



**City of Kingston
Report to Planning Committee
Report Number PC-20-004**

To: Mayor and Members of Council
From: Lanie Hurdle, Interim Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: December 5, 2019
Subject: Supplementary Report (to Report Number PC-19-060)
File Number: D14-009-2019
Address: 60 Collingwood Street
Application Type: Zoning By-Law Amendment
Owner: John Hawes
Applicant: John Hawes & Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: 2.1 Pursue development of all types of housing city-wide through intensification and land use policies.

Executive Summary:

On October 17, 2019, the Planning Committee received [Report Number PC-19-060](#), which recommended approval of a zoning by-law amendment for the property municipally known as 60 Collingwood Street. The zoning by-law application was submitted to permit a long-standing triplex use on the subject property. The recommended draft by-law would have implemented a site-specific 'B.566' Zone on the property.

At the Committee meeting, members indicated general support for the intent of the application, but requested that staff reassess the recommended site-specific 'B' zoning for the site. The 'B' zone was recommended by staff given that the zone category contemplates a triplex use, and thus has appropriate performance standards for that use. The Committee commented that, given ongoing growth pressures in the neighbourhood, the implementation of a site-specific

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One-Family Dwelling and Two-Family Dwelling 'A' Zone to recognize an existing triplex use would be a preferred approach in this case.

This supplementary report provides staff's response to comments received at the October 17th Committee meeting, and provides a review of the existing triplex use against the provisions of the 'A' zone. A revised draft by-law for a site-specific 'A.566' zone is attached to this supplementary report as Exhibit A.

Recommendation:

That the recommendation contained in [Report Number PC-19-060](#) as presented at the October 17, 2019 Planning Committee meeting be replaced with the following:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-009-2019) submitted by John Hawes & Fotenn Consultants Inc., on behalf of John Hawes, for the property municipally known as 60 Collingwood Street, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-20-004; and

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

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

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Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Interim Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Acting Commissioner, Community Services	Not required
Brad Joyce, Acting Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

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Options/Discussion:**Purpose**

The purpose of this report is to respond to comments submitted at the October 17th Planning Committee meeting, and to recommend to the Committee a revised draft by-law and Schedule A to Amend Zoning By-Law Number 8499 (Exhibit B), for approval.

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application meeting held on January 23, 2019, with the Planning Division and various other departments and agencies. Following this, the applicant made a complete application submission on June 3, 2019.

The Committee heard a combined Public Meeting and comprehensive report concurrently on October 17, 2019. These meetings were heard concurrently based on the following:

- The proposal is compatible with the Provincial Policy Statement (2014) and the Kingston Official Plan;
- The proposal is considered minor in nature;
- The proposal will be contained within the existing structure; and
- Combining the Public Meeting and the comprehensive report facilitates the streamlining of the development approval process, thereby decreasing application processing time.

The Committee passed the following motion for deferral following their hearing of the comprehensive report at the October 17th meeting:

That the Planning Committee defer File Number: D14-009-2019 regarding Zoning By-Law Amendment – 60 Collingwood Street in order for staff to give consideration to the comments received during the Public Meeting held on October 17, 2019 related to zone classification; and

That staff be directed to report back to the Committee regarding this matter at the first possible opportunity.

Staff are presenting this supplementary report and recommendation on December 5, 2019 in response to the October 17, 2019 deferral motion.

In accordance with the Planning Act, this application is subject to a decision by Council on or before October 31, 2019 which is 150 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Local Planning Appeal Tribunal (LPAT).

Discussion

Based on discussions with staff during the pre-application process, the applicant originally proposed that a site-specific 'B.566' Zone be applied to the site. The Three to Six-Family Dwelling 'B' Zone contemplates a three-unit use, and thus includes appropriate performance standards related to things like amenity area per unit and maximum density. Staff's recent

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practice when processing site-specific zoning by-law amendment applications has been to apply the zone category that contemplates a proposed use, where possible, with amendments to specific provisions of that zone. This is done in order to take advantage of the City's existing zoning framework.

