

City of Kingston Report to Committee of Adjustment Report Number COA-24-003

To: Chair and Members of the Committee of Adjustment

From: Ian Clendening, Senior Planner

Date of Meeting: December 11, 2023

Application for: Minor Variance

File Number: D13-064-2023

Address: 525 & 555 Princess Street

District: District 9 - Williamsville

Owner: 9840478 Canada Inc. & 9840559 Canada Inc.

Applicant: Fotenn

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

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

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the properties located at 525 and 555 Princess Street. The applicant is proposing to reduce the minimum required parking spaces from 0.4 per residence to 0.2 to allow 76 parking spaces for the 381 homes proposed at 525 Princess Street; and 40 parking spaces for the 233 homes proposed at 555 Princess Street.

It is highlighted that while the variances sought would allow a minimum of 123 parking spaces for the 614 homes, the buildings have been designed to accommodate 105 parking spaces as the applicant intends to address the remaining 18 required parking stalls through the City's Cash-in-Lieu of Parking By-Law allows for a reduction in the required parking spaces pursuant to an agreement registered on title, in exchange for a monetary payment to the City which the City has dedicated to support the

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implementation and operation of car-sharing services or other alternative transportation services that reduce reliance on the private automobile.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are 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 D13-064-2023, for the property located at 525 and 555 Princess Street to reduce the required parking, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 7.1.1

Requirement: 0.4 parking spaces per dwelling unit Proposed: 0.2 parking spaces per dwelling unit

Variance Requested: 0.2 parking spaces per dwelling unit; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-003.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Ian Clendening, Senior Planner

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services Meghan Robidoux, Supervisor, Development Approvals

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Options/Discussion:

On October 23, 2023, a minor variance application was submitted by Fotenn, on behalf of the owners, 9840478 Canada Inc. & 9840559 Canada Inc., with respect to the properties located at 525 and 555 Princess Street. The variance is requested to reduce the required parking ratio from 0.4 spaces per dwelling unit to 0.2 to allow a minimum of 76 parking spaces for the 381 homes at 525 Princess Street and 47 parking spaces for the 233 homes at 555 Princess Street.

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

- Parking Brief
- 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 application relates to two properties identified as 525 Princess Street and 555 Princess Street which, for ease of reference, are referred to as the east and west site respectively. The east site occupies an area of 3,928 square metres and is located along the north side of Princess Street, spanning the full width of the block bounded by Chatham Street to the east and Alfred Street to the west. The west site occupies an area of 2,311 square metres and is located at the northwest corner of Princess Street and Alfred Street, immediately west of the east site. Both of the properties are currently intended to be developed to accommodate ten storey mixed-use buildings with ground floor commercial along Princess Street and make use of a four storey podium at the base of the buildings. The development proposals are currently being reviewed through Site Plan Control applications (City file numbers D11-046-2022 for the east site and D11-047-2022 for the west site) and contemplate approximately 70 percent of the homes proposed in the form of either studio or one-bedroom units with all units intended to come prefurnished.

Both sites are bordered by a residential neighbourhood to the north, and a mix of commercial, residential, and institutional uses to the east and west along Princess Street. Victoria Park is located approximately 135 metres south of the site while Kingston Memorial Centre is located approximately 330 metres to the north (Exhibit E – Neighbourhood Context (2021). Queens University Campus, which begins at Earl Street 600 metres directly south, is also within walking distance of the site.

The property well also within walking distance to all four of the City's express transit routes as well as six regular service routes including: #2 – Kingston Centre – Division St; #4 – Cataraqui Centre – Downtown; #12 – Kingston Centre – CFB Kingston; #16 – Division St./Dalton Ave. – Train Station; #18 – Train Station Circuit; and, #20 – Queen's West Campus.

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In addition to the public transit services, bicycle infrastructure also exists within the immediate area including east-west along both Brock and Johnson Streets, and northerly along portions of Division Street which is planned to be extended as a part of the City's Active Transportation Master Plan. Additionally, bike lanes currently exist along Princess Street, though much of these are proposed for removal to accommodate transit priority and a more pedestrian friendly street environment through the Williamsville Transportation Study. Communauto, a private car-sharing service that operates within the City, maintains one vehicle at the intersection of Brock and Division Street approximately 500 metres walking distance from the site as well as another two vehicles both of which are available at a slightly further distance at approximately 1,000 metres walking distance.

In general, the surrounding area is defined by its walkable character and access to many commercial and recreational amenities including those found along the Princess Street corridor and the central business district which begins at Division Street approximately 350 metres east of the subject properties.

