



**City of Kingston
Report to Planning Committee
Report Number PC-24-048**

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: September 19, 2024
Subject: Recommendation Report
File Number: D35-004-2022
Address: 2312 Princess Street
District: District 2 - Loyalist-Cataraqui
Application Type: Official Plan & Zoning By-Law Amendment
Owner: 2312 Princess Street Inc.
Applicant: Arcadis

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

The following is a report recommending approval to the Planning Committee for applications for Official Plan and Zoning By-Law amendments based on modifications to the proposal originally described in [Report Number PC-24-010](#) (Exhibit A), which was presented at a regular Planning Committee meeting on December 7, 2023. During this meeting the matter was deferred to allow the applicant additional time to consult with the community and address compatibility concerns. The Planning Committee provided further deferrals at the meetings of February 15, 2024, and May 16, 2024 to allow the additional time for the applicant to make progress on revisions to their proposal.

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In response to that deferral motion, Planning Services staff have worked with the applicant and members of the community to identify opportunity to mitigate the impact of the overlook and privacy concerns. A revised proposal was submitted on June 27, 2024, and the applicant undertook a Community Consultation meeting on August 15, 2024. The revised proposal is broadly similar to the initial application however the development of the six-storey building has incorporated the following:

- The setback between the north property line and the north wall now ranges between 12.4 metres at the east end of the building and 14.6 metres at the west end of the building.
- The east wing of the building has been 'sunken' from the remainder of the building one metre to reduce the extent of overlook and accommodate grade changes.
- Along the north wall the 1.2 metre step back at the 4th floor has been removed.
- Along the north wall Juliet balconies have been replaced with projecting balconies on the third floor and inset balconies on the 4th floor.
- A one metre 'architectural projection' has been added to the building wall between balcony sections to mitigate prereferral views.
- A fire access route has been added to the site layout.
- Amenity areas and balconies have been reconfigured.
- Along the south wall the three metre partial step-back at the fourth floor has been removed and the building wall projects three metres towards the heritage building.

The revised submission has been reviewed internally and staff are generally supportive of the application and are therefore recommending approval of the application excepting that only balconies be permitted as Juliette balconies above the second floor along the northern wall that faces Walnut Grove, as was contemplated in the applicant's last submission.

In addition, the heritage building that use to house the Lakeshore School is no longer included in this application. The zoning for the site is Arterial Commercial (CA) under the Kingston Zoning By-Law and there is a purchaser working to sever the lands and use them in accordance with the uses permitted by the CA Zone.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-004-2022) submitted by Arcadis, on behalf of 2312 Princess Street Inc., for the property municipally known as 2312 Princess Street, be approved; and

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That the City of Kingston Official Plan, as amended, be further amended, Amendment Number 88, as per Exhibit B, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-048; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit C (Draft By-Law and Schedule A and B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-048; 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 Initiatives	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**

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application meeting held on October 26, 2021, with Planning Services and various other departments and agencies. Following this, a complete application submission was made by the applicant on March 25, 2022.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 23, 2022, which is 120 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 the compatibility concerns raised by the public and to address technical issues necessary to comply with the Ontario Building Code taking the application beyond the 120 days after a complete application was received. The application was initially brought before the Planning Committee for a Public Meeting held on August 11, 2022, after which a revised proposal was recommended for approval to Planning Committee on December 7, 2023. During that meeting the Planning Committee passed a motion to defer the recommendation. The deferral motion was as follows:

“That Report PC-24-010 be deferred so that staff can have additional conversations around compatibility considerations with the residents and the developer.”

The recommendation was further deferred at the Planning Committee meetings of February 15, 2024 and May 16, 2024 to allow additional time for the applicant to revise their proposal to adequately address the compatibility concerns.

The revised proposal has made several improvements intended to reduce the amount of privacy concerns and overlook associated with a larger building in close proximity to the private outdoor amenity area of the adjacent lower density residences. Notwithstanding certain changes set out in the revised proposal which have mitigated the compatibility concerns, other changes to the proposal have exacerbated the compatibility concerns. As such staff have put forward a by-law which grants, in part, the proposed development based on the revised proposal but have maintained provisions permitting only Juliette balconies above the second floor which formed the basis of the initial recommendation for approval. With these changes, the application is being recommended for approval.

Site Characteristics

The subject property is situated at the northeast corner of Princess Street and Andersen Drive, roughly 340 metres west of Sydenham Road. The property is an irregularly shaped lot, widening out towards the rear, measuring 1.45 hectare in size and having approximately 147 metres of frontage along Andersen Drive to the west and 55 metres of frontage along Princess Street to the south. The site is currently developed with a two-storey building at the southwest corner of

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the lot which is designated under Part IV of the Ontario Heritage Act and was, up until recently, occupied by the Lakeshore School.

Proposed Application and Submission

The applicant requesting an Official Plan amendment to re-designate portions of the property, generally towards Princess Street, from Arterial Commercial to Residential to permit a 302-unit apartment building and to facilitate the severance of the heritage building which is proposed for residential purposes. The Applicant is also proposing to re-zone the property by incorporating the lands into the Kingston Zoning By-Law within the Urban Multi-Residential Zone 2 (URM2), as proposed for the lot accommodating the apartment building. An Exception Overlay would contain specific development standards to facilitate specific characteristics of the development.

The proposed amendments would facilitate the construction of a six-storey apartment building and allow the conversion of the existing heritage designated building on the property, which until recently accommodated an educational institution, to a detached house. The proposed apartment building would accommodate a total of 302 homes with the revised proposal now contemplating a much more equal distribution of housing types consisting of 44 studios, 130 one-bedroom, and 128 two-bedroom configurations.

As a result of the deferral motion passed by Planning Committee at its December 7th regular meeting, the applicant has further revised their proposal in an effort to minimize the impact of the development on the surrounding neighbourhood and hosted a Community Consultation meeting with area residents on August 15, 2024.

Based on the revised proposal, the eastern wing of the apartment building would be recessed one metre from the remainder of the building so as to follow the contour of the grade change as the site goes down in elevation from west to east. Internally, a ramp down would accommodate the grade change to this wing of the building which would extend to distance of 12.4 metres from the north lot line.

At the western wing of the building, the revised proposal has increased the setback an additional two metres from the north lot line where the building now achieves a 14.4 metre setback. As a result, the apartment building now encroaches an additional two metres towards the heritage building and the face of the south building wall has been reconfigured in this area behind the heritage building. In support of these changes, the applicant has submitted an addendum to the Heritage Impact Statement to the satisfaction of the City's Heritage Services division.

With respect to the rooftop amenity area, a 1.2-metre-wide separation barrier consisting of plantings has been added to the edge of the roof in an effort to mitigate against direct overlook of the adjacent rear yards.

In addition to the above noted measures intended to directly mitigate potential adverse impacts associated with the apartment building, additional revisions have been included which, in comparison to the previous submission, can be anticipated to result in additional overlook.

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Specifically in place of Juliet balconies on the third and fourth floor, projecting balconies have now been included on the third floor, while recessed balconies are now proposed at the fourth floor which is no longer stepped back from the storey below. Additionally, the number and extent of balconies has been increased from seven units on each storey to ten units on the first through fourth floors having north-facing balconies in the area closest to the north lot line. This, in addition to an increase from three balconies in the recessed area of the north wall to seven has led to an increase in the balcony coverage along the north wall from 30% in the last submission to 57% in the revised submission. However, most of this increase in balcony coverage has been directed to the recessed area of the north wall some 20 metres further distance from the abutting residences. The balcony coverage in the area closest to the north lot line is approximately 43% with the majority of the projecting balconies measuring 3.6 metres width by 1.5 metres depth.

While the request for balconies for all units facing north is understood to provide private amenity for those units, it further increases overlook concerns for the residential lands to the north. The proposed by-law has been amended to allow only Juliet balconies for the units above the second floor along the northern wall of the building.

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.

Provincial Policy Statement

A fulsome review of the application's consistency with the Provincial Policy Statement is provided through Report Number PC-24-10. The development will provide additional housing options within the urban settlement area boundary, while supporting intensification and infill within the serviced urban area. Utilities Kingston has confirmed that adequate services exist for the proposed development. No external change is proposed to the heritage building, and the applicant has submitted Heritage Impact Statement demonstrating that the that the heritage attributes of the protected heritage property will be conserved as a result of the proposed development noting that the design of the building will create a compatible, unified background for the heritage resource.

Official Plan Considerations

A fulsome review of the application's conformity to the Official Plan is provided through Report Number PC-24-010. The proposed development allows the site to be development for a residential use as intended by the Secondary Plan. The development of the site with the proposed apartment building will add to the mix of housing types and affordability within Cataraqui North, thereby creating a more complete community and additional options for aging in place within the Cataraqui North neighbourhood.

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Zoning By-Law Considerations

A fulsome review of zoning by-law considerations is provided through Report Number PC-24-010. The revised proposal has resulted in changes to certain provisions of the exception overlay initially put forward to allow for the development as previously contemplated. Additionally, the City recently passed comprehensive amendments to the Kingston Zoning By-Law which remove the need for certain site-specific provisions originally contemplated.

Table 1 Zoning Comparison Table URM2 & Exception Overlay as Originally and Currently Proposed

Zone Provision	By-Law Section	Required (URM2)	Originally Proposed (E139)	Currently Proposed (E139)
Maximum number of Dwelling Units	Not applicable	Not applicable	300	302
Maximum % of wall to be occupied by balconies	4.20.1.2	A maximum of 45% of the horizontal length of each face of the main wall of each storey may be occupied by balconies;	(i) A main wall facing an inner courtyard: 46% (ii) A main wall facing a rear lot line:30% (iii) A main wall not identified in (i) or (ii): 36%	(i) A main wall facing an inner courtyard: 84% (ii) A main wall facing a rear lot line: 57% (iii) A main wall not identified in (i) or (ii): 78%
Maximum projection of balconies from the main wall	4.20.1.2	2 metres	Not applicable	1.5 metres
Balconies location	Not applicable	Not applicable	Within 15 metres of the rear lot line no balconies other than Juliette balconies are permitted above the 3rd floor.	No balconies other than Juliet balconies permitted along the northern wall above the second floor.

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Zone Provision	By-Law Section	Required (URM2)	Originally Proposed (E139)	Currently Proposed (E139)
Architectural elements	Not applicable	Not applicable	Not applicable	Architectural elements are permitted to project a maximum of 1.0 m from the outermost face of a main building wall
Amenity Area	4.3.1 & 4.3.2	A minimum of 18.5 square metres of amenity area must be provided for each dwelling unit on a lot. 10 square metres per dwelling unit when developed in accordance with the Express Transit Area Overlay framework	Not applicable	15 square metres of amenity area must be provided for each dwelling unit
Amenity Area Setback	4.3.2	Not applicable	Not applicable	The fifth floor outdoor amenity area must be set back a minimum of 1.2 metres from the buildings north main wall;
Privacy Fence	Not applicable	Not applicable	A privacy fence with a minimum height of 2.4 metres must be provided along the rear lot line.	Not applicable

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Zone Provision	By-Law Section	Required (URM2)	Originally Proposed (E139)	Currently Proposed (E139)
Car-share Spaces	Table 7.1.1.	1 space plus 1 for each additional 30 units (6 spaces)	3 spaces	2 spaces
Parking Space Design	7.4.10.1	Not applicable	Up to 20 spaces within a parking structure may be partially obstructed on one side by a wall or column	All standard spaces within an underground parking structure may have a partial obstruction on both sides, and may also have a structural column encroach into the space on one side to a maximum depth of 0.2 m for a maximum length of 0.4 m provided it is no greater than 1.0 m from the end of the space

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Zone Provision	By-Law Section	Required (URM2)	Originally Proposed (E139)	Currently Proposed (E139)
Parking Provisions for Multi-unit Residential	7.4.9.3	<p>Parking spaces must be located in a permitted private garage, parking structure, driveway or parking lot in the rear yard or interior yard, except as follows:</p> <p>(a) Visitor spaces may be located in the front yard or exterior yard provided the visitor space is not closer than 3.0 metres to any lot line and not closer than 7.5 metres to any street line;</p>	<p>A maximum of 50 parking spaces may be located within a front yard or exterior yard provided no parking space is closer than 9.0 metres to a front lot line and 15 metres from a rear lot line.</p>	<p>A maximum of 50 parking spaces may be located within a front yard or exterior yard provided no parking space is closer than 9.0 metres to a front lot line and 15 metres from a rear lot line.</p>

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Zone Provision	By-Law Section	Required (URM2)	Originally Proposed (E139)	Currently Proposed (E139)
Location of Loading Spaces	7.5.7.	Loading spaces must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use	Loading Space may be located in a front yard provided it is not closer than 30 metres to a front lot line or exterior lot line.	Loading Space may be located in a front yard provided it is not closer than 30 metres to a front lot line or exterior lot line.

