



**City of Kingston
Report to Planning Committee
Report Number PC-24-008**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: December 7, 2023
Subject: Recommendation Report
File Number: D14-004-2023
Address: 769 King Street West
District: District 5 - Portsmouth
Application Type: Zoning By-Law Amendment
Owner: Yuri Levin
Applicant: Fotenn Planning + Design

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Goal: 1.2 Promote increase in purpose-built rental housing.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by Fotenn Planning + Design on behalf of Yuri Levin, with respect to the subject site located at 769 King Street West.

The vacant site is located on the northeast corner of the intersection of King Street West and Cartwright Street. A single-detached dwelling and detached garage used to be on the subject lands but was demolished in 2022. The area is characterized by a variety of residential uses

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with commercial, institutional and open spaces nearby and is across the street from the Former Psychiatric Hospital Lands Heritage Character Area of the Rockwood Asylum. The buildings and landscape of the Rockwood Asylum property are designated under the *Ontario Heritage Act*.

The subject lands are designated Residential in the Official Plan and zoned Urban Residential Zone 10 (UR10) in the Kingston Zoning By-Law.

The purpose and effect of the proposed Zoning By-Law amendment is to rezone the property to an Urban Residential Zone 3 (UR3) and to establish an Exception Overlay for the parcel to permit the proposed townhouse use and amendments to the setbacks and deck provisions.

In addition to the zoning by-law amendment application, the property is also the subject of an application for consent under the *Planning Act* (File Number D10-019-2023), which is required for the severance of the property, and potentially to establish easements for access.

The recommended zoning by-law amendment would allow for the construction of three new townhouse units on separate lots, each with an additional dwelling unit, in a central location within the Urban Boundary. The proposal, as revised through technical review, is consistent with the Provincial Policy Statement, conforms to the Official plan, and represents good land use planning. The applications are recommended for approval.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-004-2023) submitted by Fotenn Planning + Design, on behalf of Yuri Levin, for the property municipally known as 769 King Street West, be approved ; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-008; 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 COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation, & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Background and Decision Date**

In accordance with By-Law Number 2007-43, this application was subject to a pre-application in the summer of 2022. Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of May 1, 2023. A Community Meeting was held at Planning Committee on July 13, 2023. A summary of the feedback received at the Community Meeting is provided in the Public Comments section of this Report.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 30, 2023, which is 90 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 Ontario Land Tribunal (OLT).

The applicant has been working with staff to address technical comments related to zoning by-law relief and tree preservation, taking the application beyond the 90 days after a complete application was received. Staff have reviewed the revised information and have no further technical concerns with preparing this report to advance a recommendation for consideration by the Planning Committee and Council.

Site Characteristics

The subject property is municipally addressed as 769 King Street West and is approximately 540 square metres in area with frontages on King Street West and Cartwright Street (Exhibit B – Key Map). The site is located in the Portsmouth neighbourhood, which is an area characterized by a variety of residential uses including single-detached houses, duplexes, and apartment buildings. Across the street to the south is the Former Psychiatric Hospital Lands Heritage Character Area of the Rockwood Asylum (Exhibit C - Neighbourhood Context (2022)). The buildings and landscape of the Rockwood Asylum property are designated under the *Ontario Heritage Act*.

The lands are currently vacant and formerly contained a two-storey single-detached dwelling and an accessory garage which was demolished in 2022 (Exhibit J – Site Photographs). There are two mature trees along the southwest street edge of the property and another four on or near the shared lot line to the north at the periphery of the site. In addition, there is a tree in the municipal right-of-way to the north of the property. Two trees on the property are proposed to be removed, with retention and tree protection installed for the trees in the municipal right-of-way and on the property boundary to the north.

The property is within walking distance of a number of major institutional uses found to the south and west of the site, including St. Lawrence College, Providence Care Hospital, and the provincial Beechgrove Complex including the former Rockwood Asylum and the Ministry of Community and Social Services. There are open space areas within walking distance including Lake Ontario Park located to the southwest, Garrigan Park located to the northeast, and

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Portsmouth Olympic Harbour is to the east. Commercial uses can be found within walking distance to the east of the property along King Street West and concentrated in the Portsmouth Village area.

The site is well served by Kingston Transit, as there are bus stops for numerous bus routes in the vicinity. Notably there are Express transit routes 501 and 502 and local routes 1, 2,3, and 18 with stops within walking distance at King Street West and Portsmouth Avenue.

Proposed Application and Submission

The applicant is proposing to develop three new three-storey townhomes, each with an additional residential unit, for a total of six homes, with severances to create three separately conveyable lots. Each of the townhomes is proposed to incorporate five bedrooms in the principal unit located on the second and third levels and three bedrooms in the additional unit located on the main floor and basement, for a total of eight bedrooms per property and 24 bedrooms overall. Two parking spaces are proposed per lot in a stacked format, with one space to be incorporated in a garage and one on the driveway leading to the garage. All parking is to be accessed via Cartwright Street. Pedestrian access for the northern and middle units will be provided via Cartwright Street, and the southern townhouse dwelling will have access both from Cartwright Street and King Street West. The applicant has proposed dedicated, weather-protected bike parking spaces in sheds in the rear yard, to be made available for residents of the three additional units, with easements for access to be provided through future consent applications.

Each townhouse will have a 45 square metre rear yard for exterior amenity space. Each unit is also proposed to have at least one balcony on the rear elevation, with the third storey fitted with French balconies on the Cartwright Street elevation (Exhibit H – Site Plan and Exhibit I – Floor Plans Elevations).

The application proposes to amend the Kingston Zoning By-Law to rezone the property to an Urban Residential Zone 3 (UR3) and to establish a new Exception Overlay for the entire parcel to include townhouses as a permitted use on the parcel and to establish the performance standards to enable the proposed severances and residential development. Relief is sought regarding the minimum front setback, minimum rear setback, minimum exterior setback of the main building, minimum front setback and exterior setback for decks and porches at various heights, and minimum interior lot line setbacks for accessory structures with long-term bicycle parking.

The proposed redevelopment of the subject property seeks to protect most of the existing mature trees adjacent to the development, including a City tree in the right of way on Cartwright Street and the boundary trees between the proposed dwellings and the neighbouring property to the north. A Tree Permit will be required at the building permit stage to ensure that proper protections are in place for the City-owned tree.

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The property is the subject of an application for consent under the *Planning Act* (File Number D10-019-2023), which is required for the severance of the property into the two proposed severed lots – the interior lots, and the retained lot located at the corner, as well as to establish easements for access. The retained lot is proposed to be 209 square metres in area with approximately 10.4 metres of frontage on Cartwright Street. The middle lot to be severed is proposed to be 152.8 square metres in area with approximately 7.6 metres of frontage on Cartwright Street. The lot to the north to be severed is proposed to be 178.9 square metres in area with approximately 8.9 metres of frontage on Cartwright Street. A conceptual site plan illustrating the proposed severances is provided as Exhibit I.

In support of the application, the applicant has submitted the following:

- Planning Justification Report prepared by Fotenn Planning + Design, dated April 28, 2023;
- Floorplans and Elevations, prepared by Lakeside Drafting and Design, dated April 25, 2023 and updated November 9, 2023;
- Stage 1 and 2 Archaeological Assessment, prepared by Matrix Heritage, dated April 13, 2023;
- Arborist Report and Tree Protection Plan, prepared by McLaren Tree Care, dated April 20, 2023;
- Tree Inventory, prepared by McLaren Tree Care, dated April 19, 2023;
- Plot Plan, prepared by Lakeside Drafting and Design, dated March 31, 2023;
- Stormwater Management Brief, prepared by Josselyn Engineering Incorporated, dated April 21, 2023 and updated November 9, 2023;
- Servicing Report, prepared by Josselyn Engineering Incorporated, dated April 21, 2023;
- Gas Load Summary;
- Sight Line Review, prepared by McIntosh Perry, dated April 24, 2023 and updated November 7, 2023;
- Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated April 12, 2023; and
- Tree Agreement Communication, dated September 19, 2023.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look Up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

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Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The application proposes residential development and additional lot creation on an existing residential lot within the Urban Boundary, which is identified as the designated growth area. The proposed development represents the infill of underutilized lands within the settlement area boundary, incorporating additional density into a site that was previously used for a single-detached dwelling. It will assist the City with reaching intensification targets, while taking the local conditions into consideration. It will not impact future expansion of the settlement area.

Infill of residential uses in the existing built-up area efficiently uses existing services and infrastructure and minimizes land consumption. The property is on fully serviced lands, and it will continue to be serviced by existing municipal infrastructure. This proposal is an efficient form of development as it optimizes the long-term use of land and adds to the mix of housing options available in this neighbourhood, adding new homes near a historic village centre and in proximity to major institutions.

The property is located on the edge of a built-up residential area and is within walking distance of major institutions, open space and commercial uses along King Street West, and is well serviced by transit. As a result, the proposed medium density development contributes to sustainable development objectives and is anticipated to support and encourage active transportation and transit use, reduce the need for personal vehicles and the potential for greenhouse gas emissions.

The proposal will also result in a negligible increase in stormwater flows and will improve the quality of runoff. A Servicing Brief confirms that the proposal can be adequately serviced by existing municipal water and sewer lines. The costs of upgrades to service connections will be assumed by the owner. A stormwater management report was completed by a qualified person in support of the application and provides confirmation that the proposal can adequately manage stormwater in accordance with City requirements. There are no environmental concerns related to residential development on this property, which has historically been used for residential purposes.

The proposal has been evaluated by Heritage Services as part of the technical review and it was determined that no Heritage Impact Statement was required and that it will not negatively impact the heritage attributes of the nearby listed property. The applicant has undertaken the required Stage 1 and 2 archaeological assessment of the property and the report has been submitted to the Province for inclusion into their Register of Archaeological Reports.

The application is consistent with the direction of the PPS. A detailed review of the applicable policies is attached in Exhibit D.

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Official Plan Considerations

The subject property is located within the Urban Boundary as illustrated on Schedule 2 of the Official Plan. According to the broad categories established as part of the City Structure illustrated on Schedule 2, the subject property is included in lands identified as Housing District and in proximity to an area identified as Major Institution. The property is designated Residential on Schedule 3 – Land Use, and the proposed housing conforms with the predominant use of land envisioned for this designation.

The subject property is designated Residential in the Official Plan according to Schedule 3 (Exhibit E – Official Plan, Land Use). Adjacent to and nearby are lands designated both Institutional and Main Street Commercial in the Official Plan, and Mixed Use, Heritage Landscape, Medium Density Residential in the Kingston Provincial Campus Secondary Plan area.

The proposed amendment would allow for the development of three townhouses and three additional dwelling units on an existing lot currently zoned for ground-oriented land uses in a location that is desirable for infill and intensification based on policy direction in the Official Plan. The property is located at an appropriate place for change - at the edge of an established, walkable neighbourhood. It is within walking distance of transit stops and a mix of land uses required for daily needs, including complementary commercial, institutional, and open space uses such as those provided at Portsmouth Village, St. Lawrence College, and Lake Ontario Park.

