An ‘Application for Demolition and Alteration under the *Ontario Heritage Act*’ (OHA) File No. P18-396-015-2014 has been submitted to request approval to remove the building at 169-171 Wellington Street and construct a new mixed-use six-storey building. The applicant submitted a Heritage Impact Statement (HIS), prepared by Bray Heritage, including a chronology of 167 & 169-171 Wellington Street, prepared by Dr. Jennifer McKendry. Staff have requested additional clarification and supporting information regarding the application. At this time staff are presenting this report for pre-consultation in order to gain preliminary comments from the Committee. Once all requested supporting information is provided, staff will schedule the demolition and alteration permit application for a future Committee meeting for consideration.

**RECOMMENDATION:**

This report is for information purposes only.
**AUTHORIZING SIGNATURES:**

<table>
<thead>
<tr>
<th>ORIGINAL SIGNED BY COMMISSIONER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lanie Hurdle, Commissioner, Community Services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gerard Hunt, Chief Administrative Officer</td>
</tr>
</tbody>
</table>

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

<table>
<thead>
<tr>
<th>Commissioner, Department</th>
<th>Consultation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cynthia Beach, Corporate &amp; Strategic Initiatives</td>
<td>N/R</td>
</tr>
<tr>
<td>Denis Leger, Transportation, Facilities &amp; Emergency Services</td>
<td>N/R</td>
</tr>
<tr>
<td>Jim Keech, Public Works Services</td>
<td>N/R</td>
</tr>
</tbody>
</table>

*(N/R indicates consultation not required)*
OPTIONS/DISCUSSION:
Proposal:
The subject property is locally known as the former Right Spot Restaurant. It is located on the east side of Wellington Street. The property was designated under Part IV of the Ontario Heritage Act in 1981.

The applicant’s development proposal for 169-171 Wellington Street also includes the properties located at 167 Wellington Street (which is not included on the City’s Heritage Properties Register and is not subject to an approval under the OHA) and 165 Wellington Street (which received OHA approval for its renovation plans and additional stories on February 19, 2013).

The applicant, BPE Development, has purchased 167 and 169-171 Wellington Street and intends to merge it with the property at 165 Wellington Street to accommodate one project with commercial on the ground floor and residential above. The application consists of a proposal to demolish the entire building at 169-171 Wellington Street and replace it with a new six (6) storey building, including ground floor commercial space and upper floor residential uses (see attached renderings in Exhibit A). The new building will be a mix of brick and masonry with glazed openings and metal cladding on the upper floors. The existing arched passageway will remain with the current brick arch to be reconstructed. The existing corbels are to be reincorporated into the new arch.

While not part of this application, but incorporated into the overall redevelopment plan, staff note that the narrow brick façade of the building at 167 Wellington Street will be retained, restored and incorporated into the development plans, with two (2) additional storeys added and stepped-back from the building face above.

This report is for information purposes only; however this development proposal will be brought before the Committee to consider the following:

a. The demolition of 169-171 Wellington Street;
b. The redevelopment plans for 169-171 Wellington Street, including those of the adjacent property at 167 Wellington Street; and
c. An amendment to the designation by-law to include 165, 167 and 169-171 Wellington Street.

Background:
165 Wellington Street:
The redevelopment plans for 165 Wellington Street, were presented to the Heritage Committee for pre-consultation at the September 10, 2012 and November 5, 2012 meetings. A Heritage Permit application was presented to the Committee on January 7, 2013 and recommended for approval on February 4, 2013, with Council giving its final approval on February 19, 2013. A Heritage Impact Statement (HIS) dated November 2012, prepared by Bray Heritage, was submitted in support of this application. A zoning by-law amendment was approved for 165 Wellington Street; however, to-date no application for Site Plan Control approval has been submitted.
167 & 169-171 Wellington Street:
The applicant requires a zoning by-law amendment to accommodate the proposed building height, parking, angular plane provisions, etc. In addition, Site Plan Control approval will be required for this proposal. An application for zoning by-law amendment has been submitted.

Heritage and Urban Design staff met with the applicant and his heritage consultants on December 6, 2013 and February 19, 2014 to discuss the current proposal. It was determined that permission under the OHA is required in order to permit the demolition and reconstruction on the property at 169-171 Wellington Street. No heritage permit is required for 167 Wellington Street as it is not a protected heritage property; however, as the property is adjacent to two designated structures, the HIS has been prepared to address development on that property as well. No further heritage permit was required for 165 Wellington Street as any additional alterations associated with the revised plans were to the interior layout only.

A heritage permit (file no. P18-396-010-2014) was approved February 4, 2014 to permit the demolition of the rear wing addition portion of 169-171 Wellington Street. A letter from Bray Heritage and a Chronology of 167 & 169-171 Wellington Street, prepared by Dr. J. McKendry, was submitted in support of this previous application. The HIS noted that the rear addition was of no heritage value.

As part of the current heritage permit application, a revised HIS was required to evaluate the impacts associated with the proposed demolition of 169-171 Wellington Street and the introduction of the new six-storey mixed use building. Also, as the properties at 165, 167 and 169-171 Wellington Street are ultimately proposed to merge on title, staff recommended that an evaluation of the cultural heritage value of 167 and 169-171 Wellington Street be undertaken as part of the HIS, in order to guide a future amendment of the designation by-laws. A Heritage Impact Statement, prepared by Bray Heritage, was submitted in support of this application. It has been distributed separately.

Supporting Documentation:
As noted above, a Planning Act application for zoning by-law amendment has recently been submitted with respect to 169-171 Wellington Street. An application for demolition and alteration under the OHA was submitted on February 7, 2014. As part of that application, the applicant submitted a new HIS, dated February 2014 (Exhibit B), which included the Chronology of 167 & 169-171 Wellington Street as an appendix (distributed separately as part of the January 20, 2014 meeting material). The applicant also submitted a number of elevation and floor plans prepared by Shoalts & Zaback Architects (distributed separately). Also a number of conceptual streetscape renderings were also submitted in support of this application (Exhibit A).

