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## RE: Draft City of Kingston Official Plan

Dear Ms. Flaherty,

M. R. Letourneau and Associates Inc. (MRLA) has been retained by the Frontenac Heritage Foundation (FHF) to provide an initial review of the draft City of Kingston Official Plan.

On behalf of my clients, we would like to thank you for the opportunity to provide comments. This is an important document, and it will play a key role in ensuring the conservation of cultural heritage resources within the City of Kingston.

At the outset, please note that the comments provided are only preliminary. It is understood that there are ongoing studies and works that may result in changes, and it is hoped that the below comments can help in this regard. With this understanding, comments have been divided into two categories: general concepts applicable across the Official Plan and changes recommended to specific policies. The first of these are provided below. The more detailed recommendations can be found hereto attached as Appendix A.

### General Comments

- 1) There are two key outstanding cultural heritage studies that will have a significant impact on the final version of the Official Plan. These are the Archaeological Management Plan revision and the ongoing Heritage Master Plan. What is the timing of these studies? How will the findings from these studies be integrated? Is it proposed to include the findings directly into a draft document or proceed with the Official Plan if these studies are incomplete? It is planning best practice to have completed studies inform Official Plan policies and it is unclear why these studies have not been completed in advance of releasing this document.
- 2) The heritage policies currently seem to lack details on four major contemporary issues:
  - a. Disaster and risk management strategies;

- b. The intersection of accessibility and heritage conservation;
  - c. Addressing cultural heritage conservation considering climate change adaptation and integration of new technologies (such as solar, mini-wind generation) on properties of cultural heritage value; and,
  - d. How heritage conservation and housing provision intersects.
- 3) The current wording throughout the document suggests that cultural heritage conservation is best understood in the context of placemaking and economic development. This is a limited and problematic perspective of the importance of heritage conservation, ignoring the fact cultural heritage is a matter of provincial interest as expressed within s. 2 of the *Planning Act* and within s. 4.6 of the *Provincial Planning Statement 2024 (PPS 2024)*. Further, cultural heritage has intrinsic values and conservation is a supportive effort for community and history for future generations. It is an important part of local and national identity.
  - 4) In general, cultural heritage terms are used inconsistently within the document between different sections. An example is the use of the terms “heritage homes” and “heritage sites.” It is recommended the document be revised using definitions found within the applicable legislation.
  - 5) There tends to be an overemphasis on built heritage resources rather than reflecting the wider range of cultural heritage resources as found within the definition section of the draft Official Plan.
  - 6) Greater guidance needs to be provided regarding section 27, Part IV “Listed” *Ontario Heritage Act* properties either within the Official Plan or the Heritage Master Plan. As outlined within PPS 2024, *protected heritage properties* does not include “listed” properties. However, these properties remain an important cultural resource within the community, and as stated within PPS 2024, municipalities should develop and implement “proactive strategies for conserving significant built heritage resources and cultural heritage landscapes” (4.6.4(b)). Significant cultural heritage resources arguably include “listed” properties as these properties must be evaluated against the criteria of O.Reg 9/06 and must meet a minimum of one (1) provincial criterion.
  - 7) Regarding cemeteries, currently it appears that cemetery uses are only proposed to be permitted in a few specific areas. How are existing cemeteries grandfathered and how will new discoveries be addressed, particularly if the Provincial government requires areas to be formally designated as a cemetery? (This was the case with McBurney Park.) The primary cemetery policies are currently located within the heritage section of the Official Plan. Cemetery planning is a major forthcoming issue and should be given greater analysis/consideration and be integrated throughout the document.
  - 8) In the discussion of form designations, it is unclear how heritage conservation districts, heritage areas and other protected heritage properties are to be addressed. Consideration should be given to developing a specific category for cultural heritage and/or providing exemptive language concerning conflicts with the Statements of Cultural Heritage Value of Interest (SCHVIs) for protected heritage properties. Further, it should be made clear the cultural heritage value or interest is not just about architectural style (as suggested in Table 4B3 (1)).
  - 9) There is a lot of duplication between the policies of 5A2 and 5A3 that makes reading confusing. General policies that apply to both built heritage resources and cultural heritage landscapes should be moved to 5A1.
  - 10) There is no definition of *qualified person* for cultural heritage matters. This is a critical issue. While many jurisdictions identify CAHP membership as the qualification, it is important to note that CAHP members are qualified with a particular skill set/category. Most CAHP members cannot or should not be addressing all report/assessment types.
  - 11) There is a potential for conflict because of the use of terms “heritage attributes” and “character defining elements” within the document. As Dan Schneider has identified, these terms are not identical (<https://uwaterloo.ca/heritage-resources-centre/blog/attributes-and-elements>). There should be a discussion on these terms and how they should be used.
  - 12) While generally supportive of the policies found in 5A7 - Living Heritage, it is currently unclear how implementation will be achieved through planning tools. Perhaps stronger links to the ongoing Heritage Master Plan are required.

