



**City of Kingston
Report to Planning Committee
Report Number PC-25-013**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: April 3, 2025
Subject: Recommendation Report
File Number: D14-018-2024
Address: 279 Wellington Street & 49 Place D'Armes
District: King's Town
Application Type: Zoning By-Law Amendment
Owner: LAPE Holdings Corp.
Applicant: Arcadis Professional Services

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a Zoning By-Law amendment submitted by Arcadis Professional Services, on behalf of LAPE Holdings Corp., with respect to the subject site located at 279 Wellington Street & 49 Place D'Armes.

The severed parcel, to which this application for Zoning By-Law amendment applies, is an approximately 4,230 square metre lot with 57.5 metres of frontage on Wellington Street and is currently used as a surface parking lot (Exhibit B – Key Map). The severed parcel forms the northwest corner of the overall site at 279 Wellington Street and 49 Place D'Armes. The subject

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lands are approximately 1.46 hectares with approximately 155 metres of frontage on Wellington Street, approximately 100 metres of frontage on Place D'Armes, and approximately 70 metres of frontage on King Street East. The overall site is currently developed with a five-storey commercial office building, a one-storey accessory building and surface parking.

The subject property is designated Central Business District (CBD) in the City of Kingston Official Plan (Exhibit E – Official Plan Map). The property is also subject to the Downtown and Harbour Specific Policy Area, being within the North Block and Environs Area in accordance with Schedule DH-1. The site is zoned Downtown Zone 1 (DT1) in Kingston Zoning By-Law Number 2022-62.

The purpose of the Zoning By-Law amendment application is to establish a Holding Overlay on the severed parcel requiring archaeological clearance prior to any new development or ground disturbance. A Consent application to create the severed parcel was provisionally approved by the Committee of Adjustment on February 24, 2025, and the applicant is now in the process of fulfilling conditions ([Report Number COA-25-025](#)). One of the conditions in the Notice of Decision for the Consent application is approval of the subject Holding Overlay requiring the archaeological clearance from the Ministry of Citizenship and Multiculturalism prior to proceeding with any new development or ground disturbance on the new parcel (“severed parcel”).

There is a separate Zoning By-Law amendment application for a 14-storey apartment which was submitted in 2023 (File Number D14-008-2023). It proposes an apartment building with 158 dwelling units on the severed parcel. When this initial re-zoning application was submitted the owner had indicated their intention to sever this parcel as part of the overall project. The Consent and Zoning By-Law amendment applications are preceding the 2023 re-zoning application due to project financing and mortgage requirements.

The recommended Zoning By-Law amendment would allow for the continued use of the existing property until such time as development may be approved in the future. The proposal, as assessed through the technical review process, is consistent with the Provincial Planning Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-018-2024) submitted by Arcadis Professional Services, on behalf of LAPE Holdings Corp., for the property municipally known as 279 Wellington Street & 49 Place D'Armes, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-25-013; and

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

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

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Authorizing Signatures:

p.p.

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate & Emergency Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Ian Semple, Acting Commissioner, Transportation & Infrastructure Services	Not required

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Options/Discussion:**Statutory Public Meeting**

Planning Services is recommending the public meeting for the recommendation report at the April 3, 2025, be the only public meeting at Planning Committee based on the following:

- The proposal is compatible with the Provincial Planning Statement (2024) and the Kingston Official Plan;
- The proposal is considered minor in nature;
- The proposal ensures the responsible management of potential archaeological resources;
- The proposal does not change how the severed parcel is used; a development proposal for a 14-storey apartment is being considered under a separate Zoning By-Law amendment application (D14-008-2023); and
- Combining the public meeting and the recommendation report facilitates the streamlining of the development approval process, thereby decreasing application processing time.

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

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

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

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

Lindsay Reid, Senior Planner – Urban Designer
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3277

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lcreid@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application as part of the development proposal for the overall site (File Number D14-008-2023). This was followed by a pre-application meeting regarding the Consent application with the applicant on September 18, 2024. Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of January 3, 2025.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before April 3, 2025, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT). The application has exceeded this timeframe as proceeding to Planning Committee was tied to the provisional approval of the Consent application at Committee of Adjustment.

Site Characteristics

The subject lands are located at the northwest corner of the parcel at 279 Wellington Street and 49 Place D'Armes (Exhibit B – Key Map). The overall site is approximately 1.46 hectares with approximately 155 metres of frontage on Wellington Street, approximately 100 metres of frontage on Place D'Armes, and approximately 70 metres of frontage on King Street East and is currently developed with a five-storey commercial office building, a one-storey accessory building, and surface parking. There are driveways on Wellington Street and Place D'Armes. The property abuts the Anglin parking lot to the north. To the east is the Place D'Armes neighbourhood, to the south is the Barrack parking lot and a grocery store, and there are a mix of uses to the west (Exhibit C – Neighbourhood Context Map). On the opposite side of Wellington Street there are several heritage properties, including 2-8 Rideau Terrace and 308 Wellington Street, which are designated under Part IV of the Ontario Heritage Act.

The severed parcel, to which this application for Zoning By-Law amendment applies, is an approximately 4,230 square metre lot with 57.5 metres of frontage on Wellington Street.

The subject property is designated Central Business District in the Official Plan (Exhibit E – Official Plan Map) and zoned Downtown Zone 1 (DT1) in Kingston Zoning By-Law Number 2022-62 (Exhibit G – Zoning By-Law Map).

Proposed Application and Submission

The purpose of the Zoning By-Law amendment application is to establish a Holding Overlay on the severed parcel requiring archaeological clearance prior to any new development or ground disturbance. A Consent application to create the new parcel was provisionally approved by the Committee of Adjustment on February 24, 2025, and has passed through the appeal period without appeal. One of the conditions in the Notice of Decision for the Consent application is approval of the subject Holding Overlay requiring the archaeological clearance from the Ministry

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of Citizenship and Multiculturalism prior to proceeding with any new development or ground disturbance on the severed parcel. No change to the property is being contemplated as part of this application. The Consent and Zoning By-Law amendment applications are preceding the 2023 re-zoning application due to project financing and mortgage requirements.

In support of the application, the applicant has submitted the following:

- Planning Justification Report dated December 20, 2024;
- Site Plan showing conditionally approved severance and easements (Exhibit H);
- Survey;
- Concept Plan of proposed future development (Exhibit I); and
- Plan of existing underground infrastructure.

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

Provincial Planning Statement

The Provincial Planning Statement (2024) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

Included in the Provincial Planning Statement are policies on the wise use and management of resources, including cultural heritage and archaeology. As applies here, development and site alteration on lands containing potential archaeological resources shall not be permitted unless the significant archaeological resources have been conserved.

The recommended Zoning By-Law amendment is consistent with the Provincial Planning Statement (2024) as the proposed Holding Overlay requires that further archaeological study be undertaken and archaeological clearance be obtained from the province prior to any ground disturbance or new development. The purpose of this Holding Overlay is to ensure that significant archaeological resources are conserved.

The application is consistent with the direction in the PPS. A detailed review of how this proposal complies with the applicable policies is attached in Exhibit D.

Official Plan Considerations

The subject property is designated Central Business District (CBD) in the City of Kingston Official Plan (Exhibit E – Official Plan Map). The lands are also subject to the Downtown and Harbour Specific Policy Area, being within the North Block and Environs Area in accordance with Schedule DH-1. The severed parcel is located within 30 metres of the Rideau Canal UNESCO World Heritage Site and has been found to have archaeological potential through a Stage 1 Archaeological Assessment.

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The purpose of this Holding Overlay is to ensure that archaeological resources are evaluated and conserved prior to any ground disturbance or new development in accordance with the City's Archaeological Master Plan and provincial regulations as set out in the Official Plan.

The application is consistent with the policy direction in the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The subject property is zoned Downtown Zone 1 (DT1) in Kingston Zoning By-Law Number 2022-62. The DT1 zone permits a variety of residential and commercial uses including the existing and proposed apartment, office and commercial parking lot uses.

The parent zone for the property is not changing and the existing surface parking lot is to be maintained until such time as an alternative development is approved. Through the technical review process, it was determined that archaeological clearance is required prior to new development or ground disturbance occurring on the severed parcel. The intent of the Holding Overlay is to ensure potential archaeological resources are conserved.

Approval of this application does not presuppose approval of the separate Zoning By-Law amendment application for a 14-storey apartment on the severed parcel. That application is undergoing a separate technical review and will be decided upon based on its own merit.

Other Applications

Concurrent with this application for Zoning By-Law amendment, the applicant submitted a Consent application to create the severed lot that this application applies to (File Number D10-042-2024). The Consent application was provisionally approved by the Committee of Adjustment on February 24, 2025, and the applicant is now in the process of fulfilling conditions. One of the conditions in the Notice of Decision for the Consent application is approval of this Holding Overlay to ensure responsible archaeological resource management as detailed in this report.

There is also an active zoning by-law amendment application for a 14-storey apartment (File Number D14-008-2023). As proposed, the apartment building with 158 dwelling units would be located on the severed parcel.

Technical Analysis

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

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Public Comments

A Public Meeting is being held on April 3, 2025, with respect to this application. This Public Meeting will be held concurrently with the submission of this recommendation report. The following is a summary of the public input received to date. All original written public comments are available in Exhibit L of this report.

Public comments were related to the timing of this application (in relation to the 2023 re-zoning application) and technical questions with respect to the Zoning By-Law amendment application for the 14-storey apartment with 158 dwelling units and technical considerations.

Correspondence related to the Consent application to create the severed parcel is available for review as part of the report to Committee of Adjustment ([Report Number COA-25-025](#)).

- **Electrical Servicing:** Comments about the impact of additional electrical load on the available electrical capacity by Utilities Kingston in the local area.

Response: The applications for Consent and Zoning By-Law amendment (to introduce a Holding Overlay) do not permit any new build out or increase to the site's electrical needs. The purpose of these applications is to create a new lot (at the location of the proposed apartment building) and condition the severance such that the lot would not be developed until archaeological clearance has been obtained.

The proposal to provide a new 14-storey apartment building on the subject lands is undergoing a separate zoning by-law amendment application (File Number D14-008-2023) and is currently under technical review. As part of that technical review, the proposal has been reviewed by the local electrical provider Kingston Hydro. Kingston Hydro have indicated that they have no concerns about the proposed zoning by-law amendment application to permit the apartment and that service can be provided from the existing 44kV station on the site. Staff will continue to review this aspect of the project with the application progresses.

- **Timing:** Concern about approving the Consent application with Holding Overlay condition in advance of the completion of the archaeological study.

Response: The new lot will not be developed in advance of archaeological clearance. The purpose of this Holding Overlay (a condition of the Consent approval) is that the severed lot will not be developed until the archaeological clearance is obtained. The applicant will need to complete all required archaeological studies and obtain clearance from the province before any development proceeds.

- **Environmental:** Concern about disturbing the existing lands and impacts related to potential hazardous material and /or contaminated soils on-site.

Response: All planning applications are subject to a technical review which will address environmental interests. In the technical comments for the Zoning By-Law amendment

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application to permit the 14-storey apartment, staff indicated that the applicant would need to produce a Record of Site Condition (RSC) filed with the Ontario's Ministry of Environment, Conservation and Parks indicating that the site meets the provincial standards for residential use. The applicant has also been informed through technical review that soil and groundwater will need to be managed in accordance with provincial standards, and the protocol and standards should underground fuel tanks, contaminated soil or groundwater, buried wastes, designated substances or abandoned water wells be revealed as part the site work. These details can be found in the Technical Report provided to the applicant and available on DASH.

- Development fees: Concern that the development fees the city collects do not reflect the time required to review applications.

