

**File # D11-011-2018: Site Plan Application for
1102-1110 King Street West**

Issues and Concerns

Commodore's Cove
1098 King Street West
Kingston, ON
K7M 8J1

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SUMMARY OF ISSUES AND CONCERNS

The following points summarize the issues and concerns of residents of Commodore's Cove with regard to the Site Plan Application D11-011-2018 for 1102-1110 King Street West (formerly known as 'Elevator Bay'). Details of these are further elaborated in the presentations (with notes) that follow this summary.

- A. As proposed, this application would see the tallest buildings yet erected in Kingston.
- B. The site is a unique waterfront which is not 'land' as such but rather a filled-in lakebed with a 90-plus year-old pier built on wooden piles surrounded on three sides by water, all of which present many challenges not found in 'normal' applications.
- C. The final design, therefore, should be subject to a full peer-review by qualified experts before approval.
- D. The site does not directly front onto a city street; the only private road to the pier is also the only access to the townhouse complex which it shares.
- E. With this single narrow access road, emergency access and egress is very restricted, a concern not only for the completed project but also for townhouse residents during the construction phase.
- F. The multi-year construction phase will cause major disruptions to the (our) adjacent townhouse community.
- G. Residents rely on the city to protect their safety and quality of life; existing by-laws do not appear sufficient, so effective monitoring and oversight are critical to ensure our safety.
- H. No formal mechanism exists to ensure communications among the developer, local residents and city officials to identify, discuss and resolve project related issues in a timely fashion.
- I. The waterfront and cross-pier pathways in the proposal are not fully accessible to users with wheelchairs, push-walkers, prams or bicycles. The height above water level and the narrow width of the walkway also raise safety concerns.
- J. The CRCA permit conditions are critical to the safety and durability of the development and the pier, and the Lake Ontario ecosystem. These conditions need to be fully documented, monitored and the project expertly inspected during and after construction to ensure its safety and integrity.

SUMMARY OF RECOMMENDATIONS

	ISSUE - HEADLINE	CONTEXT, COMMENTS, DETAILS	RECOMMENDATIONS
1	2022: KINGSTON CITY COUNCIL APPROVES TALLEST BUILDING EVER	23-PLUS LEVELS (PARKING LEVELS ARE ABOVE GRADE), NO HEIGHT RESTRICTIONS ON ZONING OF THIS PROPERTY	CITY SHOULD IDENTIFY WHAT OTHER PROPERTIES HAVE SIMILAR 'UNRESTRICTED' ZONING
2	TWO TOWERS TO BE BUILT WHERE THERE IS A 90 YEAR OLD PIER SUPPORTED BY WOODEN PILES	NOT LAND AS SUCH MOST UNIQUE SITUATION IN KINGSTON REQUIRES ABOVE NORMAL SCRUTINY, OVERSIGHT AND INSPECTION MUCH HIGHER RISK THAN 'NORMAL' PROJECTS	CAPTURE THE CRCA CONDITIONS OF PERMIT IN THE SITE PLAN APPROVAL AND BUILDING PERMIT THOROUGH PEER-REVIEW OF DETAILED DESIGN PRIOR TO APPROVAL DESIGN AND MONITORING PROGRAM MUST ENSURE A STABLE AND SAFE PROJECT FOR THE NEXT 100 YEARS.
3	ONLY ROAD ACCESS RUNS THROUGH A 30-YEAR-OLD TOWNHOUSE COMPLEX	SHARED PRIVATE ROAD ACCESS TO KING STREET WEST ONLY EMERGENCY ACCESS TO TOWNHOUSES AND PROPOSED HIGHRISES ALL CONSTRUCTION TRAFFIC MUST USE THIS ROUTE NOISE, DUST AND SAFETY CONCERNS	CITY SHOULD ENSURE SAFE ACCESS AND REQUIRE DEVELOPER TO ADOPT CONSTRUCTION 'STANDARDS' RECOMMENDED BY FCC 40
4	MULTI-YEAR CONSTRUCTION WILL DISRUPT A QUIET COMMUNITY	ALL CONSTRUCTION TRAFFIC MUST USE THIS ROUTE NOISE, DUST AND SAFETY CONCERNS	SEE ABOVE RECOMMENDATION
5	NO FORMAL MECHANISM EXISTS TO PROTECT SAFETY AND QUALITY OF LIFE OF LOCAL RESIDENTS	THERE NEEDS TO BE A MECHANISM TO QUICKLY COMMUNICATE PROBLEMS, ISSUES IN ORDER TO ACHIEVE TIMELY RESOLUTION	CITY TO REQUIRE (ESTABLISH) A COMMUNICATION AND LIAISON PROCESS AMONG CITY, DEVELOPER AND RESIDENTS
6	IF APPROVED, THE SITE PLAN WOULD GREATLY LIMIT ACCESSIBILITY ALONG THE WATERFRONT TRAIL	STAIRS, STEEP SLOPES, NARROW PATHWAYS AND SHARP CORNERS WILL ELIMINATE THIS TRAIL AS AN OPTION TO THOSE ON WHEELCHAIRS, BICYCLES, OR WITH PUSH-WALKERS, PRAMS, ETC. WALKWAY ON PIER PERIMETER IS PERILOUSLY HIGH ABOVE THE LAKE LEVEL	ADJUST THE WIDTH, LOCATION AND DESIGN OF THE PATHWAY TO RENDER IT MORE USER-FRIENDLY AND SAFE, AS PER SUGGESTIONS.

	ISSUE - HEADLINE	CONTEXT, COMMENTS, DETAILS	RECOMMENDATIONS
7	THE PUBLIC SITE PLAN MEETING IS THE ONLY OPPORTUNITY FOR PUBLIC SCRUTINY OF THE PROJECT AND INPUT	CITY STAFF REPORT AND FINAL DETAILS OF PROPOSAL ONLY MADE AVAILABLE A WEEK BEFORE THE MEETING	FOR A PROJECT OF THIS SIZE AND COMPLEXITY, THE CITY SHOULD ALLOW GREATER TIME FOR PUBLIC SCRUTINY AND COMMENT.
8	THIS MULTI-MILLION DOLLAR TWO TOWER PROJECT ONLY REQUIRES A \$250K DEPOSIT TO THE CITY	THE CITY AND ITS RATEPAYERS WILL BE ON THE HOOK SHOULD THE PROJECT FAIL IN ANY WAY	CRCA CONDITIONS SHOULD BE FORMALIZED IN CITY APPROVALS AND EXPERT MONITORING AND INSPECTION ADOPTED <i>page 81</i>
9	KINGSTON UTILITIES TO SUBSIDIZE GAS LINE FOR DEVELOPMENT	UTILITIES KINGSTON PROPOSE TO EXPAND THE GAS MAINS TO SERVICE THIS PROPERTY.	CAPITAL COST SHOULD BE BORNE BY THE DEVELOPER
10	ULTIMATE PLAN FOR THIS SITE INCLUDES POTENTIAL MARINA AND RETAIL SERVICES	ZONING PERMITS BOTH A MARINA AND RETAIL SPACE	PROPOSALS SHOULD BE SUBJECT TO PUBLIC REVIEW AND COMMENT

Site History, Project Impact & Construction Conditions

Rudi Wycliffe

Unit 9

The Tallest Buildings In Kingston

R. Wycliffe
Unit 9, 1098 King St. W.
Kingston, ON
K7M 8J2

1

I want to present a brief history and status of this property so that everyone appreciates that:

- these will be the tallest buildings proposed in Kingston;
- the site is precarious and unique; and
- special care needs to be taken in its development.

Purpose and Objectives

Understanding of the site:

- Location, sensitivities, uniqueness - this is not another 'hole in the ground'
- City zoning does not include height restrictions
- A standard 'cookie cutter' approach should not apply here

Part 1 - History and Background

- The site is an old grain elevator pier, built 90 years ago on wooden piles.
- The grain elevator operation ended over 40 years ago.
- Zoning has changed to increase density.
- Several developers have come and gone: last Site Plan approval in 2012?
- The 38-unit townhouse complex (FCC 40, “Commodore’s Cove”) has been occupied since 1990.

3

First, a bit of its history.

The townhouses at 1098 King St.W. were once part of the development scheme for the entire property on both sides of King Street.

Hence, the single shared access road, lighting and irrigation systems.

When the townhouse condo was established in 1990-91, it was anticipated that a condo on the pier would follow shortly so a legal agreement was put in place to set out the terms of the transition. That legal agreement still stands.

Today:

- The site consists of two separate properties (pier and townhouses) that share:
 - a single (private) access road off King Street West;
 - a single street lighting system;
 - a single irrigation system.
- A legal agreement is in place to manage shared assets (road, lights, utilities, etc.).
- FCC 40 is the only property abutting the proposed development.
- The only (shared and private) access road passes between our homes.



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The only access to the pier runs through the middle of our 38 townhomes, separating the blocks on the east from those on the west side.

Our townhomes are located on both sides of the access road.

We have our own roadways that connect to the entrance road and then to King Street.

That is our only access, and the only access for emergency vehicles.

As constructed by the original developer in 1990, the properties share street lighting and an irrigation system from the lake, providing water to gardens, lawns and trees on both properties.

FCC 40 has been maintaining the elements under the legal agreement since the early '90's.

We want to have conditions in place that protect our safety and way of life during and after construction.

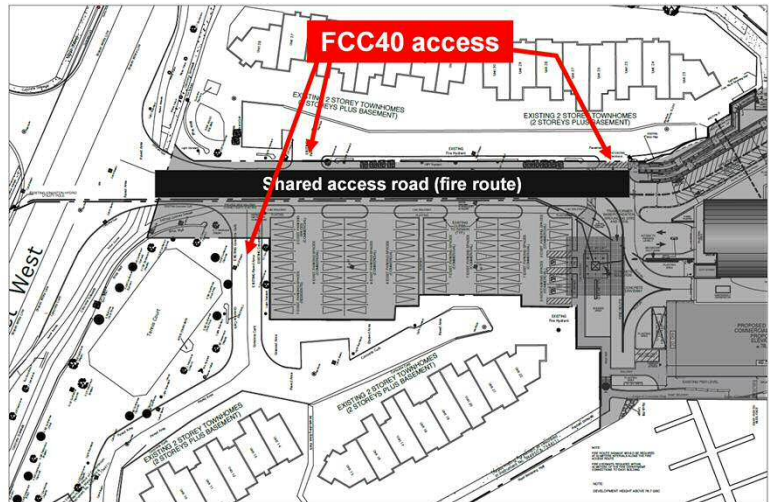
PART 2 – Construction Conditions

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This second part of my presentation is a request to ensure that formalized conditions are in place to protect the quality of life, safety and security of the residents of the 38 townhomes particularly during construction.