In this case, Committee members raised concerns related to the implementation of a site-specific 'B' zone in the neighbourhood, given recent local growth pressures. Members noted that a number of surrounding properties have also recently come to market, and discussed that the subject application, though minor and largely administrative in nature, may inspire future proposals for site-specific 'B' Zones in the area. Committee members commented they would be more comfortable supporting the approval of a site-specific 'A' zone for the subject site.

Planning staff are comfortable recommending a site-specific 'A' zone for the subject property, given that the number of physical changes proposed to the site are minimal. The practical result of this proposal will be the introduction of three formal vehicle and bicycle parking spaces in the rear yard. The existing triplex use, which has existed on the site for at least 25 years, will continue. The recommended site-specific 'A.566' zone (Exhibit B – Draft Zoning By-Law and Schedule A) effectively represents the existing built form on the site, while introducing permission for a three-unit dwelling and implementing site-specific performance standards for the use.

Staff are reviewing internal practices related to site-specific zoning implementation resulting from zoning by-law amendment applications for new multi-unit residential uses. Ultimately, the work being undertaken as part of the City's Central Kingston Growth Strategy project is intended to provide further policy guidance related to the review of these types of infill and intensification proposals in this area of the city.

Zoning By-Law Considerations

The below table provides a review of the 'A' Zone requirements against the proposal. A 'Three-unit Dwelling' is proposed as an additional permitted use in the site specific 'A.566' Zone, to recognize the existing triplex use.

Site-specific provisions are also required related to minimum lot area, as the 'A' Zone requires an area of 370 square metres per dwelling unit on a lot. For a three unit dwelling, this would equate to a lot area of 1,110 square metres. The subject property is 380 square metres in area. The applicant has demonstrated that the lot is able to accommodate appropriate parking, landscaped open space and exterior amenity area for the three units. The units have functioned effectively on the site for over 25 years.

The minimum aggregate side yard provision also requires an amendment to recognize the existing building. The building provides a side yard of 0.6 metres on the north side, and 2.2 metres on the south side, for an aggregate side yard width of 2.8 metres.

Relief is also required related to the number of parking spaces, the minimum dimensions of required parking spaces, and the amount of area that can be used for parking in a rear yard. The applicant is proposing three parking spaces in the rear yard, at a minimum size of 5.2

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metres long by 2.6 metres wide. Given that one space is being provided at an increased width in an attempt to better accommodate tenants with accessibility needs, the proposed parking area on the site is 44.72 square metres. The property complies with the minimum landscaped open space provision.

The application is also requesting a reduction in the minimum aggregate amenity area size requirement. A total of 57.8 square metres of amenity space is provided on the site, which exceeds the minimum requirement for the three units. The second and third floor units each have a 5.09 square metre balcony. The remainder of required amenity space is provided by way of a 47.5 square metre aggregate area at-grade in the rear yard. As such, the applicants are requesting a reduction in the minimum aggregate amenity area size requirement.

Section	Provision	'A' Zone Requirement	Proposed 'A.566' Zone	Relief Required?
6.2	Permitted Uses	One-family dwelling and two-family dwelling	Three unit dwelling	Yes
6.3 (a)	Minimum Lot Area	370 square metres per dwelling unit	380 square metres for three dwelling units	Yes
6.3 (b)	Minimum Front Yard	The average depth of the two front yards of the two previously erected buildings on either side of the property	4.6 metres (existing building)	No
6.3 (c)	Minimum Side Yard	0.6 metres, with a minimum aggregate side yard width of 3.6 metres	0.6 metres, with a minimum aggregate side yard width of 2.8 metres (existing building)	Yes
6.3 (d)	Minimum Rear Yard	7.5 metres	19.8 metres	No
6.3 (e)	Maximum Percentage of Lot Coverage	33.3%	22%	No
6.3 (f)	Maximum Building Height	10.7 metres	< 10.7 metres (existing building)	No
6.3 (g)	Maximum Building Depth	Average building depth of the two nearest properties on opposite	As existing	No

