

City of Kingston Report to Committee of Adjustment Report Number COA-25-009

| То: | Chair and Members of the Committee of Adjustment |
|------------------|--|
| From: | Niki Van Vugt, Intermediate Planner |
| Date of Meeting: | December 16, 2024 |
| Application for: | Minor Variance |
| File Number: | D13-082-2024 |
| Address: | 205 Rideau Street |
| District: | District 11 - King's Town |
| Owner: | Kingston & Frontenac Housing Corporation |
| Applicant: | RFA Planning Consultant Inc. |

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for changes to the existing 8-storey apartment building, which includes affordable units, known as Rideaucrest Towers, located at 205 Rideau Street. The applicant is requesting relief from the maximum number of dwelling units permitted in the zoning by-law to recognize past approvals in the existing 70 dwelling unit, 97 bedroom, apartment building and support the internal conversion of some common areas in the basement of the building. The internal conversion will create three new dwelling units, with a total of four bedrooms, resulting in a total of 73 dwelling units and 101 bedrooms within the existing apartment building. No changes to the footprint of the existing building are proposed and the applicant has advised that vehicular, bike parking and amenity area requirements are able to be met on-site and are in compliance with the zoning by-law.

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The subject property is designated as Institutional in Schedule 3-A Land Use (Exhibit D – Official Plan, Existing Land Use Map) and within the North King's Town Secondary Plan area as shown on Schedule 13 of the Official Plan. Following Council's approval of administrative zoning by-law amendments on July 9th, 2024 (see Report Number PC-24-041), the site is considered a Red Exception in that it is zoned a site-specific Multiple Family Dwelling Zone B1.207 in the former City of Kingston Zoning By-Law Number 8499, as amended and Institutional Zone 2 (IN2) under the Kingston Zoning By-Law 2022-62, as amended (Exhibit E – Zoning By-Law Map).

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan, the former City of Kingston Zoning By-Law Number 8499, and the Kingston Zoning By-Law Number 2022-62. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and **is** minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-082-2024, for the property located at 205 Rideau Street to vary the maximum number of dwelling units to support the internal conversion and construction of three additional dwelling units in the existing 8-storey apartment building, be approved, as described below:

Variance Number 1: Maximum Number of Dwelling Units

| Part VIII - Exception 207.(iv)(a) |
|---|
| A 70 dwelling unit senior citizen residence |
| A 73 dwelling unit senior citizen residence |
| 3 dwelling units |
| |

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-009.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Niki Van Vugt, Intermediate Planner

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

Tim Park, Director, Planning Services James Bar, Manager, Development Approvals Malcolm Norwood, Supervisor, Development Approvals

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Options/Discussion:

On October 22, 2024, a minor variance application was submitted by RFA Planning Consultant Inc., on behalf of the owner, Kingston & Frontenac Housing Corporation, with respect to the property located at 205 Rideau Street. The variance is requested to vary the maximum number of dwelling units to recognize past approvals and support the internal conversion and construction of three additional dwelling units in the existing 8-storey apartment building. It is understood that the existing building contains a mix of affordable and market housing and that the three new dwelling units that will be added through the proposed internal conversions will be considered affordable, as per the Official Plan and Zoning By-Law definitions.

The subject property is designated as Institutional in Schedule 3-A Land Use (Exhibit D – Official Plan) and within the North King's Town Secondary Plan area as shown on Schedule 13 of the Official Plan. As identified above, the site is considered a Red Exception in that it is zoned a site-specific Multiple Family Dwelling Zone B1.207 in the former City of Kingston Zoning By-Law Number 8499, as amended and Institutional Zone 2 (IN2) under the Kingston Zoning By-Law 2022-62, as amended (Exhibit E – Zoning By-Law Map).