Construction Impact

- Construction is likely to take 3 to 5 years.
- The only access to the site is within metres of our townhomes.
- All traffic to the pier uses the same private road as our townhouses.
- The developer has already told us the road will be unpaved for the duration of construction.



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The construction period will be a long one; this is a large and complex project.

Unless the builder uses barges to bring in material and equipment, which we very much doubt, everything will come in off King Street right between our townhomes.

There will be heavy equipment, pile driving, dozens of workers parking, materials stored, constant activity, noise and disruption.

Given the small area, where is it all going to go?

All of this will happen within metres of our front doors.

Limit negative impact of construction

Concerns include:

- ▶ Noise and dust
- ▶ Traffic management
- ▶ Safety
- ▶ Security
- ▶ Hours of intrusive activity
- ▶ Impact on quality of life
- ▶ Utility disruptions
- ▶ Parking

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And all of this will inevitably have be a major disruption to the townhouse community. Our concerns include... [*the above*]

Planning staff, our councillor and former Chair Neill have seen the list of mitigating controls that we would like to see...

Requested construction conditions - 1

To minimize adverse effects, we request the following conditions on construction:

1. Limit construction activities to between 8 a.m. and 6 p.m., Monday through Saturday.
2. Strictly enforce existing City noise by-laws.
3. Ensure the access road to the townhouses from King Street be open at all times and sufficient to allow passage of emergency vehicles.
4. Maintain access road clear of mud and other debris **daily** as required.
5. Require the developer to maintain the access road clear of snow and ice as required.

8

Our request for protection of our quality of life, safety and security are set out in the following 15 conditions. We would like to see all these conditions formalized for our protection.

To minimize adverse effects, we request the following conditions on construction:

1. Construction activities must be limited to between 8 a.m. and 6 p.m. Monday through Saturday.
2. The existing city noise by-laws must be strictly enforced.
3. Paved road access to the townhouses of FCC 40 from King Street must be open at all times and sufficient to allow passage of emergency vehicles.
4. The access road should be cleared of mud and other debris **daily** as required.
5. The developer must be required to clear the access road of snow and ice as required.

Requested construction conditions - 2

6. Use **Flag-men** when necessary for residents' safe and unencumbered access.
7. Keep **noise and dust to a minimum** given the residential neighbourhood.
8. Keep **utility disruptions** minimal and of short duration (1 to 2 hours); give residents reasonable advance notice of disruptions.
9. **Respect and protect our private property** (parking, plants, trees, gardens, lawns, irrigation system and roadways).
10. **Provide security** as required to protect our private property and the construction site.
11. Provide **a parking plan** for all site parking requirements for construction which does not encroach on other property or compromise access to FCC 40.

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6. Flagmen should be used as required to ensure residents' continued safe and unencumbered use of the access road during construction.
7. Noise and dust should be kept to a minimum given the residential neighbourhood.
8. Utility disruptions should be minimal; our residents should be given reasonable advance notice of any disruption to our utilities (72 hours). Any service disruptions should be of short duration (1 to 2 hours).
9. Our private property should be respected; parking, plants, trees, gardens, lawns, irrigation system and roadways should be protected.
10. The developer should arrange for security as required to protect our private property as well as the construction site.
11. The developer should provide a parking plan that accommodates all parking requirements for construction and does not encroach on other property or compromise access to FCC 40.

Requested Construction conditions - 3

The developer should:

12. Be formally held **responsible for damage to FCC40** buildings and property resulting from construction including:
 - a) documentation of pre-construction status of FCC40 foundations and structures to establish a base line against which any future damages can attributed.
 - b) posting of a significant bond/surety to cover the cost of any repairs or damage resulting from the construction process.
13. Establish a **formal liaison process** among developer, City and FCC 40 to ensure good communications and response to issues and concerns.

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12. The developer should be formally held responsible for damage to our buildings and property resulting from construction.
 - a. They should pay for the cost of having a licensed building inspector document the current status of the foundations and townhome structures before the pier development commences in order to establish a base line against which any future damages can then be clearly attributed to the construction process.
 - b. They should be required to post a significant bond/surety to cover the cost of any repairs or damage suffered by the townhomes as a result of the construction process. In that any damage may not be immediately visible, this bond should be in place and cover the 3-5 year period after construction is completed.
13. A formal liaison process should be established among the developer, the City and FCC 40 to ensure good communications and response to issues and concerns. Contact persons and contact phone numbers should be identified and available '24/7' to respond to problems.

CRCA Conditions of Approval & Enforcement

Rosemary Kozak

Unit 14

CRCA Overview

CRCA MANDATE:

- “Our responsibility... is to protect, restore, and manage our watershed for today and tomorrow.”
- “Protecting life and property from natural hazards.”
- “Protecting the environment for future generations.”

CRCA SITE PLAN REVIEW:

- **CRCA staff refused site plan permit application, primarily because:**
 - the development falls within the flood plain
 - the footprint is too big
 - the access setback of 6 m from the flood plain is not met.
- **CRCA Board, on appeal, approved site plan subject to 14 conditions.**
- **CRCA must clear the conditions of the permit before the City grants a Building Permit.**

CRCA Conditions

Detailed Design Review

- ✓ Final engineering design details will be submitted to the City and CRCA for review and approval, including peer review before Building Permit is granted.

Monitoring and Maintenance Plan (M&MP) Items 1-5

1. **Existing steel sheet pile walls** subject to integrity tests.
2. Local elevation of **curtain wall** assessed and inspected every 5 years.
3. **Legal instrument** developed requiring the legal owners of the development to carry out the M&MP plan as outlined.
4. **Refined Wave Run-Up Assessment** to confirm flood-proofing requirements once pathways and landscape features are finalized.
5. **Overtopping Protection and Drainage Plan** required to show details which contain localized flooding and provide drainage pathways for floodwaters.

Monitoring and Maintenance Plan (M&MP) Items 5-8

6. **Design of Post Piles and Raft Slab:** "The proposed piles and raft slab foundation shall be specifically assessed by a qualified engineer to ensure structural integrity from ice and wave loading in the event of a catastrophic failure of the pier wall."
7. **Sediment and Erosion Control Plan:** This must include in-water work protections for the pier wall and rock berm placement.
8. **Construction and De-Watering Plan** must ensure no impact on Lake Ontario and nearby natural features.

Monitoring and Maintenance Plan (M&MP) Items 9-14

- 9. Placement of rock berm material** must meet standards and earlier recommendations.
- 10. Permit Validity** for 5 years.
- 11. Annual Progress Reports** to be submitted to the CRCA for those 5 years.
- 12. Compliance Inspections** to be done by the CRCA.
- 13. Agency Approvals** as required (City of Kingston, DFO, MNR, etc)
- 14. Costs** for the above to be covered by the owner.

Our Recommendations

to Site Planning, City Planning Committee & Council

- ✓ **Strict City enforcement and inspection of all 14 CRCA conditions.**
 - these to be formally incorporated into any approval of the site plan.
- ✓ **Open community communication with independent peer review experts in all areas.**
- ✓ **That the City be guided by its own Waterfront Master Plan and vision:**
 - “to enhance and protect the terrestrial and aquatic environments.”
- ✓ **Open, public, and timely reporting of compliance with CRCA conditions**
 - to ensure protection of both residents of the proposed towers AND city taxpayers from risks and added costs resulting from design, construction, maintenance and inspection inadequacies.

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Pier Condition & Sustainability

John Vines

Unit 13



The Twin Towers

The information for my presentation is taken from examination of DASH files and the reports made available from the Cataraqui Region Conservation Authority (CRCA).

The location of the development is shown in the aerial photograph on the screen.

The twin towers will be located on the south end of the Elevator Bay Pier. To the south is a breakwater that attenuates the waves from Lake Ontario.

Note that the settling pond for the City-owned sewage plant is also protected by the breakwater.

My emphasis is on the potential 100-year threats to the foundations of the two towers coming from the waves and winter ice of Lake Ontario and impacting:

- 1) The tower foundations
- 2) The pier retaining walls
- 3) The breakwater



The foundations, roadways and parking spaces of the two towers are to be supported over the water on a concrete raft. The raft will be supported by piles going to bedrock. Bedrock is about 7 meters below average water levels.

The supporting piles are stabilized by sand fill that is retained by the sheet steel piling retaining walls around the pier. The sheet steel walls also have to withstand the wave action from Lake Ontario.

The breakwater was constructed in 1930 by the Federal Government to attenuate the waves from Lake Ontario, reducing the wave heights in Elevator Bay before they impinge on the pier walls.

A failure of the breakwater due to rock dispersal must be considered a threat to long term pier stability.

**Threat solutions from the SJL
Engineering report and
recommendations included in CRCA
permit F-194/19-LO**

- Recommendations for the rehabilitation of the existing pier structure
- Placing of a rock berm around the periphery of the side sheet steel piling.
- Regular inspections of the steel retaining walls and tower pile foundations for the 100-year life of the towers.
- Development of monitoring and maintenance plan for the offshore breakwater.



In early 2021 CRCA received a report from SJL Engineering that:

- defined the threats from wave action and ice on the pier walls;
- recommended ways to rehabilitate the retaining walls of the pier;
- recommended ongoing inspections of the tower foundations and the pier walls throughout the 100-year life span of the development.

Included in the CRCA permit are conditions that the owners of the twin towers must follow to monitor and maintain the state of the pier walls and foundations for 100 years.

The Federal Government and the City need a plan to inspect and repair the breakwater. If the developer cannot obtain guarantees that this will happen, then the wave action analysis on the pier retaining walls needs re-evaluating removing the advantage of the breakwater attenuation.

