

City of Kingston Report to Committee of Adjustment Report Number COA-22-070

То:	Chair and Members of the Committee of Adjustment
From:	Meghan Robidoux, Intermediate Planner
Date of Meeting:	October 17, 2022
Application for:	Minor Variance
File Number:	D13-050-2022
Address:	720 Princess Street
Owner:	1880551 Ontario Limited
Applicant:	Brennan Property Investments and Fotenn Consultants

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 720 Princess Street. The applicant is requesting to reduce the number of required vehicle parking spaces, beyond that provided in the existing site-specific zoning, to bring the existing vehicle parking configuration on the subject property into zoning compliance.

The subject property is currently developed with a six-storey building containing 94 dwelling units and 30 surface parking spaces. The existing unit mix includes 75 market rental units and 19 affordable housing units. A site plan modification for the subject property was approved in 2019 (D11-012-2019) to facilitate an increase in the number of dwelling units on-site from 70 to 94, with 17 off-site parking spaces to be located at 411 MacDonnell Street. The Owner of the subject property entered into an agreement with the City and the owner of 411 MacDonnell Street to permit the off-site parking; however, the agreement does not provide the same legal rights as an easement, and the Owner of the site has been unable to secure an easement for

Page 2 of 12

the off-site parking at 411 MacDonnell Street. As a result, the site is unable to comply with the parking requirements of the zoning by-law. A minor variance is requested to reduce the minimum number of required parking spaces from 0.5 parking spaces per dwelling unit to 0.31 parking spaces per dwelling unit, to recognize the existing condition of the site with 30 on-site parking spaces for 94 dwelling units.

The subject property is located within the Williamsville Main Street area, on the south side of Princess Street. The property is designated Main Street Commercial in the Official Plan and is zoned Williamsville Zone 'WM1', with legacy exception L385, in Kingston Zoning By-Law 2022-62.

The requested minor variance is consistent with the general intent and purpose of the City of Kingston Official Plan, and the Kingston Zoning By-Law 2022-62. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-050-2022, for the property located at 720 Princess Street to reduce the minimum number of required parking spaces from 0.5 parking spaces per dwelling unit to 0.31 parking spaces per dwelling unit, be approved, as described below:

Variance Number 1: Required Parking Spaces

By-Law Number 2022-62:	20.1.1.L385(f)(i)(1)
Requirement:	Residential: 0.5 parking spaces per dwelling unit
Proposed:	Residential: 0.31 parking spaces per dwelling unit
Variance Requested:	Residential: 0.19 parking spaces per dwelling unit

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-070.

Page 3 of 12

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Meghan Robidoux, Intermediate Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services James Bar, Manager, Development Approvals

Page 4 of 12

Options/Discussion:

On August 25, 2022, a minor variance application was submitted by Brennan Property Investments and Fotenn Consultants with respect to the property located at 720 Princess Street. The applicant is requesting to reduce the number of required vehicle parking spaces, beyond that provided in the existing site-specific zoning, to bring the existing vehicle parking configuration on the subject property into zoning compliance.

The subject property is currently developed with a six-storey building containing 94 dwelling units and 30 surface parking spaces (Exhibit F – Site Plan). The existing unit mix includes 75 market rental units and 19 affordable housing units. A site plan modification for the subject property was approved in 2019 (D11-012-2019) to facilitate an increase in the number of dwelling units on-site from 70 to 94, with 17 off-site parking spaces to be located at 411 MacDonnell Street. The Owner of the subject property entered into an agreement with the City and the owner of 411 MacDonnell Street to permit the off-site parking; however, the agreement does not provide the same legal rights as an easement, and the Owner of the site has been unable to secure an easement for the off-site parking at 411 MacDonnell Street. As a result, the site is unable to comply with the parking requirements of the zoning by-law. A minor variance is requested to reduce the minimum number of required parking spaces from 0.5 parking spaces per dwelling unit to 0.31 parking spaces per dwelling unit, to recognize the existing condition of the site with 30 on-site parking spaces for 94 dwelling units.

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

- Site Plan (Exhibit F);
- Parking Study; and
- Planning Justification Letter.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, 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.