Response: The City of Kingston updates development application fees annually at a rate of 3% to account for inflation. The development fees intent is to cover the costs related to reviewing and assessing each application. As noted above, the proposed 14-storey apartment is covered under a separation application.

- Street frontage: Concern that the length of property shared with the Bay Street Road allowance was not identified as street frontage along with Wellington Street, Place D'Armes and King Street East in the public notices.

Response: While the subject lands are adjacent to an area on the survey labelled as "Bay Street", this area does not form part of the maintained public street and instead forms part of the unopened road allowance. In the Kingston Zoning By-Law a street means, "a public street or highway in accordance with the terms of the Municipal Act but does not include unopened road allowances. For the purpose of this By-Law, a private street is considered a street." The Bay Street Road allowance currently forms part of the municipal parking lot (Anglin Lot) directly north of the subject lands. Consultation with Development Engineering, Legal and Records revealed that Bay Street initially terminated at Wellington Street, and no records have been found indicating that this road allowance has been opened as a public street.

- Wellington Street access: Concern that the traffic generated by the proposed 14-storey apartment (File Number D14-008-2023) cannot be supported on the existing south driveway on Wellington Street.

Response: At this time, the applicant is proposing to maintain the southern driveway on Wellington Street to both the severed and retained lots as it relates to the functioning of the vehicular movement on both the retained and severed parcels. Given that there is no change in the use of the lots considered as part of the Consent and Zoning By-Law amendment (Holding Overlay) applications, no new impact is anticipated as a result of these specific applications.

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The proposed 14-storey apartment is undergoing technical review under a separate application and will be reviewed on its own merit (File Number D14-008-2023). A Transportation Impact Study was submitted in support of the proposal and comments were provided by Transportation Services staff including further rationale and justification for the projected trip volumes. This is currently undergoing further review and analysis by the applicant's consultants.

Effect of Public Input on Draft By-Law

In response to public comments staff have clarified to the public and the Committee of Adjustment that the severance and this related Holding Overlay serve to maintain the existing use and functioning of the site overall (on both the severed and retained parcel). Approval of this application does not presuppose approval of the separate Zoning By-Law amendment application for a 14-storey apartment on the severed parcel. That application is undergoing a separate technical review and will be decided upon based on its own merit.

Conclusion

The recommended Zoning By-Law amendment is a condition of approval for the severance conditionally approved by the Committee of Adjustment and is necessary to ensure potential archaeological resources are conserved.

The removal of the Holding Overlay will require archaeological studies and archaeological clearance from the Ministry of Citizenship and Multiculturalism prior to proceeding with any new development or ground disturbance on the severed parcel.

The proposal is consistent with the Provincial Planning Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

Existing Policy/By-Law:

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

Provincial*Planning Act*

Provincial Planning Statement, 2024

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

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Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 398 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on March 25, 2025.

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

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

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Lindsay Reid, Senior Planner – Urban Designer, 613-546-4291 extension 3277

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62

Exhibit B Key Map

Exhibit C Neighbourhood Context

Exhibit D Consistency with the Provincial Planning Statement

Exhibit E Official Plan, Land Use

Exhibit F Conformity with the Official Plan

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- Exhibit G Zoning By-Law Number 2022-62
- Exhibit H Proposed Site Plan
- Exhibit I Concept Plan
- Exhibit J Site Photographs
- Exhibit K Public Notice Notification Map
- Exhibit L Public Comments

By-Law Number 2025-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Holding Overlay H245, (279 Wellington Street and 49 Place D’Armes))

Passed:

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law;

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule F – Holding Overlay is amended by adding Holding Overlay ‘H245’ as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. By adding the following Holding Overlay H245 in Section 22 – Holding Conditions, as follows:

“**H245.** Prior to the removal of the Holding Overlay for any new development or ground disturbance, the following condition must be satisfied:

 - a) The submission of the assessment report(s) and any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism confirming that the site has obtained archaeological clearance.”

2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk


Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Address: 279 Wellington Street and
49 Place D'Armes
File Number: D14-018-2024

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

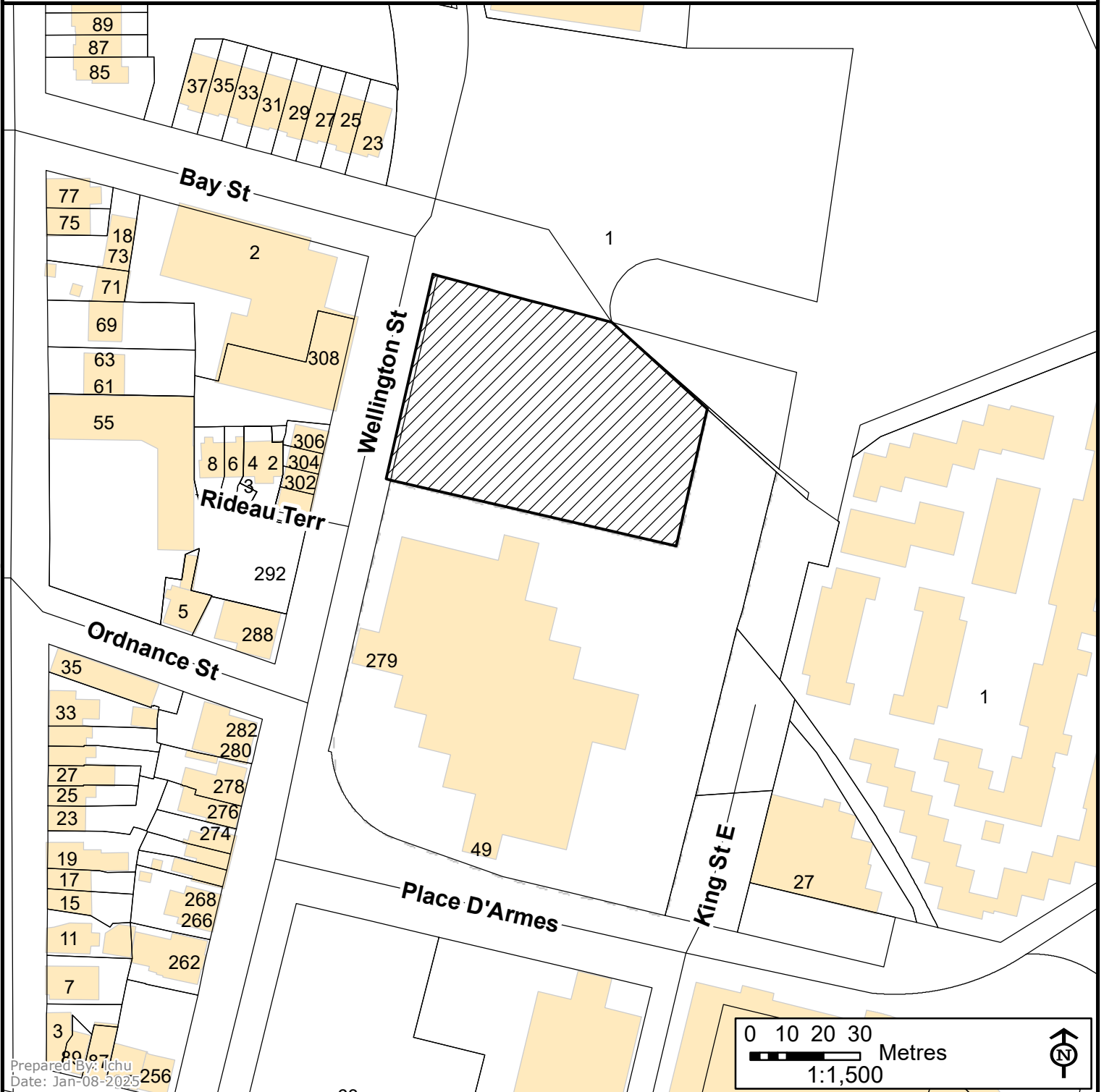
 Lands to be Zoned H245

Certificate of Authentication

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

Mayor

Clerk



Prepared By: Jchu
Date: Jan-08-2025





Planning Committee

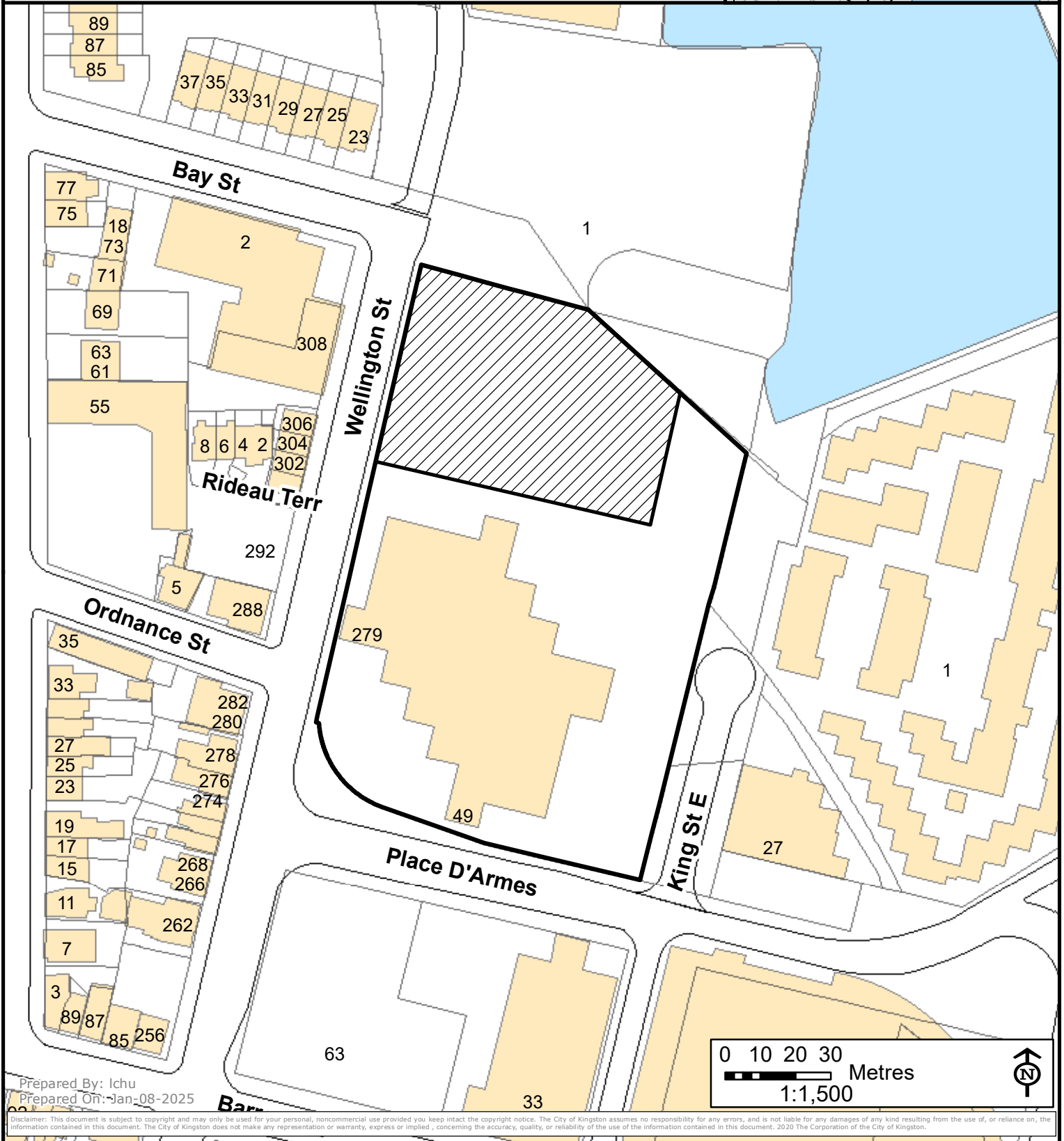
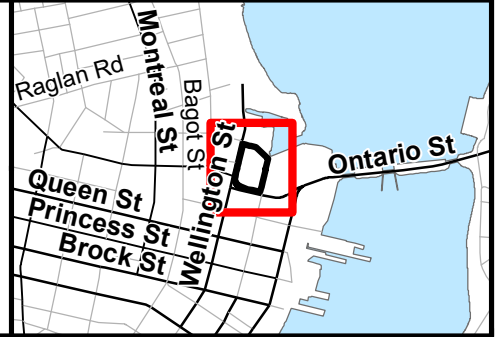
Key Map