Impact and Enforcement of CRCA Permit F-194/19-LO

- CRCA have approved the site plan on condition that a plan is established for ongoing 5-yearly inspections and maintenance of the foundations and substructure of the pier.
- These inspections, maintenance and associated costs are unusual for a condominium high-rise due to the unique location of this development and the impact of the environment on the structure, as evident in the deteriorated state of the present grain elevator pier.
- Potential unit owners in the twin towers should know, before purchase, of the required inspection and maintenance plan for the pier and potential costs.
- A specific reserve fund should be established before the condominium is created to ensure that resources are available over the 100-year period to undertake these regular inspections and repairs.
- The Federal Government and the City need a plan to inspect and repair the breakwater.

The proposed inspections, maintenance and associated costs are unusual for a condominium high-rise and are due the unique marine location of the structure.

Potential unit owners in the twin towers should know, before purchase, of the required inspection and maintenance plan for the pier and the potential costs.

A specific reserve fund should be established before the condominium is created to ensure that resources are available over the 100-year period to undertake these regular inspections and repairs.

The Federal Government and the City need a plan to inspect and repair the breakwater.

The Waterfront Pathway at Elevator Bay

Dennis Friesen

Unit 31

The Kingston Waterfront Trail

The Waterfront Trail & Pathway

- mix of bike lane, footpath and off-road pathway extending from the eastern to western city limits.
- Off-road, a broad ribbon accessible to multiple and diverse users to traverse in comfort and safety.



Kingston Waterfront Trail at Lake Ontario Park

- The Kingston Waterfront Trail, part of the Lake Ontario Waterfront Trail, extends from the downtown core near the Holiday Inn almost continuously to Commodore's Cove.
- Along Wellington St, it links to the K&P Trail, extending all the way to Sharbot Lake.
- Pedestrians, joggers, cyclists frequent the trail year round when it is clear of snow.
- Wherever the trail is off-road, it provides a broad ribbon that is accessible to multiple and diverse users to traverse in comfort and safety.

Waterfront Trail at Commodore's Cove



- trail extends along the east and west sides of the townhouse complex
- 6-meter wide strip deeded to the City by the developer.

- At Commodore's Cove, the developer extended the trail along the east and west sides of the townhouse complex and deeded the 6-meter wide strip to the City in 1991.
- Richardson's Wharf opposite Commodore's Cove similarly provides a wide pathway along the water's edge.
- Together, the trail at Elevator Bay provides rare access to the lake for angling from the shore, often by youngsters from the surrounding neighbourhoods who cast their lines from the pathway or the (deteriorating) concrete apron around the pier.

Pier Property Development

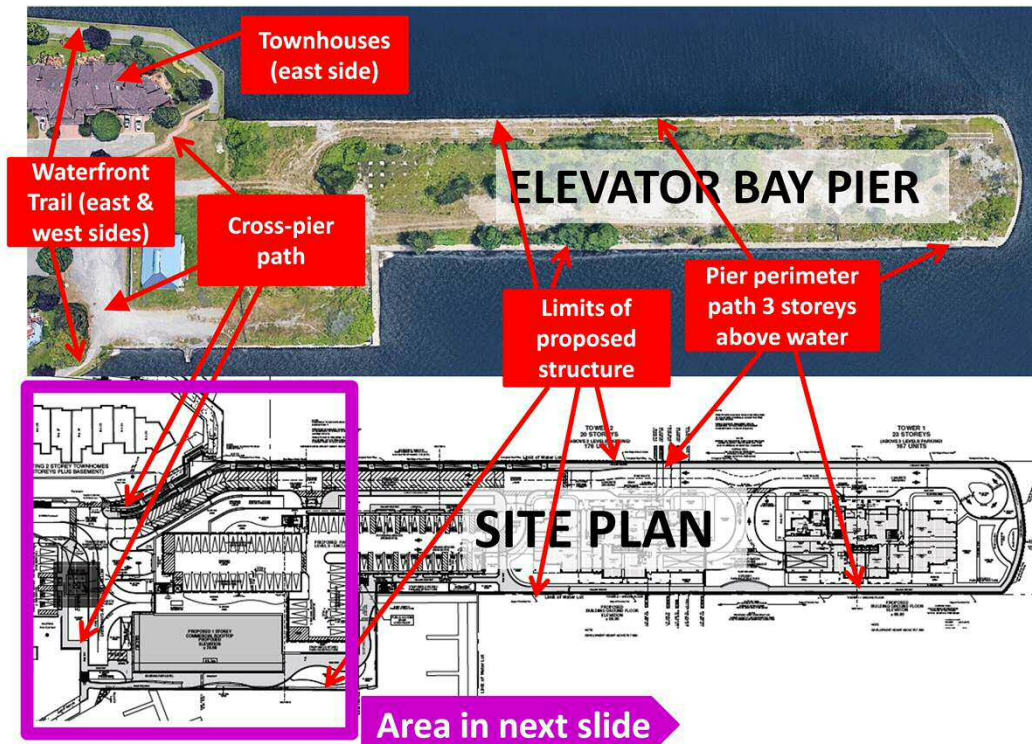
- Original & previous developers envisaged a continuation of the Waterfront Pathway around the perimeter of the pier.
- Admiral's Walk (Forrest Group, 2007) proposed a 3-m wide path.
- The current site plan (KWDL) proposes a 1.5-m wide pathway.

Our concerns with the current proposal relate to:

- Accessibility
- Safety
- Utility

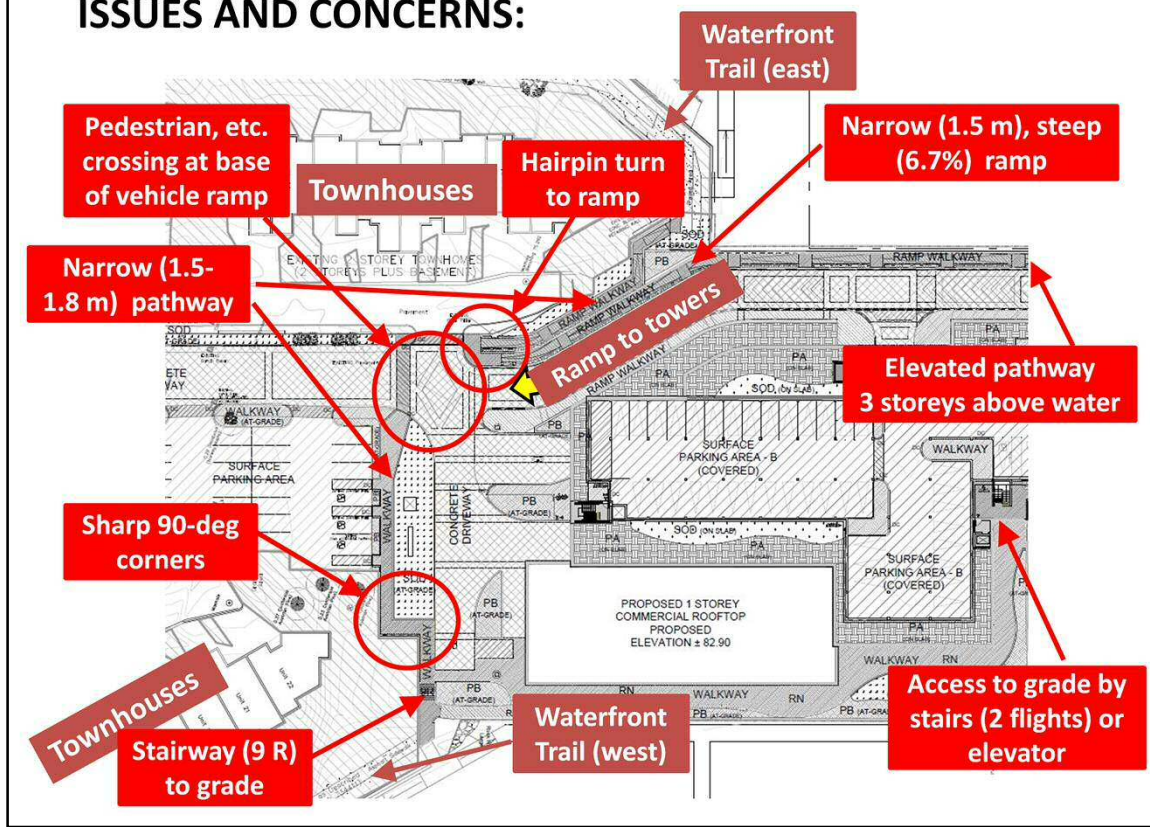
- The original Elevator Bay developer and previous iterations of the pier development, including the 2007 proposal for Admiral's Walk, included a 3-meter wide link around the pier perimeter joining the east and west limbs of the pathway at Commodore's Cove.
- The Current proposal, according to the site plan application, departs significantly from these previous commitments.
- Our concerns with the current proposal relate to:
 - Accessibility – for ALL users: joggers, pedestrians including those with mobility issues (walkers, wheelchairs, etc.), prams, cyclists, anglers...
 - Utility – walking, jogging, strolling, cycling, fishing...
 - Safety – space to comfortably accommodate multiple, diverse users safely considering proximity to water and path width.

KWD propose to build to the waters' edge on all sides of the pier...



- This slide shows the Elevator Bay pier, townhouses, Waterfront Trail and Site Plan.
- KWDL (Kingston Waterfront Development Ltd.) propose to build to the waters' edge on all sides of the pier.
- A cross-pier path will link the east and west segments of the trail at Commodore's Cove at the north end.
- A perimeter path will take users around the pier at water's edge atop a 2-storey parking garage 3 storeys above the water.

