



**City Of Kingston
Planning Committee
Meeting Number 22-2017
Confirmed Minutes
Thursday November 2, 2017 at 6:30 p.m.
Press Lounge, Portsmouth Olympic Harbour**

Committee Members Present

Councillor Schell; Chair
Councillor M^cLaren
Councillor Osanic
Councillor Turner

Regrets

Councillor Neill
Councillor Holland

Staff Members Present

Ms. Eusebio, Intermediate Planner
Ms. Grimmon, Manager, Recreation Programs
Mr. Newman, Manager, Policy Planning
Ms. Nicholson, City Solicitor
Ms. Rae, Senior Legal Counsel
Mr. Thompson, Committee Clerk

Others Present

Members of the public were present

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 during public meetings.

Public Meeting (Non-Statutory)

Section 37 of the *Planning Act* allows municipalities to authorize increases in the height and/or density of a development in return for the provision of facilities, services or other matters (i.e. Community Benefits). The execution of a Section 37 agreement may only occur if the municipality has an Official Plan that contains policies relating to the authorization of increases in height and/or density. The City of Kingston Official Plan contains policies to allow increases in height and/or density in exchange for Community Benefits. These policies are found in Sections 9.5.25 through to 9.5.30, inclusive. The policies identify the type of facilities, services or matters that may be considered Community Benefits. Further, the policies establish a framework to be used in the review and assessment of proposals seeking additional height and/or density.

The City is in the process of preparing Community Benefit Guidelines to support the implementation of the noted Official Plan policies. The guidelines are meant to provide more clarity to the process of administering and negotiating Community Benefits while enhancing transparency for all stakeholders. The guidelines include a decision-making framework, valuation procedure and administration details. The following are guiding principles for how the guidelines have been structured:

- Community Benefits will only be applied to larger projects;
- A nexus between the development and Community Benefit must be established;
- The “uplift value” is the land value (per square metre) of a project built to the requirements of the zoning by-law applied to the total area of a project that extends above the as-of-right permissions (has received approval for additional height and/or density);
- The value of a benefit must be a reasonable proportion of the uplift value;
- Community Benefits cannot be used to replace existing requirements such as the payment of development charges or parkland dedication; and
- A proposal for increased height and/or density must be supportable from a planning perspective.

The preparation of Community Benefit Guidelines has been an iterative process with several opportunities for public input. A first draft of the guidelines is provided in Exhibit B – First Draft Guidelines to Report Number PC-17-096. Changes to this draft are being considered as a result of the feedback received during an open house and several community workshops. This report recognizes several key components associated with the negotiation of Community Benefits including: the selection of benefits; public participation; uplift valuation; and the determination of a reasonable proportion of the uplift value relative to the value of the benefit. Alternative approaches to advancing each key component have been identified through the City’s consultative efforts and the benchmarking of other municipalities (Exhibit C to Report Number PC-17-096).

**Subject: Community Benefit Guidelines and Official Plan Amendment to Support
a Negotiating Framework for Utilizing Section 37 of the *Planning Act*
(See Report PC-17-088)**

Councillor Schell, Chair, called the public meeting regarding the Community Benefit Guidelines and Official Plan Amendment to Support a Negotiating Framework for Utilizing Section 37 of the *Planning Act* to order at 6:33 p.m.

Mr. Newman and Ms. Peachey conducted a PowerPoint presentation regarding Community Benefit Guidelines and Official Plan Amendment to Support a Negotiating Framework for Utilizing Section 37 of the *Planning Act*. A copy of the PowerPoint presentation is attached to the original set of minutes available in the City Clerk's Department.

Councillor Osanic questioned whether a community benefit could be used to increase parkland dedication. Mr. Newman responded that parkland dedication is governed by another section of the Planning Act. He spoke to case law and indicated that there must be a nexus between what is proposed and being provided. He provided further information regarding qualifying criteria.

Councillor Schell sought further explanation regarding whether community benefits are intended to be city wide or serve an immediate area. Mr. Newman spoke to city wide benefits and utilized affordable housing as an example. He stated that there would be a need to demonstrate the need for other city wide benefits.

The Chair afforded members of the public with an opportunity to provide comment.

Mr. Touw, IBI Group informed the Committee that he is appearing on behalf of Mr. Patry and noted that he provided a submission to staff regarding this matter.

Mr. Touw stated that there is a natural tension between community benefits and good planning practices. He was of the opinion that good planning should not require that a developer assume additional costs through community benefits. He indicated that often developers are told that high density developments create impacts which need to be mitigated. He mentioned that Section 41 of the Planning Act relates to parkland contributions and suggested that this matter is already addressed via development charges. He was of the opinion that community benefits represent an example of double dipping. He commented that there is need to conduct a gap analysis to demonstrate that there is a justification for community benefits.

Mr. Touw noted that the costs associated with community benefits are often passed down to the consumer. He spoke to the number of rental units being added in Kingston

compared to the increase in the number of students. He stated that limited supply results in a price increase.