Address: 279 Wellington Street and 49 Place D'Armes

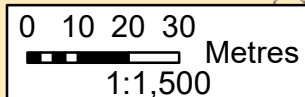
File Number: D14-018-2024

Prepared On: Jan-08-2025

-  Subject Property
-  Lands to be Rezoned



Prepared By: Ichu
Prepared On: Jan-08-2025



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Planning Committee Neighbourhood Context

Address: 279 Wellington Street and 49 Place D'Armes
File Number: D14-018-2024
Prepared On: Jan-08-2025

- Subject Property
- Lands to be Rezoned
- Property Boundaries
- Proposed Parcels



Prepared By: Ichu
Prepared On: Jan-08-2025

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Demonstration of How the Proposal is Consistent with the Provincial Planning Statement (2024)








Policy	Commentary
2.3 Settlement Areas and Settlement Area Boundary Expansions	
2.3.1 General Policies for Settlement Areas	
<p>2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation; d) are transit-supportive, as appropriate; and e) are freight-supportive. 	<p>The purpose of this application for a Zoning By-Law Amendment is to introduce a Holding Overlay for the responsible management and protection of potential archaeological resources. No change to land use, buildout or lot division are being contemplated as part of this application.</p> <p>Provisional approval to create the new lot was obtained through a separate Consent application (D10-042-2024).</p> <p>New development on this lot is being reviewed as part of a separate Zoning By-Law Amendment application (D14-008-2023).</p>
4.6 Cultural Heritage and Archaeology	
<p>4.6.2 Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.</p>	<p>The Master Plan of Archaeological Resources for the City of Kingston indicates that the subject property is in an area where further study is required.</p> <p>This assessment was confirmed in the DRAFT Stage 1 Archaeological Assessment by LHC Heritage Planning & Archaeology Inc. (June 29, 2023) submitted as part of the separate application for Zoning By-Law Amendment for a 14-storey apartment on this parcel (D14-008-2023).</p> <p>The Stage 1 report found the site to have archaeological potential and recommended proceeding with a Stage 2 Archaeological Assessment. It identified the potential for deeply buried archaeological deposits under the mid nineteenth century fills. Part of this property once formed a water lot presenting the potential for the recovery of material associated with wharfs that existed in the 1860s and the former railway uses on this property.</p>

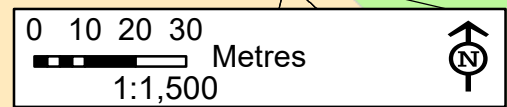
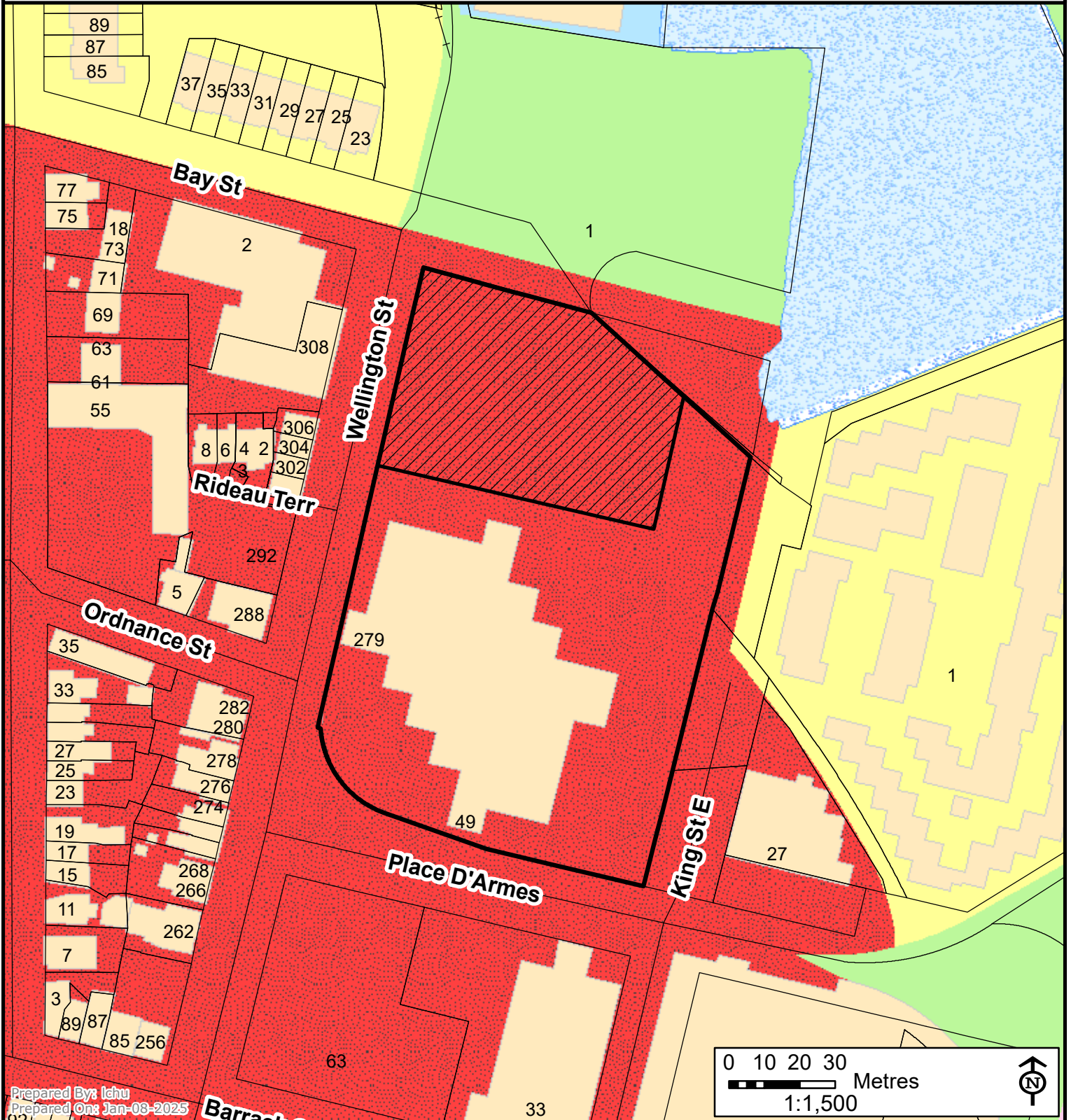
Policy	Commentary
	The purpose of the Holding Overlay is to ensure that prior to any new development or ground disturbance further archaeological work is undertaken and an archaeological clearance letter(s) is obtained from the Ministry of Citizenship and Multiculturalism.



Planning Committee
Official Plan, Existing Land Use

Address: 279 Wellington Street and
49 Place D'Armes
File Number: D14-018-2024
Prepared On: Jan-08-2025

-  Subject Property
-  Lands to be Rezoned
-  Central Business District
-  General Industrial
-  Harbour Area
-  Institutional
-  Open Space
-  Residential



Prepared By: Ichu
Prepared On: Jan-08-2025

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Demonstration of Conformity to the Official Plan

Policy	Category	Review
Section 3. Land Use Designations & Policy		
<p>2.3.8 Cultural heritage resources will continue to be valued and conserved as part of the City’s defining character, quality of life, and as an economic resource that contributes to tourism in both the urban and rural portions of the City.</p>	<p>Principles of Growth – Cultural Heritage</p>	<p>No change to land use, buildout or lot division are being contemplated as part of this application.</p> <p>Provisional approval to create the new lot was obtained through a separate Consent application (D10-042-2024).</p> <p>New development on this lot is being reviewed as part of a separate Zoning By-Law Amendment application (D14-008-2023).</p>
<p>2.8.8 Cultural heritage resources, will be conserved, managed and promoted for their contribution to the City’s unique identity, history and sense of place in such a way as to balance heritage concerns with environmental and accessibility issues. Care will be taken not to put the existing UNESCO World Heritage Designation of the Rideau Canal, Fort Henry and the Kingston Fortifications at risk by working with partners to implement the Rideau Corridor Landscape Strategy.</p>	<p>Protection of Resources – Cultural Heritage</p>	<p>See Section 2.3.8. No cultural heritage resources will be impacted by the introduction of the Holding Overlay.</p>
Section 7. Cultural Heritage and Archaeology		
<p>7.1.10. <i>Conserving built heritage resources</i> forms an integral part of the City’s planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the <i>Ontario Heritage Act</i>, the <i>Planning Act</i>, the <i>Environmental Assessment Act</i> and the <i>Municipal Act</i> in implementing and enforcing</p>	<p>Built Heritage Resources – Conservation of Built Heritage Resources</p>	<p>The purpose of this Holding Overlay is to ensure that archaeological resources are evaluated and conserved prior to any ground disturbance or new development in accordance with the City’s Archaeological Master Plan and provincial regulations.</p> <p>The Master Plan of Archaeological Resources for the City of Kingston indicates that the subject property is in an area where further study is required.</p>

Policy	Category	Review
<p>the policies of this Section. This may include the following:</p> <p>g. ensuring that archaeological resources are evaluated and conserved prior to any ground disturbance, in accordance with the City's Archaeological Master Plan and provincial regulations;</p>		<p>This assessment was confirmed in the DRAFT Stage 1 Archaeological Assessment by LHC Heritage Planning & Archaeology Inc. (June 29, 2023) submitted as part of the separate application for Zoning By-Law Amendment for a 14-storey apartment on this parcel (D14-008-2023).</p> <p>The Stage 1 report found the site to have archaeological potential and recommended proceeding with a Stage 2 Archaeological Assessment. It identified the potential for deeply buried archaeological deposits under the mid nineteenth century fills. Part of this property once formed a water lot presenting the potential for the recovery of material associated with wharfs that existed in the 1860s and the former railway uses on this property.</p>
<p>7.3.A.1. A 30 metre overlay has been applied along the shoreline of the Rideau Canal, measured from the high water mark. This overlay is illustrated in Schedule 11-A to this Plan. Development and land use change within the area subject to the overlay must conform to the policies of this Section and to the overall intent and purpose of this Plan.</p>	<p>Rideau Canal UNESCO World Heritage Site - Overlay</p>	<p>A portion of the newly created (severed) parcel falls within the 30 metre setback from the Rideau Rideau Canal National Historic Site and UNESCO World Heritage Site.</p>
<p>7.3.A.7. Applications for development must be circulated to Parks Canada for comment and reviewed in the context of protecting the values associated with the National Historic Site and the World Heritage Site.</p>	<p>Rideau Canal UNESCO World Heritage Site - Development Applications</p>	<p>Parks Canada was circulated on this application and had no comments with respect to this application.</p>
<p>7.3.A.10. The City will consult with Parks Canada on all development applications</p>	<p>UNESCO World Heritage</p>	<p>See Section 7.3.A.7.</p>