Reasons for Designation:
The subject property was designated under the Ontario Heritage Act through By-Law 81-101 and 81-181 in 1981 for its “historical value or interest”. The Reasons for Designation are noted as follows:

“Built in 1834 for John Collar, this stone building had as its first tenant John A. Macdonald who opened his practice of law here in 1835.”
Dr. McKendry indicates in her Chronology that the building noted in the designation by-law was likely lost or significantly altered following a major renovation in 1878. The building located on the site today, was mistakenly presumed to be the same 1834 building that John A. Macdonald resided in; however, it is unlikely that any of the 1834 building still exists. The designation by-law will therefore need to be updated.

Previous Heritage Approvals:
P18-396-010-2014 – removal of rear addition portion

Review and Analysis:
As noted above, a Heritage Impact Statement was prepared in 2012 in support of the proposed alterations at 165 Wellington Street. This report was supplemented with a new HIS (Exhibit B) in order to review the impacts associated with the inclusion of 167 and 169-171 Wellington Street into the alteration plans and the demolition of 169-171 Wellington Street.

The document concludes that the “existing building at 169-171 Wellington has no architectural value and only the property has some, albeit distant, association with the early career of Sir John A. Macdonald” (pg. 21). The HIS further notes that this “current (1878) building does not have heritage significance, being a typical example of a late 19th century mixed use rental building, and thus lacks heritage attributes” (pg. 13). Staff have concerns regarding the adequate substantiation of this conclusion, including a lack of information on the structural integrity of this building and a detailed evaluation of its cultural heritage value. Staff have provided our comments to, and met with, the applicant to discuss this matter.

The HIS also supports the proposed development/replacement plans for 167 and 169-171 Wellington Street, as presented. Staff have provided our comments/ concerns to the applicant and are awaiting the submission of an addendum to the HIS.

Conclusion:
This report is provided to the Committee for information purposes only. Staff welcome any comments from the Committee in association with this proposal.

EXISTING POLICY/BY LAW:
By-Law 81-101 and 81-181 – Designation by-laws for the subject property (City of Kingston)
By-Law 2013-141 – Procedural By-Law for Heritage (City of Kingston)
By-Law 2010-217 – Site Plan Control Area By-Law (City of Kingston)
By-Law 96-259 – Downtown & Harbour Zoning By-Law (City of Kingston)

NOTICE PROVISIONS:
N/A

ACCESSIBILITY CONSIDERATIONS:
This report is available in alternate formats upon request.
FINANCIAL CONSIDERATIONS:
N/A

CONTACTS:
Sheldon Laidman, Acting Director, Planning & Development 613-546-4291 ext. 3252
Shirley Bailey, Manager, Heritage & Urban Design 613-546-4291 ext. 3253
Ryan Leary, Senior Planner, Heritage & Urban Design 613-546-4291 ext. 3233

OTHER CITY OF KINGSTON STAFF CONSULTED:
Marnie Venditti, Senior Manager, Client Relations, Community Services
Julie Salter-Keene, Manager, Planning & Development Department
Ashley Osmar, Senior Building Official, Building & Licensing Department
Paul Patry, Assistant Chief, Kingston Fire & Rescue
Felicity Kenward, (Property Standards), Building & Licensing Department
John Bleackley, Environmental Technologist, Environment
Becky Meens, Development Technologist, Engineering

EXHIBITS ATTACHED:
Exhibit A  OHA Application and Conceptual Streetscape Renderings
Exhibit B  Heritage Impact Statement, Prepared by Bray Heritage, dated February 2014
### APPLICATION FOR A HERITAGE PERMIT UNDER THE ONTARIO HERITAGE ACT

The accuracy and completeness of this application will assist staff in processing your application in a timely manner.

**DATE FILED:** 07 February 2014  
**APPLICATION:** P18-396-015-2014

The undersigned hereby applies for a Heritage Permit pursuant to Section 33/34 and 42 of the Ontario Heritage Act, RSO 1990, c.18 for alteration or demolition as described in this application.

1. **NAME OF OWNER:** BPE Development
2. **LOCATION OF PROPERTY:**
   - **CIVIC ADDRESS:** 169-171 Wellington Street
   - **LOT NO. and REGISTERED PLAN NO.**: Lot 120 (refer to attached survey)
   - **ASSESSMENT ROLL NO.**: Instrument # 470474
3. **NAME OF AGENT (If any):** Shoalts and Zaback Architects Ltd.

**Notice of Collection:** Personal information, as defined by the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), is collected on this Ontario Heritage Act application under the authority of the Municipal Act, 2001, and in accordance with MFIPPA. Personal information collected on the application form will be used to assist in making a decision on this matter. All names, addresses, opinions and comments will be made available for public disclosure. Questions regarding this collection should be forwarded to the Director, Planning & Development Department, City of Kingston, 216 Ontario Street, Kingston, Ontario, K7L 2Z3, telephone (613) 546-4291, Ext.1844.

Revised September 2013
APPLICATION FOR HERITAGE PERMIT

4. BRIEF DESCRIPTION OF WORK TO BE UNDERTAKEN:

Refer to attached drawings, descriptions and Heritage Impact Study.

Description of work attached: Yes ☐ No ☐
The building is: Existing ☐ Proposed ☐
Request is to: Alter ☐ Demolish ☐ Remove ☐

5. CONCURRENT APPLICATIONS:

Yes ☐ No ☐

If yes, please list:

Zoning by-law amendment for 167 and 169/171 Wellington to add these properties to 165 Wellington to create a new single property and development. This zoning by-law application will be submitted shortly. 165 has a previously approved rezoning which is unchanged.

6. DECLARATION:

I (we) the undersigned solemnly declare that all of the statements contained in this application for (property description/address) 169-171 Wellington and all the supporting documents are true, and I (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, by virtue of the CANADA EVIDENCE ACT. I agree to allow the Corporation of the City of Kingston, its employees and agents to enter upon the subject land for the purpose of conducting a site inspection as may be necessary to process this application.

SIGNATURE OF OWNER(S)          SIGNATURE OF AGENT
Ben Pilon
Please print name(s) legibly

January 10 2014          January 10 2014
Date

If the application is signed by an agent, the owner's written authorization for the agent to act must accompany this application.

Revised September 2013

Page 2 of 4
APPLICATION FOR HERITAGE PERMIT

1. **WRITTEN DESCRIPTION**

The writer must provide a complete written description of all work to be approved. This description should complement photos, drawings, detailed construction plans, and any other sketches submitted with the application. Please complete the description on any standard 8 1/2 x 11 paper, either by computer or other means, in a legible manner attached to the application.