Formerly the site of a single-detached dwelling, the infill development will provide a total of six homes, a net increase of five homes, contributing to the percentage of new residential development to occur through intensification. The proposed intensification of the property is appropriate in relation to the adjacent stable residential area. With a density of 56 dwelling units per net hectare, the proposal represents an appropriate medium-density housing development in relation to its context. It increases the overall net residential density within the Urban Boundary, adds to the range and mix of dwelling unit types in the area, and introduces additional residential units into a low-vacancy market.

By locating new homes connected to active transportation infrastructure and in proximity to express and regular transit stops, as well as close to a range of commercial, employment, institutional and open space uses within walking distance, the proposal will promote a reduction of automobile trips and ultimately in greenhouse gas emissions. Homes in this location are within walking distance of a convenience grocery store and restaurants in Portsmouth Village, numerous commercial uses on the St. Lawrence College campus, as well as nearby at the Kingston Centre and in the downtown core.

No cultural heritage resources will be negatively affected by this proposal. A Stage 1 & 2 archaeological assessment was completed for the site, which concludes that there are no archaeological resources present on the subject property and no further study is required and

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recommends the site be cleared of archaeological potential. The assessment report has been submitted to the Provincial Public Register of Archaeological Assessment Reports.

There are no natural heritage features, such as significant woodland or wetland features, on or adjacent to the subject property, and the proposed residential use is not anticipated to result in environmental damage or degradation. Tree preservation for adjacent mature trees is planned, including a City tree in the right of way on Cartwright Street and the boundary trees between the proposed dwellings and the neighbouring property to the north. A tree permit application will be required for the protection of the municipally owned tree. Landscaped open space will be incorporated in the rear yard, with associated amenity and functionality for future occupants. Cash-in-lieu of parkland will be taken by the City at the consent application stage for the creation of each new lot.

The proposed housing is at a scale and density compatible with the surrounding residential land uses in terms of both form and function. The subject property can accommodate the townhouses and additional dwelling units; the redevelopment will occur largely within the envelope established in the zoning for single-detached dwellings, with a slight decrease in the minimum rear yard setback, in an area zoned for a range of dwelling types. The building design, with an orientation primarily to Cartwright Street and sized similar to other developments in the vicinity, will be architecturally compatible with the surrounding built form and will contribute to the overall streetscape.

There are no undue adverse impacts anticipated with respect to shadowing, as the proposed development will maintain a height consistent with maximum height permitted in the UR3 Zone and with other similar buildings in the area. New balconies and decks proposed as part of the redevelopment are required to maintain a minimum 1.2 metre setback from the interior side lot line. No relief is being sought regarding height for the proposed building. The scale of the proposed development is not expected to result in an increase in wind speed.

The proposed townhouses and accessory units are designed to minimize potential for overlook onto adjacent properties. The proposal is not expected to result in any reduction in the ability to enjoy a property, and no increased levels of light pollution, noise, odour, dust or vibration are anticipated in association with the continued residential use of the property. A Noise Impact Study was carried out as part of the technical review, and there are no concerns with the feasibility of required noise mitigation measures for the introduction of residential units, which will be undertaken as a condition of consent approval.

Pedestrian and vehicular access will be primarily from Cartwright Street, and the properties will have new civic addresses (3,5 and 7 Cartwright Street) to ensure clarity of access. No parking relief is required.

The proposed zoning by-law amendment as proposed conforms with the intent of the Official Plan. A detailed review of the applicable Official Plan policies is attached in Exhibit F.

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Zoning By-Law Considerations

The site is subject to the Kingston Zoning By-Law Number 2022-62 and is zoned Urban Residential Zone 10 (UR10). The UR10 zone permits a range of residential uses including single-detached houses, semi-detached houses, and duplexes, as well as a range of complementary community uses including community centre, elementary school, library, museum, place of worship, and secondary school. The proposed use of the site as townhouse units is not currently permitted.

The subject property previously contained a two-storey single-detached dwelling with an accessory garage. To permit the use of the property for townhouse units, as well as the proposed severances that would result in the residential intensification of the subject property, a zoning by-law amendment is required.

The applicant is proposing to rezone the property to an Urban Residential Zone 3 (UR3), which is the only Urban Residential zone that permits townhouses along with an Exception Overlay. The Exception Overlay will apply to modify requirements of the UR3 zone to permit the proposed townhouse units and their associated additional residential units, and to establish performance standards for the three lots to be created from the existing lot.

The following table provides a summary of the regulations proposed to be amended for both the retained and severed lots. The proposed zoning by-law amendment is included as Exhibit A.

Table 1 – Proposed Exception Overlay regulations

Provision	Requirement of the Kingston Zoning By-Law	Proposed Exception Overlay
Urban Residential Zone 3 (UR3)		
Minimum front setback	6 metres	3.3 metres
Minimum rear setback	6.75 metres	6 metres
Minimum exterior setback	6 metres	2.8 metres
4.20.4 Decks and Porches greater than 1.2 metres in height		
Minimum front setback	6 metres	3.3 metres – 1.2 metres = 2.1 metres
Minimum exterior setback	6 metres	3.4 metres
4.20.4 Decks and Porches between 0.6 metres and 1.2 metres in height		

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Minimum front setback	3.5 metres	1.3 metres
Minimum exterior setback	3.5 metres	Retained: 1.3 metres
4.1.2.4. Additional Accessory Provisions for Residential Uses and Buildings		
Minimum setback from all lot lines	1.2 metres	0 metres from the interior lot lines except adjacent to the property at 9 Cartwright Street.

Minimum Front and Exterior Setback

The proposed townhouses are to be located 3.3 metres from the property line along Cartwright Street and 2.8 metres from the exterior lot line along King Street West, creating a continuous streetwall that is in keeping with the adjacent properties. The existing sidewalks along both rights-of-way further separate the proposed building from the roads. This design replicates the corner of Portsmouth Avenue and King Street West, creating a harmonious neighbourhood design on corner lots along an arterial road.

The proposed building has been proposed at a height of three storeys, a complimentary height to the existing surrounding development. This provides an appropriate transition in building height and mitigate potential impacts of the reduced exterior side yard setback of the retained lot. The reduced setbacks are appropriate and consistent with the typical development patterns of surrounding properties, and no relief is being sought for building height or interior setbacks for the principal building.

Minimum Rear Setback

The rear setback is proposed to be reduced from the required 6.75 metres to 6 metres. While the lot line furthest from and parallel to King Street West is technically the rear lot line, in the context of the proposed townhouse orientation, the eastern lot line will function as a rear yard for the proposed development. The proposed reduction still provides 45 square metres of rear amenity space per townhouse and is not expected to result in adverse impacts on adjacent properties such as a loss of privacy or intrusive overlook.

Balcony and Deck Setbacks

Amenity area for the townhouse and additional dwelling units will be provided in part through balconies, with at least one balcony per unit proposed in this development. The balconies are located all floors of the townhouses, triggering varying height provisions of Section 4.20.4. Relief is requested to reduce the minimum front and exterior yard setbacks of balconies greater than 1.2 metres in height from 6 metres to 2.1 metres and 3.4 metres, respectively. Relief is

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additionally requested of balconies between 0.6 metres and 1.2 metres in height to reduce the minimum front and exterior setbacks from 3.5 metres to 1.3 metres each. The balconies will help maintain a pedestrian scale along both King Street West and Cartwright Street, thereby promoting a more pedestrian-oriented and friendly urban environment. The reduced setbacks will not result in any adverse impacts along the streetscape or to surrounding properties.

Minimum Setbacks for Accessory Structures

Relief is requested from the minimum accessory structure setbacks to permit the placement of the long-term bicycle parking along the interior line with a 0 metre setback. The placement of the sheds along the interior lot line will permit the backyard to maximize the continuous open space of the landscaped area for the enjoyment of residents. The low roof line of the sheds will create minimal shadowing on adjacent backyards and are not anticipated to diminish the ability to use or enjoy adjacent backyards. No reduction in the interior lot line is sought between the property and the neighbouring property to the north.

Other Applications

The development will be subject to future applications for the consent to create separate parcels for the three proposed townhouse units, as well as to establish easements for access to the rear yards and the long-term bicycle parking proposed therein.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

The following is a summary of the public input received to date, including a summary of the feedback received at the Community Meeting on July 13, 2023. All original written public comments are available in Exhibit K of this report.

- Comment: Concerned about the inclusion of a multi-unit building where there was previously a single-detached house.

Response: The subject property is an appropriate and desirable location for infill residential development and intensification, based on growth management and sustainable development policies in the City of Kingston's Official Plan. It is also notable that, due to recent changes to the *Planning Act* under Bill 23, three dwelling units are a permitted use, as of right on all urban, serviced lots.

- Comment: Concerned about the potential loss of existing trees in proximity to adjacent home (9 Cartwright).

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Response: It is the intention of the applicant to retain as many trees as possible in the development, including both City trees and boundary trees between the subject property and the adjacent neighbour to the north. A Tree Preservation Plan will be provided at the time of the building permit application.

- Comment: Concerned about potential overlook as well as loss of shading and light going into the neighbouring yard to the north.

Response: The proposed development meets almost all zoning requirements that would currently permit the construction of a single-detached dwelling. The applicant is requesting relief for a reduction in required rear yard by 0.75 metres, which would marginally reduce the amount of light available to the adjacent yards to the north at some times of day. The number of windows on the north side of the building has been minimized to reduce the potential for incidental overlook.

- Comment: Interested in how long the construction period will be.

Response: No schedule is available for how long the proposed structure will take to construct if approved; however, at the Public Meeting the agent commented that the owners are quick builders, so the period of construction is likely 4 to 6 months.

Effect of Public Input on Draft By-Law

The public input received expressed concerns with the intensification of the subject property in proximity to an existing dwelling and also expressed concern about the potential impact on mature trees along the property boundary to the north. The zoning has been structured to maintain the character of the area while allowing infill development on an underutilized site.

Conclusion

The recommended zoning by-law amendment will apply site-specific exceptions to permit a townhouse use on the property with limited relief for the building form. The subject site is located in the Urban Boundary, on full municipal services, on a property zoned for residential dwellings. The proposal will establish means of tree preservation at the site in an effort to retain the existing boundary trees. The site is conducive to active transportation with connections to sidewalks, transit, and public open space, and it is also within walking distance of numerous commercial, institutional, and employment uses. Long-term bicycle parking will be provided for residents of the proposed additional dwelling units.

Through the plans and submitted technical reports, the application has demonstrated that the proposed development will be compatible with surrounding land uses and will address functional needs of residents. The proposal is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

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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, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 50 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice was placed in The Kingston Whig-Standard on November 28, 2023.