It is also worth noting that the comprehensive amendments to the Kingston Zoning By-Law implement new policies introduced to the Official Plan allowing residential development within Express Transit Areas through a Minor Variance process subject to certain criteria. The subject property is located within an Express Transit Area which allows up to ten storeys subject to separation distances between the building and adjacent Urban Residential (UR) zone, as exists to the north of the subject property. The provisions for a minor variance would require a two-metre-wide planting strip together with a separation distance of 10 metres for the first four storeys and a 15-metre separation distance for the fifth through sixth storeys. The proposed development exceeds these minimum separation distances; however, it is recognized that the rear, interior, and exterior setbacks are not defined but rather are determined through the minor variance application process.

Development in accordance with the Express Transit Area Overlay framework would also allow for a reduced amenity area of 10 square metres per dwelling unit as opposed to the 18.5 square metres otherwise required, or the 15 square metres proposed in the applicant’s amending by-law.

Other Applications

The applicant has submitted a concurrent Site Plan Control application (File Number D11-017-2024) for the proposed development, as well as a Site Alteration Permit application (File Number P11-SAP-002-2024) to permit the excavation of the site in advance of final site plan control approval. Securities will be taken through both processes, if approved.

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

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technical issues with this Official Plan and zoning by-law amendment application remain at this time. Detailed site design elements are being further reviewed by relevant technical departments through the Site Plan Control process.

Public Comments

A response to public comments was provided through Report Number PC-24-010. Below are comments received subsequent to the circulation of the revised application, which are included in full as Exhibit G as well as responses to these concerns. The issues raised concerning the revised proposal generally reiterate the issues brought forward with the initial proposal included as Exhibit M of Report Number PC-24-010 and the Addendum to that report (Exhibits A and B respectively).

- Concern regarding setbacks and massing were identified in the correspondence and subsequent Community Consultation Meeting which was held by the applicant. The concerns noted that only the western building section had been moved away from the north lot line and that the reorientation only achieved an additional 2 metres.

Response: The building continues to maintain an approximately 45-degree angular plane measured from the grade at the property line. Along the northern property line of the subject property, a row of tree plantings will complement the existing fence with a mix of coniferous and deciduous trees intended to mitigate direct observation of the building.

Visually, the building's massing is broken up by the use of a step-back at the fifth floor which 6 metres (western building section) and 7 metres (eastern building section) while the change from projecting balconies above the second floor reinforces this transition towards the lower density further north. Additionally, the amenity area on the fifth floor is setback a distance of 1 metre from the edge of the building with the intervening area being used to accommodate large planting boxes which, in addition to preventing overlook (see also below) will create a more animated built form. Of additional note, the applicant is proposing to use a combination of masonry and panel siding with contrasting colours to help visually break up the building.

- Concerns regarding overlook and privacy impacts continue to be a primary concern for area residents noting that there has been an increase in the number and extent of balconies and that the third storey balconies have been replaced with projecting balconies while the fourth storey balconies have been replaced with recessed balconies whereas previously balconies on both the third and fourth storeys were Juliet balconies.

Response: Balconies are an important means of providing outdoor private amenity space for residents of apartment buildings who would otherwise lack direct access to outdoor amenity space or any private amenity space. The By-law put forward would not allow projecting balconies above the second storey, while there would be 10 units having access to balconies along the first and second story facing the 13 detached residences to the north, this would be consistent with the extent of overlook associated with balconies from a typical two-storey dwelling or neighbouring properties.

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- Concern regarding increased shadowing since the last submission despite the increased setbacks and recessed floor plate.

Response: The applicant has prepared more detailed plans for the development including corrections to the geodetic elevation of the existing site and the necessary grade changes to facilitate the proposal. The increase effect of the increased accuracy in shadows cast are marginal and are entirely contained within the subject property during the summer solstice and fall equinox. During the spring equinox shadows are generally contained within the subject property with the exception of a roughly six metre cast shadow which traverses across the northerly properties throughout the day before increasing in length westwards as the sun begins to set (Exhibit G).

- Concern regarding exterior cladding colour and appearance giving a ‘factory-like’ or ‘institutional’ appearance resulting in unaesthetic appearance and depressed property values.

Response: The concerns regarding the colour and appearance of the cladding have been passed on to the applicant for their consideration. Opinions on aesthetic preferences are personal choices. While staff encourage the applicant to work with the community in the event that the project proceeds to site plan control, ultimately the colour and material used in siding is outside of the control of the *Planning Act*. Similarly concerns regarding potential decline in property values resulting from the aesthetic choice are generally not accepted as matter for land use planning consideration.

- Concern regarding high volume of traffic which will be exacerbated as a result of the proposed apartment and request for additional traffic study.

Response: A more detailed Traffic Impact Study would be required as a component of the site plan control application; however, for the purposes of the Official Plan and Zoning By-Law amendment application the suitability of the proposed use and ability of the site and surrounding road network to accommodate the anticipated traffic was demonstrated to the satisfaction of the City’s Transportation Department in the Traffic Impact Study submitted by the applicant.

Effect of Public Input on Draft By-Law

In response to public input, the applicant has modified the proposal in several key aspects including moving the western building section to achieve an additional two metre setback from the adjacent neighbourhood to the north while also recessing the eastern section of the building by one metre together with site grading to match the change in elevation. Further, the amenity areas on the fifth floor have been separated from the edge of the building by 1.5 metres through the use of planters.

Conclusion

At its December 7, 2023, regular meeting, Planning Committee passed a motion to defer the recommendation contained in Report Number PC-24-010 to allow staff additional time to have

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conversations around compatibility considerations with the residents and the developer. This motion was passed in response to concerns raised by area residents regarding the massing and overlook of the proposed development.

As outlined within the body of this report, the revised proposal has balanced minimizing the privacy and overlook concerns with the desire to provide reasonable amenity for the future residents.

The recommended Official Plan and zoning by-law amendment will apply site-specific exceptions to permit the development of an underutilized property in an area which is well serviced by existing amenities facilitating active transportation options and a greater range of housing options. The proposed development affords adequate protection from undue adverse impacts to the stable residential neighbourhood to the north and protects the heritage attributes of the built heritage located on the property.

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.

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

Contacts:

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

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

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Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A [Report Number PC-24-010](#)
- Exhibit B [Addendum to Planning Committee Meeting Number 01-2024](#)
- Exhibit C Draft By-Law and Schedules to Amend the Official Plan
- Exhibit D Draft By-Law and Schedules to Amend Zoning By-Law Number 2022-62
- Exhibit E Updated Site Plan and Cross Sections
- Exhibit F Updated Birdseye Views and View Planes
- Exhibit G Updated Shadow Impacts
- Exhibit H Public Notice Map
- Exhibit I Additional Public Comments

By-Law Number 2024-XXX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 88, 2312 Princess Street)

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on August 11, 2022, December 7, 2023, and on September 19, 2024;

Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The City of Kingston Official Plan is hereby amended by the following map change which shall constitute Amendment Number 88 to the Official Plan for the City of Kingston.
 - (a) **Amend** Schedule 'CN-1' Cataraqui North Secondary Plan, of the City of Kingston Official Plan, so as to re-designate a portion of the property located at 2312 Princess Street, as shown on Schedule 'A' to By-Law Number 2024- ____, from 'Arterial Commercial' to 'Residential'.
2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Policy as Section 10C.3.34.1:

"2312 Princess Street, Schedule CN-1

10C.3.34.1 That high density residential development may be located at the northeast corner of Princess Street and Andersen Drive (2312 Princess Street) subject to the following restrictions:

 - a. The maximum density is 210 dwelling units per net hectare of land."
3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk


Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Address: 2312 Princess St
File Number: D35-004-2022

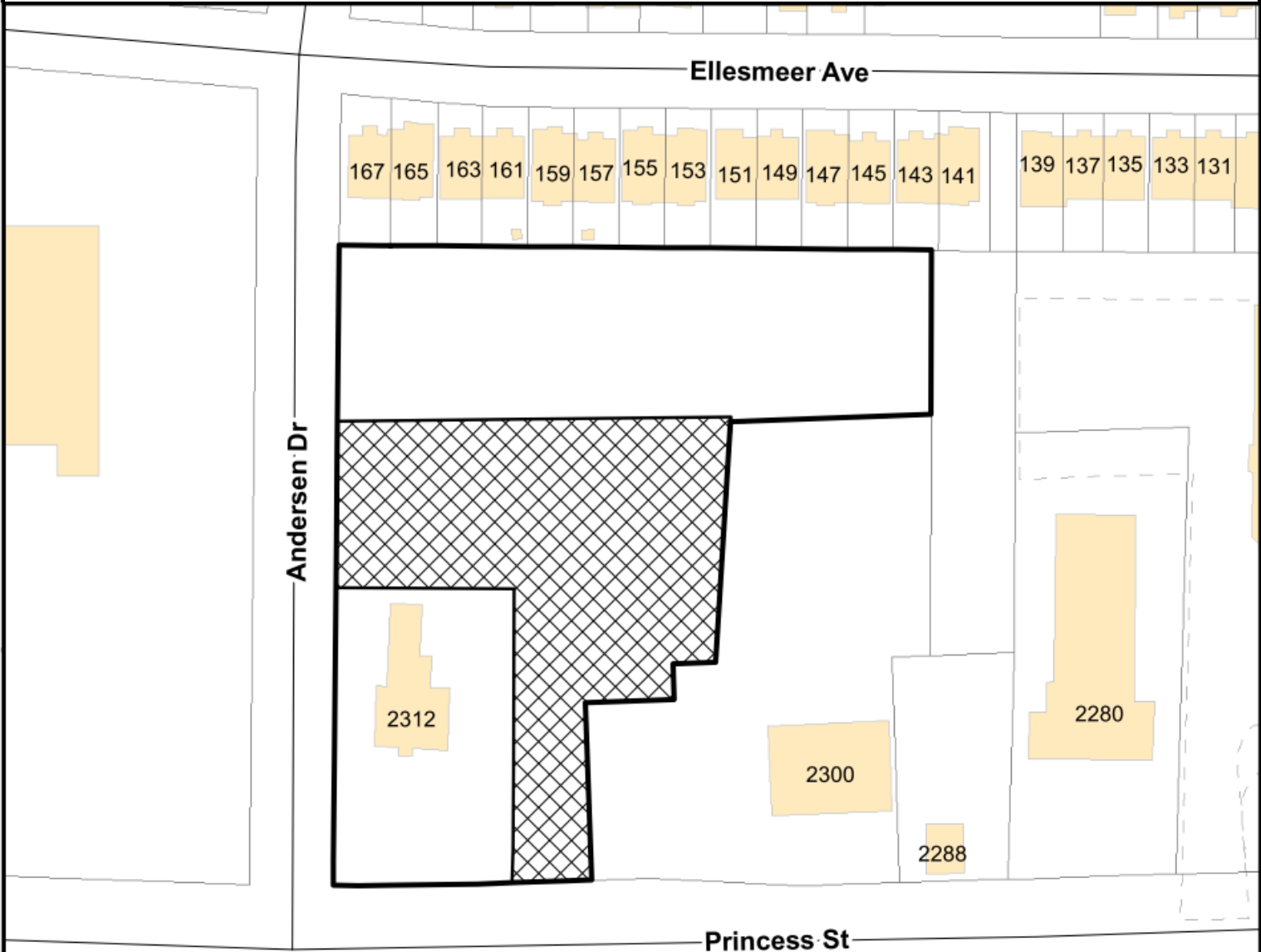
Schedule CN-1 Cataraqui North Neighbourhood Secondary Plan

 Lands to be Re-designated from
'Arterial Commercial' to 'Residential'

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor Clerk



By-Law Number 2024-XX

**A By-Law to Amend By-Law Number 2022-62, “The Kingston Zoning By-law”
(Transfer of Lands into Kingston Zoning By-law, Introduction of Exception
Numbers E139, and Removal of Holding Overlay H180 (2312 Princess Street))**

Passed: [Meeting Date]

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”); and

Whereas the subject lands are identified as “Not Subject to this By-law” on Schedule 1 of the Kingston Zoning By-law; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law.

