



**City Of Kingston
Planning Committee
Meeting Number 22-2019
Minutes
Thursday November 7, 2019 at 6:30 p.m.
Council Chamber, City Hall**

Committee Members Present

Councillor Neill; Chair
Councillor Chapelle
Councillor Hutchison
Councillor Kiley
Councillor Osanic

Regrets

Councillor Hill

Staff Members Present

Paige Agnew, Director, Planning, Building & Licesning
Annemarie Eusebio, Intermediate Planner
Tim Park, Manager, Development Approvals
Megan Robideaux, Planner
James Thompson, Committee Clerk

Others Present

Councillor Stroud
Members of the public were present

Introduction by Committee Chair

Councillor Neill, 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
Held Pursuant to the Planning Act
6:30 p.m.
Zoning By-Law Amendment**

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment submitted by AJ Planning on behalf of C3M Asset Management Corporation, with respect to the subject property located at 9 Couper Street. 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 applicant is proposing to demolish the existing two-and-a-half-storey triplex dwelling to construct a new three-storey triplex dwelling in approximately the same location as the existing structure. The proposed development would maintain three dwelling units, but increase overall floor area and increase the total number of bedrooms from 11 to 19. Separate exterior accesses to each of the units would be provided. Vehicular access is proposed to the subject property's rear yard from the existing city laneway located west of the adjacent property and by the existing easement across the rear yard of 15 Couper Street. Three vehicle parking spaces and three bicycle parking spaces are provided in the rear yard. Amenity area is proposed to be accommodated through common landscaped areas in the rear yard.

The existing triplex is permitted by way of minor variance, approved by the Committee of Adjustment in 1982. Zoning By-Law Number 8499 prohibits the extension, expansion or structural alteration of existing multiple-family dwellings that have the effect of adding new floor area or dwelling units in the One and Two-Family Dwelling (A) Zone. The applicant is proposing to apply a site-specific One and Two-Family (A-XX) Zone to allow for the expansion and alteration of the existing triplex on the subject property. The applicant is requesting modification to the following zone provisions:

- a) In addition to the uses permitted in Section 6.2, the property may be used for a multiple-family dwelling containing three residential dwelling units;
- b) An increase in the rear yard uncovered parking area from 40 square metres to 50 square metres;
- c) A reduction in the off-street vehicle parking rate from 1.4 parking spaces per dwelling unit to 1 parking space per dwelling unit;
- d) A reduction in minimum lot area from 370 square metres per dwelling unit to 269 square metres per dwelling unit to recognize the existing condition on-site;
- e) A reduction in the minimum front yard setback from 4.5 metres to 4 metres;
- f) A reduction in the aggregate side yard from 3.5 metres to 2.2 metres;
- g) An increase in maximum building depth from 18.8 metres to 25 metres; and
- h) Projection into Yards – A reduction in the minimum setback from the front lot line from 4.5 metres to 2.5 metres.

File Number: D14-018-2019
Address: 9 Couper Street
Application Type: Zoning By-Law Amendment
Owner: C3M Asset Management Corporation
Applicant: AJ Planning

Councillor Neill, Chair, called the public meeting regarding a Zoning By-Law Amendment regarding 9 Couper Street to order at 6:31 p.m.

The agent conducted a PowerPoint presentation regarding a Zoning By-Law Amendment regarding 9 Couper Street. A copy of the PowerPoint presentation is attached to the original set of minutes located in the City Clerk's Department.

Ms. Robidoux noted that 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 all 127 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. A courtesy notice was also placed in The Kingston Whig-Standard on October 29, 2019.

In response to a question from Councillor Kiley, the agent provided clarification regarding the proposed setbacks and associated zoning by-law relief requests.

Councillor Stroud questioned whether it was appropriate to give consideration to spot zoning requests when the comprehensive zoning by-law is being prepared. He stated that the property is located in an area of the city where permitting a reduced parking supply could make sense. He commented that enforcing outdated parking ratios may not make sense in this situation. The agent responded that the technical review has not been completed. He indicated that if staff were to suggest a reduction in parking supply the applicant would be willing to entertain this proposal. He provided additional clarification regarding the proposed parking proposal.

