



**City of Kingston
Planning Committee
Meeting Number 01-2024
Addendum**

**Thursday, December 7, 2023 at 6:00 p.m.
Hosted at City Hall in Council Chamber**

7. Business

Note: the consent of the Committee is requested for the withdrawal of Business Item c):

- c) Subject: Recommendation Report**
 - File Number: D14-013-2023**
 - Address: 2103 McKendry Road**
 - District: District 1 – Countryside**
 - Application Type: Zoning By-Law Amendment**
 - Owner: Peter Skebo**
 - Applicant: The Boulevard Group**

Note: The consent of the Committee is requested for the deletion and substitution of Exhibit A to Report PC-24-008 – Zoning By-Law Amendment at 769 King Street West, attached as Schedule Pages 1 – 4

11. Correspondence

- a) Correspondence received regarding 2312 Princess Street, (File Number D35-004-2022), dated November 20 – 30, 2023.**

Schedule Pages 5 – 23

- b)** Correspondence received regarding the Proposed New Site Plan By-Law and Site Plan Guidelines Report, dated December 7, 2023.

Schedule Pages 24 – 26

By-Law Number 2023-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘UR10’ to ‘UR3’ and Introduction of Exception Number E141 (769 King Street West))

Passed:

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

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

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by changing the zone symbol of the subject lands from ‘UR10’ to ‘UR3’, as shown on Schedule “A” attached to and forming part of By-Law Number 2023-XX
 - 1.2. Schedule E – Exception Overlay is amended by adding Exception Number ‘E141’, as shown on Schedule “B” attached to and forming part of By-Law Number 2023-XX;
 - 1.3. By adding the following Exception Number E141 in Section 21 – Exceptions, as follows:

(E141) 769 King Street West

Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The minimum **front setback** is 3.3 metres;
- (b) The minimum **rear setback** is 6 metres;
- (c) The minimum **exterior setback** is 2.8 metres;
- (d) The minimum **front setback** of a **balcony** over 1.2 metres in height is 2.1 metres;
- (e) The minimum **exterior setback** of a **balcony** over 1.2 metres in height is 3.4 metres;

- (f) The minimum **front setback** of a **deck** or **porch** over 1.2 metres in height is 2.1 metres;
- (g) The minimum **exterior setback** of a **deck** or **porch** over 1.2 metres in height is 3.4 metres;
- (h) The minimum **front setback** a **deck** or **porch** between 0.6 and 1.2 metres in height is 1.3 metres;
- (i) The minimum **exterior setback** of a **deck** or **porch** between 0.6 and 1.2 metres in height is 1.3 metres; and
- (j) The minimum **interior setback** to an **accessory structure** containing long-term bicycle parking is 0 metres, except adjacent to the property at 9 Cartwright Street where it is a minimum of 1.2 metres.
- (k) The minimum **sight triangle** at the corner of Cartwright Street and King Street West is 5.9 metres by 5.9 metres.

2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Planning
Services

Schedule 'A' to By-Law Number

Address: 769 King Street West
File Number: D14-004-2023

Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

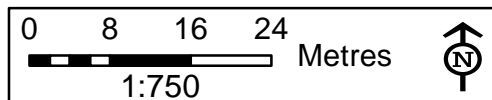
 Lands to be Re-Zoned From UR10 to UR3

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor

Clerk



Clendening, Ian

From: ML Graham [REDACTED] >
Sent: November 30, 2023 3:13 PM
To: Clendening, Ian
Subject: Re: 2312 Princess Street, Kingston, Ontario City File: D35-004-2022

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Ian Clendening,
Senior Planner
City of Kingston
1121 John Counter Boulevard Kingston, Ontario K7K 6C7

Dear Mr Clendening,

I am writing to express my concern for a propose zoning by-law change to allow for greater density at 2312 Princess St.

The proposed density is substantially greater than the previous proposal and also that of the currently being built building at 2274 Princess St. This is despite the lot at 2312 being smaller than that of 2274 Princess St.

