



**City of Kingston  
Report to Council  
Report Number 15-030**

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**To:** Mayor and Members of Council  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building and Licensing Services  
**Date of Meeting:** January 6, 2015  
**Subject:** Consultant Selection and Award of Contract for Five Year Update for Official Plan and Comprehensive Zoning By-law

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**Executive Summary:**

On August 29, 2014, Planning and Development Services issued a Request for Proposal (RFP) inviting proposals from consulting firms interested in undertaking a new Comprehensive Zoning By-law for the City of Kingston. The RFP closed on October 8, 2014. Four consulting teams made submissions. It was then decided to issue a 'Post Closing Addendum Number 1' to ask the four consulting teams to submit a revised package to address the manner in which they would undertake the Five Year Official Plan update in combination with the Comprehensive Zoning By-law.

The second RFP closed on November 19, 2014, and all four (4) consulting teams submitted revised proposals. Of the four submissions, two consulting teams were selected for an interview. Following the interviews, staff further evaluated the relative merit of the consulting teams and their Proposals, and concluded that Dillon Consulting in association with Lloyd Phillips & Associates Limited and Andre Scheinman should be retained to undertake the combined Five Year Official Plan update and the Comprehensive Zoning By-law.

The cost of the study will be \$489,988.00 including all consulting fees, disbursements and applicable taxes. The funds for the study are included in the approved capital budget. It is anticipated that the Five Year Official Plan update will be completed early in 2016, and the Comprehensive Zoning By-law will be completed early in 2017.

In compliance with the Purchasing By-Law Number 2000-134, staff is required to present a recommendation to City Council for approval to award this contract as the Proposal selected by staff was not the lowest cost Proposal received.

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**Recommendation:**

**That** Dillon Consulting Limited, in consultation with Lloyd Philips and Associates Ltd. be retained to undertake the five Year Official Plan Update and the Comprehensive Zoning By-law project (F31-CS-PD-2014-05); and

**That** the cost of the study be established at \$489,988.00, including all consulting fees, disbursements and 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 consulting team of Dillon Consulting Limited, Lloyd Philips Associates and Andre Scheinman to undertake the preparation of the Five Year Official Plan Update and the Comprehensive Zoning By-law.

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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:**

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:**

The Planning and Development Department is undertaking a high priority project which will impact all planning across the City. This involves compiling five existing Zoning By-laws into one Comprehensive Zoning By-law, and now also includes the Five Year update of the City's Official Plan as required by provincial legislation. There will be a number of groups established which will provide input into this project. City Council will be kept apprised of work as it continues over time.

As background, City Council approved a two-phase approach to developing the Comprehensive Zoning By-law at its meeting held on August 16, 2011. At that time, the City Planning Committee had recommended to City Council that the Comprehensive Zoning By-law Review Project be undertaken in two (2) separate phases under different consulting contracts. The first phase of the project was the preparation of the Zoning Issues and Strategy Study. This was completed approximately a year ago, resulting in a report to Planning Committee dated January 1, 2013, which recommended that the Zoning Strategy Report be accepted in fulfillment of the terms of the contract between the City and the MMM Group, and that the related strategic direction be adopted by Council. The recommended next steps to be undertaken by staff are well underway.

The second phase of the Comprehensive Zoning By-law Review By-law Project is the actual drafting of the Comprehensive Zoning by-law and advancing the document to Council adoption.

On August 29, 2014, the Planning and Development Department issued a Request for Proposal (RFP) inviting proposals from consulting firms interested in undertaking a new Comprehensive Zoning By-law for the City of Kingston. The RFP closed on October 8, 2014. Four consulting teams made submissions. It was then decided to issue a 'Post Closing Addendum Number 1' to ask the four consulting teams to submit a revised package to address the manner in which they would undertake the Five Year Official Plan update in combination with the Comprehensive Zoning By-law.

The second Request for Proposals closed on November 19, 2014, and all four (4) consulting teams submitted revised proposals. Of the four submissions, two consulting teams were selected for an interview. Following the interviews, staff further evaluated the relative merit of the consulting teams and their revised submissions, and concluded that Dillon Consulting in association with Lloyd Phillips & Associates Limited and Andre Scheinman should be retained to undertake the combined Five Year Official Plan Update and the Comprehensive Zoning By-law.

The City requested proposals from qualified consultants to undertake a comprehensive review of both City-owned and privately-owned industrial land within the City and to recommend a long term vision and strategy to ensure the provision of an adequate supply of jobs for the City's growing population. The Study is intended to include a discussion of policies related to the City's role as the approval authority for land use policy and may also include policies and directions that the City may pursue as conditions for employment land development and land assembly to ensure the long-term supply of employment lands. The Study will also provide direction on the City policies for City-owned lands to both assist in meeting the Provincial Policy Statement requirements and identify local market needs.

