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September 17, 2020

via email

Councillor Jim Neill, Chair
Planning Committee
City of Kingston
216 Ontario Street
Kingston, ON K7L2Z3

Re: 223 Princess Street Report No. PC-20-057, Application D14-027-2019

Dear Councillor Neill:

The Frontenac Heritage Foundation (the Foundation or FHF) is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. For nearly fifty years, the organization has provided input on various proposals and development applications across. As noted previously, the Foundation supports intensification in the historic core that is appropriate and compatible with the existing historic context.

Staff Report PC-20-057 provides a comprehensive report with a recommendation for approval by Planning Committee for yet another revised development application, and the Foundation is providing comments WITHOUT PREJUDICE on this matter, as the matter is currently before the Divisional Court on the matter of file D14-122-2015 by IN8 Development.

Density by Design

The Foundation does not support the supposed recommendations of that study which call for heights of 7 – 9 storeys in the city's core, a recommendation which may be desirable for portions of the broader historic core, but not for the Princess Street corridor which has been protected in zoning and limited to a 17m height limit since the Downtown and Harbour Zoning By-law was approved in 1996. In our view, the 2010 Official Plan provisions reinforced this notion through its detailed provisions. The Density by Design has never been brought forward for a recommendation by Council, yet, references have appeared in the Central Kingston Growth Study report, the Williamsville report, and now in the peer review on this document; the related ideas were conveyed to the ERA which in our view, calls into question as to just how objective that peer review is.

Peer Review

The Foundation did not accept the results of the first ERA peer review, and it does not accept the results of the most recent ERA peer review. In our view, because an entirely new development application was accepted by the City, a different consultant should have been

selected. The peer review indicates that it is an “objective” review, but that hardly the case when the Density by Design goals have been advanced to the consultant in the process. Further, while some of the recommendations by ERA have been addressed, the recommendation for indented balconies has been ignored, which will not only have negative consequences for the emissions one will expect from this building, but will give it a very negative visual appearance. Simply put, the proposal does not meet the compatibility requirements of the City’s Official Plan and is entirely inappropriate in a historic downtown like Kingston.

Climate Change Emergency

As noted above, this project does not have regard for the **City’s Council’s climate emergency** motion of March 2019 which in our view cannot be ignored when the city is considering major development applications. The Planning Justification report states that the proposal is sustainable because it provides density, and this, in our view, is not a satisfactory criterion to address the climate emergency. While there are some elements associated with the structure which may show some concern about sustainable provisions, the City has not advanced any consideration of an incentive program to encourage truly sustainable development. In the existing form of construction each balcony on this design will act as a radiator outward to the sky. The drawings indicate each unit will have a balcony, meaning there will now be 169 radiators to the sky. This is not sustainable development.

Built Heritage

As noted previously, the proposed development bridges two Heritage Character Areas (HCAs), as shown on Schedule 9 of the City’s Official Plan – the Lower Princess Street HCA which extends from Barrie Street along both side of Princess Street to the lakeshore, and the St. Lawrence Ward HCA. The portion of the proposed development fronting on Queen Street is located in the St. Lawrence Ward HCA. These areas are longstanding areas of cultural heritage significance, but the city has not undertaken the necessary study to determine what areas are worthy of designation (either individually or as a district) under the *Ontario Heritage Act*. All six properties currently listed on the subject block are worthy of designation, and several other properties should be considered for heritage protection. Heritage protection, it appears, is not important to this Council.

Official Plan Conformity

The FHF has noted previously the following Official Plan policies which call for the following:

- Conserving the cultural heritage resources in our core (2.3.8, 2.8.8, 7.1.10. etc.)
- Applying urban design policies, and multiple sets of such policies were completed for the city core, endorsed by council and are therefore reflected in the Official Plan. S. 3.4.A.8 specifically refers the reader to these documents, included on S. 10A of the Plan.
- S. 8 of the Plan deals with urban design matters, and under S. 8.5, calls for ‘preserving human scale in locations that are pedestrian-oriented...’ and S. 8.6 which states that ‘The City requires the design of new development to be visually

compatible with surrounding neighbourhoods and areas of cultural heritage value or interest.” through the preparation of urban design guidelines. Such guidelines have been prepared and are now included in S. 10A the Official Plan.

- S. 10.A.1, S.10.A.1.1 and S. 10A.2 call for protecting ‘human scale’ in the core.
- S. 10.A.4.7, allows a potential exemption to the height limit of 25.5m subject to an urban design study showing that the proposed development is compatible. The developer has been allowed to apply for a new zoning by-law amendment, it appears and it is the Foundation’s position that a 12- storey form is not ‘human scale’, and that the application is contrary to this and other critical policies of the official plan. In our view, the intent of the urban design guidelines done for the historic core was that mid-rise development was recommended – thus, the references to human scale development. Staff seem to deliberately ignore the City’s Official Plan

Community Benefits

The Mayor’s Task Force on Housing investigated this matter with no recommendations further to the finalization of the report. There is a definite concern about the need to increase the amount of affordable housing in this city. It is unlikely that units in this building can be created which will meet the affordability criteria, but we would recommend that money be taken if the development is approved, and that such money be directed towards a fund for affordable housing in the immediate vicinity. Retention and restoration of the façade of the building in our view should be done as a matter of course.

This proposal, if approved, will set a precedent for the entire historic core and must be carefully considered by City officials.

Sincerely,

Original signed by S. Bailey

Shirley Bailey, President
Frontenac Heritage Foundation

cc. Mayor and Members of Council