Councillor Neill requested that Councillor Kiley assume the role of Chair.

Councillor Neill expressed concern that the application is only proposing the construction of three parking spaces. He noted that there will be nineteen bedrooms at the property. He questioned if a parking study has been completed. The agent responded that a parking study was not completed. He clarified that the City's policy is based on the number of units rather than the number of bedrooms. He mentioned that there are currently eleven bedrooms and one parking space associated with the site in question.

Councillor Neill commented that utilizing the number of units rather than the number of bedrooms skews amenity space and parking requirement calculations. Ms. Agnew responded that staff are reviewing parking standards city-wide as part of the comprehensive zoning by-law review. She noted that 0.25 parking spaces per bedroom is being considered. The agent indicated that there is space on site to accommodate five parking spaces while meeting open space and amenity space requirements. He noted that this matter can be examined further.

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

Mr. Dixon, 495 Alfred Street sought further information regarding the width of Newport Avenue. He questioned if the property is currently non-conforming with respect to parking requirements. He asked for information regarding the construction schedule.

Mr. Kennedy, 20 Beverley Street stated that describing the building as a three family unit is misleading and commented that it is not very likely that the property will be occupied by three families. He was of the opinion that the building is closer to a rooming house. He questioned if it is possible to limit the number of bedrooms within "a" zoning.

Mr. Mitchell, 43 Gibson Avenue, indicated that he is appearing before the Committee on behalf of the Sydenham District Association. He spoke to the location of the property and indicated that the site does not have proper connectivity from a transit or active transportation standpoint. He expressed concern that there are very few windows in the proposed design. He indicated that further consideration should be given to the number of bedrooms being considered. He suggested that an accessible unit be created at grade.

Ms. Watt, 416 Earl Street sought further information regarding the design of the parking area

Mr. Goudreaux, 15 Couper Street clarified that there are actually only nine units currently at the property. He noted that the current tenants recently tore down a large piece of fencing which is being investiaged by the police. He expressed concern regarding the maintenance of the lane. He questioned where the snow will be removed to. He stated that there is often illegal parking in front of the property. He questioned if there is enough space in the lane for a car to turn around. He asked if the mature trees will be removed to accommodate this proposal. He expressed concern regarding illegal units.

The agent informed the Committee that "City Lane" is being renamed Newport Avenue and indicated that the width of the lane will be 3.29 metres.

The noted that a minor variance application was completed in 1982 and suggested that the property was likely designated as legal non-conforming at this time.

The agent mentioned that the construction project is anticipated to take approximately four months.

The agent clarified that the property is not considered a rooming house as per the zoning by-law and stated that "a" zoning does not define the maximum number of bedrooms.

The agent referenced the "Floor Plas" PowerPoint slide and spoke further to the location of windows.

The agent commented that consideration will be given to the construction of a fully accessible unit.

The agent noted that the issues related to the fence are a property standards issue and stated that the concerns will be relayed to the property owner.

The agent indicated that the maintenance of the lane will be further examined during the technical review process.

The agent commented that illegal parking is an enforcement issue and not related to land use planning.

The agent spoke further to the easement and indicated that this matter will be examined further during the technical review.

The agent noted that tree preservation will be examined further during the technical review.

Ms. Robidoux confirmed that "a" zoning does not regulate the number of bedrooms. She indicated that staff are investigating the number of legal units currently within the building.

Ms. Robidoux indicated that the applicant will be required to enter into an agreement on title with respect to the lane. She noted that the City will not be responsible for maintenance or snow removal.

Councillor Osanic sought further information regarding tree preservation. The agent responded that a tree inventory was not completed. He commented that the trees located at the front of the property will likely be retained. He stated that this matter will be examined further.

Councillor Osanic requested that staff confirm the number of legal bedrooms permitted in the existing building. She requested that all removed trees be replaced.