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Section	Provision	'A' Zone Requirement	Proposed 'A.566' Zone	Relief Required?
		sides of the subject site		
6.3 (h) (ii)	Maximum Floor Space Index	Existing buildings shall be deemed to conform to the maximum Floor Space Index regulations	As existing	No
5.3 A (a)ii. (2)	Off-Street Vehicle Parking	1.4 parking spaces per dwelling unit	1 parking space per dwelling unit (3 spaces)	Yes
5.3 B (b)	Off-Street Vehicle Parking	Parking shall not be located in any front yard space	Parking located in the rear yard	No
5.3 A (cc)	Off-Street Vehicle Parking	Up to 40 square metres of the rear yard or interior side yard may be used as uncovered parking	45 square metres of the rear yard used for uncovered parking	Yes
5.3 B (h)	Off-Street Vehicle Parking Design Standards	The minimum size of a parking space shall be 2.7 metres wide by 6.0 metres long	2.6 metres wide by 5.2 metres long	Yes
5.8	Projections Into Yards	For a covered porch less than 0.6 metres in height: Maximum area – 50% of yard in which it is located Minimum setback from interior side lot line – 0.6 metres Minimum setback from front lot line – 3.5 metres	Total area of porch - < 50% of yard Setback from interior side lot line – 0.6 metres Minimum setback from front lot line - ~3.5 metres	No

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Section	Provision	'A' Zone Requirement	Proposed 'A.566' Zone	Relief Required?
5.27 (a)	Minimum Amenity Area per Dwelling Unit	A minimum of 18.5 square metres of amenity area shall be provided for each dwelling unit on a lot	19.2 square metres of amenity area per dwelling unit	No
5.27 (c)	Minimum Aggregate Size of Amenity Areas	Amenity areas provided as communal space must be aggregated into areas of not less than 54.0 square metres	47.5 square metres of aggregated amenity area in the rear yard	Yes
6.3 (o)	Minimum Percentage of Landscaped Open Space	30%	32%	No

Public Comments

The following is a summary of all of the public input received to-date, including the public submissions received at the Public Meeting held on October 17, 2019. The original written public comment is available as Exhibit B of this report.

- Concern related to the implementation of a site-specific 'B' zone in the neighbourhood. There have been notable growth pressures in the neighbourhood, with a number of lots recently coming to market. Committee and members of the public noted concern related to precedence if a site-specific 'B' zone was approved for the site.

Response: Each application for a zoning by-law amendment made under the Planning Act is reviewed on an individual basis to assess conformity to the Provincial Policy Statement and the policies of the City's Official Plan. In this case, the use of a site-specific Three to Six-Family Dwelling 'B' zone was recommended by staff, as the zone contemplates a triplex use. The applicant was able to demonstrate that the proposal conforms to provincial and municipal planning policy, and no technical objections were raised to the proposal. Based on feedback provided by members of the public and the Committee, planning staff are also comfortable recommending a site-specific 'A' Zone, as requested, given the minor nature and effect of the application. Future applications for new multiple-family dwellings would similarly be subject to a technical review process, and would be required to demonstrate compliance with all applicable policies. If staff recommended approval of the application, the recommendation would include which zone category is most appropriate for the specific proposal.

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- Questions were raised regarding the City's enforcement process for additional units not permitted under the zoning by-law.

Response: Enforcement activities for illegal residential units in the city are largely complaint-driven. Staff may also become aware of illegal units through a zoning review of an application for a Building Permit. In the case that illegal units are discovered, staff review on a case-by-case basis to determine the most effective path for bringing sites into compliance with the zoning by-law.

- Comments regarding the loss of green space in the rear yard to accommodate on-site parking.

Response: The applicant is proposing to introduce one vehicle parking space per dwelling unit in the rear yard. The applicant has proposed to reduce the required parking stall size to minimize the amount of paved area. The property will continue to comply with the minimum landscaped open space requirements of the zoning by-law. The introduction of three off-street parking spaces in the rear yard will improve the functionality of the site for users and help to reduce potential off-site parking pressures.

