



**City of Kingston  
Report to Council  
Report Number 15-234**

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**To:** Mayor and Members of Council

**From:** Jim Keech, President and CEO, Utilities Kingston  
Lanie Hurdle, Commissioner, Community Services

**Resource Staff:** Mark Van Buren, Director of Engineering  
Paige Agnew, Director of Planning, Building & Licensing Services

**Date of Meeting:** May 5, 2015

**Subject:** Wellington Street Extension – Alternative Evaluation

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**Executive Summary:**

The proposed Wellington Street Extension (WSE) has generated considerable discussion in recent months. The general public discourse can be characterized by uncertainty with the needs justification for the WSE, concern with the impacts of the proposed WSE on the surrounding natural, social, cultural and economic environment, and the desire to develop a long-term vision of the Inner Harbour and Old Industrial Areas that promotes a sustainable, healthy, vibrant, and liveable community. In consideration of the foregoing, there is a demonstrated need to tie together the elements of land use planning and transportation planning in a manner that appropriately reflects a long-term vision for this area of the City of Kingston.

As a result, staff recommends a two-part approach to considering alternative transportation solutions in place of the WSE. The work would include (1) the preparation of a secondary plan for the Inner Harbour and Old Industrial Area and (2) an update to the current Environmental Assessment (EA) for the WSE. This holistic approach provides an opportunity to receive community input to assist in the development of a long-term vision for the Inner Harbour and Old Industrial Area, which in turn will provide information to help to guide a comprehensive review and evaluation of alternative transportation solutions within the study area. Moreover, this approach will also provide an open, traceable and systematic means of developing sufficient supporting rationale in the event that the WSE is no longer the preferred transportation solution and is removed from all municipal policy and strategic planning documents.

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The following report provides further information related to the proposed scope of work, timelines and budget requirements that will be needed to complete this work.

**Recommendation:**

**That** Council direct staff to prepare a Request for Proposals to undertake a Secondary Plan for the Inner Harbour and Old Industrial Area and an Update to the Wellington Street Extension – Environmental Study Report dated May, 2006 in accordance with the Ontario Municipal Class Environmental Assessment process; and

**That** Council approve a total budget \$750,000 to complete a Secondary Plan for the Inner Harbour and Old Industrial Area and the Update to the Wellington Street Extension – Environmental Study Report with funding in the amount of \$180,000 from the Municipal Capital Reserve Fund, \$120,000 from the Development Charges Reserve Fund, and \$450,000 reallocated from the approved capital budget within the Planning, Building and Licensing Services Department.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON

**Jim Keech, President & CEO, Utilities Kingston**

ORIGINAL SIGNED BY COMMISSIONER

**Lanie Hurdle, Commissioner, Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief Administrative Officer**

**Consultation with the following Commissioners:**

Cynthia Beach, Corporate & Strategic Initiatives	√
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	√

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**Options/Discussion:****(A) Background**

The proposed Wellington Street Extension (WSE) has generated considerable public discussion in recent months. Most of the public comments received by City staff to-date have expressed doubt with the needs justification for the WSE, and a deep level of concern with the impacts of the planned roadway on the surrounding natural, social, cultural and economic environment. Beyond the specific concerns related to the WSE, there is also an expressed desire to create a long-term vision and options that will support redevelopment in both the Inner Harbour and Old Industrial Areas in a manner that promotes a sustainable, healthy, vibrant, and liveable community.

On March 3, 2015, Council directed staff to prepare a report that provided comprehensive information on matters related to the WSE. A comprehensive report was provided to Council on March 24, 2015 that offered information related to the planning implications, recreation & leisure implications, environmental implications, utility infrastructure, land acquisition, and legal considerations related to the WSE. This report was deferred for consideration by Council until May 19, 2015 or until such time that the Kingston Transportation Master Plan has been considered.

The motion approved by Council on March 3, 2015 also requested staff to report back to Council in May 2015 with the scope of work, timelines and budget requirements to explore other alternative transportation solutions in place of the WSE. In an effort to satisfy both the direction provided by Council and to address the totality of all of the issues and implications surrounding the WSE, this report provides a recommended approach that ties together the elements of land use planning and transportation planning. In doing so, there is a new opportunity to undertake a holistic consideration of the study area comprised by both the Inner Harbour and Old Industrial Area and thereby develop transportation solutions that are complementary to the long-term vision of this area of the City.

