TO: Mayor and Council
FROM: Cynthia Beach
Commissioner, Sustainability and Growth
RESOURCE STAFF: George Wallace
Director, Planning and Development Department
DATE OF MEETING: 2010-11-02
SUBJECT: Additional Information
Application for Zoning By-Law Amendment
Unicum Management Corp.
780 Division Street
File No. D14-177-2010

EXECUTIVE SUMMARY:
Council referred report number PC-10-071 back to Planning Committee to allow further discussions with the applicant to consider developing only one new building on the subject property rather than the two new proposed buildings. Concerns regarding the density of the development and the availability of open space on the site were noted by Council. Planning staff have had further discussions with the applicant and Planning Committee regarding this proposal and the staff recommendation as contained in report no. PC-10-071 remains unchanged. This report contains additional information related to the provision of amenity space on the subject property and suitability of the proposed intensification of the site.

RECOMMENDATION:
This report is for information only.
**AUTHORIZING SIGNATURES:**

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<td>Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth</td>
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**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

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<tr>
<th>Commissioner</th>
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<tr>
<td>Terry Willing, Community Services</td>
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<tr>
<td>Denis Leger, Transportation, Properties &amp; Emergency Services</td>
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<tr>
<td>Jim Keech, President and CEO, Utilities Kingston</td>
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*(N/R indicates consultation not required)*
OPTIONS/DISCUSSION:
At the Planning Committee meeting held on October 7, 2010 this application was referred back to Planning Committee by Council for further consideration regarding the proposed intensity of development on the subject property. At that meeting the applicant from the Planning and Development Department provided additional information to the Planning Committee with respect to why the proposed development on the property was considered appropriate.

The existing Zoning By-Law for the city includes provisions that require a specific amount of amenity area and play space to be provided for any multi-family residential development. The two terms are defined as follows within By-Law No. 8499 for the City of Kingston:

**Amenity Area** is defined as an area or areas within the boundaries of a residential development site intended for recreational purposes which may include landscaped site area, patios, balconies, communal lounges, swimming pools, and similar uses.

**Play Space** means an area intended for the protected play of children or pre-school age living in any type of a Multiple Family Project.

In addition to these requirements of the Zoning By-Law there are additional criteria used in evaluating the nature of a proposed development on a site and whether what is being proposed is considered too intense for a property. Another criteria for consideration is the ability of a site to accommodate parking in accordance with the Zoning By-Law.

Given the number of existing and proposed units on the property, the total combined area of amenity and play space required by the Zoning By-Law is 7,399 square metres. The current proposal in front of Council is proposing to provide 9,112 square metres of play and amenity space. This represents 1,713 square metres of additional space over that required by the Zoning By-Law. In addition to this the applicant is not requesting any relief with respect to parking on the site and is proposing to provide all parking on the property as required by the By-Law. These figures support the conclusion that the site is large enough to accommodate the additional proposed construction, provide adequate parking for the proposed residents and provide a substantial amount of recreational space for the intended residents of the property. In addition a Traffic Impact Study has been submitted and accepted by technical staff. This study supports the proposed access to the site and concludes that the proposed development will not impact the surrounding road network.

There have been a number of applications recently for residential redevelopment of properties that have been requesting a reduction in both amenity space and parking. Staff has undertaken a preliminary review of amenity space standards in other municipalities and based on information researched to date it appears that our current standards for amenity/play space are quite high relative to other cities. A more comprehensive review of this requirement as well as parking ratios will be undertaken as background for the new Comprehensive Zoning By-Law. To date the majority of applications for residential redevelopment of properties have requested amenity/play space reductions, reduced parking ratios and increased density.

Based on this information it is the opinion of Planning and Development Department staff that the proposed application is appropriate and desirable intensification of a suitable site and the application is recommended for approval.

EXISTING POLICY/BY LAW:
The proposed amendment was reviewed against the policies of the Province of Ontario and policies, By-Law and studies of the City of Kingston to ensure that the changes would be consistent with the Province’s and City’s vision of urban development. The following documents were assessed:
Provincial
Planning Act
Provincial Policy Statement, 2005

Municipal
City of Kingston Official Plan

NOTICE PROVISIONS:
Pursuant to the requirements of the Planning Act, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject property 20 days in advance of the Public Meeting for the rezoning application. In addition, prepaid first class mail was sent to all property owners (according to the latest Assessment Rolls) within 120 metres (400 ft.) of the subject property. There were approximately 30 owners notified. In addition, a courtesy notice was published in The Whig Standard.

