EXECUTIVE SUMMARY:

Council approved the release of a Request for Proposals (RFP) to explore the viability of acquiring Barriefield lands on February 17, 2010. Staff recommended the award to MHBC Planning Ltd on April 20, 2010 and Council approval was granted on May 25, 2010 with contract execution in June, 2010.

Through technical analysis and studies, together with community and stakeholder input, the Phase 1 feasibility analysis was completed including the following reviews:

- Planning Assessment
- Servicing Brief
- Noise Analysis
- Traffic Analysis
- Built and Cultural Heritage Analysis
- View shed Analysis
- Affordable Housing Feasibility & Financial Analysis
- Community Issues Identification Report
- A Preferred Concept Plan for Potential Development

The final report, attached as Exhibit A, assembles key information that makes clear the unique aspects of this project, including:

1. The range of feasible development options are limited by time constraints and the policy directions provided in the City Official Plan, Heritage guidelines and regulations, and other technical limitations outlined in the study.
2. This is not a usual acquisition process and federal timelines impose new considerations of risk that are now better understood and are taken into account as a result of this study, and,
3. We now understand the funding limitations and requirements better, to know what share the city needs to fund to make this a viable proposition; and
4. It presents Council with a new and unique policy challenge in terms of the level of municipal funding allocated to affordable housing development.

5. This project involves various competing objectives, such as the need for affordable housing and heritage preservation. Council has previously directed staff to proceed with an exploration as to the viability of affordable housing.

With the above challenges in mind, a potential development concept was presented to the public for comment on August 9, 2010 and the following final development scenario is broken down by each parcel:

- Parcel 1: developed as public parkland as a contribution toward the 3 parcel development;
- Parcel 2: 2-storey seniors’ residence with 32 units;
- Parcel 3: single detached dwellings (16 units) and a semi detached dwelling (2 units).

The development of Parcel 1 as public parkland, along with the maintenance of public open space throughout Parcels 2 and 3 (45% of the land area of the three parcels is open space) could be absorbed within the Parks and Leisure, and Public Works operating budget at a cost as yet to be determined, and the expectation is that Parcel 1 will be acquired at no cost as part of the SRPFHI program funding.

The development of Parcel 2 as a seniors’ apartment building of 32 units complies with the Official Plan and is estimated to require a total municipal contribution of $4,160,000 in capital grants, of which $2,460,000 would come from the existing Provincial DOOR Reserve Fund referenced previously in staff reports to Council:#09-312 and #10-061. This would provide rent levels to a maximum of 80% of average market rents with an added rent supplement for a minimum of 12 senior households renting at the lowest rent geared to income level.

The development of Parcel 3 for single detached and semi detached dwellings complies with the Official Plan and would require a municipal capital contribution of $180,000 to offset development charges. The consultants identify that this would enable a minimum affordability level for those earning $54,000 annual household income. Safeguards against premature sale of the units for profit would be put in place as agreements registered on title with each property.

Staff has identified that while the project as described in the MHBC report may be technically feasible, Council also needs to authorize sufficient additional funds to make it financially viable. In total the project would need the following equity or revenue contributions to make it viable as an affordable housing development:

- Federal government land: $1,100,000.
- Provincial DOOR funding: $2,460,000.
- Added Municipal funding: $2,140,000.

The report concludes that the project as proposed is feasible, however without a significant allocation of municipal funding the development is not viable. Regarding the issue of financial viability, it must be noted that currently existing policies do not exist to provide for this level of municipal funding for an affordable housing development. Should Council decide to proceed with the required municipal allocation estimated at $2.14M for this development, it should be as a special circumstance until the comprehensive housing strategy review is completed. This development if pursued has a number of characteristics that make it a unique and non precedent setting project. These include the timing imposed by approval authorities, the remarkable cultural, historical, and heritage related aspects of these lands, and the sudden removal of other provincial or federal government funding opportunities.
RECOMMENDATION:

1. That the report “Feasibility Analysis Phase 1: Acquisition of Federal Surplus Lands Barriefield Village”, prepared by MHBC Planning Inc., be received.

2. That Council give direction to staff on the policy matter of municipal contributions to affordable housing considering the following:

   WHEREAS affordable housing funding has typically been funded primarily by allocations from the Federal and Provincial Governments, and

   WHEREAS the City of Kingston has not established a policy regarding such funding, and

   WHEREAS the City’s comprehensive housing strategy is under review, and

   WHEREAS Federal and Provincial policies are currently under review,

   a) That Council reserve a municipal funding decision on this project until such time as an appropriate policy is developed, and that the City decline the option of acquiring the federal surplus lands in Barriefield Village for this affordable housing concept plan, and direct staff to report back on recommendations for using the $2.46M earmarked for Barriefield on another shovel ready project that can be substantially completed within 18 months, such as the locations at Queen Mary Road or Lyons Street.

   OR

   b) That Council commit City funding to this project as a special circumstance project, and

      i. THAT the Concept plan developed by MHBC be approved for Parcels 1, 2 and 3 on Federal surplus lands in Barriefield for the purpose of proceeding to Phase 2, and

      ii. THAT $650,000 be approved from the DOOR Reserve for the purpose of proceeding to Phase 2 of the process to support the rezoning and all other development approval studies, reports, and contingency, and

      iii. THAT the award of Phase 2 in RFP #F31-CDS-CFS-2010-1 be awarded to MHBC to a maximum upset of $380,000 of the $650,000 budget funded from the DOOR Reserve, and

      iv. THAT a formal application be prepared to the Federal government with the MHBC concept plans and documentation to support the city proposal for SRPFHI funding in October 2010 with an anticipated substantial completion of the affordable housing project by March 2013, and

      v. THAT a budget of $5.7M be established for this project, with funding of:

         a. $2.46 M from the Provincial DOORS program
         b. $1.1 M value of Federal Lands, and
         c. $2.14M in City funding from the Municipal Capital Reserve Fund, as a “one-time” allocation.
AUTHORIZING SIGNATURES:

| ORIGINAL SIGNED BY COMMISSIONER                  |
| Terry Willing, Acting Commissioner, Community Services |
| ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER  |
| Gerard Hunt, Chief Administrative Officer       |

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

| Commissioner Beach, Sustainability & Growth | ✓ |
| Commissioner Leger, Corporate Services      | N/R |
| Jim Keech, President, Utilities Kingston     | N/R |

(N/R indicates consultation not required)
OPTIONS/DISCUSSION:

Background
In May 2009, the City of Kingston (the City) became aware of an opportunity to purchase surplus federal lands located within the Barriefield Heritage Conservation District (BHCD). At that time it was noted that a federal grant program existed which allowed the transfer of the lands for one dollar, provided a viable affordable housing project was approved for the land. The details of this opportunity were presented to Council in February 2010. Further detail on this opportunity can be seen in staff report Nos. 09-312, 10-061, 10-147, and 10-271.

On February 16 and 17, 2010, Council approved resolution Clause (1) Report No. 30 which states:

1. THAT Council authorize staff to undertake as a high priority the following with respect to the subject lands:
   a. Proceed immediately with the steps necessary to acquire the surplus lands for affordable housing and to investigate acquiring lands as a buffer to Barriefield Village, should the preferred affordable housing option not prove viable:
   b. Proceed immediately with a review, and update if required, of the Heritage Conservation District Plan
   c. The completion of a stage 2 and 3 archaeological assessment, environmental assessments and technical studies that may be necessary to determine the potential future uses that are viable for the properties and to complete the necessary due diligence for purchasing the property;
   d. The necessary public meeting(s) facilitated as outlined by the Council motion of November 17, 2009, addressing both affordable housing and heritage preservation matters;

And further

2. THAT a budget of up to $250,000 be approved with funding from the Working Fund Reserve for the work;
   And further

3. THAT the report be completed no later than June 2010; said report should use existing materials to the greatest extent possible and should also include timelines for the necessary planning approvals;
   And further

4. THAT staff express the City’s interest in acquiring the property for affordable housing to Public Works and Government Services Canada (PWGSC).

In response to this resolution staff created a Request for Proposal (RFP) to address 1 (a), (c), and (d); 2 and 3. RFP #F31-CDS-CFS-2010-1, Consultancy on Potential Acquisition of Federal Surplus land in Barriefield Village was released on March 12, 2010 and closed on April 7, 2010. Prior to Council granting authority to proceed with an RFP in May, Council also asked for consideration of a land swap option, which was presented and declined. Council approved award of the RFP to MHBC Planning on May 25, 2010 (Report 10-147).

The RFP identified that the work would be undertaken in two phases, with Phase 1 addressing the completion of the feasibility study, with continuation to Phase 2 subject to Council’s approval which would address the requirements for acquiring the lands.