**(B) Recommended approach to explore alternative transportation solutions to the WSE**

Staff recommends that the best approach to considering alternative transportation solutions in place of the WSE would be undertaken in two parts and include (1) the preparation of a secondary plan for Inner Harbour and Old Industrial Area and (2) an update to the Environmental Assessment (EA) for the WSE. The preparation of a secondary plan for both the Inner Harbour and Old Industrial Area would need to start in advance of an update to the EA. It is acknowledged that the preparation of a secondary plan for this study area is an expansion of the direction received by Council in the March 3, 2015 motion, however, staff contends that the completion of a secondary plan provides (i) community input to assist in developing a long-term vision of both the Inner Harbour and Old Industrial Area with accompanying land use planning framework, (ii) information and new/modified evaluation criteria that will assist in considering transportation solutions within the study area, and (iii) supporting rationale in the event that the WSE is removed from all municipal policy documents and strategic directions. It is important to note that the elimination of the WSE, without any justification and/or planning assessment, could

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be subject to potential challenge under the Planning Act. An identification of the scope of work, schedule and budget requirements for both the secondary plan and EA update is provided below.

(C) Secondary Plan for Inner Harbour and Old Industrial Area

### **What is a Secondary Plan?**

Secondary Plans establish local development policies to guide growth and development in defined areas of a city where major physical changes are expected and desired. Secondary Plans are developed for parts of the city that include large areas of underutilized land that would benefit from suitable redevelopment areas targeted for major public or private investments; and areas where development is occurring, or proposed, at a scale, intensity or character which necessitates a reconsideration or reconfiguration of local streets, blocks, public works, open spaces or other public services or facilities.

A Secondary Plan also contains the land use planning policies which are incorporated as an amendment to the Official Plan, which must be defensible if challenged by appeal bodies such as the Ontario Municipal Board.

### **Scope of Work for Secondary Plan**

The City of Kingston Official Plan identifies both future and completed detailed planning areas. Two of these identified areas are the Inner Harbour Area and the Old Industrial Area. In the 1980's both of these areas had secondary plans completed which were never fully implemented. Given the recent public input related to the WSE, the expressed desire to create a long-term vision of this area of the City, and the age of the past planning studies undertaken for both the Inner Harbour and Old Industrial Areas, it is the recommendation of staff to advance the secondary planning effort for this combined area.

It is further recommended that the secondary plan will be prepared in accordance with Section 9.7.2 of the Official Plan. The Official Plan recognizes that secondary plans may need to be developed for areas of the City such as the Old Industrial Area that are multi-faceted and complex, and require more extensive policy guidance. As a result, the secondary planning work will produce a concept plan and vision for the future development/redevelopment of the area. The vision will form the framework for the secondary plan and identify the locations of specific land uses and policies that will provide direction for further detailed planning through zoning by-law amendments and site plans. The preparation of a secondary plan for the Inner Harbour and Old Industrial Area will make use of background documents including the Employment Land Strategy Review, Kingston Transportation Master Plan, Population, Housing & Employment Projections Study, and the previous secondary plan for the Inner Harbour Area.

As set out in the Official Plan, the scope of work to be included in a secondary plan will address the following at a minimum.

1. identifying the study area and community boundaries;

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2. recognizing that all new development should move the City of Kingston forward towards its goal of being Canada's most sustainable city;
3. providing for, and identifying the location of various proposed land uses including parks and open spaces, schools and community facilities and commercial areas (s) intended to meet the day to day needs of the residents;
4. assigning a mix of housing, related to density, type and affordability;
5. designing the road and pathway systems including pedestrian and vehicular movement within the study area including consideration of access points, design, traffic calming measures and any major off-site transportation improvements;
6. ensuring compatibility with existing planned or adjacent land uses;
7. protecting the natural heritage system;
8. identifying cultural heritage resources (including archaeology) as required by the policies of the Plan;
9. identifying and protecting prime agricultural land where possible;
10. providing public service facilities including transit, libraries, recreation, fire protection and education facilities;
11. designing a full neighbourhood, including a focal point, a meeting area and theme and urban design guidelines; and
12. timing and phasing of proposed development.