A courtesy notice advertising this Regular Meeting was published in The Whig Standard. Notice of this Planning Committee Meeting was sent to all individuals who submitted written correspondence and who formally requested notice.

If the application is approved, a Notice of Passing for the Zoning By-Law Amendment will be circulated in accordance with the provisions of the Planning Act.

ACCESSIBILITY CONSIDERATIONS:
No accessibility concerns regarding the proposed amendment were identified through the circulation of the applications.

FINANCIAL CONSIDERATIONS:
No financial implications are considered in this report.

CONTACTS:
- Karen Fraser, Senior Planner, Development Approvals, (613) 546-4291, ext. 3287;
- Marnie Venditti, Manager, Development Approvals, (613) 546-4291, ext 3256; and,
- George Wallace, Director, Planning and Development Department, (613) 546-4291, ext. 3252.

OTHER CITY OF KINGSTON STAFF CONSULTED:
The following external and internal agencies were circulated the Zoning By-Law Amendment application for review and comment:

Del Stowe, Building & By-Law Enforcement
Kim Brown, Engineering Services
Chantal Chiddle, Utilities Kingston - Technical Services
Jim Miller, Kingston Hydro Corporation
Robb Kidd, Fire & Rescue
Chanda Theng, Parks Development
Barry Kaplan, Sustainability & Growth - Accessibility
Cherie Mills, Planning & Development - Policy
Marcus Letourneau, Planning & Development – Heritage  
Brodie Richmond, Environment  
Transportation  
Ian Semple, Transit  
John Giles, Solid Waste  
Ken McGuirk, Public Works - Forestry  
Damon Wells, Public Works - Operations  
Phil Healey, GIS  
Maureen Petersen, Taxation and Revenue  
KFL&A Public Health  
Sukriti Agarwal, Cataraqui Region Conservation Authority  
Doug Campbell, Catholic School Board  
Wayne Toms, Limestone District School Board  
Colette Potvin, Conseil des Ecoles Publiques de l’Est de l’Ontario  
Ronald Nault, Conseil des Ecoles Catholiques de Langue Francaise du Centre Est  
Cataraqui Region Conservation Authority  
Hydro One Networks Inc.  
Kingston Electricity Distribution Ltd.  
Union Gas Inc.  
Ontario Power Generation Inc.  
Enbridge Pipeline Inc.  
TransCanada Pipelines Limited  
InterProvincial Pipelines Inc.  
Trans-Northern Pipelines Inc.  

EXHIBIT  
Exhibit A  Correspondence from IBI Group – John Uliana
September 27, 2010

George Wallace
Director of Planning
City of Kingston
1211 John Counter Boulevard,
Kingston, Ontario

Dear Mr. Wallace:

780 DIVISION STREET,
CITY FILE NO.D14-177-2010
IBI FILE NO.25061

This is further to your email of September 22, 2010 indicating that Council referred the zoning back to Planning Committee. The zoning change for 780 Division Street was recommended by Planning Committee to Council. We understand there were comments raised such as whether the site is overbuilt, or whether one building only would be sufficient.

We have discussed this matter with our client. Our client wishes the matter to be brought forward to the Planning Committee for reaffirmation of its original recommendation as soon as possible. Our client will not be making changes to the application and, on behalf of our client, we request to the original planning Committee recommendation to Council be re-affirmed. We are of the same view.

Application

The proposal is to permit two additional buildings on the existing site. One is a 45-unit three-storey apartment building and the other is a 16 unit stacked townhouse building. The application included a report on level of service (traffic); a noise study; an archaeological assessment (Stage I); and a Planning Justification.

Existing Uses

There is an existing three storey building consisting of three adjoining wings with a total of 112 units and 112 parking spaces.

The proposed development, when reviewed in context of adjoining uses to the north, to the south, to the west and to the east was found to be compatible with the uses in the area. The concept plan as presented at the public meeting is attached, as are the elevations that were presented.