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 writing of this report, no written public correspondence has been received and all planning related matters have been addressed within the body of this report. Any public 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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Chris Wicke, Senior Planner, 613-546-4291 extension 3242

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Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context (2022)
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use
- Exhibit F Conformity with the Official Plan
- Exhibit G Zoning By-Law Number 2022-62
- Exhibit H Proposed Site Plan
- Exhibit I Proposed Floor Plans and Elevations
- Exhibit J Site Photographs
- Exhibit K Public Notice Notification Map

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 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.

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

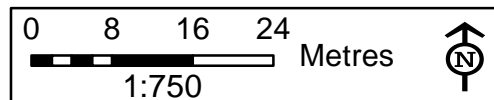
Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

 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.

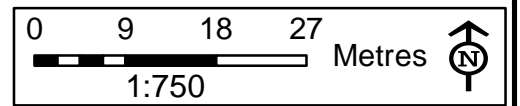
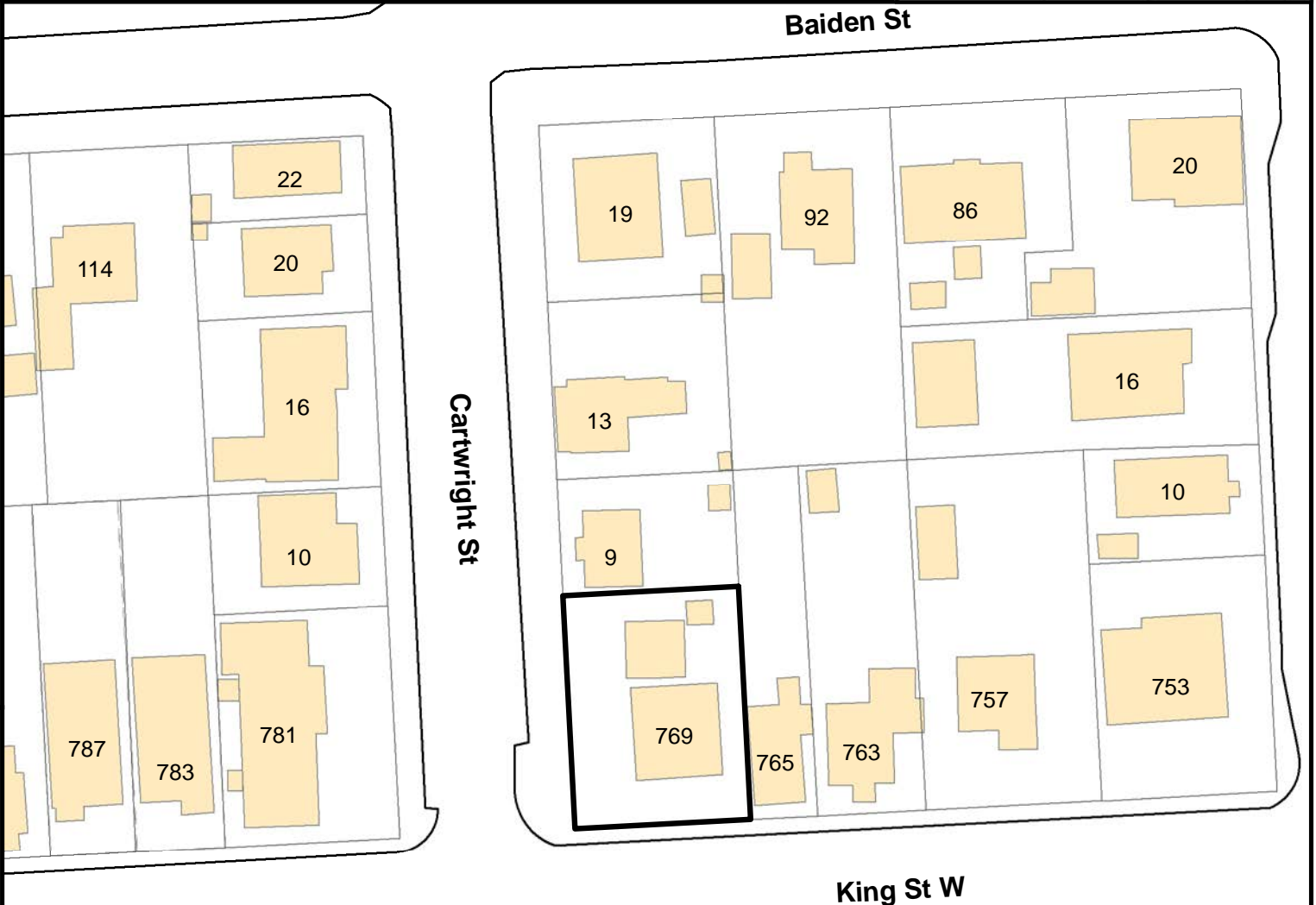
Mayor Clerk





Planning Committee
Key Map
Address: 769 King St West
File Number: D14-004-2023

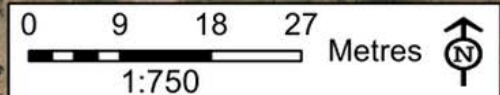
 Subject Lands





Planning Committee
Neighbourhood Context (2022)
Address: 769 King St West
File Number: D14-004-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



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Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting the integration of land use planning, growth management, transit- 	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The application proposes residential development and further lot creation on an existing lot within the Urban Boundary on fully serviced lands, which represents an efficient form of development.</p> <p>The proposal will accommodate three townhouses and three additional dwelling units on what will eventually be three lots. There are no environmental concerns related to residential development on this property, which has been historically been used for residential purposes.</p> <p>The subject property is located centrally within the City's Urban Boundary and will not impact future expansion of the settlement area.</p> <p>The proposed development represents the infill of underutilized lands within the settlement area. Infill of residential uses in the existing built-up area efficiently utilizes existing</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		<p>services and infrastructure and minimizes land consumption. The development will be subject to the Ontario Building Code (OBC), which ensures applicable accessibility requirements are satisfied. The proposal will not negatively affect the heritage attributes of the nearby heritage listed property. In terms of preparing for a changing climate, the proposed development is planned to retain as many mature trees in proximity as possible, thereby reducing the potential negative effects of urban summer heat. The proposal will also result in a negligible increase in stormwater flows and improve the quality of runoff.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Settlement Areas	The subject property is located on full municipal services within the City of Kingston's Urban Boundary, which is identified as the designated growth area.
1.1.3.2	Land use patterns within settlement areas shall be	Settlement Areas	The proposal will result in three new townhouses and three

Policy Number	Policy	Category	Consistency with the Policy
	<p>based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>		<p>additional residential dwellings (one per townhouse) which will increase the total number of units on site from 1 with the previous single detached dwelling to 6 units. This will make efficient use of the land as the subject property is within the Urban Boundary and located on full municipal services which can accommodate the proposed development. The property is within walking distance of major institutions, open space and commercial uses along King Street West. The property is a short walk from St. Lawrence College, and in close proximity to public open space at Lake Ontario Park. The site is also within walking distance of numerous bus routes including stops for Express transit routes 501 and 502. As a result, the proposed development is anticipated to support and encourage active transportation and transit use, reduce the need for personal vehicles and as a result, also reduce potential for</p>

Policy Number	Policy	Category	Consistency with the Policy
			greenhouse gas emissions.
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	Settlement Areas	The proposed development incorporates additional density into site within the settlement boundary that was previously used for a single detached dwelling. It will continue to be serviced by existing municipal infrastructure. Please refer to 1.1.1. and 1.1.3.2.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	Settlement Areas	Appropriate setbacks and development standards are incorporated into the proposed zoning by-law amendment to enable the integration of the townhouses and additional residential units on the property. The proposal enables a residential infill development on a property designated for residential land uses, adjacent to a residential neighbourhood, in proximity to complementary institutional,

Policy Number	Policy	Category	Consistency with the Policy
			commercial and open space uses.
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.	Settlement Areas	The proposed development within the settlement area boundary will assist the city with reaching the intensification targets, while taking the local conditions into consideration.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	Settlement Areas	The subject lands are located on the edge of a built-up residential area and in proximity to institutional, commercial and open space uses. The proposed residential lot and development can be serviced by existing infrastructure.
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness	Housing	The proposed development adds to the mix of housing options in the adjacent neighbourhood through the addition of townhouses with additional dwelling units on an existing residential lot. As indicated above in Section 1.1.1. and 1.1.3.1, the proposed development represents an efficient use of land within the urban boundary and

Policy Number	Policy	Category	Consistency with the Policy
	<p>plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p>		<p>will be serviced by existing municipal infrastructure that is able to meet the needs of the proposed development. The medium density proposal will be transit supportive and will make efficient use of underutilized land.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>		
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	Sewage, Water and Stormwater	<p>A Servicing Brief was prepared by a qualified person as part of the submission and confirms that the proposal can be adequately serviced by existing municipal water and sewer lines. The costs of upgrades to service connections will be assumed by the owner.</p>
1.6.6.7	<p>Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized,</p>	Sewage, Water and Stormwater	<p>A stormwater management report was completed by a qualified person in support of the application and provides confirmation</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>		<p>that the proposal can adequately manage stormwater in accordance with City requirements.</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	Transportation Systems	<p>The proposal represents appropriate intensification of a developed site within the settlement area. The proposal will result in medium density residential development connected to municipal sidewalks and is within walking distance of a number of bus transit stops, including express transit. The location of the property in proximity to a mix of</p>

Policy Number	Policy	Category	Consistency with the Policy
			land uses, including institutional, commercial, open space and community facilities supports the feasibility of active transportation to meet daily needs.
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <ul style="list-style-type: none"> b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets; e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; 	Long-Term Economic Prosperity	<p>The infill development proposal to intensify a residential property on full municipal services in the Urban Boundary optimizes the long-term use of land and adds to the mix of housing options available in the neighbourhood. Additional dwelling units near a historic centre of the city (Portsmouth Village) and in proximity to major institutions contributes to goals of enhancing the vitality and viability of downtowns and main streets. The conceptual designs submitted as part of the subject application are intended to contribute to the streetscape and reflect the character of surrounding properties. The proposal has been evaluated by Heritage Services and will not negatively impact the heritage attributes of the nearby cultural heritage property.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and g) maximize vegetation within settlement areas, where feasible. 	Energy Conservation, Air Quality and Climate Change	<p>The proposed infill development and residential intensification in a location well connected to transit infrastructure and within walking distance of many amenities contributes to goals of reduced greenhouse gas emissions and sustainable development objectives under policy 1.8.1.</p> <p>The proposal will retain adjacent trees and will incorporate landscaped open space in the rear yard of the development.</p>
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Cultural Heritage and Archaeology	The proposal was reviewed by Heritage Services as part of the technical review and it was determined that no Heritage Impact

Policy Number	Policy	Category	Consistency with the Policy
			Statement was required.
2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Cultural Heritage and Archaeology	The applicant has undertaken the required Stage 1 & 2 archaeological assessment of the property and the report has been submitted to the Province for inclusion into their Register of Archaeological Reports.
2.6.3	Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.	Cultural Heritage and Archaeology	Please see 2.6.1.