The feasibility study includes the preparation and review of technical studies necessary to identify any significant constraints on the surplus lands. The technical studies and assessments that were undertaken to a preliminary stage as part of this study include:

- Planning Assessment (MHBC)
- Servicing Brief (MTE Consultants Inc. - MTE)
- Noise Analysis (Aercoustics Engineering Ltd. - AEL)
- Traffic Analysis (Paradigm Transportation Solutions Ltd. - PDSL)
Conclusion regarding the feasibility of developing affordable housing

The final report includes a project overview, the site context, a planning policy overview, a public/stakeholder consultation process and identification of community issues, along with affordable housing options and recommendations in the form of a preferred development concept, potential equity partners, and the risks/benefits of the preferred development concept. Technical studies were conducted to address servicing issues, protection of view lines, noise, traffic, built heritage and cultural heritage landscapes, as well as overall design considerations for each parcel.

The report conclusion is that a specific and narrowly defined form of affordable housing development is deemed feasible given the constraints of time and the balancing of a number of municipal, provincial, federal policies and regulations, and given the input on the part of the public into the process. The report also provides a thorough discussion on financing implications and options for a range of target group affordability and project viability issues.

Preferred Development Concept

Based on the results of the technical studies in Phase 1, the input received from the public and stakeholders, and the examination of several development concepts, the consulting team has developed a preferred development concept of 50 new housing units over the three parcels of land. The following is a breakdown of the preferred development scenario by parcel:

- Parcel 1: developed as public parkland in combination with other open space on other parcels, making a total of 45% of the land area of the three parcels as open space.
- Parcel 2: 2-storey seniors' apartment with 32 units;
- Parcel 3: single detached dwellings (16 units) and a semi detached dwelling (2 units). Please note that the number of single detached dwellings was increased from 13 to 16 in response to public feedback that more housing potential should be accommodated on Parcel 3

Rezoning applications will be required to create residential uses on Parcels 2 and 3 to accommodate the preferred development concept. The development concept is in keeping with the City's Official Plan so it will not need to be amended.

While the preferred development concept meets the test of land use and heritage compatibility and feasibility within the federally imposed timelines, the matter of financial viability is one that warrants extra attention and the consultants have presented information about the various levels of financial commitment that would be required by the municipality if the project is to be made viable.
Project Viability in the context of existing funding considerations:
When the option of the federal surplus lands became available some time ago, the intention was that the City make use of Provincial DOOR funding for an initial phase, while making application for Provincial/Federal funding under the Affordable Housing Program for a subsequent phase. Since that time, the program funding has been exhausted (late 2009/early 2010 timeframe) and the release of the Provincial Housing Strategy has been delayed from an original date of June 2010 to December 2010. This fact makes the financial viability of the consultants preferred development concept problematic in that City policy (under the “Kingston Model 2005”) does not currently exist to provide the anticipated level of municipal funding for an affordable housing development, other than what can be implied in the approved target of producing 100 new affordable homes per year. For this reason a policy consideration is presented in the recommendations of this report, as a matter to be addressed prior to presenting the next steps of approval. Staff's responsibility is to present information in the context of policy, and due to time constraints, the proper process of establishing policy is being circumvented for a “one-time only” consideration. The principle associated with this decision lies in the fact that subsidization of affordable housing has long been the responsibility of upper levels of government as an income redistribution matter, rather than a property tax municipal service matter.

Should Council decide to proceed with budgeting the added $2.14M, it should be done expressly as a stop gap until the comprehensive municipal housing strategy review is completed. This development once pursued has a number of unique characteristics that make it a one off, non precedent setting project. These include the timing imposed by various approval authorities, the time limited offering of the Federal surplus lands at this notable location, as well as the unique cultural, historical, and heritage related aspects of these lands. The timing of the cessation of the Federal-Provincial Affordable Housing Program and the absence of other new federal or provincial government funding opportunities also makes this a unique situation.

The following considerations are noted in terms of previous funding commitments or policy precedents:
1. Queen Mary Road – donation of land valued at $400,000 and other past donations or purchases of land for non-profit housing providers.
2. Lyons Street – capital grant to Frontenac Community Mental Health valued at $400,000 for construction of a road and servicing/ development approval fee grants for Habitat for Humanity and other providers.
3. Council indication to earmark additional funding (up to $5M) for affordable housing approved in motion of November 2007 and the Kingston Model target of producing 100 new affordable homes per year.

These examples do provide a policy foundation for making a special purpose grant as a stop gap until the Provincial and our own municipal housing strategies are completed.

Next Steps if Council decides to proceed
Should Council decide to proceed to the next phase of the acquisition process of the identified surplus lands, more analysis would be required to support documentation necessary to proceed with a rezoning and application under the Ontario Heritage Act. This work was anticipated in the Phase 2 option of the RFP #F31-CDS-CFS-2010-1.

Council in its award of RFP #F31-CDS-CFS-2010-1 reserved the option to extend the consulting services as necessary to proceed with the land acquisition if given authorization to do so by Council. This was incorporated in the RFP in order to accommodate the required timelines and to provide for the continuity of work that is necessary in this kind of feasibility development process.

Phase 2 will address the work required to implement the approved recommendation, bringing the lands to rezoned and site plan ready state, complete with the preparation of the documentation necessary to proceed with the acquisition and identification of development proponents for the properties.
An estimated upset budget of $650,000 would take the project to June 2011 timeframe at which time the City should know if the property can be fully developed as envisaged in the concept plan and whether the Federal government has accepted the application for a transfer of ownership of the land under the SRPFHI program.

According to senior federal government staff, should Council decide to proceed with an application for the land donation, an application with an approved development concept for the lands will be needed by no later than October 2010 with the land title transferred (with zoning in place) by April 2011. A formal contribution agreement requires that the selected development proponent(s) would have at most 2 years from the date of signing to have a substantially completed project.

**Next Steps if Council decides not to proceed**

Should Council decide not to proceed to this next phase of the acquisition process for the identified surplus lands, it is staff’s view that no further action regarding making application for the lands under the SRPFHI program be taken. Any alternative option, such as acquiring the lands at market value which would require an allocation of unbudgeted funds, or reallocation of the $2.46 M earmarked funding to another affordable housing project, will need specific Council direction following receipt of a requested staff report.

One alternative housing project would include lands on Queen Mary Road where there are no heritage or other challenges to the development because official plan and zoning approvals are already in place for a seniors residence that has stalled due to the withdrawal of provincial funding.

**EXISTING POLICY/BY LAW:**

Purchasing By-Law No. 2000-134, a By-law to Establish Purchasing Policies and Procedures for the City of Kingston, as amended.

**NOTICE PROVISIONS:**

No notice requirements

**ACCESSIBILITY CONSIDERATIONS:**

This report is available in alternative formats upon request. This report is available translated into French upon request.

**FINANCIAL CONSIDERATIONS:**

The financial considerations of this decision include the allocation of municipal funds for affordable housing. While the initial funds are being recommended from the Municipal Capital Reserve Fund as one time allocation, if long term sustained allocations are determined after policy review, then an appropriate funding source will need to be identified, likely a tax rate increase.

A budget of up to $250,000 was approved by Council with funding from the Working Fund Reserve for Phase 1, which will be completed within budget. Should Council decide to proceed further with the acquisition process, a total budget for Phase 2 is $650,000 to the end of June 2011 to finalize studies and applications and which is included in the total project budget. The breakdown of costs is shown below:

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A number of decision points will be presented to Council as required over the next six months as a result of the Phase 2 work packages. A financial risk that has been identified in previous reports is that the City could expend these funds and the project not proceed for a variety of reasons.

CONTACTS:
Jim de Hoop, Director, Community and Family Services (x4957)

OTHER CITY OF KINGSTON STAFF CONSULTED:
Cynthia Beach, Commissioner, Sustainability & Growth
Terry Willing, Acting Commissioner, Community Services
George Wallace, Director Planning and Development
Rob Crothers, Project Manager, Real Estate & Construction Services
Alan McLeod, Senior Legal Counsel
Cheryl Hitchen, Manager, Community Programs, Community & Family Services
Stephen Dickey, Manager, Accounting Services

EXHIBITS ATTACHED:
Exhibit “A”: Feasibility Analysis Phase 1: Acquisition of Federal Surplus Lands Barriefield Village, prepared by MHBC Planning Inc.
Exhibit “B”: Wayne Morgan Heritage Planning Assessment Report
Exhibit “C”: Response to Wayne Morgan Report by MHBC Planning Inc.
HERITAGE PLANNING ASSESSMENT

Regent Street 2010

St. Mark’s Anglican Church 2010

Parcel 3 Lands,
Looking South from Wellington Street 2010

PROPOSAL TO DEVELOP
DEPARTMENT OF NATIONAL DEFENCE LANDS
BARRIEFIELD HERITAGE CONSERVATION DISTRICT
CITY OF KINGSTON, ONTARIO

August 2010

Prepared for:
Barriefield Village Association

Prepared by:
Wayne Morgan, Heritage Planner
HERITAGE PLANNING ASSESSMENT

PROPOSAL TO DEVELOP
DEPARTMENT OF NATIONAL DEFENCE LANDS
BARRIEFIELD HERITAGE CONSERVATION DISTRICT
CITY OF KINGSTON, ONTARIO

August 2010

Prepared for:
Barriefield Village Association

Prepared by:
Wayne Morgan Heritage Planner
21 Land’s End, P. O. Box 1203
Sutton West, Ontario, L0E 1R00
Tel: 905-722-5398
EXECUTIVE SUMMARY

The City of Kingston is examining the feasibility of accommodating affordable housing on lands that the federal government, through the Department of National Defense (DND), has declared surplus. These lands are located in three parcels on the north and east limits within the Barriefield Heritage Conservation District (HCD). The Barriefield village area has been designated a HCD under the Ontario Heritage Act since 1981.

