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May 15, 2019

Via Email

Ms. Andrea Gummo, Project Manager, Planning Division
Planning, Building & Licensing Services
216 Ontario Street
Kingston, ON K7L 2Z3

Dear Ms. Gummo

Re: 'Density By Design' Public Consultation

The Frontenac Heritage Foundation is a non-profit corporation working to protect built heritage across the Kingston region, and operates with a volunteer board. On behalf of the board, I offer the following comments on recent sessions regarding the development of Guidelines for Tall Buildings and Mid-Rise Buildings, referred to as 'Density By Design'.

In the City's previous Strategic Plan, the goal was set out to 'foster intensification in the city core'. As you are no doubt aware, the FHF has fought to protect the historic downtown from incompatible high-rise development approved in the last term of Council. This has been done at great expense. Two development proposals were viewed as incompatible, **(not only because of height but also because of scale and massing)**, visually intrusive, and not of a human scale suitable for the City's downtown. In short, the detailed heritage policies in the City's Official Plan were ignored with respect to new tall building proposals in the city core. The LPAT decision to deny the Capitol development application is being contested to Divisional Court, and the decision on the two Homestead Holdings Inc. towers (fully funded by the FHF) will not in all probability be released for months. We hope that the new council takes a different approach to development in the city core.

1. Process

The City's purchasing by-law (2000-134) generally does not provide for directly hiring a professional, but rather calls for a competitive system where an RFP is drawn up, and firms, generally with varied expertise, bid for the job. The work experience, make-up of the team, and reputation (among other technical aspects) are evaluated, and if the estimate is not the least bid submitted, council makes a recommendation on what team to hire. No such process was undertaken for hiring Brent Toderian, and this meant that those reputable Ontario firms that had done work previously for the City in terms of developing urban design guidelines, were not given the opportunity to bid for the task of reviewing and recommending Tall Building Guidelines (TBG). A person whose work experience has been largely out of province was brought to a special council meeting early in 2018 to discuss tall buildings. This consultant said in his recent presentation that he is now working with the city on ten different projects.

To our knowledge, there have been only two reports brought to council on this matter, and only one discusses budget (Council Report 18-071 sets out a \$53,900 budget for developing Tall Building Guidelines), and then in 2019, Report 19-074 was brought directly to council to present the notion that the project had been expanded to include Mid Rise Guidelines, with no discussion of budget. Further, the consultant was brought in when two major development proposals were before the OMB/LPAT- one which council first approved, and then, lost on a tie vote after its referral to the OMB, and a second for a 19 and 23 storey tower, which was approved by Council during a lame-duck period leading up the 2018 municipal election. Many aspects of this process can be criticized, but at the least the process should have been a competitive transparent process in terms of hiring experts who are familiar with the Ontario situation.

2. Policy Context:

An image of Vancouver with many tall buildings was part of the presentation at recent public sessions, and one must ask whether the intent is to scare people with such an image or not. Much could be said about the real-estate situation in Vancouver but suffice to say that the Kingston circumstances are vastly different. Urban Design Guidelines were done and incorporated into the Official Plan for the 4.5 city blocks referred to as North Block (S. 3.17.22), the Williamsville area (S. 10E.1) from Kingston Centre to Division) and also for the Downtown & Harbour Area (S. 10A) which is covered by what was an award-winning zoning by-law that called for built form provisions (angular plane and established street wall heights) that have been in place since 1996. In recent years, two sets of urban design guidelines were done by staff with the assistance of a consultant, and references were included in the recent 5-year update (S. 8.2, 8.3, etc.). Staff say that there is insufficient guidance in the Official Plan, and a reference by the Chief Planner was that there only “expectations” for the Williamsville area, whereas it has an entire Section 10E.1 in the Official Plan. There are currently many policies in the Official Plan which guide mid-rise and tall buildings. Any amendment to the Official Plan which will replace the sections noted above will be a major undertaking. Further, Sections 3.3.B and 3.3.C, Medium Density Residential and High Density Residential, respectively, which were just recently amended through five-year update should not, so soon, need to be further revised.

3. Misleading Presentation:

At recent sessions by staff and the consultant, the public was told that the yellow area shown on the land use schedule (Schedule 3A) is open to high rise development, suggesting that high-rises are allowed anywhere. Staff have taken a distorted view of the direction of the Official Plan. Policies approved in 2010 and revised in 2017 through an official plan update, direct development away from stable residential areas and are not subject to this form of development. The Official Plan directs development to corridors, so this is a blatant misrepresentation of the document to both council and to the public.

4. Overlooked Aspects

The question was asked of participants at the recent public sessions as to matters which should be included in the review that were not part of the presentation. No discussion took place about density (as a reminder, the Capitol project denied by the LPAT called for 839 units per hectare instead of the 123 units per hectare in the zoning by-law.) Secondly, no discussion has taken place about why podiums are recommended with stepbacks instead of the angular plane provisions of the longstanding downtown and harbour zoning by-law. No discussion was

advanced about the need for transitions of height to neighbouring areas, which we note, is lacking in developments in the Williamsville area. Very little reference was made to the incompatibility criteria set out in S. 2.7.3 or the mitigating factors now set out in S. 2.7.4.

5. Geographic Context:

Here in Kingston, we seem to take for granted our wonderful historic fabric in the core. Located at the centre of the city, Market Square Heritage District surrounds City Hall. Old Sydenham Heritage District protects about 550 buildings between the city core and the Queen's University campus. Barriefield Heritage District protects a former village east of the Rideau Canal. Buildings within these three heritage districts are protected in our view, although new provisions of the *Ontario Heritage Act* may revise the rules about demolitions. In addition, there are two Heritage Character Areas (HCAs) which directly impact the commercial area, the Lower Princess Street HCA, and the St. Lawrence Ward area HCA. Additional districts or HCAs are being considered in the North Kings Town Secondary Plan. As shown in the 1875 Brosius map which hangs in the foyer of City Hall, Old Sydenham northward to include the commercial area, extends to include the North Kings Town Secondary Plan area. This is the geographic area which was developed dating back to that time, and in our view, is deserving of careful attention and protection. Compared to the area within the City's Urban Boundary, the historic core is a relatively small area.

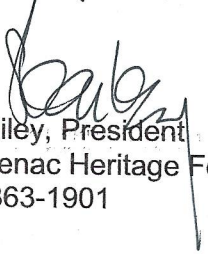
It is, however, difficult to develop guidelines without looking at the entire geographic context. No discussion took place about the 9 nodes of 3 or more high rise development of ten or more storeys in the city, most of which are located well outside the historic core. All but one of these existing nodes has access to a wide range of shops and services. This review should be undertaken along with the potential for these nodes to be expanded. The consultant indicated to the attendees that this review is being undertaken, but the information was not presented to the public.

In closing, the Foundation wishes to continue to be involved in this discussion. Please include as contact information either my personal email or the FHF email:

contact@frontenacheritage.ca

Should you have any questions on the comments above, please contact the undersigned.

Many thanks for your time and dedication to this file.



S. Bailey, President
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