The B1.207 exception provisions restricts a maximum permitted density of 50 dwelling units per net hectare, which is understood to consist of 4.7 hectares of the B1.207 Zone area that excludes the Rideaucrest Home property. The current and proposed design features a range of unit sizes across 73 dwelling units, as detailed in the table below, which results in a density of approximately 37 dwelling units per net hectare across the site:

| Unit Type | Existing Number of Units | Proposed Number of Units | Percentage of Units |
|-----------|-----------------------------------|---------------------------------|---------------------|
| 1-bedroom | 43 | 2 | 61.6% |
| 2-bedroom | 27 | 1 | 38.3% |
| Total | 70 dwelling units, 97 bedrooms | 3 dwelling units, 4 bedrooms | |

A total of 730 square metres of amenity area is required under Section 4.3.2. of the Kingston Zoning By-Law 2022-62 to support the 70 dwelling units that are existing in the apartment building, and the additional three dwelling units to be added via the internal conversion. The applicant has identified that there is approximately 1,087 square metres of unprogrammed space provided on the north side of the Rideaucrest Towers building, 318 square metres of programmed amenity space abutting the Rideaucrest Home amenity space (175 Rideau Street) and 139 square metres of indoor common room space remaining from the internal conversion.

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The property complies with the zoning by-law's minimum amenity space provisions despite proposing to convert some existing indoor amenity area into residential dwelling units.

The subject property has been subject to various past approvals that contemplated the existing built form of an 8-storey residential apartment building. It is understood that the existing building was constructed around 1991, following the approval of a rezoning application that was passed on September 14, 1988. This rezoning application received approval for a '70 bed senior citizen residence' that is reflected in the site specific B1.207 Zone under the former City of Kingston Zoning By-Law Number 8499, as amended. The owner received a subsequent approval from the Committee of Adjustment in July 1991 for a minor variance (A.COA-1.2884-91) to the B1.207 Zone in Zoning By-Law 8499 which permitted a change in wording of the B1.207 Zone from a 70 bed senior citizen's residence to a 70 dwelling unit senior citizen's residence. This requested relief ultimately permitted the construction of a development containing a 70 dwelling unit facility which included self-contained dwelling units for the senior citizens, located at the northeast corner of Rideau Street and North Street. The 70 dwelling unit facility subsequently received approval of Site Plan Control application A-SPC-4.0645-91.

The applicant is seeking a variance for an increase in maximum dwelling units to recognize past approvals and facilitate the proposed interior development to add three more dwelling units and four more bedrooms.

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

- Plot Plan (Exhibit F)
- Minor Variance Rationale dated October 17, 2024, prepared by RFA Planning Consultant
- Survey
- Floor Plan and Architectural Elevations (Exhibit G)
- Agent of Record

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located at 205 Rideau Street (Exhibit B – Key Map). The applicant identifies that 205 Rideau Street was severed through municipal authority and transferred to Kingston & Frontenac Housing Corporation, the date of which is unknown. The site has an area of approximately 0.57 hectares, with 53.6 metres of frontage on the east side of Rideau Street and is developed with an 8-storey 70 dwelling unit affordable and market rate rental apartment building, previously having been geared more towards seniors, known as the Rideaucrest Towers. The existing property slopes downwards from Rideau Street, resulting in an existing built form of 8 storeys. The property abuts Rideaucrest Home directly to the south at 175 Rideau Street, a municipally owned parking lot to the north known as the Rideaucrest Lot and is east

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from several lower-rise residential buildings across Rideau Street (Exhibit C – Neighbourhood Context Map).

Provincial Planning 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 Planning 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 property is designated Institutional in the City of Kingston Official Plan (Exhibit D – Official Plan Map) and is operated by the Kingston & Frontenac Housing Corporation, where the City of Kingston is the sole shareholder. The Official Plan identifies support for the proposed development under Sections 3.5.7 and 3.5.8. It is important to flag that Section 3.5.7 indicates, "Institutional, subject to satisfying the land use compatibility principles of Section 2.7 of this Plan." The proposed residential intensification within an existing building envelope complies with the Development Criteria outlined in Official Plan Section 3.5.8, as there will be no exterior changes to affect compatibility with the surrounding context, or to require buffering of adjacent residential areas. There will also be preservation of the existing open space within the applicable B1.207 Zone area, along with proximity (two blocks) to collector and arterial roads and pedestrian and cycling facilities and additional bike parking supplied on-site for the three new dwelling units to be created through the internal conversion.