Site Characteristics

The subject property is located within the Williamsville Main Street area on the south side of Princess Street, between MacDonnell Street to the west and Victoria Street to the east (Exhibit B – Key Map). The property is approximately 2,278 square metres in area, with approximately 41.3 metres of frontage along Princess Street and 20.12 metres of frontage along the terminus of Toronto Street. The site is currently developed with a six-storey apartment building, containing 94 dwelling units and 30 surface parking spaces (Exhibit G – Site Photographs).

The subject property is located adjacent to a mix of commercial uses to the north, west, and east along Princess Street. Low-rise residential forms abut the subject property to the south, fronting on Durham Street (Exhibit H – Neighbourhood Context).

Page 5 of 12

The site is located within walking distance of various amenities, including commercial uses along Princess Street, Rideau Public School, and the Kingston Memorial Centre. The site is well served by Kingston Transit and is located within 30 metres of a transit stop. Kingston Transit offers local and express routes along Princess Street, which provide connection to the Downtown Transfer Point, the Kingston Centre, the Cataraqui Centre, and various other uses and amenities across the City.

The subject property is designated Main Street Commercial in the Official Plan (Exhibit D – Official Plan) and is located within the Williamsville Zone 1 'WZ1', with legacy exception L385, in Kingston Zoning By-Law 2022-62, as shown on Exhibit E.

Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

Provincial Policy Statement

In addition to the four tests of a minor variance detailed above, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Main Street Commercial, as shown on Schedule 3-A – Land Use (Exhibit D – Official Plan). The Main Street Commercial designation is applied to areas that are pedestrian oriented, with a mix of uses including retail, service, residential, and office uses that are developed close to the sidewalk in a "main street" format (Section 3.4.C.1). Within the Main Street Commercial designation, residential uses are permitted as upper storey uses, except ground floor residential uses may be permitted if identified in a Specific Policy Area of Section 10 (Section 3.4.C.5). The subject property is not identified for required ground floor commercial on Schedule PS-1 of the Official Plan.

The subject lands are also located within the Williamsville Main Street site specific policy area. The vision for the Williamsville Main Street corridor is a vibrant and active intensification area with a mix of land uses framing an improved, pedestrian-oriented streetscape (Section 10E.1.1).

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

Page 6 of 12

The following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

The subject property is located within a Corridor, as illustrated on Schedule 2 – City Structure of the Official Plan. Section 2.2.7 indicates that Corridors are areas where intensification will be focused, and where greater densities of residential and nonresidential development will be permitted. The subject site also located within the Princess Street Corridor – Williamsville Main Street Specific Policy Area, as shown on Schedule 13 – Detailed Planning Areas of the Official Plan. The Williamsville Main Street Specific Policy Area is addressed in Section 10E of the Official Plan. Section 10E.1.35 states that the City may support reductions in required residential parking spaces within Williamsville through a minor variance application to provide as few as zero parking spaces per residential unit. Reductions can be granted if the proposed spaces are adequate to meet the future anticipated demand and will not place demand on public parking supply.

The requested variance seeks to reduce the minimum required number of parking spaces from 0.5 per dwelling unit to 0.31 per dwelling unit. The subject property is well situated within walking distance of transit stops, transit routes, active transportation infrastructure such as sidewalks and bicycle lanes, and various amenities including parks and commercial uses. Further, the site has convenient access to Queen's University and the Downtown core, which are areas of significant employment. As demonstrated through the submitted Parking Study, the site will continue to provide a parking supply that meets the needs of residents and visitors and will not place demand on public parking supply.