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

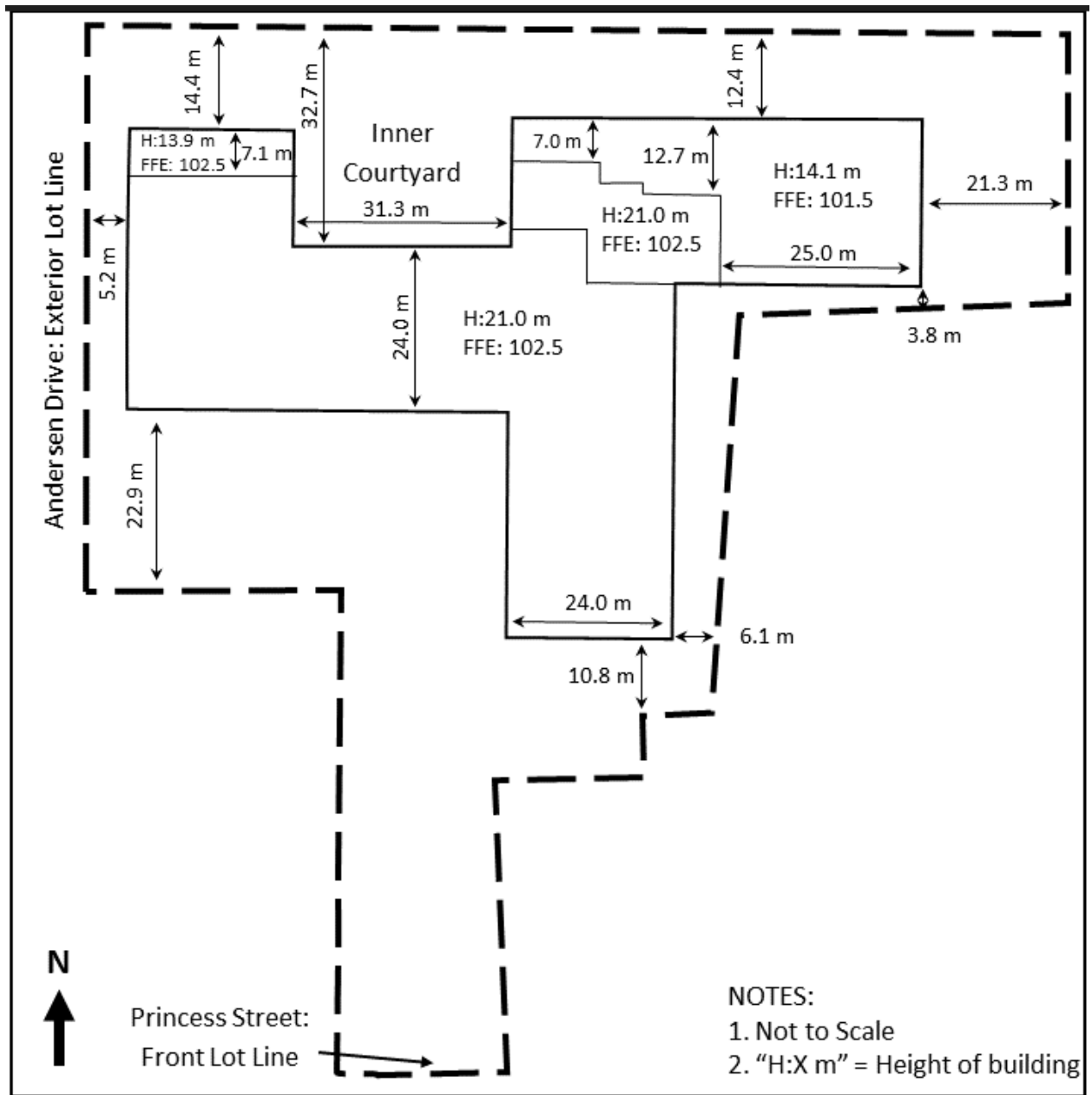
1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘URM2’, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule E – Exception Overlay is amended by adding Exception Number E139, as shown on Schedule “B” attached to and forming part of this By-law.
 - 1.3. Schedule F – Holding Overlay is amended by removing Holding Overlay ‘H180’, as shown on Schedule “C” attached to and forming part of this By-law;
 - 1.4. By adding the following Exception Number E139 in Section 21 – Exceptions, as follows:

“**E139.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The maximum number of **dwelling units** in an **apartment building** is 302;
- (b) The **front lot line** is the **lot line** dividing the **lot** from Princess Street;
- (c) The **exterior lot line** is the **lot line** dividing the **lot** from Andersen Drive;
- (d) The maximum **building heights** are specified on Figure E139, with a maximum 0.5 metre variance on noted dimensions permitted;
- (e) The **building setbacks** are shown on Figure E139, with a maximum 5% variance on noted dimensions permitted;
- (f) The maximum percentage of a **main wall** occupied by **balconies** facing an inner courtyard is 84%, facing a **rear lot line** is 57%, and all other **main walls** is 78%;
- (g) Above the second **storey** a Juliet balcony is the only permitted form of **balcony** on a **main wall** facing a **rear lot line**;
- (h) The maximum distance that building components less than 3 metres in width may project from a **main wall** is 1 metre;
- (i) A minimum 2-metre-wide **planting strip** must be provided along the **rear lot line**;
- (j) Communal outdoor **amenity area** above the fourth **storey** must be set back a minimum of 1.2 metres from the north **main wall**;
- (k) The only defined area for providing access that is permitted within 12 metres of the **rear lot line** is a fire route and such area may not be used as a **driveway** or **drive aisle**;
- (l) The minimum **drive aisle** width is 6.0 metres;
- (m) The minimum number of **car-share spaces** is 2;
- (n) The minimum number of **visitor spaces** is 10;
- (o) A maximum of 50 **parking spaces** are permitted for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, and must include signage that identifies the **parking space** as “small car parking space”;
- (p) Within an underground parking structure standard **parking spaces** may have a partial obstruction on either side of the **parking space**;
- (q) Within an underground parking structure a column may encroach into a **parking space** on one side with a maximum depth of 0.2 metres for a maximum length of 0.4 metres provided it is no greater than 1.0 metre from the end of the **parking space**;

- (r) A maximum of 50 **parking spaces** may be located within a **front setback** or **exterior setback** provided no **parking space** is closer than 9.0 metres to a **front lot line** and 15 metres from a **rear lot line**;
- (s) A minimum of 0.75 **long-term bike spaces** are required per **dwelling unit**;
- (t) **Short-term bike spaces** are not required to be weather-protected;
and
- (u) The minimum **amenity area** is 15 square metres per **dwelling unit**.

(v) Figure E139:



2. The lands shown on Schedule "A" attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of

Kingston By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, no longer apply to the lands.

3. 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: 2312 Princess Street
File Number: D35-004-2022

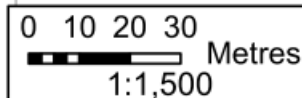
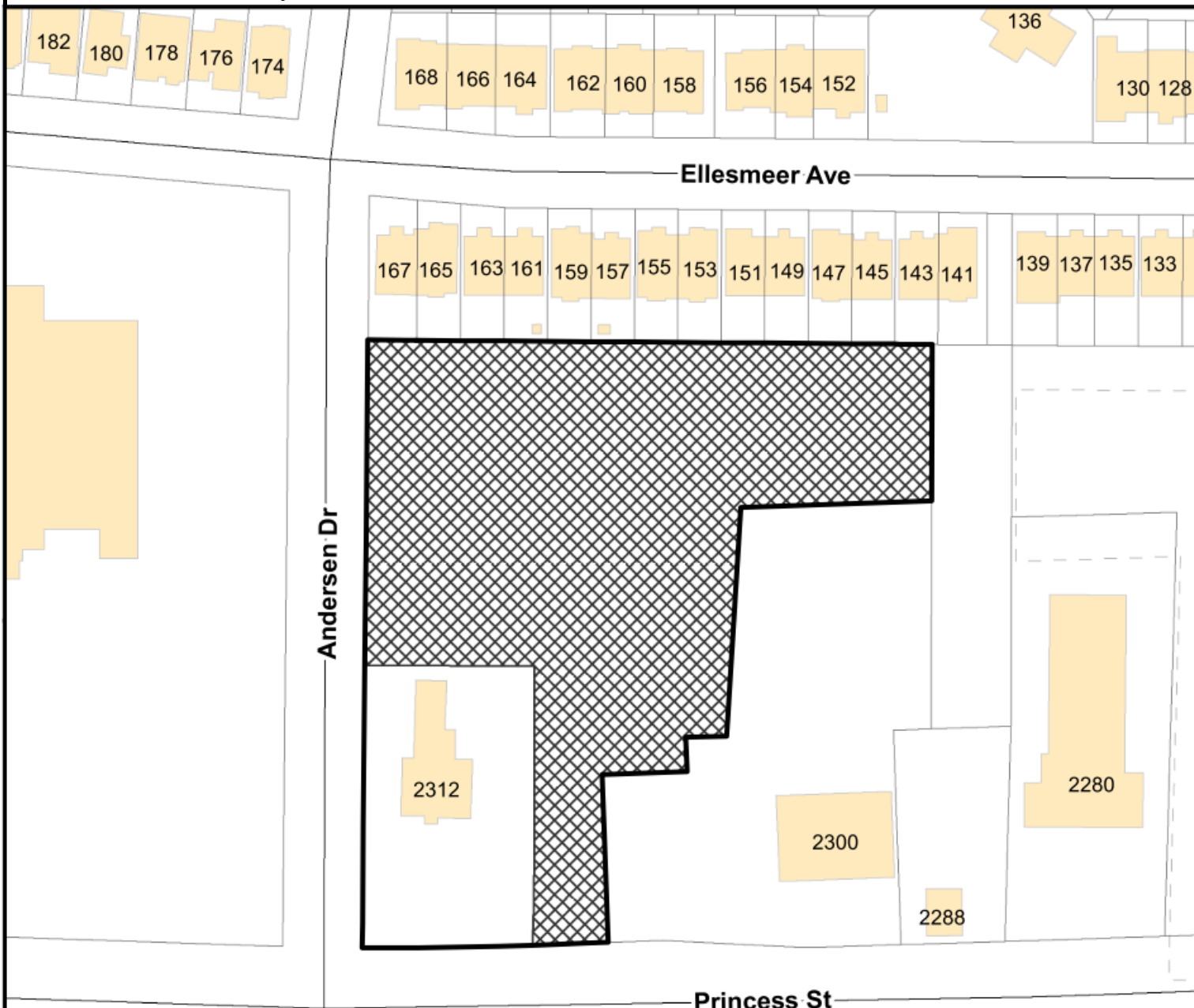
Reference Kingston Zoning By-Law Schedule 1 - Zoning Map

 Lands to be Rezoned from Not Subject to
This By-law to URM2

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor Clerk






Kingston
Planning
Services

**Schedule 'B'
to By-Law Number**

Address: 2312 Princess Street
File Number: D35-004-2022

**Reference Kingston Zoning By-Law
Schedule E - Exception Overlay**

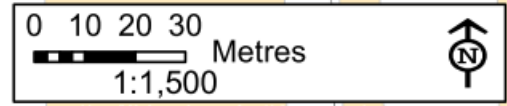
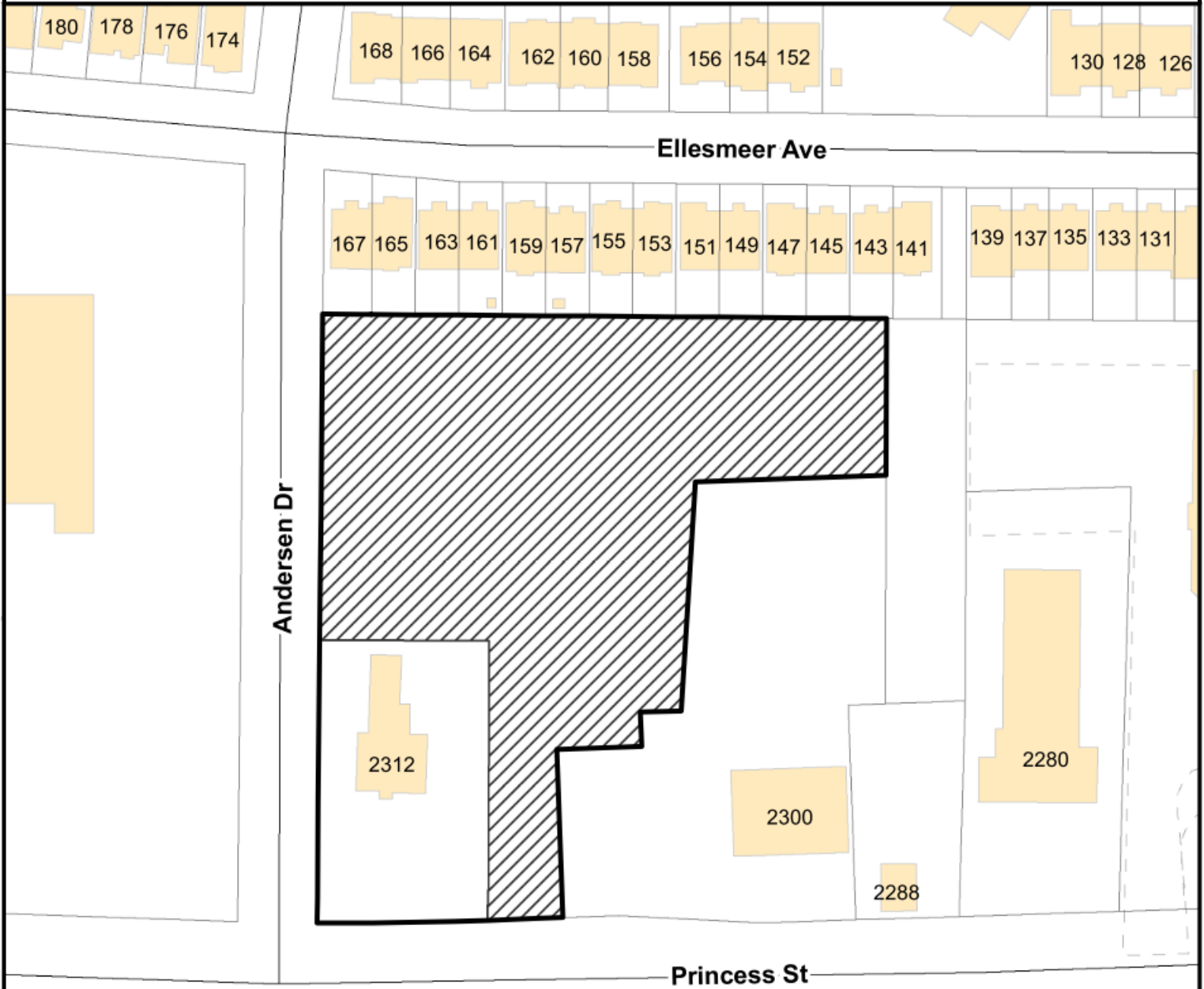
 Lands to be Added as Exception Number E139