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 subject property is located in a Housing District as shown on Schedule 2 of the Official Plan. Section 2.2.5. of the Official Plan identifies that Housing Districts are planned to continue to mature and adapt as the City evolves in a manner than ensures land use compatibility while supporting the construction of new housing. Re-investment and upgrading will be encouraged through minor infilling and minor development. Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses. The proposed increase in affordable housing, within the limits of the

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existing apartment building, results in compliance with the general intent of this policy and will align with the direction found in Sections 2.4.3. and 2.4.5.a. of the Official Plan for increasing the City's new urban residential densities through intensification in the Urban Boundary.

The proposed internal conversions to facilitate three additional dwelling units in the existing apartment building, is not anticipated to result in incompatible development with adjacent properties. It is understood that the existing building was constructed around 1991, following approvals of the rezoning application passed September 14, 1988, minor variance application approved July 19, 1991, and the associated Site Plan Control application registered on October 4, 1991. Planning review was performed at the time of the submission to ensure the proposed built form was appropriately designed to ensure that the applicable policies of the former Official Plan and Zoning By-Law were considered. As there is no external expansion of the existing 8 storey apartment building, the requested variance is not anticipated to result in adverse effects on abutting lands.

In regards to site functionality, a total of 44 vehicular are provided with 16 being accessible parking spaces. Considering the affordable component of the existing apartment building, and additional affordable units to be added, the proposal would benefit from Section 7.1.13. of the Kingston Zoning By-Law Number 2022-62. Given the property already supplies 44 vehicular parking spaces, which includes accessible spaces, no additional vehicular parking would be required for the proposed three additional dwelling units. The proposal satisfies the minimum long-term bike requirements under Section 7.3., indicating three bike spaces to be provided adjacent to the building (Exhibit F – Plot Plan).

The site is not designated or adjacent to a designated property under the *Ontario Heritage Act* or affected by the protected views as shown on Schedule 9 of the Official Plan as the proposed development will be internal to the building. As such, a Heritage Impact Statement was not identified as required through the technical review. In addition, the site is located in the Urban Boundary and is able to utilize existing servicing to the subject lands. Through technical review, Utilities Kingston and Kingston Hydro were circulated and no concerns were raised with regards to future servicing of the development.

The requested relief for dwelling units satisfies the applicable tests of a minor variance, as detailed further below, and will not set an undesirable precedent for the immediate area. Recommended conditions of minor variance approval are included in Exhibit A.

The proposal meets the intent of the Official Plan by successfully implementing the housing intensification policies of the Official Plan, while providing for the long-term functional needs of site users and bringing additional affordable housing opportunities in the urban area. The proposal 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 site is considered a Red Exception in that it is zoned a site-specific Multiple Family Dwelling Zone B1.207 in the former City of Kingston Zoning By-Law Number 8499, as amended and Institutional Zone 2 (IN2) under the Kingston Zoning By-Law 2022-62, as amended (Exhibit E –

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Zoning By-Law Map). The B1.207 zone permits a 70-dwelling unit senior citizen residence which would similarly fall under an apartment type use under the Kingston Zoning By-Law 2022-62. It is important to note that under the Institutional Major (IN2) Zone, an apartment building is permitted but only where they are associated with a post-secondary institution. As such, the performance standards under the B1.207 Zone will be considered as part of the requested variance.

The proposal requires a variance to the maximum number of dwelling units.

Variance Number 1: Maximum Number of Dwelling Units

| By-Law Number 8499: | Part VIII - Exception 207.(iv)(a) |
|---------------------|---|
| Requirement: | A 70 dwelling unit senior citizen residence |
| Proposed: | A 73 dwelling unit senior citizen residence |
| Variance Requested: | 3 dwelling units |

The proposal seeks to recognize the existing 97 bedrooms, found across the 70 existing dwelling units, and permit the increase of four additional bedrooms to be located within three new dwelling units that are proposed in the internal basement conversion. Through a review of past planning approvals, a minor variance was sought from Zoning By-law 8499, B1.207 Zone, Subsection (iv), to permit the change in wording of the by-law that stipulates that a permitted use such as a "...municipally owned home for the aged complex shall be permitted. This complex shall include a 170 bed home for the aged and a 70 bed senior citizen residence" to include the variation to go from a 70 bed senior citizen's residence to a 70 dwelling unit senior citizen's residence. The requested relief sought in July of 1991 from the Committee of Adjustment permitted the construction of a development containing a 70 dwelling unit facility which included self-contained dwelling units for the senior citizens, located at the northeast corner of Rideau Street and North Street.