The subject properties are designated Main Street Commercial in the Official Plan (Exhibit D – Official Plan Map). In addition to the Main Street Commercial designation, both of the properties are also subject to Site Specific Policy Number 73 and the Princess Street Corridor Specific Policy Area: Williamsville Main Street policies of the Official Plan. The subject property is zoned Williamsville Zone 1 (WM1) on Schedule 1 Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map) and are subject to Exception E83 and E84 for the east and west sites respectively as well as the parking provisions of Parking Area 2 (PA2).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, 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.

Minor Variance 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:

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

The subject properties are designated Main Street Commercial in the City of Kingston Official Plan (Exhibit D – Official Plan Map) and are located within the Princess Street Corridor Specific Policy Area Williamsville Main Street as set out in Schedule PS-1. The goal of the Main Street

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Commercial designation is to provide retail and other commercial services for surrounding neighbourhoods in a setting that is street oriented and pedestrian focused. The Williamsville Main Street policies provide further guidance for the development of this area which is intended to be a focus of development in a pedestrian-oriented form that will provide support for the Princess Street transit corridor and more sustainable means of growth.

The properties are also subject to Site Specific Policy Number 73 which addresses specific height requirement at this location.

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.

The proposed parking reduction meets the Strategic Policy Direction of the Official Plan by facilitating land use patterns that foster transit and active transportation and maximize the use of infrastructure and public amenities such as bike lanes and transit services. The parking reduction would also promote a reduction of automobile trips while encouraging active transportation and transit usage. As the reduced parking is not associated with any change in the built form, the proposal has no impact on water and sewage services, and would be compatible with the surrounding uses and not have any adverse effects on abutting lands, heritage resources, or urban design principles.

Policies of the Official Plan highlight the intention 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. The applicant has submitted a Parking Brief which determined that a parking rate of 0.2 spaces per dwelling unit is appropriate for the proposed development based on a review of the site context, likely resident demographics factors, and a review of parking rates at similar residential developments. While the study recognizes that it did not include an assessment commercial parking requirements, the Kingston Zoning By-law does not require standard parking spaces for commercial uses, and the site provides the required eight accessible stalls.

Given the combination of the site's location within a transit friendly and walkable area, and the nature of the pre-furnished, and predominantly one-bedroom homes, the findings of the Parking Brief are considered appropriate. Of additional note, the site will provide for secure bike parking in accordance with the requirements of the Kingston Zoning By-Law. Accordingly, the site provides sufficient parking to address the existing and future requirements and is anticipated to function in an appropriate manner.

Having regard for the above, the impact of the variances are expected to be minor and would not create an undesirable precedent for the area with the application most appropriately addressed through a Minor Variance rather than a Zoning By-law Amendment. Recommended conditions have been provided for the Committee's consideration and are included as Exhibit A to this report.

The proposal meets the intent of the Official Plan, as the proposed reduction in parking will appropriately serve the functional needs of the residents, will encourage active transportation in

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a supports transit use and a more sustainable means of growth and 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 subject properties are zoned Williamsville Zone 1 (WM1) in Kingston Zoning By-Law Number 2022-62 and subject to Exception E83, in the case of east site, and E84 in the case of the west site (Exhibit E – Zoning By-Law Map). Both of the subject properties are located within Parking Area PA2, which provides a minimum parking requirement of 0.4 parking spaces per unit

Both the E83 and E84 exceptions under the Kingston Zoning By-law require a minimum parking space ratio of 0.5 spaces per dwelling unit together with additional parking for the commercial use at a rate of 1 parking space per 150 square metres. These requirements directly mirror the minimum requirements for parking in site's former Williamsville Main Street Commercial Zones 'C4-622' and 'C4-623' under former Zoning By-Law Number 8499. Despite the parking requirement of the exception zones, Section 7.1.8 directs that, to the extent of any conflict regarding standard parking spaces, the lesser requirement prevails, which given the sites location within Parking Area 2 would be the 0.4 parking spaces per unit set out in Table 7.1.1. Due to the hierarchy of policies within the Kingston Zoning By-law established in Section 2.1.8, The proposal requires a variance to Table 7.1.1 as follows:

Variance Number 1:

By-Law Number 2022-62: Table 7.1.1

Requirement: 0.4 parking spaces per dwelling unit Proposed: 0.2 parking spaces per dwelling unit

Variance Requested: 0.2 parking spaces per dwelling unit

In regards to the proposed parking reduction, one of the many outcomes of the Kingston Zoning By-law was the implementation of the City's Discussion Paper The Power of Parking: A New Parking Paradigm for Kingston. The Kingston Zoning By-law greatly reduced the minimum parking requirements of the City's former zoning by-laws in an effort to achieve Council priorities to increase the modal split towards active transportation, and to increase housing affordability. The discussion paper highlights how parking requirements can greatly increase the cost of housing as a result of the high cost to provide surface, and especially, underground parking, while making active transportation less attractive as an alternative through ready access to 'free' parking. Emphasizing this strategic direction, the Kingston Zoning By-law permits zero vehicular parking for both affordable units and heritage buildings, while commercial developments are not required to provide customer parking – excepting that accessible parking may be required depending on the scale of the development and the proposed use.