The requested variance meets the intent of Section 2 and 10E of the Official Plan in that it supports the intensification of an existing building within the Williamsville Main Street Corridor.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;

Section 2.7.6 of the Official Plan states that only development proposals which meet the long-term needs of the intended users or occupants will be supported. The application will support an increase in the number of residential units within the existing building, without alterations to the site, while also supporting active transportation and transit investments that have been made in this area. Section 2.7.3 of the Official Plan sets out criteria for determining land use compatibility. The proposal will not result in any exterior modifications to the existing site and therefore the reduced parking ratio is not anticipated to result in any compatibility conflicts. The parking needs of the development can be supported by existing infrastructure as demonstrated in the Parking Study prepared by Forefront Engineering. No environmental degradation, diminished levels of service,

Page 7 of 12

degradation of cultural heritage resources, or loss of significant views are anticipated to result from the proposed development. The proposal is not anticipated to reduce the ability to enjoy adjacent units or nearby properties. This proposal supports the optimal use of the existing development.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

Upon approval of the requested variance, the Owner will be required to continue to comply with the site plan that was approved in 2019 (Exhibit F – Site Plan), which provides functional access to 30 vehicle parking spaces (including 4 accessible parking spaces) and 94 bicycle parking spaces. As demonstrated in the submitted Parking Study, the requested reduction in vehicle parking spaces is not anticipated to impact the site's functionality, given its location in proximity to existing active transportation and transit infrastructure.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;

No exterior alterations are proposed to the existing building. The subject property is not located within a Heritage District and the requested variance for parking will not impact any built heritage resources.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a heritage impact statement may be required to assist staff to determine if the resulting development is desirable;

The subject property is not on the City's Heritage Register and as such a Heritage Impact Statement is not required. The site is not located in close proximity to any designated built heritage resources or cultural significant landscapes.

6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

The subject property is located within the City's Urban Boundary and will continue to be serviced with municipal water and sanitary services.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The application requests a reduction in required vehicle parking spaces from 0.5 spaces per dwelling unit to 0.31 spaces per dwelling unit. As previously noted above, Section 10E.1.35 of the Official Plan states that the City may support reductions in required residential parking spaces within Williamsville through a minor variance application. No

Page 8 of 12

exterior alterations are proposed to the existing building. As such, the application and the cumulative impact of the proposal does not warrant a zoning by-law amendment.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

Suggested conditions of approval are listed in the recommendations in Exhibit A, including the requirement for an application for site plan modification to address the proposed change in off-site parking requirements. Conditions may be added, altered, or removed at the Committee's discretion.

9. The degree to which such approval may set an undesirable precedent for the immediate area.

This application is specific to the subject property and the existing multi-residential use on the property. The requested parking reduction is a function of the subject property's location in proximity to transit and active transportation infrastructure and is therefore not expected to create an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed reduction in vehicle parking spaces will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the zoning by-law are maintained

The property is designated Main Street Commercial in the Official Plan and is zoned Williamsville Zone 'WM1', with legacy exception L385, in Kingston Zoning By-Law 2022-62.

The final draft of the City's New Zoning By-Law was approved by Council on April 26, 2022 and all unappealed portions of the by-law were deemed to be in effect by the Ontario Land Tribunal (OLT) on September 28th, 2022.

The proposed requires a variance from Section 20.1.1.L385(f)(i)(1) of the Zoning By-Law Number 2022-62, as follows:

Variance Number 1: Required Parking Spaces

By-Law Number 2022-62:	20.1.1.L385(f)(i)(1)
Requirement:	Residential: 0.5 parking spaces per dwelling unit
Proposed:	Residential: 0.31 parking spaces per dwelling unit
Variance Requested:	Residential: 0.19 parking spaces per dwelling unit

A reduction to 0.31 spaces per dwelling unit is requested to permit a total of 30 on-site residential parking spaces. Subsequent to the establishment of the existing site-specific 'C4.486' Zone on the subject property in 2016, the zoning by-law was amended in 2019 to require a minimum of 0.4 parking spaces per residential unit. Under the new Kingston Zoning By-Law

Page 9 of 12

Number 2022-62, a minimum of 0.4 parking spaces per unit in this location, plus 0.1 visitor spaces per unit. Further, the new zoning by-law does not have a minimum parking requirement for affordable units. Excluding the 19 existing affordable housing units, only 75 dwelling units on the subject property require parking under the new zoning by-law. The 30 spaces available would then result in a ratio of 0.4 spaces per unit for those units, which is comparable to the requirements for 0.4 spaces per unit plus 0.1 visitor spaces per unit. Despite this reduction, the development will continue to meet resident needs due to the provision of on-site bicycle parking at a rate of one space per unit and the proximity of the site to cycling infrastructure and Kingston Transit routes. As such, the requested variance meets the general intent and purpose of Kingston Zoning By-Law Number 2022-62.

