



**City of Kingston
Report to Council
Report Number 15-213**

To: Mayor and Members of Council
From: Cynthia Beach, Commissioner Corporate & Strategic Initiatives
Resource Staff: Same
Date of Meeting: March 24, 2015
Subject: Federal Notice of Surplus 440-442 King Street West

Executive Summary:

The federal government has provided notice that the former Ontario Regional Headquarters located at 440-442 King Street West (the Site) is surplus to its requirements. Public Works and Government Services Canada will be launching the disposal of the site on behalf of Correctional Services Canada. The process will be guided by the federal government process for a strategic disposal which provides for a limited amount of time for the City of Kingston to provide a written notice of any public purpose interests in the Site within 30 days of the circulation of the notice, or by March 27, 2015.

This recommendation is time sensitive as the federal government has provided the deadline of March 27th to provide comments for public uses on the site.

Recommendation:

That Council direct staff to provide this report to Public Works and Government Services Canada as the City's initial response respecting public purpose interests in the properties known as St. Helen's (460 King Street West) and Stone Gables (462 King Street West).

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Authorizing Signatures:ORIGINAL SIGNED BY COMMISSIONER**Cynthia Beach, Commissioner,
Corporate & Strategic Initiatives**ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER**Gerard Hunt, Chief Administrative Officer****Consultation with the following Members of the Corporate Management Team:**

Lanie Hurdle, Community Services

Denis Leger, Transportation, Facilities & Emergency Services Not required

Jim Keech, President and CEO, Utilities Kingston

Desiree Kennedy, Chief Financial Officer & City Treasurer Not required

Options/Discussion:

The complex located at the municipal addresses 440-442 King Street West (the Site) has been identified as surplus to need by the federal government. The Site is adjacent to the Isabel Bader Centre for the Performing owned by Queen's University and is in proximity to the J.K. Tett Centre owned by the City of Kingston. In accordance with the federal government's policy for strategic land disposals, other levels of government are circulated with a request to provide any public purpose interest prior to the sale of the Site. The timing for the property sale is not known at this time.

The Site has recently undergone an update to the municipal by-laws under the Ontario Heritage Act. The federal government currently does not sell their lands with any federal heritage protections or easements but has updated the designations under the Ontario Heritage Act. The sale of the property to any public or private purchaser would be subject to the negotiation of a purchase price approved by Canada Lands Company CLC Limited to manage the re-integration of the Site into the local community.

The J.K. Tett Centre operating next to the adjacent property, has easements for parking and servicing on both the lands owned by Queen's University as well as an easement for sewer services that runs along the front of the property known as 440 Kings Street West.

The Site Plan requirements for the Isabel Bader Centre for the Performing Arts has easements for the retained City lands that involve pedestrian transient ingress and egress, vehicle transient ingress and egress in addition to servicing and parking on parts of their lands.

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Potential Public Purpose Interests*Official Plan*

Section 7 – Cultural Heritage Resources

The overall goal of the Official Plan respecting the City's Cultural Heritage Resources is: "To conserve and enhance recognized cultural heritage resources within the City so that they may be experienced and appreciated by both residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations".

The Site is located within the King Street Heritage Character Corridor (Official Plan Section 7.3.D.3 and shown on Schedule 9). The King Street Heritage Character Corridor is a scenic corridor linkage between the Old Sydenham Ward Heritage Character Area (Barrie Street) and Portsmouth Village. Its heritage significance includes the entry to the former Vice-Regal residence at Alwington Place, a number of protected heritage properties, as well as an important cultural heritage streetscape marked by mature trees, wide boulevards and views of the water. Planning for the roadway and first tier of lots abutting the roadway requires:

- a. maintaining the arterial road function of King Street in the context of preserving and enhancing the heritage corridor and the serial visual experiences that occur along its length;
- b. analyzing the traffic impacts that may affect the heritage character of the Corridor;
- c. undertaking a coordinated approach with respect to any streetscape or public infrastructure improvements within the Corridor;
- d. maintaining the public walkways, Waterfront Pathway and the Lake Ontario Waterfront Trail to encourage public use of the Corridor;
- e. designing and siting development of private landholdings in a manner that is compatible with the heritage significance and features of the Corridor; and,
- f. preserving and supplementing mature tree cover wherever possible through a program of tree replacement.

Preservation of Heritage Buildings

As noted above, the Site is a designated property and new designation By-laws were recently enacted by the City for both St. Helen's (460 King Street West) and Stone Gables (462 King Street West). In accordance with Section 7.1.7 of the Official Plan, the City may require a Heritage Impact Statement for any development that has the potential to impact a cultural heritage resource. Section 7.1.10 indicates that "Conserving cultural heritage resources forms an integral part of the city's planning and decision-making" and that the City will use the powers and tools provided by legislation, policies and programs to implement and enforce the policies of the Official Plan. If redevelopment of the site is proposed, this could include the use of Zoning

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By-law provisions, site plan control, urban design guidelines and heritage easements in order to conserve and protect the existing cultural heritage resources.

