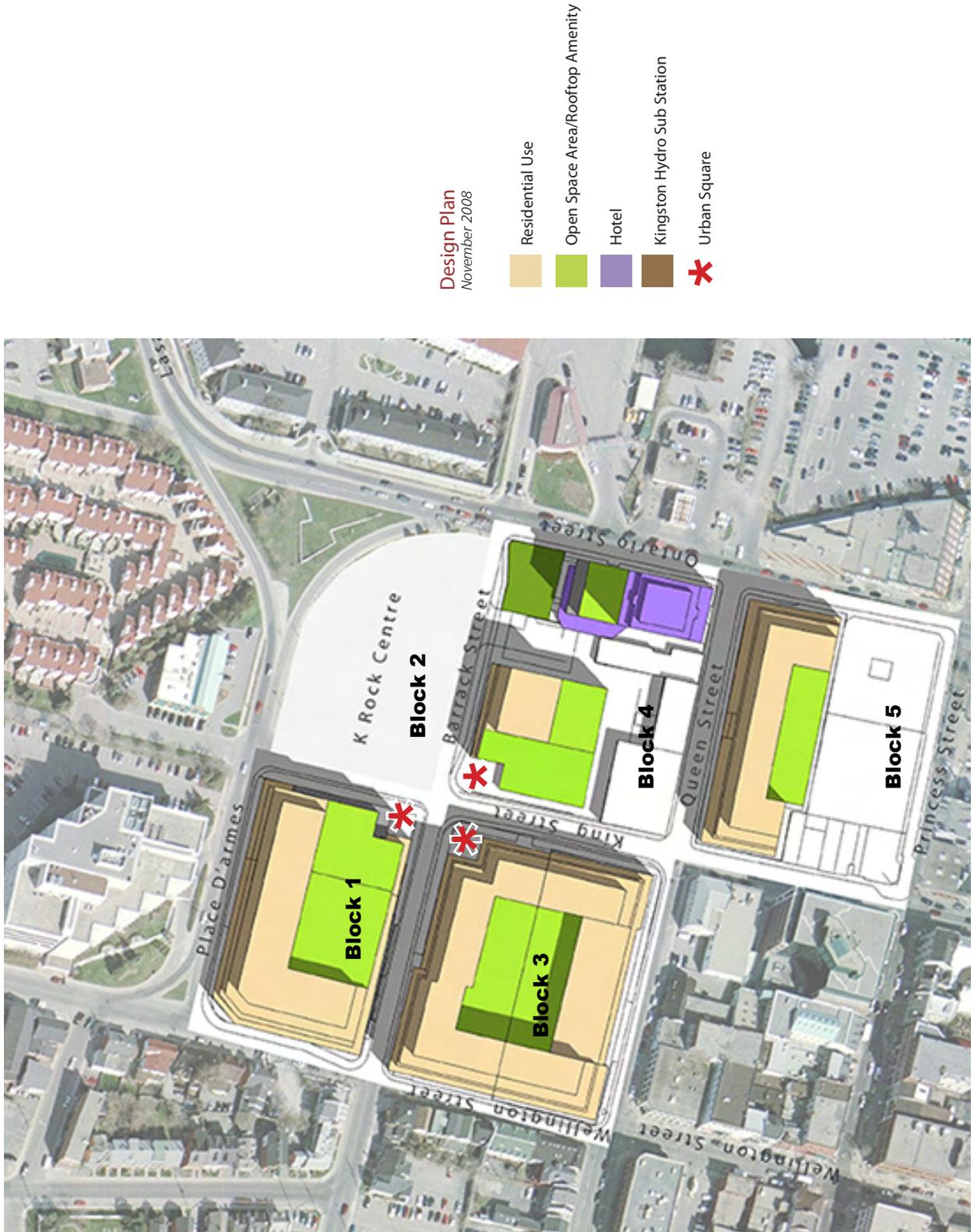
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Kathy Gray, Property Specialist, Real Estate & Constructions Services (613-546-4291 ext. 2429)

