



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

**Report No.: 12-081**

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**TO:** Mayor and Members of Council

**FROM:** Cynthia Beach  
Commissioner, Sustainability and Growth

**RESOURCE STAFF:** Grant C. Bain  
Director, Planning and Development Department

**DATE OF MEETING:** February 21, 2012

**SUBJECT:** The Zoning Issues and Strategy Study  
Consultant Selection and Award of RFP-F31-SG-PD-2011-02  
File No. PLA-F31-002-2011

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**EXECUTIVE SUMMARY:**

In accordance with the direction of the Planning Committee and City Council, the Planning & Development Department prepared a Request for Proposals for the City's Zoning Issues and Strategy Study. This study is the first phase of the City's two (2) phase comprehensive zoning by-law review (see Exhibit 'A'). The Request for Proposals was sent out to six (6) consulting firms inviting them to submit a proposal. These six (6) firms had been selected from a list of over a dozen firms that had responded to the City's Expression of Interest process. Three (3) firms were then invited for an interview.

Following the interviews, staff discussed the relative merit of the consulting teams, and their proposals and concluded that the MMM Group, as lead consultant, in association with Lehman & Associates and Ecoplans Limited should be retained to undertake the Zoning Issues and Strategy Study. The cost of the study will be \$199,645.58 including all consulting fees and disbursements (and including HST). The funds for the study are included in the Capital Budget. The intent is to finalize the work program and contract as soon as possible in order to commence work on the study, which is anticipated to be completed in early fall 2012.

In compliance with the Purchasing By-Law No. 2000-134, Section 3.4, staff is required to present a recommendation to City Council for their approval to award this contract as this proposal was not the lowest cost proposal received.

**RECOMMENDATION:**

**THAT** the MMM Group consulting team in association with Lehman & Associates and Ecoplans Limited be retained to undertake the Phase 1, Zoning Issues and Strategy Study which was recommended to Planning Committee in Report No. PC-11-047 dated August 4, 2011 and was accepted by City Council at its meeting of August 16, 2011; and

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**THAT** the cost of the study be established at \$199,645.58 including all consulting fees and disbursements (and including HST); and

**THAT** the Mayor and City Clerk be authorized to enter into an agreement, to the satisfaction of the Director of Legal Services, for the purpose of engaging the MMM Group to undertake the preparation of the Zoning Issues and Strategy Study.

**AUTHORIZING SIGNATURES:**

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|---|
| ORIGINAL SIGNED BY COMMISSIONER<br>_____<br>Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth |
| ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER<br>_____<br>Gerard Hunt, Chief Administrative Officer                 |

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

|   |     |
|---|-----|
| Lanie Hurdle, <i>Community Services</i>                                 | N/R |
| Denis Leger, <i>Transportation, Properties &amp; Emergency Services</i> | N/R |
| Jim Keech, <i>President and CEO, Utilities Kingston</i>                 | N/R |

***(N/R indicates consultation not required)***

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**OPTIONS/DISCUSSION:**

In accordance with Section 26 (9) of the *Planning Act*, the City of Kingston must begin its review of its various zoning by-laws in order to implement its new Official Plan. The Official Plan was approved by the Minister of Municipal Affairs and Housing in January of 2010 and the four appeals to the Plan were resolved at an Ontario Municipal Board Hearing held in August of 2010.

In the fall of 2010 and through 2011, the Planning and Development Department initiated the research necessary to gather the required City zoning data. As well, the Department explored the alternative approaches available for undertaking the comprehensive zoning by-law review. During this period, the Planning and Development Department also met with the Planning Committee and interested Councillors to present some of the initial findings on the City's current zoning situation and to discuss the various zoning approaches.

Based on this background research and on the results of meetings and discussions with the Planning Committee, the Planning and Development Department recommended a two stage approach to preparing the new zoning by-law.

The two (2) phased approach was discussed in Report No. PC-11-047. The report was presented to the Planning Committee and discussed at its meeting of August 4, 2011.

City Council, at its meeting of August 16, 2011, considered Report No. PC-11-047 and accepted the following recommendation of the Planning Committee:

**“THAT** City Council endorses the Two Stage project approach for the City's Comprehensive Zoning By-law Review Project as set out in Report No. PC-11-047;  
- and further -

**THAT** the Two Stage project approach to the City's Comprehensive Zoning By-law Review Project form the basis for preparing the Stage One, Request For Proposals;  
- and further -

**THAT** the Stage One, Request For Proposals, when completed, be forwarded to the short-listed consulting firms inviting them to submit a Stage One Proposal”.

The “Stage One” terminology set out in the above resolution has been further refined. It is now identified as the Zoning Issues and Strategy Study and is referenced as part of Phase One. The Zoning Issues and Strategy Study is part of the first phase of the two phase program established for undertaking the Comprehensive Zoning By-law Review Project. The two (2) phased approach and the three key components as discussed in Report No. PC-11-047, are shown on Exhibit ‘A’ attached.

As part of the preliminary research, the Planning and Development Department compiled a list of consulting firms that might be interested or were considered to be capable of preparing the City's new comprehensive zoning by-law and the prerequisite Zoning Issues and Strategy

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Study. An Expression of Interest document and a Planning Overview of the City were prepared by the Planning and Development Department and were sent out to twenty-six (26) firms identified on the list. The call for an Expression of Interest was also advertised in the Whig-Standard and posted on the City's web site.