Additionally, and possibly because of the proposed density, there is a 2nd level of “underground” parking that would actually be partially above ground. It could be approximately 2 meters above street level on Anderson Dr. and the current ground level of the houses on Ellesmeer Ave that are on the westernmost side of Ellesmeer Ave in Walnut Grove Community. The result of this would cause the whole building to tower even more over the houses that are just to the north.

I am fully aware that Kingston needs more housing and in general support the city’s efforts to fill this need. However, the requested density change is very excessive and should be denied. I encourage the Planning Committee to insist that the developer make significant changes so that the proposed building be consistent with the 2274 development and with the density zoning by which that development has.

Thank you for your consideration.

Mary Graham
157 Ellesmeer Ave.
Kingston

Clendening, Ian

From: Stephen Archibald [REDACTED] >
Sent: November 28, 2023 10:01 AM
To: Clendening, Ian
Subject: Notice of Public Meeting 2312 Princess Street

Follow Up Flag: Follow up
Flag Status: Flagged

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Good Morning Ian,

As the owners of 128 Farmstead Court, we received this Notice and invited to provide you with our comments. Please register our objection to the requested change in the By-Law to allow an increase in height and a reduction of parking, setback, and unit size provisions. Our objection is because this will only further aggravate unacceptable traffic congestion on the already overloaded Princess Street / Anderson Avenue intersection area and the additional disruption to the family homes to the immediate north on Ellesmere Avenue.

Thank you. Steve and Jane Archibald

Clendening, Ian

From: Linda Kemp [REDACTED] >
Sent: November 27, 2023 11:17 AM
To: Clendening, Ian
Subject: Re: 2312 Princess St/File D35-004-2022

Follow Up Flag: Follow up
Flag Status: Flagged

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Just a couple of points below. Thanks for responding so quickly.

On Nov 27, 2023, at 9:13 AM, Clendening, Ian <iclendening@cityofkingston.ca> wrote:

Hi Linda,

By way of this e-mail I would like to confirm receipt of your comments. All correspondence will be put before the Planning Committee and form a part of the Agenda material. A redacted version will be provided to the applicant.

With the above said, I am happy to try to address your questions as they relate to the proposal.

1. We would like to see no protruding balconies on the north side of the building. We do not understand why it is proposed that a balcony be allowed on the 2nd storey. A minimum number of juliet balconies should be considered as well.
 - a. I have discussed this with the applicant while working to address concerns with the initial proposal. As the balconies are only on the 1st and 2nd floor, as one would have on a typical residential lot, the impact was not seen as any different from such typically expected impact, especially given that the balconies are much smaller than a standard residential deck.

Since this is not a typical residential lot and has a raised elevation, the balconies will have an impact on our privacy in both our backyards and in our living areas within the house. The first level of the building looks like it will be above the privacy fence and will look directly into our space. This would not happen with a typical residential lot. Perhaps one level of parking at the north end of the building would help with this.

2. The information provided does not say how much of an "increase in height" the developer is requesting or why this would be required. Is the developer asking to make the units smaller?
 - b. The building is proposed to measure 20.7 metres in height at its highest point starting at a distance of 19.2 metres away from the north lot line. Unless there

is some misunderstanding, this should not relate to the size of the units which, for your reference, includes a greater share of studio and one bedroom units.

I was under the impression that the building would be approximately 30 ft. from the north fence line. As indicated in your response you are saying it will be 19.2 m (60ft) from the fence line. Is this correct? OR is the 19.2m taking into account the courtyard?

3. The increase in elevation of the building will affect each residence on Ellesmeer Ave in a different way. The sight plan submitted only shows one residence and does not give a good representation of the residences on the north side. Each residence has a different grade down to the fence line. The west end is much higher than the east end, therefore the sight lines would be much different. The developer should provide a more comprehensive sight line proposal that shows all the residences and how this increased height will affect them. The fence at 2.3 m will do nothing for privacy. As shown in the diagram even the person on the 2nd floor will have a clear sight line into the adjoining back yard. Trees will take several years to provide any privacy unless the developer is providing mature trees behind each residence.