In addition to providing further detail, analysis and recommendations regarding specific land uses, the secondary plan will identify infrastructure requirements. There will be developed a servicing infrastructure plan including sanitary servicing, water servicing, stormwater management, electrical, gas and communication systems for the study area that maximizes the use of existing infrastructure and minimizes costly capital infrastructure improvements. There will also need to be a high level review of the financial impact of the development of the Plan on the municipality including development charges and other associated financing requirements.

Public consultation will be a critical part of the secondary planning process and there will be multiple opportunities and a cross section of innovative techniques used for gathering input.

The secondary plan will also provide recommendations regarding the revitalization of the area, including, but not limited to, economic development mechanisms, potential planning tools, heritage conservation tools, and community organizations and partnerships, and public services and utilities:

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1. To support the Official Plan policies of intensification for the area, and ensure that densities are supportive;
2. To encourage a built environment that is supportive of pedestrians and promotes active transportation;
3. To ensure that new development is appropriately integrated in a way that respects the character and scale of the existing adjacent neighbourhoods;
4. To identify, protect, and promote cultural heritage resources and ensure that additions or modifications to built heritage resources or cultural heritage landscapes are appropriate and complementary;
5. To encourage the development of additional housing units that offer variety, quality, accessibility, and affordability;
6. To encourage the development of commercial uses that are oriented to the street and intended to serve the surrounding neighbourhoods;
7. To encourage the retention of existing businesses and the attraction of new businesses to the area;
8. To support improvements that increase transit ridership, accommodate cyclists, and provide adequate and appropriate parking and vehicular circulation in the area;
9. To ensure that any recommendations of the study regarding future redevelopment of the area incorporate environmental innovation and sustainability by using “green” technology and design principles; and,
10. To provide a framework of how the revitalization of brownfield properties can be encouraged;
11. Encourage the integration of green spaces, natural environment and public park lands into future development, and
12. To review and provide examples of other similar redevelopments in other municipalities.

It is anticipated that the preparation of a secondary plan for the combined area of the Inner Harbour and Old Industrial Area will take approximately 24 months to complete. Staff recommends a total budget of \$600,000 to complete the secondary planning work.

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Environmental Assessment Update for Wellington Street Extension**What is an Ontario Municipal Class Environmental Assessment?**

A Municipal Class Environmental Assessment, also commonly referred to as “EA”, is a planning and decision-making process that applies to certain public infrastructure projects. The key principles of an EA are consultation, consideration of a reasonable range of alternatives, consideration of the effects of the alternatives on all aspects of the environment, systematic evaluation, clear documentation, and traceable decision-making. The first Municipal Class EAs were prepared in 1987 and approved under the Ontario Environmental Assessment Act. The Municipal Class EA applies to infrastructure projects such roads, water and wastewater projects undertaken by municipalities in the Province of Ontario. The Municipal Class EA process/framework has been reviewed and updated in 1993, 2000, 2007 and 2011.

The EA process includes five phases:

1. Problem or opportunity – identification of problem (deficiency) or the opportunity that is present.
2. Alternative solutions – identification of all reasonable alternatives to address the problem or opportunity identified and establish the preferred solution.
3. Alternative design concepts for preferred solution – examination of alternative methods of implementing the preferred solution while mitigating adverse environmental impacts.
4. Environmental study report – documentation of the process to be available for review by public and review agencies.
5. Project implementation – completion of project design to proceed with construction and operation.

Consultation with review agencies and the public during all phases is a key component of the EA process. Both the EA guidance documents and staff experience highlight the fact that consultation throughout the EA process is critically important. Two-way communication between the proponent (municipality) and affected or interested stakeholders is important to ensure the exchange of information that will lead to better decision-making. Effective communication may also help to resolve differences in opinions reduce or avoid controversy, and avoid use of “bump up” provisions to require a project to comply with Part II of the EA Act and complete an individual environmental assessment. Larger scale and/or more complicated EAs, such as the EA for the WSE, typically involve the creation of a public advisory committee to work alongside the project team. The mandate of the public advisory committee is established early in the project and typically includes advice to the project team on effective methods and means for public consultation.

