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April 20, 2023 Via Email

Councillor Paul Chaves, Chair
Arts, Recreation and Community Policies Committee
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Dear Chair Chaves and Committee Members

Re: ARCP-23-003: Updates to Public Art Policy to Outlines Processes and Guidelines for Murals on Private Property

The Frontenac Heritage Foundation is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. The group was founded in 1972, and over the past year we celebrated our fiftieth year of advocacy work, continuing to provide input on various proposals and development applications being considered in the area. The Foundation makes efforts to protect our treasured architecturally significant downtown.

Through the Public Art Programme, the City has developed a great program of bringing new pieces to our historic core and rejuvenating old ones across the City. On Tuesday this week, Taylor Norris made an excellent presentation to the FHF, describing the public art initiatives that have been carried out across the City. Specifically in terms of murals, the staff report states that a mural was commissioned for a new building at 168 Division Street, which was part of a S. 37 community benefit under the *Planning Act.* Here is the photo by Chris Miner. (Note that the site is not within the Central Business District.)

Recently, a proposal was endorsed for the heritage-designated building at 168 Wellington (the George Browne designed building, formerly a bank, which now houses 17 residential condos and a restaurant on the ground floor.) The wall in question runs perpendicular to Wellington Street and is adjacent to a pedestrian access to a parking garage. The wall was recently refinished, and if the mural is removed in the future, that could be easily done. That wall is not considered to be a heritage attribute, but one might argue that if not tastefully done, the mural could detract from the limestone façade that faces Wellington Street. This property is within the Lower Princess Street Heritage Character Area which is within the Central Business District.

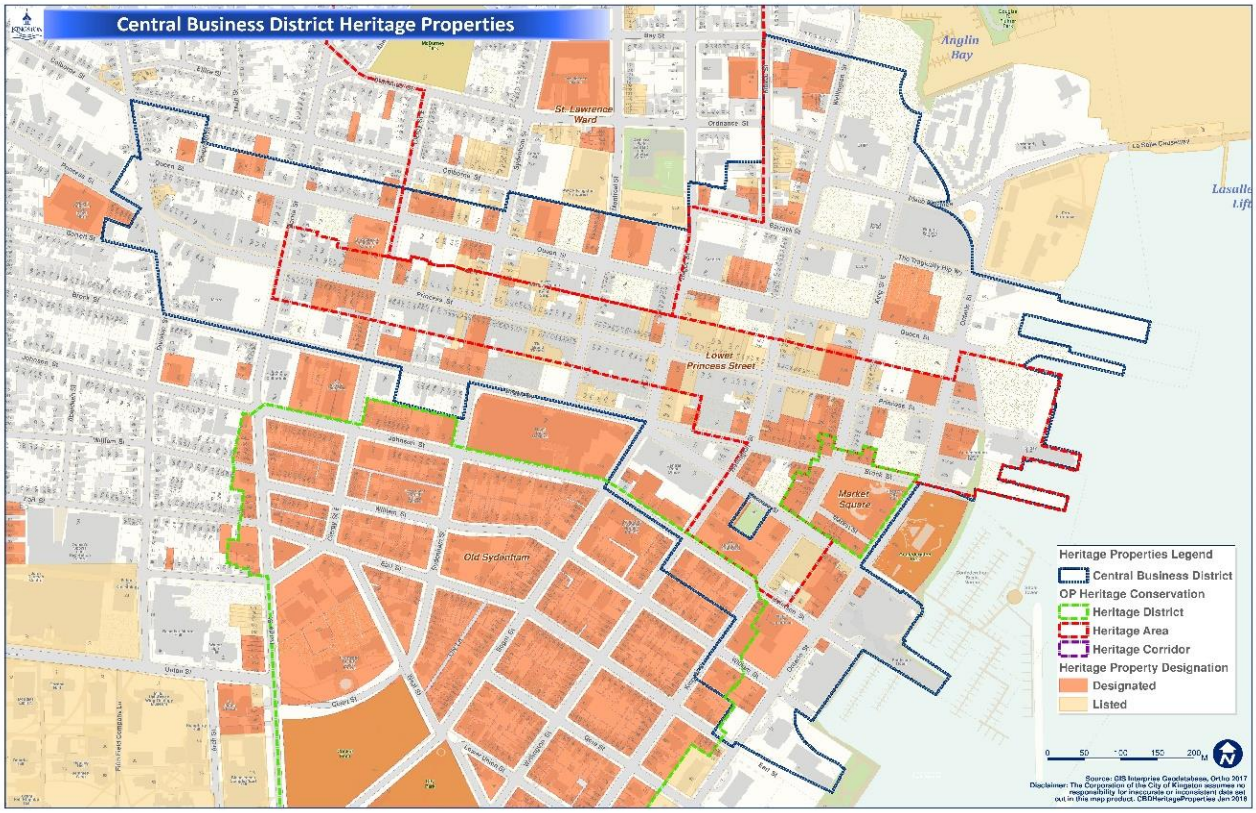
Two By-law changes before the Arts, Recreation and Community Policies Committee are proposed to first, in Exhibit B, revise the **Sign By-law** to define a Mural "a design or work of art applied directly to a wall **either painted or on** affixed panels for the purpose of artistic expression, decoration and public art" (emphasis added). Changes are proposed to exempt murals that have been approved by the City. It therefore appears that these could be applied directly to brick or stone surfaces.