On August 9, 2010, the consulting team retained by the City to evaluate the feasibility of affordable housing on the surplus DND lands presented a proposal to the public. The proposal involves no development on the northern parcel (Parcel 1); a seniors apartment complex consisting of 2, two storey 16 unit buildings with a new road on the middle parcel (Parcel 2); and on the southern parcel (Parcel 3) 13 single detached residences and 2 semi-detached units with a new road. A total of 47 residential units are proposed for the surplus lands. The west side of Parcels 2 and 3 are affected by underground services which would prohibit structures from being located in those areas.

Wayne Morgan, Heritage Planner was retained in early July 2010 by the Barriefield Village Association (BVA) to advise on the heritage planning aspects of any proposed development of the surplus lands. I am a registered professional planner with 30 years experience in the conservation of heritage resources in Ontario. I have conducted on-site examinations of the District and the development parcels. On July 17, I conducted a half day workshop with Village residents on the potential development parcels. On July 17, I conducted a half day workshop with Village residents on the potential development of the surplus lands.

I have been asked by the BVA to evaluate the proposed development of the surplus lands as presented to the public August 9. This report is my assessment of the proposal.

In assessing the proposed development I examined the proposal in relation to the following planning policies, guidelines, legislation and protocols:

- Provincial Policy Statement (2005) issued under the Planning Act,
- Kingston Official Plan,
- Kingston Zoning By-law,
- Barriefield Heritage Conservation District Plan,
- Ontario Heritage Act, and
- National and international protocols for the conservation of cultural heritage resources.

It is my professional opinion that the proposed development does not comply sufficiently with any of the above planning policies, guidelines, legislation and protocols to warrant approval as an appropriate and sympathetic development in this significant cultural heritage landscape, the Barriefield HCD. Further, it is my opinion that development on Parcel 2 is premature as the Limestone District School Board proposes to close the school on the adjacent Parcel of land in two years. Development of Parcel 2 at this time may preclude the optimum redevelopment of the school site and Parcel 2 and the potential to consider the relocation of underground services on Parcels 2 and 3 to more appropriate locations.

It is my recommendation that the Council of the City of Kingston not proceed further with the August 9, 2010 proposal to develop the DND surplus lands for affordable housing.
PROJECT PERSONNEL

Wayne Morgan
Heritage Planner
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1.0 INTRODUCTION

The federal government, through the Department of National Defense, has identified three parcels of land that it owns within the Barriefield Heritage Conservation District (HCD) as surplus. The Barriefield area is shown in a recent aerial photograph (Appendix B) together with the parcel fabric of the area and civic addresses (Appendix C). The City of Kingston became aware of the availability of these three parcels in April 2009 and noted that there was a federal program which provided for the transfer of the lands to the City for a nominal amount provided that an affordable housing project was approved for the lands.

The subject parcels form the north and east parts of the Barriefield HCD (Appendix D). The three parcels are in the former Township of Pittsburgh, County of Frontenac, in Lots 19, 20 and 21 in the ‘Lots East of the Great Cataraqui River’. The parcels are on the west side of Highway 15 north of Highway 2 and south of the Main Street intersection with Highway 15. The properties are generally bounded on the east by Highway 15, on the west by Main Street, the public school site and George Street and on the south by the south lot line of Lot 21, a line that would be created if James Street extended to Highway 15.

In February 2010, Kingston City Council directed staff to issue a Request for Proposal to engage consultants to assess the feasibility of an affordable housing project for the subject lands. Consultants were engaged and, on August 9, 2010, the team of consultants presented a proposal for the development of the lands. The proposal is shown in Appendix E and described in chapter 2 of this report. The proposal is to develop Parcels 2 and 3 for 47 residential units, 32 of which will be in the form of two,16 unit two storey seniors residences.

In July 2010, Wayne Morgan, Heritage Planner, was retained by the Barriefield Village Association to advise on any proposed development that may be forthcoming from the City’s feasibility study. I am a registered professional planner with 30 years experience in planning for heritage conservation in Ontario (Appendix A). I worked for the City of Toronto administering the City’s heritage conservation program and, as a volunteer for twenty years in another municipality, chairing a municipal heritage committee. Since retiring from the City, I have developed a consulting practice focused exclusively on heritage conservation planning. My clients include private developers, municipalities, the province and community groups. I have defended my recommendations before the Ontario Municipal Board and the Conservation Review Board. I am knowledgeable in the development and implementation of heritage conservation district studies and plans especially as they relate to the municipal planning process.

I have done an onsite examination of the District walking all of the streets and the proposed development parcels on two separate occasions. On July 17, 2010, I conducted a half day workshop with residents of the District to identify issues related to the development of the parcels the federal government has declared surplus.
2.0 DEVELOPMENT PROPOSAL

The consultants conducting the feasibility study propose that:

- Parcel 1 not be developed;

- the south approximately two-thirds of Parcel 2 be developed for a two storey 32 unit seniors apartment buildings; and

- Parcel 3 be developed for 9 two storey single detached dwellings, 4 one-and-a half storey single detached dwellings and 1 two storey semi-detached structure containing two residential units

for a total of 47 residential units (Appendix D).

The proposed development of the south two-thirds of Parcel 2 (Figure 2.1) will require a new road with access from Wellington Street and a termination in a hammer head configuration near the property boundary with Highway 15. The north-south section of the road is proposed to be located within the utility easement. Parking spaces and a bay for drop-off and pick-up will line much of this new road. The residences will be grouped into 2 two storey structures containing 16 units each. The structures are positioned close to the east property line with Highway 15. The consultants have argued that the residential structures must be located close to the east side of the property because of the constraint of the utility corridor on the west side of the property.

Proposed landscaping on Parcel 2 consists of a single row of groupings of trees or shrubs between the proposed residential structures and the Highway 15 property line. Additional landscaping is proposed along the new road where there are no parking.
spaces. A pedestrian trail is proposed to extend north of the road to the north limit of Parcel 2 although in connecting to Parcel 1, it will have to venture into the Highway 15 right-of-way.

As with Parcel 2, the proposed development on Parcel 3 will be located towards the east side of the Parcel because of the constraint of the utility corridor on the west side of the property. As a result, the vegetation along the east side of George Street will be left largely intact except for a
pedestrian entrance to the area proposed opposite Regent Street. A total of 15 dwelling units are proposed for Parcel 3, 13 units will be single detached while 2 will be semi-detached. The height of the proposed units will range between from one and one half storeys and two storeys, with the majority being two storeys in height. The units adjacent to the Highway 15 right-of-way will face Highway 15 to act as a noise buffer for the outdoor areas of the properties which will be located in front of the houses. Approximately half of the garages will be located in front of the house, while the remainder will be beside the houses.

To service the development of Parcel 3, a new road will be created which will have its access to Wellington Street located immediately east of the entrance to George Street and a second access at George Street, north of James Street. Pedestrian access will occur over or adjacent to the utility easements and around the east limit of the Parcel and will include pedestrian entry points at Regent Street and Highway 15. The north-east corner of the site at Highway 15 and Wellington Street will remain as a park, while a strip of land along the south end of Parcel 3 will remain undeveloped. Any landscaped buffer for the houses adjacent to Highway 15 will occur not on Parcel 3 but on the Highway 15 right-of-way.
3.0 HERITAGE POLICIES

3.1 The Planning Act and Provincial Policy Statement (2005)

Section 2 of the Planning Act identifies “matters of provincial interest, which includes the conservation of significant features of architectural, cultural, historical, archaeological or scientific interest.” (Heritage Resources in the Land Use Planning Process).

Section 3 of the Planning Act enables the Province to issue Policy Statements on matters of Provincial Interest. The Provincial Policy Statement (2005) (PPS) issued under the Act applies to this proposal. Section 2.6 of the PPS deals with Cultural Heritage and Archaeology. Policy 2.6.1 of the PPS states:

*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Each of the italicized terms has, for the purposes of this development application, the following definition in the PPS:

*Built Heritage Resources* means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*;

*Cultural heritage landscape* means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value;

*Significant* means (g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people; and

*Conserved* means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.
3.2 Ontario Heritage Act (OHA)

Part V of the *Ontario Heritage Act* permits municipalities to designate by municipal by-law any defined area as a heritage conservation district when the municipality has an official plan with provisions for establishing heritage conservation districts (Section 41(1)).