Policy	Category	Review
affecting properties which are captured by the 30 metre overlay.	Site - Consultation	
<p>7.4.2 The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved. In general, preservation of the resources “in situ” is the preferred method, but in some cases the conservation can occur by removal and documentation. Where significant archaeological resources are preserved “in situ”, only development and site alteration that maintains the heritage integrity of the site is permitted.</p> <p>The investigation and conservation of archaeological resources shall be completed in consultation with all appropriate First Nations, Métis and Inuit communities.</p>	Archaeological Resource Protection – Conservation of Archaeological Resources	See Section 7.1.10.
<p>7.4.6 Within the boundaries of the City, there are marine archeological remains from the ancestral Indigenous Peoples of Canada period in the area through the modern era up to the last 50 years. When considering an application for development or site alteration, the City may require a marine archaeological assessment to be conducted by a qualified person pursuant to the Ontario Heritage Act if partially or fully submerged marine features</p>	Archaeological Resource Protection – Marine Archaeology	<p>See Section 7.1.10.</p> <p>The potential for marine archaeology will be taken into consideration as part of the required archaeological studies.</p>

Policy	Category	Review
<p>such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified or considered to be likely, and could be impacted by shoreline and waterfront developments. Any marine archeological resource that is identified must be reported to the Province.</p>		
<p>7.4.10 Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, Council will not take any action to approve the development, and the owner of such land will be requested to have studies carried out at the owner's expense by qualified persons in accordance with the Province's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and provide a copy of any correspondence from the Province for any completed studies.</p>	<p>Archaeological Resource Protection – Required Studies</p>	<p>See Section 7.1.10.</p>
<p>7.4.11. The City will encourage the conservation of <i>archaeological resources</i> as may be identified by the City, the Province or other group or agency, and will continue to enforce municipal and provincial legislation with respect to the discovery of items of archaeological or historic interest on a property.</p>	<p>Archaeological Resource Protection – Conservation of Archaeological Resources</p>	<p>See Section 7.1.10.</p>

Policy	Category	Review
Section 9. Administration & Implementation		
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan; c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area; d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development; e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, 	<p>By-Laws - Planning Committee/ Council Considerations</p>	<p>The purpose of this Holding Overlay is to ensure that archaeological resources are evaluated and conserved prior to any ground disturbance or new development in accordance with the City's Archaeological Master Plan and provincial regulations.</p> <p>The proposal conforms to applicable sections of the Plan as described through this table. No Official Plan amendment is required.</p> <p>No change to land use, buildout or lot division are being contemplated as part of this application and as such there are no compatibility or suitability concerns, nor potential impacts to be considered.</p> <p>There are no precedent concerns as the Zoning By-Law Amendment is limited to the introduction of a Holding Overlay which serves to ensure the responsible management of potential archaeological resources on this newly created lot.</p>

Policy	Category	Review
<p>parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		
<p>9.5.21. The City may pass a holding by-law pursuant to the Planning Act that will include the Holding Overlay (H) in situations where the future use of the land (or buildings or structures) has been determined but where imminent development would be premature until various conditions are met, as set forth in the holding by-law, including any of the following:</p> <p>d. studies have been completed (and may also be peer reviewed) to the satisfaction of the municipality to justify or support initiation of development; or,</p> <p>e. conditions arising from any study, or conditions which address any other impediment</p>	<p>By-Laws – Holding Overlay</p>	<p>The purpose of the Holding Overlay is to ensure that prior to any new development or ground disturbance further archaeological work is undertaken and an archaeological clearance letter(s) is obtained from the Ministry of Citizenship and Multiculturalism.</p> <p>The introduction of this Holding Overlay is a condition of the Consent to create this new parcel.</p>

Policy	Category	Review
to development have been satisfactorily met, or are deemed by the City to be no longer relevant.		

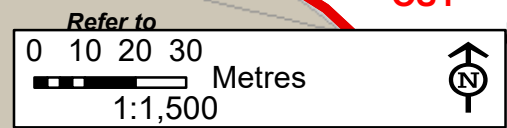
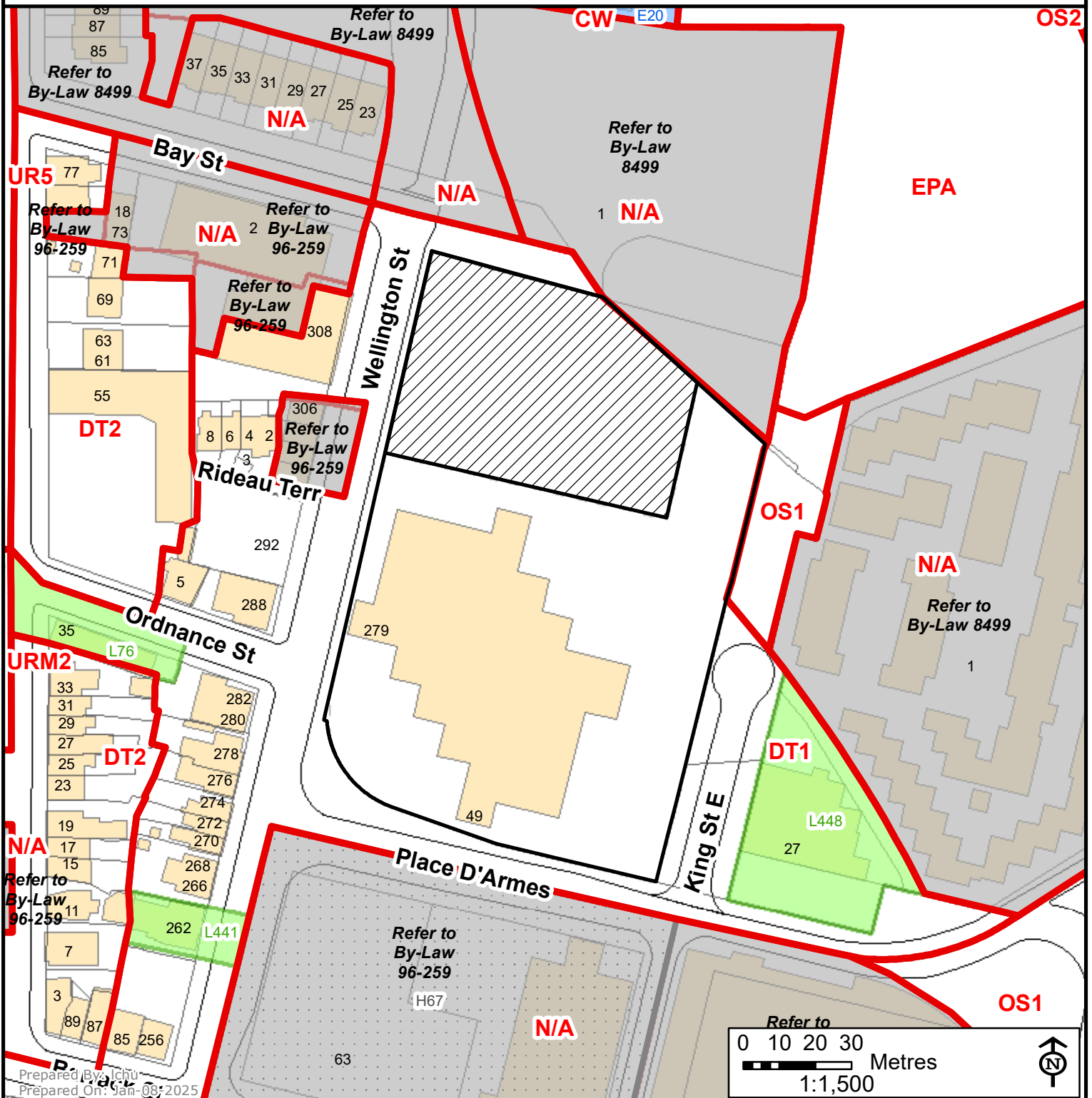


Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 279 Wellington Street and 49 Place D'Armes
File Number: D14-018-2024
Prepared On: Jan-08-2025

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



Prepared By: Jchu
Prepared On: Jan-08-2025

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THIS REPORT WAS PREPARED FOR LAPE HOLDINGS CORP. & THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES

CAUTION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

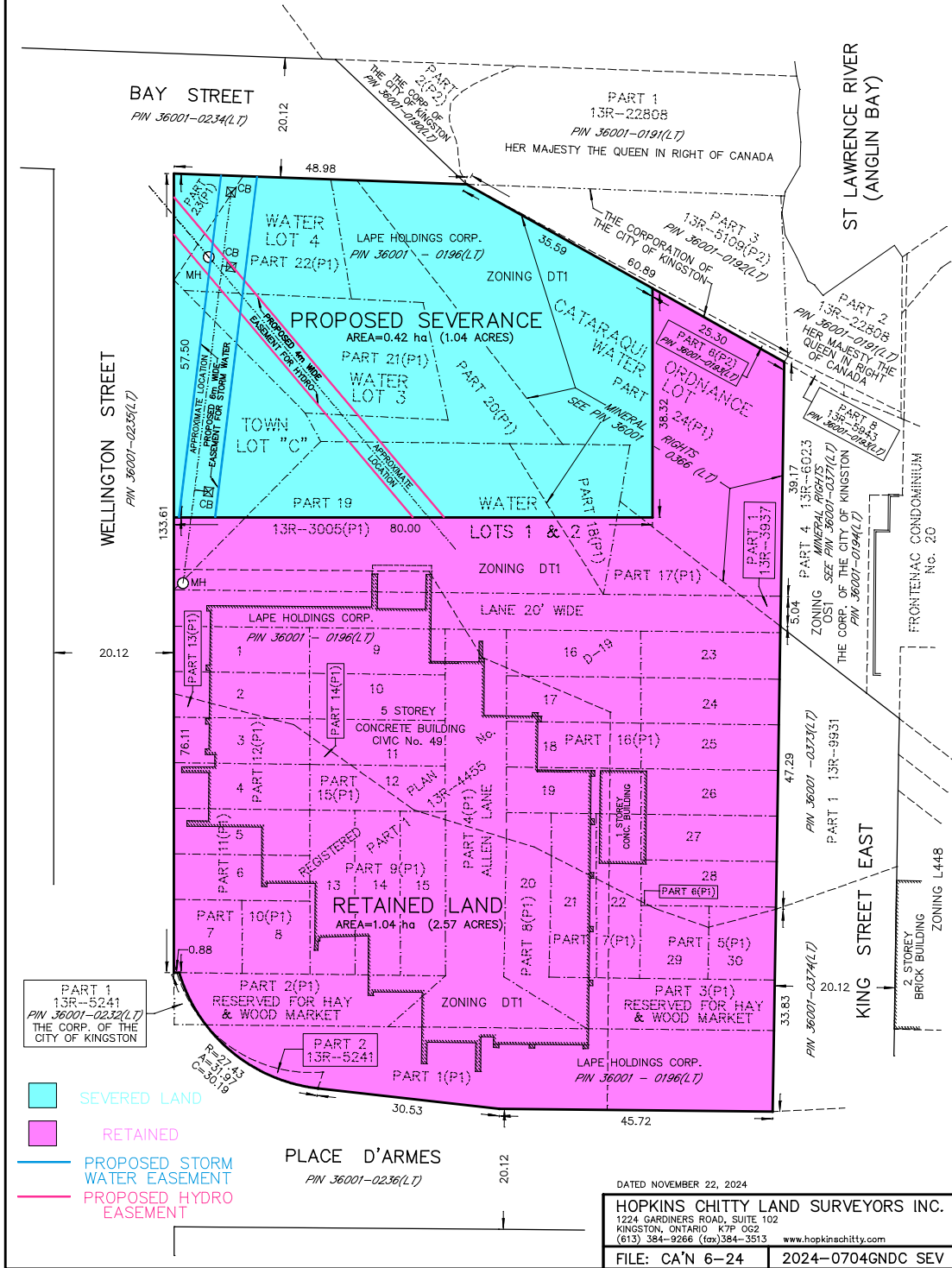
THIS SKETCH IS PROTECTED BY COPYRIGHT ©



SKETCH SHOWING
PROPOSED SEVERANCE
49 PLACE D'ARMES
NOT TO SCALE

METRIC
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

HOPKINS CHITTY LAND SURVEYORS INC.
2024



DATED NOVEMBER 22, 2024
HOPKINS CHITTY LAND SURVEYORS INC.
1224 GARDINERS ROAD, SUITE 102
KINGSTON, ONTARIO K7P 0G2
(613) 384-9266 (fax) 384-3513 www.hopkinschitty.com
FILE: CA'N 6-24 2024-0704GNDC SEV