In response to a question from Councillor Hutchison, Ms. Robidoux provided clarification regarding the minor variance in relation to gross floor space. The agent spoke further to the proposed height of the building.

Councillor Chapelle suggested that the comprehensive zoning by-law should outline the maximum number of bedrooms permitted in “a” zoning.

In response to a question from Councillor Kiley, Ms. Agnew spoke to the definition of a rooming house as per the Official Plan.

Councillor Neill requested that Councillor Kiley assume the role of Chair.

Councillor Neill questioned if the lane will be serviced by the municipality. He suggested that the lane should be a hard surface. Ms. Robidoux responded that the lane while owned by the City will not be serviced by the municipality. She provided further information regarding the easement. She indicated that the lane is currently a mixture of pavement and grass. Councillor Neill stated that the current condition of the surface is a concern.

Councillor Neill commented that it appears that there may be three illegal bedrooms at the property and requested that staff examine this matter further.

Councillor Neill requested that the applicant give consideration to creating an accessible parking space and installing an electric vehicle charging station in the parking area.

Councillor Neill resumed the role of Chair.

The public meeting regarding an Application for a Zoning By-Law Amendment regarding 9 Couper Street adjourned at 7:46 p.m.

The Committee recessed.

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

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment submitted by Fotenn Consultants Inc. on behalf of Vasyl Kolosov and Yuri Levin, with respect to the subject property located at 42 Beverley Street. 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 applicant is proposing to amend Zoning By-Law Number 8499 to facilitate the redevelopment of 42 Beverley Street with a three-storey dwelling containing three residential units. The property is currently developed with a one-and-a-half-storey single-detached residential dwelling. The existing dwelling on the subject property is proposed to be demolished. The proposed development contains one four-bedroom unit on each floor for a total of three units. The proposed triplex will have an increased footprint and height. A shared front entrance and separate interior access to each of the units is provided. Secondary access will also be provided at the rear of each unit. A total of 98 square metres of common amenity space is proposed on the subject site, divided between two areas. The first of which will be 51 square metres of common outdoor at grade amenity area and the second will be 47 square metres of common indoor amenity space to be located in the basement. The basement will not contain a residential unit.

Three paved surface parking spaces are proposed to be located at the rear of the building and will be accessed from a driveway located off Beverley Street. A 1.5 metre unobstructed pathway will be provided along the south and east sides of the proposed dwelling to provide pedestrian access to the rear parking and backyard. Bicycle parking will be provided in a shed located at the rear of the property.

A triplex is not permitted within the One-Family Dwelling 'A' Zone. The applicant is proposing to apply a site-specific Three-To-Six-Family Dwelling 'B' Zone, as this zone allows for a three unit dwelling. The applicant is requesting a modification to the following Three-To-Six-Family Dwelling 'B' zone provisions:

- a) A reduction in the minimum front yard setback from 6 metres to 3.6 metres;
- b) A reduction in the minimum side yard setback from 4.2 metres to 3 metres to the north and 1.6 metres to the south;
- c) A reduction in the minimum aggregate side yard from 10.5 metres to 4.6 metres;
- d) A reduction in parking space size from 2.7 metres by 6 metres to 2.6 metres by 5.2 metres;
- e) Projection into Yards - A reduction in the minimum setback from the interior side lot line from 4.2 metres to 3 metres;

- f) Projection into Yards – A reduction in the minimum setback from the front lot line from 6 metres to 2.3 metres; and
- g) A reduction from the communal amenity area from 54 square metres to 47 square metres.

File Number: D14-017-2019
Address: 42 Beverley Street
Application Type: Zoning By-Law Amendment
Owner: Vasyl Kolosov and Yuri Levin
Applicant: Fotenn Consultants Inc.

Councillor Neill, Chair, called the public meeting regarding a Zoning By-Law Amendment regarding 42 Beverley Street to order at 7:59 p.m.

The agent conducted a PowerPoint presentation regarding a Zoning By-Law Amendment regarding 42 Beverley Street. A copy of the PowerPoint presentation is attached to the original set of minutes located in the City Clerk's Department.