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor

Clerk





Planning Services

Schedule 'C' to By-Law Number

Address: 1200 Princess Street
File Number: D14-010-2020

Kingston Zoning By-Law 2022-62 Schedule F - Holding Overlay

Lands to be Removed from Holding Overlay H180

Certificate of Authentication

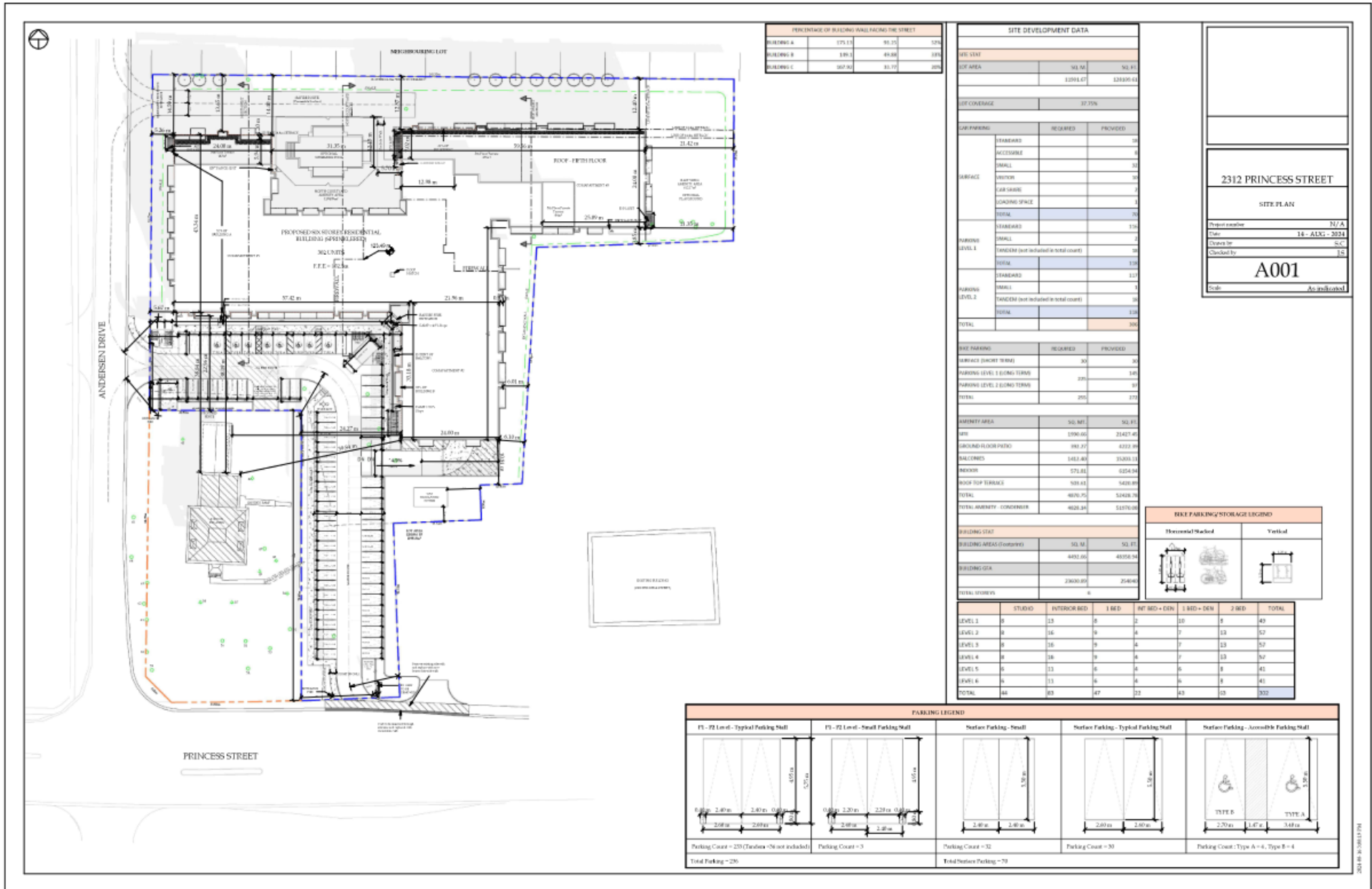
This is Schedule 'C' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor Clerk



Prepared By: cbarrett
Date: Aug-27-2024

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PERCENTAGE OF BUILDING WALL FACING THE STREET			
BUILDING A	175.13	91.25	12%
BUILDING B	186.1	45.88	10%
BUILDING C	107.50	31.77	20%

SITE DEVELOPMENT DATA			
SITE STAT			
SITE AREA	50.1 M	50.41	
	12291.47	12439.41	
NET COVERAGE			
		37.75%	
CONVERTING			
	REQUIRED	PROVIDED	
SURFACE	STANDARD		34
	ACCESSIBLE		6
	SMALL		33
	WAGON		16
	LOADING SPACE		1
TOTAL			70
PARKING LEVEL 1	STANDARD		134
	SMALL		2
	TANGENT (not included in total count)		34
TOTAL			170
PARKING LEVEL 2	STANDARD		117
	SMALL		1
	TANGENT (not included in total count)		34
TOTAL			152
TOTAL			392

BICYCLE PARKING			
	REQUIRED	PROVIDED	
SURFACE (SHORT TERM)		30	30
PARKING LEVEL 1 (LONG TERM)		149	149
PARKING LEVEL 2 (LONG TERM)		31	31
TOTAL	200	210	210

AMENITY AREA			
SQ. M	50.1 M	50.41	
SI	1590.00	21427.45	
GROUND FLOOR PERM	993.27	4232.34	
BALCONIES	1442.40	26300.15	
ROOFS	571.81	6254.94	
ROOF TOP TERRACE	509.61	5426.89	
TOTAL	4016.90	52418.74	
TOTAL AMENITY - CONSUMER	4021.34	52576.09	

NET PARKING STORAGE LEGEND		
	Horizontal Stacked	Vertical

	STANDARD	INTERIOR BICYCLE	1 BICYCLE	NET BICYCLE + CAR	1 BICYCLE + DEN	2 BICYCLE	TOTAL
LEVEL 1	9	15	8	2	10	8	42
LEVEL 2	4	16	9	4	7	13	57
LEVEL 3	8	16	9	4	7	13	57
LEVEL 4	8	16	9	4	7	13	57
LEVEL 5	6	13	6	4	6	8	41
LEVEL 6	6	13	6	4	6	8	41
TOTAL	44	83	47	22	43	53	332

PARKING LEGEND				
P1 - P2 Level - Typical Parking Stall Parking Count = 235 (Chelsea - 56 not included) Total Parking = 236	P1 - P2 Level - Small Parking Stall Parking Count = 3	Surface Parking - Small Parking Count = 32 Total Surface Parking = 70	Surface Parking - Typical Parking Stall Parking Count = 30	Surface Parking - Accessible Parking Stall Parking Count: Type A = 4, Type B = 4

2312 PRINCESS STREET

SITE PLAN

Project number: N/A
 Date: 14 - AUG - 2024
 Created by: S.C.
 Checked by: S.S.

A001

Scale: As indicated



North (East section) Elevation
1 - 100



North (West section) Elevation
1 - 100

2312 PRINCESS STREET

NORTH ELEVATION

Project number	N/A
Date	14 - AUG - 2024
Drawn by	S.C.
Checked by	T.S.
A108	
Scale	1 - 100



North
1 - 100



East (south portion) Elevation
1:100



East (north portion) Elevation
1:100

2312 PRINCESS STREET	
EAST ELEVATION	
Project number	N/A
Date	14 - AUG - 2024
Drawn by	S.C.
Checked by	J.S.
A109	
Scale	1:100



East
1:100



West (north portion) Elevation
1:100



West (south portion) Elevation
1:100

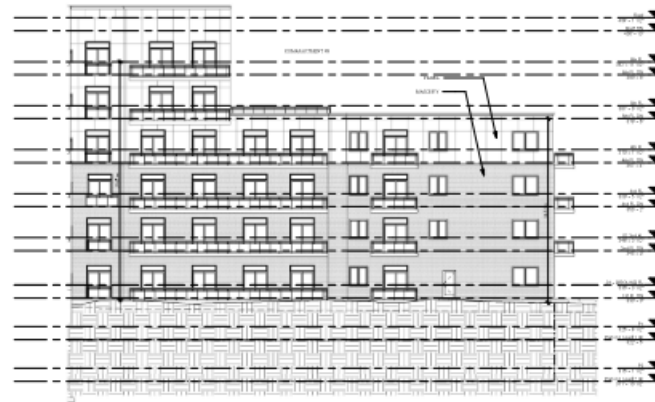
2312 PRINCESS STREET	
WEST ELEVATION	
Project number	D/A
Date	14 - AUG - 2024
Drawn by	Author
Checked by	Checker
A110	
Scale	1:100



West
1:100



South (west portion) Elevation
 1:100



South (east portion) Elevation
 1:100

2312 PRINCESS STREET	
SOUTH ELEVATION	
Prepared by:	D/A
Date:	14 - AUG - 2024
Checked by:	Author
Conc'd by:	Checker
A111	
Scale:	1:100

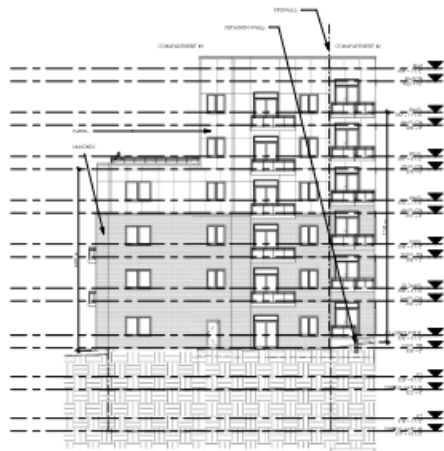


South
 1:100

2312 PRINCESS STREET

COURTYARD ELEVATION

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Drawn by	S.C.
Checked by	J.S.
A112	
Scale	1:100