3) The variance is minor in nature

The application will not result in exterior changes to the building, streetscape, or site layout. The development will continue to meet all other required zone provisions. This application applies only to the subject lands and is a reflection of the constraints of the sites existing layout. The variances are considered minor as there are no anticipated negative off-site impacts.

4) The variance is desirable for the appropriate development or use of the land, building or structure

The requested variance will support the continuation of the existing use of the site, with 75 market dwelling units and 19 affordable housing units, in a location that supports higher density residential uses. The requested variance for vehicle parking is appropriate as the site is located in close proximity to existing transit routes and within walking distance of commercial, employment, and open spaces uses. The development will continue to meet the functional needs of tenants, including access, bicycle parking, and garbage storage.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- ⊠ Building Services
- □ Finance
- ⊠ Fire & Rescue
- □ Solid Waste
- \boxtimes Housing
- □ KEDCO
- Parks Canada
- □ Hydro One
- □ Kingston Airport

- ⊠ Engineering Department
- ☑ Utilities Kingston
- □ Kingston Hydro
- □ Parks Development
- ⊠ District Councillor
- □ Municipal Drainage
- □ KFL&A Health Unit
- □ Eastern Ontario Power
- □ Enbridge Pipelines

- □ Heritage (Planning Services)
- □ Real Estate & Environmental Initiatives
- ⊠ City's Environment Division
- □ Canadian National Railways
- □ Ministry of Transportation
- □ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines

Page 10 of 12

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments had been received regarding this application. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

The property was subject to an application for Site Plan Control modification in 2019 (D11-012-2019), at which time the site plan included in Exhibit F was approved.

As a condition of minor variance approval, an application for Site Plan Control modification will be required to address the proposed change in off-site parking requirements in the Site Plan Control agreement registered on title.

Conclusion

The requested variance maintains the general intent and purpose of the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will provide for the continuation of the existing multi-residential use on the subject property, containing 75 market rental units and 19 affordable housing units, in a location that is intended to support high-density residential uses and that is well supported by transit and active transportation infrastructure.

Existing Policy/By-Law:

The proposed application 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

Provincial Policy Statement, 2020

Page 11 of 12

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on October 17, 2022. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 36 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit C – Public Notification Map) and a courtesy notice was placed in The Kingston Whig-Standard.

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Meghan Robidoux, Intermediate Planner, 613-546-4291 extension 1256

Other City of Kingston Staff Consulted:

None

Page 12 of 12

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Kingston Zoning By-Law 2022-62
- Exhibit F Site Plan
- Exhibit G Site Photos
- Exhibit H Neighbourhood Context Map (2021)

Recommended Conditions

Application for minor variance, File Number D13-050-2022

Approval of the foregoing application shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the existing multi-residential building on the subject property, as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