Under the *Act*, a municipality is now required to adopt a heritage conservation district plan by by-law (41.1(1)) the contents of which shall include, among other matters, a statement of objectives for the district, a statement of the cultural heritage value or interest of the heritage conservation district; and policy statements, guidelines and procedures for achieving the objectives of the district plan and managing change in the district. (41.1(5)). At the time of the adoption of the Barriefield Heritage Conservation District, the *Ontario Heritage Act* did not require the adoption of a plan. However, it was the recommendation of the Provincial government and general practice in Ontario that plans were created for heritage conservation districts and endorsed by municipal councils at the time of adoption of the designation by-law. The Barriefield Heritage Conservation District Plan was adopted by municipal by-law and complies with the new requirements of the *Ontario Heritage Act*.

Within a heritage conservation district:

42 (1) No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. Alter or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure.

Exceptions are permitted for minor alterations as may be described in the heritage conservation district plan.

Applications for permits to alter must include such information as the council of the municipality requires. (42(2.2))

Where a municipality adopts a heritage conservation district plan by by-law in accordance with the requirements of the *Act*, including notice and content, the district plan overrides other municipal by-laws that affect the district in the event that there is a conflict between the heritage conservation district by-law and the other municipal by-law. (41.2(2)) Under this provision, district plans prevail over municipal zoning by-laws to the extent of any conflict.

The Ontario Government has produced a publication which provides guidance to the designation and implementation of heritage conservation districts under the *Act*. The inclusion of vacant or
open space parcels within a heritage conservation district is discussed and their importance is emphasized as changes on such properties could affect the heritage values and attributes of the district:

The inclusion of newer buildings and vacant properties is often crucial for a potential heritage conservation district to ensure that new development will blend in with and respect the character of the district.²

Vacant land, infill sites, public open space and contemporary buildings may also be included within the district to ensure that their future development is in keeping with the character of the area.³

3.3 Kingston Official Plan and Zoning By-law

The office consolidation of the Official Plan (OP) for the City of Kingston dated February 12, 2010 is referenced in this report. Cultural heritage conservation objectives and policies are contained in Section 7 of the OP.

The cultural heritage resource goal of the Kingston OP is relevant and important to the evaluation of the subject proposal:

To conserve and enhance recognized cultural heritage resources within the City so that they may be experienced and appreciated by both residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations.

Relevant cultural heritage resource policies of the Kingston OP are:

Policy 7.1.6 states that the City will protect and conserve cultural heritage resources in accordance with the best available resource protocols including:

a. UNESCO and International Council on Monuments and Sites (ICOMOS) Conventions and Charters;

b. the Standards and Guidelines for the Conservation of Historic Places in Canada; and,

c. the Ontario Ministry of Culture’s eight guiding principles in the conservation of built heritage properties.

Policy 7.3.2 states that “it is the City’s intent to conserve its cultural heritage landscapes.” In the preamble to the policies for cultural heritage landscapes, such landscapes are defined as follows:

A cultural heritage landscape usually involves a geographically defined grouping of features that are both human-made and natural. These geographical areas of the City have been modified and characterized by human activity and collectively create a unique cultural heritage. … Cultural heritage landscapes may include such features as heritage conservation districts designated under the Ontario Heritage Act, villages, parks, gardens, cemeteries, lakes, rivers, main streets, neighbourhoods, shorelines, vegetation, and scenic vistas.

With respect to proposed development in heritage conservation districts, policy 7.3.C.4 states:

Any private or public work or development that is proposed within or adjacent to a designated heritage conservation district must demonstrate that it respects and complements the identified heritage character of the district or area.

The Kingston OP, in section 7.3.C.7 contains the following policies specific to the Barriefield Heritage Conservation District:

Barriefield is a designated Heritage Conservation District containing historic buildings, laneways and landscapes that have preserved a 19th century village setting. New development or any alteration must follow the Barriefield Heritage Conservation District Plan and must maintain the heritage buildings, features and landscapes, the topography, and archaeological sites and resources. The following specific matters must be addressed:

a. land uses must be limited to detached dwellings and limited numbers of semi-detached dwellings (being 10% or less of the total);
b. a church, publicly-funded school, or other community facility, and a senior citizens home may be permitted subject to a rezoning;
c. permitted commercial uses must be small in scale, convenience oriented, supportive of the heritage setting, will not increase traffic volumes, and may have a maximum of three residential units as an accessory use above the main floor use;
d. new lots must have full street frontage and be similar to the lot pattern and grid road structure of the heritage area;
e. new residential and institutional units must be low profile and compatible with adjacent properties;
f. a landscaped buffer along Highway 15 must be maintained and no new structure will be permitted to impede the view of St. Mark’s Church from either Main Street or Highway 15; and,
g. no new lots will be severed from the Barriefield House property except one with frontage on Regent Street with a depth of 30 metres.

Through the Kingston OP, where the words ‘conserve’ or ‘conserved’ with respect to cultural heritage resources is used, it means:

The identification, protection, use and/or management of cultural heritage resources in such a way that their heritage values, attributes and integrity are
retained. This may be addressed through a conservation plan or heritage impact
assessment or designation.

In the City's Official Plan the subject property, according to Schedule 3-A, Land Use, is
designated ‘Residential’ (Appendix E). Although there are no specific policies in the residential
section of the Land Use Designation and Policy chapter of the OP, policy 3.3.6 identifies such
areas as stable:

Existing residential areas are considered stable, unless otherwise identified by this
Plan. Only minor changes in the predominant pattern of housing type, height or
density, are permitted without amendment to this Plan in accordance with Section
2.6.

In the City’s Zoning By-law (Appendix F), the subject properties are zoned ‘I’ permitting an
accessory dwelling house and a number of non-residential uses including churches, cemeteries,
schools and nursing homes.

There are no additional policies arising from these site specific official plan zoning policies that
relate to the conservation of heritage resources on the subject lands.

3.4 Barriefield Heritage Conservation District Plan

In 1981, By-law 37-79 of the former Township of Pittsburgh, designating the area of Barriefield
(Appendix H) as a heritage conservation district under the Ontario Heritage Act, was approved
by the Ontario Municipal Board. At the same time, the municipality adopted a Heritage
Conservation District Plan to manage change within the District. In 1992, following a detailed
study, the City adopted a revised and updated Heritage Conservation District Plan.

The heritage character of the Barriefield Heritage Conservation District is contained in Section
2.1 of the District Plan and states:

The study area contains a diverse range of properties dating from the early nineteenth
to the late twentieth century. The built structures reflect the prevalent stylistic
influences such as Georgian, Classical Revival, Gothic, Victorian, Ontario
Vernacular and contemporary as well as the typical construction techniques and
building materials of the period. The most dominant building material in the area is
stone. Also dominant are buildings with wooden siding. Less prevalent are solid
brick and brick veneer structures.

Most of the buildings within the district are single detached residences with a few
semi-detached or row-type housing. The houses range in height from one to two and
a half storeys, yet the overall form of the district is typified by the low profile
character of the predominantly one and a half storey residences. Wooden Shingles
were the predominant historical roofing materials. …
The distinctive architectural features of the area are its variety of scale, mass, decorative detailing and building siting. Although many individual buildings and properties have been altered over time due to changing tastes, economics and fashion, the overall nineteenth century village character has been retained and occasionally enhanced.

The contemporary landscape in the Barriefield Heritage Conservation District contains a mixture of natural and built features which reflect the long history of European settlement in the area. The domestication of the land by the Loyalist and European settlers resulted in obvious changes to the landscape such as the clearance of the forest, the creation of bounded fields, roads and pathways, houses, mills and churches. More discrete landscape changes are also evident in Barriefield such as stone survey markers, dry stone walls, boulevards, ditches, abandoned rights-of-ways, lilac hedgerows and the mature black willows along the river’s edge.

The built form heritage character of the District is described further in Section 4.1:

There is a prevailing character to the building form of heritage structures that up until quite recently has been respected in more recent buildings. With some exceptions, generally this character is:

- One to one-and-a-half stories;
- Three bays in width;
- Side gable;
- Low to medium pitched roof;
- Zero setback of buildings on Wellington, George, Drummond and Regent Streets, and the west side of |Main Street (southern portion);
- Variable setbacks elsewhere in the district.

The District Plan, in Section 2.2, specifies the following goals relevant to the development:

- To maintain the low density residential character of Barriefield heritage conservation district.
- To protect and enhance the existing low rise residential profile of Barriefield.
- To avoid the destruction of Barriefield’s heritage building and landscape fabric.