Based on a review of former approvals, it is understood that a variance to the total number of dwelling units will be sought in order to facilitate the proposed internal conversions for the subject site. As such, staff are supportive of the variance to ensure the proposed configuration is appropriately considered and recognized through the requested relief.

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 as it is limited to an internal conversion of an existing apartment building and has been crafted to address the unique needs of this proposed development. The requested variance to dwelling units will allow the recognition of the former approvals received for the subject property, while providing for additional affordable housing opportunities through the internal conversion of common areas in the basement of the existing 8-storey apartment building. The property is located in an area that is intended to accommodate intensification and has been designed to ensure that no negative impacts will result in accordance with Section 2.7 of the Official Plan.

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

The proposed development will result in the creation of three new affordable rental units in the Kingston market, internal to an existing multiple storey apartment building that has been designed in accordance with past approvals. The proposal does not seek relief from any separate provisions specific to setbacks, landscaped open space, density, etc. The site is located in proximity to numerous transit stops and has access to residential, commercial, open space, and institutional uses in the immediate area which supports active transportation and provides an appropriate location for residential intensification. Considering that there will be no external expansion of the existing built form, it is not anticipated that any adverse impacts will result from a compatibility perspective. The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

 \boxtimes Engineering

☑ Utilities Kingston

⊠ Parks Development

⊠ District Councillor

⊠ Municipal Drainage

□ KFL&A Health Unit

□ Enbridge Pipelines

Eastern Ontario Power

 \boxtimes Kingston Hydro

- Building Services
- □ Finance
- ⊠ Traffic
- \boxtimes Solid Waste
- \boxtimes Housing
- □ KEDCO
- \boxtimes CRCA
- □ Parks Canada
- □ Hydro One
- □ 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 public comments were 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

There are no concurrent planning applications on the subject property.

However, there are historic planning applications on the subject property.

- ⊠ Heritage Services
- ⊠ Real Estate
- ⊠ Environment Division
- □ Canadian National Railways
- □ Ministry of Transportation
- □ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines

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Rezoning – By-Law 88-267 - Approvals for the rezoning application were provided by Council on September 14, 1988. The initial rezoning application references a 70 bed senior citizen residence.

Minor Variance – A.COA-1.2884-91 – Minor Variance was sought from zoning by-law 8499, B1.207 Zone, Subsection (iv) to permit the change in wording of the by-law that stipulates that a permitted use such as a "…municipally owned home for the aged complex shall be permitted. This complex shall include a 170 bed home for the aged and a 70 bed senior citizen residence" to include the variation to go from a 70 bed senior citizen's residence to a 70 dwelling unit senior citizen's residence. The requested relief sought in July of 1991 from the Committee of Adjustment permitted the construction of a development containing a 70 dwelling unit facility which will include self-contained dwelling units for the senior citizens, located at the northeast corner of Rideau Street and North Street.

Site Plan Control application (City File A-SPC-4.0645-91) – Site Plan Control application to construct the 8-storey 70 dwelling unit senior apartment building.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan, former City of Kingston Zoning By-Law Number 8499, and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance **is** minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will recognize an existing situation and enable the internal conversion to accommodate three additional dwelling units, with four bedrooms, in the existing 8-storey apartment building. The proposal will not result in any negative impacts to adjacent properties or to the neighbourhood.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial

Provincial Planning Statement, 2024

Municipal

City of Kingston Official Plan

Former Zoning By-Law 8499

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Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on December 16, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the Kingston Whig Standard on Friday November 29, 2024. The notice was also placed on the City's website and a sign was placed on the subject site.

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

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291

Niki Van Vugt, Intermediate Planner, 613-546-4291 extension 3253

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Plot Plan
- Exhibit G Floor Plans

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Exhibit H Site Photos

Recommended Conditions

The approval of minor variance application, File Number D13-082-2024, to vary the maximum number of dwelling units to support the internal conversion and construction of three additional affordable dwelling units in the existing 8-storey apartment building, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to permit three additional dwelling units in the existing apartment building known municipally as 205 Rideau Street on the conceptual site plan drawing attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or any 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.