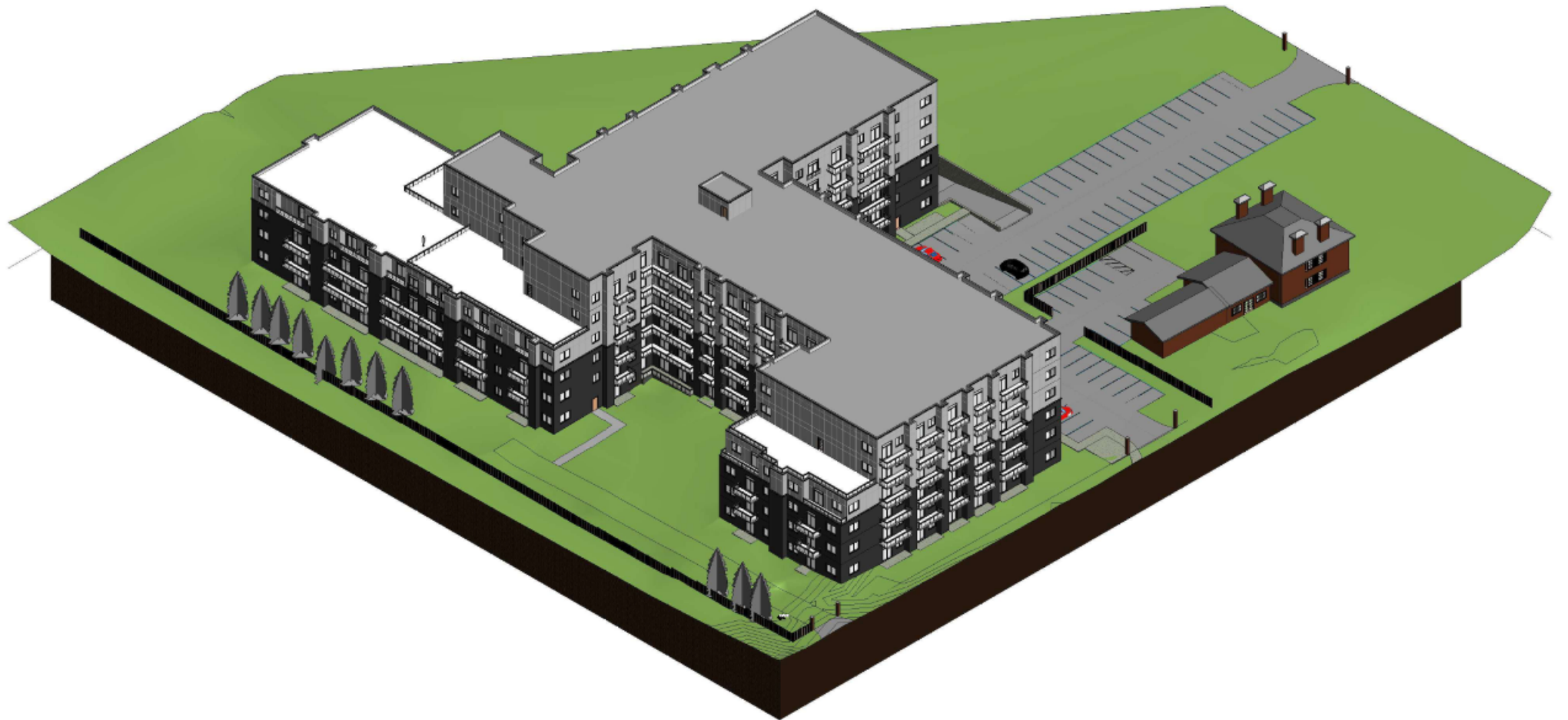
1 Courtyard East Elevation
1:100

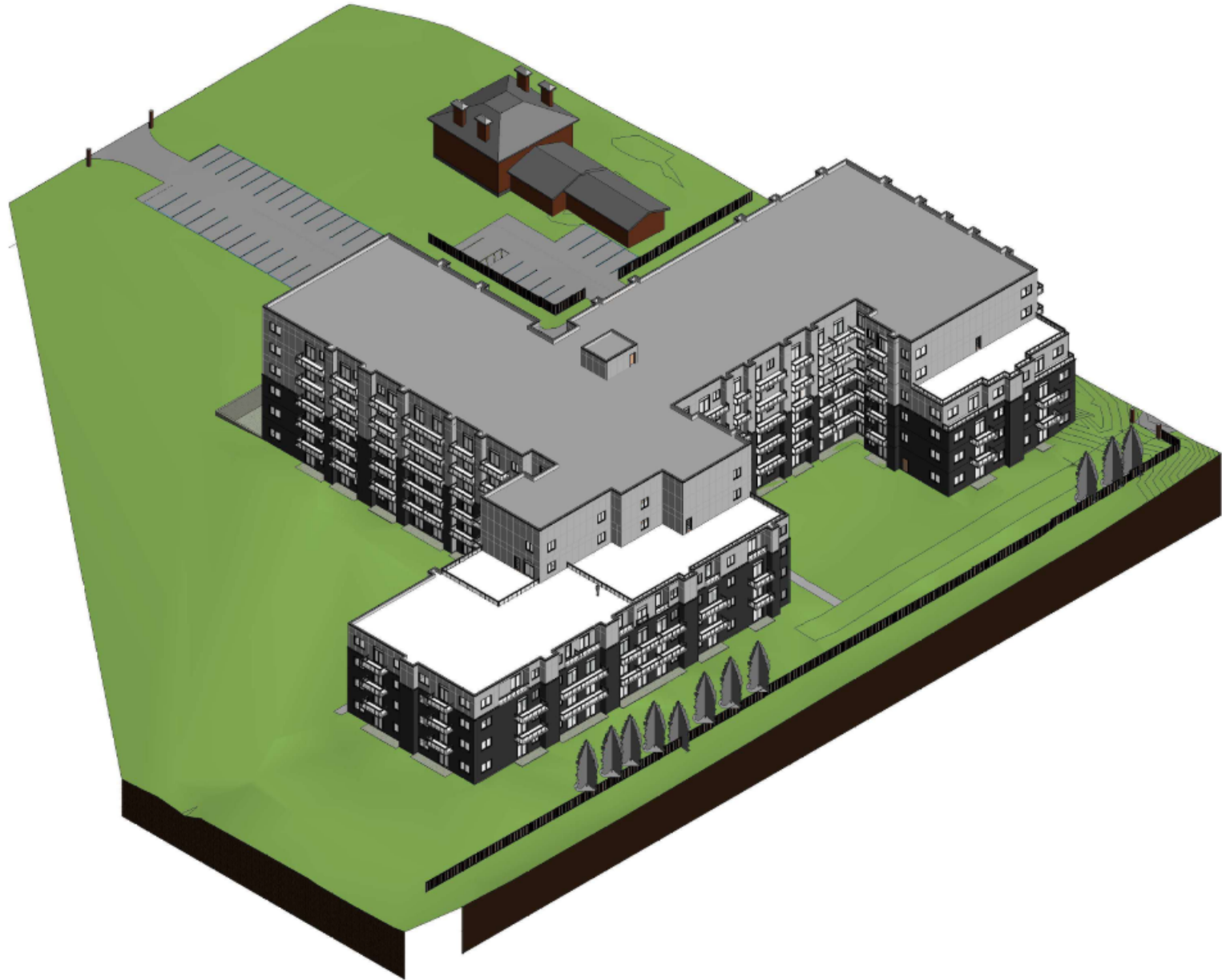


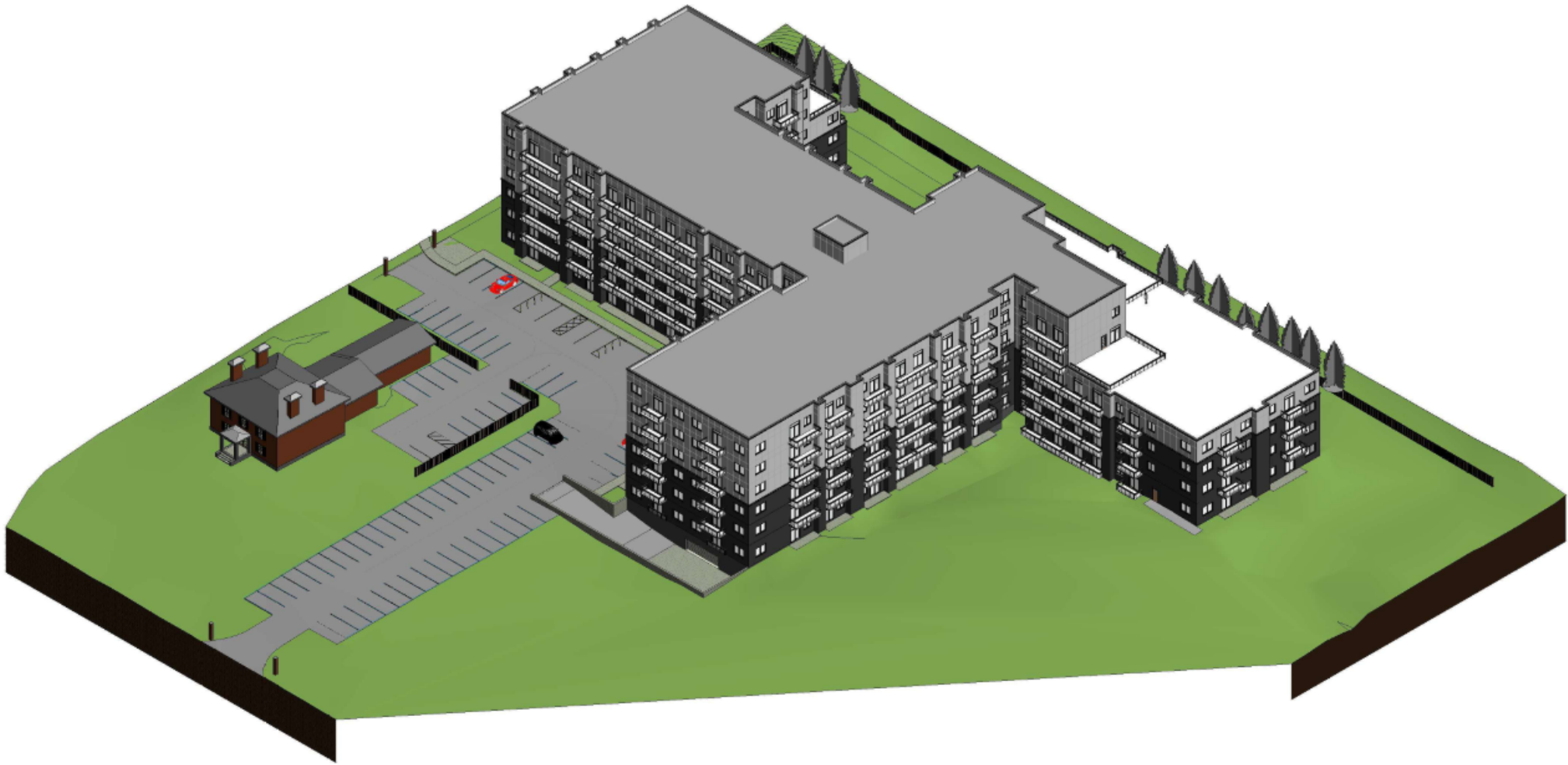
1 Courtyard Central Elevation
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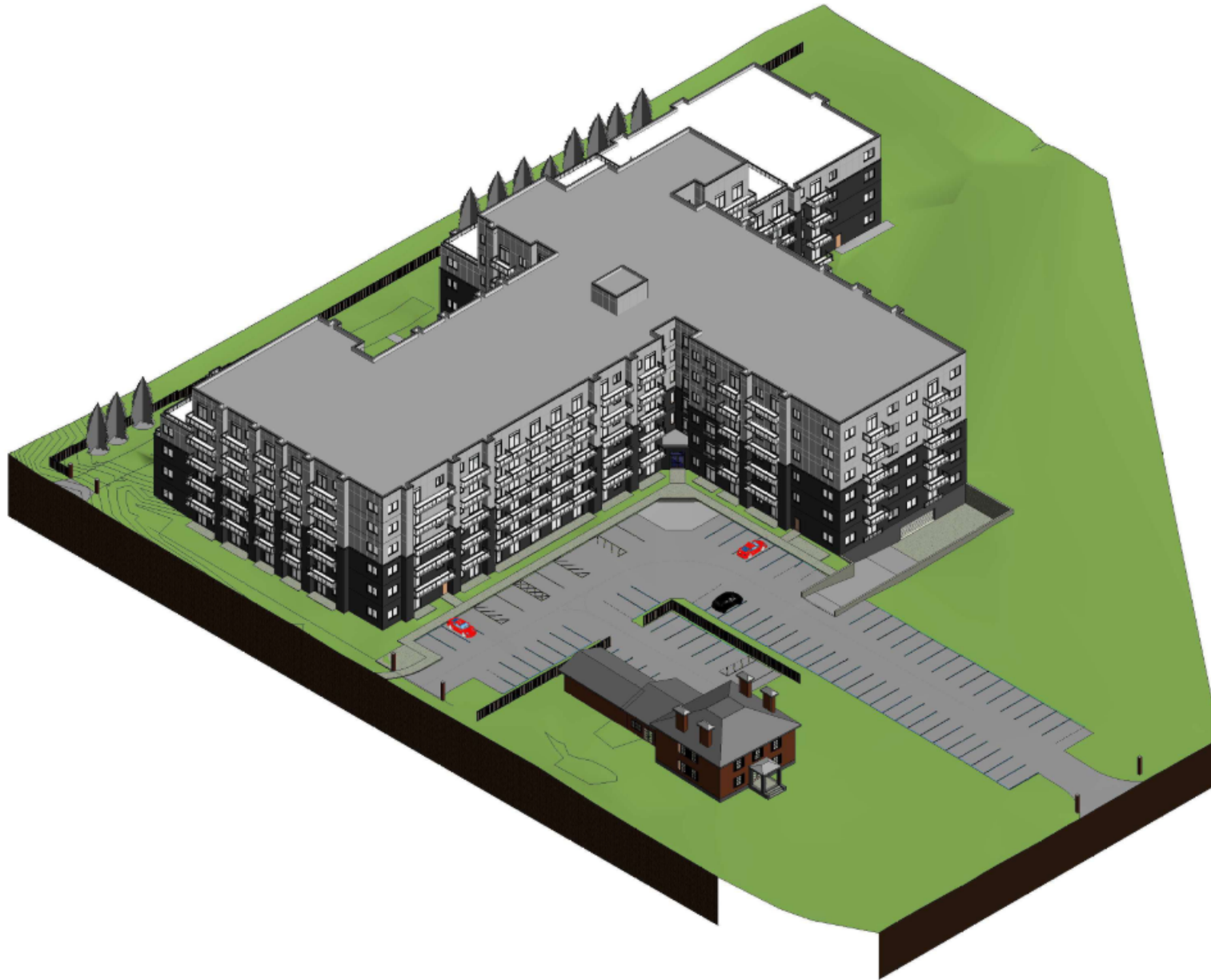