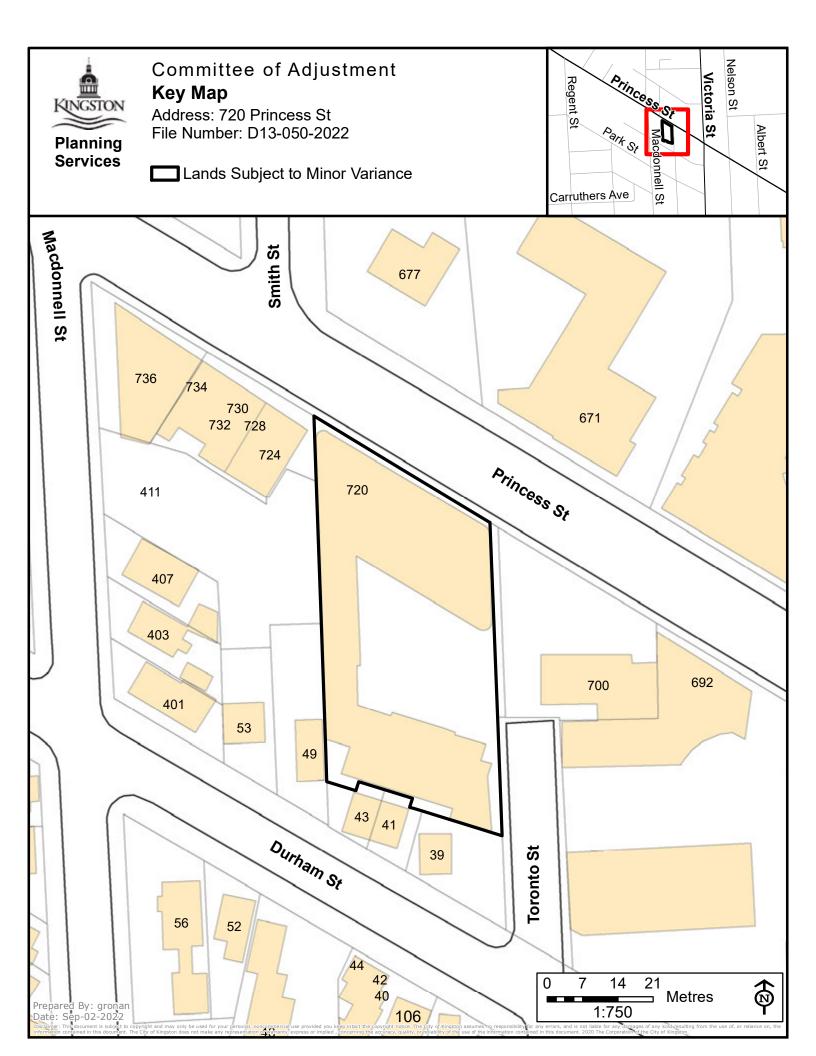
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Site Plan Control

An application for site plan control modification is required to address the proposed change in off-site parking requirements in the site plan control agreement registered on title.

6. Site Plan Control Compliance

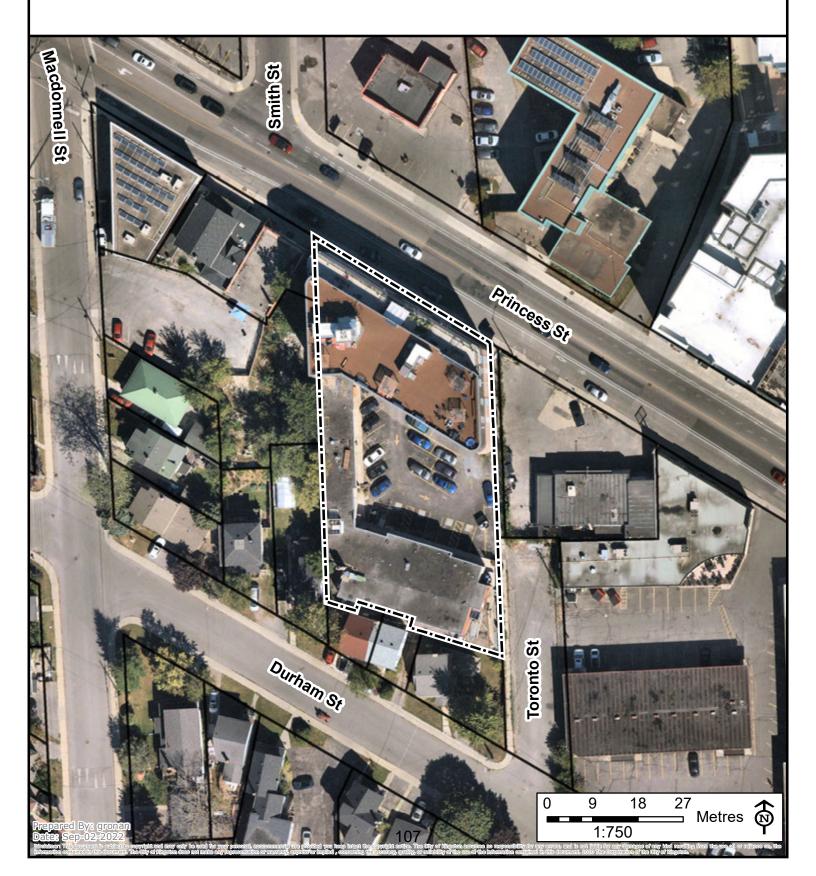
The owner/applicant shall ensure the site is in compliance with the existing approved site plan, attached to the notice of decision, and shall submit a request for the release of site securities to the satisfaction of City Staff.