- c. I took the liberty of overlying the building plan on top of the site plan and an aerial image. Provided below, it highlights that 7 balconies project to the 13 residential lots which abut the north lot line. While there will be some difference between the individual lots, the one cross section is generally representative and, as highlighted in the answer to 1 above, is similar in impact of a typical residential unit. While the vegetative barrier along the north lot line will take time to mature, over time any impact will be further mitigated.
<image001.png>

Thank you for providing the overlay. It certainly helps to put it in perspective. Although I see that there will be a balcony looking directly into our backyard. A lot of the trees that are currently along the fence line are slated to be removed which will open up the sightline further.

We have concerns about the proposal submitted for the Heritage Building. We do not think that there should be any more amendments to the Official Plan. The developer has been granted many amendments regarding 2312 Princess St. and is now requesting more amendments with the apartment building and with the Heritage building. The heritage building is currently being used for residential use. The request to allow 12 bedrooms in the heritage building seems excessive. It is understood that this is proposed to be three units with four bedrooms in each unit. What is the square footage of each bedroom? Would each unit be self-contained with its own kitchen and washroom facilities? If so then each unit would be very small OR would it be a communal kitchen and bathroom facilities, which would indicate short-term or nightly rentals. I believe there should be more information provided about the use of this building.

- d. A dwelling is a self contained unit with its own cooking (i.e., kitchen facilities) and washroom facilities.

Kindly,

Ian Clendening (he/him/his)
Senior Planner
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

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

From: Linda Kemp [REDACTED] >
Sent: Sunday, November 26, 2023 12:47 PM
To: Clendening, Ian <iclendening@cityofkingston.ca>
Subject: 2312 Princess St/File D35-004-2022

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Please include this email in the information provided to the Planning Committee Meeting on December 7, 2023

1. We would like to see no protruding balconies on the north side of the building. We do not understand why it is proposed that a balcony be allowed on the 2nd storey. A minimum number of juliet balconies should be considered as well.
2. The information provided does not say how much of an "increase in height" the developer is requesting or why this would be required. Is the developer asking to make the units smaller?
3. The increase in elevation of the building will affect each residence on Ellesmeer Ave in a different way. The sight plan submitted only shows one residence and does not give a good representation of the residences on the north side. Each residence has a different grade down to the fence line. The west end is much higher than the east end, therefore the sight lines would be much different. The developer should provide a more comprehensive sight line proposal that shows all the residences and how this increased height will affect them. The fence at 2.3 m will do nothing for privacy. As shown in the diagram even the person on the 2nd floor will have a clear sight line into the adjoining back yard. Trees will take several years to provide any privacy unless the developer is providing mature trees behind each residence.
4. We have concerns about the proposal submitted for the Heritage Building. We do not think that there should be any more amendments to the Official Plan. The developer has been granted many amendments regarding 2312 Princess St. and is now requesting more amendments with the apartment building and with the Heritage building. The heritage building is currently being used for residential use. The request to allow 12 bedrooms in the heritage building seems excessive. It is understood that this is proposed to be three units with four bedrooms in each unit. What is the square footage of each bedroom? Would each unit be self-contained with its own kitchen and washroom facilities? If so then each unit would be very small OR would it be a communal kitchen and bathroom facilities, which would

indicate short-term or nightly rentals. I believe there should be more information provided about the use of this building.

We appreciate you providing this e-mail to the Planning Committee members and look forward to observing the Planning Committee meeting. Thank you.