1 Courtyard West Elevation
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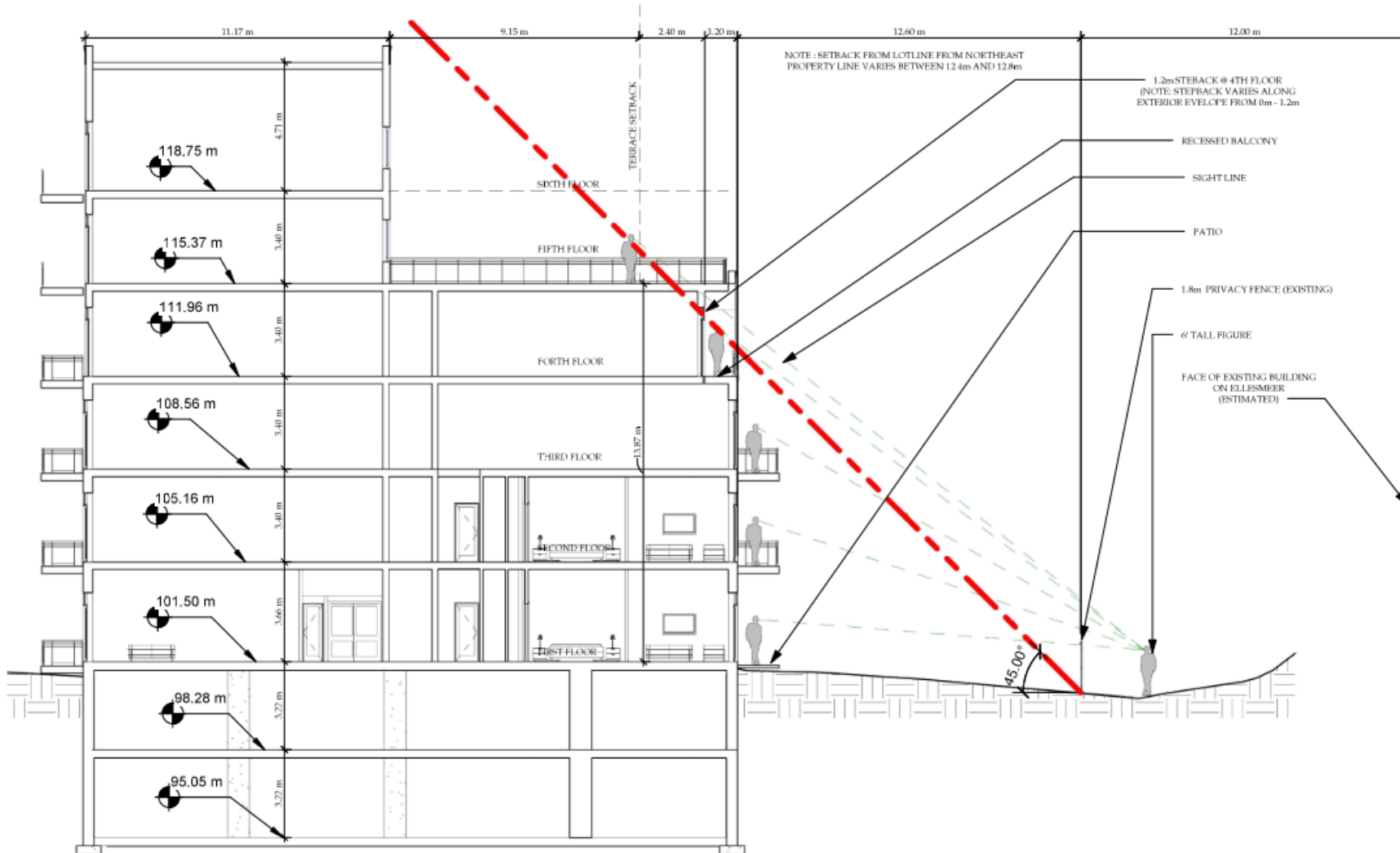




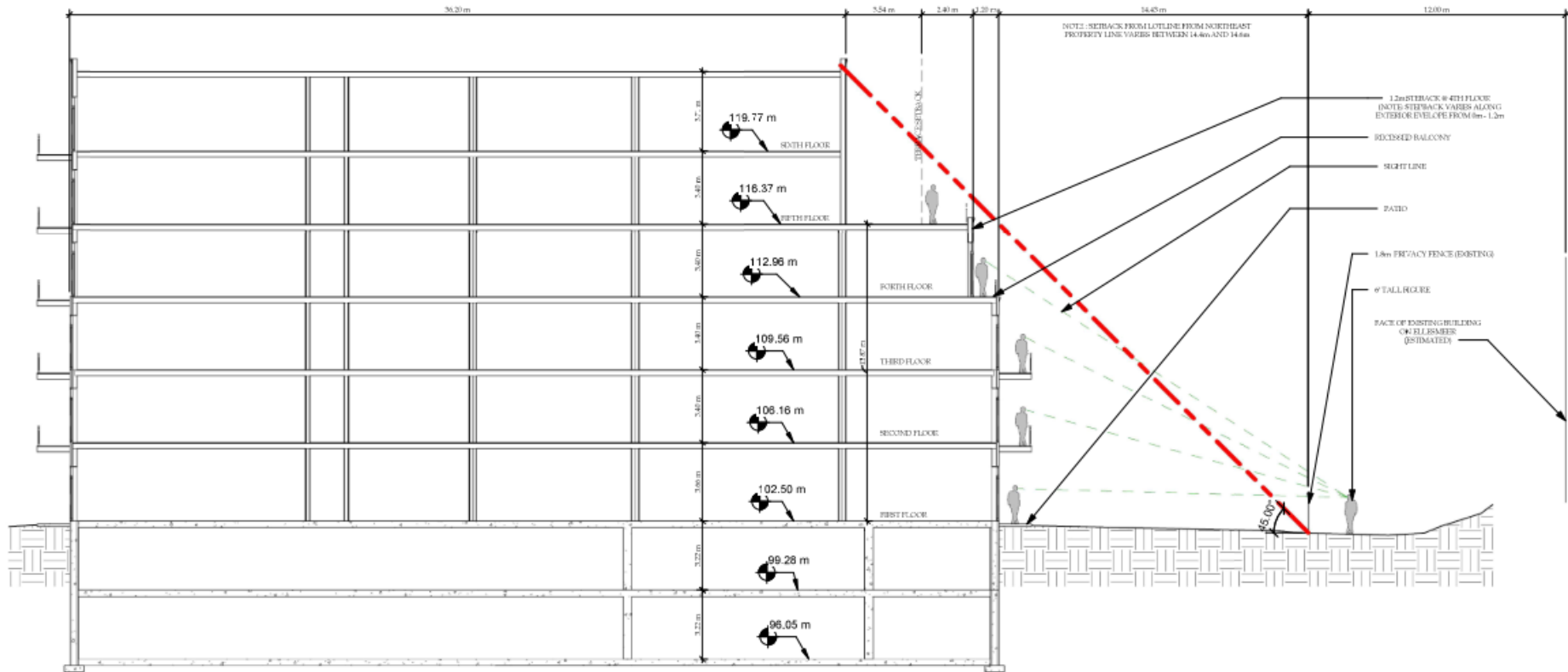




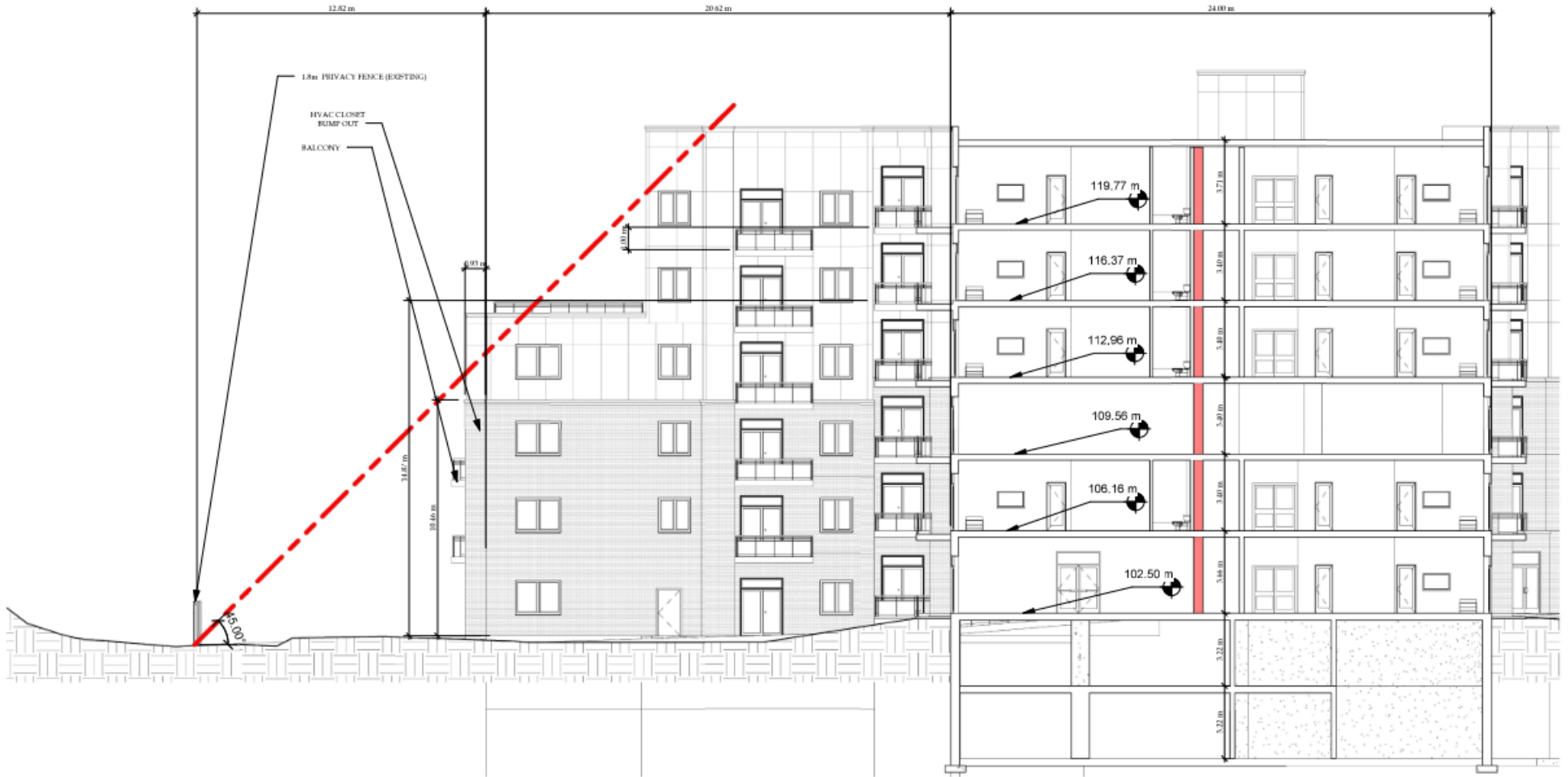
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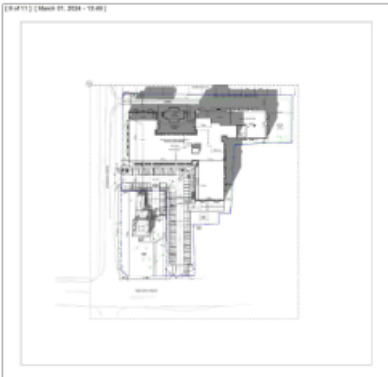
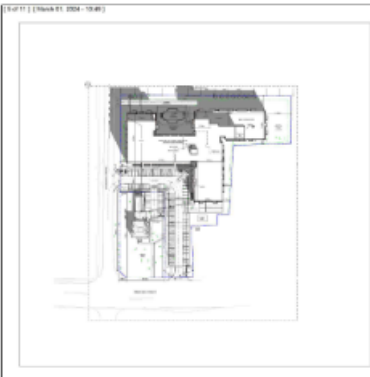
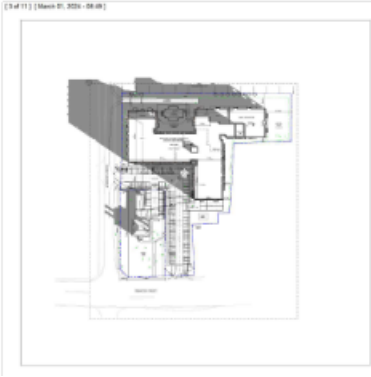
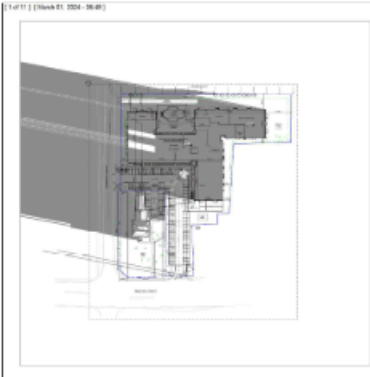


