



**City Of Kingston
Planning Committee
Meeting Number 05-2016
Minutes
Thursday February 18, 2016 at 6:30 p.m.
Council Chamber, City Hall**

Committee Members Present

Councillor Schell, Chair
Councillor Neill, Vice Chair
Councillor Allen
Councillor M^cLaren
Councillor Osanic
Councillor Turner

Members Absent

Staff Members Present

Mr. Adams, Senior Planner
Ms. Blumenberg, Committee Clerk
Mr. Bolognone, City Clerk
Ms. Forfar, Manager, Development Approvals
Ms. Hurdle, Commissioner, Community Services
Mr. Newman, Manager, Policy Planning
Ms. Lambert, Senior Planner
Ms. Nicholson, Director, Legal Services & City Solicitor
Mr. Sands, Intermediate Planner
Ms. Venditti, Senior Manager, Client Relations & Development Services

Others Present

Approximately 150 members of the public.

Introduction By Committee Chair

Councillor Schell, Chair, explained the purpose of the meeting and read the rights and obligations afforded to the Committee members and members of the public in these public meetings.

**Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Zoning By-Law Amendment**

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment for a property municipally known as 358 Victoria Street. This report describes the purpose and effect of the requested application and includes an overview of the relevant policies and regulations that apply to the subject property.

The subject property is designated 'Residential' in the Official Plan, and is zoned One-Family Dwelling and Two-Family Dwelling Zone 'A' in Zoning By-Law Number 8499.

The applicant is proposing to amend the zoning by-law to permit a second residential dwelling unit within the existing one-family dwelling. The second dwelling unit is approximately 137 square metres in size and is proposed to be located within the basement (cellar). The second dwelling unit is proposed to occupy approximately 43% of the existing structure. There are no additions or other exterior changes proposed to the existing building to accommodate the application. The overall development proposal includes zoning relief for the minimum lot area requirement, habitation within a cellar, front yard and building depth to recognize the location of the existing dwelling, parking in tandem and the detached garage side yard setback to recognize its existing location.

**Application for Zoning By-Law Amendment
358 Victoria Street**

Councillor Schell, Chair, called the public meeting regarding the application for a Zoning By-Law Amendment for 358 Victoria Street to order at 6:40 p.m.

Ms. Cirella spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be found by contacting the City Clerk's Department.

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 site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the

subject property. There were approximately 61 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Mr. Sands, Intermediate Planner informed the Committee that one piece of correspondence regarding this application was received.

Councillor Neill expressed concern regarding parking due to the increase of units. Ms. Cirella responded that the building currently has five bedrooms and no tenants have vehicles. She noted that due to the location and available transit, two parking spaces will suffice.

Councillor Neill asked about the difference between basement apartments and cellar apartments, he asked for assurance that the ceiling heights will be adequate in the cellar dwelling. Mr. Sands responded that staff will review height requirements through the technical review process with the Building department to ensure it meets the Fire Code.

In response to a question from Councillor Neill regarding the percentage of the total gross floor area, Mr. Sands replied that secondary suites are supposed to be 40% or less. He advised that this application occupies approximately 43% of the total gross floor area and classifies as a secondary unit as opposed to a secondary suite.

Councillor Osanic inquired about the entrance to the cellar, especially during winter. Ms. Cirella responded that a guard and canopy will be added to the entrance to prevent snow from entering the stairs.

In response to a question from Councillor Osanic regarding bicycle parking and garbage Ms. Cirella replied that there is a shed in the back that can be used for garbage and bicycle storage.

Councillor Osanic asked if there would be one hot water tank for the house. Ms. Cirella stated that there will be a separate furnace and hot water tank for each residential unit.

Councillor M^cLaren inquired about mitigating techniques for carbon monoxide poisoning. Ms. Cirella stated she will contact Councillor M^cLaren with an answer on carbon monoxide.

Councillor Schell opened the floor for members of the public to provide comments.

There were no comments from the public.

The public meeting regarding the application for a Zoning By-Law Amendment for 358 Victoria Street adjourned at 6:53 p.m.

**Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Zoning By-Law Amendment**

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment for a property municipally known as 462 Barrie Street. This report describes the purpose and effect of the requested application and includes an overview of the relevant policies and regulations that apply to the subject property.

The subject property is designated 'Residential' in the Official Plan, and is zoned One-Family Dwelling and Two-Family Dwelling Zone 'A' in Zoning By-Law Number 8499. The application is proposing to amend the zoning by-law to permit a third residential dwelling unit within the existing two unit semi-detached dwelling by reconfiguring the interior to establish three, self-contained one bedroom residential dwelling units. There are no additions or other exterior changes proposed to the existing building to accommodate the application. The overall development proposal includes zoning relief for the minimum lot area requirement, bicycle parking space width from 0.6 metres to 0.3 metres, and a reduction in the total number of parking spaces from three to two.