Linda and Terry Kemp
167 Ellesmeer Ave

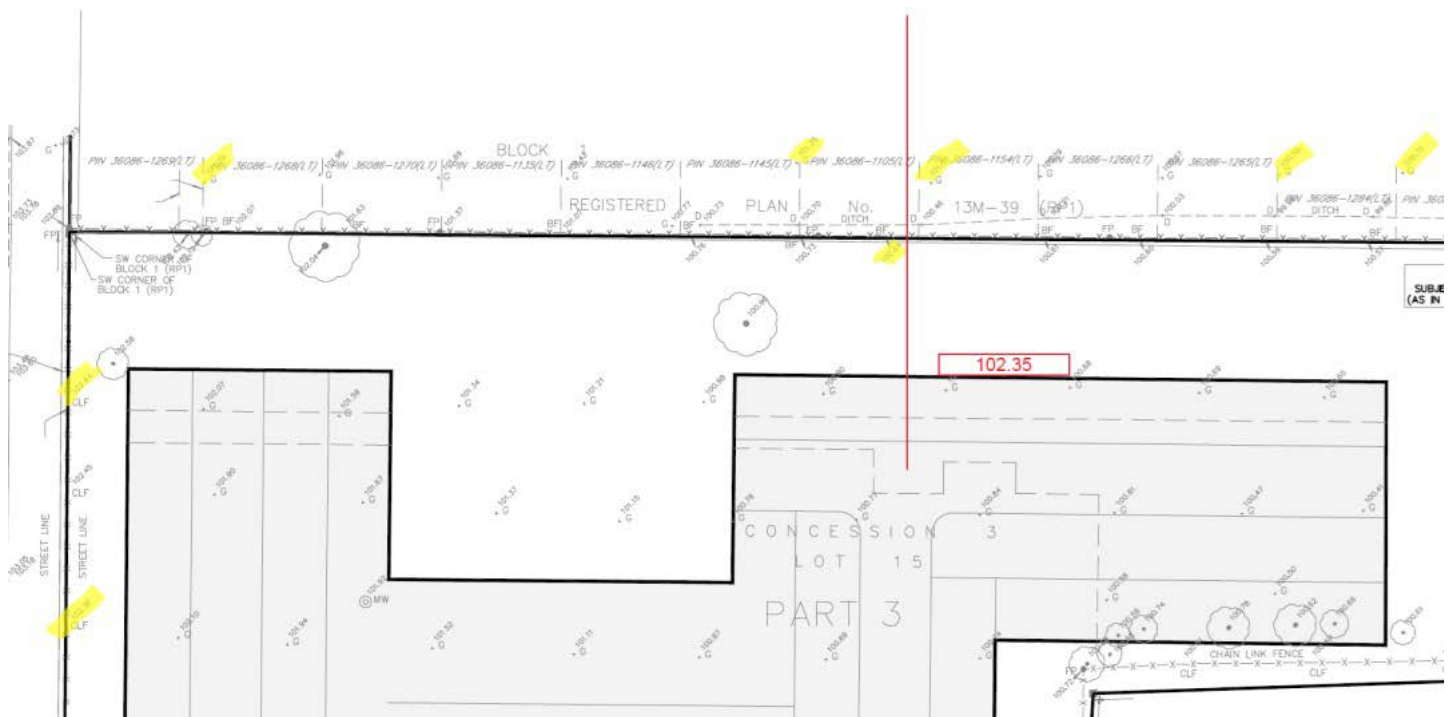
Clendening,Ian

From: Clendening,Ian
Sent: November 28, 2023 10:05 AM
To: [REDACTED]
Subject: RE: 2312Princess Street Grade Cross Section
Attachments: Mark-up for Cross Section - C003 GRADING PLAN.pdf

Hi Grant,

First of all, by way of this e-mail I would like to confirm receipt of your comments. All correspondence will be put before the Planning Committee and form a part of the Agenda material. A redacted version will be provided to the applicant.

In answer to your question about the cross section, I have provided a screenshot below (full document attached) which overlays the grading plan with a red line indicating the approximate location of the cross section based on the elevation of 100.64 at the fence referenced in the cross section. The elevation of the property continues to slope down towards the east to an elevation of 100.57, opposite the furthest east edge of the proposed building, and 100.49 at the far northeast corner of the lot (i.e., 21 metres east of the building wall).



Given your concern about the overlook associated with the height I have also provided below an overlay of the building plan on top of the site plan and an aerial image. Provided below, the image highlights the location of the 7 balconies associated with the proposed building in relationship to the 13 residential lots which abut the north lot line.