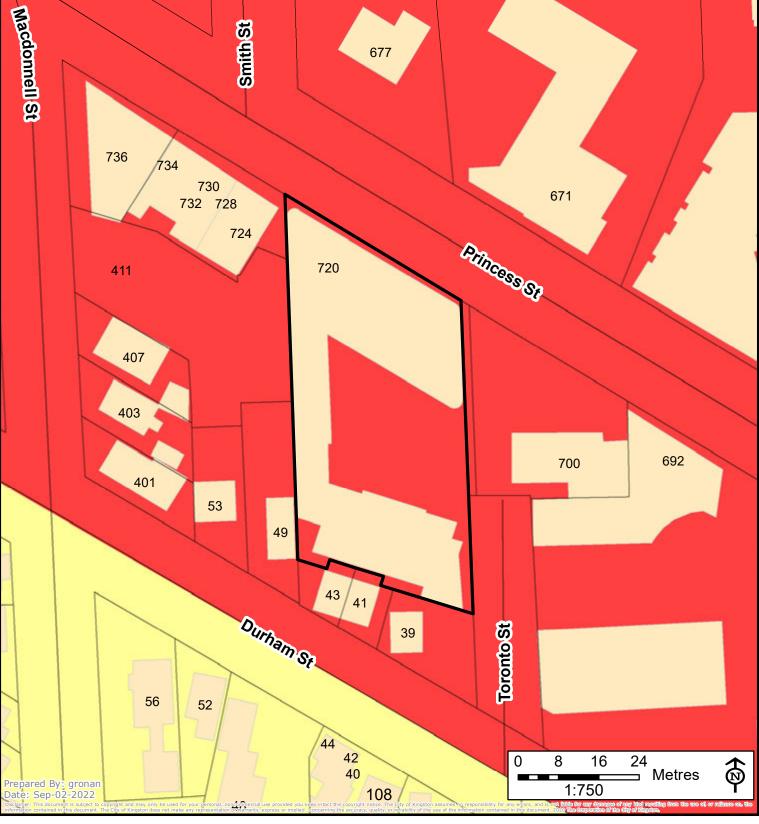


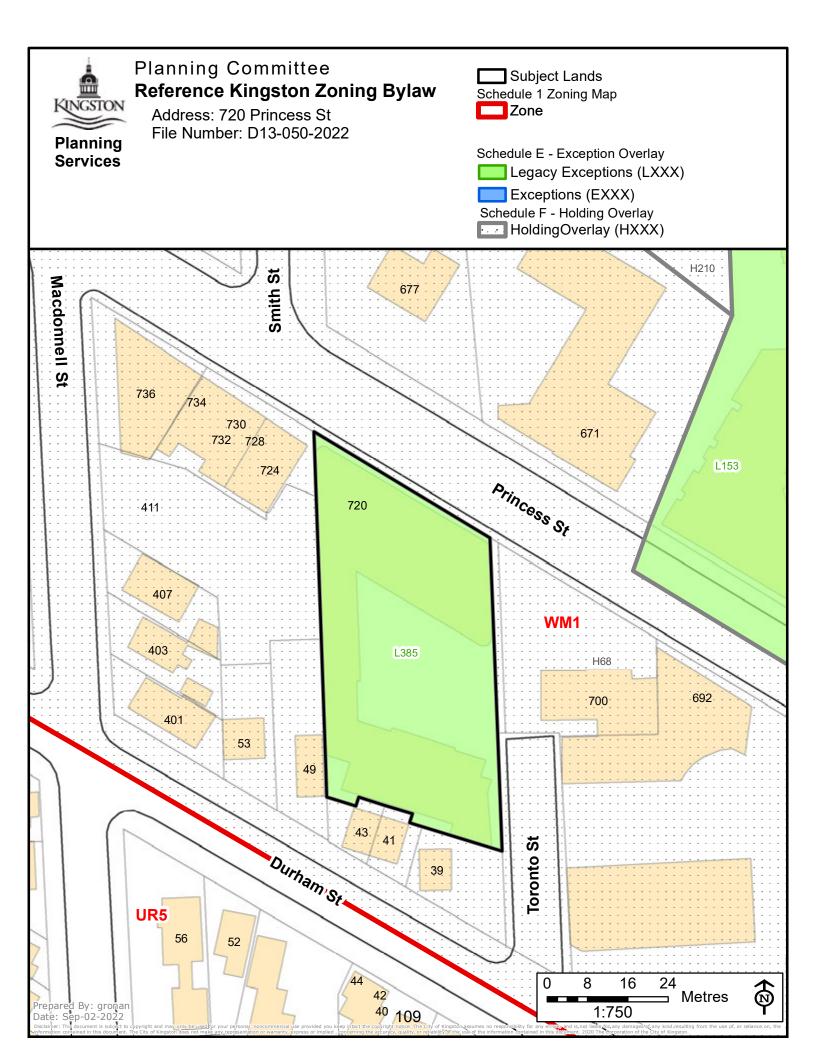
Committee of Adjustment Neighbourhood Context (2021)