**Application for Zoning By-Law Amendment
462 Barrie Street**

Councillor Schell, Chair, called the public meeting regarding the application for a Zoning By-Law Amendment for 462 Barrie Street to order at 6:54 p.m.

Ms. Lee, spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be found by contacting the City Clerk's Department.

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 site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the subject property. There were approximately 78 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Mr. Sands, Intermediate Planner informed the Committee that one piece of correspondence regarding this application was received.

Councillor Neill commented that Queens did a study looking at preference for student housing and the study concluded that students prefer smaller number of bedrooms with better quality dwellings.

Councillor Schell opened the floor for members of the public to provide comments.

There were no comments from the public.

The public meeting regarding the application for a Zoning By-Law Amendment for 2357-462 Barrie Street adjourned at 6:59 p.m.

**Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Zoning By-Law Amendment**

The following is a Public Meeting report to the Planning Committee for an application for zoning by-law amendment for the property municipally known as 169 Union Street. This report describes the purpose and effect of the requested zoning by-law amendment and includes an overview of the relevant policies and regulations that apply to the subject property.

The subject property is currently designated 'Residential' in the City of Kingston Official Plan and zoned One-Family Dwelling and Two-Family Dwelling zone "A" in Zoning By-Law Number 8499.

The subject property contains an existing building which was formerly used as a daycare facility. The location was closed in 2014. The proposed zoning by-law amendment is requested to establish a site-specific Neighbourhood Commercial Zone 'C1' to allow the use of the ground floor of the building as a professional dentist office and use of the second and third floors of the building for residential purposes. The applicant is also requesting zoning relief for the size of regular and barrier free parking spaces. No exterior alterations are proposed to the existing building.

**Application for Zoning By-Law Amendment
169 Union Street**

Councillor Schell, Chair, called the public meeting regarding the application for a Zoning By-Law Amendment for 169 Union Street to order at 7:00 p.m.

Mr. Mike Keene, FoTenn Consultants, spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be found by contacting the City Clerk's Department.

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 site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the subject property. There were approximately 44 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Ms. Forfar, Manager, Development Approvals informed the Committee that four pieces of correspondence regarding this application were received.

Councillor Neill spoke in favour of the application and the commitment to retain the heritage characteristics of the building. He expressed concern with parking since there will be employees and customers who need parking. Mr. Keene responded that the parking spaces currently available meet the parking requirements for the area, and the applicant is not requesting parking relief.

Councillor Osanic expressed concern regarding tree removal. Mr. Keene replied that an inventory of the trees was conducted, and that when designing the layout of the parking spaces, the developer was conscious of the trees. He stated that the large tree will most likely be retained, however some trees will be subject to removal.

In response to a question from Councillor Turner regarding if additional trees will be planted, Mr. Keene responded that tree planting is a site plan item, but he stated that he will suggest to the client that additional trees be added to the landscape plan. He advised that when trees are eliminated, the City's by-law requires funds to be paid to the City so tree planting is always encouraged.

Councillor Schell opened the floor for members of the public to provide comments.

Mr. Dixon stated that the application is a smart business plan. He inquired about amenity space and if it will be shared with the business and residential tenants. Mr. Keene replied that the amenity space requirement is 250 square metres and there is 800 square metres of space. He noted that the space will be open to be used by staff or tenants.

The public meeting regarding the application for a Zoning By-Law Amendment for 169 Union Street adjourned at 7:19 p.m.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Official Plan Amendment & Zoning By-Law Amendment

The following is a Public Meeting report to the Planning Committee regarding applications for Official Plan amendment and zoning by-law amendment for properties known as 51-57 Queen Street, 18 Queen Street and 282 Ontario Street. This report describes the purpose and effect of the requested applications and includes an overview of the relevant policies and regulations that apply to the subject properties.

The applicant, Homestead Land Holdings Limited, is proposing to develop two 21 storey buildings, both with a podium and tower design. It is proposed that there will be a total of 380 residential units, with associated parking, bicycle parking and apartment complex amenities. A municipal parking garage is proposed on the eastern portion of the podium at 51-57 Queen Street, and commercial space is proposed along the King Street frontage at 18 Queen Street and within the podium.

Application for Official Plan Amendment & Zoning By-Law Amendment
51-57 Queen Street, 18 Queen Street & 282 Ontario Street

Councillor Schell, Chair, called the public meeting regarding the application for an Official Plan and Zoning By-Law Amendment for 51-57 Queen Street, 18 Queen Street & 282 Ontario Street to order at 7:21 p.m.

