



**City of Kingston
Planning Committee
Meeting Number 16-2019
Addendum
Thursday August 1, 2019
6:30 p.m., Council Chamber, City Hall**

Correspondence

- a) Correspondence received from John Grenville, dated August 1, 2019 regarding Application for Zoning By-Law Amendment - 501 Frontenac Street.

Schedule Pages 1 - 11

From: "Gummo,Andrea" <agummo@cityofkingston.ca>

Date: August 1, 2019 at 8:28:46 AM EDT

To: John Grenville

Cc: Bazely <

Subject: Re: Comprehensive Report for 501 Frontenac Development Proposal

Hi John! If the development were being considered as a whole today, those are the type of calculations we would be doing. The difference is that we are considering the change in density from what was previously approved by the board to what is being proposed by the current amendment, which doesn't include an increase above the 3000m².

Does that make sense? We can't open up the whole project for reconsideration. The previous approvals are our starting point for this one.

I think on balance the smaller unit sizes are something the neighbourhood would welcome, based on previous concerns about the project. Not to say that it's more than a small improvement of course. I realize most of the concerns are not addressed by this current application.

Thanks!
Andrea

Sent from my iPhone

On Jul 31, 2019, at 8:01 PM, John Grenville <> wrote:

Hello Andrea - I have read the Comprehensive Report for 501 Frontenac Street. It states that "the main purpose of the application is to increase the maximum permitted density from 195 dwelling units per net hectare to 272 dwelling units per net hectare. This would increase the maximum number of dwelling units from 71 to 99." (pg 1) This is an increase in density of almost 40%. The Community Benefit Guidelines (September 2018) state that "community benefit negotiation will be considered when a proposal seeks, through a zoning by-law amendment, additional height and/or density and when the project has a gross floor area greater than 3,000 square metres." (pg 3) My understanding is that the gross floor area for 501 Frontenac Street is 10,343.98 sq metres, well in excess of the minimum area required for consideration of community benefit.

Using the Community Benefit Guidelines, section 4.1.2 on pages 6 and 7, I calculated the uplift value as \$788,732 and a community benefit of \$236,619. Here are my calculations:

- Land value (\$2,000,000) divided by the number of units at the permitted density (71 units) = \$28,169 per unit
- Increase in the number of units over the permitted density = 99 units - 71 units = 28 units
- Uplift value = 28 units X \$28,169 = \$788,732

The Community Benefit Guidelines state that "the minimum value of any community benefit to be sought by the City of Kingston will be proportional to 30 percent of the uplift value." (section 4.1, pg 7). Using the process in the Community Benefit Guidelines the value of the community benefit as a result of increasing the density is \$236,619 (30% X \$788,732).

Suffice to say I disagree with the statement in your email below that "in this case the increase in density above what was already approved didn't warrant consideration." While I understand that there may be some mitigating circumstances in this case, to completely ignore the matter of community benefits and not even explain in the Comprehensive Report why community benefits are not being considered is puzzling to say the least.

The City of Kingston has been awarding developers with increased density and height under the guise of community benefit since 2013. Community benefit guidelines have been in the process of development since 2016. The final version was completed in September 2018 but never brought to Council for approval. I realize that they are only guidelines and not part of the official plan or enacted by way of a by-law. However, to ignore them completely and not mention them at all in the Comprehensive Report is part of an ongoing record that indicates a lack of willingness to actually consider (let alone, use) a process that has been the subject of much consultation and agreement. It is extremely discouraging.

--

John Grenville
24 Jenkins Street
Kingston, ON K7K 1N3

On 19/07/31, "**Gummo,Andrea**" <agummo@cityofkingston.ca> wrote:

From: Gummo,Andrea

Sent: Wednesday, July 31, 2019 3:59 PM

To: 'John Grenville'

Cc: Chew,Steven; Sue Bazely

Subject: RE: RE: Comprehensive Report for 501 Frontenac Development Proposal

Hi again John,

Apologies this is late. I hope it's helpful for tomorrow.

I've attached the site plan agreement.

With respect to community benefits, the policy framework is important.

The Planning Act permits height and density bonusing for (zoning) bylaws as long as there are enabling policies in the Official Plan. Section 9.5.25 contains those policies, and 9.5.26 gives guidance to what can be approved. Zoning bylaw amendments that consider community benefits must be consistent with these policies.

We also have the draft Community Benefit Guidelines. These provide additional guidance to staff in considering community benefits. They're not intended to be binding policies, which is why they are contained in a guideline document. We use them in our review of applications, but they're not intended to be followed the way that official plan policies or zoning provisions are required to be met.

I believe in this case the increase in density above what was already approved didn't warrant consideration. If it were a new application without the prior approvals, it certainly would have.

I'll be in the office all day tomorrow and at Planning Committee. Let me know if you have any other questions.

Thanks!

Andrea

From: John Grenville
Sent: Monday, July 29, 2019 10:16 AM
To: Gummo,Andrea
Cc: Chew,Steven; Sue Bazely
Subject: Fwd: RE: Comprehensive Report for 501 Frontenac Development Proposal

Hi Andrea - As you can see, Steven Chew has referred my request for a meeting to you because of his absence. I have a few questions regarding the Comprehensive Report on 501 Frontenac Street that is being considered by the Planning Committee on Thursday 1 August. My

preference would be to discuss these matters either today, tomorrow or Wednesday morning. However, if it is easier to respond in writing, could I get a response by noon on Wednesday so that I can prepare for Thursday's Planning Committee meeting? I would have posed these questions sooner but I was waiting for the Comprehensive Report to be released.