The objectives of the District Plan relevant to the proposed development are:

- Landscape

- To encourage the maintenance, enhancement and protection of the village landscape character of Barriefield.
- To maintain and preserve natural features such as the Cataraqui River banks, existing trees, treelines, hedgerow, fields and grass lands within the district.
- Land Use

  - To encourage the maintenance of a stable low density residential environment within the district;
  - To prevent the establishment of those land uses which would be out of keeping with or have detrimental effects upon the residential character of the district.

- New Development

  - To encourage new development only where it respects or otherwise complements the prevailing low profile and built character of existing buildings and structures within Barriefield.

The following principle expressed in the Plan is relevant to the proposed development:

  - New construction comprising freestanding buildings should respect the prevailing character of: adjacent buildings; the existing streetscape, landscaping and grade levels; and the district as a whole. New construction must be of compatible design in location, size, height, setback, orientation, materials, colour of roof and roofline, fenestration, scale and proportion.

Chapter three of the Plan specifies conservation guidelines primarily for historic buildings and archaeological sites.

Chapter four provides guidelines for alterations, additions and new construction in the District. Section 4.5 deals with new buildings in the District. The following guidelines are relevant to the proposed development. Should the proposed development proceed, then other guidelines governing roofs, windows and entrances and walling must be used in designing the buildings.

4.5.1 Building height and floor area

The district is typified by low profile development with a predominance of one to one-and-a-half storey buildings. In this case a one-and-a-half storey building may include a kneewall. It is important that this low profile form of development is encouraged. In particular:

  - Building height of new structure must maintain the building height of adjacent properties and the immediate streetscape and should be neither excessively higher nor lower.

4.5.2 Building Location

  - New residential infill must maintain the existing setbacks of adjacent properties. … Where there are areas of significant variation in setback new residential infill should generally be located towards the front of the lot.
• New buildings should generally be located with the front façade parallel to the street.
• Residential buildings are encouraged to be located such that the bulk of the building is accommodated within the width of the lot, rather than in depth, in keeping with a side gable structure. Where, however, floor space requirements are such that this cannot be achieved comfortably rear additions in the form of a traditional tail or rear “T” section should also be encouraged.
• Ancillary buildings must be located towards the rear of the lot. Garages, in particular, should not form part of the front façade of a new building and are best located towards the rear of the building as a separate structure.

4.5.6 Outbuildings

Outbuildings whether developed as part of an existing complex of structures or as part of new construction and development should attempt to be:

• Lower in profile than the principal structure;
• Located to the rear of or at the side towards the rear,

4.5.7 Public Works

Public works within the district e.g. road widening, new road construction … have the potential to cause considerable disruption to the rich variety of heritage resources both above and below ground.

Accordingly every effort should be made in both day-to-day operations and longer term planning, … to minimize adverse effects to the heritage conservation district and its constituent elements.

Chapter five provides guidelines for landscape conservation and enhancements. This section contains a few general recommendations for landscape conservation (5.2) and then guidelines for specific landscape units in the District. The following general recommendation is applicable to the proposed development:

1. In general, all landscape features identified in the landscape unit descriptions should be conserved and enhanced in the process of any change and development. These features include: street alignments, street paving materials, shoulder and boulevard widths, property line hedgerows, stone and ornamental wood fencing along the edge of the streets and the mix of deciduous and coniferous trees and shrubs through the district. Open space in the north and south of the district should be preserved.

The subject lands are within Landscape Unit 4 (Appendix J). The guidelines relevant to this application are in section 5.4 Landscape Unit 4: General open space:
The open space surrounding the district should be conserved as much as possible in order to protect significant views into and from the village. Of particular sensitivity is the gradual slope on the south east, as the approach from Kingston, and the area north of the church. These areas in particular accent through contrast the cohesive visual character of the settlement area. Use of these areas for parking such as along the south side of James St. should be moderated with the installation of plant material screening.

Within this landscape unit it may be possible to allow low profile development to the south of the church, adjacent to Highway 15 and still retain major views.

The Plan also contains a map of Landscape Improvements (Appendix J) which shows views and existing tree cover within the District to be retained and recommended new vegetation to be added within the District. Important views into the District affect Parcels 1 and 2 of the proposed development, while retained tree covered is shown on the south side of Parcel 1 and the west side (George Street frontage) of Parcel 3. Vegetation planting is recommended along the Wellington Street frontage of Parcels 2 and 3.

The appendices to the Plan provide further information on the importance and value of this area or landscape unit:

In contrast with the previous areas, this landscape unit contains very few trees or features which give a sense of scale or definition to it.

The large expanse of open space is gently sloped and is an important foreground to the view of the remainder of the village. Each approach to the district, from the north via Hwy. 15, or from the east via Hwy. 2, or from Kingston view Hwy. 2 has an uninterrupted panoramic view of the district because of the gradual slope of the land and its openness. It is the surrounding open space which through contrast, increase the dramatic impact of the sight of the Church tower.

### 3.5 Municipal Status of the Subject and Adjacent Properties

Parcel 1, immediately north of St. Mark’s Anglican Church is included in the City’s Register of Heritage Properties as per the *Ontario Heritage Act*, and is designated under Part V of the Act as part of the Barriefield Heritage Conservation District. Adjacent or near-by properties to the south of Parcel 1 are St. Mark’s Anglican Church – 268 Main Street and to the west, on the west side of Main Street, 269 – 277 Main Street all of which are included in the Register and designated under Part V of the Act.

Parcel 2, to the east and south-east of St. Mark’s Anglican Church is included in the City’s Register of Heritage Properties as per the *Ontario Heritage Act* is designated under Part V of the Act as part of the Barriefield Heritage Conservation District. Adjacent or near-by properties to the west of Parcel 2 are St. Mark’s Anglican Church – 268 Main Street and the public school at...
411 Wellington Street. Parcel 3 is to the immediate south of Parcel 2, on the south side of Wellington Street. All of these adjacent or nearby properties are included in the Register and designated under Part V of the Act.

Parcel 3, on the south side of Wellington Street and the east side of George Street, is included in the City’s Register of Heritage Properties as per the Ontario Heritage Act and is designated under Part V of the Act as part of the Barriefield Heritage Conservation District. Adjacent or nearby properties are: to the south, the vacant parcel of land between Highway 2 and James Street; to the west, 3 – 9 George Street, 425 Regent Street and 248 James Street; and to the north, Parcel 2. All of these adjacent or nearby properties are included in the Register and designated under Part V of the Act.
4.0 EVALUATION OF THE DEVELOPMENT PROPOSAL AND RECOMMENDATION

I have evaluated the development proposal on a parcel by parcel basis. My evaluation has been based on the use of the following legislation, plans and documents.

Planning Act and Provincial Policy Statement

In order to develop the lands for the proposed use, an application will be required under the Planning Act to amend the Zoning By-law. Such an application must be consistent with the Act and the Provincial Policy Statement (2005) issued under the Act.

City of Kingston Official Plan

Although the proposed development appears not to require an amendment to the land use designation for the subject lands, the proposal must conform to the policy requirements of the City’s Official Plan.

Barriefield Heritage Conservation District (HCD) Plan

The subject properties are within an area that is designated as a heritage conservation district. Even though the Parcels are ‘vacant’, their development is governed by the District plan policies and guidelines.

Good Conservation Practice

As a professional engaged in heritage planning, I am obligated to provide an opinion based on good heritage conservation practice. The generally accepted requirements of good heritage conservation practice are embodied in documents such as the Standards and Guidelines for the Conservation of Historic Places in Canada, published by Parks Canada, and International Charters developed by national committees of the International Council on Monuments and Sites and endorsed by the International Council. The relevant charters are the Burra and Washington Charters.

The charters and Standards and Guidelines are recognized in the Kingston Official Plan (Policy 7.1.6) as the best available protocols for protecting and conserving cultural heritage resources.
4.1 Evaluation of the Development Proposal using the Barriefield HCD plan and the Kingston Official Plan

4.1.1 Parcel 1

No development is proposed on Parcel 1. Therefore there will be no impact on the heritage value or attributes, either negative or positive, on this Parcel.

4.1.2 Parcel 2

Buildings:

The buildings proposed on this site are two, 16 unit, two-storey structures. No accessory buildings are proposed.

The proposed built form does not comply with the requirements of both the Barriefield HCD plan and the Kingston Official Plan, which stipulate that the predominant built form character is single detached dwelling units. The proposed development on Parcel 2 is not single detached dwellings, rather the proposal is a form of low rise apartment building, although in the presentation by the consultant team it has been designed to look like eight two storey attached houses. It does not “respect the prevailing character of the District” as required by the District Plan; the prevailing character being single detached dwelling, with a small percentage of semi-detached dwellings. It is noted that the official plan states that “a senior citizens home may be permitted subject to a rezoning”. This is at odds with the initial statement in the Official Plan that “land uses must be limited to detached dwellings and limited numbers of semi-detached dwellings.” It is also in conflict with the Barriefield HCD plan which takes precedence over other by-laws adopted by the municipality.