It is also important to note that at the time the Zoning By-law amendments were considered in 2022, Report Number PC-22-026 noted that "the applicants have expressed a desire to reduce the supply through the detailed design of the future Site Plan Control applications and as a result, potentially looking at reducing the number of below grade floors of off-street parking from

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the three currently proposed for each site." Accordingly, while the site-specific zoning established minimum parking rates unique to the site, it was expected that further reductions would be contemplated at a later date. As previously mentioned, the location of the development and the nature of the development proposal is expected to produce a high modal split in favour of transit and active transportation for both visitors and residents and as such, the further reduction in the parking ratio remains consistent with the required ratios of the Kingston Zoning By-law which seeks to prescribe parking ratios consistent with the transportation characteristics of a given area.

It is recognized that in addition to the parking reduction put forward in the current application for Minor Variance, the applicant ultimately seeks to further reduce the parking on-site to 0.17 spaces per unit to allow 65 parking spaces at the east site and 40 at the west site, a reduction of 18 parking spaces between the two sites. Subject to approval of the Minor Variance, Section 7.1.14 of the Kingston Zoning By-law allows the minimum number of required parking spaces to be reduced in accordance with the Cash-in-Lieu of Parking By-law. This provision, and the associated Cash-in-Lieu of Parking By-law implements the policies of the Official Plan allowing for such a reduction where it is not feasible to provide on-site parking.

The requested variance maintains the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The variance is considered minor in its impact as the lower parking requirements will continue accommodate the transportation demands of the building residents in this highly walkable and transit friendly neighbourhood.

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

The subject lands are situated within an area of extensive commercial and recreational amenity which serve to reduce the reliance on the private automobile while the sites are also within walking distance of all express and half of all regular transit service routes making this site especially well suited for the proposed reduction in parking.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

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☑ Ut	tilities Kingston	Real Estate
cue 🗷 Ki	ingston Hydro	Environment Division
te □ Pa	arks Development	Canadian National Railways
☑ Di	istrict Councillor	Ministry of Transportation
\square M	unicipal Drainage	Parks of the St. Lawrence
□ KF	FL&A Health Unit	Trans Northern Pipelines
	⊠ Ut scue ⊠ Ki te □ Pa ☑ Di □ M	Utilities Kingston □ scue ☑ Kingston Hydro ☑ te □ Parks Development □ ☑ District Councillor □ ☐ Municipal Drainage □

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\square	Building Services	✓ Engineering	Heritage Services
	Parks Canada	☐ Eastern Ontario Power	☐ CFB Kingston
	Hydro One	☐ Enbridge Pipelines	☐ TransCanada Pipelines
	Kingston Airport		

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 correspondence had been received. 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

Both 525 and 555 Princess Street obtained land use planning approval through an Official Plan and Zoning By-law amendment file D35-001-2019. The property located at 525 Princess Street is currently subject to Site Plan Control application D11-046-2022 while the property located at 555 Princess Street is currently subject to Site Plan Control application D11-047-2022.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both 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 variances are 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 facilitate a greater degree of housing affordability and support the transportation goals of increasing the modal split towards active forms of transportation and facilitate additional growth within an area intended to be a focus of intensification.

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:

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Provincial

Provincial Policy Statement, 2020

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 December 11, 2023 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 76 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit G – Public Notification Map).

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:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

lan Clendening, Senior Planner, 613-546-4291 extension 3126

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

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Exhibit C Neighbourhood Context Map (2023)

Exhibit D Official Plan Map

Exhibit E Zoning By-Law Map

Exhibit F Site Plan and Floor Plans

Exhibit G Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-064-2023, to permit a reduction in parking to 0.2 parking spaces per residential unit, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the reduction in parking for a mixed-use building on the lands located at 525 & 555 Princess Street.

