



**City of Kingston
Report to Council
Report Number 18-191**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: June 26, 2018
Subject: Former Prison For Women – Potential Re-development Considerations

Executive Summary:

In 2007, Queen’s University acquired the former Prison for Women from the Federal Government. The property, located at 40 Sir John A. Macdonald Boulevard, has not been utilized since its acquisition approximately ten (10) years ago. Queen’s University has decided to dispose of the property and put it on the private market through a Request for Proposal (RFP). City staff have recently been approached by ABNA Investment Ltd. (ABNA), who has an accepted offer on the property, to discuss the potential for its re-development.

The discussions between ABNA and City staff have been open and collaborative. City staff recognize that the re-development of this property will provide tremendous benefit to the community; however, it is a very challenging site for re-development for a number of reasons. The discussions between ABNA and City staff have focused on the appropriate re-development of the property based on City strategic priorities, planning principles and input from Brent Toderian, from Toderian Urbanworks. Discussions also included challenges that could prevent a quality re-development of the property. In preparation for a potential re-development application, City staff are seeking Council’s direction on a number of elements to provide more flexibility, while achieving good planning practices, in the re-development of this strategic property.

The property has a heritage designation by-law that not only protects the exterior of the former prison building, but it also protects a number of interior attributes which were specific to a prison use. The heritage designation by-law protects views of the building, views of the former Kingston Penitentiary and views of Portsmouth Olympic Harbour. City staff and ABNA recognize that a significant portion of the property is not available for re-development due to heritage designation and that the designated stone fence is in disrepair. This property has some of the highest levels of heritage considerations and a robust designation by-law, relative to other

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properties in the City. Through discussions with ABNA and with support from Heritage Preservation Consultant, Andre Scheinman, it was suggested that a review of the existing heritage designation by-law be undertaken, specifically as it relates to the protected interior attributes. The feasibility to adaptively re-use the heritage building on the property would be undermined with the current interior configurations and heritage designated interior features.

ABNA has informed the City that the site contains environmental contamination that they would need to address as part of a re-development. The site is not within an approved Project Area of the City's Brownfield Community Improvement Plan (CIP) and ABNA has asked staff to consider its inclusion in the program so that it may become eligible to apply for financial support to aid in its remediation. ABNA intends to submit an application to establish a new Project Area within the Brownfields CIP.

Community benefits would be applicable to the re-development of this property and may be considerable because of the existing zoning framework at present which does not contemplate a significant mixed-use, multi-building re-development. As per the Community Benefit policies in the Official Plan, heritage preservation that goes beyond the requirements of the designation by-law can be considered a 'community benefit'; however, preservation and restoration of the heritage building and stone fence alone are not currently considered a 'benefit' under these policies.

Considering the heritage significance of the building, the extent of interior features within the designation by-law and the extended period of vacancy and limited maintenance that has occurred over the past ten (10) years, staff are proposing that an alternative approach to community benefits be considered for this property to include the preservation and restoration of the existing heritage building. ABNA has also indicated that it is willing to work with the City to ensure that interior heritage attributes that are not functional to the adaptive re-use of the building be displayed either in the Prison Museum or integrated in the Kingston Penitentiary tours.

The property also has significant challenges related to electrical power supply and the requirement for a 44KV substation and grid on site. Although ABNA has been working through a solution to address this issue, City staff recognize that the location of the electric service on site will need to be appropriate considering the heritage designation of the property. It is anticipated that this property will undergo extensive archeology work for a long period of time. These requirements will add significant costs to the re-development of the property.

