TO: Mayor and Council
FROM: Cynthia Beach, Commissioner, Sustainability and Growth Group
RESOURCE STAFF: George Wallace, Director, Planning and Development Department
DATE OF MEETING: 2010-06-01
SUBJECT: Requirements for ‘Application for Alteration under the Ontario Heritage Act’ – 390 King Street West.

EXECUTIVE SUMMARY:

This report presents a recommendation from the Kingston Municipal Heritage Committee, discusses the relevant legislative requirements under the Ontario Heritage Act, and recommends endorsement of specific requirements for any ‘Application for Alteration under the Ontario Heritage Act’ for 390 King Street West (also known as the Stella Buck Building and the Queen’s University Performing Arts Centre (QUPAC)).

RECOMMENDATION:

1. THAT any ‘Application for Alteration under the Ontario Heritage Act’ for 390 King Street West (also known as the Stella Buck Building and the Queen’s University Performing Arts Centre) must include the results of a public meeting hosted by the Kingston Municipal Heritage Committee, a Heritage Impact Statement prepared by a qualified heritage consultant, and a structural engineers report to the satisfaction of the municipality, in addition to the information already required for an ‘Application for Alteration under the Ontario Heritage Act.’ And;

2. THAT the Committee be authorized to request additional information identified through submissions received at the Public Hearing necessary to make a decision on the application.
AUTHORIZING SIGNATURES:

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<th>ORIGINAL SIGNED BY COMMISSIONER</th>
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<td>Cynthia Beach, P.Eng, MCIP, RPP, Commissioner, Sustainability &amp; Growth Group</td>
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<th>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</th>
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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<th>Commissioner</th>
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<tr>
<td>Terry Willing, Community Development Services</td>
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<td>Denis Leger, Corporate Services</td>
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<td>Jim Keech, President and CEO, Utilities Kingston</td>
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(N/R indicates consultation not required)

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OPTIONS/DISCUSSION:
At the May 10 and May 12, 2010 meeting of the Kingston Municipal Heritage Committee (KMHC), Queen's University preconsulted on proposed works for the Stella Buck Building as they related to the proposal to construct the Queen's University Performing Arts Centre (QUPAC) located at 390 King Street West. This proposal includes alterations that result in the removal of significant portions of the Stella Buck Building and an associated industrial chimney. In response, KMHC indicated that the need for public consultation was critical. To that end, KMHC passed the following motion:

THAT the Kingston Municipal Heritage Committee believes that prior to forming a recommendation on the partial demolition of the Stella Buck building and/or chimney at 390 King Street West, that the City hold a public meeting (possibly hosted by the Kingston Municipal Heritage Committee) to review the matter and receive input. The Kingston Municipal Heritage Committee believes that at least two weeks notice of such a meeting should be given.

CARRIED
Moved by Councillor Glover
Seconded by Mr. Downey

Under Section 33 (2) of the Ontario Heritage Act, the responsibility to determining what information is required rests with Council. Council has the ability to give direction concerning what information it requires to deem an ‘Application for Alteration under the Ontario Heritage Act’ complete. If Council is in agreement, this information can include the results of a public meeting to be hosted by the Kingston Municipal Heritage Committee, a Heritage Impact Statement prepared by a qualified heritage consultant, as well as a structural engineers report. Thus the following is recommended:

1. THAT any ‘Application for Alteration under the Ontario Heritage Act’ for 390 King Street West (also known as the Stella Buck Building and the Queen’s University Performing Arts Centre) must include the results of a public meeting hosted by the Kingston Municipal Heritage Committee, a Heritage Impact Statement prepared by a qualified heritage consultant, and a structural engineers report, to the satisfaction of the municipality in addition to the information already required for an ‘Application for Alteration under the Ontario Heritage Act.’ And;

2. THAT the Committee be authorized to request additional information identified through submissions received at the Public Hearing necessary to make a decision on the application.

Currently, the Heritage Impact Statement is required and is being prepared by consultants hired by Queen’s University. This recommendation has the effect of requiring a public hearing and structural engineer’s report as additional supporting information when the ‘Application for Alteration under the Ontario Heritage Act’ is formally submitted for consideration.

EXISTING POLICY/BY LAW:
Ontario Heritage Act, R.S.O. 1990, c. O.18. (Ontario)

NOTICE PROVISIONS:
N/A

ACCESSIBILITY CONSIDERATIONS:
Alternative formats of this report and Exhibit “A” are available on request.

FINANCIAL CONSIDERATIONS:
N/A
CONTACTS:
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Marcus Létourneau, Heritage Planner, Planning and Development Department 613-546-4291 ext. 1386

OTHER CITY OF KINGSTON STAFF CONSULTED:
Alan McLeod, Senior Legal Counsel, Legal Services, Corporate Services Group
John Bolognone, Deputy City Clerk, Corporate Administrative Team

EXHIBITS ATTACHED:
N/A