5. Civic Addressing

The Owner shall ensure that the building's civic address identification is displayed in conformance with City of Kingston By-Law Number 2005-098, *A By-Law to Direct the Orderly Addressing of Buildings and Properties and Appropriate Naming of Roads Within the City of Kingston*, as may be amended from time to time.

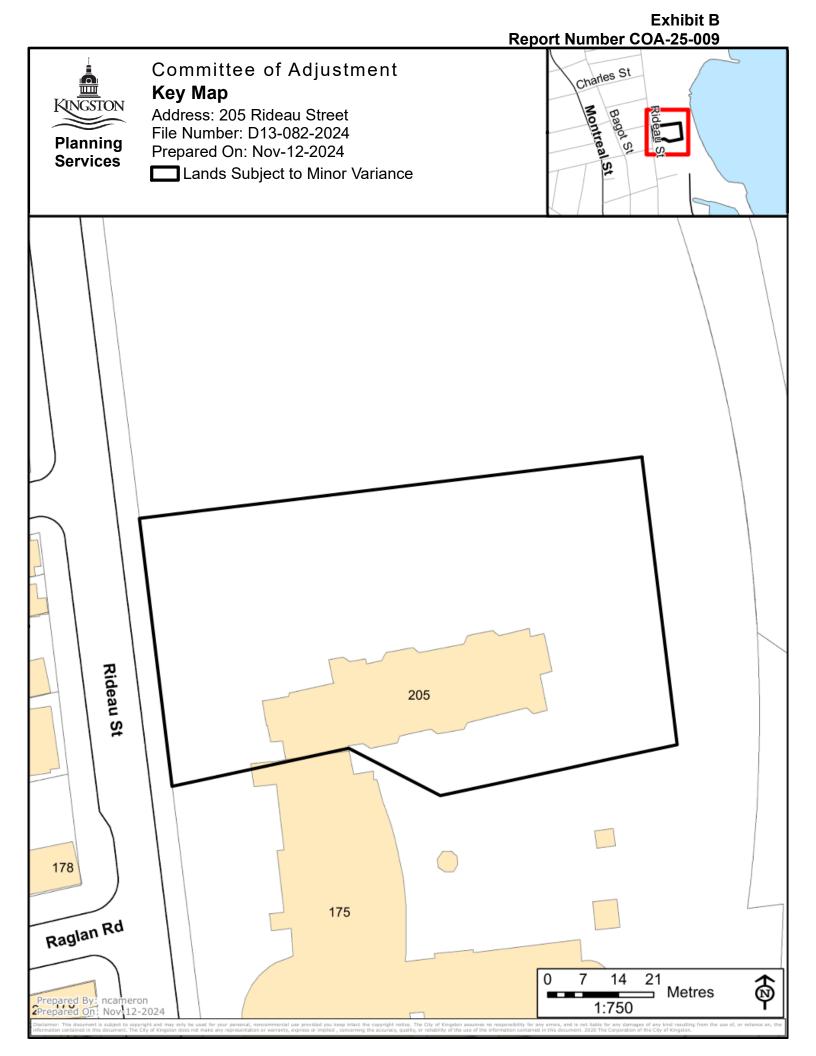


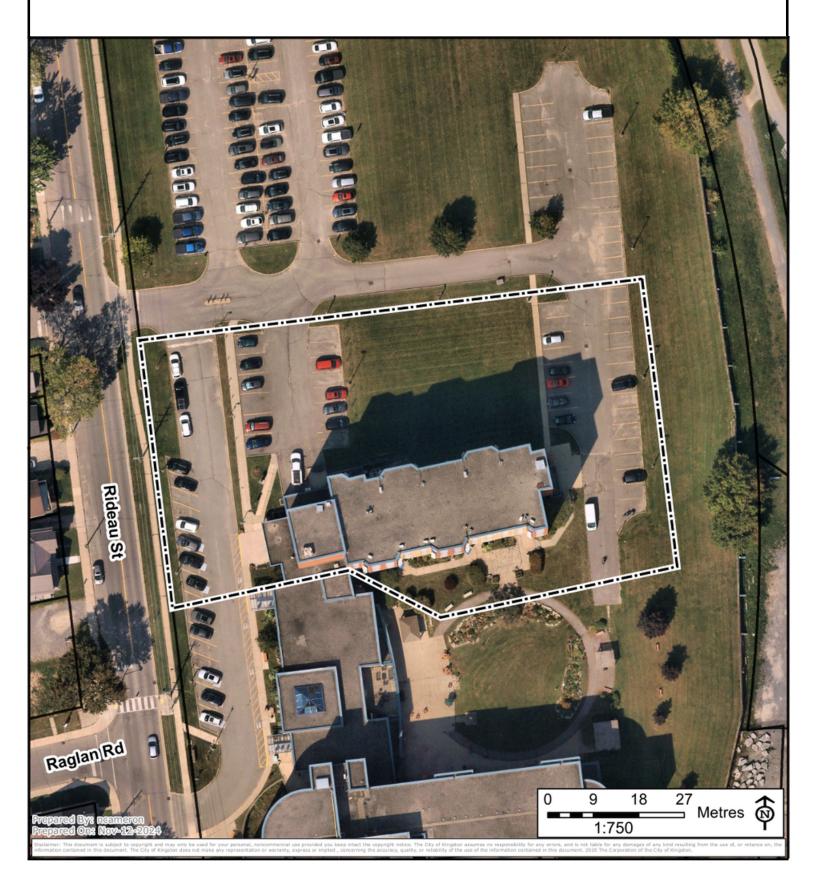
Exhibit C Report Number COA-25-009



Committee of Adjustment Neighbourhood Context

Planning Services Address: 205 Rideau Street File Number: D13-082-2024 Prepared On: Nov-12-2024 Subject Lands Property Boundaries