Appendix A - Arcadis markup of proposed site plan for future development at 279 Wellington Street

DRAWINGS FOR PLANNING APPROVALS ONLY NOT FOR CONSTRUCTION DRAWINGS NOT TO BE SCALED
MARK + DATE + DESCRIPTION PROJECT HISTORY AUGUST 06, 2019 CONCEPT SKETCHES SUBMITTED TO MUNICIPALITY FOR PRE-APPLICATION CONSULTATION OCTOBER 09, 2019 PRE-APPLICATION CONSULTATION MEETING HELD IN KINGSTON NOVEMBER 06, 2019 PRE-APPLICATION CONSULTATION COMMENTS RECEIVED DECEMBER 04, 2019
DRAWING ISSUED FOR FEB 24th, 2023 REVISION FOR PRE-APPLICATION CONSULTATION MARCH 28th, 2023 PRE-APPLICATION CONSULTATION VIRTUAL MEETING WITH CITY APRIL 28th, 2023 REVISED AND REBID FOR PRE-APPLICATION CONSULTATION JUNE 29th, 2023 REBID FOR THE SUBMITTAL
BUILDING PERMIT ENFORCEMENT SHALL BE SUBJECT TO THE BUILDING PERMIT DRAWINGS NOT BEING IN CONFORMANCE WITH THESE APPROVED PLANS AND DRAWINGS. NO LIABILITY IS ASSUMED TO THE EXTENT OF THE BUILDING AND EXTERIOR BUILDING MATERIALS.
ONTARIO ASSOCIATION OF ARCHITECTS ALISTAIR STEWART ARCHITECTS 7251
Current Municipal Address 279 WELLINGTON ST 49 PLACE D'ARMES KINGSTON, ON.
Project Title PROPOSED RESIDENTIAL + PARKING IN-FILL DEVELOPMENT
Date: 2023-06-28 Project Title: 279 Wellington Street Project No: 1904 Drawing No: SK-00-B1

1 Site Plan Massing
Scale: 1:300

Date: 2023-06-28
 Project Title: 279 Wellington Street
 Project No: 1904
 Drawing No: SK-00-B1

Site Photographs – January 28, 2025



Figure 1: Looking north along Wellington Street with subject lands on the right.



Figure 2: Looking east across the site from Wellington and Bay Streets.

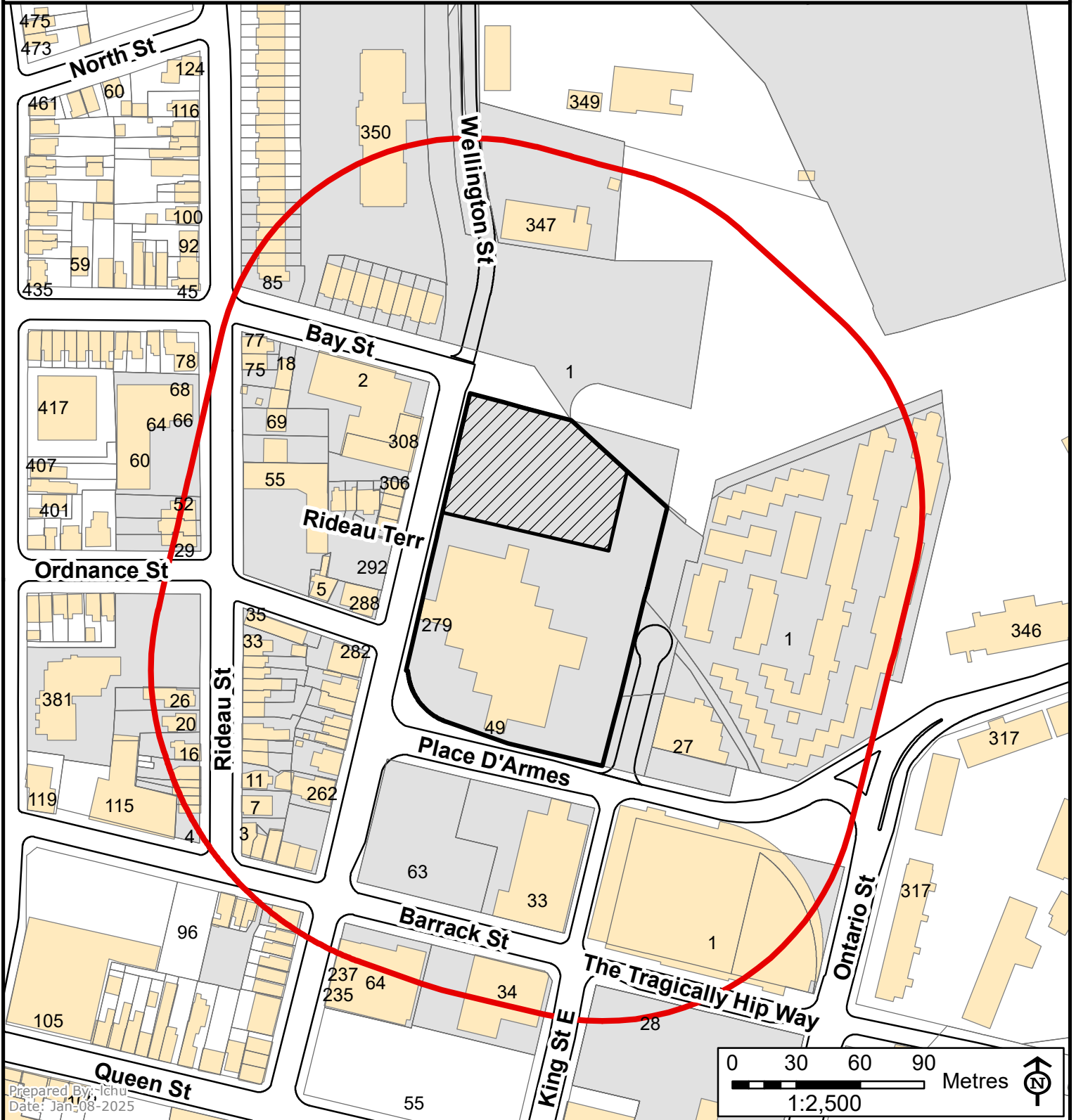


Figure 3: Looking west from King Street East right-of-way across the parking area.

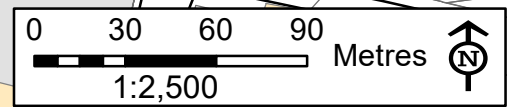


Planning Committee
Public Notice Notification Map
Address: 279 Wellington Street and
49 Place D'Armes
File Number: D14-018-2024
Prepared On: Jan-08-2025

- Subject Property
- Lands to be Rezoned
- 120m Public Notification Boundary
- Property Boundaries
- Proposed Parcels
- 106 Properties in Receipt of Notice (MPAC)



Prepared By: Ichu
Date: Jan-08-2025



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From: [Reid,Lindsay](#)
To: [REDACTED]
Cc: [Bar,James](#); [Park,Tim](#)
Subject: RE: Objection to files: D14-018-2024 and Technical Consent D10-042-2024--db
Date: January 20, 2025 3:00:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good afternoon Dennis,

I appreciate the follow up email. Thank you for your patience while we prepared this reply to your objection to the Consent (D10-042-2024) and the minor Zoning By-Law Amendment (D14-018-2024) applications at 279 Wellington Street. As part of the active Zoning By-Law Amendment (ZBA) application for the 14-storey apartment (D14-008-2023), the owner had indicated their intention to sever this parcel as part of the overall project. The (major) ZBA application was filed in 2023 and now the necessary Consent application is being filed - they are part-and-parcel of the overall development proposal. The timing of the 2024 applications is informed by project financing and mortgage requirements.

Please see the responses to your comments below.

1: The effect of additional electrical load of yet “another new build” on the limited electrical capacity available by Utilities Kingston; as recently reported deficient/insufficient/maxing-out with-out further costly expansion; as indicated in the media. (brown-outs will occur and likely result in damage to existing customer equipment in the local areas.

The applications for Technical Consent and Zoning By-Law Amendment (introduce a Holding Overlay) do not permit any new build out or increase to the site’s electrical needs. The purpose of these applications is to create a new lot (at the location of the proposed apartment building) and condition the severance such that the lot would not be developed until archaeological clearance has been obtained.

The proposal to provide a new 14-storey apartment at 279 Wellington Street is subject to a separate Zoning By-Law Amendment application (D14-008-2023) which is undergoing technical review. As part of that technical review, the proposal has been reviewed by the local electrical provider Kingston Hydro. At this time Kingston Hydro have indicated that they have no concerns about the proposed Zoning By-Law Amendment to permit the apartment. Kingston Hydro have indicated that service can be provided from the existing 44kV station on the site. Staff will continue to review this aspect of the project with the next submission.

2: That there should be No consent approval nor Holding Overlay until archaeological study is complete – this should be a prerequisite requirement

“at the cost of the applicant” before any consent is considered let alone given – ie. don’t waste city time and resources until you are sure your request for severance is viable. Citizens should not have to pay for salaries and time spent evaluating “developer Whim Proposals”.

As noted above, if approved, a condition of the Consent would be that the severed lot could not be developed until the archaeological clearance was obtained. The applicant would need to complete all required archaeological studies and site work before any development proceeds. This is the purpose of the proposed Holding Overlay.

3: That the lands surrounding and under the 279 Wellington Street site should not be needlessly disturbed on the whim of a builder/developer as these lands have been previously found hazardous and/or toxic with fumes affecting nearby residences in the past, during the construction of the “OHIP”/Court building at 279 Wellington. eg Coal Tars and residues/noxious gas/odour releases. (Note that this was proven again in drilling samples of recent years through bore-hole testing, showing “hazardous results” at ((the nearby original proposed location (LVEC-arena) site)) near 347-349 Wellington Street (some 20+ years ago).

All these planning applications are subject to technical review to address environmental interests. As part of the Zoning By-Law Amendment application to permit the 14-storey apartment, staff indicated that the applicant will need to produce a Record of Site Condition (RSC) filed with the Ontario’s Ministry of Environment, Conservation and Parks indicating that the site meets the provincial standards for residential use. The applicant has also been informed through technical review that soil and groundwater will need to be managed in accordance with provincial standards, and the protocol and standards should underground fuel tanks, contaminated soil or groundwater, buried wastes, designated substances or abandoned water wells be revealed as part the site work. These details can be found in the Technical Report provided to the applicant.

4: That a reconsideration of the minimal application fees for reviews/approvals be conducted and be increased dramatically as well as inflated annually to reflect the city’s actual costs involved in assessing Builder/Developer whims/projects. Applicants seem to be using the shortcuts designed for smaller insignificant quick/urgent projects needing expediency, as a boondoggle to prevent careful and detailed examination and evaluation of large scale greed or mega-whim projects. It seems as though the cost to developers/businesses is minimal on such a larger project; in that developers look at the city as rubes with oh look “they(the city) approved this here”..... “let’s see if they will approve similar over there”it seems; the actual factual and extra administration workload and cost to the city is not being covered by these mere pittance application fees. My opinion is that fees should be an (on-going time and materials costing) for all aspects of any city

administration/development borne solely by the applicant and never a fixed dollar value final fee – fees should be adjusted as the city admin costs increase continuing until the project is complete.