Recommendation:

That Council direct staff to work with Heritage Kingston to review the heritage designation by-law for the former Prison for Women, located at 40 Sir John A. Macdonald Boulevard, with the intent to make changes, including the interior attributes designated to support the adaptive re-use of the building and re-development of the property; and

That Council direct staff to consider the former Prison for Women, located at 40 Sir John A. Macdonald Boulevard, as a new Project Area within the Brownfield Community Improvement

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Plan when ABNA Investments Inc. submits its application to amend the Brownfield Community Improvement Plan; and

That Council direct staff to consider the preservation and restoration of the former Prison for Women building, located at 40 Sir John A. Macdonald Boulevard, as part of the community benefits contribution that is required through the Planning Act approval process.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

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Options/Discussion:**Background**

The property, known municipally as 40 Sir John A Macdonald Boulevard, was acquired by Queen's University from the Federal Government (Canada Lands Company [CLC]), with the agreement of purchase and sale of the approximately 3.27 hectare site being signed between CLC and Queen's University on September 10, 2007, and registration taking place in March of 2008. Queen's University has decided to dispose of the property and ABNA now has an accepted offer on the property.

Heritage Designation

The subject property was designated by the City of Kingston under the Ontario Heritage Act in 2007 through the passage of By-Law 2007-167 by City Council (third and final reading) on September 17, 2007. Preceding the by-law, a Notice of Intent to Designate the site under Part IV of the Ontario Heritage Act (OHA) was served on the property owner and published in the Kingston Whig Standard in August of 2006. The City received an objection to the notice of intent on September 26, 2006 from the then property owner, Correctional Services Canada/Canada Lands Company. A withdrawal of the objection was received by the City on April 29, 2008. An important aspect of the withdrawal was the City's inclusion of a provision within the designation by-law stipulating that the by-law would not be in force and effect while the site was federally owned.

Although the property was not designated at the time, on June 21, 2006, City Council approved the demolition of a number of buildings on the site, as well as the perimeter walls on the north, east and south elevations of the property.

The cultural heritage evaluation of the site and resulting by-law were completed by the municipality in accordance with Ontario Regulation 9/06 of the OHA. The site was found to have cultural heritage value in all three categories, physical/design value, historical associative value and contextual value. Under Ontario Regulation 9/06, a property is only required to possess value in one of the three categories to warrant a Part IV designation under the Act. Of particular note is that the designation by-law includes heritage attributes found on the interior of the C-16 Cellblock building and well as contextual views from the site towards Portsmouth Olympic Harbour and Portsmouth Village.

The specific heritage attributes of the property as prescribed by OHA By-Law Number 2007-167 are as follows:

- Hand worked limestone masonry veneer over a poured concrete core, which is smooth hammer dressed on the public faces of the C-18 Building and the rusticated blocks used on the rear elevations of C-18, the link between C-18 and C-16, and most of C-16;
- The use of the Auburn Penitentiary style cellblock reflects a desire to alter social behavior via architecture;
- Its function as a recognizable landmark in the City of Kingston and throughout Canada;
- Architectural details associated with the C-18 Administration Building including:

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- its more sophisticated classical architectural styling with the principle façade broken into seven bays;
- its copper coated hip roof topped with a distinctive cupola - supported on a square base located just behind the central pediment in the front façade - with an octagonal drum topped with a finial;
- its slightly projecting pedimented central entrance bay featuring on the ground floor a double door with a square headed transom set into a portico composed as an entablature and pediment carried by Tuscan columns;
 - its distinctive fenestration which includes a modified Palladian window and a three-part window formed of narrow slides flanking a central window in the central bay of the principle façade and the contrasting use square headed windows on the first and third floor and the semicircle arched windows on the second floor of the symmetrical wings which flank the central section;
- Architectural details associated with C-16 Cellblock which is divided by fifteen bays with a three bay rear wall including:
 - its classical style of architecture;
 - its shallow pitched copper-covered hipped roof;
 - its symmetrical arrangement and distinctive treatment of windows which includes the use of semicircular arched windows with keystones;
 - its cellblock design found on the third floor and mezzanine (fourth floor) which was more typical of men's prisons and which is marked by its poured concrete walls, terrazzo floors, steel bars, elevated walkways, barriers, staircases and the locking mechanism;
 - a stone chimney on the north slope of the roof;
- Its historic economic benefits to Kingston, through the creation of Federal positions, thereby contributing to the community of 'prison workers' which were a unique group within Kingston; and
- Contextual values such as views towards Portsmouth Olympic Harbour and Portsmouth Village and as part of a cultural heritage landscape of prison life within Kingston.