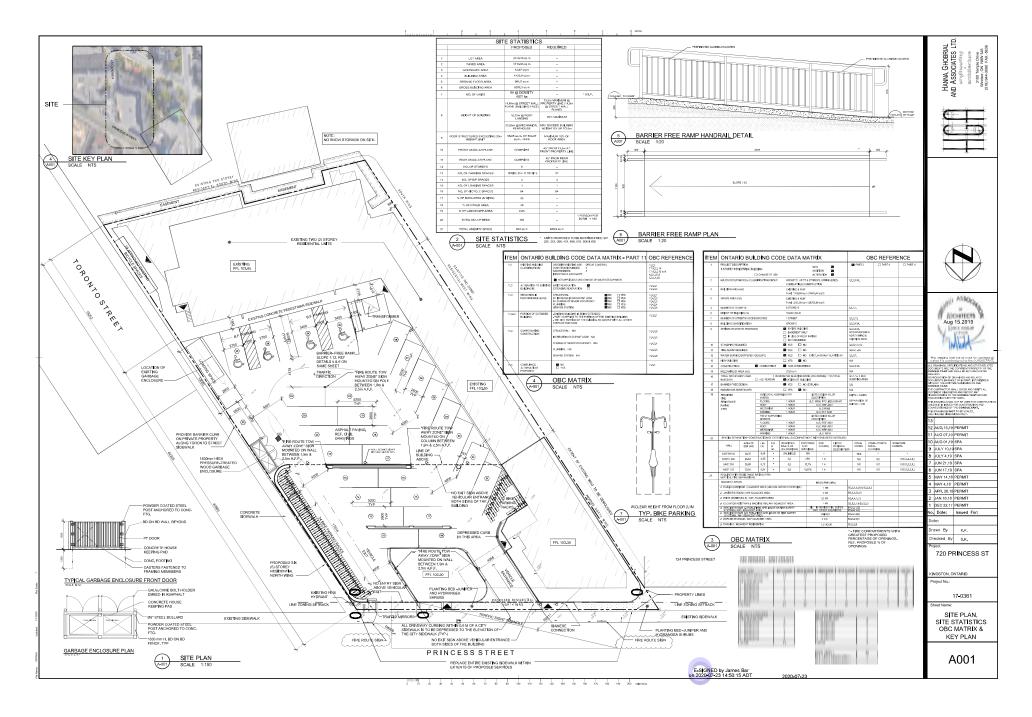
Planning Services Address: 720 Princess St File Number: D13-050-2022 Subject Lands Property Boundaries













Site Photographs – 720 Princess Street

Figure 1: North facing view of the existing parking area.



Figure 2: West facing view of the existing parking area.



Figure 3: South facing view of the existing parking area.



Figure 4: East facing view of the existing parking area.