The City of Kingston updates development application fees annually at a rate of 3% to account for inflation. The development fees cover the costs related to reviewing and assessing each application. As noted above, the proposed 14-storey apartment is covered under a separation application.

Please review and reply to let us know that you've received this email. I'm available to answer any further questions (either via email or phone at the number below) that you may have on these applications. If the above responses address these concerns to your satisfaction, please advise if you would like to remove your objection to the 2024 Consent and Zoning By-Law Amendment applications. The Zoning By-Law Amendment application for the 14-storey apartment is active and I am here to receive and respond to questions and comments about the overall project.

Thank you and let me know if there is anything further,

Lindsay



Lindsay Reid, OAA, CAHP, LEED (she/her/hers)

Senior Planner – Urban Designer, Development Approvals
Planning Services

Growth & Development Services

City of Kingston

Located at 1211 John Counter Boulevard,

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 3277

lcreid@cityofkingston.ca

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

From: [REDACTED]

Sent: January 19, 2025 9:44 PM

To: Park, Tim <tpark@cityofkingston.ca>; Reid, Lindsay <lcreid@cityofkingston.ca>

Subject: Objection to files: D14-018-2024 and Technical Consent D10-042-2024--db

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

lcreid -- Thanks for your previous instructional email for the DASH site.

further,

TO: Lindsay Reid; and Tim Park director Planning Services

With time running short for the submission /appeal/registration processes ; and no clear indication that all my information that was previously received on Jan 16 2024-25 (my date error) was registered as an actual objection to the process, application , or proposals ;

I am resubmitting my objection to the above two file numbers of
(Sever/Zoning Amend.) files: D10-042-2024 and D14-018-2024
concerning the property at 279 Wellington Street Kingston Ontario as of this date 19 January, 2025

to wit OBJECTION BY UNDERSIGNED Dennis Black

I file this as record of objection and notice as an interested party disputing to the Notice of Technical Consent file D10-042-2024 (sever). and to D14-018-2024

I may file more details of my objection upon receipt of more listed information that previously appeared to be unavailable on the City DASH website. but thanking Lindsay Reid for informing me of how to navigate the DASH website.

In the mean time I advise you that; my primary objections/concerns are that the Technical consent does not give sufficient in-depth study or concern regarding the following three areas:

1: The effect of additional electrical load of yet “another new build” on the limited electrical capacity available by Utilities Kingston; as recently reported deficient/insufficient/maxing-out with-out further costly expansion; as indicated in the media. (brown-outs will occur and likely result in damage to existing customer equipment in the local areas.

2: That there should be No consent approval nor Holding Overlay until archaeological study is complete – this should be a prerequisite requirement “at the cost of the applicant” before any consent is considered let alone given – ie. don’t waste city time and resources until you are sure your request for severance is viable. Citizens should not have to pay for salaries and time spent evaluating “developer Whim Proposals”.

3: That the lands surrounding and under the 279 Wellington Street site should not be needlessly disturbed on the whim of a builder/developer as these lands have been previously

found hazardous and/or toxic with fumes affecting nearby residences in the past, during the construction of the "OHIP"/Court building at 279 Wellington. eg Coal Tars and residues/noxious gas/odour releases. (Note that this was proven again in drilling samples of recent years through bore-hole testing, showing "hazardous results" at ((the nearby original proposed location (LVEC-arena) site)) near 347-349 Wellington Street (some 20+ years ago).

4: That a reconsideration of the minimal application fees for reviews/approvals be conducted and be increased dramatically as well as inflated annually to reflect the city's actual costs involved in assessing Builder/Developer whims/projects. Applicants seem to be using the shortcuts designed for smaller insignificant quick/urgent projects needing expediency, as a boondoggle to prevent careful and detailed examination and evaluation of large scale greed or mega-whim projects. It seems as though the cost to developers/businesses is minimal on such a larger project; in that developers look at the city as rubes with oh look "they(the city) approved this here" "let's see if they will approve similar over there"it seems; the actual factual and extra administration workload and cost to the city is not being covered by these mere pittance application fees. My opinion is that fees should be an (on-going time and materials costing) for all aspects of any city administration/development borne solely by the applicant and never a fixed dollar value final fee – fees should be adjusted as the city admin costs increase continuing until the project is complete.

Thank you in advance for registering my objection to the "Consent to Sever" by Planning Director only file: D10-042-2024 and the Zoning By-Law Amendment file D14-018-2024.

I wish to be notified of the decision of the City of Kingston in these two matters surrounding 279 Wellington Street.

Filed by
Dennis Black 107 - 350 Wellington Street Kingston K7K-7J7

below previous reply

From: Reid, Lindsay
Sent: Friday, January 17, 2025 9:03 AM
To: [REDACTED]
Cc: Planning Outside Email
Subject: RE: 279 Wellington Street Kingston (Sever/Zoning Amend.) files: D10-042-2024 and D14-018-2024

Good morning Dennis,

Thanks for reaching out about the Consent and Zoning By-Law Amendment applications for the property at 279 Wellington Street.

I'm sorry to hear that you are having difficulty accessing the submission material through the City's DASH Portal. Happy to help.

Here is the link to the City's DASH portal – you can search “279 Wellington” in the top right to find a record of development applications.

[Accela Citizen Access](#)

....

.... instructions How To Use .. edited for brevity by dblack

....

I have double checked to make sure all the submission material is there, so you should be able to access everything. Please note that sometimes it takes DASH a moment to load.

If you have any further issues accessing the submission material through DASH, I am happy to set up a Teams call so we can do it together or we can arrange a time to meet at the Planning office on John Counter Boulevard.

I would also like to acknowledge the concerns you've raised with respect to the Consent application. I will review these with my colleagues and get back to you soon.

Many thanks,

Lindsay

2025-01-23

City of Kingston, Planning Services
Director of Planning Services
c/o Secretary Treasurer, Committee of Adjustment
216 Ontario Street, Kingston, Ontario, K7L 2Z3
E-mail: planning@cityofkingston.ca

Subject: D10-042-2024 and D14-018-2024, 279 Wellington Street

First, I do not have any objection to the intent of the following proposed actions:

010-042-2024 A Technical Consent application is to sever a parcel from the northern end of the subject lands at 279 Wellington Street and establish servicing and access easements.

D14-018-2024 A minor Zoning By-Law Amendment to establish a Holding Overlay requiring archaeological clearance prior to any soil disturbance or new development.

However, I do have objections to details in the Technical Consent submission and am providing a dispute response to meet the requirements in the Notice (2025-01-10)

The application will only be referred to the Committee of Adjustment for a public hearing if it is disputed in writing by the last date for comment indicated below and the dispute cannot be resolved by the parties.

Any person or public body may provide written comments in respect of the proposed application no later than 4:30p.m. on Friday, January 24, 2025.

The submission incorrectly identifies the frontage of the existing property and the final severance property (Technical Consent Notice paragraphs 2 & 4). Only three frontages h identified (King Street East, Place D'Armes and Wellington Street).

Per the site survey provided in the application (City File D-19, Leslie M. Higginson Surveying, 2020-0623GNDC_POS_201208_bw.PDF Attached), there is additional frontage of Bay Street on the northside of the sites (Confirmed in conversation with Lindsay Reid, Kingston Planning Department, 2025-01-21). This is an important omission as Bay Street provides additional site access for the proposed building parking structure.

Bay Street is clearly identified as proceeding east of Wellington Street and the frontage may be 22.74 Metres (circles on the attached survey plan) or potentially the entire north boundary of the site.

The Notice (Paragraph 5) and Consent (General Information) identifies an easement for site access from Wellington Street. The "Road Access Name (Frontage): Wellington Street" in the Consent also only identifies one available access point which is incorrect.

This access point would be directly across from the townhouses consisting of 300, 302, 304 and 306 Wellington Street. Access to the garages on these units is only available by reversing out of the garage and onto Wellington Street. The increase in vehicular traffic in and out of a parking structure would be untenable.

The submitted Transportation Impact Study (TTR_279Wellington_TIS_2023-06-29.PDF) mistakenly identifies the present traffic of the proposed access point (Section 4.4 Exhibit 4: Existing Traffic – attached with notes) as the same now as would exist in 2028 when the new building would open (Section 4.4 Exhibit 5: Future (2028) Background Traffic - attached). This information is completely incorrect as the parking lot that would be relocated inside the new structure has a separate access point halfway between the proposed access point and Bay Street which does not impact the townhouses.

The existing access point (proposed easement point) is limited to deliveries, and perhaps ten parking spots, mostly used for service vehicles and Court House requirements of the Police. I have pictures of daily use of the entrance and inmate transfer vehicles with Police cars can block access for long periods. Transport truck deliveries can also take 5-10 minutes to manoeuvre into the site and the longest transports extend into the proposed traffic lane. Traffic blockage of this type will create significant traffic lines.

The primary point to my objection at this point is not to block the severance, but to ensure that no precedence is set of incorrect information by approval of the Technical Consent.

The submissions should be rewritten to accurately reflect the site before approval is granted.

This response is also submitted to maintain OLT rights as indicated by notices in both documents (Technical Consent and minor Zoning By-Law Amendment Notices)

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

Also, as noted in the documents, I would like to be notified of the decision of the City of Kingston on the proposed zoning by-law amendment, and Technical Consent.

If you wish to be notified of the decision in respect of the proposed application, you must make a written request to:

City of Kingston, Planning Services
c/o Secretary Treasurer, Committee of Adjustment
216 Ontario Street, Kingston, Ontario, K7L 2Z3
Fax: 613-542-9965
E-mail: planning@cityofkingston.ca

Best regards,

Michael

Michael Purcell
300 Wellington Street,
Kingston, K7K 2Z3



Cc:

Lindsay Reid, Senior Planner

lcreid@cityofkingston.ca



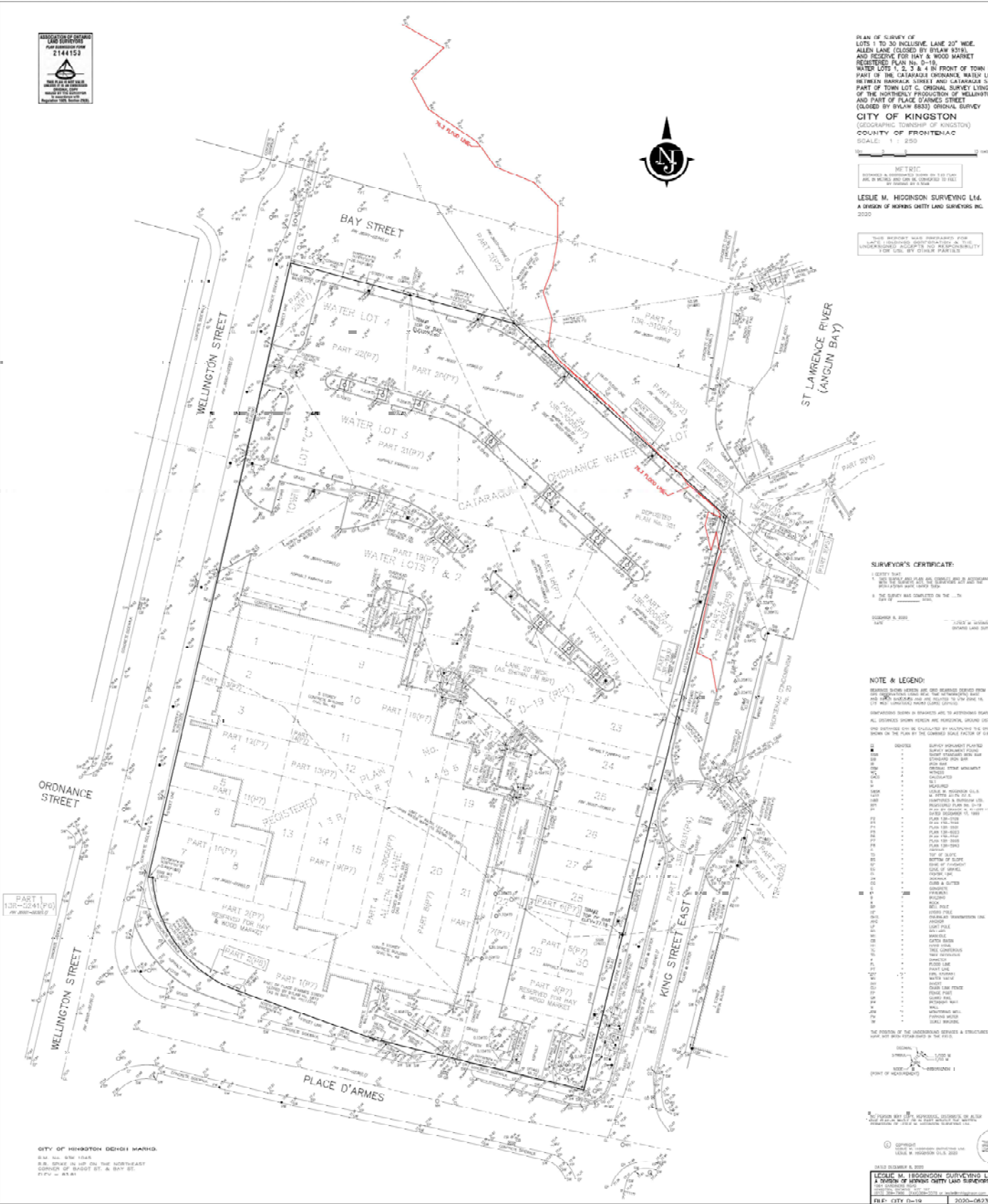
PLAN OF SURVEY OF
 LOTS 1 TO 30 INCLUSIVE, LANE 20' WIDE,
 ALLEN LANE (CLOSED BY BY-LAW 8218),
 AND RESERVE FOR HAY & WOOD MARKET
 REGISTERED PLAN No. D-18
 WATER LOTS 1, 2, 3 & 4 IN FRONT OF TOWN LOT C,
 PART OF THE CATARAUGUS CROWNED WATER LOT
 BETWEEN HARRICK JUNCTION AND CATARAUGUS STREET,
 PART OF TOWN LOT C, ORIGINAL SURVEY LIVING EAST
 OF THE NORTHEAST PRODUCTION OF WELLINGTON STREET
 AND PART OF PLACE D'ARMES STREET
 (CLOSED BY BY-LAW 8843) ORIGINAL SURVEY
CITY OF KINGSTON
 (GEOGRAPHIC TOWNSHIP OF KINGSTON)
 COUNTY OF FRONTENAC
 SCALE: 1 : 250



METRIC
 DIMENSIONS ARE GIVEN IN METERS AND DECIMALS THEREOF. ALL DIMENSIONS ARE TO BE CONSIDERED TO BE TO THE CENTER UNLESS OTHERWISE SPECIFIED.

LESLIE M. HIGGINS SURVEYING L.L.C.
 A DIVISION OF HERRICK CHITTY LAND SURVEYS INC.
 2020

THIS DOCUMENT HAS BEEN PREPARED FOR THE CITY OF KINGSTON UNDER A CONTRACT. THE SURVEYOR'S LIABILITY IS LIMITED BY THE PROFESSIONAL ACT.



SURVEYOR'S CERTIFICATE:
 I, LESLIE M. HIGGINS, A PROFESSIONAL LAND SURVEYOR, HAVE CONDUCTED THE SURVEY AND AM SURE OF THE ACCURACY OF THE RESULTS HEREON.
 I, LESLIE M. HIGGINS, A PROFESSIONAL LAND SURVEYOR, HAVE CONDUCTED THE SURVEY AND AM SURE OF THE ACCURACY OF THE RESULTS HEREON.

NOTE & LEGEND:

REVISIONS TO THIS PLAN ARE SHOWN BY CHANGES IN LINE STYLE AND COLOR. DIMENSIONS ARE TO BE CONSIDERED TO BE TO THE CENTER UNLESS OTHERWISE SPECIFIED.

1	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
2	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
3	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
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5	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
6	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
7	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
8	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
9	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
10	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
11	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
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29	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED
30	BOUNDARY	SURVEY POINT	PLANNED PLANNED PLANNED

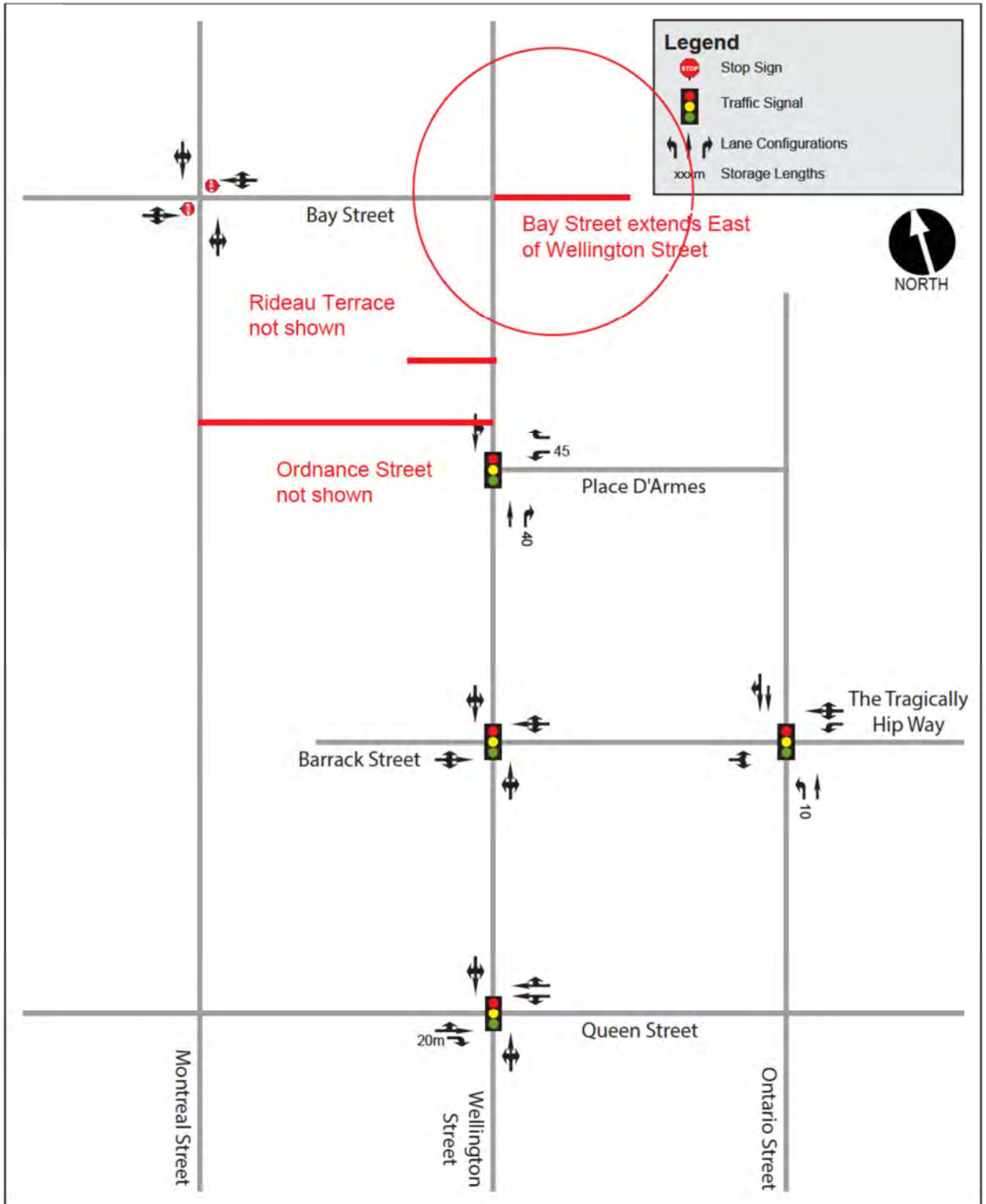
PART 1 (10R-2241(P))
 OF PLAN 10R-2241

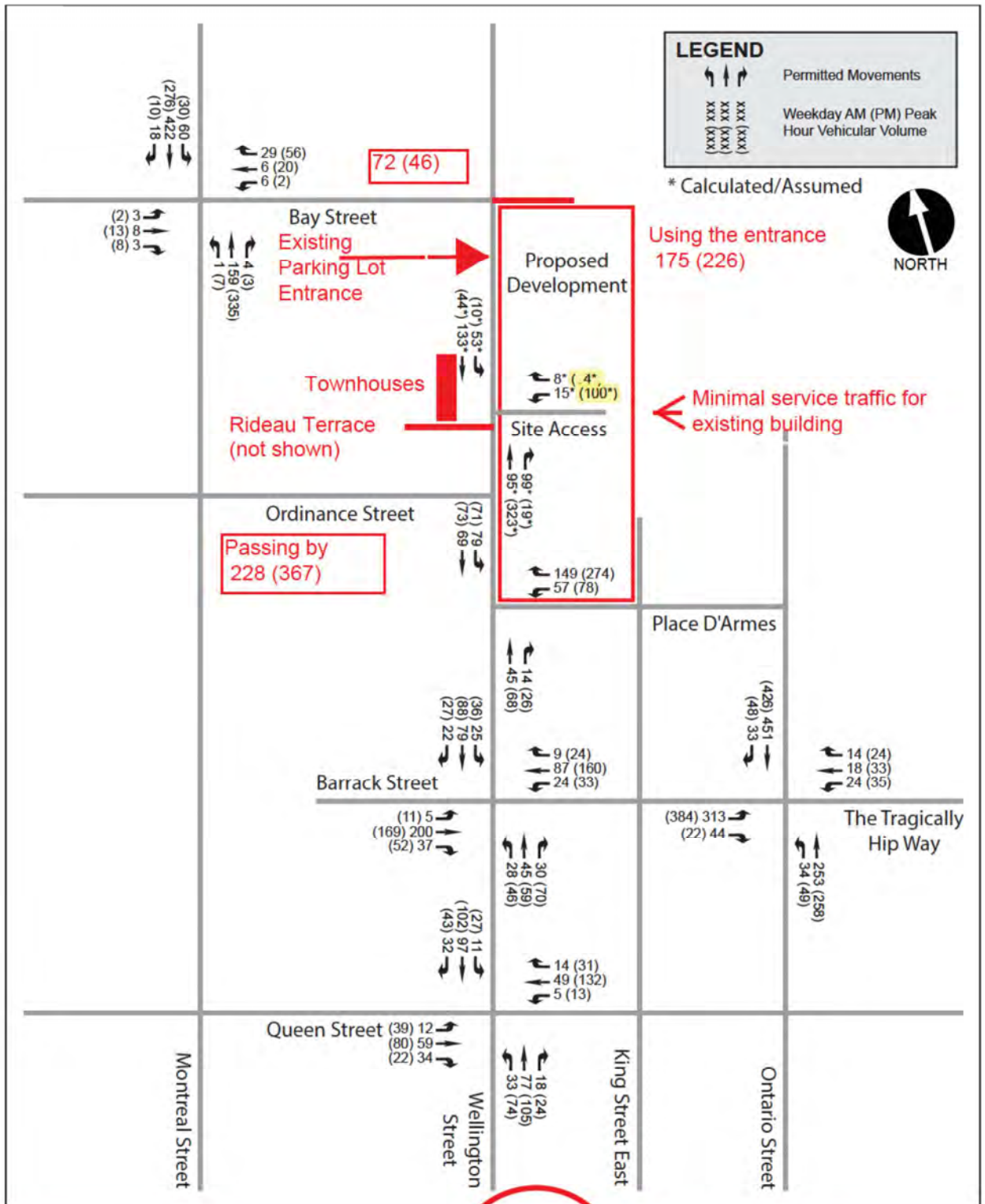
CITY OF KINGSTON (GEOG. TWP.)
 R.M. No. 83W 104S
 S. 20' 0" 0" 0" IN THE NORTHEAST CORNER OF BAGOT ST. & BAY ST.
 P.C. = 41.41