Ms. Eusebio noted that 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 all 70 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. A courtesy notice was also placed in The Kingston Whig-Standard on September 30, 2019.

Ms. Eusebio informed the Committee that twelve pieces of correspondence related to the application were included in the addendum. She noted that an additional three items of correspondence in support of the application were distributed to Committee members prior to the start of the meeting and were also made available to members of the public.

Councillor Hutchison sought clarification regarding the proposal before the Committee. The agent informed the Committee that the applicant has submitted a request for a site specific "a" zoning.

Councillor Hutchison asked staff whether the Committee should be giving consideration to a proposal which is different than the application outlined in the Report. Ms. Agnew responded that the proposal outlined in the presentation was submitted in the last few days. She stated that the updated information will be included in the comprehensive report. She mentioned that the comprehensive report process allows for public input. She indicated that the application has evolved since the public meeting report was circulated.

Councillor Osanic noted the similarities to the 49 Beverley Street zoning by-law amendment application. She sought further information regarding the design of the basement and expressed concern that this space will be utilized as a dwelling. The agent provided additional information regarding the design of the basement and referenced the "Side Elevation" PowerPoint slide.

Councillor Osanic questioned if the trees will be impacted by the proposal. The agent responded that three trees will be removed and mentioned that one of the trees is a dead ash tree. He indicated that an effort will be made to retain as many trees as possible.

Councillor Osanic requested further explanation regarding the storage area in the basement. The agent explained that the garbage and recycling storage area as well as bicycle storage will be placed in the rear yard. He indicated that the storage area in the basement is intended to be used for storing large items.

In response to a question from Councillor Kiley, the agent spoke to the "Proposed By-Law Amendments" PowerPoint slide.

Councillor Neill requested that Councillor Kiley assume the role of Chair.

Councillor Neill sought further information regarding the proposed level of finish for the basement. The agent replied that the basement will be built to conform to the Ontario Building Code Act.

Councillor Neill stated that the storage rooms are quite large and indicated that in other situations, storage spaces have become living spaces. He questioned what steps can be taken to ensure that the basement space does not become a living space. The agent responded that the basement is not permitted to serve as a living space and indicated that the basement is intended to provide amenity space. Ms. Agnew stated that the zoning by-law amendment can regulate the number of legal bedrooms. Councillor Neill commented that if the number of bedrooms were limited it would make conversion of this space illegal and expressed concern that it would be difficult to determine if the space was being used illegally. Ms. Agnew stated that staff are developing a list of legal units which are available for rent and noted that the list will be posted on the website. She indicated that the Administrative Polices Committee deferred consideration of the residential licensing program until the zoning by-law consolidation process is complete.

Councillor Neill stated that he would like proper assurances to ensure that the storage rooms in the basement are not rented.

Councillor Neill resumed the role of Chair.

Ms. Fill, 28 Edgehill Street provided the Committee with a history of the retaining wall located on the property line. She expressed concern regarding the condition of the retaining wall.

Ms. McCaughey, 691 Laidlaw Crescent, informed the Committee that she is appearing before the Committee on behalf of her mother who resides at 44 Beverley Street. She indicated that the retaining wall which was in place for over forty years has been removed by the applicant. She indicated that soil is now falling on the sidewall of the garage located at 44 Beverley Street. She indicated that the proposed placement of the new building will not align with the other homes on the street and will block the sunlight from reaching the porch of 44 Beverley Street. She requested further information regarding the design of the driveway. She commented that parking is a major issue in this area of the City. She noted that people often use the driveway at 44 Beverley Street without permission to enter the rear driveway of the property in question.

Ms. Dixon, 20 Beverley Street indicated that she is opposed to the application. She stated that her objection is related to the increase in population which will further contribute to the noise problems during the night. She mentioned that Noise By-Laws are not effectively enforced in this area. She stated that there are many bedrooms in this area of the street and referenced the other applications associated with this neighbourhood before the Planning Committee. She commented that Beverley Street is facing a huge increase in density and was of the opinion that it is wrong to look at each application individually. She stated that at some point the City needs to say there is too much density on Beverley Street. She questioned how do residents have their concerns regarding intensification heard instead of the proposals submitted by developers. She reiterated that intensification must be addressed.