NORTHWEST SECTION



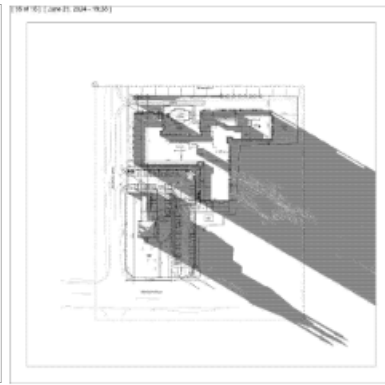
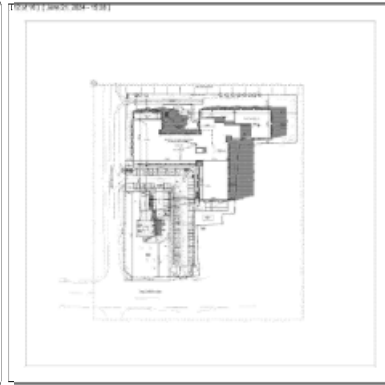
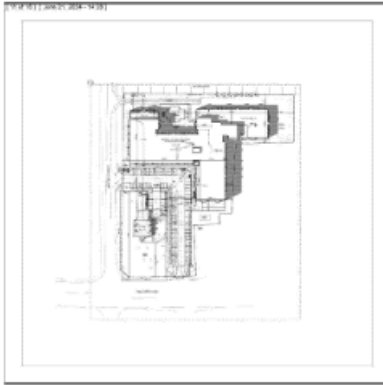
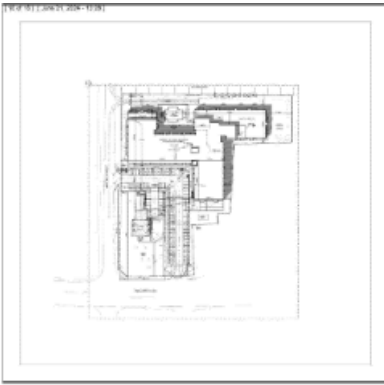
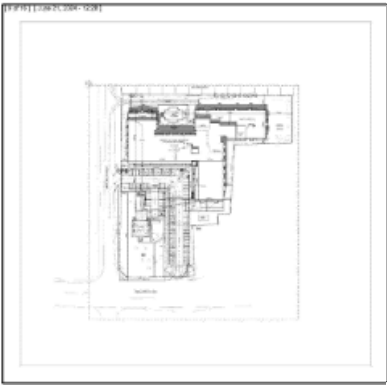
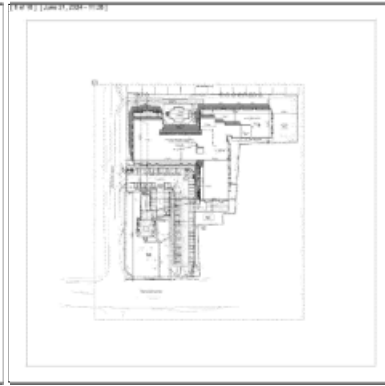
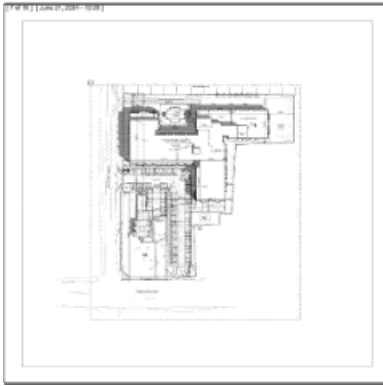
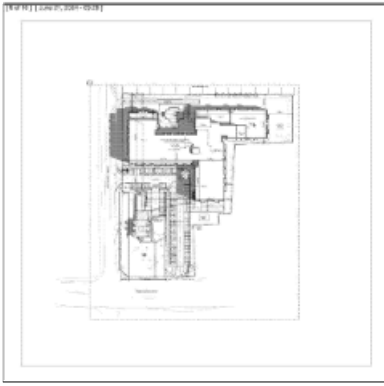
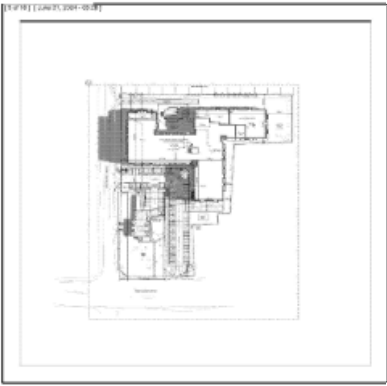
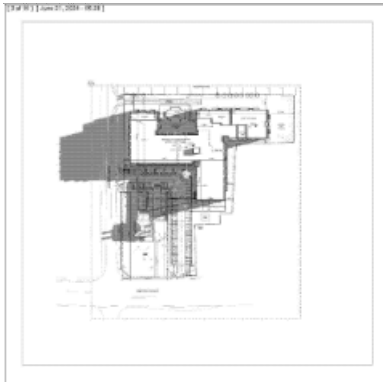
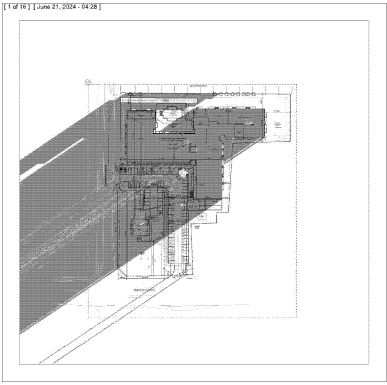
NORTH-COURTYARD SECTION





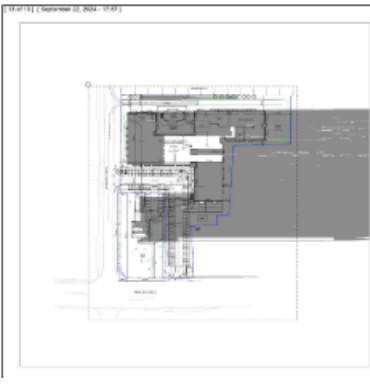
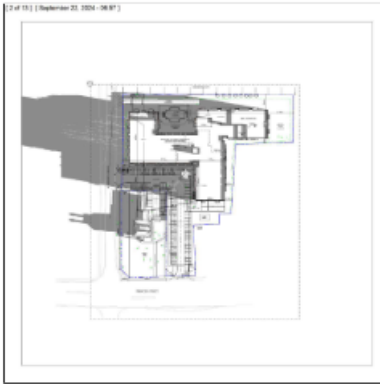
Shadows - Summer Solstice Report Number PC-24-048

Exhibit G



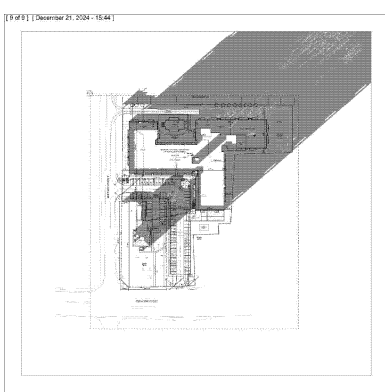
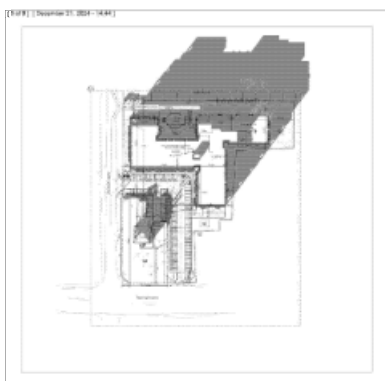
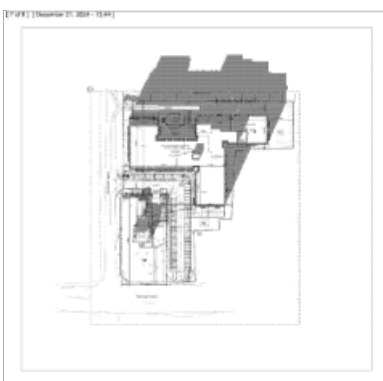
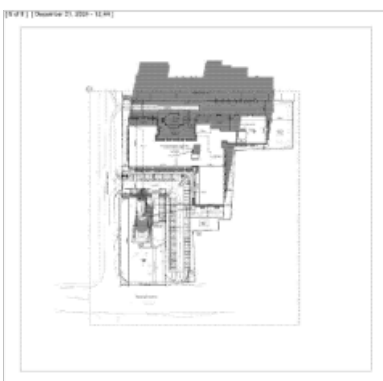
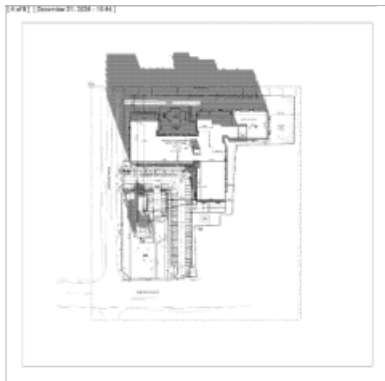
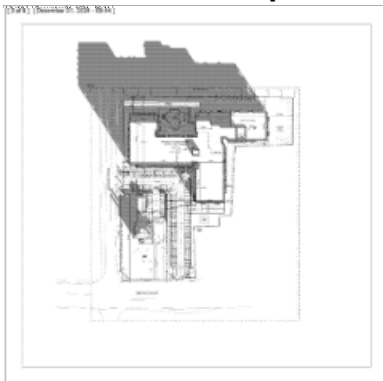
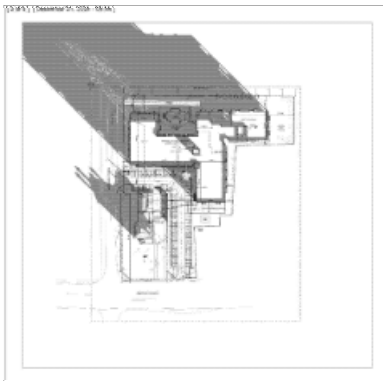
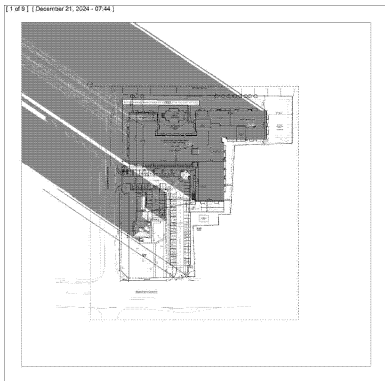
Shadows - Autumnal Equinox Report Number PC-24-048