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

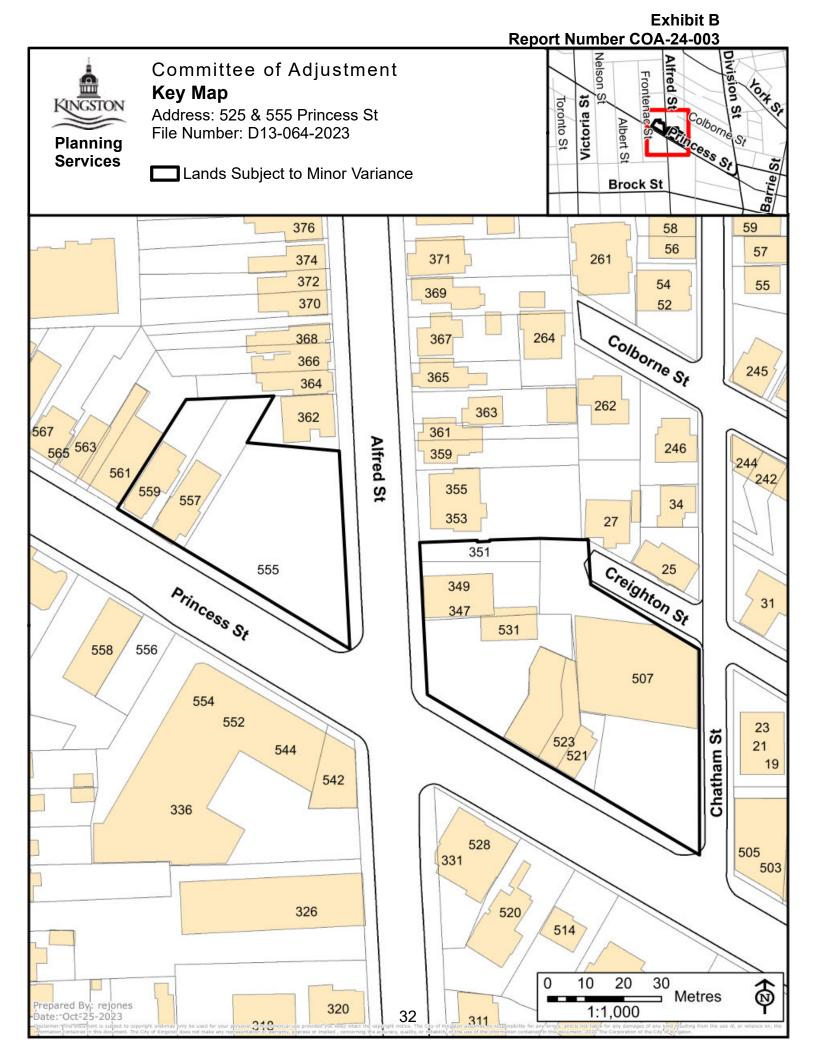
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment when they make application for a Building Permit.

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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.





Committee of Adjustment Neighbourhood Context (2023)

Address: 525 Princess St File Number: D13-064-2023

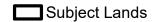
Subject Lands
Property Boundaries
Proposed Parcels





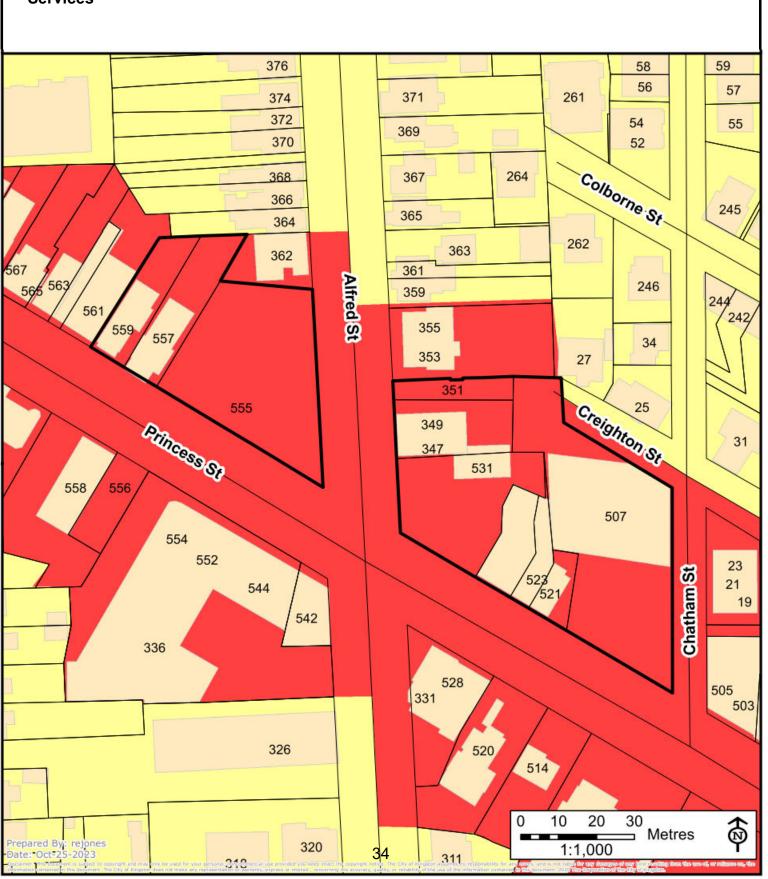
Committee of Adjustment Official Plan, Existing Land Use