2. **CONSTRUCTION DRAWINGS, SKETCH PLANS, SCALE DRAWINGS**

Along with construction drawings and scale drawings, the applicant may also (but not in lieu of) submit a sketch of any alterations made over a photo or free hand. Please note this is a requirement of the Heritage approval process and may not be required by other City of Kingston approval agencies.

Drawings to scale indicating the existing building must include:

1. overall dimensions;
2. specific sizes of building elements (signs, windows, awnings, etc.);
3. detail information including trim, siding, moldings, etc. including sizes and profiles;
4. electrical/mechanical information, if applicable;
5. materials to be used (these must also be included in the written description of the project) but should be noted on drawings to indicate their location; and
6. construction methods and means of attachment (these must be included in the written description of the project).

3. **PHOTOGRAPHS**

Photographs of the building including general photos of the property, the streetscape in which the property is located, the facing streetscape, and, if the property is located at an intersection, all four corners. Photos of the specific areas that may be affected by the proposed change or alteration must be included.

4. **PROFESSIONAL ASSISTANCE**

Although it is not a requirement to obtain professional assistance in the preparation of this information, the applicant may wish to seek such assistance from an architect, architectural technologist, preservation specialist, or others familiar with the unique requirements of designated heritage buildings.

5. **BUILDING CODES AND BY-LAWS**

It is the applicant’s responsibility to address issues relating to public safety and correct building practices and by-law regulations.

6. **OTHER APPLICATIONS**

It is the applicant’s responsibility to note other Planning applications which have been submitted ie. Committee of Adjustment.
APPLICATION FOR HERITAGE PERMIT

TO BE COMPLETED BY APPLICANT/AGENT

LOCATION/ADDRESS OF PROPERTY: 169-171 Wellington Street

1. NAME OF OWNER: BPE Development
   ADDRESS OF OWNER: 21 Queen Street
   POSTAL CODE: K7K 1B4
   EMAIL ADDRESS: ben@bpedevelopment.com
   PHONE NO: 613 507 9090       CELL NO: 613 532 3733

2. NAME OF AGENT (If Any): Shoalts and Zaback Architects Ltd.
   ADDRESS: 206-4 Cataraqui Street
   POSTAL CODE: K7K 1Z7
   EMAIL ADDRESS: gshoalts@szarch.com
   PHONE NO: 613 541 0776       CELL NO: 613 539 2927

To Be Completed by City Staff

Application Number: ____________________________

DESIGNATED PROPERTY  Yes ☐  No ☐
LISTED PROPERTY      Yes ☐  No ☐

DESIGNATING BY-LAW NO. ____________________________

Property Listing in Buildings of Architectural and Historical Significance

VOLUME: ____________________________ PAGE NO: __________

HERITAGE DISTRICT: ____________________________

_________________________       _______________
Staff                     Date

Revised September 2013          Page 4 of 4
10 January 2014

Corporation of the City of Kingston
1211 John Counter Blvd.
Kingston, Ontario
K7L 4X7

Attention: Marnie Venditti

Brock Wellington
BPE Development
Project No. 12032

Re: Owner's Authorized Agent

Dear Sir:

This letter will serve to confirm that we authorize Gerry Shoals of the firm of Shoals and Zaback Architects Ltd. to act as our agent in all matters dealing with the Zoning, Heritage and Site Plan Applications and Agreements for this project.

Yours truly,

Ben Pilon
Description of Proposed Project 165/167/169/171 Wellington

BPE has purchased 167 and 169-171 Wellington Street. These properties are proposed to be combined with 165 Wellington Street to form one mixed use adaptive reuse project.

The project consists of 5 floors of residential units and ground floor commercial space.

The previously approved design at 165 Wellington remains (with some minor changes at the back for exit stairs to work with the expanded project).

The proposed development incorporates 167 Wellington (which is not designated) as our team research demonstrates the heritage value of the exterior facade of this building. The existing brick, decorative details, stone corbels and upper level windows are repaired and conserved.

The proposed development replaces 169-171 Wellington with a new structure. The existing carriageway/right of way between 167 and 169 Wellington Street is retained. It is restored to full, safe and active reuse. The existing corbels and reused to support a new archway over the passage way.

The historical research of our team has revealed that the 169-171 is not the original structure used by John A. MacDonald. We reviewed options but due to its configuration and condition it is not possible to incorporate this structure into the proposed development.

The proposed development is clad with natural Kingston Limestone on the ground floor with clay brick above. There is also fiber cement cladding at upper levels. The new mansard roof is standing seam. New windows are aluminum at the ground floor and aluminum or fiberglass clad wood windows above all in compatible colours.

The design of the proposed development is a contemporary expression compatible with and sympathetic to (in materials and massing) the adjacent historical architecture and streetscape. It does not attempt to create a false history. The façade are broken into several elements which recreate the previous properties size. There are several doors to the street for individual retail units.

Please refer to the attached drawings for additional information.
Heritage Approval Application
167-171 Wellington Street
February 7, 2014

Owner
BPE DEVELOPMENT

Agent
sza Shoatls & Zaback Architects Ltd.
Wellington Street Elevation

A)  
- Repair and conserve existing upper floor windows and brick.
- Repair existing cornice and roof.
- Restore ground floor corbels.
- Restore wall cornice over ground floor sign.
- Replace missing decorative cornice over upper window.
- Remove existing fire escape.

B)  
- Natural Kingston Limestone.
- Clay Brick to Level 3.
- Fibre cement panels.
- Aluminium windows at grade.
- Aluminium or fibre glass clad wood windows on upper floors.