Planning Services

Planning Committee Official Plan, Existing Land Use

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

Legend

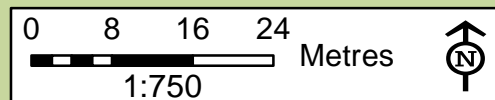
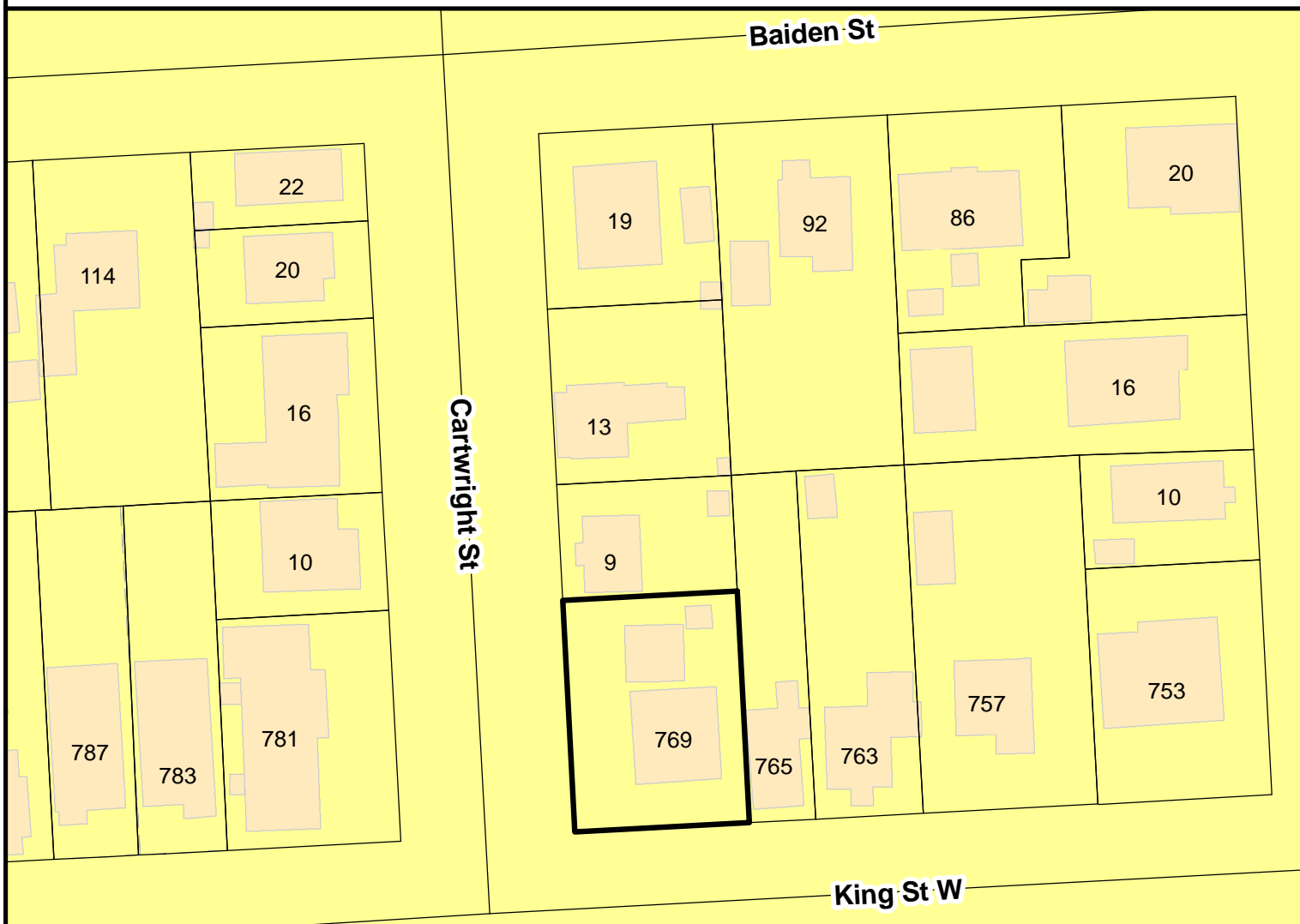
Subject Lands

Land Use Designation

RESIDENTIAL

SECONDARY PLAN AREA

HERITAGE LANDSCAPE



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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects; k. climate positive development; 	<p>Urban Areas – Focus of Growth</p>	<p>The incorporation of three proposed townhouses represents an appropriate medium density housing development in relation to its context and strategic policy direction in the Official Plan regarding growth management. See further discussion under Section 3.3.B.4. in this regard. The redevelopment of a lot that was formerly a single detached dwelling into a townhouse block of three units, with three additional residential units incorporated, represents an appropriate density in relation to its context. The townhouse units will fit into almost the same development envelope as a single detached dwelling. See further discussion under section 3.3.C.3. in this regard.</p> <p>The proposal is consistent with policy direction and it is a sustainable land use pattern that directs additional dwelling units within walking distance of transit stops and a range of commercial, employment, institutional and open space uses, that will foster active transportation and transit usage.</p> <p>The subject property is on full municipal services, and it is within walking distance of Portsmouth Village, St. Lawrence College, and numerous public amenities,</p>

Policy	Category	Conformity with the Policy
		<p>such as Lake Ontario Park and Portsmouth Olympic Harbour.</p> <p>The proposed redevelopment of the subject property seeks to protect most of the existing mature trees adjacent to the development, including a City tree in the right of way on Cartwright Street and the boundary trees between the proposed dwellings and the neighbouring property to the north.</p>
<p>2.1.4. In reviewing development applications, the City will promote sustainability through:</p> <p>a. encouragement of green building design to reduce greenhouse gases by adopting:</p> <ul style="list-style-type: none"> • energy efficient construction; • renewable sources of energy for lighting and heating; • natural lighting; • design that reduces water consumption; • design which minimizes discharge into the sanitary sewers; and • design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use. <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces</p>	<p>Development Review</p>	<p>a) Post-development flows of stormwater will have a negligible increase from pre-development flows, as detailed in the submitted Stormwater Design Brief. A portion of the roof flows will be directed to grassed areas which promote greater infiltration and therefore will negate the increase in post development release rates from pre-development release rates. In addition, the development will incorporate modern construction practices that include energy efficiency criteria.</p> <p>b. and c.) The proposal includes the retention of most of the existing trees in the vicinity of the development, and landscaped open space area will be provided as an amenity for future occupants in the rear yard.</p> <p>d and e) The proposed townhouse form is efficient in terms of the land area required</p>

Policy	Category	Conformity with the Policy
<p>the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p> <p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>g. the creation of a mix of uses that support increased access to healthy foods;</p> <p>h. the use of materials that have been extracted or recovered locally;</p> <p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>k. development that suits the demographic and/or socio-economic needs of the community.</p>		<p>for the units, as well as from an energy conservation perspective by limiting exposed surface area, thereby reducing heating and cooling demand.</p> <p>f) The proposal will promote a reduction of automobile trips and will support active transportation and transit through introducing additional dwelling units within walking distance of transit stops and a range of commercial, employment, institutional and open space uses.</p> <p>g. The additional dwelling units in this location will be within walking distance of a convenience grocery store and restaurants in Portsmouth Village, as well as numerous commercial uses on the St. Lawrence College campus, as well as nearby at the Kingston Centre and in the downtown core.</p> <p>i. the subject property is located in the Urban Boundary on full municipal services.</p> <p>k. The zoning by-law amendment allows for the development of three townhouse units and three additional residential units in a location that is desirable for infill and intensification based on policy direction in the Official Plan.</p>
<p>2.2.4. The Urban Boundary shown by the dashed line on Schedule 2 has been established to recognize the</p>	<p>Urban Boundary</p>	<p>The proposal is for three townhouses and three additional dwelling units on an existing lot and two proposed</p>

Policy	Category	Conformity with the Policy
<p>substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth.</p>		<p>lots, on a site zoned for ground-oriented land uses within the Urban Boundary and within walking distance of commercial, institutional, and parkland uses. The proposal conforms to strategic policy direction to focus growth and development in the City within the Urban Boundary.</p>
<p>2.2.5 Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor <i>development</i> (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.</p>	<p>Housing Districts</p>	<p>The subject property is in a Housing District component of the Urban Structure as per Schedule 2 of the Official Plan. As detailed under Section 2.2.1. of the Official Plan, the broad structural elements of the Urban Structure are not land use designations. The more detailed land use designations are shown on Schedule 3, which include associated policy detailing permitted uses and outline criteria for growth and change. Regardless, the proposed residential use is in keeping with the Housing District category.</p>
<p>2.3.1. The focus of the City's</p>	<p>Growth Focus</p>	<p>The subject property is located</p>

Policy	Category	Conformity with the Policy
<p>growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.</p>		<p>within the Urban Boundary. The proposed development will provide a total of six units, a net increase of five dwelling units on municipal water and sewer services. A Servicing Brief was submitted with the subject application which lists the previously abandoned services and details the new service connections required for the proposed lots, the cost of which will be borne by the applicant. Utilities Kingston is the supplier of water and sewer service in the area and has reviewed the application through the technical review process and has not identified any concerns with servicing capacity to accommodate the development.</p>
<p>2.3.2. In 2013, residential density within the City's Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.</p>	<p>Intensification</p>	<p>The proposed severance and proposed townhouse development on the existing and newly created lots will provide a residential density of 56 dwelling units per net hectare where there was previously one dwelling unit and a corresponding density of 18 units per hectare, thereby increasing the overall net residential density within the Urban Boundary.</p>
<p>2.3.8. Cultural heritage resources will continue to be valued and conserved as part of the City's defining</p>	<p>Cultural Heritage</p>	<p>The subject property is not designated under the <i>Ontario Heritage Act</i>. It is adjacent to Rockwood House and the</p>

Policy	Category	Conformity with the Policy
<p>character, quality of life, and as an economic resource that contributes to tourism in both the urban and rural portions of the City.</p>		<p>associated cultural heritage resources on the Kingston Psychiatric Hospital grounds. Given the separation between the properties, it was determined by Heritage Services that no Heritage Impact Study would be required.</p>
<p>2.3.11. In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.</p>	<p>Transportation</p>	<p>Additional dwelling units on the subject property will facilitate active transportation through proximity to transit stops, connections to municipal sidewalks and the site's location within walking distance to community facilities, public parks and commercial uses. Secured access to bicycle storage is proposed to be provided in accessory buildings in the rear yard.</p>
<p>2.3.17. The City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase affordable housing in the City, and for it to be located primarily within the Urban Boundary in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).</p>	<p>Principles of Growth – Affordable Housing</p>	<p>The application does not propose affordable units as defined by the Plan. The proposal introduces additional residential units into a low-vacancy market.</p>
<p>2.3.18. Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports</p>	<p>Accessibility</p>	<p>The proposed development will be required to incorporate any applicable accessibility requirements of the Ontario Building Code. Accessible parking requirements do not</p>