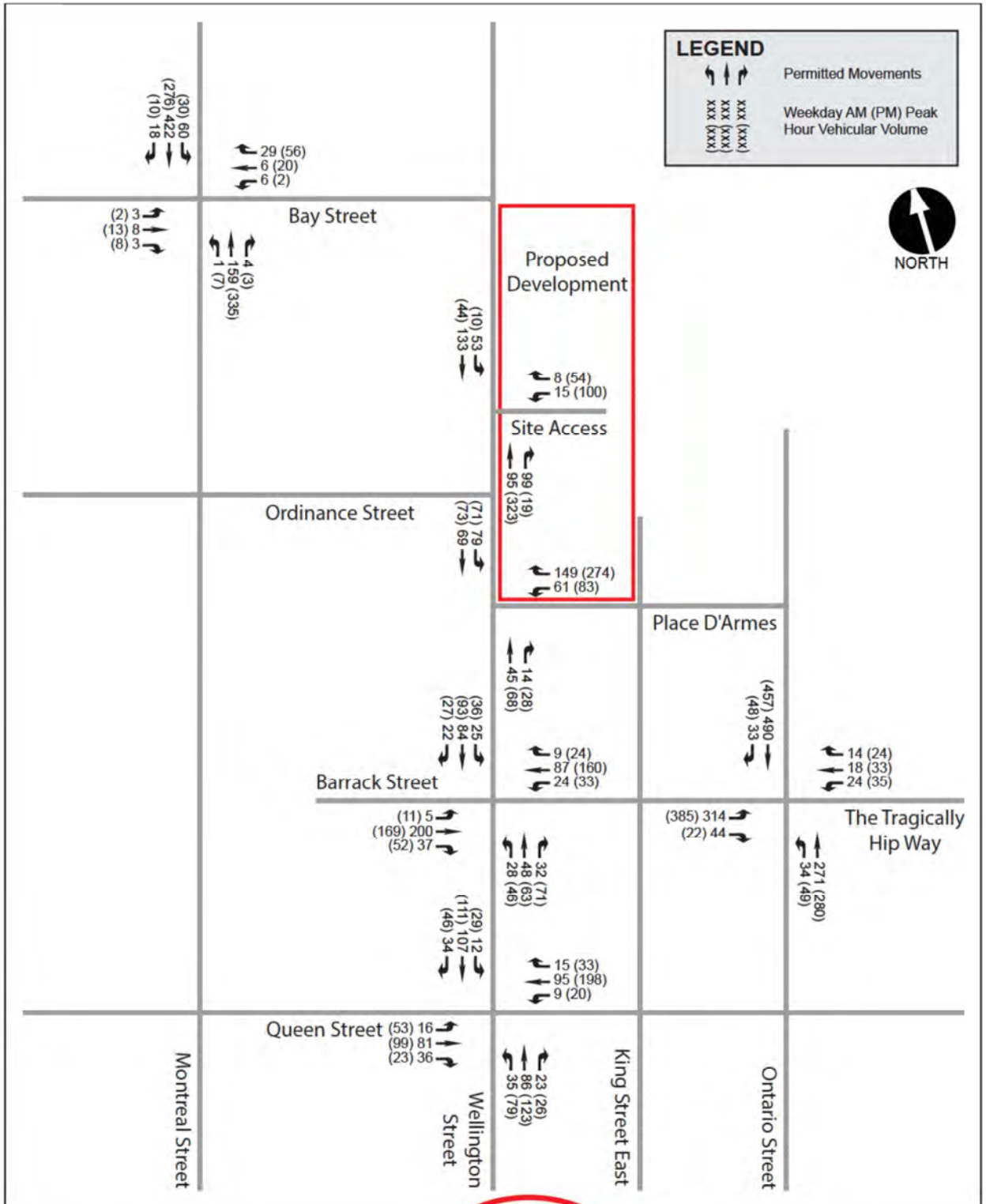
LESLIE M. HIGGINS SURVEYING L.L.C.
 A DIVISION OF HERRICK CHITTY LAND SURVEYS INC.
 2020

2020 REGISTERED PLAN No. D-18

FILE: CITY 05-10 2020-08252002.PDS









where history and innovation thrive

Website: www.cityofkingston.ca

City of Kingston
216 Ontario Street
Kingston, Ontario
Canada, K7L 2Z3

Notice of Technical Consent

The City of Kingston Planning Services has received an:

Application: Consent to Sever New Lot

File Number: D10-042-2024

Address: 279 Wellington Street

The purpose and effect of the Consent application is to sever a parcel from the northern end of the subject lands at 279 Wellington Street and establish servicing and access easements.

The subject site is located on the north side of Place D'Armes between Wellington Street and King Street East, with frontage on all three streets (see enclosed key map). The property is currently developed with a 5-storey office building (known as the MacDonald-Cartier building) and a surface parking lot. The subject site is designated Central Business District in the Official Plan and is zoned Downtown Zone 1 (DT1) in Zoning By-Law Number 2022-62, as amended.

The proposed severed lot would have a frontage of 57 metres on Wellington Street, an area of 0.42 hectares and a lot depth of approximately 81.4 metres. The proposed 14-storey apartment building (D14-008-2023) would be located on the severed parcel.

The proposed retained lot would have approximately 98 metres of frontage on Wellington Street, approximately 100 metres of frontage on Place D'Armes and approximately 70 metres of frontage on King Street East. The lot would have an area of 1.04 hectares and a lot depth of approximately 102 metres. The existing commercial use and buildings would remain on the retained lot.

An easement would be applied over both properties to ensure legal access to both properties via the shared (southern) driveway on Wellington Street. Two easements would also be created over the severed lot in favour of the retained lot for the existing underground electrical service and the stormwater connection line.

The applicant has submitted a concurrent minor Zoning By-Law Amendment (D14-018-2024) application. The purpose of the minor Zoning By-Law Amendment is to establish a Holding Overlay requiring archaeological clearance prior to any soil disturbance or new development. The Holding Overlay is necessary because Consent approval is being requested prior to completing further archaeological study.

The purpose of this notice is to allow the Director of Planning Services to decide whether the requested application should be granted. The application is considered technical in nature as defined in the Fees and Charges By-Law, with no minor variance required. A Technical Consent may be processed under the authority delegated to the Director of Planning Services by By-Law 2006-75, as amended.

The application will only be referred to the Committee of Adjustment for a public hearing if it is disputed in writing by the last date for comment indicated below and the dispute cannot be resolved by the parties.

Any person or public body may provide written comments in respect of the proposed application **no later than 4:30 p.m. on Friday, January 24, 2025.**

If a person or public body has the ability to appeal the decision in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions before the approval authority gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal.

If no objection or concerns are received the application may be approved and no other opportunity to comment will be provided. If you wish to be notified of the decision in respect of the proposed application, you must make a written request to:

City of Kingston, Planning Services
c/o Secretary Treasurer, Committee of Adjustment
216 Ontario Street, Kingston, Ontario, K7L 2Z3
Fax: 613-542-9965
E-mail: planning@cityofkingston.ca

Additional Information: The application can be viewed online by visiting the Development and Services Hub (DASH) at www.cityofkingston.ca/DASH and searching for the address of the subject property. Enquiries may be made by contacting Lindsay Reid, Senior Planner – Urban Designer, between 8:30 a.m. and 4:30 p.m., Monday to Friday via:

Mail: 216 Ontario Street, Kingston, ON K7L 2Z3
Email: lcreid@cityofkingston.ca
Telephone: 613-546-4291 ext. 3277

Notice of Collection: Personal information collected as a result of this public process is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the City of Kingston. Questions regarding the collection, use and disclosure of this personal information may be directed to the Director of Planning Services, 216 Ontario Street, Kingston, Ontario K7L 2Z3.

Accessibility: If you are a person with a disability, and need City of Kingston information provided in another format, please contact customer service at 613-546-0000 or contactus@cityofkingston.ca

If you have received this notice and you are the owner of land that contains seven or more residential units, please post this notice in a location that is visible to all of the residents.

Dated at Kingston, Ontario

Friday, January 10, 2025

From: Reid.Lindsay
To: [REDACTED]
Subject: RE: Dispute Response: D10-042-2024 and D14-018-2024, 279 Wellington
Date: February 7, 2025 2:20:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good afternoon,

Thank you for your interest in these files. Please see the following responses to the items raised in your letter.

In response the why Bay Street is not referred to as street frontage, while the subject lands are adjacent to an area on the survey labelled as "Bay Street" this area does not form part of the maintained public street and instead forms part of the unopened road allowance. In the Kingston Zoning By-Law a street means, "a public street or highway in accordance with the terms of the Municipal Act, but does not include unopened road allowances. For the purpose of this By-law, a private street is considered a street." The Bay Street road allowance currently forms part of the municipal parking lot (Anglin Lot) directly north of the subject lands. Consultation with Development Engineering, Legal and Records has revealed that Bay Street initially terminated at Wellington Street, and no records have been found indicating that this road allowance has been opened as a public street. In the mid 1800s Bay Street terminated at Wellington Street - this was the edge of the shoreline. Over time, this area was infilled and into the early 1900s the railway lands extended into this area. The next use here was the surface parking area that exists today.

With respect to concerns about the proposal to use the southern driveway on Wellington Street to access the proposed 14-storey building, at this time the applicant is proposing to maintain the southern driveway on Wellington Street to both the severed and retained lots. Given that there is no change in the use of the lots considered as part of the consent and minor zoning by-law amendment (Holding Overlay) applications, no new impact is anticipated as a result of these specific applications.

The proposed 14-storey apartment is undergoing technical review under a separate application (File Number D14-008-2023). A Transportation Impact Study was submitted in support of the proposal and comments were provided by Transportation Services staff including further rationale and justification for the projected trip volumes. This is currently undergoing further review and analysis by the applicant's consultant.

Let me know if there are further comments.

Best,

Lindsay



Lindsay Reid, OAA, CAHP, LEED (she/her/hers)

Senior Planner – Urban Designer, Development Approvals

Planning Services

Growth & Development Services

City of Kingston

Located at 1211 John Counter Boulevard,

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 3277

lcreid@cityofkingston.ca



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

From: [REDACTED]
Sent: January 23, 2025 9:22 PM
To: planning@cityofkingston.ca
Cc: Reid,Lindsay <lcreid@cityofkingston.ca>
Subject: Dispute Response: D10-042-2024 and D14-018-2024, 279 Wellington

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,
Please find attached a dispute response for:
D10-042-2024 Notice of Technical Consent
D14-018-2024 Public Notice of a Complete Application
Both located at 279 Wellington

I am also requesting notification on any decisions.

Thank you,
Michael

Michael Purcell
300 Wellington Street,
Kingston, Ontario,
K7K2Z3