Effect of Public Input on Draft By-Law

Based on comments received from Committee and members of the public at the October 17, 2019 meeting, the draft recommended by-law was updated to implement a site-specific 'A.566' Zone for the property. The by-law formalizes the existing use but no longer implements a 'B' zoning category.

Conclusion

Staff recommend approval of the application for a zoning by-law amendment as the rezoning will recognize the existing triplex use and will improve the condition of the site related to performance standards for multi-residential uses. There are no technical objections to the proposal. No changes to the existing building are proposed and there will be no adverse impacts to neighbouring properties. The proposal is consistent with the Provincial Policy Statement and the City's Official Plan.

Existing Policy/By-Law:

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

Provincial

Planning Act
Provincial Policy Statement, 2014

Municipal

City of Kingston Official Plan
Zoning By-Law Number 8499

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Notice Provisions:

A Public Meeting was held respecting this application on October 17, 2019. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 20 days in advance of the Public Meeting. In addition, notices were sent by mail to 64 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard on November 26, 2019.

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

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

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Tim Park, Manager, Development Approvals 613-546-4291 extension 3223

Genise Grant, Intermediate Planner 613-546-4291 extension 3185

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499

Exhibit B Public Correspondence

By-Law Number 2020-XX

A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston” (Zone Change from ‘A’ to Site-Specific ‘A.566’, 60 Collingwood Street)

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 8499, as amended, of the former City of Kingston;

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

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Map 30 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘A’ to ‘A.566’, as shown on Schedule “A” attached to and forming part of By-Law Number 2020-XX.
 - 1.2. By adding a new Section 566 to Part VIII (Exceptions to the Various Zone Classifications), as follows:

“566. 60 Collingwood Street

Notwithstanding the provisions of Section 5 and Section 6 hereof to the contrary, on the lands designated ‘A.566’ on Schedule “A” hereto, the following regulations shall apply:

- (a) Additional Permitted Use: Three-unit Dwelling
- (b) Minimum lot area: 125 square metres per dwelling unit
- (c) Minimum Side Yard: The minimum aggregate side yard shall be 2.8 metres, with no side yard being less than 0.6 metre in width.

- (d) Off-Street Parking:
 - i. 1 parking space per dwelling unit shall be required.
 - ii. The minimum size of a standard parking space shall be 2.6 metres wide by 5.2 metres long.
 - iii. Up to 45 square metres of the rear yard may be used as uncovered parking area.
- (e) The minimum width of a driveway shall be 2.2 metres.
- (f) Amenity Area:
 - i. A three-unit dwelling shall comply with the amenity area requirements of Section 5.27 of this by-law.
 - ii. Amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 47.5 square metres.”

2. That this by-law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor



Planning, Building & Licensing Services

a department of
Community Services

SCHEDULE 'A' TO BY-LAW NUMBER

File Number: D14-009-2019
Address: 60 Collingwood Street

Legend

Reference By-Law 8499, Map 30

 Rezoned from A to 'A.566'

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
passed this _____ day of _____ 2019.



RECEIVED

OCT 16 2019

PLANNING DIVISION
CITY OF KINGSTON

City of Kingston
Planning Division
216 Ontario Street
Kingston, Ontario K7L 2Z3

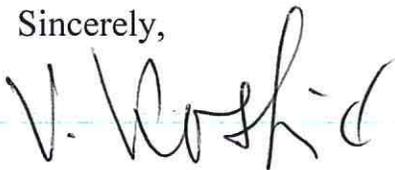
October 15, 2019

Dear Sir/Madam:

RE: Proposed Zoning By-Law Amendment for Property Located at 60
Collingwood Street (City File No: D14-009-2019)

We write this letter to express our strong opposition to amend the Zoning-By-Law to rezone the property to permit three dwelling units within the existing structure. The Collingwood Street area is currently designated as a Residential zone for building one Family and Two Family dwellings and we do not support any change of the Zoning-By-Low at this time.

Sincerely,



Vladimir Krstic, Co-Owner



Mirjana Krstic, Co-Owner
41 Beverly Street, Kingston K7L
[REDACTED]