Mr. Mark Touw, IBI Consultants, Mr. Rod Lahey, Principal & Project Architect, Roderick Lahey Architects Inc and Mr. Mark Brandt, Senior Conservation Architect & Urbanist, MTBA Associates Inc. spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be found by contacting the City Clerk's Department.

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 site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the subject property. There were approximately 131 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Mr. Adams, Intermediate Planner informed the Committee that approximately 70 pieces of correspondence regarding this application were received.

Councillor Neill inquired about the downtown harbour architectural study and expressed concern regarding if the guidelines are being implemented into the design due the height and density requested in the application. He asked what the community benefits are with a 21 storey structure.

Mr. Brandt replied that designs evolve over time, and that the angular plane of the design was based on the podium height.

Mr. Touw added that in terms of angular plane, there have been recent examples where the Official Plan amendments wiped out the angular plane provisions. He stated that it is an example of how certain projects allow for sections to have provisions because they still provide a development that respects other policies that apply.

Mr. Touw spoke about the community benefits of the application, such as bonusing options for additional height, and that the North Block area has been unutilized for many decades with heavy industrial contamination and it takes a particular person or developer with a vision and risk, to step up and re-develop this type of area. He advised that there is a public parking component being proposed which comes at a cost to developers.

Councillor Allen spoke about the above ground design of the parking lot and suggested that parking be below ground to take a few storeys off the building. He stated that the proposed height is a big jump in the immediate area, and asked about how height was justified with the streetscape. Councillor Allen noted the importance of walkability and having an active streetscape.

Mr. Lahey responded that above grade parking has been incorporated into the design and a relief in the amount of parking spaces was not sought because there is a significant office component which adds to the number of necessary parking spaces. He stated that the viability of commercial was examined and there is a desire to do a mixed use building to create downtown viability and walkability. Mr. Lahey advised that once people can take advantage of being downtown, it will create tremendous activity.

In response to the height increase question, Mr. Lahey responded that the area is one of transition, and that planning is meant to be a forward looking exercise.

In response to a question from Councillor Turner regarding community use of the terrace, Mr. Lahey replied that it would be impractical for the community to use the terrace, however there is potential for areas of the parking garage to have community use components.

Councillor M^cLaren asked about the parking study. Mr. Touw replied that the parking study conducted is specific to the proposal and that staff have the capacity to review it through the technical review process.

Councillor M^cLaren referenced the Williamsville Study and that angular plane s are a key design feature. Mr. Touw replied that identifying angular plane s is a standard provision which can vary based on individual projects. He advised that planning cannot be done based on precedent and whether types of development have been approved in how policies can be interpreted.

Councillor M^cLaren inquired about the mix use building and asked if it could create a market for storefronts as opposed to office space. Mr. Touw responded that the developer

would be open to discussing business and building residential that supports existing businesses that will create additional activity in the downtown core.

In response to a question from Councillor M^cLaren regarding variety of housing as well as the heritage impact of the application, Mr. Brandt responded that the Official Plan states that there should be a variety of types of houses and the proposed application provides an exceptional quality and alternative types of housing to the area. He stated that the application is in line with the integrated marketing strategy that focuses on the authenticity of Kingston. Mr. Brandt added that the setback of the building and the distance of the two towers from City Hall and market square provide an appropriate level of separation for that height.

In response to a question from Councillor Osanic regarding bicycle parking, Mr. Lahey replied that there is opportunity to increase the amount of spaces available. He noted that there has to be flexibility in how the spaces are provided to give tenants a 1 to 1 ratio of bike parking.

Councillor Schell opened the floor for members of the public to provide comments.

Mr. Fortier spoke in favour of the application and about his personal history of living and doing business in the area with heritage properties. He stated he is a heritage resource conservation advocate, and understands how much Kingstonians cherish built heritage. Mr. Fortier urged the committee to be innovative, and that economic vitality is integral for preserving built heritage. He spoke in favour of intensification and that the design of the proposed application would not overwhelm the heritage characteristics of the downtown core.

Mr. Anderson spoke in favour of urban intensification as an essential component of the long term health of Kingston. He stated that the Official Plan recognizes the liabilities with high rise buildings, and that there should be a height restriction. Mr. Anderson noted that the design study produced by the developer lacks credibility, and asked that an independent design study be commissioned to prove that the design would not detract from the heritage characteristics, and liveability quality of downtown.

Mr. Grenda, President, Frontenac Heritage Foundation expressed concern with the streetscape that is being adjusted or changed as a result of the construction of these two proposed buildings. He stated that the proposal is too large for the area and could overwhelm existing heritage buildings.