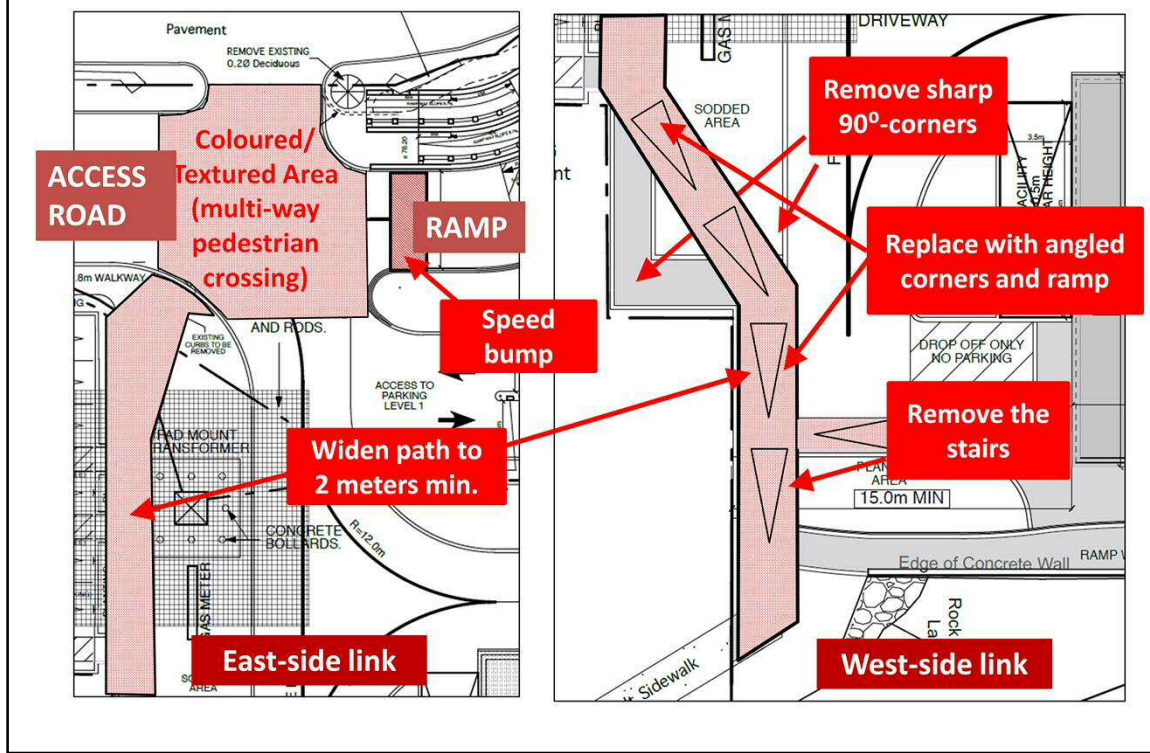
ISSUES AND CONCERNS:



Our concerns with this plan are the following:

- The narrowness of the pathway puts passing or meeting other users uncomfortably close, especially where bicycles are involved.
- The hairpin turn to the perimeter path east-side is difficult to negotiate especially for cyclists.
- The cross-walk at the base of the ramp puts users at risk from cars descending at speed.
- Sharp right-angle corners are also difficult for cyclists especially when meeting other users.
- A stairway returns users to the water's edge on the west side, limiting accessibility for cyclists, wheelchairs, push-walkers and prams.
- The ramp to the perimeter is narrow and steep.
- The path is 3 storeys above the water with only a railing for protection.
- To return to grade on the west side, users must descend 2 flights of stairs or use an elevator, again limiting accessibility.

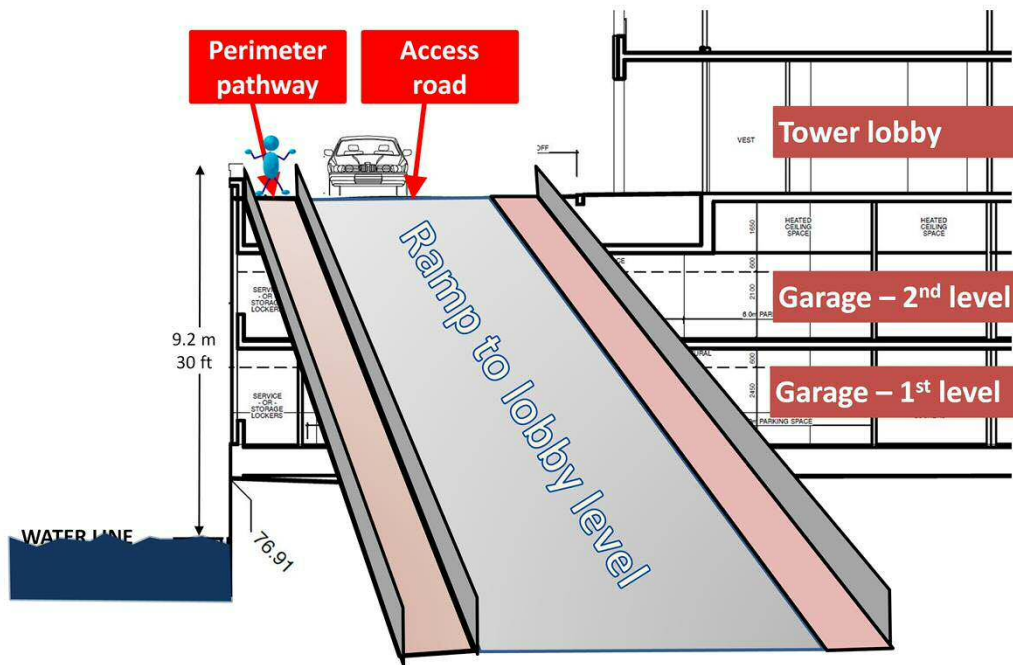
Cross-pier Pathway: **RECOMMENDATIONS**



For the cross-pier path shown here, these issues can be resolved by:

- Installing a coloured/textured (brick-paver?) surface at the intersection of the access road, vehicle ramp, parking structure/commercial centre access road and the Commodore's Cove access road to denote pedestrian multiple-crossing between waterfront pathways, ramp pathway on both sides of vehicle ramp, and the access road pathway.
- Widening the pathway to 2 meters minimum (3 m, preferably).
- Removing the sharp corners and the stairs and replacing them with angled corners and a ramp to grade at the water's edge on the west side.

Perimeter Pathway (East Side looking south)



We also have concerns with the perimeter pathway.

This slide is an elevation of the structure on the pier from the site plan showing two levels of parking garage on top of which is the perimeter path and the access road to the garage and tower lobbies.

These are accessed by a ramp (shown schematically) rising two storeys above grade.

Perimeter Pathway – East Side

The diagram illustrates a cross-section of a multi-level structure, likely a transit station or parking garage, with the following components and dimensions:

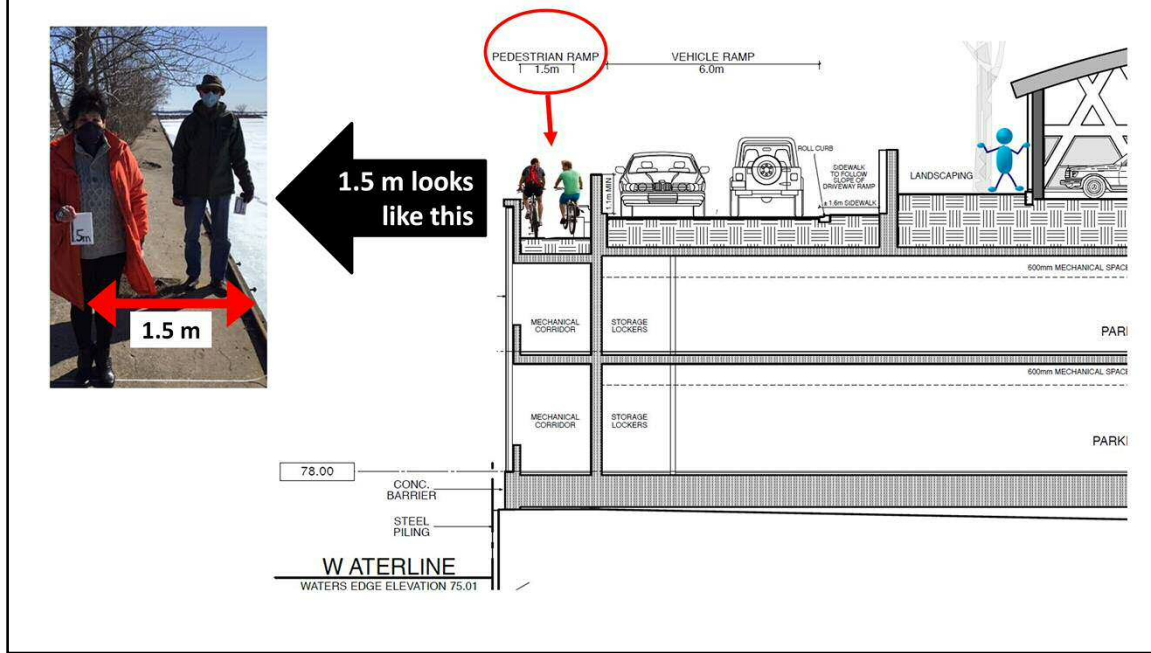
- Top Level:** Features a **1.1-m high railing** (bike seat = 1.0 m) and a **Curb**. A cyclist is shown sitting on the railing, with a red box stating: **Cyclist sits as high as railing**. A car is parked on the level below the railing.
- Vertical Dimensions:** The total height from the **WATER LINE** to the top of the railing is **9.2 m** or **30 ft**.
- Structural Elements:** The structure includes **600mm MECHANICAL SPACE**, **HEATED CEILING SPACE**, and **STRUCTURAL SLAB**.
- Service and Storage Areas:** Multiple levels are designated for **SERVICE OR STORAGE LOCKERS**.
- Dimensions and Spacing:** The diagram shows **6.0m PARKING SPACE**, **6.0m DRIVE AISLE**, and **TRAFFIC TOPPING PROVIDED SLOPES**. Specific vertical dimensions for the lower levels are **21.30**, **21.30**, and **21.30**.
- Horizontal Dimensions:** The bottom of the structure is marked with elevations: **76.91**, **76.65**, **76.94**, and **77.01**.

- **Accessibility:** The long (140 m), steep (6.7% grade) ramp on east side, and stairs or elevator to grade on west side make use by wheelchairs, push-walkers, prams, scooters, bicycles, etc., difficult or impossible.

- Width hampers leisurely use with multiple users (cf. wider segments at FCC40);
- Height (3 storeys, 11 m) above water precludes use for fishing, etc.

- Except at the ramp, only a curb separates the pathway from vehicular traffic on one side while a railing guards against a fall to the water on the other;
- Narrow (1.5 m) pathway impedes safe passing, esp. bicycles or other wheeled traffic and exacerbates safety issues on both water and traffic sides.
- Passing users, esp. cyclists, could easily be thrown over the railing 11 m (30 ft) to the water below.