The proposed development is two storeys in height, a building height which does not comply with the prevailing character of the Barriefield HCD, which is one to one-and-a-half storeys in height, and therefore does not comply with the HCD plan. Although the Barriefield HCD plan includes the statement “Building height of new structures must maintain the building height of adjacent properties and the immediate streetscape and should be neither excessively higher nor lower”, this statement was not intended as a means to introduce buildings to the District that do not comply with the overall character of the District. Therefore, it is my opinion that it is not appropriate to consider that the height of the proposed buildings as being characteristic of the District because they are comparable to the school and St. Mark’s Anglican Church. Rather the proposed buildings must be compared to the height of other residential buildings in the District.

The proposed building locations do not comply with the Barriefield HCD plan. The proposed buildings are set back some distance from the front property line, with the south building being placed at an angle. Residential buildings in the immediate vicinity of the proposed development on Parcel 2 are set at right angles and close to the front property line. The proposed building
locations do not conform to the prevailing character of the Barriefield HCD and the Barriefield HCD plan that “New construction comprising freestanding buildings should respect the prevailing character of: …the district as a whole. New construction must be of compatible design in location, size, height, setback, orientation, materials, colour, roof and roofline, fenestration, scale and proportion.”

Landscape:

The proposed development does not comply with the Barriefield HCD plan which identifies maintenance of views of the church steeple (Appendix I) as important and a feature to be conserved. The location of the proposed development, because of its location, will probably eliminate the view as shown in Figure 7.1 based on the viewshed analysis conducted by the feasibility consulting team.

![Figure 7.1](image)

**Figure 7.1**
*View of St. Mark’s Church across Parcel 2 from Wellington Street and Highway 15*
*Source: Google Streetview.*

The street parking along the proposed road in Parcel 2 does not conform to the prevailing character of the Barriefield HCD. Roads in the HCD permit informal parallel parking; parking spaces are not demarcated on the street. Since the proposed development does not provide for parking on site, parking spaces are proposed along the road perpendicular to the road. This landscape element is not characteristic of the Barriefield HCD and introduces a design element more in keeping with a modern development than a historic village.
The proposed landscaping of Parcel 2 does not conform to the intent of the Barriefield HCD Plan that Landscape Unit 4, which includes Parcel 2, “be conserved and enhanced in the process of any change and development” .. “to protect significant views into and from the village.” The landscape character of Parcel 2 acts as a visual buffer giving a view of Barriefield as a separate village, not just part of the continuous sprawl of the City. It is possible to develop a portion of Parcel 2 while maintaining an enhanced landscape buffer adjacent to Highway 15. However, in my opinion, the proposed development does not achieve a sufficient width of landscaping between the proposed buildings and Highway 15 to maintain the view of the village as a cohesive settlement visually distinct from the rest of the City.

Is the development of Parcel 2 Premature?

Most of the west boundary of Parcel 2 is with the public school site. The Limestone District School Board has announced that the school will be closed in approximately two years time. In light of the possible availability of the village school site in the short term and the proximity of Parcel 2 to that site, the development of Parcel 2 is premature in my opinion. The redevelopment of the school site and Parcel 2 should be considered and a comprehensive plan for the two sites together should be prepared that maintains the heritage character of Barriefield. The development of Parcel 2 in isolation from the school site may constrain development options on the school site and may result in suboptimal development on Parcel 2. Consideration of development of the two Parcels together may provide an opportunity to examine the suitability of the location of the water mains and trunk sewer on the west portions of Parcels 2 and 3.

4.1.3 Parcel 3

Buildings:

The buildings proposed on this site are 13 single detached units and 2 semi-detached. This built form does comply with the requirements of the Barriefield HCD plan and the City’s Official Plan.

The height of the proposed buildings on Parcel 3 ranges between one-and-a-half and two storey, with the majority being two storeys. The 2 storey building height does not comply with the requirements of the Barriefield HCD plan which states that the predominant character of buildings in the District is one to one-and-a-half storeys in height.

The proposed building locations and orientations do not comply with the requirements of the Barriefield HCD plan. The predominant character of the District is for the principal building on a lot to be located at or close to the front property line, facing the street. Most of the proposed buildings are located close to the rear of the properties some distance away from the street. This manner of placing housing units on lots is not characteristic of the District; in fact in the south part of the District in which Parcel 3 is located, most housing units are located on or adjacent to the front lot line. The proposed orientation of the houses is also problematic and not characteristic of the District. It appears that almost all houses will face the rear of the property;
for those adjacent to Highway 15 this is done purposefully to shield the outdoor amenity space, which will be on the front portion of the lots, from the noise of Highway 15. This orientation is not characteristic of the District where all houses face the street and violates an important principle of modern planning that there should be ‘eyes on the street’ to promote public safety. Reorienting houses to face the rear of the lots does not promote public safety on the street.

The location of proposed accessory buildings, garages, also is problematic and not characteristic of the District and does not comply with the Barriefield HCD plan. Placing garages in front of residences is characteristic of modern suburban development and not a historic 19th century village. The Plan states that such accessory buildings should be located towards the rear of the lot or at the side of the principal building towards the rear of the lot.

_Landscaping:_

The proposed retention of the existing landscaping along George Street does comply with the requirements of the Barriefield HCD plan. The retention of this landscape feature in the Plan was a point of serious debate among residents of the District. Its retention results in the development of Parcel 3 being physically isolated from the rest of the community and creates a pattern of development which is not typical of the historical development of the community – both sides of the street would normally have developed with houses on both sides facing the street and not separated on one side by a substantial screen. Parts of the existing landscaping along George Street could have been retained if housing could have been placed on the west side of George Street with the houses facing the street. However, given the extensive underground utility network on the west side of Parcel 3, it is recognized that, without the relocation of the utilities at considerable expense, this is not possible.

The lack of a landscape buffer on the east side of Parcel 3 does not comply with the requirements of the Barriefield HCD plan. The proposed plan shows no landscaping on the east side of Parcel 3 with the exception of a small park in the north-east corner of the Parcel. Instead any landscaped buffer for the area is dependent on landscaping along Highway 15 right-of-way. However, Highway 15 is below grade along the south half of the east side of Parcel 3 as shown in Figure 7.2, having been cut into the limestone bedrock. The right-of-way for Highway 15 does not have adequate landscaping potential to buffer the proposed development on the east side of Parcel 3. In fact it is inappropriate to rely on any landscaping in the highway right-of-way as operational requirements may dictate that little or no landscaping of sufficient size be permitted in the right-of-way. Further, the Barriefield HCD plan identifies the importance of Parcel 3, which is part of Landscape Unit 4, and that

The open space surrounding the district should be conserved as much as possible in order to protect significant views into and from the village. Of particular sensitivity is the gradual slope on the south east, as the approach from Kingston, and the area north of the church.
Like Parcel 2, the landscape character of Parcel 3 provides a visual buffer giving a view of Barriefield as a separate village, not just part of the continuous sprawl of the City. In my opinion, the proposed development does not provide any landscaping between the proposed buildings and the Highway 15 right-of-way to maintain the view of the village as a cohesive settlement visually distinct from the rest of the City. The view from Highway 15 would be of the proposed houses overlooking the Highway.

The proposed road on Parcel 3, with its ‘S’ curve near the north end is not characteristic of the military grid of roads at right angles in the village and therefore does not comply with the Barriefield HCD plan. The only exception is Green Bay Road which has been aligned to the River, but does follow, in part, the original alignment of Regent Street near the River. There are no topographic or natural feature on Parcel 3 that require a deviation from the natural grid of village streets and the creation of an ‘S’ curve in the street.

4.2 Does the Proposed Development Comply with the PPS (2005)?

I have discussed above that the proposed development does not comply with the Barriefield HCD plan and the Kingston Official Plan on a number of important issues. It is relevant to ask whether the proposed development would comply with the Provincial Policy Statement (2005)
issue under the Planning Act, since an application under the Act, an amendment to the Zoning By-law, would be required to implement the development.

In my opinion, the proposed development does not comply with the requirements of the PPS (2005). The Barriefield area has long been recognized as a significant cultural heritage landscape through its designation as a heritage conservation district. Conservation of this significant cultural heritage landscape as required by the PPS (2005) means that the proposed development must retain the “values, attributes and integrity” of the Barriefield Village. The Barriefield HCD plan has included a discussion of the values, attributes and integrity of the Village and contains goals, principles and guidelines to achieve the conservation of the District.

Within the District, there is a specific character to the built form and landscape associated with a nineteenth century village. To retain the values, attributes and integrity of the District, the proposed development must maintain the built form and landscape character. In addition, the development Parcels have, on their own, characteristics essential to the values, attributes and integrity of the District. These characteristics include important views and landscaping that distinguishes this cultural heritage landscape as distinct and separate from the rest of the City. The proposed development must maintain those important view and landscape characteristics.