Ms. McKendry advised that the location for the application is not suitable for the proposed height of the structures. She spoke about the importance of scale, and the negative impact the application could have on the downtown due to the 21 proposed storeys.

Ms. Burfoot advised that Darmstadt, a city in the state of Hesse in Germany is a City Kingston could use as an example. She stated that the City has a "women in planning" committee and that the land use planning of Darmstadt is known for its openness and scale in height.

Mr. Dixon commended the design of the application and noted that the height relief requested by the applicant is triple the existing level. He inquired about the brownfield condition, and if the design could be more reflective of the UNESCO heritage designation of Kingston. Mr. Dixon advised that a LEED gold designation be sought for the site, and asked for a small parquette to be created on the property. He stated that St. Lawrence College has been seeking a downtown presence and suggested that be incorporated as a future tenant of this project.

Mr. Nimelman spoke in favour of the proposal. He asked about assurance that the proposal would not be an added burden to downtown parking.

Mr. Dossett focused on the commercial aspect of the application. He advised that the height diminishes the presence of City Hall on the street scape. He suggested that the proponents provide clearer visuals, and include components that could draw people to Queen or Wellington Street.

Mr. Smith, Chair of Downtown Kingston BIA spoke about economic vitality and businesses that have left the downtown. He expressed support for the height of the structures. He stated that there has been significant public investment on the downtown, and this proposal encourages people to live, work, and play downtown. Mr. Smith commended the design and detail of the parking garage.

Mr. Kostogiannis spoke in favour of the application. He advised that if the City emphasizes sustainability, it has to embrace intensification. Mr. Kostogiannis noted that the proposal could reduce store vacancies and add to the vitality of downtown. He stated that the proposal does not diminish the supply of municipal parking, and stated that people do not make a decision to visit a place based on building height.

Mr. Ward spoke about encouraging high rise residential developments in the downtown core. He stated that Canada pledged to cut its emissions by 30%, and Kingston pledged to cut down emissions by 20% by 2030. He stated that Canada accounts for 2% of total GHG emissions energy consumption, and that real estate is the largest sector contributing to GHG. Mr. Ward advised that high rise buildings consume 40% less water and create less waste than single family homes. He urged the City to support sustainable real estate developments in a meaningful manner, and encourage parquettes' and bike lanes to be built along with the development. Mr. Ward spoke about affordable housing and how this development can impact rental figures.

Mr. Van Leuken, representing Braebury Properties, expressed concern regarding shading that will be caused due to the development. He stated that Braebury installs solar rooftops installation and the company is wary of the shadowing which could result in loss of revenue. He stated that the proposal will have a negative impact on the Royal Block properties and its tenants.

Mr. Pater read an email from Mr. Campbell, Kingston By Design, and noted that he wants to see a vibrant economically sustainable downtown with fewer cars. He advised that development cannot be restricted to 19th century heights, and that the proposal is an

alternative to sprawl that will not bring more cars to the core. Mr. Pater advised that the application will not compromise the 19th century charm of downtown Kingston, and the modern design can coexist with the heritage characteristics of downtown. He stated that small downtown businesses are struggling and increasing the population of people living in the downtown will enhance economic vitality and promote growth.

Mr. Patry expressed support for the project and design elements. He stated that if the City requires more rental stock, the height needs to be one that allows for efficiencies and uses. Mr. Patry noted that the amount of parking is in the City's best interest, as well as the high quality bike parking proposed. He advised that commercial space cannot be forced, many stores are vacant in the downtown and developing space for people to live downtown will revitalize the existing commercial businesses. Mr. Patry explained that property taxes help pay for heritage grants to preserve heritage buildings, and that the community expects more services, and the City needs developments to help pay for them.

Ms. MacDonald expressed concern regarding height and that the application is setting a precedent that will change the face of downtown Kingston. She stated that the height would create shadowing, and that intensification does not mean high rise towers. Ms. MacDonald advised that people make a decision to visit a place based on the historical aspects, and the application has the potential to alter what Kingston is known for.

Mr. Soper stated that intensification is needed; however it does not need to take form with monumental structures. He advised that buildings need to reflect aspects of a City, or a people, or culture, and this design does not do that. Mr. Soper noted that the size will dominate the City and does not enhance culture or add vitality to the downtown. He suggested that the City could hold a public visioning exercise to gather input on what the downtown could look like to create a place that is reflective of community needs.

Ms. Bratt spoke to her personal history of living in Kingston, and her hope that there will be viable prospects so her children choose to live in Kingston too. She noted that change is difficult; however it needs to be embraced and new developments like the one proposed have the ability to ignite new opportunities.