Over a dozen consulting firms responded to the call for an Expression of Interest. After a careful review of the Expression of Interest submissions, six (6) consulting firms were selected for further consideration.

While the Expression of Interest process was underway, the City was also preparing a formal 'Request For Proposals'. In accordance with the terms of the Council resolution, once the 'Requests For Proposals' was completed, it was immediately sent out to the six (6) selected consultants. The Request For Proposals established an evaluation framework that assigned a weighted value to each of the following elements of the proposal submissions:

- Project Approach;
- Consultant Team Experience and Capability;
- The Proposal Submission;
- Project Management;
- The Final Products;
- The Project Cost;
- Familiarity with the City of Kingston;
- Compliance with the *Ontarians with Disabilities Act*; and,
- Compliance with the RFP Format as determined by the Legal, Clerks and Purchasing Departments.

Of the six firms that were contacted and that chose to submit proposals, three (3) of them proceeded to the interview stage. The following three consulting firms were interviewed:

- **MHBC Planning Urban Design & Landscape Architecture** (in association with Lehman and Associates),
- **J.L. Richards & Associates Limited** (in association with The Planning Partnership, Williamson Consulting Inc. and Smith Heritage Consulting), and
- **The MMM Group** (in association with Ecoplans Limited and Lehman and Associates).

The interviews with the three respective firms were conducted on January 10, January 12, and January 20, 2012. Following the interviews, staff met and discussed the evaluations of each of the three (3) proposals and the interviews as well as the comparative and relative merit of the consulting teams. The MMM Group team in association with Lehman & Associates and Ecoplans Limited were judged most able to meet the City's needs and to carry out the study.

The MMM Group team provided a clear proposal that met the terms of the RFP. They gave detailed answers in the interview and presented a detailed outline of their proposed approach to

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the study. The team understood the City's requirements and indicated that they were flexible and adaptable in finalizing their work program. Of particular note, was the team's integration of significant computer technologies in their study methodology as well as their application of a sophisticated GIS platform technology in formulating and implementing a zoning strategy. They also provided examples of their zoning work and the computer applications used.

The cost of the study will be \$199,645.58 including all consulting fees and disbursements (and including HST). This cost was not the lowest estimate but rather held the middle position of the three proposed costs and was within \$230 of the highest estimate. The budget for this project is part of the Capital Budget. A very detailed analysis was completed by staff to evaluate both the written proposals and the interviews that were held. The proposals represented a range in the time spent on various aspects of the project and the involvement of a team of consultants. Pricing was evaluated along with the other criteria approved by Council. The highest ranked proposal from MMM Group is within the Council approved budget.

The Planning and Development Department will be overseeing the Zoning Issues and Strategy Study as part of the first phase of the Comprehensive Zoning By-law Review. The Planning and Development Department, along with the Legal Department, intends to finalize the contract for the preparation of the Zoning Issues and Strategy Study as soon as possible in order to allow the work on the study to begin. The Zoning Issues and Strategy Study project is anticipated to be completed in early fall 2012.

**EXISTING POLICY/BY LAW:**

The new Official Plan for the City of Kingston has established the City's future land use system, as well as the development and redevelopment policies. It is now necessary to work on a new comprehensive zoning by-law that will implement the new policies. The current five (5) principal zoning by-laws and the five (5) remnant zoning by-laws predate the new Official Plan and must be brought in line with the City's new policy framework.

The City of Kingston's Strategic Plan 2011 – 2014 includes the "zoning by-law consolidation" as part of the Corporate Work Plan commencing in 2011. The zoning by-law consolidation is listed as part of Section 2, "Enabling Economic Development", Sub-section 2.2, "Review and Update Policies and Practices to Emphasize Economic Development".

**NOTICE PROVISIONS:**

N/A

**ACCESSIBILITY CONSIDERATIONS:**

This report is available in different formats upon request.

**FINANCIAL CONSIDERATIONS:**

The funds for this project have been allocated in the Capital Budget.

**CONTACTS:**

Grant C. Bain – Director, Planning & Development Dept. (613-546-4291, ext. 3252);  
Cherie Mills – Manager, Policy Planning, Planning & Development Dept. (613-546-4291, ext. 3289);  
Wendy Carman – Senior Policy Planner, Planning & Development Dept. (613-546-4291, ext. 3186); and  
Hugh R. Gale – Senior Special Projects Planner, Planning & Development Dept. (613-546-4291, ext. 3288).

**OTHER CITY OF KINGSTON STAFF CONSULTED:**

Marnie Venditti – Manager, Development Approvals, Planning & Development Dept.;  
Alan McLeod - Senior Legal Counsel, Legal Services Dept.; and  
Janis Morrison – Purchasing Coordinator, Financial Services Dept.

**EXHIBITS ATTACHED:**

Exhibit 'A' - City of Kingston Comprehensive Zoning By-law Review Two Phase Approach

**CITY OF KINGSTON  
 COMPREHENSIVE ZONING BY-LAW REVIEW  
 TWO PHASE APPROACH**