Mr. Damore, 1031 Megan's Street stated that he is supportive of the proposed development. He noted that in general terms there are concerns with high density and noise across the city and not just on Beverley Street. He indicated that he would love to be able to live in an area that is close to many employers. He commented that he would also like to live in a neighbourhood where you can raise a family. He stated that this application represents an opportunity for professionals to live in the neighbourhood. He mentioned that landlords should make more of an effort to select proper tenants for their buildings. He stated that most of the concerns raised have been superficial and can be resolved if people work together. He indicated that he believes that the revised application represents a compromise. He reiterated that this proposal provides an opportunity for young professionals to live in the downtown. He requested that the Committee give consideration to application as it will benefit the community. He stated

that residents do not necessarily require cars to live in this area of the city. He noted that many people would like to live nearby Breakwater Park.

Ms. Wood, 54 Edgehill Street stated that she echoes the comments of Councillor Osanic. She suggested that the application before the Committee is a repeat of the 49 Beverley Street application. She indicated that she is opposed to the application. She stated that at the end of the day the previous property is being converted from a 1.5 storey dwelling to a building consisting of 12 bedrooms. She mentioned that she does not believe that the application is compatible with the neighbourhood. She stated that the City cannot continue to look at one property at a time and indicated that macro approach for the neighborhood is required before it is changed for the worse.

Mr. Kennedy, 28 Beverley Street commented that it is a difficult job to evaluate the applications against policy. He was of the opinion that the application before the Committee as well as the applications considered at the previous meeting did not demonstrate why the property or the application was unique. He questioned if the City is dealing with infill properly. He indicated that the zoning by-law should be respected. He reiterated that the same standards should be applied city wide and stated that spot zoning should not be considered. He indicated that the application should be rejected.

Mr. Mitchell, 43 Gibson Avenue indicated that he was appearing before the Committee on behalf the Sydenham District Association. He spoke in opposition to the application. A transcript of Mr. Mitchell's statement is available in the City Clerk's Department.

Mr. Rubens, 265 King Street West spoke in opposition to the application. A transcript of Mr. Rubens' statement is available in the City Clerk's Department.

Mr. Dixon, 495 Alfred Street stated that the neighbourhood has considerable character. He indicated that he is concerned that other properties could be subject to similar transformations. He indicated that the historic house has been demolished. He questioned if the applicant was in possession of a demolition permit. He asked staff whether the former house was of heritage value. He expressed concern regarding flooding. He indicated that the drawings do not properly demonstrate the grade of the property. He stated that he is opposed to the application. He mentioned that he would be supportive of a two storey building consisting of six to eight bedrooms. He suggested that Council undertake a special study of this neighbourhood.

The agent informed the Committee that the retaining wall is still in place and indicated that the applicant will be requested to consider restoration. He mentioned that surveying has occurred on the site.

The agent spoke to the application in relation to conforming to the character of the street scape.

The agent provided the Committee with additional information regarding the proposed design of the walkway and driveway.

The agent clarified that Noise By-Law enforcement is not related to the application.

The agent noted that applications are reviewed against the Provincial Policy Statement, Official Plan and Zoning By-Laws. He indicated that the Provincial Policy Statement supports intensification and the Official Plan provides further clarification regarding compatibility and infill. He stated that applications are reviewed against policy on an individual basis. He indicated that a revised application was submitted which is more compatible with existing policy.

The agent provided the Committee with additional explanation regarding “a” zoning requirements.

The agent spoke further to storm water management.

The agent informed the Committee that a heritage impact study was prepared. He mentioned that the property is not designated or included on the registry of heritage properties. He confirmed that the former building was evaluated and did not meet the criteria for heritage designation.