I hope this information helps understand the elevation and grading. I can also confirm that the shadow study was prepared to reflect the actual building elevation - inclusive of grading.

Kindly,

Ian Clendening (he/him/his)
Senior Planner
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3126
iclendening@cityofkingston.ca

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

From: [REDACTED] >
Sent: Monday, November 27, 2023 4:50 PM
To: Clendening, Ian <iclendening@cityofkingston.ca>
Subject: 2312Princess Street Grade Cross Section

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November 27, 2023

File # D35-004-2022

Dear Mr. Clendening,

As a resident of Walnut Grove, and bordering on the proposed development at 2312 Princess, I am concerned about what I believe may be misinformation given to some of my neighbours, in answer to the question about the Grade drawing that was posted on DASH on November 17th this year. The question posed to your office was this: Where exactly is the grade (pictured in DASH - Nov. 17th posting of Grade Cross-Section)) in reference to the residences on Ellesmeer Ave? Your answer was that it generally applies to all those residences bordering the proposed building site. This is absolutely not true, and was proved today with some simple surveying. All measurements were taken at the fence line at the back lot line of Ellesmeer houses which abut 2312 Princess Street. Within the first three (of 12) residences, beginning at Andersen Avenue, the fence, and obviously the grade of the land, drops 56 inches, or about 1.4 metres. The grade continues to drop at our southern property line, all the way to the proposed east end of the Patry building (abutting the 12th house down from Andersen). My estimation is that the total drop is three metres. No two residences would have the same eye level of the six-foot person (omitted, but should be depicted) in the Grade Cross Section, standing on (his or her) FIRST floor terrace. Indeed, in a ten-foot drop, there is a large difference in what we will see.

So, in an effort to better understand what the proposed elevation of the first floor patio is at 2312, we need to know why you think a "give-or-take ten feet" is a sufficient answer to the question: Exactly to what address does the Grade Cross Section apply?

This is of extreme importance to us all, as we note that the spoils of 2274 Princess have been placed behind us for the purpose of a "parking lot" for the construction crew, but in actual fact, it now appears it was placed there to alter the existing grade by more than a metre, thereby saving the developer money in excavation and blasting costs. Presumably, some of the spoils from excavation at 2312 will be added to the already altered grade, thereby making the building even higher. Where does this stop, and who at the City of Kingston is able to see through this? What is proposed is to build a 6 storey building but it now will loom the equivalent of 7+ storeys. To me, this seems closer to trickery than wisdom, such as what I have come to expect from the developer. This is even a bigger undesired impact on the community.

With the impending Public Meeting coming up soon on Dec. 7th, I would appreciate clarification or comments on the above concerns before we present them for discussion at that time.

Regards,
Grant MacDonald
163 Ellesmeer Avenue
Kingston, ON

K7P 3H6







Clendening, Ian

From: M Jones [REDACTED] >
Sent: November 26, 2023 11:20 AM
To: Clendening, Ian
Subject: 2312 Princess Street (File No. D35-004-2022)

Follow Up Flag: Follow up
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Marc Jones
155 Ellesmeer Ave
Kingston, ON

November 26 2023

Ian Clendening
Senior Planner
City of Kingston

Dear Planning Committee:

The proposed plan for this lot includes inflated density population that the size of a lot is not capable of handling without burdening existing residence nearby.

Current residence could see significantly lower property values, almost no privacy in backyards which cannot be addressed by a fence. A smaller building without balconies on the north side could be pushed back, further away from the back yards of Ellesmeer Ave. This would go a long ways to address the privacy concerns that many residence have.

We are not against a building being put on this lot but leaving it as low density could be a middle ground for both sides, the exiting residence and the need for more housing.

Clendenning, Ian

From: Peter Burbidge [REDACTED] >
Sent: November 23, 2023 1:49 PM
To: Clendenning, Ian
Subject: D35-004-2022 (2312 Princess)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Clendenning

I am writing to ask for further considerations in regard to the 2312 Princess Development.