1. **Community Benefit** - Was community benefit considered for this development proposal? The Community Benefit Guidelines (September 2018) call for the community benefit to be applied to projects of this magnitude. It appears that since there has been an increase in density from 195 dwelling units per net hectare to 272 dwelling units per net hectare, that this triggers the provision in section 4.1.2. Calculating Uplift: Proposal Seeking Additional Density. I am interested to know why there is no mention of community benefit in the Comprehensive Report. If the September 2018 Guidelines are not being used by the Planning Department what guidelines is the Planning Department using?
1. **Amenity Space** - We have been concerned about the location of amenity space in the various iterations of this development. I have reviewed the Comprehensive Report and see a number of references to amenity space but they only deal with the reduction of amenity space from 3,630 square metres to 1,833.5 square metres and not the location of this space. There is a drawing (A001. pg 29) that shows the amenity locations totaling 3686.8 sq metres but that drawing does not appear to have been updated - for example, it lists 71 bicycle parking spaces, one space within each unit. Where is the amenity space being located in this proposal and how much is required at each location? Or is all of the amenity space that is listed (with some of it shown on drawings) now required?
1. **OMB Decision** - My other question about amenity space relates to the OMB decision. In para 20, the OMB decision specifically states that "Ms. Venditti recommends that the minimum required amenity and play space be reduced to 3,630 square metres ("m2" from the required 5,662.3 m2 as the Applicant/Appellant is proposing to provide indoor amenity space in the form of a gym facility and a party/gathering room on the main floor as well as a large two storey lobby." Why is the Planning Department now recommending 1833.5 sq metres as an appropriate amount of amenity space when they had previously recommended 3,630 sq metres to the OMB which was approved?
1. **Site Plan** - The Comprehensive Report makes reference to the approved Site Plan. We have had a discussion about the approval process and the lack of a publicly available Site Plan. Has the Site Plan been approved? Can you send me a copy of the Site Plan so that it can be reviewed? If not, should I ask for a motion from the Planning Committee to make the "approved" Site Plan available?

As I indicated above, my preference would be to discuss these matters either today, tomorrow or Wednesday morning. However, if it is easier to respond in writing, could I get a response by noon on Wednesday so that I can prepare for Thursday's Planning Committee meeting?

John

----- Original Message -----

From: "**Chew,Steven**" <schew@cityofkingston.ca>

Date: Jul 26, 2019 11:31:51 AM

Subject: RE: Comprehensive Report for 501 Frontenac Development Proposal

To: 'John Grenville' <

Cc: "Gummo,Andrea" <agummo@cityofkingston.ca>

Hi John:

Further to our telephone call, I will be away from the office until August 12th. Please contact Andrea Gummo for information. Her email is attached and the telephone system has a voice activated dialing system.

Sincerely,

Steven Chew

Senior Planner/Zoning Administrator

Planning, Building & Licensing

City of Kingston

1211 John Counter Boulevard,

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 extension 3273

schew@cityofkingston.ca

From: John Grenville [

Sent: July-25-19 6:20 PM

To: Chew,Steven

Subject: Comprehensive Report for 501 Frontenac Development Proposal

Hello Steve - I assume that the Comprehensive Report for the 501 Frontenac development proposal will be released tomorrow. I have a number of questions but would like to see the report first. Would it be possible to meet with you next week with my questions. Monday 29th, Tuesday 30th or Wednesday 31st are all open for me. Monday 29th would be best.

I look forward to hearing from you. John

--

John Grenville

24 Jenkins Street

Kingston, ON K7K 1N3

From: Gummo,Andrea
Sent: Thursday, August 01, 2019 9:39 AM
To: John Grenville
Cc: Bazely; jim Agnew,Paige
Subject: Re: Comprehensive Report for 501 Frontenac Development Proposal

Hi John! That's right, the report does not speak to it. Generally we only include applicable policies, guidelines etc in our reports as they are what forms our recommendation, but can always speak to those through questions at committee or during the process (like the discussion we're having now)

Thanks!

Sent from my iPhone

On Aug 1, 2019, at 9:11 AM, John Grenville <> wrote:

Good Morning Andrea - Thanks for getting back to me so quickly. The Community Benefit Guidelines state that "community benefit negotiation will be considered when a proposal seeks, through a zoning by-law amendment, additional height and/or density and when the project has a gross floor area greater than 3,000 square metres." The guidelines do not speak to an "an increase above the 3000m2' but only that the project must have "a gross floor area greater than 3,000 square metres." This project has a floor area greater than 3,000 square metres.

However, in spite of our two different interpretations, there is nothing in the Comprehensive Re;port that indicates that the Community Benefit Guidelines were even considered, let alone why the Community Benefit Guidelines do not apply.

I agree that the change in unit composition and reduction in the number of bedrooms overall makes for a more compatible infill project. My observation is solely on the community benefit issue.
John

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Steven Chew

Senior Planner/Zoning Administrator

Planning, Building & Licensing

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