C)  
- Restore existing stone corbels.
- New clay brick and aluminium clad windows above.
Brock Street Elevation
Rendering: Wellington Street Looking North
Rendering: Corner of Brock and Wellington Looking North East
Rendering: Wellington Street Looking South
Rendering: Brock Street Looking West
# TABLE OF CONTENTS

1 **Background** .......................................................................................................................... 1  
   1.1 Study Purpose .................................................................................................................. 1  
   1.2 Existing Conditions ......................................................................................................... 2  
   1.3 Summary of Proposed Development ............................................................................. 5  

2 **History and Description** .................................................................................................. 7  
   2.1 History of 165 Wellington Street and Area ...................................................................... 7  
   2.2 Description of Building and Area .................................................................................... 8  
      2.2.1 Physiographic Description ................................................................................... 8  
      2.2.2 Land Use Activity .............................................................................................. 8  
      2.2.3 Patterns of Spatial Organization ..................................................................... 8  
      2.2.4 Natural Environment ......................................................................................... 8  
      2.2.5 Boundary Demarcation .................................................................................... 8  
      2.2.6 Circulation Network ......................................................................................... 8  
      2.2.7 Site Structures, Buildings and Objects .............................................................. 8  
      2.2.8 Vegetation Related to Land Use .................................................................... 8  
      2.2.9 Archaeological Sites/Potential ........................................................................ 8  
   2.3 Summary of Area Character ............................................................................................ 9  

3 **Policy Context** ............................................................................................................. 11  
   3.1 Provincial and Municipal Policies .................................................................................. 11  

4 **Evaluation of Significance** .......................................................................................... 13  
   4.1 Statement of Heritage Significance .............................................................................. 13  
      4.1.1 167 Wellington Street Statement of Heritage Significance ................................ 13  
      4.1.2 169-171 Wellington Street Statement of Significance ...................................... 13  

5 **Conservation and Development Approach** .................................................................. 15  
   5.1 Overview of Proposed Development .......................................................................... 15  
   5.2 General Conservation Principles .............................................................................. 17  
   5.3 Approach for the Former Commercial Building ............................................................ 17  
   5.4 Approach for 169-171 Wellington ............................................................................. 18  
   5.5 Options Considered ...................................................................................................... 18  
   5.6 Impact of Proposed Development ............................................................................. 19  

6 **Summary of Impact** ..................................................................................................... 21  
   6.1 Impact on Identified Heritage Resources .................................................................. 21  
   6.2 Conclusions and Recommendations ......................................................................... 21  

**Appendices** .................................................................................................................... 23  
   Appendix A – Chronology of Site Development  
   Appendix B – Text for Nos. 169-171 Wellington Street from Vol. IV of the Buildings of  
   Architectural and Historical Significance (pp. 226-228)  
   Appendix C – CVs
1 Background

1.1 Study Purpose

The following report assesses the impact of an adaptive re-use development in downtown Kingston that involves the mixed use buildings at 167-171 Wellington Street (south side of Wellington Street). These buildings had ground floor commercial premises formerly known as Tom’s Shoe Repair (167) and The Right Spot Restaurant (169-171), and residential apartments above. The buildings are currently vacant. No. 165 Wellington is designated under Part IV of the Ontario Heritage Act and has been the subject of a previous Heritage Impact Statement prepared by my firm. The development proposal for the adaptive re-use of that property has already received municipal approval. The current report addresses a development that now includes 165 Wellington to create a single development project.

The proposal entails rehabilitation of the existing building at No. 167 and the demolition of Nos. 169-171 in order to permit construction of a 6 storey mixed use building with commercial uses at grade and residential units above, linked to 165 Wellington. The report also assesses the heritage significance of the existing properties by providing an inventory and evaluation that meets current municipal and Provincial standards for heritage assessment.

The existing property at Nos. 169-171 is designated under Part IV of the Ontario Heritage Act. Designating By-law # 81-181 (June 8, 1981) states that the property was designated for “Historic Significance”. The description in the by-law states:

*Built in 1834 for John Collar this stone building has as its first tenant John A. Macdonald who opened his practice here in 1835.*

The building is also described in Volume 4 of the City of Kingston Buildings of Architectural and Historic Significance (a full chronology of this property and No. 167 is provided in Appendix A of this report; the text of the City’s Volume 4 document and Register is provided in Appendix B of this report). The text in the volume correctly describes the building as being of brick construction and also notes a wooden door and transom over the covered passageway: these wooden elements have since been removed.

Affixed to the building is a case iron plaque, installed in 1954 by the Kingston Historical Society, that reads as follows:

*In this building John A. Macdonald, father of Confederation and first Prime Minister of the Dominion of Canada began the practice of law in 1835.*
However, as will be demonstrated in this report, the plaque text and the designation are based on erroneous assumptions. Research conducted for this HIS has shown that the current building is a much later replacement for the building described in the plaque and designation and thus has no direct link to Sir John A. Macdonald.

No. 167 is not Listed on the City’s Heritage Property Registry nor is it designated under Part IV of the Ontario Heritage Act.

The following report provides a summary history as well as a detailed chronology of the development of each property (Appendix A), an assessment of existing conditions including a description of each property, a review of the planning policy context, an evaluation of heritage significance, a proposed conservation and development approach, and a summary of impact. The study follows the City of Kingston’s requirements for the preparation of Heritage Impact Statements and is to be read in conjunction with the Heritage Impact Statement and Statement of Significance prepared for 165 Wellington Street (Bray Heritage, November 2012).

1.2 Existing Conditions

Summary

The existing site consists of approximately 0.065 acres (265 m²) of land, with a shared access laneway leading in from Wellington Street. The existing mixed use buildings had retail commercial at grade and rental apartments above. No. 167 is in good condition, while Nos. 169-171 are in poor condition.

Property Address: 167, 169-171 Wellington Street, Kingston, ON Part Lot 120, Original Survey, City of Kingston

Present Owner: BPE Development (Benjamin J. Pilon & Associates)

Contact Person: Benjamin J. Pilon  T (613) 507-9090
Introduction

Site investigations and research prepared for this project provide information that more clearly defines both the history and the significance of these properties. This work shows the current structure at No. 167 to be a near contemporary of its neighbor at No. 165, probably built soon after 1876, when the corner building was completed. The presence of stone walls on the rear portions of both buildings suggests that they may have incorporated portions of earlier structures, but it is not certain if this is the case. As for Nos. 169-171, our research shows that the current structure dates from 1878, and thus is a replacement building for the 1835 structure that housed the law offices of Sir John A. Macdonald. It is not clear that anything survives from that earlier structure save perhaps for portions of a foundation and party walls. The covered passageway between the properties has been in place since the early 19th century, although it was originally open to the sky. See the chronology of site development in Appendix A for full details of the property histories.
167 Wellington

The current building (ca. 1877) is a narrow, four storey, 2 bay brick structure with a stone foundation and finely tooled stone quoins on the side abutting Nos. 169-171. The former uses consisted of a shoe repair shop at grade and rental apartments above. The ground floor façade has been substantially altered and consists of a large display window and an offset glazed entrance door with a glazed transom. Surviving elements appear to include a wooden cornice and corbels atop the commercial signboard. Access to the above-grade apartments is via an entrance off the covered passageway. The building's fenestration above the ground floor consists of tall rectangular 4/4 windows with stone sills and decorative cast iron caps with shell finials and acanthus-leaf corbels. The second and third floor windows have shallow-arched heads while the fourth floor windows have square heads. A decorative corbelled brick cornice surmounts the façade and forms a parapet for a shallow sloped flat roof. The interior has had several alterations but drawings ca. 1914 by William Newlands architect show a similar internal layout on the residential floors to that currently existing.