Policy	Category	Conformity with the Policy
<p>and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of private properties with public access to do the same.</p>		<p>apply to townhouses with parking spaces accessed directly by a driveway according to section 7.2.4 of the Kingston Zoning By-Law.</p>
<p>2.4.1. The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to:</p> <ul style="list-style-type: none"> a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit; d. conserve agriculture and natural resources within the City; and e. reduce reliance on private vehicles. 	<p>Phasing of Growth - Vision</p>	<p>The proposal optimizes the efficient use of land as an infill development in the Urban Boundary with three townhouses and three additional residential units on full municipal services. The proposal will support the use of active transportation and public transit, and it will ultimately reduce reliance on private vehicles and reduce greenhouse gas emissions. There are no natural heritage features, such as significant woodland or wetland features, on the subject property. Tree preservation for adjacent mature trees is planned.</p>
<p>2.4.3. It is the intent of this Plan to achieve an increase in the City's net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	<p>Residential Density</p>	<p>The proposed redevelopment of the site will require the severance of the property into three separate lots, an increase of two new lots within the Urban Boundary. Each lot will be developed with a townhome, and each townhome will be comprised of 2 units. This represents a medium density of 56 dwelling units per net hectare.</p>
<p>2.4.4. New residential development and new</p>	<p>Minimum Residential Density</p>	<p>The proposal meets minimum density targets and directives</p>

Policy	Category	Conformity with the Policy
<p>secondary plans are subject to the following policies and minimum densities:</p> <p>a. for the existing built-up residential areas, a net <i>urban residential density</i> of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below;</p> <p>d. a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.</p>		<p>in conformity with 2.4.4 by creating two additional lots to be developed at a medium residential density of up to 75 dwelling units per net hectare. The resulting density will be transit supportive and will exceed the minimum density established for existing built-up residential areas.</p> <p>The density of the lot, both as it currently exists and following the creation of two new lots, will increase relative to the existing lot. The proposal demonstrates conformity with policy Sections 2.6 and 2.7 as detailed further below.</p>
<p>2.4.5. The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>a. It is the intent of the City that 40 percent (%) of new residential development occur through intensification.</p>	<p>Intensification Targets</p>	<p>The proposed development contributes to the percentage of new residential development to occur through intensification.</p>
<p>2.4.6. Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:</p> <p>a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill</p>	<p>Order of Development – Urban Boundary</p>	<p>The proposed intensification on lands within the Urban boundary with servicing capacity is consistent with the first priority for development.</p>

Policy	Category	Conformity with the Policy
opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;		
2.5.8. Where intensification is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional development.	Servicing Capacity	Servicing capacity exists for the increased density proposed for the site, as detailed in the Servicing Brief submitted with the subject application, and as confirmed by Utilities Kingston through technical review.
2.5.10. In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity and improve environmental conditions.	Strategic Direction to Promote Active Transportation	The proposal does not require new road infrastructure and will foster the use of transit and active transportation through the subject property's location in relation to existing bus routes, and a highly walkable location in relation to nearby parks, commercial and institutional uses and community facilities.
2.5.11. The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within	Transit Priority	The proposal will support transit usage through appropriate development of an underutilized site in a compatible built form, in proximity to numerous bus transit stops on King Street West and Portsmouth Avenue, including Express bus stops.

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<p>newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.</p>		
<p>2.6.1. It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from incompatible development or types of development and rates of change that may be destabilizing.</p>	<p>Protecting Stable Areas – Stable Areas</p>	<p>The subject property within the urban boundary is a desirable place for change, as it is located at the interface between a residential neighbourhood to the north, east, and west and open space to the south, with institutional uses to west at St. Lawrence College, as well as amenities to the east in Portsmouth Village. The proposed development is compatible with the surrounding neighbourhood, as demonstrated in the review of Section 2.7.3.</p>
<p>2.6.2. Stable areas are those which are fulfilling their intended function and generally have the following neighbourhood characteristics:</p> <ul style="list-style-type: none"> a. a well-established land use pattern in terms of density, type of use(s) and activity level; b. a common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section; c. a stable pattern of land ownership or tenure; d. a consistent standard of property maintenance 	<p>Protecting Stable Areas – Stable Areas</p>	<p>The subject lands are located at the edge of a stable residential neighbourhood as described in Section 2.6.2. The proposed residential development of a lot fronting onto King Street West and Cartwright Street will ultimately improve the streetscape and enhance the character of the surrounding area.</p> <p>See Policy 2.6.3.</p>

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<p>with relatively little vacancy in land or building occupancy;</p> <p>e. a limited number of applications for development that would alter the established pattern of land assembly and built form; and,</p> <p>a sufficient base of social and physical infrastructure to support existing and planned development.</p>		
<p>2.6.3. Stable areas will be protected from development that is not intended by this Plan and is not compatible with built heritage resources or with the prevailing pattern of development in terms of density, activity level, built form or type of use. The following types of intensification are generally considered appropriate within stable areas:</p> <p>a. infill development that is limited and designed to complement the area's existing built form, architectural and streetscape character, and level of activity;</p> <p>d. intensification that requires a zoning by-law amendment or minor variance in support of factors that may affect the intensity of use (e.g., density, building height, reduction in parking and/or amenity areas, etc.) provided it can be demonstrated that the proposal will:</p> <ul style="list-style-type: none"> • complement existing uses in the area; 	<p>Stable Areas</p>	<p>The proposed intensification of the property is appropriate in relation to the adjacent, stable residential area. There are similar medium-density residential developments in the vicinity, and the proposed townhouse form fits in almost all regards with the development envelope defined in the zoning, which would be the same extents as if a single detached structure were proposed on the same lot.</p>

Policy	Category	Conformity with the Policy
<ul style="list-style-type: none"> • support a transition in density and built form; • support active transportation and public transit; and • be compatible with existing development taking into account the policies of Section 2.7 of this Plan. 		
<p>2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	Compatible Development and Land Use Change	The application demonstrates that the proposed development will be compatible with surrounding residential land uses, in terms of form and function. The built form is compatible with surrounding properties as detailed in this Exhibit, and the subject property can accommodate the townhouses and additional units as detailed below under section 2.7.6.
<p>2.7.2. The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	Compatible Development and Land Use Change	The proposed development will be compatible with surrounding land uses as detailed under Section 2.7.3. A Planning Justification Report was submitted with the application, which speaks to land use compatibility and the potential for adverse effects in conformity with section 2.7.2.
<p>2.7.3. The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>a. shadowing;</p>	Land Use Compatibility Matters	a. There are no undue adverse impacts anticipated with respect to shadowing, as the proposed redevelopment will maintain a height

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<p>b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; or l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>		<p>consistent with the permitted zoning. No relief is being sought for the proposed building, and the height is in keeping with the similar built form in the vicinity.</p> <p>b. The proposed townhouses and accessory units are designed and oriented such that there are few windows on the north side of the structure, and they are smaller and do not provide an angle of overlook for the adjacent rear yard. The proposed balconies on the eastern face of the building are oriented to the rear yard as well.</p> <p>c. No increased levels of light pollution, noise, odour, dust or vibration are anticipated in association with the continued residential use of the property.</p> <p>d. The scale of the proposed development is not expected to result in an increase in wind speed.</p> <p>e. Adverse effects of increased traffic is not anticipated due to the moderate scale of the proposal at the edge of an existing residential neighbourhood and the location in proximity to a Collector Road (Portsmouth Avenue) and an Arterial Road (King Street West). The site is well located in relation to existing transit routes and active transportation</p>

Policy	Category	Conformity with the Policy
		<p>connections, and the proposal is expected to foster these forms of transportation.</p> <p>f. There are no natural heritage features on or adjacent to the subject property, and the proposed residential use is not anticipated to result in environmental damage or degradation.</p> <p>g. The applicant has demonstrated through the submission of a Servicing Brief that there is available physical servicing capacity within the municipal system to accommodate the development, and Utilities Kingston has not identified any capacity constraints in this location. The increase to a total of six dwelling units at this location is not expected to overburden existing social services intended to serve the area.</p> <p>h. The proposal is not expected to result in any reduction in the ability to enjoy a property or the value of the heritage setting adjacent to the grounds of the former Kingston Psychiatric Hospital. Landscaped open space will be incorporated in the rear yard, with associated amenity and functionality for future occupants.</p> <p>i. The proposal reintroduces a building of compatible form which fronts onto King Street West and conforms</p>

Policy	Category	Conformity with the Policy
		<p>to Official Plan Urban Design policy detailed further below under Section 8.</p> <ul style="list-style-type: none"> j. No cultural heritage resources will be negatively affected by this proposal. k. The proposed development will be architecturally compatible with the surrounding built form as detailed under the review of Section 8 below. l. There are no significant views of built heritage resources or natural heritage features on the property or in proximity, which will be affected by the proposal.
<p>2.7.4. Mitigation measures may be used to achieve development and land use <i>compatibility</i>. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; c. requiring fencing, walls, or berming to create a visual screen; d. designing the building in a way that minimizes <i>adverse effects</i>; e. maintaining mature vegetation and/or additional new landscaping requirements; f. controlling access locations, driveways, service areas and 	<p>Mitigation Measures</p>	<p>The recommended Zoning By-Law amendment is intended to recognize existing conditions on and adjacent to the subject property while ensuring that new development meets standards of the Kingston Zoning By-Law. The proposed building height will be required to adhere to the maximum height permitted in the UR3 Zone. New balconies and decks proposed as part of the redevelopment are required to maintain a minimum 1.2 metre setback from the interior side lot line.</p> <p>The proposal is intended to maintain mature vegetation and implement landscaped open spaces on site. Pedestrian and vehicular access will be primarily from Cartwright Street, and the</p>

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<p>activity areas; and, g. regulating location, treatment and size of <i>accessory uses</i> and structures, lighting, parking areas, garbage storage facilities and signage.</p> <p>Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>		<p>properties will have new civic addresses (3,5 and 7 Cartwright Street) to ensure clarity of access. As a condition of the required consent application for the severance and easement, a tree permit will be required for the preservation of a City owned tree which is in proximity of the site in the right of way.</p>
<p>2.7.6. Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> a. suitable scale, massing and density in relation to existing built fabric; b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program; c. adequate land area and appropriate site configuration or provision for land 	<p>Functional Needs</p>	<p>The functional needs of the occupants or users of the building will be met as follows:</p> <ul style="list-style-type: none"> a. The recommended zoning by-law amendment enables a ground-oriented, medium residential density residential redevelopment of three townhomes and three additional residential units at the edge of a residential neighbourhood. The density and scale of the redevelopment is suitable as it is intended to occur largely within the envelope established in the zoning for single detached dwellings, with a slight decrease in rear yard setback, in an area zoned for a range of dwelling types. b. The proposal will incorporate landscaped open space on the lot and will maintain most of the