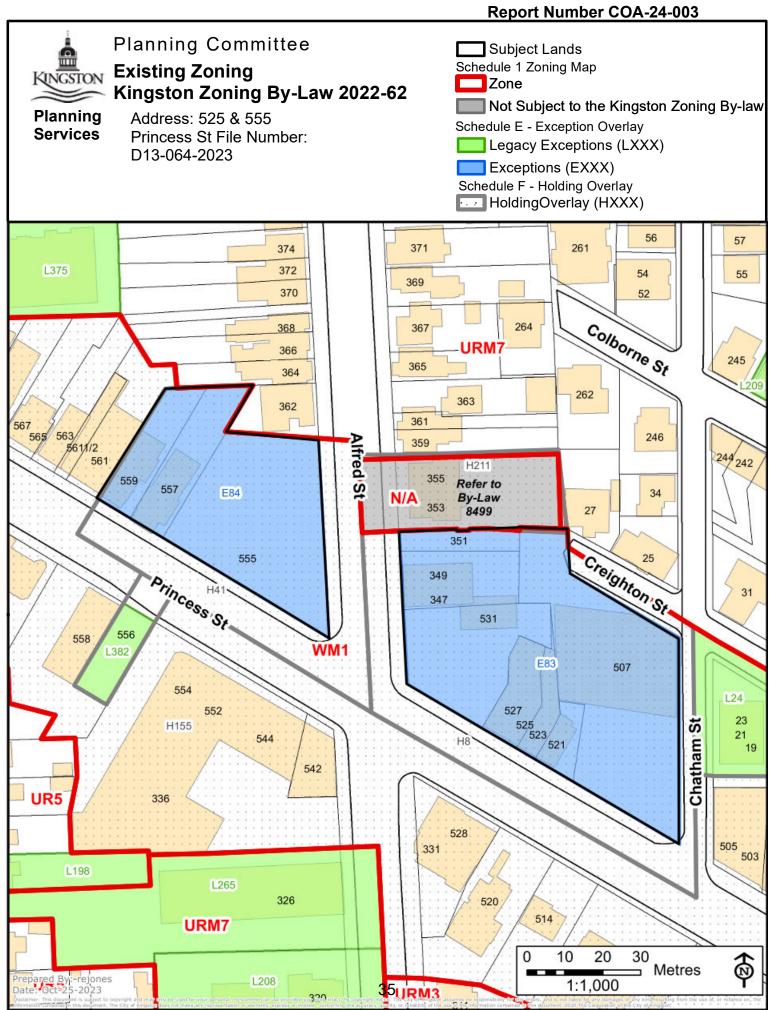
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MAIN STREET COMMERCIAL