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The evaluation of alternative solutions is also a critical component of the EA process. Once again, for larger scale and/or more complicated EAs, such as the WSE, the project team works to establish a technical advisory committee, which may include key project stakeholders. This group will assist with the identification of all reasonable alternative solutions to the problem defined or the opportunity presented. Following the assembly of all reasonable alternatives, the project team and the technical advisory committee prepare evaluation criteria and associated weighting that address the environmental, economic, social, and cultural impacts of the various alternative solutions. Following this work, the project team and the technical advisory committee then score each of alternative solutions, using the weighted evaluation criteria, in order to select the preferred solution. This process has proven to be a systematic and traceable means of developing a preferred solution.

### **Why would the City update a completed Environmental Assessment and what is the process to do so?**

The Council motion dated March 3, 2015 provides direction to staff to explore other alternative transportation solutions in place of the WSE. It is important to note that any other alternative transportation solution will require the completion of an EA with the degree of evaluation and public consultation depending upon the nature, complexity, and dollar value of the alternative being considered. Given the requirement to complete an EA for an alternative solution to the WSE, staff recommends that an update to the current EA for the WSE would be the most appropriate course of action. An update to the current EA would avoid problems such as public uncertainty that would be created by developing a new and separate EA for an alternative solution without a clear and defensible means to deal with the current approved EA for the WSE.

The Municipal Class EA provides a process whereby revisions or addenda to an Environmental Study Report can be made as a result of either (1) a change in the project or the surrounding environment or (2) a lapse in time whereby the project has not proceeded to implementation with a 10-year period following the EA approval. Elements of both of these conditions have applicability to the WSE EA and would provide adequate justification to proceed with an update to the current EA.

A significant modification to a project or change in the environmental setting may create the necessity to undertake a revision or addendum to a completed EA. An addendum to an EA describes the circumstances necessitating the change, the environmental implications of the change, and the appropriate mitigation measures to address any negative environmental impacts. Only items that are identified in the addendum (i.e. changes) are open for review by the public and review agencies and the minimum requirements for public notification include a 'Notice of Filing of Addendum' and a 30-day review period. The Notice also includes the right of members of the public to request a Part II Order (bump-up) within the 30-day review period.

If a project has not proceeded to implementation within 10 years following an EA approval, the EA process requires the proponent (municipality) to review the planning and design process and the current environmental setting of the project. The proponent is also responsible to ensure that the project and mitigation measures are still valid given the current planning context. Upon

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completion of this work, the project review is recorded as an addendum to the Environmental Study Report. Once again, the minimum requirements for public notification include a 'Notice of Filing of Addendum' and a 30-day review period. In addition, the Notice also includes the right of members of the public to request a Part II Order (bump-up) within the 30-day review period.

### Scope of Work for EA Update

In consideration of the direction provided by Council, staff recommends a two-stage approach that would culminate in an EA update and corresponding update the Environment Study Report for the WSE. As previously indicated, staff contends that an update to the current EA is the most appropriate manner to proceed with the exploration and evaluation of alternative solutions to the WSE which was endorsed by Council as part of the final Environmental Study Report in 2006. An update the existing EA would provide a transparent and traceable process to appropriately consider all reasonable alternative solutions alongside the WSE, which was the preferred solution in the 2006 report. The activities to be included in Stage 1 of the EA update would include:

1. Change the title of the Environmental Assessment and the Environmental Study Report. Removal of reference of "Wellington Street Extension" from the title of the EA and the final Environmental Study Report will be an important first step to provide public assurance with the process and that all alternative transportation solutions will be given equal consideration.
2. Establish Public and Technical Advisory Committees with agreed upon mandate.
3. Develop a transportation micro-simulation model for the study area.
  - Validate needs justification for transportation capacity improvements within the study area.
  - Assess if operational improvements can address transportation deficiencies.
4. Coordination with secondary planning work for the Inner Harbour and Old Industrial Area.
5. Re-visit alternative solutions to identify any other reasonable alternative solutions that would be added to the original list of alternative solutions.
6. Re-visit evaluation criteria to add/delete factors that will appropriately reflect current environmental setting.
7. Re-visit weighting factors for evaluation criteria that will appropriately reflect current environmental setting.
8. Re-score each alternative to determine preferred alternative.