I was pleased with the developer's revisions to the 2274 initial plan and trust that similar outcomes can be made to this development, with the understanding that new, accessible and affordable housing is needed.

Concerns:

- 1) Given the very close proximity to Walnut Grove Homes and the fact that this building will be looking over properties on Ellesmeer Avenue, it should be a clear expectation that Juliette Balconies be required on on levels of the north facing side of the building.
- 2) The U shape design for the location of the pool facing directly on the very close neighbours to the north, should include a sound barrier between the west and east wings to dampen the noise that will emanate from the pool and socializing area.
- 3) While I appreciate the interest of the city in increasing housing, the large number of apartments and the volume of activity adjacent to the present basically seniors community, is not in keeping with a respectful consideration of the northerly neighbours. I would support a building size similar to 2274. There is plenty of vacant serviced land in Kingston without pushing this size on the existing residential community.

Thank you and I trust the Planning Staff, Planning Community, and the Developer will understand and act on these concerns as they negotiate options to make this building compatible with the immediate neighbourhood.

Peter Burbidge
52 Ellesmeer Avenue
Kingston, Ontario, Canada
K7P 3H8
[REDACTED]

Clendening, Ian

From: Grant Smith [REDACTED] >
Sent: November 22, 2023 2:11 PM
To: Clendening, Ian; [REDACTED]
Subject: Re: Notice of Public Meeting - D35-004-2022 (2312 Princess Street)

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Sir

It is disappointing to hear the adjustments completed at 2274 Princess street between the Ellesmeer home owners, City of Kingston and the developers will not be carried over on the 2312 site property. This is specifically regarding building height and shading. One of the main attractions on purchasing our home was the winter sunlight which will be blocked by the height of the new building. We are upset regarding the number of floors being proposed by the builder and now we hear the building grade will also be elevated. We are requesting the developer lower the building grade and reduce the number of floors. We would like him to keep or improve the floor staggering.

We would also like the developer to build within the current bylaws without requesting any variances such as setbacks and building density. Issues such as underground parking is not an issue provided the parking is truly underground.

It is also disappointing the developer has not made the effort to hold a community meeting regarding its plans in order for some of the local residents to voice concerns on the project.

Thank you

Grant Smith
Ellesmeer Ave

On Fri, Nov 17, 2023 at 9:45 PM Clendening, Ian <iclendening@cityofkingston.ca> wrote:

Further to your interest in the application for 2312 Princess Street regarding an Official Plan Amendment and Zoning By-law Amendment (file D35-004-2022), please see the attached PDF outlining an upcoming Public Meeting on December 7.

Material associated with this file, can be found at dash using the property lookup or by clicking on [this link](#).

Kindly,



Ian Clendening (he/him/his)

Senior Planner

Planning Services

City of Kingston

Located at: 1211 John Counter Boulevard,

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 extension 3126

iclendening@cityofkingston.ca



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

Clendening, Ian

From: mobrien [REDACTED]
Sent: November 20, 2023 12:48 PM
To: Clendening, Ian
Subject: Re: Notice of Public Meeting - D35-004-2022 (2312 Princess Street)
Attachments: PATRY Juliet balconies.png

Follow Up Flag: Follow up
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Good Morning Ian,

Thank you so much for following through as promised with giving me a heads-up on the now confirmed date of the Public Meeting re: 2312 Princess Street. That is great to know and I appreciate that so much. I (and others) plan to attend for sure.

We had a look at the most recent report posted on Friday Nov. 17th.

(attached here). We examined it and the drawing presents a number of important questions that we have. I will add that we are all very happy with the decision that there will be only juliets on floors 3 and upward.

However, the 1st and 2nd floor balconies as shown present some concern.

The answers to the questions below will greatly and directly impact us. I will attempt to keep them brief and we would be very appreciative if you could advise or explain.