169-171 Wellington

The current building (ca. 1878) is a three storey, 4 bay brick structure with a stone foundation and a mansard roof on the street façade. The former uses consisted of a restaurant on the ground floor and rental apartments above. The ground floor has been substantially altered and consists of a glazed inset entrance to the restaurant (in 171) and an inset wooden entrance door to the apartments with a glazed transom next to a covered passageway (in 169). The passageway has a shallow-arched head supported by stone corbels attached to Nos. 169 and 167, although the latter is not tied in and is non-structural. Evidence remains on the interior of the iron pintels that supported the wooden doors that once enclosed the entrance from the street (there was also a wooden transom).

Fenestration above grade consists of 1/1 square-headed windows in each bay with stone sills in the second storey, and 3 dormers in the mansard above, each with 1/1 square-headed windows with decorative wooden pedimental gables supported by wooden columns. The roof consists of an asphalt shingled mansard on the façade and a shallow-sloped standing seam metal-clad roof behind. The interior has been substantially altered, and there is a 1 storey concrete block rear wing extending to the rear property boundary.
1.3 Summary of Proposed Development

The proposal is to rehabilitate the property at 167 Wellington, and demolish the property at Nos. 169-171 Wellington, as follows:

- **167 Wellington**
  - Rehabilitate the basement and ground floors for commercial use
  - Rehabilitate the second, third and fourth floors for residential use
  - Construct new residential storeys above the current roof, to tie into the rehabilitated building at 165 Wellington

- **169-171 Wellington**
  - Demolish the existing building
  - Preserve elements of the party wall with 173 Wellington that may have heritage value
  - Preserve/reconstruct the existing covered passageway, in its current location and configuration
  - Construct a new building with commercial uses at grade and residential uses above, to be tied into the rehabilitated buildings and new construction at 167 and 165 Wellington
2 History and Description

2.1 History of 165 Wellington Street and Area

A comprehensive history of the subject area is found in Appendix A. The key elements of the site’s history are as follows:

- Lands including the subject property granted to Loyalists: buildings appear in the vicinity of this property in the 1820s
- Several fires (1832, 1840, 1863) destroy buildings on this property and in the vicinity
- 1833: following the fire that cleared that part of Lot 120 of buildings, John Collar purchases lands that include this property and rebuilds a brick house (on today’s 169-171 Wellington property)
- 1835: his unfinished house is damaged by fire; he rebuilds, also in brick; John A. Macdonald opens a law office and rents space in the building; the passageway appears by this time, open to the sky
- 1843: Samuel Anglin has a rental building (on today’s 167 Wellington property)
- 1848: 169-171 Wellington bought by William Ford, leather merchant, property developer, Mason and one-time Mayor of the City of Kingston
- 1863: fire destroys buildings in the area, probably including those on the 167-171 property
- Ca. 1877: Ford rebuilds a rental building on the 169-171 Wellington property, after building 165 Wellington in 1876: it is the current building on the site and extends over the passageway
- 1903: Anglin family sells 167 Wellington to Jane Weller
- Ca. 1913: William Newlands, architect, provides plans for the internal rehabilitation of 167 Wellington; the work appears to have been carried out
- 1970s: Right Spot restaurant occupies ground floor of 169-171 Wellington; building listed in 1977 Vol. 4 of Buildings of Architectural and Historic Significance
- 1980s: Tom’s Shoe Repair occupies the ground floor of 167 Wellington
- 1981: property designated under Part IV of the Ontario Heritage Act
- 2013: buildings vacated
The current properties have been altered extensively at ground level, with changes to the street level elevations to accommodate a restaurant (169-171) and shoe repair business (167). Other changes include removal of the passageway wooden gates and transom, covering the signboard with plastic signage, addition of false shutters and painting of the brick (169-171), and plastic signage covering the signboard on 167.

2.2 Description of Building and Area

2.2.1 Physiographic Description

- The subject property occupy a portion of an important streetscape in downtown Kingston, one block west of the main street (Princess). They are visible as part of a deflected vista when viewed from the west.

2.2.2 Land Use Activity

- Formerly commercial and residential

2.2.3 Patterns of Spatial Organization

- Part of an established streetscape near the Wellington/Brock corner

2.2.4 Natural Environment

- None remaining

2.2.5 Boundary Demarcation

- Adjacent former commercial development at 165 Wellington and current commercial development at 173 Wellington; subject properties are separated by a shared passageway

2.2.6 Circulation Network

- Public sidewalk; shared passageway

2.2.7 Site Structures, Buildings and Objects

- Commercial/residential buildings (3 and 4 storeys)

2.2.8 Vegetation Related to Land Use

- N/A

2.2.9 Archaeological Sites/Potential

- N/A
2.3 Summary of Area Character

The subject property is located within the downtown core, in an area that has been developed for commercial use since the early 19th century, and has had buildings in the vicinity of the properties as early as the late 1790s. Nos. 169-171 were acquired by William Ford, a prominent local merchant and politician, in the 1840s: the streetscape achieved its present form in the 1870s, a period of significant commercial expansion in Kingston. The buildings have been rental properties, with offices or retail/restaurant uses on the lower floors and apartments above, while the passageway has remained a constant characteristic of the streetscape. Though built around the same time, the two properties contrast in width and height, a contrast made greater by the overpainting of the façade of Nos. 169-171.