Ms. Eusebio provided the Committee with additional information regarding the demolition permit.

Ms. Eusebio advised the Committee that the compatibility of the application will also be examined in relation to the Central Kingston Growth Strategy.

Ms. Agnew noted that staff will ensure that the noise concerns are investigated further.

Councillor Kiley stated that he does not believe that it is acceptable for a bathroom which includes a bathtub to be included in the basement and expressed concern that a kitchen unit would also be built. Ms. Agnew responded that this matter would be reviewed as part of the building permit process. She stated that the drawings would be required to be amended if there is evidence of a kitchen unit. Councillor Kiley commented that illegal units are not acceptable.

Councillor Osanic requested that infrastructure and service requirements be addressed in the comprehensive report.

In response to a question from Councillor Hutchison, Ms. Agnew spoke to the massing and setback permissions in “a” zoning and “b” zoning.

Councillor Hutchison stated that the application does not reflect the traditional character of Beverley Street. He indicated that from a compatibility perspective the proposed setbacks and lot coverage adjustments would be significant. He noted that there is already too much density in this area of Kingston and reiterated that sufficient intensification has already occurred. He mentioned that providing information regarding the square footage of the building footprint is helpful.

Councillor Neill requested that Councillor Kiley assume the role of Chair.

Councillor Neill stated that a holding symbol has been utilized in other areas of the city as infrastructure does not have the capacity to accommodate additional development. He questioned if it would be possible to place a holding symbol on Beverley Street until new sewer infrastructure is installed. Ms. Agnew provided additional information regarding the Westbrook Meadows example. She commented that Beverley Street was examined from an infrastructure standpoint during the secondary unit policy review. She indicated that Beverley Street should be able to accommodate incremental infill from an infrastructure standpoint.

Councillor Neill noted that if there is a desire for young professionals to live at this building, the number of bedrooms should not be increased. He spoke to the rental cost of a one bedroom apartment in this area of the city. He sought clarification regarding whether “a” zoning or “b” zoning is being sought. Mr. Park clarified that an “a” zone is now being proposed. The agent added that a site specific “a” zone is being sought due to the feedback received at previous Committee meetings. He clarified that the report speaks to “b” zoning but the applicant has since modified the proposal to request for “a” zoning. Councillor Neill stated that the Report should be reflective of the application before the Committee. He indicated that the proposal should not cherry pick between “a” and “b” zoning. Ms. Agnew responded that applications often change as the process evolves. She clarified that the “a” zoning was proposed after the agenda was circulated. She indicated that the comprehensive report will provide additional information regarding this matter. Councillor Neill stated that perhaps an additional public meeting should be held due to the confusion regarding the application.

Councillor Hutchison indicated that another public meeting should be held if there are significant changes to an application after the public meeting report is released. He commented that the length of the application period should also be adjusted.

The public meeting regarding an Application for a Zoning By-Law Amendment regarding 42 Beverley Street adjourned at 9:36 p.m.

Regular Planning Committee Meeting Number 22-2019

Meeting to Order

Councillor Neill, Chair, called the regular meeting to order at 9:37 p.m.

Approval of the Agenda

Moved by Councillor Kiley

Seconded by Councillor Chapelle

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 Chapelle

That the minutes of Planning Committee Meeting Number 21-2019, held Thursday October 17, 2019, be confirmed.

Carried

Disclosure of Pecuniary Interest

There was 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

- a) Correspondence received from Shyam Ramchandani, dated November 1, 2019 regarding 42 Beverley Street.
- b) Correspondence received from Riku Robins, dated November 4, 2019 regarding 42 Beverley Street.
- c) Correspondence received from Alex Leblanc, dated November 5, 2019 regarding 42 Beverley Street.

Date and Time of Next Meeting

The next meeting of the Planning Committee is scheduled for November 21, 2019 at 6:30 p.m. at City Hall.

Adjournment

Moved by Councillor Kiley

Seconded by Councillor Hutchison

That the meeting of the Planning Committee adjourn at 9:38 p.m.

Carried