- 13) The Official Plan refers to several cultural heritage report types, but the City does not have Terms of Reference for many of these reports. Is this City committed to developing these Terms of Reference?
- 14) The Official Plan must include more overt policies concerning the demolition by neglect of cultural heritage resources. This is ongoing in the City of Kingston including on King Street near the Kingston General Hospital.
- 15) It should be made clearer that cultural heritage considerations (including archaeology) are required as part of a complete application for all Planning application types. This includes committee of adjustment applications.
- 16) It is unclear how *heritage integrity* is being defined within the document.
- 17) The Downtown and Harbour Policies within the existing Official Plan were developed to complement the architectural character of the downtown, and they have been removed without substantial policy direction taking their place. The downtown area includes many protected heritage properties, including a heritage conservation district, heritage areas, as well as properties currently listed on the City's heritage register. The policy should be revised to address this omission as well as recognize these resources are sensitive to infill and redevelopment.

The Frontenac Heritage Foundation would appreciate the opportunity to meet to discuss its concerns. I am happy to facilitate this meeting and would suggest that Dr. Konrad be present for this discussion.

Sincerely,



Marcus R. Létourneau, PhD, MPlan, MCIP, RPP, CAHP, CIPM II (he/him/his)  
President  
M. R. Letourneau and Associates Inc.

## Appendix A: Policy Specific Comments

- 1) While supportive of the importance of universal design principles (as expressed in Policy 2B1), it is unclear how this will intersect with obligations for heritage conservation.
- 2) Within the discussion on Coordination (Policy 2C11), it appears that cultural heritage issues that cross municipality boundaries are not considered. Considering the designation of the Rideau Canal and Kingston Fortifications as a World Heritage Site, previous Official Plan policies concerning the Loyalist Parkway, and the potential for cultural heritage landscape and archaeological sites to cross boundaries, these should be integrated as an issue for coordination.
- 3) Within the policies concerning the acquisition of parkland (2D2 Policies) it is recommended that the conservation of cultural heritage resources also be listed. The City of Kingston has previously used this approach to protect built heritage resources, cultural heritage landscape, archaeological resources, and paleontological resources.
- 4) The current policies relating to Arts and Culture (Policy 2D4) use the idea of cultural heritage loosely, and it is currently a little unclear how these policies will intersect with the other heritage policies in the Official Plan.
- 5) Policy 3B2.3 is unclear. What is meant by the phrase that "...the safe and convenient movement of sustainable transportation through City Hall Square will be prioritized within or adjacent to the square"?
- 6) There is no discussion of cultural heritage in Policy 3B3.
- 7) Within Policy 3B9, there should be a discussion of cultural heritage conservation as this area includes potential heritage resources.
- 8) Within Policy 3B11, it is unclear what is meant by the term "adequate separation." Further, Policy 3B11.3a needs to be modified to reflect the requirements of PPS 2024 4.6.3 regarding adjacent protected properties.
- 9) Within Policy 3D3, there should be a caveat that such works also need to be in accordance with the Official Plan's heritage policies. It also needs to be clear on how potential impacts from the construction of parking garages (such as vibration) will be addressed.
- 10) Within Policy 3E1.f, the idea of leveraging cultural heritage resources without appropriate safeguards, and potentially contrary to their cultural heritage value or interest, is problematic. It is recommended that such actions should only be permitted where applicable.
- 11) Within Policy 3F1.8, it is unclear what a cultural heritage resource assessment report constitutes as this is not a common term and is not defined.
- 12) Within Policy 4C1.1, it is suggested that the policy should not only prioritize architectural excellence and compatibility but also actively seek to conserve the cultural heritage value or interest of protected heritage properties.
- 13) In Section 5A1, the discussion to relevant plans does not include the archaeological management plan. This needs to be updated.
- 14) Policy 5A1.5 should also reference built heritage resources and protected heritage properties.
- 15) Within Policy 5A2, it is suggested that the word "accessed" be omitted from the phrase "accessed, experienced, utilized, and appreciated" as it may be perceived that heritage conservation requires public access.
- 16) Policy 5A2.4 should be aligned with the PPS 2024 definition with the caveat that there are limited properties "protected by federal legislation."
- 17) Policy 5A2.6a should also reference provincial powers under s.34.5 of the OHA.
- 18) Policy 5A2.6b should replace *retention* with *conservation*.
- 19) It is unclear within Policy 5A2.6c how this would be accomplished, and how compatibility would be determined.
- 20) It is unclear within policy 5A2.7 how cooperation is being defined.
- 21) Regarding Policy 5A3.1, it is recommended expanding the tools beyond just parkland conveyance.