Exhibit G



Shadows - Winter Solstice Report Number PC-24-048

Exhibit G

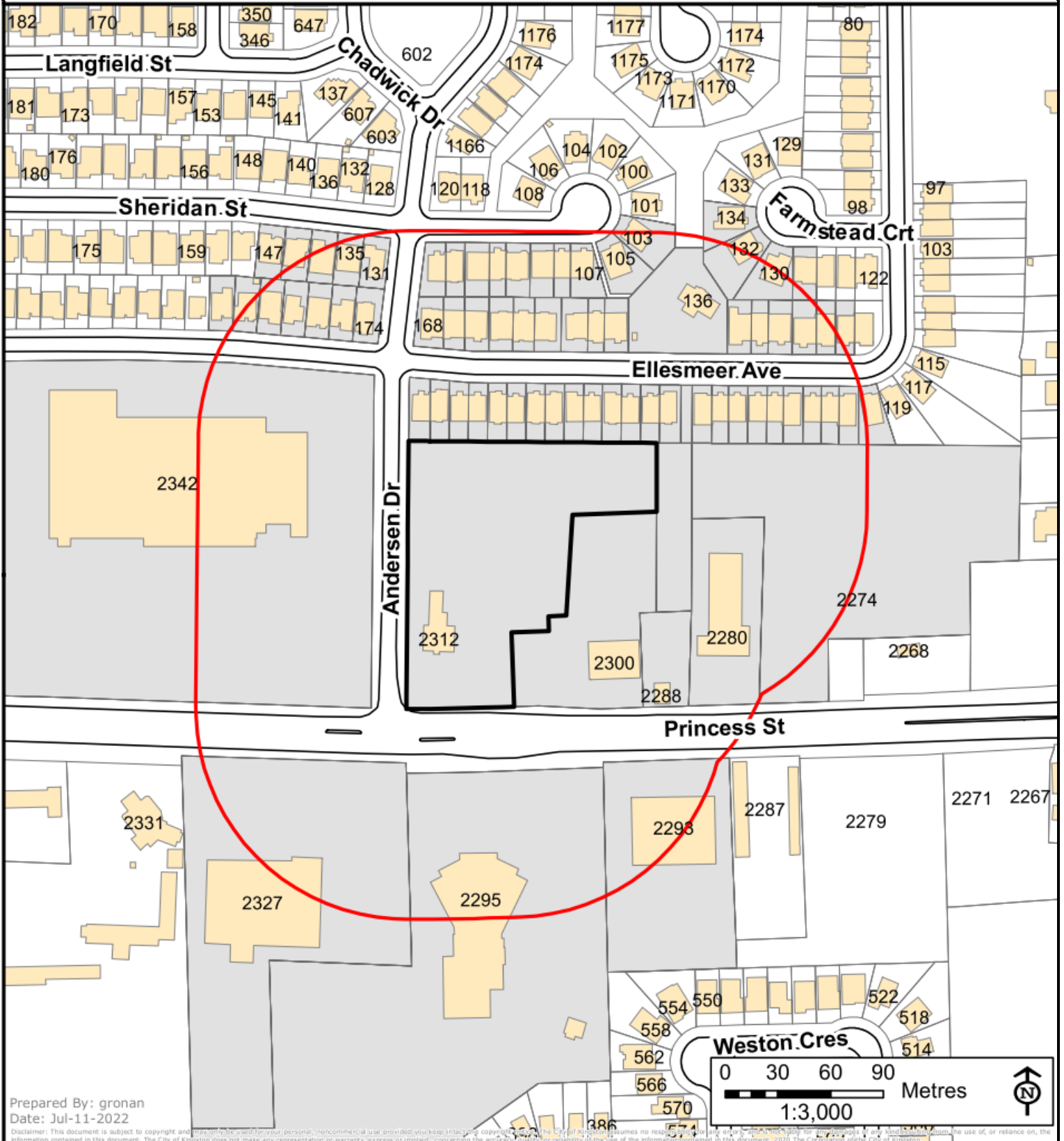




CITY OF KINGSTON Public Notice Notification Map

Address: 2312 Princess St
File Number: D35-004-2022

- Subject Lands
- Property Boundaries
- 120m Public Notice Boundary
- 77 Properties in Receipt of Public Notice



Clendening, Ian

From: Virginia Jones [REDACTED]
Sent: July 29, 2024 6:52 PM
To: Clendening, Ian
Cc: Chaves, Paul
Subject: Property at 2312 Princess St Kingston On.

Follow Up Flag: Follow up
Flag Status: Flagged

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Ian Clendening Senior Planner City of Kingston

Mr. Clendening

Reading the most recent information and seeing the illustration's, it is noted that balconies are still proposed for the north side of the building.

. Residents have strongly voiced their opinions about this.
. Residents will have no privacy in their backyards, patios or decks.

. The balconies on the 2nd & 3rd floors as illustrated in Northeast section will have direct views of the backyards and overlook the backyards. This is our private space and livability area spring, summer & fall.

The apartment is being built adjacent to an established neighbourhood, not the other way around. It should be the applicant that is adjusting to the existing neighbourhood when it comes to balconies, setbacks and shadowing.

* Juliet balconies only on the north side of the building.

There is good information in the Solar Analysis illustrations but it forms a very bleak and depressing outcome for residents. The shadowing from the building will obstruct any sunshine from December through to March for residents of North Ellesmeer.

*The residents of North Ellesmeer should be receiving the full support of the City, the Planning Committee, & our City Councillors on all of the above mentioned issues.

Second issue is the high volume of traffic we are seeing & the proposed apartment isn't built yet. When will the next traffic study be conducted & will it be done over several days & at different times during those days. This is a massive building proposed for an area that is already highly populated.

Regards
Virginia Jones

Clendening, Ian

From: mobrien [REDACTED]
Sent: August 8, 2024 5:09 PM
To: Clendening, Ian
Cc: [REDACTED]
Subject: Re: HOLD for 2312 Community Consultation

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Good Afternoon Ian,

I hope you are doing well. In preparation for the community consultation meeting next Thursday, Aug. 15th, some residents of Walnut Grove met last night to discuss the recent alterations and additions to the proposal for 2312 Princess Street (File D35-004-2022).

In anticipation of discussions that will transpire next Thursday, we thought it may be beneficial to list our main concerns about the new submissions and also ask a few questions that can be answered at that meeting. Generally, it seems some improvements (in our minds) have been retracted, and some brand new concerns have evolved. I will summarize here:

1. Setbacks - while now having an increase in setback by 2 metres (at northwest end) is a positive adjustment, it appears that a significant part of the reasoning may be that a new fire route has been added, requiring a 6 metre width (although plans show a 4 metre width). Questions arise: Where will trucks turn around on such a 'dead'end' roadway? Will this lane be signed as tow-away zone for any vehicle other than emergency ones? Also, in the Traffic Study Report, I believe it says that such an emergency lane way needs to be at a distance greater than 12 metres from a rear property line. Is this so?

Balconies - After a previous agreement that "nothing other than juliets are allowed above the second floor" (your email of Sept. 28, 2023), why would that now be allowed to be changed? We have read the written justification from Mr. Touw's June 27, 2024 letter. However, as this is such an important consideration for us. The changes to now adding ALL FULL balconies and in a much greater number (from 30% to 57%) and with increased length, present disappointment and concern. Unfortunately, the increased setbacks do not negate this.

3. "Reduction in height of the east wing" - Can you please explain where this is visible on an elevation diagram? Mr. Touw states that "the east wing will be reduced in height by 1 metre". It sounds like a positive adjustment but how would the building's floors transition to this accommodation?. There is reference in Mr. Touw's letter that grading may be reworked, but it does not seem to be well-illustrated in any of the diagrams. Is there a diagram that more clearly explains this?

4. Shadow/Solar Study - Why does the new study demonstrate even more shadow being cast on our properties along Ellesmeer Ave. during the months of Dec. and March? It does not seem logical, keeping in mind that the building has been moved south of our property lines by 2 metres/1 metre.

5. Can you comment on the status of the developer's application for a "Site Alteration Permit" (P11-SAP-002-2024)? If someone can explain the steps/protocol of how a builder acquires permission to give the go-ahead to a blasting

company hired by him, we would greatly appreciate it. Is he allowed to blast before a plan has been voted at all levels as 'approved'?

We acknowledge the Province oversees blasting. However, we suspect that there would be some intersection with the City before blasting commences.

Any insight to the above questions will be greatly appreciated. If you'd like to save your responses for the Aug. 15th meeting, that is fine. We just thought it might prove helpful to ask the questions ahead of time.

Thanks again for your work on getting all parties together for more discussion.

Kind regards,
Mary

> With thanks to everyone who filled out the online form, I have been
> able
to find a time which accommodates the greatest number of people. While I regret that no time matched everyone's availability, based on the feedback
> I have received, Thursday, Aug. 15 - 10:30 AM to 11:30 AM works best
> for
the majority.
> I have circulated this invitation to all who replied, including those
who
> identified a scheduling conflict in the event that things change. I
> look
forward to seeing those in attendance at our offices at 1211 John Counter Boulevard.
> Kindly,
> [cid:image001.png@01DAE4E4.97577AA0]<https://linkprotect.cudasvc.com/uri?uri=https%3a%2f%2fwww.cityofkingston.ca%2f&c=E,1,IG_Jxl1Pob38eUFWv1xDIEgRDCx1QjOSI5Oz3IX-cvdEcRATa7BjHS7-v53Af2NaWLIe0oO5EOsr4GzUM5_e9SVTgeISWUcDOzDZx783PqEORkeeThhVF_9&typo=1> Ian
Clendening (he/him/his)
> Senior Planner
> Planning Services
> City of Kingston
> Located at: 1211 John Counter Boulevard,
> 216 Ontario Street Kingston, ON K7L 2Z3
> 613-546-4291 extension 3126
> iclendening@cityofkingston.ca<<mailto:iclendening@cityofkingston.ca>>
[cid:image002.png@01DAE4E4.97577AA0]<<https://www.facebook.com/TheCityOfKingston/>>
[cid:image003.png@01DAE4E4.97577AA0]<<https://twitter.com/cityofkingston>>
[cid:image004.png@01DAE4E4.97577AA0]<<https://www.youtube.com/user/TheCityofKingston>>
The City of Kingston acknowledges that we are on the traditional homeland
> of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks
> these

nations for their care and stewardship over this shared land.

Clendening, Ian

From: Virginia Jones [REDACTED]
Sent: August 20, 2024 12:06 PM
To: Clendening, Ian
Cc: Chaves, Paul
Subject: Meeting Aug15/24

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Ian Clendening Senior Planner City of Kingston Paul Chaves Councillor City of Kingston

First impression of the diagram / handout showing the apartment building and property demonstrated a massive and imposing building on an irregular shaped smaller piece of property than 2274 property .This is what most of the residents will be looking at from our back windows in our already established area. Main living quarters are at the back of our homes. Subsequently it will be like living in a fish bowl.

The developer stated balconies would indeed be on the north side of the building larger and longer because everyone deserves private outdoor space. Perhaps it's the monetary value of those apartments with balconies to the developer. What about the residents of North Ellesmeer ? We enjoy our private outdoor space at the moment which will no longer be private as demonstrated from the angular view diagrams. Larger and longer balconies could potentially lead to a lot of noise with more people able to gather for partying.

Shadowing from the building will still be an issue during the winter months .

This is for the developers consideration. On the north side using Juliet balconies on the two lower sections that contain Four floors each. Perhaps this would be acceptable to potential renters and developer .

Respectfully
Virginia Jones

Sent from my iPad

Clendening, Ian

From: mobrien [REDACTED]
Sent: August 22, 2024 8:04 PM
To: Clendening, Ian
Subject: Further to meeting re: 2312 Princess St.

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello Ian,

I want to thank you again for arranging the meeting that we had a week ago in order to discuss recent submissions of the proposal for 2312 Princess Street (File No. D35-004-2022). It was helpful to have a full representation of all parties who have interests at stake with this plan.

And it was constructive in having many of our questions answered.

As you suggested, I am writing in order to add a few points that did not enter the discussion at that time but that many of us feel are very important to be considered. And we don't want to ignore or downplay that we still argue the massive scale and overbearing height of this building remains excessive and we strongly feel it will have multiple undesirable effects on our community.

Having reiterated that, the points that I would like to add are the following:

EXTERIOR CLADDING: Colour: We would like to see that a VERY light cladding in both the cast stone veneer and cement fibre panel be incorporated into the plan. The fibre panel could be even lighter in tone (than chosen for 2274 Princess) as it has become evident that in many lighting situations, it appears remarkably darker.

EXTERIOR CLADDING: Overall Appearance: As the outcome of the north-facing wall at this developer's other nearby building at 2274 Princess St. demonstrates, it has proven to be a huge disappointment for those residents who overlook its north side from their houses. The developer drastically deviated from the plan that was approved at the Technical Review stage by omitting the more palatable cast stone veneer at levels 2 (and 3) as originally proposed. At 2312 Princess St., having all 3 floor levels clad in the cast stone veneer would help ensure a less "factory-like" or "institutional" appearance than that found at 2274 where residents have been burdened with dealing with that cheapened view.

LIGHTING - It is imperative to us that no lighting on the exterior of the building or in/on any outdoor amenity spaces shall disrupt any existing privacy or enjoyment of our adjacent homes.

Further discussion regarding green barriers both at ground level at the north property line and on all terraces is a welcomed idea. We have researched a fast-growing tree that would quickly provide a tall and fulsome green screen and its name is Arborvitae Green Giant.

We acknowledge and appreciate the 2 concessions have been achieved: a 2 metre increased setback and a 1 metre lowering of grade at the east end.

And we ask that whatever is within the power of the City Planning Dept., can they please make these adjustments stick and be non-negotiable should the plan make it to the Site Plan Control stage? Here is an example:with 2274 Princess St., the community had succeeded in having the developer agree to move the large terrace to the south end of the building only to have it moved back again to the north-facing side once the application moved into the Site Plan Control stage.

Lastly, and repeating from our meeting topics: We'd like to underline that re-examining any possibilities as to how the mass, height and elevations can be reduced to enable more privacy, less shadowing and increased compatibility will be welcomed. We are aware that the developer is working towards increasing his profitability in denying neighbours more concessions that have been requested. We hope the City will see there needs to be more of a equitable balance between the desires of the developer and those of residents, especially for those whose properties sit directly under its shadow.

We hope this letter can be recorded and included in material shared with the Planning Committee and the public.

Thank you again, Ian, for the opportunity to voice our concerns and to propose our ideas. We appreciate your efforts to keep communication free-flowing.

Kind regards,
Mary O'Brien and Grant MacDonald
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