Proposed Parcels



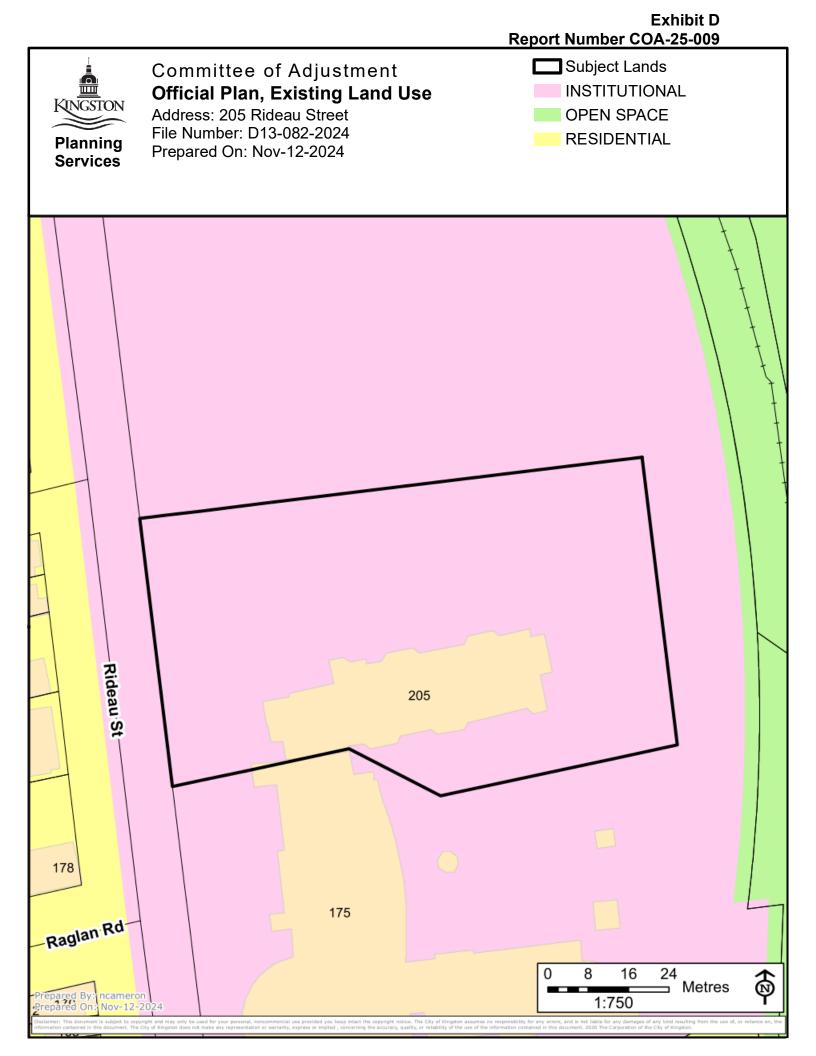