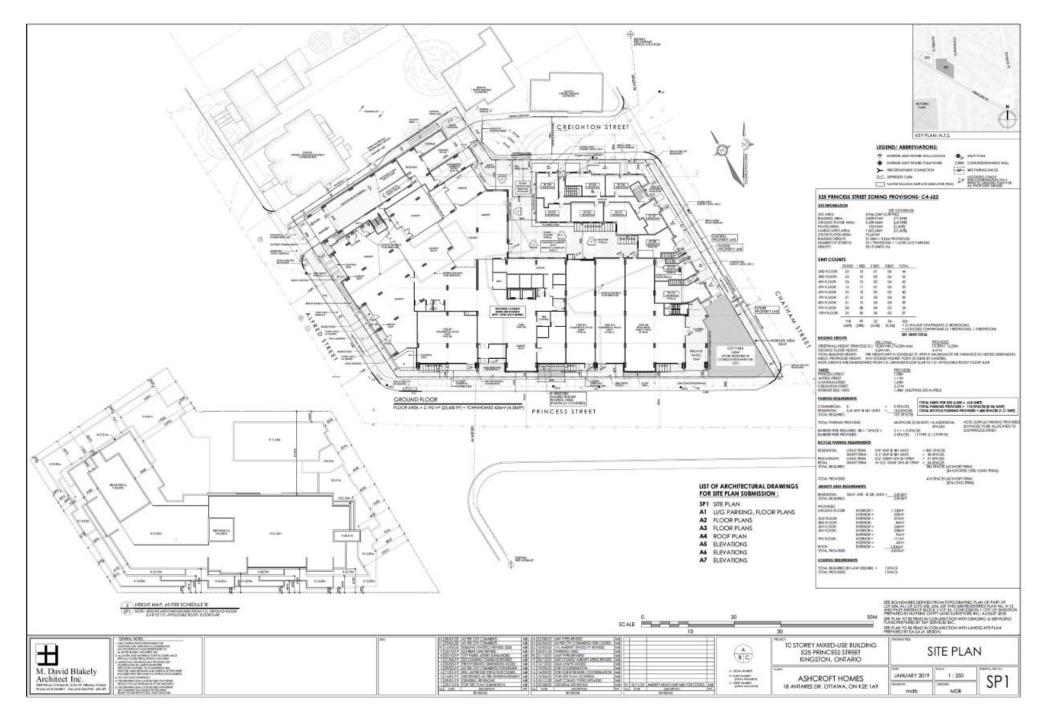


Exhibit F Report Number COA-24-003

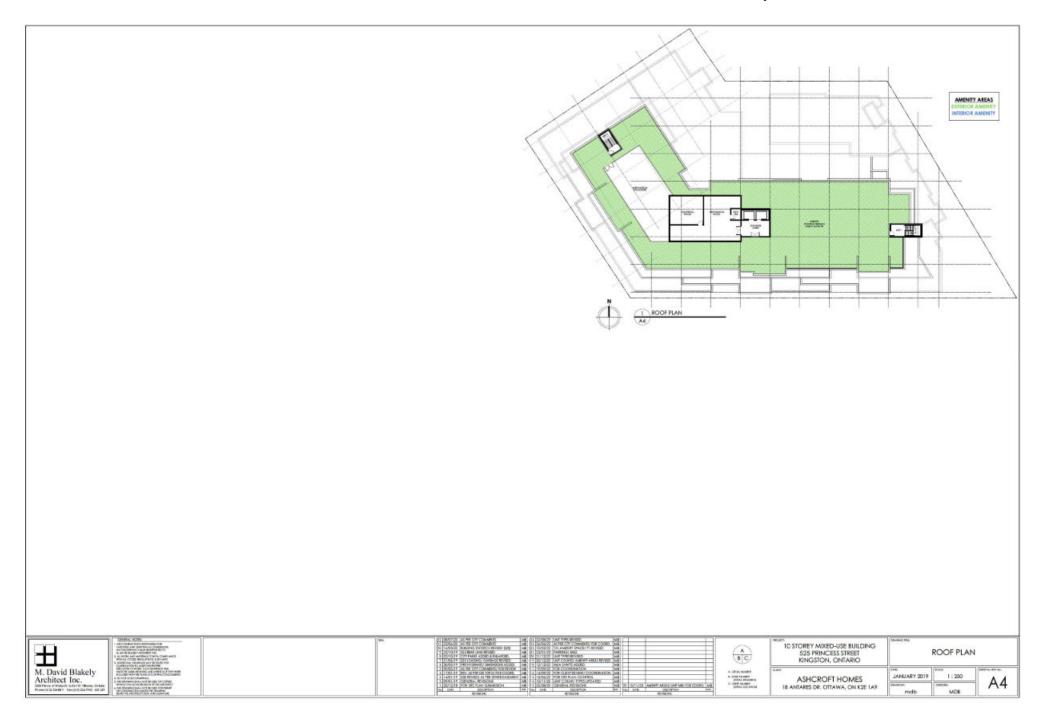


Exhibit F Report Number COA-24-003



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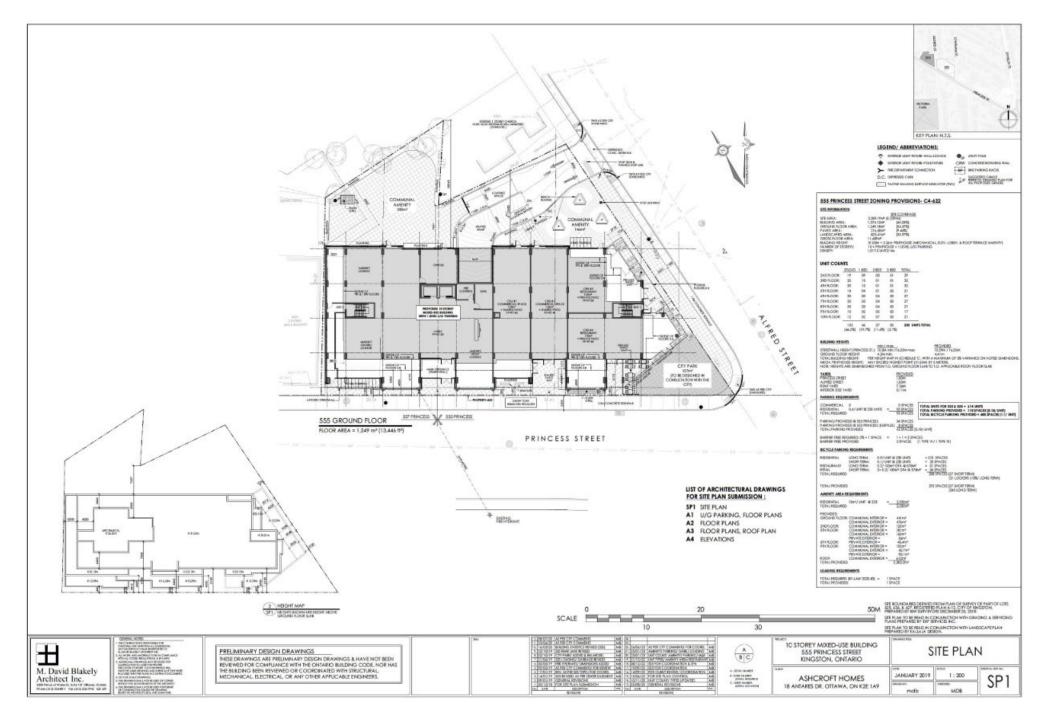