- 22) It is recommended to reword Policy 5A3.3 to align more closely with the language of the *Ontario Heritage Act*.
- 23) Regarding Policy 5A3-A.1a, it is unclear why only Intangible Cultural Heritage (ICH) is being identified in this policy.
- 24) Regarding Policy 5A3-A.12, Map 7 should be confirmed against the World Heritage Site designation mapping to confirm they are the same.
- 25) Within Policy 5A3-B(g) the civic address rather than just the building name should be used as an identifier.
- 26) Regarding Policy 5A3-C.14, this wording is concerning as some blocks include properties outside the Heritage Conservation District, which could potentially result in a significant increase in height within the Heritage Conservation District.
- 27) Within Policy 5A3-E.3, what are the architectural and design guidelines being referenced? Are they publicly available? How does this policy relate to S. 10A of the current official plan, which includes special policies for the downtown such as the Downtown and Harbour Architectural Guidelines. Further, how are the following guidelines referenced in the current official plan being considered in the new official plan?
  - a. Sections 8.1.1, 8.2, (Guidelines for New Communities)
  - b. Section 8.3 (Guidelines for Residential Lots)
- 28) Regarding Policy 5A4, it should be noted that archaeology is not just the physical remains of pre-20<sup>th</sup> century activities or events. The definition from provincial guidance should be used.
- 29) Within Policy 5A4.3, the language being used is outdated. This should be updated in accordance with current best practices.
- 30) Within Policy 5A4.7, it is suggested that this policy should be restructured to move the City's requirement before the province's requirement.
- 31) Regarding Policy 5A5, while the definition of protected heritage property includes "properties under federal legislation" this is quite limited, only referring to properties under the *Heritage Railway Stations Protection Act* and *Heritage Lighthouse Protection Act*. There should be policies to protect privately owned National Historical Sites of Canada that are not otherwise protected.
- 32) Within Policy 5A5.6, this policy should be revised to refer to cultural heritage landscapes.
- 33) Regarding Policy 5A5.7, has the City prepared Commemorative Integrity Statements (CISs) and Management Plans for all its National Historic Sites of Canada?
- 34) Within Policy 5A5.8, the *Standards and Guidelines for the Conservation of Historic Places in Canada* should be employed as a guideline rather than as a firm requirement as the document does not address several key heritage issues and practices, such as disaster and risk management, demolition and façade conservation.
- 35) Policies 5A5.7 and 5A5.10 should be combined.
- 36) Policies 5A5.8 and 5A5.11 should be combined.
- 37) Regarding Policy 5A5.12, this policy should be revised to include a reference to new developments.
- 38) While the Official Plan refers to natural heritage in 6A1.11, cultural heritage impacts also need to be considered as part of infrastructure projects.
- 39) Within Policy 7A4, there should be a discussion on how communications equipment is addressed when located on or adjacent to protected heritage properties.
- 40) Within Policy 7B8.2, cultural heritage must be considered as well.
- 41) The definition found in 8C1.6 needs to be updated to align with PPS 2024.
- 42) Within Policy 8C14.3, there needs to be a definition of negative impacts for cultural heritage. The term *adverse impacts* remains within the Official Plan but the criteria for evaluating them previously under the current section 2.7.3 have been eliminated. Without criteria it will not be possible to evaluate adverse impacts.