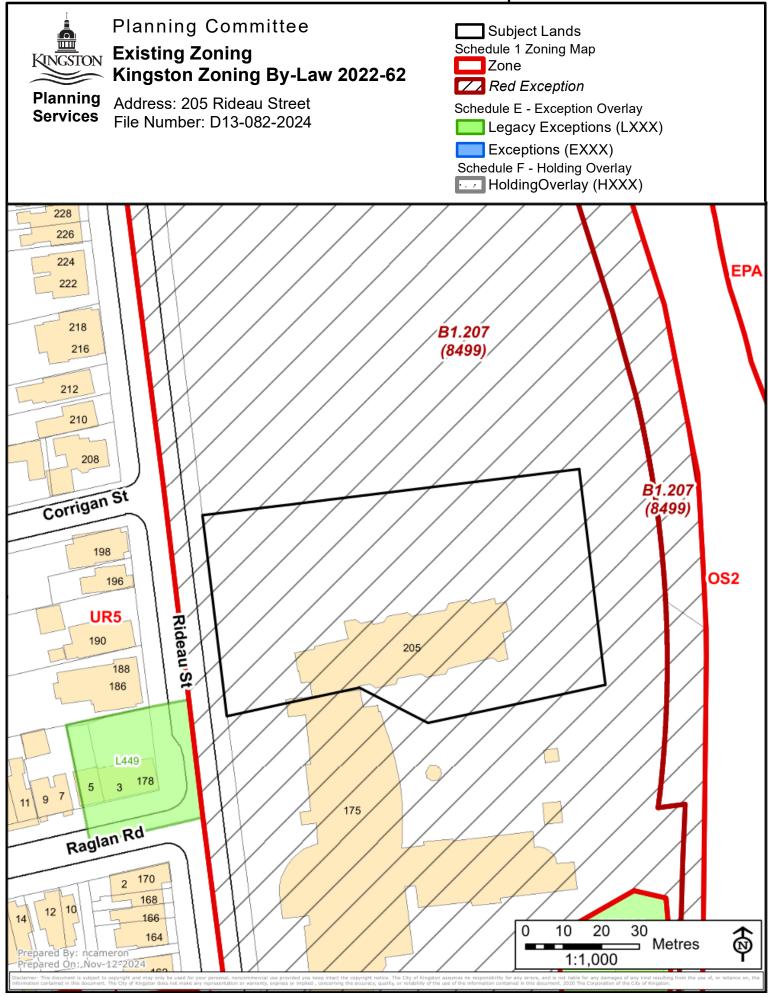
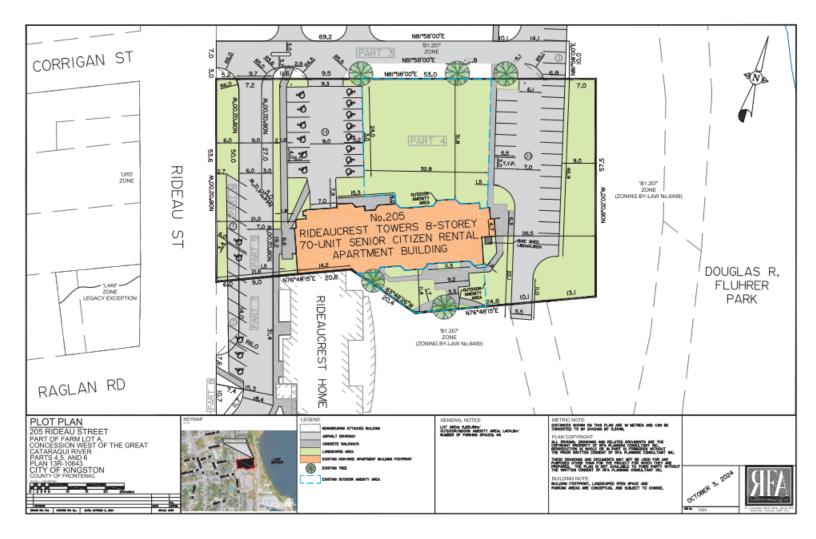