1. Why is the grade level of 2312 Princess showing higher than that of houses on Ellesmeer? It shows the new building grade at 102.35 m. and one of our homes is shown much lower. Our perception is that our properties, especially, at the west end of Ellesmeer, is in fact higher than 2312. It shows the top of a 6' person's head being level with the concrete patio/balcony of the first floor apartment. Is there a plan to raise the ground level of the 2312 building or should we understand that someone walking out of a north-facing patio door on the 1st level of 2312 will walk right onto grade level?

2. Why are juliet balconies being shown on the north-facing wall at all?

Perhaps you can explain the necessity for this. They were reverted to ALL juliets at the building at 2274 Princess and we think that would also work well for 2312 Princess. The developer nicely demonstrated an attempt to lessen privacy issues by introducing juliets on upper floors. Why is the same not done for floors 1 and 2, as it now appears that sightlines still mean apartment dwellers will see directly into our backyards?

3. And the rendering shows that someone standing on either of the 1st or 2nd floor balconies would look right over top of the 7.5' fence. (The screen of a tree clearly may look that height in quite a number of years, we imagine.) Again, why is a 2nd floor balcony necessary?

Thanks again for your time and professional communication. I look forward to hearing the answers to these question as it will add to our understanding of the proposal.

We acknowledge that there will be an upcoming change to the members of the Planning Committee and we look forward to working with them in discussing the revisions to this development.

Kind regards,
Mary O'Brien and Grant MacDonald
163 Ellesmeere Avenue

> Further to your interest in the application for 2312 Princess Street regarding an Official Plan Amendment and Zoning By-law Amendment (file D35-004-2022), please see the attached PDF outlining an upcoming Public Meeting on December 7.

> Material associated with this file, can be found at dash using the property lookup or by clicking on this

> link<<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2faca-prodca.accela.com%2fKINGSTON%2fCap%2fCapDetail.aspx%3fModule%3dPlanning%26TabName%3dPlanning%26capID1%3dREC22%26capid2%3d00000%26capid3%3d000VM%26agencycode%3dkingston%26IsToShowInspection&c=E,1,0sjuXrNs3BsykleMunsy6f7ETQQJ8YLvBPJAKEOUDkGWoo4q11pA8qpDIW56EDHUgakHkjdlhLQGr1PSoaqJjfHxeWTWLCOUVG-YjCEiJeN9H-y&typo=1>>.

Kindly,

> [cid:image001.png@01DA196F.D68F49F0]<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.cityofkingston.ca%2f&c=E,1,fqtXUbS8PndVgtqMZF16MXRkNIM9-0xQQzzITrQTn199QwDIdUM7OCQvZRjq1xpbtvTWXPslUd95xnEGseJc0YdUOoW64AYvh7xaf-1GJHdA_alh6_MN&typo=1> lan

Clendening (he/him/his)

> Senior Planner

> Planning Services

> City of Kingston

> Located at: 1211 John Counter Boulevard,

> 216 Ontario Street Kingston, ON K7L 2Z3

> 613-546-4291 extension 3126

> iclendening@cityofkingston.ca<<mailto:iclendening@cityofkingston.ca>>

[cid:image002.png@01DA196F.D68F49F0]<<https://www.facebook.com/TheCityOfKingston/>>

[cid:image003.png@01DA196F.D68F49F0]<<https://twitter.com/cityofkingston>>

[cid:image004.png@01DA196F.D68F49F0]<<https://www.youtube.com/user/TheCityofKingston>>

The City of Kingston acknowledges that we are on the traditional homeland

> of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks

> these

nations for their care and stewardship over this shared land.