Perimeter Pathway



This is another cross-section extracted from the site plan looking south partway up the ramp.

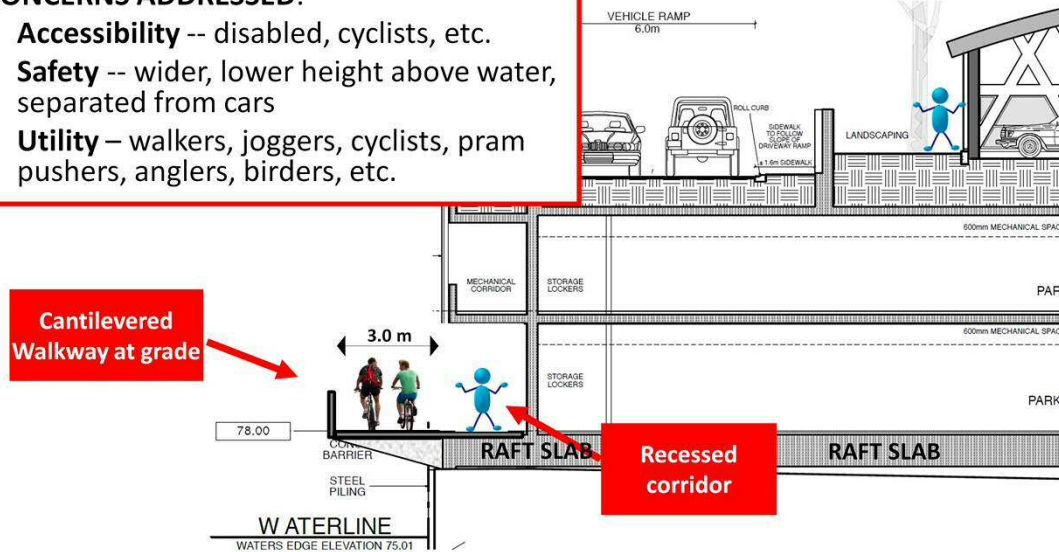
- Note that the 1.5-m path width cannot easily or safely allow 2 bicycles to pass.
- Note what 1.5 meters looks like with two pedestrians on the current pier apron.

Perimeter Pathway

*AN ALTERNATIVE

CONCERNS ADDRESSED:

- **Accessibility** -- disabled, cyclists, etc.
- **Safety** -- wider, lower height above water, separated from cars
- **Utility** – walkers, joggers, cyclists, pram pushers, anglers, birders, etc.



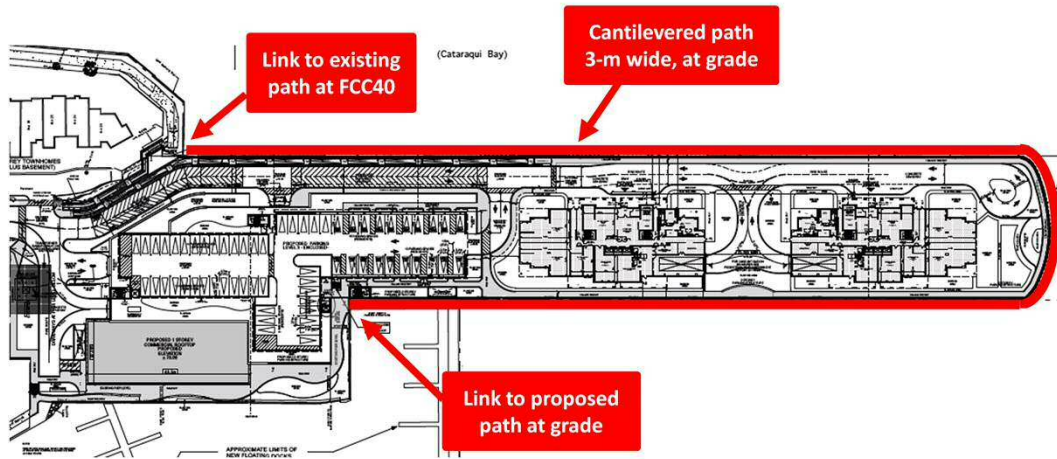
An alternative design would resolve these concerns:

- Install a cantilevered pathway at grade by extending the raft slab on which the entire structure is built by at least 3 meters over the water
- And possibly also re-purposing the 1st floor mechanical corridor in the garage.

Advantages:

- Wider and safer for passing users;
- Users would be separated from vehicular traffic on the driveway;
- Users would be closer to the water in case of fall (1 storey vs. 3 storeys);
- More easily accessible to all users, including the less mobile;
- Anglers would be able to fish from the pathway.

Perimeter Pathway at grade



This is how a cantilevered path at grade would extend around the pier. It would:

- link to the existing trail on the east side requiring only minor adjustments in grade.
- link with the path at grade shown in the site plan on the west side.
- avoid the need for staircases and elevator to bring the path back to grade on the west side.

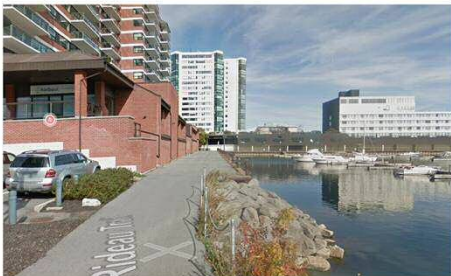
Waterfront Pathway setbacks in Kingston



Harbour Place, Ontario St.



Delta Hotels by Marriot, Ontario St.



The Landmark, Ontario St.



Residence Inns by Marriot, Ontario St.

Other high-rise developments in Kingston have all provided a broad pathway on the waterside perimeter of their properties, such as these on Ontario Street.



One Mowat Avenue Condo, Portsmouth



Richardson Wharf Apartments, King St.



Commodore's Cove

...and these in Portsmouth and King Street West.



Pier Property, Elevator Bay

- *Many and all manner of users (walkers, joggers, cyclists, anglers, pram pushers, etc.) from all over the city enjoy it at Elevator Bay.*
- *We ask that the City:*
 - **APPLY** the standards of **accessibility, safety and utility** seen elsewhere along the Trail to this site
 - **REQUIRE** modification of cross-pier pathway for safety and accessibility
 - **MANDATE** inclusion of a safe accessible perimeter path in your approval.
- *What you decide will potentially impact ALL Kingstonians.*

What will we ultimately see on the pier property at Elevator Bay???

We at Commodore's Cove see many and all manner of users enjoying the Waterfront Pathway from our townhomes, crossing the undeveloped pier property from one side to the other.

Will the City permit a disruption to the pathway that it has incrementally improved along the waterfront from the city core through Lake Ontario Park to Collins Bay for the enjoyment of all Kingstonians?

Will the developer emulate the civic-minded example of the other high-rise developments in the City core?

We ask that the City... [*above*]

Fire & Rescue, Emergency Evacuations, Safety & Security

Nicole Florent

Unit 33

PIER PROPERTY IS SURROUNDED BY WATER ON THREE SIDES

1. STANDARDS → based on normal land configurations
2. NEED TO ADJUST STANDARDS → or reduce to one tower
3. BASE → fractured shale below 92 yr-old landfill, wood & rebar
4. DETERIORATION → Advanced state
5. ON OR ADJACENT TO WATER → flowing water and shifting sands
6. PHYSICAL LOAD → Massive on the fragile base
7. WEATHER EXTREMES → Wind, flood plain, waves, etc
8. BUILDING REQUIREMENTS → Need more robustness
9. INSPECTIONS → Need to be frequent, rigid
10. COMPLIANCE & REMEDIATION → large \$\$\$ penalties and show-stoppers

EXCEPTIONALLY CHALLENGING ENVIRONMENT



2

I will underscore here that the proposed pier development is a narrow, finger-like property into Lake Ontario, and it is surrounded by water on three sides.

Because of the site's exceptional features, the usual standards of construction and codes need to be examined and possibly adjusted to compensate for the property's fragility and vulnerabilities: it can't just "meet the code": each requirement needs to be evaluated against the backdrop of each of the pier's unique features. Three sample scenarios are outlined further in the following slides.

LIST OF KINGSTON WATERFRONT HIGHRISES WHICH HAVE EXPERIENCED STRUCTURAL PROBLEMS

	NAME OF BUILDING	LOCATION	DETAILS
1	HOLIDAY INN HOTEL -197 rooms	2 Princess Street	Late 80's, early 90's Major repairs Personal observation
2	CONFEDERATION HOTEL (formerly Howard Johnson) -6 storeys	237 Ontario	Mid 80's Garage collapse Major repairs, closed for many months Personal observation
3	DELTA/MARRIOTT HOTEL -6 storeys	1 Johnson Street	~2015 Major repairs Personal observation
4	HARBOUR PLACE CONDO -16 storeys -123 units	185 Ontario Street	2019 July Major repairs Newspaper reports, personal observation
5	ROYAL GEORGE CONDO -16 storeys	5 Gore Street	Built in 2008 Water in garage Information shared by current owner
6	ADMIRALTY PLACE CONDO -6 storeys -18 units	20 Gore Street	Developed 1988 Problem ~2018, 2 nd occurrence Major repairs Information shared by two owners
7	1000 KING WEST CONDO -16 storeys	1000 King Street West	~2015 Major repairs Information shared by owners
8	LOCOMOTIVE WORKS APARTMENT 17 storeys	85 Ontario Street at Gore	2021 Water in garage Information shared by owner
9	FRONTENAC VILLAGE CONDO Townhouses	1 Place d'Armes	Water in garage Information shared by owner



3

As an additional consideration, I would remind participants of the nine high-rise buildings along the Kingston Waterfront which have “sunk,” or had “collapse issues” or developed water infiltration issues in their underground after the building’s completion:

1. Holiday Inn
2. Confederation Place Hotel
3. Delta/Marriott
4. Harbour Place
5. Royal George
6. Admiralty Place
7. 1000 King Street West
8. Locomotive Works
9. Frontenac Village Condominium

Future condo owners, current neighbours, users and visitors to the pier, and Kingstonians ...

All depend on due diligence by the Planning Committee and City Council in the form of a long-term design, and increased scrutiny to protect:

- 1. Safety**
- 2. Health and well-being**
- 3. Needs in times of emergencies**
- 4. Municipal integration**
- 5. And to avert long-term financial debacle**



4

Future condo owners, current neighbours, users and visitors to the pier, and Kingstonians ...