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Public Consultation will take place in the form of several public open houses/workshops and through a stakeholder group of land owners, real estate brokers and industrial developers. The selected firm will also utilize social media to consult with the public. Once awarded, it is the intention of the City to have the study completed within six months.

The RFP established an evaluation framework that assigned a weighted value to each of the following elements of the proposal submissions:

- a) Approach to project, including details of public consultation program (25 points);
- b) Consultant team experience and capability (20 points);
- c) Demonstrated project management skills (10 points);
- d) Demonstrated knowledge of the City of Kingston and planning documents (5 points);
- e) Final product (10 points);
- f) Accessibility Compliance (5 points);
- g) Compliance with RFP requirements and proposal submission (5 points); and
- h) Project cost (20 points).

The following four (4) consulting firms/teams responded to the RFP and were scored in accordance with the criteria noted above, and were ranked as noted below:

Firm(s)	Ranking	Cost
Dillon Consulting/Lloyd Philips & Associates Ltd./Andre Scheinman	71	\$489,988.00
MMM Group Limited/Lehman & Associates/Brook McIlroy	69	\$553,332.75
Meridian Planning Associates	59	\$451,975.99
JLRichards and Associates Ltd. / Planning Partnership/Williamson Consulting Inc. / Laurie Smith Heritage Consulting	51	\$1,075,457.00

Two consulting teams were selected for further consideration through an interview stage. The interviews were conducted on December 11 and 12, 2014. Further evaluation was completed by

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staff to assess both the written Proposals and the interviews that were held. The team of Dillon Consultants Limited, as lead consultant in association with Lloyd Philips and Associates Ltd. and Andre Scheinman, was judged most suited to meet the City's needs and to carry out the Five Year Official Plan update and the Comprehensive Zoning By-law.

The Dillon Consulting 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 the project, which involves integrating the completion of both portions of this major project. The team fully understood the City's requirements and the overall objectives to be achieved. The team of Dillon Consulting and Lloyd Philips & Associates has worked together on developing numerous comprehensive zoning by-laws for other municipalities across the Province, with experience in complex urban settings as well as agricultural/rural areas. Their work plan provides for a timely completion of the Five Year Official Plan update. The team also brings an innovative approach to ensuring effective public consultation over a span of the project, as well as ensuring advanced GIS web-based capabilities for the associated mapping.

The budget associated with this contract will be \$489,988.00 including all consulting fees, disbursements and HST. This cost was the second lowest of the four submissions. The budget for this project is part of the capital budget. The timeline associated with this project is for completion of the Five Year Official Plan update early in 2016, and completion of the Comprehensive Zoning By-law early in 2017.

#### **Existing Policy/By Law:**

The new Official Plan for the City of Kingston Planning Area was adopted as By-law Number 2009-105 at the July 27, 2009 meeting of City Council, and was subsequently approved by the Minister of Municipal Affairs and Housing on January 27, 2010.

In the City, there are five (5) principal Zoning By-laws and a further five (5) site specific older remnant zoning by-laws in effect in the City of Kingston Planning Area. The five principal zoning by-laws include the following:

1. By-law Number 8499, City of Kingston, adopted in 1975;
2. By-law Number 96-259, Downtown and Harbour Zoning By-law (City of Kingston), adopted in 1996;
3. By-law Number 76-26, Kingston Township, adopted in 1976;
4. By-law Number 97-102, Cataraqui North Zoning By-law (Kingston Township), adopted in 1997; and
5. By-law Number 32-74, Pittsburgh Township, adopted in 1974.

These Zoning By-laws have approximately 1,000 pages of text, almost 100 zone categories, 45 primary maps and over 1,000 zoning amendments. There are also numerous site-specific zones in each of the By-laws that reflect specific development proposals. Since amalgamation, a

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number of administrative amendments have been undertaken to update and/or harmonize some of the provisions of the five main zoning by-laws. However, these amendments have not been undertaken in any kind of a comprehensive manner, but rather have addressed only immediate problems in administering the various zoning by-laws.

**Notice Provisions:**

Not Applicable

**Accessibility Considerations:**

This report is A.O.D.A. compliant, and all future work on this project is expected to also be A.O.D.A. compliant, including all public consultation sessions.

**Financial Considerations:**

The funds for this project have been allocated and approved in the existing capital budget.

**Contacts:**

Lanie Hurdle, Commissioner, Community Services	613-546-4291 extension 1231
Paige Agnew, Director, Planning, Building and Licensing	613-546-4291 extension 3252
Shirley Bailey, Manager, Zoning By-law Consolidation	613-546-4291 extension 3253
Cherie Mills, Manager, Policy Planning	613-546-4291 extension 3289

**Other City of Kingston Staff Consulted:**

Shelly Rizzo, Corporate Buyer, Office of the City Treasurer

**Exhibits Attached:**

N/A

**Formal Study Organization**