Guidelines prepared by the Province for heritage conservation districts and the application of the PPS (2005) regarding heritage resources specify that heritage conservation districts should include vacant properties relevant to the district “to ensure that new development will blend in with and respect the character of the district”. Further, to conserve the significant cultural heritage landscape “a conservation plan may be required as a long term strategy..” The City has produced a conservation plan in the form of heritage conservation district study and plan for Barriefield. Development must be in compliance with the HCD plan and the conservation of the heritage character of the District.

As I have discussed in section 4.1, the proposed development does not maintain the built form and landscape character of the District through the proposal of incompatible structures, the location of those structure in inappropriate locations and orientations, through inappropriate landscaping including roads and parking areas and through the failure to maintain the values specific to Parcels 2 and 3 including views and landscape buffering. As a result, I conclude that the proposed development does not comply with the PPS (2005).

4.3 Does the Proposed Development Comply with National and International Protocols for Good Heritage Conservation Practice?

The following National and International protocols are recognized in the Kingston Official Plan and the City has stated that it will conserve cultural heritage resources in accordance with those protocols.

Although the Standards and Guidelines for Historic Places in Canada are focused on individual heritage resources, they are applicable to historic places, where that historic place is a
neighbourhood or district. In my opinion, the proposed development does not comply with the Standards and Guidelines.

A number of the standards start with the phrase “conserve the heritage value of a historic place”. Standard 11 states:

Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

The second guideline for new additions to historic places states:

Constructing a new addition to retain as many of the historic materials as possible and to ensure that the character-defining features are not obscured, damaged or destroyed, or the heritage value undermined.

For the reasons cited in section 4.1, it is my opinion that the proposed new work is not physically and visually compatible with the historic place. In addition, it is my opinion that the proposed development (the addition to the historic place) will damage or destroy an important character defining feature – the visual separation of the village from the rest of the City through the lack of or insufficient landscaping. It is my opinion that the proposed development will undermine the heritage value of the historic place through the introduction of an inappropriate built form – two 16 unit apartment buildings – and the inappropriate location of buildings.

The Burra Charter, although established by the Australia ICOMOS, has been recognized by Canadian heritage professionals as applicable to Canada. In my opinion, the proposed development does not comply with the Burra Charter endorsed by the International Council on Monuments and Sites. The following articles of the Burra Charter have application to this development proposal and the conservation of the Barriefield HCD, which, for the purposes of the Burra Charter, is a ‘place’.

Article 8. Setting

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

4 Standards and Guidelines, Chapter 2, Section “Applying the Standards”, page 1.
Article 22. New work

22.1 New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. – Explanatory note to this article – New work may be sympathetic if its siting, bulk, form, scale, character, colour, texture are similar to the existing fabric, but imitation should be avoided.

In my opinion, the proposed development does not maintain an appropriate visual setting which is part of the cultural significance of the Barriefield HCD. Part of that setting is the landscaped buffering between the village and the rest of the City. As stated above, the proposed development does maintain an appropriate or any buffer where it abuts the Highway 15 right-of-way. The new work in the proposed development distorts and obscures the cultural significance of Barriefield through inappropriate siting, bulk, form, scale and character of built forms and landscapes as discussed in section 4.1.

The Washington Charter for the Conservation of Historic Towns and Urban Areas approved by the general assembly of ICOMOS in 1987 is applicable to the proposed development with the following articles having particular relevance to this proposal:

2. Qualities to be preserved include the historic character of the town or urban area and all those material and spiritual elements that express this character, especially:
   a. Urban patterns as defined by lots and streets;
   b. Relationships between buildings and green and open spaces;
   c. The formal appearance, interior and exterior, of buildings as defined by scale, size, style, construction, materials, colour and decoration;
   d. The relationship between the town or urban area and its surrounding setting, both natural and man-made.

8. New functions and activities should be compatible with the character of the historic town or urban area.

10. When it is necessary to construct new buildings or adapt existing ones, the existing spatial layout should be respected, especially in terms of scale and lot size.

Article 2 speaks to the preservation of the historic character of an urban area, including the appearance of structures, in terms of scale, size and style and the relationship of the urban area with its surrounding setting. Further the Washington Charter, as expressed in articles 9 and 10, requires that new development be compatible with and respect the heritage character of a historic urban area. The Washington Charter does not prohibit new development in heritage towns and urban areas; rather it requires that new development appropriately fit into the heritage area.

In my opinion, the proposed development does not comply with the Washington Charter. As I have discussed in my review of the proposed development on Parcels 2 and 3, the proposal is not compatible with or respect the scale, size, style and spatial layout of the Barriefield area.
Further, the proposed development will not preserve the relationship of the Barriefield area with its setting along the Highway 15 frontage.

### 4.4 Recommendation

Based on my evaluation of the development proposal prepared by feasibility consulting team and presented to the public on August 9, 2010, using:

- the Provincial Policy Statement (2005) issued under the Planning Act;
- the Kingston Official Plan;
- the Barriefield HCD study and plan;
- national and international charter for the conservation of cultural heritage resources;

and

- the prematurity of development onParcel 2 in light of the intent of the Board of Education to close the adjacent school; and
- my examination of the District and the parcels being considered for development,

I recommend that the Council of the City of Kingston not pursue further the feasibility of the development of housing on the surplus Department of National Defense lands based on the development proposal presented to the public on August 9, 2010.
5.0 **Sources Consulted**

**Publications**


*Ontario Heritage Act, R.S.O.1990, Chapter 0.18.*


Township of Pittsburgh. *Zoning By-law 32-74*.

Wayne Morgan - Curriculum Vitae

Work Experience

2006 – Consultant

Principal, Wayne Morgan Heritage Planner

- Heritage character statements and impact assessments
- Heritage Conservation Districts
- Heritage planning policies

2000-2006 City of Toronto, City Planning

Senior Co-ordinator, Heritage Preservation Services

- Managed review and approval of proposals involving heritage properties in the City – under the following Acts – Planning, Heritage and Building Code.
- Secured and administered heritage easement agreements (more than 200) and letters of credit to the City (in excess of $10 million annually).
- Established 4 Heritage Conservation Districts involving in excess of 1500 properties – Yorkville and the Cabbagetowns -Metcalfe, North and South.
- Managed the listing and designation of individual heritage properties.
- Provided technical advice to City Council and its advisory committees and represented the City in negotiations and before Provincial tribunals.

1998 - 2000 City of Toronto, Urban Development Services

Senior Community Planner

- Managed approval process of planning proposals and preparation of community plans, involving liaison with City staff and the public; provided professional advice to City Council and Provincial tribunals.

1989–1997 Metropolitan Toronto, Planning Department

Manager, Research Division

1976–1989 Region of York, Planning Department

Senior Planner, long range planning

1974–1976 Region of Hamilton Wentworth, Planning Department

Planner, Official Plan team

1973–1974 Acres Engineering

Planner/Economist

1980 - 2000 Town of Newmarket

Chair, Local Architectural Conservation Advisory Committee

- Appointed as a volunteer by Town Council to the municipal heritage advisory committee established under the Ontario Heritage Act

Related Experience

1968–1972 - University of Toronto - B.A., Geography

1972–1973 - Queen’s University - M.A., Geography – Urban and Regional

Education

Professional Associations

Registered Professional Planner – member - Canadian Institute of Planner and the Ontario Professional Planners Institute.

Member – Canadian Association of Heritage Professionals
Appendix B – 2005 Aerial Photograph

Source – Google Earth
Source – Request for Proposal
City of Kingston
Source – Unterman McPhail, p 1-1.
MEMO

To: Terry Willing / Jim de Hoop (City of Kingston)
Date: August 30th, 2010
File: 09152 A
Subject: Response to Wayne Morgan Heritage Planning Assessment

At the request of City Staff, the following is a response to the main issues raised in the above-noted report, which was prepared on behalf of the Barriefield Village Association. This report was received by the Study Team and the City of Kingston on August 18th, 2010, prior to the release of the Phase 1 Feasibility Study. In general, the concerns raised in the Morgan Heritage Planning Assessment are addressed and explained in the Phase 1 Feasibility Study.

**Issue #1 – Proposal does not conform with the Provincial Policy Statement (PPS)**

- For the reasons outlined in Section 4.1 of our Phase 1 Study, it is the opinion of the study team that the preferred development concept for the site is consistent with the PPS *(Note: Mr. Morgan uses the term ‘comply’, but ‘be consistent with’ is the proper terminology).*

- Mr. Morgan’s Heritage Planning Assessment focuses on one section of the PPS, which is the policies related to the preservation of cultural heritage resources. Other sections of the PPS are not discussed, such as those dealing with affordable housing, infrastructure, transportation, and the wise use and management of resources. These sections are important to an assessment of the potential for affordable housing on the subject lands, especially since the PPS is to be read in its entirety with all relevant policies being applied to each situation (Section 4.3 in the PPS). The policy areas outlined above are discussed in our Phase 1 Feasibility Study.