Mr. Touw indicated that pursuing community benefits is not appropriate due to the state of the City of Kingston zoning by-laws. He noted that zoning by-laws set the rules and suggested that the City's zoning by-laws are not reflective of the Official Plan. He indicated that the examples provided by staff were taken from cities which benefit from an updated official plan and zoning by-laws.

Mr. Touw stated that the draw-down method is the preferred approach. He indicated that consideration should be given to locational criteria as well.

Mr. Touw commented that there is no clear indication that Kingston requires community benefits. He stated that community benefits could be detrimental to Kingston.

Mr. Paul Martin, R. Paul Martin Construction Co. LTD noted that the City of Kingston Official Plan seeks to increase intensification. He mentioned that there are several lots along Montreal Street that have sat vacant for years. He indicated that his business redeveloped the old K-Mart property on Bath Road and stated that approximately 360 families now live in apartment buildings on the site. He commented that this project has provided fifteen years of work for twenty employees while his business assumed all the risk. He indicated that once the property is completed the site will generate one million dollars in tax revenue annually.

Mr. Martin noted that many people are retiring in Kingston due to the close proximity of the city to Toronto, Montreal and Ottawa. He stated that people see Kingston as a viable place to live. He mentioned that two large plants are being built in Kingston because companies can make the numbers work for their businesses. He noted that business is required to make the community viable.

Mr. Martin questioned if it is fair for only one type of business to pay for community benefits. He added that the development community should not be the only business group responsible for the development of affordable housing.

Mr. Martin spoke to the development costs associated with redeveloping contaminated sites. He stated that community benefits do not inspire the development community to increase intensification and go beyond what is required as the associated costs are too high.

Mr. Martin spoke to the City of Kingston zoning by-laws and reiterated that the by-laws must be updated as soon as possible.

Mr. Martin indicated that community benefits are often looked at as free money. He commented that a responsible community must remember that parks have long term costs.

Mr. Trousdale, Homestead Land Holdings LTD, noted that Homestead owns approximately one third of the rental units in Kingston and indicated that their vacancy rate is zero. He mentioned that new developments are popular with seniors due to improved accessibility. He explained that given the number of seniors living in Kingston there are waiting lists for new builds.

Mr. Trousdale stated that community benefits would detract from what Kingston requires in terms of housing. He commented that it is important to remember that companies are relocating to Kingston due to the availability of affordable housing. He suggested that a low housing supply would cause business in Kingston to decline.

Mr. Trousdale noted that the vacancy rate is an issue across Canada and commented that some municipalities promote multi-family developments. He stated that capital is mobile and noted that Kingston is in competition with other markets. He indicated that a study of the rental housing market is required. He mentioned that he would be willing to speak with staff regarding rental supply. He stated that the demand for rental housing is increasing.

Mr. Trousdale reiterated that the zoning by-laws should be reviewed before community benefits are considered.

Mr. Dantzer, Caraco Development Corporation stated that Caraco also has a zero vacancy rate. He mentioned that there is limited affordable housing available in Kingston.

Mr. Dantzer was of the opinion that community benefits are essentially a tax on height. He commented that developers prefer intensification projects while the residents prefer small scale development.

Mr. Dantzer reiterated that additional costs assumed by developers are eventually passed on to end users.

Mr. Dantzer commented that the City's zoning by-laws are out of date. He spoke to the difference in zoning by-law provisions across the former townships.

Mr. Dantzer commented that good planning includes community benefits such as park land which is negotiated.

Mr. Dantzer spoke to the application process and suggested that tall buildings applications are only rejected if the applicant is unwilling to pay a tax on building height.

Mr. Dantzer spoke to development charges and fees.

Mr. Smith, Taggart Realty Management informed the Committee that Taggart is the largest green field developer in Kingston. He stated that Taggart has completed intensification projects in Ottawa and seeks to do the same in Kingston.

Mr. Smith spoke to policies which encourage high density growth in the downtown and noted that at the same time the City seeks to tax developers via community benefits. He spoke to the importance of contributing to the community through building parklands and pathways. He spoke to the costs associated with redevelopment in the downtown and noted that costs associated with cleaning up contamination. He suggested that the City should view redevelopment as a community benefit. He stated that Kingston is not Toronto or Ottawa and mentioned that downtown redevelopment should not be seen as a given. He suggested that community benefits may not be necessary in Kingston. He commented that the proposed policy is not realistic and stated that staff should not cherry pick policies from other municipalities. He indicated that a made for Kingston solution is required.

Mr. Dixon suggested that developers provide their statements in writing. He stated that like community benefits should make good planning better rather than making bad planning better. He indicated that he is supportive of the City undertaking a housing market study. He questioned when the zoning by-law review will be completed.

Mr. Patry, Patry Developments Inc. mentioned that his properties are fully rented. He stated that he views community benefits as a tax. He indicated that the numbers presented regarding the cost of land are not accurate. He spoke to construction costs in relation to the Canadian dollar. He provided the Committee with information regarding development charges.