Ms. Deline asked if the structures have been tested to endure earthquakes.

Ms. Schmolka conducted a PowerPoint presentation. A copy of the PowerPoint can be obtained by contacting the City Clerks department. She spoke about peer review studies and suggested that a housing affordability analysis, and housing issues report be commissioned for this application. Ms. Schmolka advised that there is unrealized potential and other locations that could be better suited for this type of development.

Ms. Finley spoke about the importance of heritage, and advised that Kingston should aim to be the Quebec City of Ontario. She stated that Kingston should retain its human scale which makes it attractive to residents' and tourists. Ms. Finley inquired if the 2004 Urban Design Guidelines were used when developing the design.

Mr. Ritchie advised that vibrant downtowns should have all periods of architecture present. He stated that market research in Kingston exemplifies that people travel downtown for the authentic experience, and noted that economics, cultural vitality, and affordable housing are all benefits of the proposed project. He advised that all ages of architecture should be celebrated and modern structures can frame heritage buildings in a way that showcases heritage.

Mr. Gventer emphasized the issue of affordability and that it should be considered in the development. He noted that core housing needs need to be addressed, and the City needs to disperse affordable housing throughout the City to integrate people. He urged staff to negotiate with the developers to add an affordable housing component to the development.

Ms. Foot expressed concern for the development with regards to height and stated that higher density can take many forms. She stated that Kingston's greatest asset is its small town feel, and inquired about amenity space.

Moved by Councillor Neill
Seconded by Councillor M^cLaren

That the Planning Committee waive the rules of By-Law Number 2010-1, "Council Procedural By-Law", in order to extend the meeting past 11:00 pm to complete the agenda.

Carried

Mr. Tasler expressed concern with height.

Mr. Hahn stated that there are long term ramifications with these types of developments. He noted that there are more appropriate human scale development options for intensification and revitalizing the downtown.

Ms. Farrar spoke about the divisiveness that has been created with this application and urged the City to engage the community about how people imagine the downtown.

Ms. Hamilton advised that the proposal is in an area of transition. She spoke to her personal history of living downtown, however due to costs and lack of suitable parking she might have to move out of downtown. Ms. Hamilton stated that she would like the option of living in a high rise apartment with good property management, and safe parking.

Mr. Kirk asked if the brownfield condition on the property could prevent certain uses.

Mr. Touw thanked the community for their time, comments and passion in Kingston. He stated that more detailed answers can be given to the public through written correspondence. He spoke about process and that planning documents need to be updated and reviewed. Mr. Touw informed the public and committee that the comments made will be considered by the applicant, and they will work with City staff to ensure the application meets community needs. Mr. Touw stated that all of the information regarding the application such as peer reviewed studies are available on DASH.

Mr. Lahey stated that the buildings will be energy efficient, and there is increased green space, and a parquette area on Ontario Street. He stated that high rise buildings enhance neighbourhoods and will generate downtown activity. Mr. Lahey stated that the Ontario Building Code regulates earthquake zones and the buildings will be built to withstand earthquakes.

Mr. Brandt advised that in a heritage impact assessment the focus is on density of properties, and some areas of the proposal are not designated under the Heritage Act and as such; do not have protection under provincial legislation. He noted that many of the public concerns expressed are covered under the mitigating measures recommended.

Ms. Venditti, Senior Manager, Client Relations & Development Services stated that all documentation pertaining to this application will be available through DASH.

The public meeting regarding the application for an Official Plan and Zoning By-Law Amendment for 51-57 Queen Street, 18 Queen Street & 282 Ontario Street adjourned at 11:39 p.m.

Regular Planning Committee Meeting Number 05-2016

Meeting to Order

Councillor Schell called the meeting to order at 11:40 p.m.

Approval of the Agenda

Moved by Councillor Neill
Seconded by Councillor Turner

That the agenda be amended to include the addendum, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Councillor Neill
Seconded by Councillor Allen

That the minutes of the Planning Committee Meeting Number 04-2016 held on Thursday February 4, 2016 be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Briefings

There were none.

Business

a) Application for Official Plan Amendment, Zoning By-Law Amendment 23 Soccer Lane

With the consent of the Planning committee, this staff report was withdrawn to a future Planning committee meeting.

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

Please see addendum.

Date of Next Meeting

The next meeting of the Planning Committee is scheduled for Thursday March 3, 2016 at 6:30 p.m.

Adjournment

Moved by Councillor Allen
Seconded by Councillor Turner

That the meeting of the Planning Committee adjourn at 11:43 p.m.

Carried