Exhibit C of the staff report sets out changes to the **Property and Standards By-law** which specifically disallows graffiti, and the change is to specify an exemption for murals which have been approved and sanctioned by the City of Kingston Public Art Policy.

The result goes from NOT allowing murals anywhere to allowing them everywhere, subject to the approval process by the City. The policy as drafted will require consultation with the Kingston Properties Heritage Committee for properties that are designated under the *Ontario Heritage Act,* and that is entirely appropriate and necessary, in our view.

Many unprotected buildings in our historic downtown are constructed either of brick or limestone. Limestone walls, many of them with carefully dressed or decorated surfaces, in

themselves are considered to be a work of art. Here is a 2018 map of our historic core which shows the extent of the Central Business District, and the Lower Princess Street Heritage Character Area set out in the City's Official Plan.



As you can see, the CBD is shown in blue, the red line is the Lower Princess Street Heritage Character Area. Properties shown in orange are designated under the OHA, properties in beige are listed, and all others have no heritage protection. (Incidentally, there are many properties which are listed and require review over the next two years to determine whether they have merit for designation). Attached is the text of S. 7.3.D.2 of the City's Official Plan which applies to this area. Please note subsection d. which refers to application of sympathetic materials…" Are murals a sympathetic addition?

The FHF board would like to see extreme caution in applying murals to brick or limestone walls. We note that the Public Art Policy includes as some of its guiding principles the following: 'Follow best practices", "Be unique to Kingston", "Prioritize sites based on potential impact, both high profile and under-serviced areas." As everyone on the City Council knows, our city has beautiful heritage architecture which attracts thousands of visitors and tourists. Certainly, public art murals have the potential to be enjoyed by residents and visitors, but great care is needed so that they do not detract from heritage buildings or streetscapes.

Reporting back in 2024 is critical, but this program is not being approved as a pilot project, as the changes to the two noted City by-laws are likely to be permanent revisions.

We understand entirely the need to sanction the process and institute a permit process, but our concern is that there may be permanent, negative impacts on some of the brick and limestone walls. Site selection criteria state that public art will be located in a diversity of sites across Kingston and will not be concentrated in any one site or area. This too, is a good approach. We ask, though, how many is too many murals in our historic core?

Again, the situation is going from not allowing murals at all, to being allowed all over, with no apparent concern with the surfaces where the murals will be applied. While we do not yet know what the Wellington Street building mural will look like, it is premature to make these changes in our view.

Many thanks for your time and consideration

Original signed by S.Bailey on behalf of the FHF board

Shirley Bailey, President

cc. Nicole Sullivan, Clerk

Attachment: S. 7.3.D.3 of the City of Kingston Official Plan