Adjacent uses include:

- (on Wellington) No. 165 is designated under Part IV of the Ontario Heritage Act. No. 173 is a 3 storey brick commercial building (part of a predominantly commercial row extending the entire block). Across the street are the following properties: 3 storey stone commercial building on the northeast corner of Wellington and Brock Streets. Nos. 168-172 Brock (former Victoria & Grey Trust) is designated under Part IV of the Ontario Heritage Act and No. 186 is Listed on the City’s Heritage Register.
3 Policy Context

3.1 Provincial and Municipal Policies

The intent of the Heritage Impact Statement is to fully meet the requirements stemming from the 2005 changes to the Provincial Policy Statement and the Ontario Heritage Act. Principal amongst these are the requirements to conserve cultural heritage resources and to prepare statements of significance that identify the heritage attributes of these resources. In doing so, the Statement will provide the required level of detail, and correct format, with which to update the current designating by-law for the subject property. Heritage Impact Statements and, where required, Stage 1 (and 2) archaeological assessments, are also important ways for the City to address the new Provincial heritage policies and to secure the conservation of the key components of the subject properties.

The proposed development accords with the City of Kingston’s Official Plan policies for downtown regeneration, especially policies relating to sustainable development, intensification, transit-supportive development, creation of new residential units in the downtown core, efficient use of existing infrastructure, grade-related commercial uses, compatible infill, and conservation and rehabilitation of buildings which have been determined to have potential heritage significance. The proposed development respects the view planes towards City Hall and has regard for the design guidelines included in the Market Square Heritage Conservation District Plan.

The proposed development also meets the City’s design guidelines for the downtown, as expressed in the Downtown Action Plan (2004) and the Downtown and Harbour Area Architectural Guidelines Study (2007) in which these properties are used as illustrations of buildings to which the design guidelines apply (p. 43). “Elements to be encouraged” here include retention of the view west along Wellington, preservation of heritage character buildings, and façade treatment at the vertical zone between grade and the second floor (enhancing pedestrian amenity). The proposed development also achieves most of the recommendations made in that study for amendments to the current Official Plan and Zoning By-law as they affect the downtown, especially in terms of massing and setbacks of new construction.
4 Evaluation of Significance

4.1 Statement of Heritage Significance

The primary goal of a Statement of Heritage Significance is to identify and assess any heritage resources found on the subject property. The chronology of site development included in this report, augmented by the inventory of the buildings found here, together provide the inventory of heritage resources. There is a separate statement for each property.

4.1.1 167 Wellington Street Statement of Heritage Significance

Based on these descriptions, as augmented by the research prepared for this project, the following is a preliminary statement of significance, or heritage character statement, with heritage attributes/character defining elements. Since the property is not currently recognized by the City as having heritage significance, the following text provides justification for consideration of the property for Listing on the City’s Heritage Register and, potentially, designation under Part IV of the Ontario Heritage Act.

By virtue of its narrow width and use of quoining on one side, the property is an unusual example of otherwise typical late 19th century brick commercial building and a unique component of the downtown Kingston streetscape.

Heritage attributes/Character defining elements:

- Finely tooled stone quoins
- Wooden cornice and corbels over sign board
- Brick cornice and corbelling
- Cast iron window caps
- Shallow-arched passageway with stone corbels

No parts of the interior have potential heritage significance.

4.1.2 169-171 Wellington Street Statement of Significance

The following is a revised version of the text in the designating by-law, in the format of a statement of significance.

The building existing on the property replaces an earlier structure that housed the first law office of John A. Macdonald, future Prime Minister of Canada. The property is thus associated with his tenure there although the original building is not extant.

The current (1878) building does not have heritage significance, being a typical example of a late 19th century mixed use rental building, and thus lacks heritage attributes. The covered passageway, attached to 167 Wellington, is of heritage significance (see above).
5 Conservation and Development Approach

5.1 Overview of Proposed Development

The proposal is for an amendment to the City of Kingston Zoning By-law to permit development of the properties that would include a combination of rehabilitation, reconstruction, demolition and new construction.

For 165 Wellington, the façade changes already approved will not be altered but some internal changes (not visible from public streets) will be required to link floors with 167 and, in the rear corner, to change the former outside stair to an internal fire stair. The change to the stair will slightly alter the view of the proposed building when seen from Market Square.

For 167 Wellington, a two storey residential addition to the existing mixed-use building, rehabilitation of the interior of the building for commercial uses on the basement and ground floors, and residential uses on the remaining floors. Demolition of portions of the side and rear walls will be entailed in creating new floor levels to access new residential units. New floors will be created to align with the new floors in 165 Wellington: the existing window openings in 167 will remain and the new floors will only be at a slightly different level from the existing. The addition above the fourth storey will be set back from the existing façade. The corbels supporting the covered passageway will be reused or reconstructed, as necessary. Similarly, the wooden cornice above the signboard will be reconstructed to match the original profiles. Damage to the exterior brick caused by the insertion of former external fire escapes will be repaired and the missing window cap will be reconstructed.

For 169-171 Wellington, demolition of the existing building is to be followed by construction of a new building with commercial uses at grade and residential units above. This structure will match the height of the proposed additions to 167 and 165 Wellington. The existing covered passageway is to be reconstructed (with the corbels) and used as a pedestrian route to access the residential units above and display/functional space in the abutting commercial units. The new building will be built flush to the sidewalk on the lower floors, with setbacks on the upper floors.

The addition and new infill are intended to complement the existing architecture while being clearly contemporary in its design. At the same time, the infill and addition are designed to have a minimal impact on existing views of 165 and 167 Wellington along either Wellington or Brock Street.
VIEW ALONG WELLINGTON TOWARDS BROCK

VIEW ALONG BROCK TOWARDS WELLINGTON
Rooftop elements such as enclosures for access stairs and mechanical equipment will be set back out of sight from Wellington Street and will be partially screened from view up Brock Street. The required exterior fire escape for the upper floors will be located in the interior courtyard, accessible only via the passageway from Wellington Street and invisible from street level.

Treatment of the existing building at 167 Wellington will emphasize its features, as noted above. Exterior fire escapes will be removed and the ground floor façade rehabilitated to conserve and enhance the existing elements while removing later alterations. Exterior masonry will be repaired or replaced, as needed. Existing windows will be repaired and interior storms fabricated where needed. Missing or damaged windows will be replaced with new units matching the existing. Existing metal cornices and window caps will be retained and repaired, as needed.

