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## **Local Planning Appeal Tribunal Denies Towers Proposed by Homestead Land Holdings Ltd. in North Block, Kingston**

*Lawyer calls Decision another major achievement in protecting Kingston's Historic Core*

Kingston—In a second landmark ruling for Kingston's historic core, the Local Planning Appeal Tribunal ("LPAT") issued Friday August 9, 2019 a detailed decision denying Homestead Land Holdings Ltd. and the City of Kingston approval of a development application for proposed 19 and 23 storey towers on Queen Street in the historic core of the city.

The LPAT decision by Chair Marcia Valiante follows a similar decision denying the IN8 Capitol Theatre application for a high rise on Princess Street.

Chair Valiante considered all the evidence presented and preferred the team of expert witnesses retained by the Foundation when assessing the impact of the proposed towers on the neighbouring buildings and historic downtown. She dismissed Homestead's appeals.

Land use planning witness Mr. Allan Ramsay testified that the proposals do not reflect "appropriate development standards...that the built forms of the proposals, specifically with respect to height, density and massing, represent significant and transformative change in the area..." [para 32]

Renowned urban design and architect hired by the Foundation, George Baird, testified that "...buildings at the heights proposed would not be compatible with the massing of surrounding buildings, and would create visual intrusion and disrupt the fabric of downtown Kingston and the skyline of the City." [para 57]

The LPAT agreed, stating: "The evidence as a whole does not satisfy the Tribunal that the techniques employed to minimize the impact of the scale of the proposed developments would provide an adequate transition that would mitigate their impact on the surrounding area...19 – 21 storeys above the existing building context cannot be said to be compatible with the surrounding area. [para 88]

Local architect Bruce Downey, who has worked extensively in Kingston on heritage projects including the revitalization of the Market Square, testified that the towers would be

uncharacteristically tall for downtown Kingston and would create visual intrusion that would disrupt the historic and current urban fabric. It was also his opinion that the visibility of the towers from Princess Street would diminish that street's historic authenticity. [para 69]

The Chair noted that Homestead's evidence was contradictory with a witness suggesting that the proposed 23-storey tower was both a "background building and a gateway" and a "look at me" building. [para 75]

Ultimately, the decision states that the final revised proposals: "...have not been sufficiently mitigated, specifically visual intrusion and with architectural incompatibility..." [para 108]

The Foundation is very pleased with the decision of the Tribunal and remains steadfast in protecting built heritage across the Kingston region. "This appeal was done at tremendous cost to the Foundation and this City Council now has two decisions that validate the approved Official Plan policies in place to guide development in our historic core" said Shirley Bailey, President of the Foundation.

Donnelly Law successfully represented the Foundation on the matter, and the successful appeal of the Princess Street Capitol Theatre case.

"This decision is a major achievement for the Foundation and all of Kingston's heritage advocates seeking to protect this priceless historic core, and there are many who contributed to this important win", said David Donnelly, counsel to the Foundation with Ms. Alexandra Whyte. "It's clear the OMB and LPAT strongly value Kingston's Official Plan and its heritage policies and have rejected a piecemeal approach to planning Kingston's future", he added.

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