Exhibit F Report Number COA-24-003

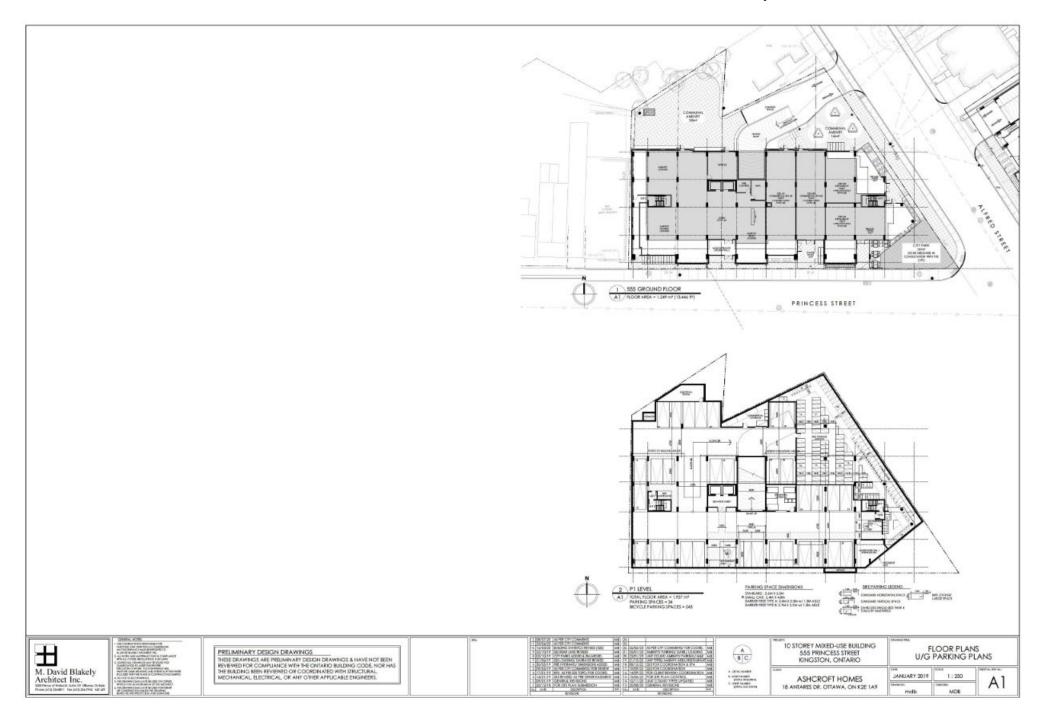
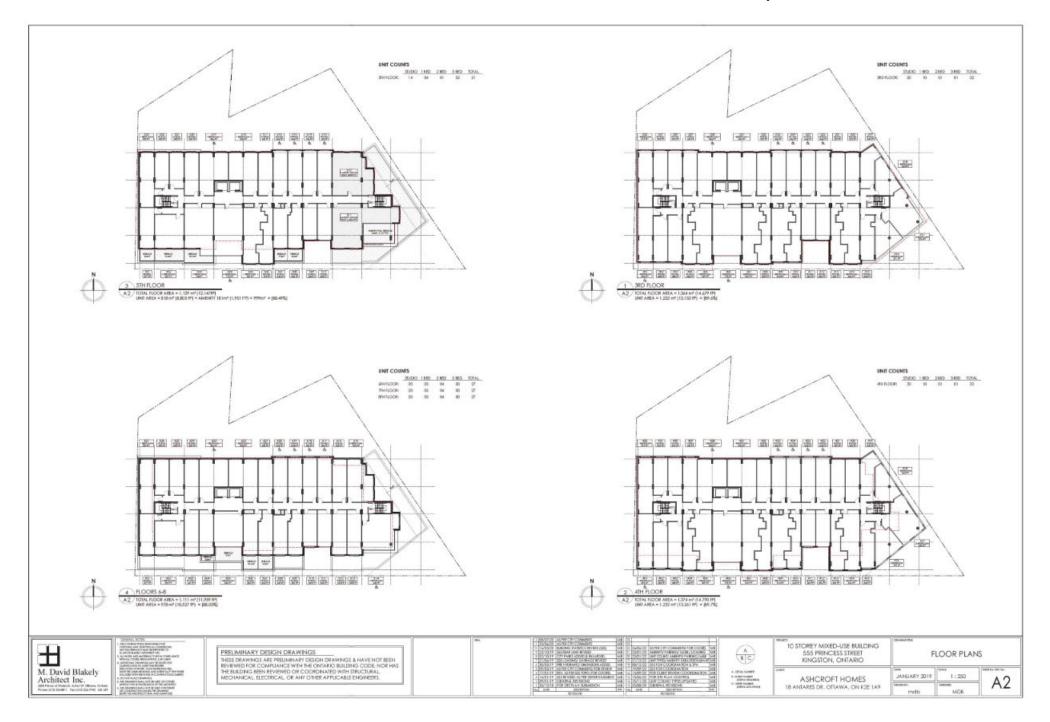
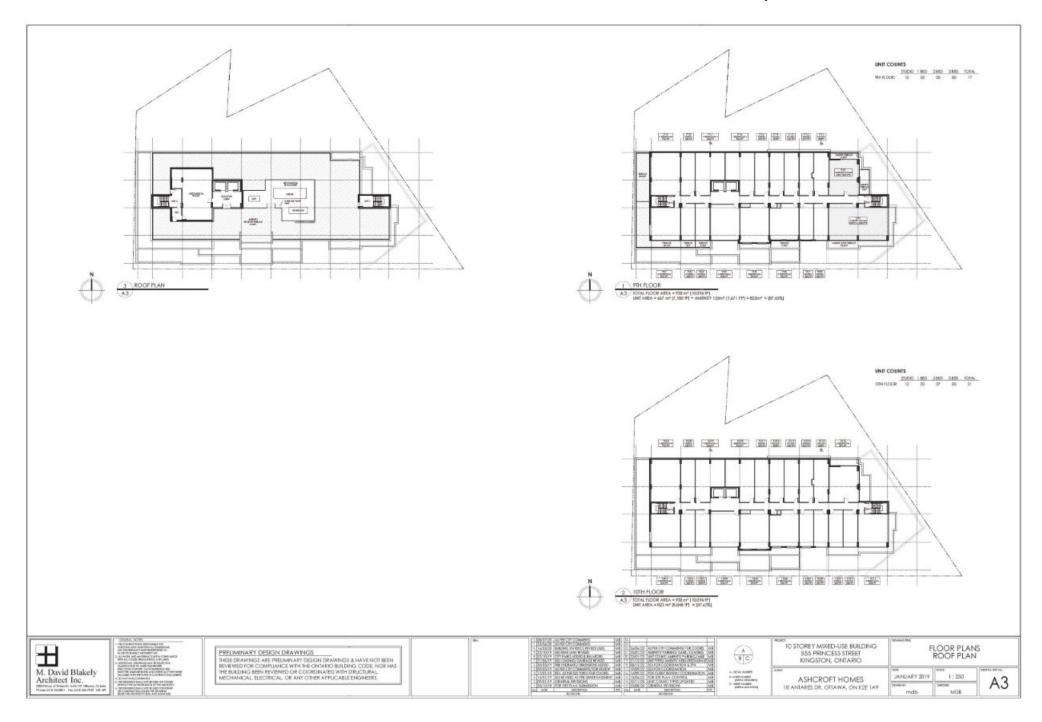


Exhibit F Report Number COA-24-003







Committee of Adjustment Public Notice Notification Map

Address: 525 & 555 Princess St File Number: D13-064-2023

60m Public Notification Boundary

Subject Lands

☐ Property Boundaries

82 Properties in Receipt of Notice (MPAC)