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<p>assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and parking and secure and appropriate bicycle facilities.</p>		<p>existing, mature trees adjacent to the proposed structure.</p> <p>c. The property size of the parcels to be severed are adequate for the proposed use and density; it satisfies the medium-density locational requirements detailed under section 3.3.B below.</p> <p>d. The proposal will facilitate efficient use of existing transit service, as new dwelling units will be within walking distance of numerous transit routes, including transit stops on King Street West (i.e. Express routes 501 and 502) and routes on Portsmouth Avenue (i.e. 1, 2,3,6 and 18).</p> <p>e. The infill development enabled by the recommended zoning amendment will make use of a vacant property that was previously occupied by a single detached dwelling which is centrally located in the City’s Urban Boundary, within walking distance of a mix of land uses required for daily needs, including complementary commercial, open space and institutional uses.</p> <p>f. The proposed structure will front onto Cartwright Street, with entrance locations that would be in close proximity to the sidewalk and public realm. Future</p>

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		<p>redevelopment will be required to comply with requirements for a 1.2 metre walkway to the streetline. Clearly defined outdoor amenity areas are proposed for new dwelling units through balconies and landscaped open space in the rear yard. Vehicular parking spaces are proposed to be located in garages internal to the building, and in the driveways leading to the garages. Bicycle parking is proposed in sheds to be located in the rear yards, to be access via easement to be established through the consent process.</p>
<p>2.8.5. Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.</p>	<p>Protection of Resources - Stormwater Management</p>	<p>A Stormwater Design Brief prepared by Josselyn Engineering Inc. was submitted in support of the proposed development.</p> <p>As per the report, development of the site presents no adverse effects to adjacent properties or municipal storm sewers, and the site is generally in accordance with the City of Kingston requirements. The post- development release rates represent a negligible increase from the pre- development release rates. The site grading will be designed to maintain similar drainage patterns to pre- development conditions. Additionally, the site development represents an increase in the quality of the</p>

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		runoff from the site.
<p>2.10.1. In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to:</p> <p>b. consider the potential impacts of climate change and extreme weather events when planning for infrastructure, including green infrastructure, and assessing new development;</p> <p>d. explore opportunities to achieve climate positive development.</p>	Resiliency	<p>The proposal will promote a reduction of automobile trips and ultimately greenhouse gas emissions through locating new homes in proximity to transit stops, as well as a range of commercial, employment, institutional and open space uses within walking distance.</p> <p>The lot is currently vacant. Following development, the greenspace amenity of the site will be reinstated and mature trees will be preserved.</p>
<p>3.3.1. The predominant use of land in a Residential designation will be for various forms of housing. Community facilities are permitted in accordance with Section 3.2.</p>	Land Use Designation and Policy – Permitted Uses	<p>The property is designated Residential on Schedule 3 – Land Use. The proposed housing conforms with the predominant use of land envisioned for the Residential designation.</p>
<p>3.3.4. New development is encouraged and expected to incorporate “green building features” as recommended in Section 2.1.4 of this Plan, and must comply with the policies of all other sections of this Plan.</p>	Residential Uses – Green Building Design Features	<p>The proposal enables a development that incorporates sustainability considerations recommended in Section 2.1.4 (see above).</p>
<p>3.3.6. Existing Housing Districts as shown on Schedule 2 are considered stable, unless otherwise identified by this Plan. Only minor changes in the predominant pattern of housing type, height or density, are permitted in accordance with Section 2.6.</p>	Land Use Designation and Policy – Existing Residential Areas Stable	<p>The recommended zoning amendment provides for new housing at a scale and density compatible with the surrounding area. See Section 2.6. for details.</p>

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<p>3.3.7. Within existing stable residential areas, applications for infill must be located and organized to fit with neighbouring properties, including cultural heritage resources, and must satisfactorily address the following criteria:</p> <ul style="list-style-type: none"> a. confirmation that adequate municipal services can be provided; b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and c. demonstrated ability to achieve compatible use and development of the property taking into account the policies of Section 2.7. 	<p>Infill</p>	<p>See Section 2.7.6. for details.</p>
<p>3.3.8. Within the Urban Boundary, intensification through moderate increases in building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.</p>	<p>Intensification</p>	<p>The proposed moderate increase in density on the lot conforms with this policy. The subject property is located at the edge of the adjacent residential neighbourhood in proximity to Portsmouth Village and is located within walking distance of numerous transit routes, community facilities and open space, as well as commercial and employment uses.</p>
<p>3.3.16. Some forms of residential <i>development</i> will be subject to the site plan control policies of Section 9.5 of this Plan.</p>	<p>Site Plan Control</p>	<p>As a result of recent changes to the <i>Planning Act</i> under Bill 23, the proposal does not require site plan control approval.</p>
<p>3.3.10. The City's affordable housing initiatives are designed to support</p>	<p>Residential Uses – Affordable Housing</p>	<p>The proposal contributes to housing affordability initiatives through the intensification of</p>

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<p>development of housing that is affordable for low and moderate income households and to help households transition out of core housing need. Affordable initiatives are designed to provide a full range of housing in terms of tenure, affordability, accessibility, and locations in different urban residential neighbourhoods, to increase choice for low and moderate income households. Such initiatives include:</p> <p>a. a minimum target that 25 percent of all new housing in the City be affordable to low and moderate income households.</p> <p>j. encouraging intensification and a mix of densities in new communities as a way to promote affordability; and,</p> <p>k. promoting the use of second residential units as affordable housing.</p>		<p>the subject property and by adding to the mix of housing options available in the neighbourhood.</p>
<p>3.3.B.1. Medium density residential land uses include such building types as townhouses, additional residential units, maisonettes, multiple dwelling conversions, walk-up or small-scale apartments, and mixed use buildings with commercial on the ground floor. The density range for medium density extends from 37.5 up to 75 units per net hectare, unless an approved secondary plan establishes alternative provisions.</p>	<p>Medium Density Residential Policies</p>	<p>The proposed redevelopment of the lot has a density of 56 dwelling units per net hectare (counting only the townhouse units as additional residential units are not considered), which is considered medium density according to section 3.3.B.1.</p>
<p>3.3.B.2. New medium density</p>	<p>Medium Density</p>	<p>The subject zoning by-law</p>

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<p>residential land uses may be approved through rezoning without amendment to this Plan, subject to the following:</p> <ul style="list-style-type: none"> a. site plan control review; b. availability of adequate municipal services; c. provision of amenity areas, which are functional and provide recreational opportunities to the satisfaction of the City. Functional amenity areas are designed to be programmed, versatile, and well integrated; d. adequate on-site parking for vehicles and bicycles for each residential unit and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the City deems appropriate; and, e. protection of adjacent low density residential areas from adverse effects such as overshadowing and excessive traffic. 	<p>Rezoning Requirements</p>	<p>amendment application has been submitted in accordance with this policy, and in addition:</p> <ul style="list-style-type: none"> a. site plan control review will not be required due to recent Provincial changes to the <i>Planning Act</i> under Bill 23; b. adequate municipal services are available; c. functional amenity areas will be provided in the rear yards. The severed lots will include outdoor amenity areas such as balconies and landscaped open space; d. the on-site parking spaces are proposed both within the townhouse garages and on the driveway in the front yard. The proposal includes bicycle parking provided in sheds proposed in the rear yard. e. no adverse effects are anticipated as a result of the proposed development as detailed under section 2.7.3.
<p>3.3.B.3. New medium density residential developments must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this Plan.</p>	<p>Medium Density Locational Criteria</p>	<p>See Section 2.7 and Section 8.</p>
<p>3.3.B.4. In order to assess new medium density residential projects, the applicant must provide an analysis through a planning justification report. The analysis must address the</p>	<p>Medium Density Locational Criteria</p>	<p>A Planning Justification report was submitted with the subject application, prepared by a Professional Planner, which addressed the location of the project. The subject property meets the locational criteria for</p>

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<p>location of the project. Generally, medium density residential projects will be located:</p> <ul style="list-style-type: none"> a. on a site that is appropriate given the context of surrounding land uses; b. adjacent to, or within walking distance of, commercial areas; c. in an area that has access to public transit; and, d. within walking distance of parkland, open space or community facilities. 		<p>a medium density residential land use, as it is located:</p> <ul style="list-style-type: none"> a. on the edge of a residential neighbourhood adjacent to open space and in proximity to institutional and commercial uses, at a density corresponding with residential development in the vicinity; b. within walking distance of commercial uses in Portsmouth Village and at the St. Lawrence College campus; c. within walking distance of numerous transit stops along King Street West and Portsmouth Avenue; and, d. within walking distance of numerous parks and community facilities such as Lake Ontario Park, Garrigan Park, Aberdeen Park, and Portsmouth Olympic Harbour.
<p>3.8.13. In accordance with the Planning Act and the policies of this Plan, the City requires as a condition of development, a land dedication to be conveyed to the municipality for park or other public recreational purposes. This can amount to up to 2 percent of the total land area in the case of land proposed for industrial or commercial development, and an amount of up to 5 percent in the case of land proposed for residential development. These provisions apply unless an alternative cash-in-lieu</p>	<p>Parkland Dedication</p>	<p>Cash-in-lieu of parkland will be taken by the City at the consent application stage or for the five additional residences at the building permit stage.</p>

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<p>contribution is approved by the City, or a higher dedication is required for more intensive residential development, as required under Section 3.8.15.</p>		
<p>3.8.16. The City may request cash-in-lieu for all or part of any required land dedication under the Planning Act under the following circumstances:</p> <ul style="list-style-type: none"> a. where the parcel of land is either too small or poorly located to meet parkland needs; b. in an area that has excess parklands; c. where the condition of the land is unsuitable for park purposes; d. where no opportunity exists to enlarge existing neighbourhood parks; e. where there is no opportunity to obtain useful waterfront land; f. where a large development project is within reasonable walking distance to an existing park, provided that the trip does not involve crossing an arterial road; and, g. where the provision of cash-in-lieu from a large project would not result in an overload to the existing park(s) 	<p>Cash-in-lieu</p>	<p>Cash-in-lieu of parkland will be taken by the City at the consent application stage for the creation of each new lot. The subject property is too small to meet public parkland dedication needs.</p>
<p>4.1.1. New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In</p>	<p>Infrastructure & Transportation – New Development</p>	<p>A Servicing Brief was submitted with the subject application which identifies the need for upgrades to service connections, the cost of which will be borne by the applicant. Utilities Kingston is the</p>

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<p>determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>		<p>provider of water and sewer service in the area and has reviewed the application through the technical review process and have not identified any concerns with servicing capacity to accommodate the development.</p>
<p>4.3.1. Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.</p>	<p>Stormwater Management - Purpose</p>	<p>The applicant has submitted a Stormwater Management Brief, reviewed to the satisfaction of City Engineering services with respect to stormwater quality and quantity.</p>
<p>4.3.4. For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the management of stormwater from the existing development areas.</p>	<p>Stormwater Management – Quality and Quantity of Water</p>	<p>The Stormwater Management Brief submitted in support of the proposed infill development addresses the quality and quantity of stormwater for the proposed redevelopment. The proposal will result in a negligible increase in flows relative to pre-development flows as detailed in the report.</p>
<p>4.6.1. As described in Section 2.5.11 of this Plan, the City intends to foster sustainability within the community and to reduce reliance on the automobile by satisfying travel demand through the efficient use of the existing</p>	<p>Transportation – Strategic Direction</p>	<p>See Section 2.5.11 The subject property is in a highly walkable location with sidewalk connections to numerous commercial, institutional, employment and open space uses.</p>