5.2 General Conservation Principles

Approaches to conservation principles or “interventions” as applied to buildings and settings that have potential or confirmed heritage value are covered by Provincial and federal guidelines. For the purposes of this report, the federal Standards and Guidelines for the Conservation of Historic Places in Canada will be used as the benchmark (Provincial guidelines in the Ontario Heritage Tool Kit are harmonized with the federal guidelines).

The federal guidelines provide three basic types of “intervention”:

- **Preservation**: essentially keeps the existing structure or setting as is, repairing any damage and preventing further deterioration;

- **Rehabilitation**: may involve the adaptive re-use of an existing building or site to allow a continuing or compatible contemporary use; and

- **Restoration**: reveals or reconstructs earlier elements that are of heritage value.

5.3 Approach for 167 Wellington Street

The proposed development involves minimal intervention in the existing façade and side wall fabric. Given the high degree of integrity of the building exterior, the recommended approach is preservation for the exterior heritage attributes/character defining elements. This entails the following actions:

- **Preservation** for the following exterior elements:
  - Exterior composition, materials and fenestration
• Restoration for original elements affected by reconstruction of the covered passageway and the facade:
  o Shallow-arched design, stone corbels
  o Wooden cornice and sign board
  o Window cap

• Rehabilitation (adaptive re-use) to retain and add a residential function as part of a mixed-use building. Exterior fire escapes will be removed. There will be some excavation of the basement floor (to increase head room) and replacement of components of the interior (to install services and renovate for commercial and residential use). Existing windows will be repaired; where necessary, new units will be installed to replicate missing units, and interior storms will be fabricated for single-glazed units.

5.4 Approach for 169-171 Wellington Street

The proposed development entails demolition of this building. There is potential to preserve any remaining fireplace flues and surrounds that may exist in the basement party wall with 173 Wellington. The majority of that wall will need to be retained as it abuts the adjoining property, thus any remnants of the foundation of the earlier structure can also be preserved. The 1954 Kingston Historical Society plaque will be removed: it may be offered to the City/Historical Society or form part of interpretive materials displayed on site.

For both properties, the history of 167-171 Wellington could be interpreted on site, most likely using interpretive plaques installed in the enclosed passageway but other interpretive options and locations can also be considered.

5.5 Options Considered

The two properties have always been mixed commercial/residential buildings and are intended to remain so. They have been fully occupied but not well maintained, especially in the last few decades, during which time the interiors of both buildings have had little upkeep and sustained some damage, while the exterior of 169-171 Wellington is visibly deteriorating, especially in the mansard roof. As part of Kingston’s downtown, these properties provide excellent opportunities for adaptive re-use. Given the City’s policy goals of environmental and economic sustainability, residential intensification and downtown revitalization, mixed use redevelopment of these properties is desirable.

In addition, the research conducted for this report has revealed the potential heritage significance of 167 Wellington, a building that has so far not been assessed for heritage value by the City.
This discovery, combined with the revelation that the existing building at 169-171 Wellington is not the building directly associated with Sir John A. Macdonald, has led to development of an option that retains the former and replaces the latter.

As for options considered for redevelopment, the financial plan for this proposal required construction of additional residential floor space, hence the need for additional height on 167 Wellington and an enlarged building envelope for the infill development at 169-171 Wellington. Within these parameters, however, the proponent considered other options.

One option involved construction of underground parking and would have resulted in creation of a parking entrance in the street face of 169-171 as well as partial or complete demolition of that building. Underground parking would also entail complete demolition of 167 Wellington. This option was rejected in favour of alternative provision of parking (off site) and the opportunity to conserve and rehabilitate 167 Wellington. Another option involved partial retention of the façade and mansard of 169-171 but the poor structural integrity and construction quality of the existing façade precluded consideration of that option. Façade only retention at 167 Wellington was also rejected in order to take advantage of the opportunity to create unique residential space within the existing building envelope. In the end, it was decided that the optimal approach would be to design infill that fits within the existing streetscape and an addition to 167 Wellington that is compatible with the existing building and its neighbours.

5.6 Impact of Proposed Development

The proposal involves different levels of intervention: substantial retention and an addition for 167 Wellington; demolition for 169-171 Wellington.

In terms of detailed design, many ways have been proposed to minimize impact on the existing heritage context. On 167 Wellington, exterior details, windows and cladding will be conserved, repaired and restored, as necessary. The residential addition will change the visual profile of the existing building but, with the sloped cladding, glazing and stepbacks proposed in the new design, the visual impact of this addition from street level will be minimized. Interior alterations will not affect the exterior appearance of the building or impact its heritage attributes. For 169-171, the new building will offer a contemporary interpretation of the fenestration, massing and materials of the neighbouring buildings. Mechanical services and access stairs are placed so as to have a minimal affect on views from Market Square and from the adjacent streets.
6 Summary of Impact

6.1 Impact on Identified Heritage Resources

The proposed development provides an effective means of securing the retention of a potentially significant building and revitalizing a key part of Kingston’s downtown. While it entails demolition on a property designated under the Ontario Heritage Act, historical evidence supports this report’s conclusion that the existing building at 169-171 Wellington has no architectural value and only the property has some, albeit distant, association with the early career of Sir John A. Macdonald. Rehabilitation of 167 Wellington offers the opportunity to conserve a previously unrecognized heritage building and a unique component of Kingston’s downtown streetscapes. Interpretation of the history of these properties provides the opportunity to correct the historical record while offering new interpretive components in the downtown core.

As a comprehensive development involving three properties, the integration of the development of these two properties with the redevelopment of 165 Wellington ensures that the overall result will be a coherent composition rather than a series of disparate parts. That said, the individual character of each property will be expressed through retention of original material and creation of contemporary interpretations of these earlier designs. Retention of the existing rhythm of bays and position of the passageway will conserve the streetscape character of the pedestrian realm along Wellington while adding animation through ground floor commercial uses and above grade residential uses. The passageway may also provide public outdoor space supporting the commercial uses that will abut it, in addition to providing access to the entrances to the residential units above.

6.2 Conclusions and Recommendations

Preservation, restoration and rehabilitation of 167 Wellington, and demolition and replacement of 169-171 Wellington with new infill are the main recommendations of this report. Compatible development of an addition to 167 Wellington is also recommended.