- Much of the discussion contained in the Morgan Heritage Planning Assessment is tied back to the Barriefield Heritage Conservation District Plan (HCDP) and why the proposal does not conform to that Plan. For the reasons set out in our Phase 1 Feasibility Study, and briefly outlined under #3 below, we are of the opinion that the proposal does conform with the Barriefield HCDP (both the original, and the 1992 update).

- The preferred development concept is consistent with the PPS, as it provides a range of housing within a fully-serviced settlement area, while respecting the heritage character and policies related to Barriefield.
**Issue #2 – Proposal does not conform with City of Kingston Official Plan**

- Section 4.2 of our Phase 1 Feasibility Study reviews the policies of the City of Kingston Official Plan, and concludes that the preferred site development concept conforms with the City of Kingston Official Plan designation for the subject lands, and also with the specific policies related to Barriefield. Similar to the section of the Morgan Heritage Planning Assessment related to the PPS, he focuses on the policies of the Official Plan related to cultural heritage, and does not mention other important policy sections, which are discussed in Section 4.2 of the Phase 1 Feasibility Study.

- There are detailed policies in the City of Kingston Official Plan (Section 7.3.C.7) related to Barriefield. These policies are meant to guide new development within the Barriefield Heritage Conservation District, and one could assume reflect the City’s current thinking (and public agreement) related to new development since the Official Plan was recently approved by the Province in January 2010. Matters such as the types of uses, form of new uses, and landscaping are identified. These policies are specifically reviewed in our Phase 1 Feasibility Study (Section 4.2). It is concluded in the Phase 1 Study that the Official Plan policies specific to Barriefield are met.

**Issue #3 – Proposal does not conform to the Barriefield Heritage Conservation District Plan**

- Mr. Morgan spends most of the evaluation section of his report (Section 4.1) on conformity with the Barriefield HCDP (and by extension, the Official Plan since he uses the HCDP to assess conformity with the Official Plan).

Our Phase 1 Feasibility Study (Section 5) also addresses this topic, and concludes that the proposed development concept for the site does conform to the HCDP.

- It is stated on page 18 of Mr. Morgan’s Heritage Planning Assessment that: “It is noted that the official plan states that “a senior citizens home may be permitted subject to a rezoning”. This is at odds with the initial statement in the Official Plan that “land uses must be limited to detached dwellings and limited numbers of semi-detached dwellings.” It is also in conflict with the Barriefield HCD plan which takes precedence over other by-laws adopted by the municipality.”

The Heritage Act does not state that a HCDP “takes precedence over other by-laws adopted by the municipality”. Section 41.2(2) states that “in the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict”.

The Official Plan was recently adopted by Council (July 2009) and subsequently approved by the Province (Feb. 2010). The development of the Official Plan was an extensive review process involving numerous public meetings and revisions. It is the consulting team’s opinion that a senior citizens home is permitted in Barriefield HCD subject to a rezoning and meeting the guidelines of the HCDP. The senior citizens home proposed on Parcel 2 is not in conflict with the Barriefield HCDP as it is a low profile form of development compatible with adjacent properties and does not impact the heritage character of the area.

- Mr. Morgan states that: “The proposed development is two storeys in height, a building height which does not comply with the prevailing character of the Barriefield HCD, which is one to one-and-a-half storeys in height, and therefore does not comply with the HCD plan” (pg 18). The prevailing character of the HCD
was specifically examined by our study team (see Section 5.2 of the Phase 1 Feasibility Study), and it was discovered that there are a range of residential building heights between 1 and 2 storeys. There are 36 1.5-storey buildings, 36 2 storey buildings, and 11 1-storey buildings within the District.

Regardless, the direction in the HCDP is not that new development must be a maximum of 1.5-storeys in height, it is that new development “…must maintain the building height of adjacent properties and the immediate streetscape and should be neither excessively higher nor lower.” (Section 4.5.1 of HCDP, and page 24 of Phase 1 Study). The buildings around Parcel 2 and Parcel 3 are examined, and we conclude that the proposed building heights in Parcel 2 (2-storeys), and Parcel 3 (mix of 1, 1.5, and 2-storeys) are not excessively higher or lower than the surrounding area.

- One of Mr. Morgan’s criticisms (see page 19) of the concept plan is that the development will probably not maintain the views of the church steeple from the corner of Wellington Street and Highway 15. Our team conducted a pre-development viewsesh analysis (see Section 5.3) using a GIS-based system, and it was concluded that the top of the steeple is visible from this location but the base is not. Existing vegetation obstructs views towards the church from Highway 15. The most significant views to the church occur further north along Parcel 2, and from the north across Parcel 1. Both of these significant views are being preserved in the preferred development concept, through the placement of development in the southern half of Parcel 2, and by not proposing any residential development on Parcel 1.

Another point related to this issue is that the most recent City of Kingston Official Plan also identifies protected views across the City. The only view to be protected in the vicinity of the subject lands is the view from Highway 15 looking south towards the church – the other views identified in the 1992 HDCP were not carried forward.

- Mr. Morgan suggests (page 22) that the proposed road on Parcel 3 is not characteristic of the grid-pattern of roads found in the village. The only exception noted by the author is Green Bay Road, which was aligned to follow the River, but also follows part of an original road alignment. The road on Parcel 3 was designed as shown so that it could be parallel to the grid of the village (most of the length is parallel, and it connects to Wellington Street and an extension of James Street at right angles). A pedestrian connection was extended from the terminus of Regent Street across Parcel 3. An effort was also made so that the new road could align with Parcel 2 and use existing driveways. The depicted alignment allows for good access to the subject site, is consistent with the narrow right-of-way widths in Barriefield, and also recognizes the presence of existing services as constraints to development.

**Issue #4 – Prematurity of Parcel 2 development**

- Mr. Morgan suggests that the consideration of any development proposal on Parcel 2 is premature (see page 20 of the Heritage Planning Assessment), given that the adjacent public school is slated for closure in the near future. This is not an appropriate reason to delay consideration of a development concept. The Federal program under which these lands are being made available to the City of Kingston for affordable housing purposes have some very specific timelines related to development proceeding. If Parcel 2 development were delayed, then the opportunity through this Federal program would be missed.

- In addition, the building proposed for Parcel 2 was the result of a careful consideration of the constraints present on the site, both related to cultural heritage (views of church), and existing...
services on the property. The scale and location of development on the southern half of the property would not change, regardless of what happens with the school property. Development on the school property would have to be assessed in the context of uses surrounding that property, and can occur independently of the Parcel 2 lands.

In our opinion, development of Parcel 2 will not prejudice a future consideration of how the J. E. Horton Public School should be either re-used or re-developed.

**Specific comments related to the preferred development concept**

Mr. Morgan provides fairly detailed comments related to the preferred development concept, however some of the comments suggest that he may not fully understand the development concept. We thought it appropriate to clarify as follows:

- There are numerous references in Mr. Morgan’s report to the development on Parcel 2 being 2 16-unit buildings (e.g. pages 1, 3, 18). This is not correct. As shown on the concept plans provided to date and those included in the Phase 1 Feasibility Study, the Parcel 2 development is one building.

- In the description of Parcel 2, the author indicates that the street parking on Parcel 2 does not conform to the Barriefield HCDP because he equates the lane on Parcel 2 to a public street (page 19). However, Parcel 2 is to remain as one parcel of land without an internal public street. The parking is laid out along the driveway that provides access to the site, as in the case of the abutting school, as well as St. Mark's Church and the antique store. The key is that ‘off-street’ parking is provided on Parcel 2, not ‘on-street’ parking.

- There are several references throughout the Heritage Planning Assessment to there not being a sufficient amount of landscaping included in the proposal (e.g. pages 20, 21). In fact, large portions (approximately 45%) of the subject lands are being retained as landscaped open space (excluding private yards). Some landscaping is shown on the concept plans prepared for the Phase 1 Feasibility Study, and detailed landscaping plans would be prepared as part of the Phase 2 Study, should it proceed.

- On pages 20-21 of Mr. Morgan’s Heritage Planning Assessment, he provides comments on Parcel 3 and notes that the houses should not be located towards the rear of the property since it is not in keeping with the character of the area. Similarly, he notes that the location of the garages on Parcel 3 is problematic since it is characteristic of modern suburban development. In response, we would note that the development concept for Parcel 3 has the homes fronting onto sidewalks along the east and west sides of the site, and uses a rear lane concept to provide access. The concept was deliberately planned in this fashion so that the garages could be located at the rear of the lots, and the houses could be at the front of the lots near sidewalks and oriented towards external streets.

The lane itself is designed with a narrow cross-section, no curbs and gutters, and no curb-faced sidewalks in order to be compatible with many of the narrow cross-sections found in the village.

We trust that these responses are helpful in replying to some of the issues raised in the Heritage Planning Assessment prepared by Mr. Wayne Morgan, and that they aid City Staff and Council in their assessment of the preferred development concept for the subject lands.