**EXHIBITS ATTACHED:**

- Exhibit A - Map of North Block District Showing Ownership
- Exhibit B - 2009 Report Concept Plan
- Exhibit C - Site Specific Policies for the North Block Central Business District (Section 3.18.22 of the Official Plan)





Site Specific Policies for the North Block Central Business District

North Block Central  
Business District  
Schedule 3-D,  
SSP No. 22

**3.18.22.** The Official Plan recognizes the special status of the North Block Central Business District Area as an area in the city core which was assessed in the context of an urban design study, analyzing the potential for long term *intensification* and *redevelopment* of the subject four and a half city blocks. The area is currently underdeveloped, but does contain large areas of parking that serve the downtown and a number of commercial uses, such as grocery stores, that provide key anchors to the downtown, and support residents living in the area.

It is the policy of Council to encourage the *development* of lands within the North Block special policy area in accordance with the approved *development* framework established for the Central Business District policies of this Plan, to establish a general policy approach to guide the area's transition and gradual *intensification*, and to provide direction to the formulation and review of any proposed land use change and/or *development* proposal.

Existing policies support a mix of uses in the area, with a predominance of commercial uses on the ground floor. The following provisions are intended to guide the gradual *intensification* in the future:

- a.** With respect to building heights, the provisions of Section 10A apply, including the public meeting requirements, except that for building heights in excess of 25.5 metres, an urban design study will be required to show that the *development* would not overshadow surrounding buildings, that it would be *compatible* with the scale and massing of buildings which provide the built form context of the surrounding areas, and that it satisfies all other Plan policies.
- b.** *Development* must strengthen pedestrian access by incorporating interlinking connections through and between the subject blocks, as well as outward from the area, with particular attention to improving connections towards Princess Street, and to including improved linkages to the proposed waterfront pathway on the harbour side of Ontario Street. In particular, a pedestrian connection will be sought to link Queen Street to Princess Street.
- c.** In order to encourage a more pedestrian friendly form of retail *development* along King Street, the ground floor building face may be set back from the sidewalk to allow for an arcade form of *development*, characterized by a covered pedestrian walkway with supporting columns.
- d.** Reduction of amenity space requirements as required in the Downtown and Harbour Zoning By-law may be considered, subject to the provision of alternate common amenity space, such as on rooftops, in internal courtyards, or mid block walkways designed to improve pedestrian movement.
- e.** The waterfront views are to be maintained along the municipal rights-of-ways of Queen and Barrack Streets as shown on Schedule 9.
- f.** As *redevelopment* takes place over time, the intent of these policies is to support the replacement of parking lots with above-grade parking structures, subject to the same build-to planes, minimum building height and minimum lot coverage provisions, as currently apply to other building forms in the area. Large structures such as a parking garage or a transportation terminal will be subject to design considerations in accordance with the policies of this Plan. Design considerations may include a façade treatment that will be

harmonious with the intended massing and rhythm of design elements of the more traditional residential or office uses planned for the area.

- g.** Traffic studies and parking impact studies that examine circulation in the immediate area of a *development* proposal, and the on and off-site traffic impacts, are required for each *development* proposal.
- h.** Heritage buildings within the study area must be protected and *conserved* in accordance with Section 7, of this Plan, and deviations from this requires consultation with the Kingston Municipal Heritage Committee and approval of City Council.
- i.** Archaeological protection must take place, as set out in Section 7 of this Plan, and in accordance with the recommendations of the Stage One Archaeological Assessment included as Appendix C in the *Urban Design Guidelines for the North Block Central Business District (2004)*.
- j.** This Official Plan sets out policies for fostering improved environmental quality and requiring site remediation of contaminated sites. The policies and the area subject to the *Community Improvement Plan* were updated in 2005, in order to start the implementation of Kingston's brownfields program. When proposing a change in land use, the owner must file a Record of Site Condition to demonstrate that the proposed land use is appropriate and in accordance with provincial legislation.
- k.** These parcels of land are subject to an 'H' Holding Symbol under Section 36 of the Planning Act and in accordance with the policies of Section 9 of this Plan.