All depend on due diligence by the Planning Committee and the City Council in the form of a long-term design, and increased scrutiny, to protect their:

1. Safety
2. Health and well-being
3. Needs in times of emergencies
4. Municipal integration
5. And to avert long-term financial debacles for all parties

FIRE & RESCUE EMERGENCIES

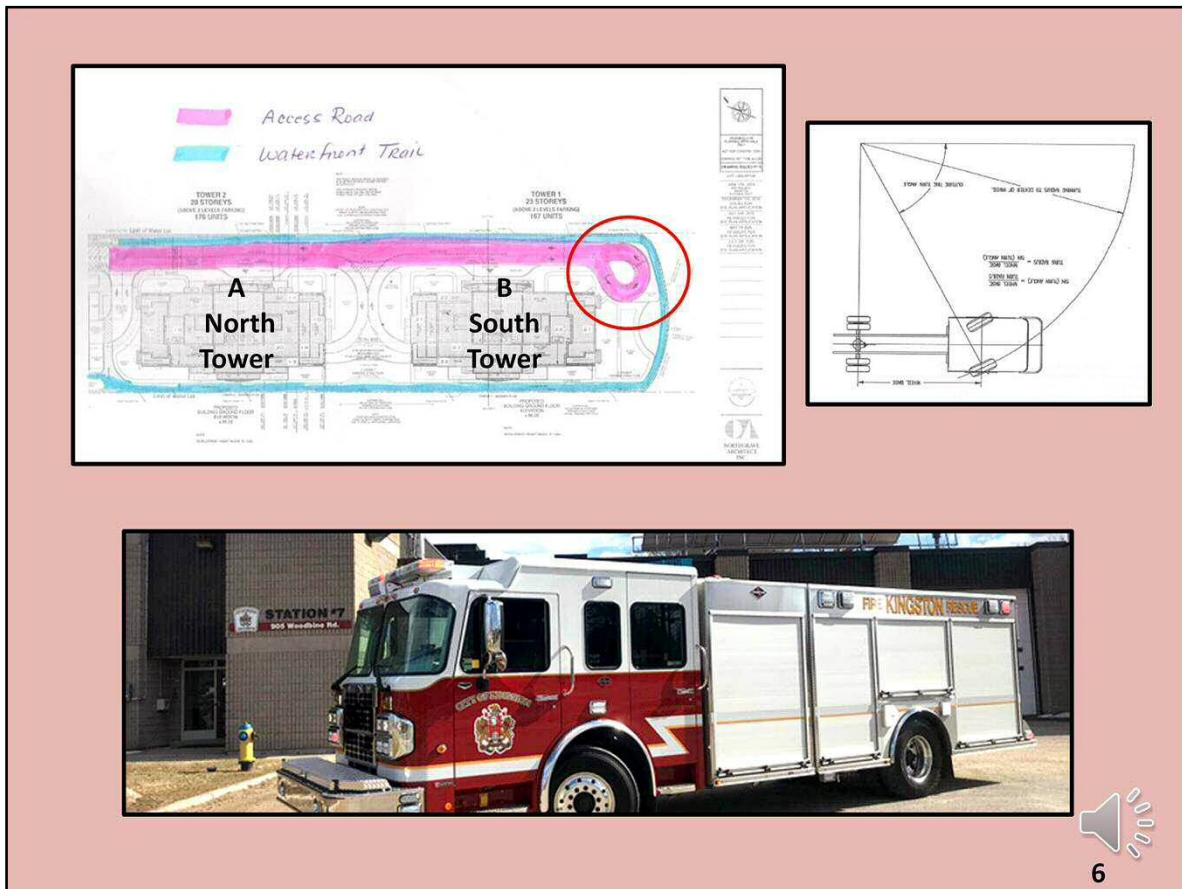
1. **NARROW STRIP** of land
2. **NO ACCESS ROAD** on West side → no secondary exit/egress)
3. **MAIN ACCESS ROAD** (East side): too narrow, unlikely two large vehicles can meet (20 feet wide at the twin towers, then 30 feet wide to King West)
4. **USUAL CALLS:** medical emergency, unit or building fire, gas or chemical leak, vehicle collision, flooding, building failure, personal injuries
5. **911 RESPONSE:** all three agencies respond to major calls
6. **EXCESSIVE WEIGHT/ACTIVITY ON PIER:** excessive at normal times, +++ during emergency response
7. **EMERGENCY EVACUATIONS:** too many vehicles/people to exit quickly and effectively



5

As you can see, there are many possible urgent situations that should be considered and factored into the plans:

[a medical emergency, unit or building fire, building failure, gas or chemical leak, vehicle collision, flooding]



The diagram on the top left shows the Waterfront Trail in blue, the main access road and turn-around on the East side in pink and the two towers, A and B, in the middle of the pier.

At the pier end, the access road is narrow, only 20 feet wide, and it is unlikely that two wide emergency vehicles can pass at the same time. It is insufficient for the amount and frequency of traffic in normal times or during an emergency.

The small diagram on the right shows the turning radius of a Kingston Fire & Rescue truck. You do the math as to whether the back of the fire truck would clip the building, and how much concentration will be needed to make the turn-around at the very tip of the pier.

SAMPLE SCENARIO PROBLEM # 1

The Waters of Lake Ontario cover the pier when:

- Flooding overtakes the pier, or
- The wave spray overlaps it

BOTTOM LINE

People and cars cannot egress the pier via exit doors, access road or walkways.



Wave overlap on FCC40 West side, 2021 Spring.



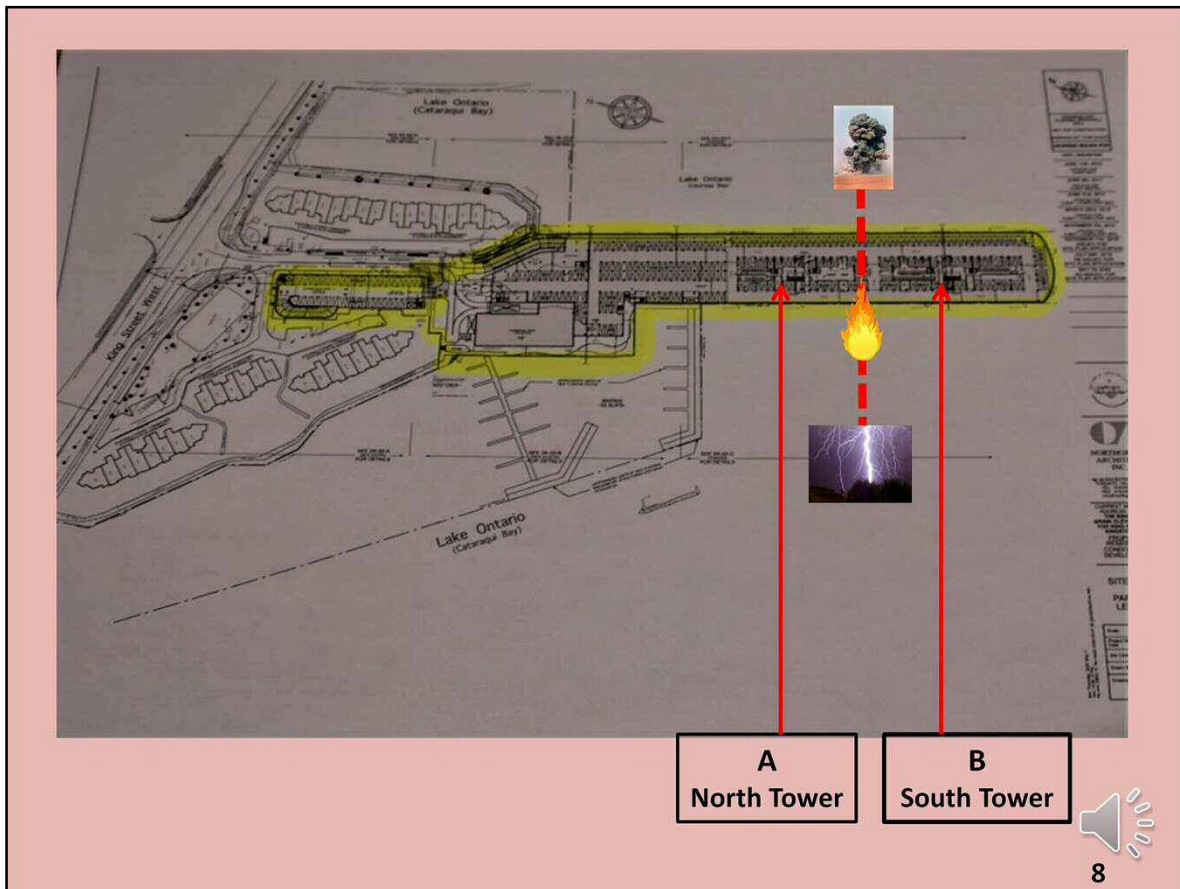
Wave overlap on FCC40 West side, (90 kms/hr winds, 2022 January.



7

The problem with having a waterfront home is flooding of the property, where the egress of residents, with or without cars, is hindered or obstructed. These two photos were taken at Commodore's Cove in the last year, and climate change predictions are that water levels will be even higher in future years.

Whether flooding covers the pier, or the splash of waves does, the access road, exit doors, walkways and the access road become impassable.



If the North tower experiences an emergency that is important enough to block the main access road

the South building is completely cut off, therefore, the occupants of the South Tower are not going anywhere, any time soon.

[Bureaucrats and developers talk about invincibility with fire retardant objects, sprinkler systems and the lines making it unnecessary to require emergency measures ... tell that to the passengers of the Titanic!]

EMERGENCY EVACUATION

POTENTIAL THREATS

- High winds
- Flood plain: flooding on pier or wave overlap
- Earthquake or other instability
- Fire: in a unit or throughout the building
- Accident with multiple injuries
- Building failure
- Chemical spill at the Dupont Plant or Kingston Sewer Filtration Plant
- Water rescues
- Bomb threats




9

There are a number of potential threats which could require emergency evacuation from the twin towers.

Thankfully, emergencies do not happen frequently, but considering all potential scenarios ahead of time ensures a speedier and preferred outcome.