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<p>infrastructure, and by providing the facilities and services to encourage walking, cycling and transit as priority universally accessed modes of travel, before expanding the City's road infrastructure.</p>		
<p>4.6.28. The City will augment its program of landscaping and street tree planting and replacement in many parts of the City to enhance the streetscape, particularly within the Urban Boundary.</p>	Street Landscaping	<p>As part of the technical review of the application, the need for a tree permit application was identified to ensure the preservation of a mature, city-owned tree along the Cartwright Street frontage.</p>
<p>4.6.38. Specific means of encouraging transit use include, but are not limited to: a. the careful location, design and site planning of high intensity uses;</p>	Transit Service	See Section 2.5.11
<p>4.6.47. It is the intention of this Plan to encourage a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation.</p>	Parking	<p>Vehicular parking spaces are proposed to be located in garages internal to the townhouses and in the driveway with access to Cartwright Street.</p>
<p>4.6.48. Parking areas will be provided for any land use in the City as specified by the zoning by-law. Special provisions to accommodate those with disabilities will be provided in all zones.</p>	Parking	<p>No amendments are required to the requirements for Parking Area 3, which applies to the subject property according to the Zoning By-Law. Accessible parking requirements do not apply to freehold townhouses with parking spaces accessed directly by a driveway according to Section 7.2.4 of the Kingston Zoning By-Law.</p>
<p>4.6.61. The zoning by-law will be used to regulate the supply</p>	Accessible Parking	See Section 4.6.48. above.

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<p>of accessible parking as required by provincial legislation. The location of accessible parking spaces shall provide enhanced accessibility through a consideration of factors including, but not limited to, the distance between parking spaces and accessible building entrances, security of the parking area, lighting of the area, protection from the weather, and ease of maintenance.</p>		
<p>5.21. The City of Kingston recognizes the importance of noise management. Any proposed development that has a sensitive use within the potential influence area as described in the Province’s D-6 Guideline or between the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.</p>	<p>Noise Study</p>	<p>The application includes a Noise Impact Study prepared by J.E.Coulter Associates Limited. Staff in Engineering reviewed the Noise Impact Study as part of the technical review of this application and had no concerns with the feasibility of required noise mitigation measures for the introduction of residential units. The Noise Impact Study will also be required as a condition of consent approval, and the recommendations and warning clauses will be incorporated into an associated development agreement.</p>
<p>5.26. Any use, including industrial, commercial, institutional or high density residential, proposed to generate a stationary source</p>	<p>Noise from Stationary Sources</p>	<p>See Section 5.21. The Noise Impact Study prepared in support of the subject application was prepared by a qualified person.</p>

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<p>of noise or vibration may be required to undertake a detailed noise and/or vibration study, to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise and vibration, include recommendations for mitigation to meet the applicable criteria, and ensure that there is no adverse effect on an existing or planned sensitive use.</p>		
<p>5.27. Where a sensitive use is proposed within 300 metres of a stationary source of noise, the City requires that a noise study be prepared to address the Ministry of the Environment and Climate Change noise guidelines. All related means of mitigation are required to be secured prior to approval of development.</p>	<p>Noise from Stationary Sources</p>	<p>See Section 5.21 for details. A series of recommendations are proposed to meet the current noise guidelines of MECP, to be implemented through the consent process.</p>
<p>6.2.1. The City promotes the design and orientation of development that: f. enhances the feasibility of non-automotive transportation including active transportation.</p>	<p>Energy Conservation and Production - General</p>	<p>See Section 2.5.11 and 4.6.1.</p>
<p>6.2.2. The City promotes landscaping and tree planting programs that help to moderate summer and winter micro-climatic conditions.</p>	<p>Energy Conservation and Production - General</p>	<p>The proposal includes the development of a residential building, with landscaped areas to be located in the rear yard. Trees adjacent to the lot – both boundary trees to the north and City trees in the</p>

Policy	Category	Conformity with the Policy
		<p>right-of-way – are to be retained.</p> <p>As part of the technical review of the application, the need for a tree permit application was identified to ensure the preservation of a mature, city-owned tree in proximity to the Cartwright Street frontage.</p>
<p>6.2.13. The City promotes intensification based on principles of minimizing energy consumption through attention to building design and the design and installation of infrastructure, and densities that support active transportation and transit.</p>	<p>Energy Conservation and Production - General</p>	<p>The building will be designed and constructed to meet modern Ontario Building Code requirements for energy efficiency.</p> <p>The additional density proposed on the subject property, connected to active transportation infrastructure and in proximity to transit routes on King Street West and Portsmouth Avenue, is expected to support active transportation and transit.</p>
<p>7.1.2. The City will recognize and conserve its built heritage resources and will promote the maintenance and development of an appropriate setting within and around all such sites.</p>	<p>Built Heritage Resources – General Policies</p>	<p>The subject property is adjacent to a heritage designated property. The proposed development is not expected to have any negative impacts on the cultural heritage resources adjacent to the subject property.</p>
<p>7.1.7. The City may require that a heritage impact statement be prepared by a qualified person to the satisfaction of the City for any development proposal, including a secondary plan, which has the potential to impact a built heritage resource. The scope of the heritage impact statement is</p>	<p>Built Heritage Resources – Heritage Impact Statement</p>	<p>Following a review by Heritage Services, a Heritage Impact Statement was not required for the proposed development.</p>

Policy	Category	Conformity with the Policy
<p>determined in consultation with the City and must include information and assessment relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the built heritage resource and its heritage attributes. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a protected heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>		
<p>7.1.10. Conserving built heritage resources forms an integral part of the City’s planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this Section. This may include the following a. designating real property</p>	<p>Conservation of Built Heritage Resources</p>	<p>The subject property is not designated under the <i>Ontario Heritage Act</i>. It is adjacent to Rockwood House and the associated cultural heritage resources on the Kingston Psychiatric Hospital grounds. Given the separation between the properties, it was determined by Heritage Services that no Heritage Impact Study would be required.</p> <p>A Stage 1 & 2 archaeological assessment was completed for the site, which recommends</p>

Policy	Category	Conformity with the Policy
<p>under Part IV, or V of the Ontario Heritage Act, or encouraging the Province to designate real property under Part VI of the Ontario Heritage Act;</p> <p>b. requiring, as a condition of any approval, the retention of any built heritage resources found within a plan of subdivision, a plan of condominium, or on any parcel created by consent, or other land division approval;</p> <p>c. using zoning by-law provisions as appropriate, to conserve identified built heritage resources;</p> <p>d. using the provisions of Section 37 of the Planning Act in order to maintain the integrity of identified built heritage resources;</p> <p>e. using site plan control provisions of Section 41 of the Planning Act to ensure that new development on adjacent properties is compatible with the adjacent identified built heritage resources;</p> <p>f. using design guidelines to provide for sympathetic development of adjacent lands that are not designated, but which could impact the site of the built heritage resource;</p> <p>g. ensuring that archaeological resources are evaluated and conserved prior to any ground disturbance, in accordance with the City's Archaeological Master Plan and provincial regulations;</p> <p>h. in partnership with</p>		<p>the site be cleared of archaeological potential. The assessment report has been submitted to the Provincial Public Register of Archaeological Assessment Reports.</p>

Policy	Category	Conformity with the Policy
<p>Kingston's Indigenous Peoples of Canada community, a Protocol outlining the working relationship with them and the City will be designed, approved and implemented; and</p> <p>i. using heritage easements as a means to protect significant built heritage resources, where appropriate.</p>		
<p>7.4.2. The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved. In general, preservation of the resources "in situ" is the preferred method, but in some cases the conservation can occur by removal and documentation. Where significant archaeological resources are preserved "in situ", only development and site alteration that maintains the heritage integrity of the site is permitted.</p> <p>The investigation and conservation of archaeological resources shall be completed in consultation with all appropriate First Nations, Métis and Inuit communities.</p>	<p>Conservation of Archaeological Resources</p>	<p>A Stage 1 & 2 archaeological assessment report was submitted with the application which concludes that there are no archaeological resources present on the subject property and no further study is required. The assessment report has been submitted into the Provincial Public Register of Archaeological Assessment Reports.</p>
<p>8.3. The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential</p>	<p>Urban Design – Guiding Principles for Development of Residential Lots</p>	<p>The proposed introduction of three townhouses with additional residential units, within walking distance of a mix of land uses required to</p>

Policy	Category	Conformity with the Policy
<p>development is integrated into the existing built fabric, and is conducive to active transportation:</p> <ul style="list-style-type: none"> a. protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan); b. foster developments that are context appropriate; c. foster attractive developments which add to the existing sense of place; d. provide a variety of housing types; 		<p>meet daily needs, will be integrated into the existing built fabric and be conducive to active transportation.</p> <p>The medium-density residential development at the edge of a stable residential neighbourhood will not result in adverse effects and will protect and preserve the adjacent residential neighbourhood (see Section 2.6).</p> <p>The conceptual designs, with a building oriented to Cartwright Street and sized similar to other developments in the vicinity, will contribute to the overall streetscape.</p> <p>The additional dwelling units enabled by the recommended Zoning By-Law amendment will add to the range and mix of dwelling unit types in the area, and ultimately provide a variety of housing types.</p>
<p>8.4. Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <ul style="list-style-type: none"> c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity; f. promoting safe environments by applying Crime Prevention Through 	<p>Accessibility and Safety</p>	<p>Construction will be in accordance with the Ontario Building Code, including any applicable accessibility requirements.</p> <p>The development proposal will orient the townhouses and the additional residential units towards Cartwright Street, with clear sight lines from the public road allowance to proposed entrance locations. No areas are being proposed that are hidden from public view.</p> <p>CPTED principles have been considered in the design of buildings, the site layout and</p>

Policy	Category	Conformity with the Policy
<p>Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>		<p>landscaping.</p>
<p>8.6. The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <ul style="list-style-type: none"> a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features; b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development; c. promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility; d. achieving compatibility in land use and with a predominant architectural 	<p>Urban Design - New Development</p>	<p>The conceptual design put forward as part of the subject application for the residential redevelopment is visually compatible with the surrounding neighbourhood in terms of scale and density, as well as through its incorporation into the streetscape. The proposed townhouse development, which will be oriented to primarily address Cartwright Street, is sized similarly to the permissions provided in the Zoning By-Law for a single detached building on the lot. There are no concerns regarding potential impact on the listed heritage site to the south of the property</p> <p>The proposal achieves land use compatibility policy in Section 2.7 (see above).</p>

Policy	Category	Conformity with the Policy
<p>style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard;</p>		
<p>9.5.7. Amendments to the zoning by-law will be made only after public notice and consultation as required by the Planning Act and consultation with affected authorities or agencies.</p>	<p>Amendments to the Zoning By-law</p>	<p>Public notices have been provided in accordance with the requirements in the Planning Act, and the technical review has occurred in consultation with affected authorities and agencies.</p>
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan; c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area; d. the extent to which the 	<p>Planning Committee / Council Considerations</p>	<ul style="list-style-type: none"> a. The proposal conforms with the intent of the Official Plan policies and schedules as detailed in this table. b. The proposed medium density residential development is compatible with existing residential uses in the adjacent neighbourhood which is zoned for a mix of ground-oriented dwelling types. There are no natural heritage features on the subject property. c. The residential redevelopment, enabled through the recommended Zoning By-Law amendment, will allow for the development of three townhouse units that are consistent with the zoning standards of adjacent sites, and the Urban Design Guidelines for Residential Lots as described above.