Since 1990 and prior to its sale from federal ownership in 2007, the prison building had status as a recognized federal heritage building, resulting from a 1989 Federal Heritage Building Review (FHBRO) building report.

As per the heritage attributes description above, there are a number of interior features such as steel bars and locking mechanism that make any type of commercial/residential adaptive re-use practically impossible to achieve. In order to re-use the interior of the building, changes to the interior designation will be required. Therefore, it is staffs' recommendation that the heritage attributes of the heritage designation by-law be reviewed with Heritage Kingston with the objective to ensure that the amended by-law can allow for appropriate adaptive re-use.

Brownfield Community Improvement Plan

ABNA has informed staff that the property contains environmental contamination that will require management as part of any site re-development. As the site is not currently within an approved

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Project Area of the City's Brownfield CIP, it is not eligible to apply for financial benefits to assist in remediation.

Under provincial law, many types of properties must be cleaned-up and have a Record of Site Condition (RSC) produced in order to allow the conversion from a less sensitive (i.e. commercial or industrial) to a more sensitive land use like residential or parkland. In Ontario, penitentiaries are classified on par with residential land use and so the conversion of the former Prison for Women to residential or parkland uses may not require a RSC. Nevertheless, the property may still require some level of clean-up as soils are excavated to make way for new construction and to remove areas of soil or groundwater that may not be compatible with residential or parkland development. Staff have asked the proponent to provide additional information about historic land uses to determine the level of clean-up that may be required. ABNA has indicated that they intend to submit a formal application to create a new brownfield Project Area for the property.

Section 5.6 of the 2017 CIP indicates that an amendment to the CIP and its associated by-law would be required to introduce new CIP Project Areas. Based on information provided in this report, staff are recommending that an amendment to the CIP be considered for this property at the time of a formal application. Consideration of an application for a new Project Area would include, among other things, an examination of:

- Potential discounts obtained by the purchaser as a result of price abatements related to environmental liabilities;
- History of federal ownership;
- Estimated environmental remediation required and any associated incremental costs and their significance with respect to the value and feasibility of the proposed project;
- Estimated property tax uplifts and whether they would be sufficient to fund brownfield financial benefits; and
- Degrees to which the property may be associated with neighborhood scale impediments to renewal due to brownfield issues.

Community Benefits

In accordance with Section 37 of the *Planning Act* and Sections 9.5.25 – 9.5.30 of the Official Plan, the City will be seeking Community Benefits as part of the re-development of this property. Community Benefits could be considerable depending on the proposed re-development. Conversation regarding the potential benefits will be facilitated at the beginning of the technical review process for any application that is filed and as required, Community Benefits will be incorporated into the statutory public notice and meeting(s) for the associated *Planning Act* Public Meetings.

As identified in the Official Plan, possible Community Benefits include:

- Conserving cultural heritage resources (i.e. conservation of the former Prison for Women building) beyond what would be required based on the current designation requirements;
- Providing a wide range of clearly specified and designed housing types, including affordable housing and housing for seniors and individuals with special needs;

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- Providing parkland dedication beyond what is already required by the Official Plan;
- Improving access to public transit facilities; providing public areas, pathways and connections to external public pathways/trail systems; providing public and/or underground parking;
- Providing community and open space facilities such as small parks, day care centres, community centres, recreation facilities and cultural facilities;
- Providing public art;
- Providing green technology and sustainable architecture; and
- Providing streetscape improvements and local improvements.

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Existing Policy/By-Law:

Official Plan and Zoning By-Laws

Brownfield Community Improvement Plan

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

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Contacts:

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Other City of Kingston Staff Consulted:

Peter Huigenbos, Director, Real Estate & Environmental Initiatives

Paul MacLatchy, Environment Director, Real Estate & Environmental Initiatives

Others External Individuals Consulted:

Not applicable

Exhibits Attached:

Not applicable