OUT Vehicles & People	IN Emergency vehicles & Staff
<ul style="list-style-type: none">• Twin Towers:<ul style="list-style-type: none">• Residents: 343 to 686 individuals• Cars: 343 to 686• Commercial building & marina:<ul style="list-style-type: none">• Unknown #• Cars: unknown #• Townhouse Residents:<ul style="list-style-type: none">• 38 to 76 individuals• Cars: 38 to 76 vehicles• Visitors, tradesmen, deliveries for all above• Need egress from two towers, two parking levels each• Add 38 townhouse residents and vehicles• All on a single access road• All line up at King Street West traffic light and merge with other possible evacuees from Trailhead & West Kingston	



10

This slide gives you an idea of the complexity of an evacuation procedure, should one be required.

The twin tower section of the single access road is 20 ft in width, then it widens to 30 ft near King West. Condo tower and townhouse residents need to GET OUT quickly, while at the same time, an army of emergency vehicles are TRYING TO GET IN, intent on starting their rescue efforts.

SAFETY AND SECURITY IN NORMAL TIMES

1. No access road on West side of pier
2. Access road & Waterfront Trail on East too close to the edge
3. Turn-around at end of pier too small & too close to edge
4. High winds, flying debris



The proposed path will be in the same location as the old one used by workers who operated the grain elevator, but **NARROWER (1.5m)**



The proposed path lends new meaning to the word "Edge walk," considering that the water is 19 ft deep at the tip of pier.



11

To recap, there is NO access road on the West side of the pier, ergo no secondary exit path.

The access road and the Waterfront Trail are too close to the edge, and the turn-around at the tip of the pier is clearly an overreach in design.

Note that the towers protrude far out into Lake Ontario, subject to winds that reached 90-100 kms/hr this year, and created risks from flying debris.

This proposal, if approved, would impact many homes and many people in and near the complex, users of the pier and the Waterfront Trail, as well as all residents of Kingston.

As with many community professions, the Mayor and the Councillors are ultimately accountable to Kingston's citizens and visitors.

The Greek dictum, "Above all, do no harm" is definitely a consideration in a development process such as this one ... not just for the 5 yr post construction milestone, but also at the 50 year mark, perhaps even the 100th.



ADDITIONAL INFORMATION
not included in the presentation

ADVANCED DETERIORATION OF THE PIER PROPERTY



Subsidence of the pier compared to North section.



From the water to the top of the pier.



From the top of the pier to the water below.



Water rose from below to fill the pit test holes.



Existing soil from the pier's West edge was used to fill in pit test holes, weakening the edges further.

14

Given the advanced deterioration of the pier property and other conditions, there are legitimate concerns that this base is not adequate for two towers, with a height of 24 and 25 storeys respectively.

ADVANCED DETERIORATION OF THE PIER PROPERTY



Crumbling cement hanging in mid-air over skeletal wood piles & detached horizontal supports in the water-logged underside of the pier.



Metal bars & rebars are falling into Lake Ontario as the cement disintegrates.



Crumbling cement is floating in mid-air above the skeletal wooden piles.



A family of ducks has established its family inside the water-logged underside of the pier.

15

The sides of the pier are gone, the 1,500 wooden piles are skeletal remains, the underside is water-logged, there are dozens of sink holes on the top of the pier.

SAMPLE SCENARIO PROBLEM #2
Secondary Emergency Access/Exit

- Minimum code for single houses requires a side door or back door in addition to front door.
- Minimum code for large buildings (which contain many, many more residents) requires that emergency services have access to the front door of buildings, period.
- Pier property has a single access road.

HIGH RISE ON NORMAL LAND

- Front door access blocked ...
- Emergency responders work-around on foot
- Emergency vehicle jumps the curb and goes to other 3 sides

TWIN TOWERS ON PIER

- Front door access blocked ...
- Access road out of commission
- Drive not an option, ? walk-around on foot
- Fire boat – small, hoses & equipment only?
- Passenger capability?
- Winter?
- Change of season (at freeze up & thaw-out)?

BOTTOM LINE

No redundancy, no plan B for twin towers if/when an evacuation is required.

16

The problem with having a waterfront home is flooding of the property, where the egress of residents, with or without cars, is hindered or obstructed. The two photos were taken at Commodore's Cove in the last year, and climate change predictions are that water levels will be even higher in future years.

Water can rise from the bottom as in flooding or high winds can splash waves on the pier. In both cases, the access road, the walkways and the front doors of homes and condos become impassable.

SAMPLE SCENARIO PROBLEM #3

Engineering Back Fill

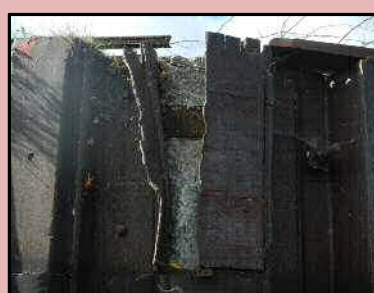
- Developer's engineering report states construction piles are normally held in place by surrounding soil.
- Also states that pier's three non-land sides and its buildings, will be held in place by sheet piles.
- This is what the existing sheet piles look like after only 33 years ... without the gargantuan weights of twin towers.



BOTTOM LINE

Long-term stability of the pier and its buildings is questionable.

17



18

POSSIBLE MITIGATION MEASURES

- **Decrease total weight load of buildings by decreasing sections of the load (# & size of bldgs, # storeys, cars, people, contents, etc).**
- **Decrease the number of buildings, to ensure safe turn-around and sufficient emergency egress, ie access road on West side.**
- **Build on alternate property with better land quality and/or land that is further away from shoreline.**
- **Explore land swap with municipal, provincial or federal sectors for property with better land quality and/or land that is further away from shoreline.**

PRELIMINARY REVIEW OF CHAMPLAIN TOWERS DISASTER

Weaknesses and Issues Being Considered

By Allyn Kilsheimer, engineer (G&M)

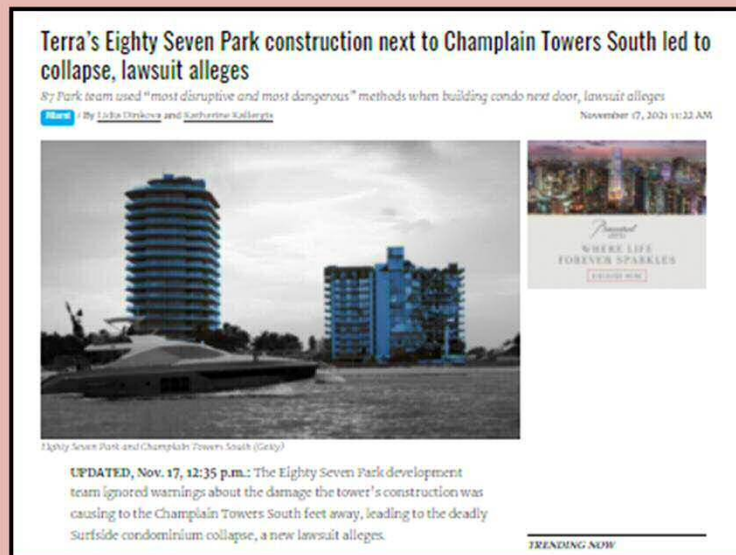
- 1. Selection of property (junction of water and land, sandy soil)**
- 2. Developer (dodgy business practices, lack of expert knowledge, 50 sub-companies, by-pass of city's height restrictions)**
- 3. Approval process**
- 4. Architects and engineers (original design)**
- 5. Builder and sub-contractors (original materials, construction flaw – pool underside, partial floor added, construction changes along the way)**
- 6. Inspections insufficient, documentation incomplete**
- 7. “Plan stamping” and incompetence of some principals**
- 8. Condo association:**
 - i. Long term maintenance insufficient**
 - ii. Delay in negotiation of \$15 million repair mortgage**

“The Canadians Behind Champlain Towers .” by Robyn Doolittle, Adrian Morrow and Uday Rana, Globe and Mail, 2021 November 20, pages B1, B6 , B7 and B8.

20

This analysis and breakdown of the Champlain Towers Disaster is a framework that can be applied to any development project, as a checklist to prevent future untoward events.

All bullets must be handled properly for success, ie prevention of complications or disasters.



Significant concerns for Commodore's Cove townhouse owners:

1. Damage to homes and personal safety issues due to construction activities.
2. Recipient of debris from towers during wind storms, construction or catastrophic events.
3. Concern for timely access of emergency vehicles, or personal evacuation during an emergency.

21

This article, related to the collapse of the Champlain Towers South, is the only one in my presentation that could be classified as a NIMBY comment, and its potential is of significant concern to Commodore's Cove townhouse owners.

I believe that the following three matters are valid concerns:

1. Damage to homes & personal safety issues due to construction activities, because of the extreme proximity to the construction.
2. Recipient of debris from tower during wind storms, risks from construction or catastrophic events.
3. Compromise of timely arrival of emergency vehicles, or personal evacuation during an emergency.

Parking, Utilities, Landscape, Financial Securities

Rob Colwell

Unit 8

NO Central Parking Garage



- Specify no Parking Garage to be constructed on the central parking lot (Plan of Subdivision parcels # 21-45)
- Request City Police to vigorously enforce NO PARKING on Fire Routes

2

The original Site Plan submission included a three-story parking structure constructed on the central parking lot (Plan of Subdivision parcels # 21-45), which would have obstructed/fettered both City and FCC 40 utility and other easements. The current submission no longer includes this parking structure. That is good since it would have placed a huge visual and esthetic impact on the FCC40 community and created a physical barrier between the east and west townhouse blocks. Nevertheless, if the Site Plan is approved, we request it officially exclude the construction of **ANY** structure in this area.

The roadways at 1098 King St. W. are private and designated as fire routes. We are concerned that, during construction, the fire routes will be blocked by trade-persons' cars and trucks as there is no other parking available on site. We request that City Police be put on notice that they must vigorously enforce the NO PARKING on Fire Route by-law.

Existing easements to FCC 40 and the City must be recognized and affirmed within the Site Plan Control process. We request that the developer/property owner make a formal commitment to not obstruct or otherwise "fetter" these easements.