Policy	Category	Conformity with the Policy
<p>proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		<p>d. Intensification is warranted and desirable in this location, in accordance with numerous strategic growth management policies, as a property in the Urban Boundary on full municipal services, within walking distance of a complementary mix of land uses, on the edge of an established neighbourhood. The proposed development is sized to be in keeping with the existing built form in the site context.</p> <p>e. The proposed development and subsequent lots are suitable for additional density and can accommodate amenity area and parking requirements in excess of Zoning By-Law requirements.</p> <p>f. The medium density development facilitated through the proposal is suitable relative to the neighbourhood, as described under Section 3.3.B.</p> <p>g. The subject site is on full municipal services, and will benefit from existing transit stops, and active transportation infrastructure in the surrounding area. Adverse impacts on the capacity of these services is not anticipated as a result of a total of six dwelling units on the subject property.</p> <p>h. The application has been</p>

Policy	Category	Conformity with the Policy
		<p>circulated for technical review and there are no outstanding technical comments pertaining to the zoning by-law amendment. Comments received from members of the public and Planning Committee are reviewed in staff's comprehensive report.</p> <p>i. The recommended zoning by-law amendment will establish an exception overlay to permit the introduction of townhouses with associated relief for the building form. The new use is not expected to have an impact on the character of the heritage property on the south side of King Street West and will not set an undesirable precedent.</p>



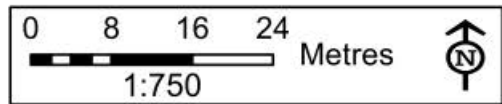
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

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

Subject Lands
Schedule 1 Zoning Map
Zone

Schedule E - Exception Overlay
Legacy Exceptions (LXXX)
Exceptions (EXXX)
Schedule F - Holding Overlay
Holding Overlay (HXXX)



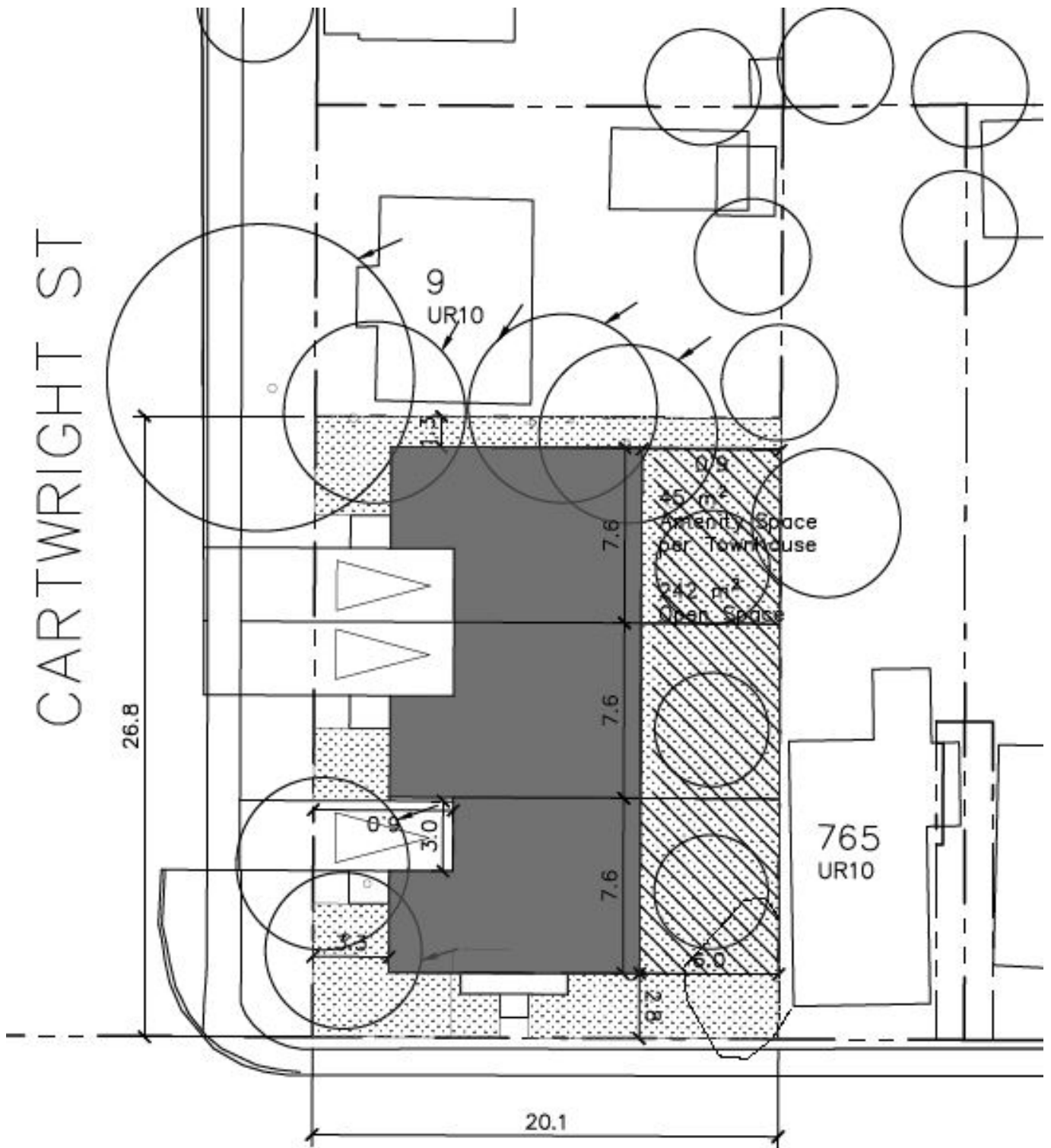
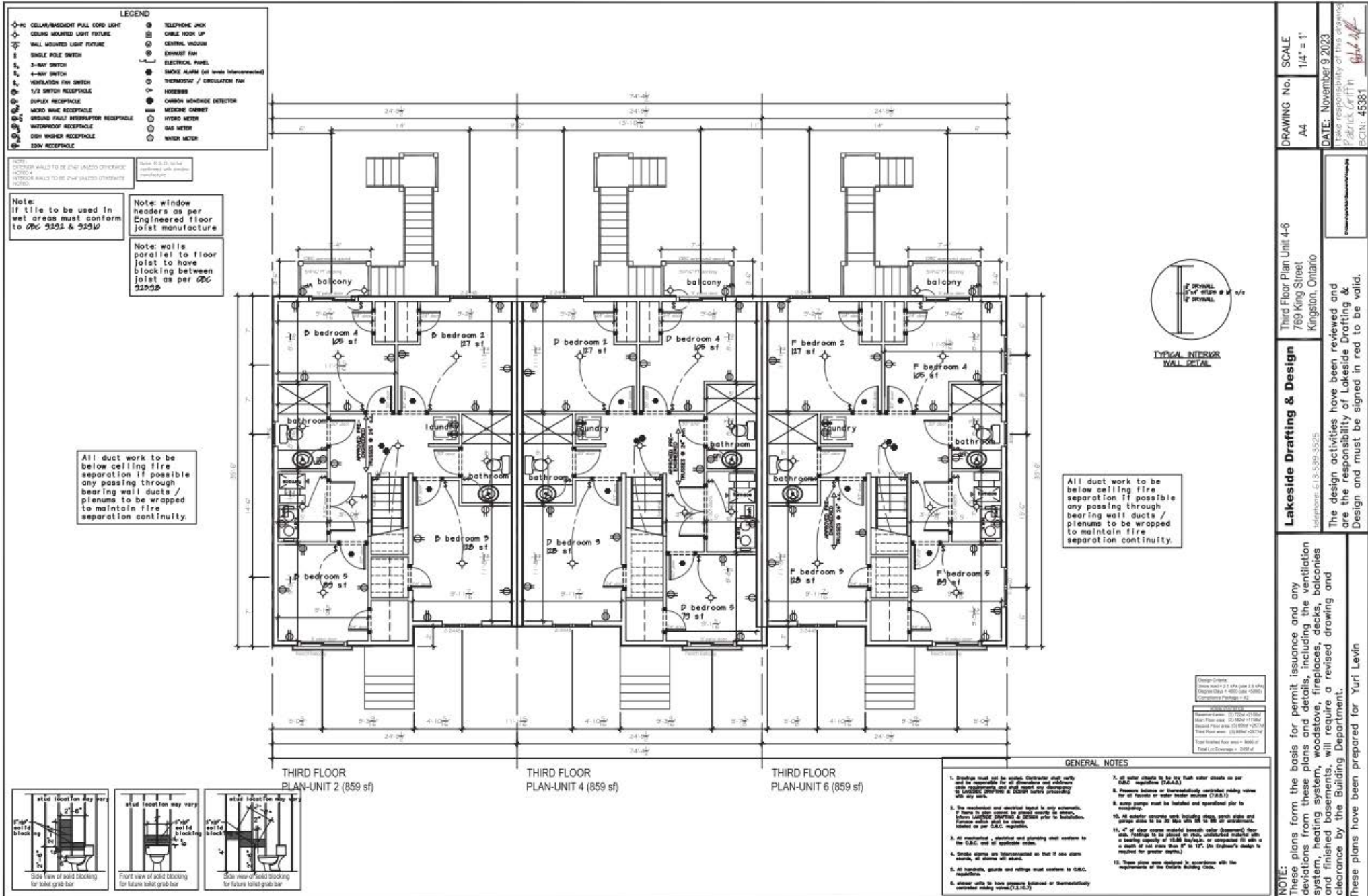


Figure 3: Proposed Site Plan (Source: Lakeside Drafting and Design)







Looking west at subject property at 769 King Street West.



Looking north across King Street West at the subject property and adjacent dwellings to the east.



Looking south of King Street West at the Beechgrove Complex landscaped area.



Looking north along Cartwright Street from the subject property.



Looking west along King Street West to the west of the subject property



Looking north from King Street West towards McDonald Avenue to the east of the property.



CITY OF KINGSTON
Public Notice Notification Map
Address: 769 King Street West
File Number: D14-004-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels
- 120m Notification Boundary
- 50 Properties in Receipt of Notice (MPAC)



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