Agarwal,Sukriti

From: Youko Leclerc-Desjardins [REDACTED]
Sent: December 7, 2023 11:59 AM
To: Agarwal,Sukriti
Cc: Chanti B
Subject: RE: City of Kingston - Proposed Updates to the Site Plan Control By-Law and Guidelines

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Sukriti,

I've reviewed the draft site plan control by-law and have the following preliminary comments:

- 1) O.Reg 254/23 describes areas where 10 or fewer units are not exempt from Site Plan control. This is directly referenced in the draft by-law, but it remains unclear. In the interest of transparency and clarity, can you please include a map showing these prescribed areas? It would also be extremely helpful to have a corresponding map layer added to K-Maps, please.
- 2) Clause 4.1(a)(i) indicates that where a property is not exempted due to being in a prescribed area identified in O.Reg 254/23, it will be up to the Director to determine if a property is subject to site plan control. I have two comments on this clause:
 - a. As I understand this draft of the by-law, since it does not carry forward the current exemption for fewer than 4 residential units, a 1-unit residential development in a prescribed area would require an exemption from the Director, otherwise it would be subject to site plan control. This would be onerous, both on owners in the prescribed areas and on the Director's time. Can you please continue to apply exemptions from the current site plan control by-law in these prescribed areas, to maintain continuity with current practices? That way, a residential development with fewer than 4 units would continue to be exempt from site plan control, for example, even though it's in a prescribed area. It may also be worth considering increasing that threshold to 5 units following the recent Council decision which supported up to 4 units per lot, as of right, to address CMHC comments and bolster Kingston's HAF application.
 - b. Where exemptions can be granted at the Director's discretion under 4.1(a)(i), can you please clarify what the parameters will be for receiving an exemption? At this time, the language is open-ended, making it impossible to know what factors will influence the Director's decision-making as it relates to determining when a project can be exempted. I appreciate that this is likely intentional to maximize flexibility, however it would mean having to review proposals with the Director (or with staff, for staff to then take to the Director for a decision). Given that the site plan control process adds months of time and easily tens of thousands of dollars in additional studies, clarity on when a proposal is or is not subject to site plan control is important very early in the process of planning for a development, especially for small-scale developments that are entirely zoning compliant.
- 3) Section 9.2 currently references 3 acceptable forms and notes that these must be in a form that is satisfactory to the City. My understanding is that staff are exploring alternative methods of receiving securities that are currently in use by other municipalities, but this is still in the exploratory stage. I would like to recommend restructuring the wording in this section as follows, which would hopefully

avoid the need to amend the by-law should additional forms of security become acceptable in the future:

*9.2 Any security must be provided to the **City** in the form of cash, certified cheque or an irrevocable letter of credit, ~~or in another form satisfactory to the **City**~~, in the amount as determined by the **City** ~~and in a form satisfactory to the **City**~~. Without limiting the generality of the foregoing, all letters of credit must be issued by a Schedule 1 Canadian Chartered Bank. Any security will be held and released by the **City** in accordance with the **site plan control agreement**, without interest.*

My review is ongoing and I may reach out with additional comments in the coming weeks.

Best,
Youko

Youko Leclerc-Desjardins, MCIP RPP

Associate


From: Agarwal,Sukriti <sagarwal@cityofkingston.ca>

Sent: Wednesday, December 6, 2023 4:18 PM

Cc: Birdi,Chanti <cbirdi@cityofkingston.ca>

Subject: City of Kingston - Proposed Updates to the Site Plan Control By-Law and Guidelines

CAUTION: This email is from an external sender. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

You are receiving this email as a member of the development community who may have an interest in the City's Site Plan Control By-Law and Site Plan Control Guidelines.

Given the recent legislative changes to Section 41 of the *Planning Act*, Planning Services is in the process of updating the By-Law as well as the Guidelines. An Information Report will be presented to the Planning Committee on Thursday, December 7th with a draft By-Law and Guidelines, which can be found on the City website at: [Report PC-24-004 Proposed New Site Plan By-Law and Guidelines](#).

You are invited to attend this meeting either virtually or in-person and share any initial feedback. The meeting details are available at: www.CityofKingston.ca/PlanningCommittee.

We will also be offering a separate session to members of the development community in the new year with additional opportunity to provide feedback. More details on this session will be provided in January.

If you have any questions or comments in the meantime, please contact me or Chanti Birdi, Intermediate Planner.

Thanks,

Sukriti



Sukriti Agarwal, MCIP, RPP, AICP (she/her/hers)

Manager, Policy Planning
Planning Services

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The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.