Utilities Infrastructure

- **Location**
 - City and Commodore's Cove utilities on Pier land, but protected by easements
- **Easements**
 - Concern construction staging and actual construction interrupt service
- **Capacity**
 - Staff estimates \$3.6 million required to increase natural gas capacity
 - How much will developer have to pay for this off-site work?
 - Is staff confident other Utilities (sewer, water, electrical) have capacity?
- **Interruption of Utility Service**
 - Request 72 hours advance notice. Service interruption max. 1-2 hours

3

City and Commodore's Cove utilities are on land owned by the Pier Property developer, but protected by easements.

We need assurances that neither construction staging nor actual construction will result in an interruption of service or access to the services.

Staff estimates \$3.6 million will be required to increase natural gas capacity. How much will developer have to pay for this off-site work?
Is staff confident other utilities (sewer, water, electrical) have capacity?

Request 72 hours advance notice. Utility service interruption not to exceed 1-2 hours

We request the existing easements to FCC 40 and the City be recognized and affirmed within the Site Plan Control process and that the developer/property owner make a formal commitment to not obstruct or otherwise "fetter" these easements.

Landscaping



**1098 King St West - looking
south from King Street**

- Mature at Commodore's Cove – 30+ years growth
- Many planted along property lines
- Pier Property 210% lot coverage permitted in the Zoning By-law because FCC 40 Commodore's Cove "green space" included in the calculation
- **Recommendation:**
 - Prohibit removal of landscaping on or within two (2) metres of property or easement lines
 - Consistent with City's Environmental sensitivity policies (*June 13, 2021 letter*)

4

Landscaping of the Commodore's Cove neighbourhood is mature with trees and shrubs that have 30+ years of growth. Many are planted along property lines.

In our June 13th, 2021, letter to the Planning Committee, we requested:

"... the developer to retain trees and landscaping on and the surface parking lot and near the property lines with FCC 40–Commodore's Cove, which will avoid destroying natural greenery consistent with the City's policies of environmental sensitivity, without hampering the developer."

We would like the Site Plan Approval to include specific direction that these trees and shrubs (within 2 meters of the property lines) be protected.

This would seem reasonable request given that the Commodore's Cove "green space" was included in the calculation of the 210% lot coverage permitted in the Zoning By-Law for the Pier Property.

April 17, 2008 Staff Report # PC-08-041
Constraints and Concerns: Action Recommended

As part of the approval process of the 2008-2009 By-Law amendment, the property owner agreed to:

- pay for the traffic lights and intersection upgrades
- keep current permit for the temporary Sales Office
- maintain the temporary sales office, grounds and paved public access roads
- respect the utility infrastructure and other easements
- provide public access to waterfront walkway
- reimburse the Municipality for any peer reviews/reports
- maintain storm water management, erosion and sediment control

5

Finally, I would like to remind the Committee, if they are not already aware, that as part of the approval process of the 2008-2009 By-Law amendment, the property owner agreed to a number of recommendations, listed here. In the intervening years, the developer has fallen short in his responsibilities on these recommendations. As a condition of Site Plan approval, the City should require that past failures in compliance be rectified (e.g., reimbursement for King Street intersection upgrades) and that all recommendations be incorporated into the current Site Plan.

Project Liaison: Developer/Neighbours/City

Brendan MacDonald & Donald Beattie
Units 34 & Unit 3

The Intent Of This Presentation



- Suggest how to handle coordination of construction activity and potential disputes in the pier project
- Suggest how to handle possible damage to our homes
- Request the City to add a condition at the site plan phase:
 - *Set up a liaison committee and procedures, as part of the site plan approval*

Resolving Disputes In the Pier Project



- Disputes do arise in large projects
 - *Success depends on how they are handled*
- The project runs through the centre of our community
 - *Our quality of life will be affected during 3-5 years of construction*
- We can work with the developer in a collaborative partnership
 - *But we worry about a “David & Goliath” relationship*

Disputes naturally arise in large developments that are intimately tied to surrounding properties. The pier project is unique in that it extends down the middle of our townhouse community, so disputes can be crucial to our quality of life.

If we and the developer can deal quickly and effectively with disputes, the pier project will run more smoothly and predictably, which is in everyone's interest.

If the project proceeds, we intend to be good neighbours: nothing else would make sense. But we worry that the developer could simply ignore us.

Note: “FCC40”, “Frontenac Condominium Corporation”, and “Commodore's Cove” all refer to the same entity, i.e., the condominium corporation that owns the common elements of the townhouses of Commodore's Cove.

A Dispute Resolution Process is Needed



- Three entities: City, Developer, FCC40
- Regular, scheduled meetings to identify issues early
 - *And a separate process for handling “emergency” situations*
- Issues will be managed as routine matters
 - *Not as exceptions requiring lawyers*

Dispute resolution will be part of the liaison process, in addition to fostering cooperation and coordination. We believe that if any of the three entities feel they need lawyers to handle the liaison, then we will have failed in establishing a good process.

Making Liaison Work

- Designate an individual and an alternate from each entity
 - *They must have authority to make decisions*
 - *We suggest the developer's site manager, a senior City official, and an FCC40 director*
- Single point of contact from each entity
 - *Issues must flow through the designated individuals*
- City to ensure that this liaison operates effectively
 - *Otherwise the developer may have no reason to take liaison seriously*

To date, communication between the present developer and FCC40 has been only through lawyers. A proper liaison process directly between the entities will be smoother, faster, and more cooperative. It's important that designated individuals for each entity have decision-making authority, or the liaison will get bogged down and will cease to be useful.

"Single point of contact" implies a duty by both the developer and Commodore's Cove residents. Commodore's Cove residents must understand, agree to, and abide by, the communications procedure. For example, if several residents observed the same problem or infraction, and each reported it to the developer or the City with differing stories, we would have failed to establish a liaison that works. We need to go through our designated representative to raise issues with the developer or the City. This point needs to be made clear to everyone before the liaison is established and construction begins.

The same duty applies to the developer, who will have many subcontractors on site. Passing FCC40 issues through the developer's site manager will streamline communications and save time.

Improving the City-Developer-FCC40 Relationship

- Mutual respect and consideration are necessary from the start
 - *They must be earned*
 - *All sides need to work on this*
- Regular communications are key, e.g.,
 - *Overall construction schedule, updated regularly*
 - *Discussion of short-term activities that affect each entity*
- The liaison will evolve
 - *More frequent meetings at start, less later*
 - *The designated individuals will get to know and trust each other*

Both the developer and FCC40 should practise and expect integrity; it's well known that people live up (or down) to expectations. Let's aim high.

We hope the developer and the City will keep FCC40 informed of the evolution of the overall schedule. Because the project will run for several years, it's important for FCC40 members to know what is facing the developer and why changes are being made. Within FCC40, a newsletter will ensure that townhouse owners are aware of schedule status and will answer their questions early.

Short-term schedule changes and disruptions will be handled by the regular meetings.

The purposeful, conscious development of mutual trust will pay dividends. This requires both sides to work on trust from the start. Openly sharing what works and what doesn't work in the liaison committee will help to build trust all round.

Benefits Of the Liaison Process



- Regular meetings allow fast, simple communication between developer, City, and FCC40, e.g.,
 - *Keep each entity aware of what's coming up*
 - *Ensure access road blockages don't hamper vehicular traffic*
 - *Ensure FCC40 and City easements are not compromised*
 - *Have a procedure to prevent property damage, and arrange remediation if needed*
- A trusting relationship can be created

Some examples of communication that this process will make easier. If FCC40 knows what the developer wants to schedule, e.g., a temporary blockage of the access road, this can be worked out at a regular liaison meeting. If FCC40 residents have problems with parking of developer's vehicles while the pier towers are being built, it will be much simpler if FCC40 can discuss the problems directly with the developer rather than having to report infractions to bylaw officers. Similarly, concerning damage to our homes and infrastructure, a rational discussion with the developer will be faster and more productive than involving lawyers, which by nature can be more confrontational.

Because little space is available for the developer's equipment and materials, consulting FCC40 about matters such as installing security fences will be important.

The main point is that a liaison process mandated and monitored by the City will ensure that potential conflicts will be handled early and directly. With good faith on all sides, the designated individuals will come to know and trust each other, which will make everything easier and non-confrontational.

Why is the Liaison Process Important to the City?



- Other projects, in Kingston and elsewhere, have this process, e.g.,
 - *CCC145 in Ottawa; Reef Group in London, UK; Len Corcoran in Kingston*
 - *Details are in attached speaker's notes*
- If the project goes awry, early City involvement is crucial
 - *Early warning signs can be observed*
 - *The City will benefit from a close involvement in the project*
- The worst case would be a half-completed building
 - *Failure would have wide-ranging effects on Kingston*
 - *Effective liaison will minimize the City's risk*

Three examples of liaison agreements are:

- a. The CCC145-Claridge Homes Adjoining Landowners agreement dated 27 September 2019, between Carleton Condominium Corporation and Claridge Homes (Moon) Inc., for two 27-story towers built adjacent to the CCC145 condo building in downtown Ottawa.
- b. The Construction Working Group Agreement that is used by Reef Group, a large development firm, for major projects. This template agreement is negotiated between the developer and residents' associations, nearby businesses, and others having a direct interest in the management of the construction phase, nominated by the City.
- c. Len Corcoran Excavating (who did the "Big Dig" project on Princess Street) has a formal process for working with near neighbours

These agreements are essential to have **development** go smoothly.

Please contact:

- a. Brendan MacDonald (bmacdon2922@gmail.com),
- b. Don Beattie (indigocomms@gmail.com), and
- c. Rob Colwell (robcolwell1098@gmail.com) for **details of these agreements**.

Liaison Action Plan



- City to define the liaison process in consultation with FCC40 and the developer
 - City to require the liaison to be established as a condition of Site Plan approval
 - If this is done, everyone benefits
- ***But only the City can make it happen***

The mandatory liaison process is in neither the Planning Act nor the Building Code. However, the process is essential to a smooth pier project, and only the City can require it. The City has the power to act, by adding a condition requiring the mandatory process.

This moment, before the site plan phase is complete, is the only opportunity to require the liaison process to occur. If the City does not act, the moment will be gone.

We appreciate the opportunity to put the case for a mandatory liaison procedure in the pier project, and look forward to assisting in setting it up to be effective in achieving a smoothly handled project..