In terms of the designation of 169-171 Wellington, one option would be to repeal the designating by-law. If that is not the preferred approach, at the very least the reasons for designation should be revised to identify the property as having some associational value with Sir John A. Macdonald but the text should remove reference to the existing building being the 1834 structure. Similarly, the description in Volume IV of the City’s inventory should be revised to reflect the historical record.
Appendices

A. Chronology of Site Development
B. Text for Nos. 169-171 Wellington Street from Vol. IV of the Buildings of Architectural and Historical Significance (pp. 226-228)
C. CVs
Appendix A – Chronology of Site Development
Appendix B –

Text for Nos. 169-171 Wellington Street from Vol. IV of the Buildings of Architectural and Historical Significance (pp. 226-228)

Built: 1834

Architect or Builder: [blank]

Significance: This building is of most interest historically for its age and [sic] one of its early tenants. A fire in 1833 destroyed the buildings on this block. John Collar rebuilt on this property a four bay, two storey house designed for a small store or office with a dwelling above. Although basically very plain, the corbelled arch to the carriage-way adds visual interest and is unusual in Kingston.

John A. Macdonald (later Sir John) was the first tenant here when he opened his law office in 1835. Macdonald had returned to Kingston in the summer of 1835 from Picton where he had been managing the law office of his cousin, L. P. Macpherson. Macdonald found a ready clientele through Francis Harper, the manager of the Commercial Bank. Harper gave John A. Macdonald’s father a position as clerk at the bank and the son became the head of the family in deed, if not in name. Macdonald accepted two students in his office, Alexander Campbell and Oliver Mowat. Campbell later set up his own office on Brock Street (No. 66-68). Lack of space forced the Macdonald Law Office to move to Princess Street in 1839.

Description: This four bay, two and a half storey brick building has two doorways; one is recessed and has flanking show windows, the other has a square-headed transom.

At the south end there is a semi-elliptical arched carriage-way whose arch springs from corbel stones that are turned inward to face each other. The carriage-way has doors and a transom; all are of vertical beaded sheathing.

There are brackets under the cornice and the mansard roof has three dormers, each with a pedimental gable supported on either side by a column. The pediments are decorated with billets and brackets.

Owner: Konstantinos and Penelope Marras
Appendix C – CVs
Summary of Qualifications:
BRAY Heritage (Carl Bray & Associates Ltd.) is a heritage consulting firm specializing in the assessment, planning and development of cultural heritage resources. Carl Bray, Principal, is a heritage planner and landscape architect with graduate degrees in urban design and cultural geography. He has over 30 years of professional experience in both the public and private sectors and has successfully completed projects across Canada and in the United States, the Caribbean and Great Britain.

Education:
1988
Doctor of Philosophy in Cultural Geography and Urban Design
University College London, U.K.
(Geography Department/Bartlett School of Architecture and Town Planning)
1980
Masters in Urban Design
Oxford Brookes University, U.K. (formerly Oxford Polytechnic)
(Joint Centre for Urban Design)
1974
Bachelor of Landscape Architecture (Hon.)
University of Guelph, CAN.
(School of Landscape Architecture)

Professional Experience:
1999-
BRAY Heritage (Carl Bray & Associates Ltd.), Kingston, ON
- Principal
  - Heritage planning, landscape architecture, urban design
1993-1999
Commonwealth Historic Resource Management Ltd., Perth, ON
- Senior Planner
  - Heritage planning, landscape architecture
1988-1993
Urban Strategies Inc. (formerly Berridge Lewinberg Greenberg), Toronto, ON
- Senior Planner
  - Land use planning, urban design
1980-1984
City of Toronto, Toronto, ON
- Area Planner (East Downtown/Don Districts)
  - Land use planning, policy and development control
1974-1978
Private Practice, Ontario and Alberta
- Heritage planning, main street revitalization, community organizing
Professional Memberships:
Canadian Society of Landscape Architects
Ontario Association of Landscape Architects
Canadian Association of Heritage Professionals
Canadian Institute of Planners

Research Awards:
Graduate Study Scholarships: (Commonwealth Scholarship; Canada Mortgage and Housing Corporation Graduate Scholarship; Rotary Foundation Graduate Fellowship)

Professional Awards:
(C.S.L.A. Citation, First Impressions project, Charlottetown, P.E.I.; C.I.P. Citation, Campus Master Plan, University of Waterloo) CAPHC Award (Ruthven Park) CAHP Heritage Planning Award (Cambridge Heritage Master Plan)

Selected Conference Speaking Engagements:

Heritage, Design and Planning Education:
Adjunct Professor: Faculty of Architecture and Landscape Architecture, University of Toronto; School of Urban and Regional Planning, Department of Geography, Queen’s University.
Guest lecturer: University College London, Cambridge University, Oxford Brookes University, University of Newcastle, York University, University of Guelph
Dr McKendry’s book, *Into the Silent Land: Historic Cemeteries & Graveyards in Ontario*, evolved out of her interest in architectural history, photography and book designing. Author of numerous books, reports, and articles on historical aspects of Ontario, such as *With Our Past before Us: 19th-Century Architecture in the Kingston Area* and *Portsmouth Village: an Illustrated History*, she is a member of the Society for the Study of Architecture in Canada, the Frontenac Heritage Foundation and the Kingston Historical Society. She has given presentations to each organization, and each has presented her with an award for her work.

She received her Ph.D. from the University of Toronto in 1991; her thesis was on the architecture of Kingston, 1835 to 1865, while her M.A. from Queen’s University was on the Domestic Architecture of South-Eastern Ontario from 1820 to 1850. She lives in a restored house of 1860 in Kingston, and has given illustrated lectures and papers in various locations in Canada, as well as in the United States.

A freelance researcher, her work includes various Heritage Impact Statements, historical overviews for archaeological assessments and architectural histories of such projects as old Sydenham Ward, selected aspects of KGH, Kingston Provincial Campus, the Frontenac County Court House, Kingston Penitentiary and Kingston City Hall.

Along with Peter Milliken and Arthur Milnes, Jennifer McKendry is one of the authors of *Kingston & the Thousand Islands, Then & Now*. Her most recent book is *the Early Photography of Kingston from the Postcard to the Daguerreotype*, and she is preparing one on 20th-century architecture in Kingston.