Exhibit E Report Number COA-25-009





Site Photos – 205 Rideau Street

City File D13-082-2024

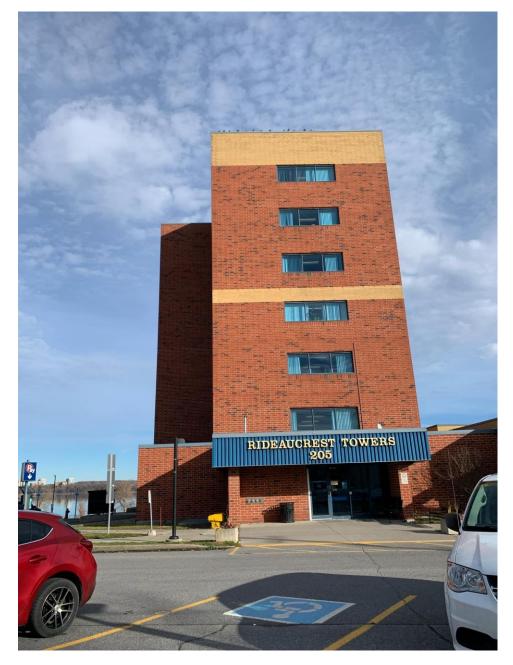


Figure 1: Front facing view of the of the subject property at 205 Rideau Street (November 25, 2024).

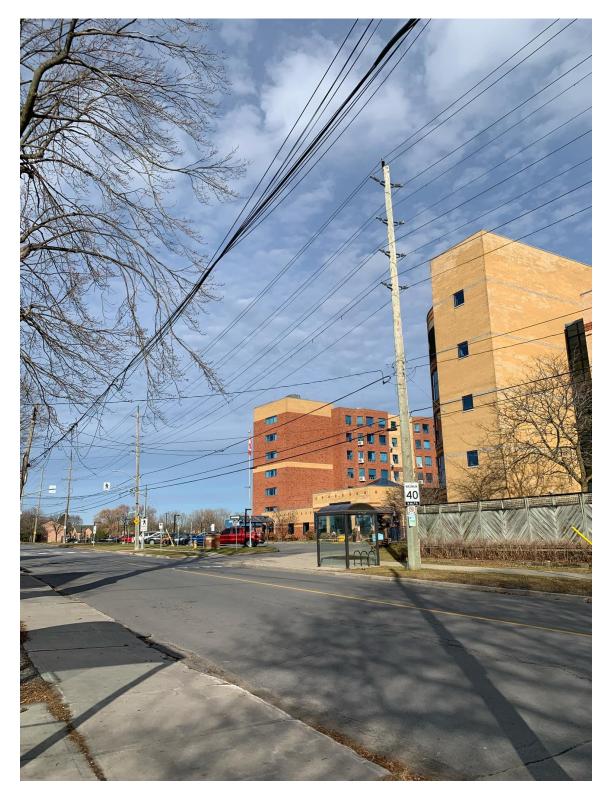


Figure 2: North facing view from the west side of Rideau Street showing the existing built form on the subject property and adjacent property at 175 Rideau Street (November 25, 2024).



Figure 3: Southeast facing view of the existing 8 storey apartment building, parking area, and downward slope located on the subject property (November 25, 2024).



Figure 4: View of the existing parking lot located on the subject property and a portion of the Rideaucrest Lot north of the subject property (November 25, 2024).



Figure 5: East facing view, across the street from the subject property on Rideau Street, showing the existing built form along Rideau Street (November 25, 2024).



Figure 6: View of the vacant property at 178 Rideau Street located across the street from the subject lands along Rideau Street (November 25, 2024).



Figure 7: Existing built form adjacent to the subject property at 175 Rideau Street (November 25, 2024).



Figure 8: Existing built form of adjacent property at 175 Rideau Street (November 25, 2024).



Figure 9: Bus stop within walking distance of the subject property, southwest along Rideau Street (November 25, 2024).