Mr. Patry noted that in most communities only condos are developed as rental units are harder to develop due to taxes. He mentioned that high tax rates result in smaller rental units.

Mr. Newman informed the Committee that the community benefit guideline is still a work in progress. He referenced the points raised by Mr. Touw in his correspondence. He clarified that community benefits are intended to make a good project better. He elaborated that the City is seeking to enhance the large scale developments.

Mr. Newman spoke to the slide associated with the draw-down model in relation to compatibility.

Mr. Newman provided the Committee with information regarding strategic planning.

Mr. Newman noted that there is a need to discuss the vacancy rate and demographic changes with the development community.

Mr. Newman spoke to community benefits negotiations.

Mr. Newman stated that staff are working on an intensification strategy for the old City of Kingston and indicated that this project will impact zoning by-laws. He stated that the zoning by-laws review has been put on hold until late 2018.

Councillor Schell thanked members of the public for participating in the public meeting and stated that she hopes a common ground can be found regarding this matter.

The public meeting regarding the Community Benefit Guidelines and Official Plan Amendment to Support a Negotiating Framework for Utilizing Section 37 of the *Planning Act* adjourned at 7:45 p.m.

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

The use of municipal arenas for trade shows, sales events and uses that are not clearly accessory to a recreational building or auditorium are not contemplated in the current zoning by-laws. This creates uncertainty for the types of uses that can be considered accessory to a recreational facility or auditorium such as an arena. The limited extent of zoning permissions also results in constraints to making best use of the City's public assets, particularly where it can be demonstrated that land use matters can be adequately addressed at each facility.

The following is a Public Meeting report to the Planning Committee regarding a City-initiated application for a zoning by-law amendment to five (5) municipally-owned properties. This report describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive report.

The subject properties include the arenas that are located at 1030 Sunnyside Road (Catarqui Community Centre), 303 York Street (Kingston Memorial Centre), 100 Days Road (Centre 70), 1350 Gardiners Road (Invista Centre) and the facility at 53 Yonge Street (Portsmouth Olympic Harbour). The purpose of the zoning by-law amendment is to permit trade shows and specific day retail sales as an accessory use at the Invista

Centre, Centre 70 Arena, Cataraqui Community Centre and the Kingston Memorial Centre, and to permit trade shows, exhibition events and ancillary sales as an accessory use at Portsmouth Olympic Harbour. New definitions to support this zoning by-law amendment application are also proposed.

Staff will consider and review any feedback received at this meeting and a comprehensive report will be prepared and presented to the Planning Committee at a subsequent meeting.

File Number: D14-028-2017
Subject: Special Events in City-Owned Facilities
Addresses: 1350 Gardiners Road, 100 Days Road, 53 Yonge Street, 1030 Sunnyside Road and 303 York Street
Application Type: Zoning By-Law Amendment
Owner/Applicant: City of Kingston
(See Report PC-17-097)

Councillor Schell, Chair, called the public meeting regarding the Application for Zoning By-Law Amendment – Special Events in City-Owned Facilities to order at 7:46 p.m.

Ms. Eusebio and Mr. Kuhl conducted a PowerPoint presentation regarding Application for Zoning By-Law Amendment – Special Events in City-Owned Facilities. A copy of the PowerPoint presentation is attached to the original set of minutes located in the City Clerk's Department.

Councillor Schell sought further explanation regarding the definition of community schools. Mr. Kuhl spoke to the definition of community schools.

Councillor Turner questioned if it would be possible to continue to hold meetings or offer classes at Centre 70 Arena should the zoning by-law amendment be approved. Mr. Kuhl provided the Committee with information related to institutional zoning.

The Chair afforded members of the public the opportunity to provide comment.

Mr. Dixon suggested that there should be a comma after the word "university" in S. 131. d).

Mr. Dixon questioned if a chess tournament would be prohibited at the facilities in question if the zoning by-law amendment is approved.

Mr. Kuhl spoke to the definition of permitted recreational activities and noted that a chess tournament would be permitted.

The public meeting regarding the Application for Zoning By-Law Amendment – Special Events in City-Owned Facilities adjourned at 7:59 p.m.

Regular Planning Committee Meeting Number 22-2017

Meeting to Order

The Chair called the meeting to order at 8:00 p.m.

Approval of the Agenda

Moved by Councillor Osanic
Seconded by Councillor McLaren

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

Carried

Confirmation of Minutes

Moved by Councillor Osanic
Seconded by Councillor Turner

That the minutes of the Planning Committee Meeting Number 21-2017 held on Thursday October 19, 2017 be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Briefings

There were none.

Business

There was none.

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

See agenda and addendum.

Date and Time of Next Meeting

The next meeting of the Planning Committee is scheduled for Thursday November 16, 2017 at 6:30 p.m. at City Hall.

Adjournment

Moved by Councillor McLaren
Seconded by Councillor Osanic

That the meeting of the Planning Committee adjourn at 8:01 p.m.

Carried