Planning Overview

I. The matter was reviewed with respect to Provincial Policy Statement (PPS); The PPS provided the following direction:
IBI Group  

George Wallace – September 27, 2010

- encourages intensification within an established urban area;
- Uses are to be compatible and generally be located along transit routes;
- Affordable housing is encouraged to meet municipal needs;
- infrastructure be available;
- development be safe and not threaten public health;
- Development be near existing community or public facilities and convenience commercial or employment uses; and
- Development contribute to the reduction for the need to expand into green fields.

The request was found to be consistent with the intent of the PPS.

II.  With respect to the Official Plan (OP), the site is designated Residential and is surrounded on two sides by an open space designation. Employment lands are located on the opposite side of Division Street (an arterial). The requested zoning amendment was found to be in conformity with the uses permitted by the Official Plan.

With respect to density, the site is located along an arterial. The Official Plan permits low, medium and high density at this location. The site is presently medium density (51 du/net/ha) and is to become high density (80 du/net/ha).

High density is permitted by the OP where the residential use:
- is on the periphery of low or medium density areas;
- is adjacent to commercial areas;
- is in proximity to parkland and open space;
- is along an arterial designed for public transit;
- is compatible with surrounding uses.

All of the above policy tests are met. The use proposed by the application conforms to the Official Plan.

The intensification policies in the OP indicate that it is the City's intent to generally increase average density throughout the City. This proposal contributes to the achievement of that goal.

We understand that the City also wishes to see all forms of affordable housing being provided. This project contributes to the goal of providing affordable housing as defined by the Provincial Policy Statement.

In conclusion, we are of the view that this project is not only compatible with the existing development, but is consistent with the Official Plan and contributes towards the achievement of a number of stated city goals.

III. Zoning

The site has an unusual zoning which was developed specifically for the plans as were submitted and dated February of 1972.
In this case, the density is being increased from 51 to 60 dwelling units per net hectare and row dwellings are also to be permitted.

A table, as presented at the public meeting, shows the development standards as per the zoning by-law for the B1 zone for multiple family dwellings, and whether existing standards are met or what change is required. As the table demonstrates, all provision will be met, including landscaped open space, amenity space, play space, parking, unit size and so on. The sole zone provision change is to permit the row dwellings to be 5 metres from the Division Street right of way.

IV. Summary

In our presentation to Planning Committee and the public, we concluded that the requested change:

- is consistent with the PPS,
- is consistent with the Official Plan,
- provides for development and intensification that is compatible with adjacent uses,
- provides an opportunity for intensification to meet a number of other City objectives related to sustainability,
- is on a serviced site,
- contributes to the variety of affordable housing options within the City,
- there are no significant adverse impacts.

The requested development change and accompanying zoning represents good planning. We continue to be of that opinion.

Provision of Affordable Housing

We met with the Housing and Programs Administrator for the City of Kingston. Staff indicated an interest in units within this project for one, or two, or three bedroom accessible town home units. They did indicate the preference for the first floor if possible, or if units are above first floor, that a lift be considered as part of the detailed design.

The project from its inception has been intended, in part, to provide some of the housing required that would meet the needs of the City through their housing programs administration.

Delegation Request

We understand that as the matter has been referred back to Planning Committee there may be the opportunity for input from the owner through his agent. Accordingly, we will be in attendance at the Planning Committee meeting. We request the ability to speak to the Planning Committee as a delegation. We will also be available to answer questions.
Summary Request

We ask that our correspondence be forwarded to the Planning Committee and other appropriate City departments. We look forward to the Planning Committees consideration and action on this file.

Yours truly,

IBI GROUP

John Ulama, MCIP., RPP
Associate
c.c. Lou Pupolin (Unicum Management Corporation)
Zoning amendment increases number of units permitted from 112 to 173.

- Increases density from 51 to 79 du per net ha.
- Allowing 'Row Dwellings'.
- Zoning amendment increases number of units permitted from 112 to 173.

### Table: Existing Use vs. Proposed Use

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<th>Permitted Uses:</th>
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<td>Multiple Family Dwelling</td>
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<td>Bachelor Dwelling Units</td>
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<td>Off-street Parking</td>
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<td>Play Space and Amenity</td>
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### Table: Areas

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### Table: Front Yard (min.)

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### Table: Rear Yard (min.)

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### Table: Maximum Density

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### Table: Floor Area (min.)

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### Table: Sources

- City of Kingston Zoning By-law 8499