

Monday, July 10, 2024

To: Secretary Treasurer, Committee of Adjustment

Re: File # D13-039-2024 2267 – 2271 Princess Street, Kingston, ON

Preamble

My name is James Brown and I am writing to you today to express my concerns regarding the proposed development at 2267 – 2271 Princess Street. I am the owner of the heritage property adjacent to the proposed development that since 1850 has been recognized as Beamish House. I purchased this property in 2017 from the well-known Architect, Ernest A Cromarty. Al's passion was Historic Architecture, Al added tremendous value to our city. One of Al's greatest pleasures was Beamish House. Al purchased the Beamish House in 1975 and lived in the residential portion of the building up until his retirement. The Architect never stopped working on Beamish House and he diligently did everything he could to protect this valuable historic city asset. The Cataraqui Village was important to Al and from experience I know that he would share the same genuine concerns that I do regarding this development. Beamish House is a beautiful example of residential design by Mr. William Coverdale. I've been in the city of Kingston my entire life. I've owned and meticulously maintained historic Limestone buildings in the Portsmouth Village, Cataraqui Village, and Odessa. I've observed that the city has done a lot to protect the heritage of the Portsmouth Village in contrast to what has sadly happened in the Cataraqui "Waterloo" Village. There is very little left regarding heritage in Cataraqui thanks to the pressing need to expand urban development. What history remains provides one of the most beautiful gateways into our city, Sydenham Rd to Princess St.

My Objection

Let me start my objection by saying that the last thing Kingston needs in the Cataraqui Village is another gas station. When I first offered to purchase Beamish House at 2263 Princess St, Mr. Cromarty and I spent collectively over \$60,000.00 on environmental studies. We called it the "Swiss cheese project" because of all the test holes that were drilled looking for hydrocarbons. I painfully learned that gas stations are potential sources of environmental contamination because of liquid hydrocarbons. I additionally learned that no bank would lend money to any property where hydrocarbons were found without complete remedial action. Unfortunately, the Beamish House had historically been near several gas stations in the Cataraqui Village.

Since 1850 Beamish House was never a gas station yet we had the burden to prove that nothing from surrounding gas stations had ever contaminated the Beamish property. I recall that one of the biggest concerns for the environmental engineers was a gas station that had been located west of the property. Because of the higher elevation, contamination would naturally flow downhill. We should never risk environmental contamination of such a valuable historic asset. This would be devastating for my heritage building. For example, if there was a leak/spill from the proposed gas station next door what do I do? I cannot lift the building and do any remedial work to remove the contamination nor am I permitted to rebuild. The Beamish House and one of the last standing limestone barns in Ontario would have to be abandoned. You do not have to look too far to see an example of such a situation. Drive down Montreal Street and have a look at the abandoned rail station that's been an eyesore in the city for 30

years. It's important to understand that some of our heritage buildings can never be replaced in the event of an environmental catastrophe. The cost of labour and material would be far too expensive in comparison to what could be accomplished in 1850. Investors and banks will not lend money if a project makes no economic sense and there is no return on investment.

In addition to contamination problems, please also consider the health risk posed by a gas station. When refueling automobiles and underground fuel storage tanks, benzene is released into the air from tank vents and at the pump. Benzene can increase the risk of cancer for those living, learning or working within 305 meters. Gas stations are bad for the environment, seeing as gasoline creates excess greenhouse emissions and other environmental impacts because of fuel extraction, transportation, and storage. Gas stations emit toxic air pollution linked to asthma, birth defects, and cancer. Gas stations frequently leak petroleum contaminating nearby groundwater, soil, and air causing damage to nearby properties.

When I recently read the staff report prepared for the committee of adjustment, I was surprised to see that the city staff report had stated that the heritage property next door was solely used for commercial. This is not the case. The city staff report claims the following. "The Beamish House was designed by William Coverdale, a well-known Kingston architect. The buildings on this designated heritage property contain non-residential uses".

Since 1850 the entire building has been residential. In the 70s Mr. Cromerty renovated and used approximately 80 percent of the building for commercial offices. There is currently over 2000 square feet of residential space in the building. This residential space was the architect's home for 40 years. Today Beamish House continues to be a mix of commercial/residential with a spacious apartment that is located along the entire west wall of the building. Should you decide to approve this proposed project, the adults and child presently living in this space will be exposed to the hazards that I've brought to your attention above 24 hours a day. Please consider the health and safety of this family. The commercial offices that are located under the apartment and along this same west wall are presently occupied by a financial planner, a psychologist and social workers. They are entitled to a quiet and a nonhazardous work environment. Putting a drive through restaurant only two meters away is obviously going to make this space unusable and harder to rent.

Additionally, I note that this proposed development is not harmonious with the adjacent properties on the East and North boundaries of the development. A gas station with a convenience store, offices and drive through restaurant would be disturbing (traffic, noise, flashing lights). All these things make residential living potentially hazardous. These disturbances can cause high blood pressure, heart disease, sleep loss, and stress. These health problems can affect all age groups, especially children.

Consider as well how this proposed development will undoubtedly increase the amount of traffic. All this additional traffic is dangerously close to one of Kingston's busiest intersections at Princess and Sydenham Road. I noticed that this busy intersection is completely omitted from the staff report. I would urge you to consult with the Kingston City Police regarding the many accidents already occurring in this intersection. As traffic approaches this unusually designed intersection, there is at minimum a 60-degree curve going east to west. This complicates driving and is confusing. It certainly makes navigating this intersection different than any other intersection we see in the city. This busy intersection is a hazard already and this new development and the exit from the proposed drive through restaurant onto Princess St. is less

than 25 meters from the traffic lights. This is obviously poor planning and dangerous for pedestrians, bicycles and automobiles.

Let's now consider the hours of operation and the location of the proposed drive through restaurant. The fast-food drive through is located along the east side of the property directly adjacent to Beamish House. The traffic, lights and exhaust fumes from automobiles are only a few meters from kitchen and bedroom windows. This is unacceptable and will cause health issues and sleepless nights listening to noise and breathing hazardous fumes. The developer is asking for a variance to reduce the side yards on the east side. The bylaw demands 6.7 meters, and the developer is asking the city to reduce this to only 2 meters. The staff report that's been prepared for your consideration offers the following regarding the east set back.

"As demonstrated through the submitted Heritage Impact Statement (HIS), the proposed development with reduced interior east setback will be compatible with the east adjacent heritage property. The Heritage Impact Statement concludes that the overall low-profile of the development in combination with the generous setbacks from the front property line ensures that visual prominence of the Beamish House is maintained along Princess Street. Specific recommendations from the HIS with respect to lighting, landscaping and maintaining views through the to the Beamish house (through the elimination of fencing) will be implemented through the Site Plan Control application.

While it's commendable that the Staff Report gives due consideration to protecting the wonderful view of Beamish House as vehicles driving east approach the busiest intersection in Kingston there seems to be little consideration for safety. Specifically, the safety of bicycles, pedestrians and the people living and working next door. Shouldn't these humans also be given due consideration?

In conclusion I hope that you will do the right thing and deny these adjustments that the developer is requesting or at the very least send this back to city staff for more thoughtful consideration. There are already enough gas stations along this corridor. If you look, you'll see that between Portsmouth Ave. and Gardiners Rd, we have a total of four gas stations and ample pumps to service all types of vehicles. The city should give more consideration to the increasing demand for electric vehicles in accordance with the city's own climate change goals.

There will accordingly be decreasing demand for vehicles propelled by refined crude oil in our future. Saying no to this proposal would confirm the city's dedication to a cleaner future.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Brown', written in a cursive style.

James S. Brown | President
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