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## 9 Report to committee/council.

Stage 2 of the EA update would include the following activities:

1. Coordination with secondary planning work for the Inner Harbour and Old Industrial Area.
2. Update supporting studies as required.
3. Update mitigation measures for preferred alternative as required.
4. Preparation of preliminary/conceptual design and cost estimates.
5. Prepare addendum to the ESR.
6. Report to committee/council.
7. Notice of Filing of Addendum.

Based upon the scope of work identified for the EA update, staff recommends a total budget of \$150,000 for the EA update.

The work plan for the EA update will need to synchronize with the secondary planning work in a manner that enables sufficient information and conclusions from the secondary plan to inform the EA update. In order to maximize cost efficiencies and ensure proper coordination between both the secondary planning work and the update to the EA, staff recommends the preparation of Terms of Reference for a single Request for Proposals that would seek proposals from qualified professional planning and engineering consultants to respond to the joint scope of work and timelines that seek completion of the overall project within 24 months.

### Summary

The recommendation to prepare a secondary plan for both the Inner Harbour and Old Industrial Area, combined with an update to the EA for WSE, is considered the most effective means of addressing a number of concerns and issues that have been brought to the forefront as part of the recent public input regarding the proposed WSE. The proposed scope of work will require additional capital funds to complete; however, City Council should consider these funds to be a reasonable and prudent investment to create an updated plan that will help to guide the future development and redevelopment within this section of the City of Kingston.

The overall project will require 24 months to complete. In the interim period and until such time as the final EA update is approved by City Council, staff advise that land acquisitions along the proposed WSE corridor are only to be pursued if property owners approach the City or list their lands for sale. Staff also advises that land development applications that are received in the interim period are to be evaluated based upon policies, plans and/or bylaws that are currently in place. As part of the recent strategic planning sessions City Council has expressed a desire to see the completion of the section of the K&P Trail in the Inner Harbour and Old Industrial Area.

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If the recommended secondary plan and update to the EA for WSE is approved, staff would work in cooperation with these studies to explore short and long term K&P Trail options which could have an impact on the target to complete K&P Trail by 2017.

**Existing Policy/By-Law:**

Existing City of Kingston Policies and By-Laws include: Kingston Official Plan, Kingston Transportation Master Plan, Development Charges Background Study and By-Law (2014), Employment Land Review, Parks & Recreation Master Plan, Wellington Street Environment – Environmental Study Report (2006), and Brownfields Community Improvement Plan.

**Notice Provisions:**

Not applicable.

**Accessibility Considerations:**

This report is available in alternate formats upon request to the City Clerk.

**Financial Considerations:**

The report indicates that a total budget of \$750,000 will be required to complete both a secondary plan for the Inner Harbour and Old Industrial Area (\$600,000) and an update to the EA (\$150,000).

Staff recommends that \$100,000 for the preparation of a secondary plan for the Old Industrial Area approved in the 2014 capital budget, plus \$350,000 for secondary planning studies, which is contained within the approved 2015 capital budget for Planning, Building and Licensing Services, be reallocated for a total amount of \$450,000 towards the proposed project budget. This will expend all approved funds for secondary planning work. The costs for the update to the EA estimated to be \$150,000 will be shared at a ratio of 80% (\$120,000) attributed to development charges and 20% (\$30,000) attributed to the tax base. It should be noted that the development charges component includes post planning serviced share as referenced in the Development Charges Background Study.

As a result, the total project budget of \$750,000 will require funding in the amount of \$180,000 from the Municipal Capital Reserve Fund; \$120,000 from the Development Charges Reserve Fund; and \$450,000 reallocated from existing approved capital budget within the Planning, Building and Licensing Services Department.

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**Exhibits Attached:**

Not applicable.