The property at 440 King Street West is comprised of three mid-19th century buildings (St. Helen's, Red Cross Lodge and Grant House) and is significant for its design value, its historical value and its contextual value.

St. Helen's is a Regular villa in the Picturesque tradition, built in 1837-8 for Kingston lawyer Thomas Kirkpatrick and his wife Helen. It is a two-storey brick structure clad in pebbled stucco with wood trim and a metal roof. The original architect is unknown but William Coverdale has been suggested as a possibility. St. Helen's has been altered by the addition of: a two-storey portico at the rear (c1855); a porte cochere with carriageway at the front entrance (1866); a laundry and verandah at the east end (1855, William Coverdale); and the extension of the west wing and addition of oriel windows (1910, William Newlands).

The Red Cross Lodge is a one-storey, brick building clad in stucco and siding. Located to the east of the villa on steeply sloping land, it has a full walkout basement at the rear. The Lodge was built as an outbuilding to the villa, sometime between 1838 and 1855. It was originally a rectangular footprint, but is now U-shaped due to a 1918 expansion (William Newlands, architect) and later additions to the southeast and southwest.

Grant House is a two-storey building made of evenly coursed, well-dressed, cut stone. Located slightly east of the Red Cross Lodge on steeply sloping land, it has a one-storey elevation on the front elevation and a full two storeys at the rear elevation. Grant House was built in the early 1840s as part of improvements to Morton's Brewery and Distillery on land adjacent to St. Helen's. It has been altered by the addition of a two-storey frame building at its east end (c.1940) and a one-storey garage at its west end (post-1945).

The heritage value of Stone Gables, located at 462 King Street West, lies in its architectural design, its historical value and its contextual value. Stone Gables is a representative example of the use of the Tudor Revival style in the 1920s for a large private residence. There are relatively few examples of this style from this time period in Kingston, and Stone Gables is unusual among this group because it is rendered completely in stone. The level of craftsmanship displayed in the exterior masonry, glazing and copper/bronze detailing is of a high standard and consistent with its Tudor Revival style.

The City of Kingston supports the sale of the Site to property owners with the demonstrated ability to maintain a designated property.

Section 8.3: Streetscapes and Public Spaces

The City maintains or enhances the character of valued streetscapes, community areas and landscapes through the following measures:

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e. designing public spaces or requiring the design of common spaces in private projects that have a clear sense of definition, and provide sufficient amenity and security to encourage public use and linkage to other public areas;

Official Plan Section 2.8.3. Protection of Waterfront Areas states in part: The City recognizes its waterfront areas along Lake Ontario, the St. Lawrence River, the Great Cataraqui River and the Rideau Canal as important public resources and will acquire waterfront lands wherever and whenever it is feasible. The City seeks to protect the shoreline ecology by way of a natural area setback of 30 metres or a “ribbon of life” adjacent to the water.

Sewer Easement

There is an existing sewer easement across the southerly portion of 460 King Street West (Part 3 on Plan 13R-20851 and Part 1 on Plan 13R-18458). The City would need to maintain a vested interest in this sewer easement as the sewer receives flows from the surrounding area and connects to the Morton Street Pumping Station.

Parking Uses for Adjacent Site

The existing Site Plan Control Agreement between the City of Kingston and Queen’s University (the Owner) respecting the Isabel Bader Performing Arts Centre, located on the lands adjacent to 460 King Street West, contains references to the provision of off-street parking. Queen’s is to provide the City with 25 parking spaces for the tenants and visitors of the Tett Centre. As referenced in the Site Plan Control Agreement, Queen’s has entered into a parking agreement with Correctional Services Canada and must find a new parking arrangement if that agreement is terminated. The relevant clauses in the Agreement registered on title as Instrument No. FC136025 include the following under the heading “Special Conditions”:

“22. That the Owner agrees to provide not less than 25 parking spaces dedicated for the tenants and visitors of 370 King Street West. The dedicated parking spaces are to be enshrined in a separate shared access and parking agreement between the City and the Owner.”

“31. The Owner hereby agrees to ensure that adequate offsite parking is provided for the subject property at all times and that in the event the existing off-site parking agreements with Providence Care Centre (St. Mary’s of the Lake) and Correctional Services of Canada are terminated that new off-site parking arrangements will be made immediately and copies of any new agreements will be forwarded to the City for their records.”

Redevelopment of the Site

The Site is currently designated as Institutional in the Official Plan and is Zoned ‘A’ one and two family residential in Zoning By-law No. 8499. Redevelopment of the Site for uses not permitted under the existing designation and zoning could require amendments to the Official Plan and/or Zoning By-law as well as Site Plan Control. Sections 9.3.2, 9.3.3 and 9.5.9 set out a number of considerations for Council respecting such applications. This would include compatibility of the proposal with adjacent and planned uses/buildings, including cultural heritage resources, the

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suitability of the site for the proposed uses and the impact of the proposal on municipal infrastructure, services and traffic.

Existing Policy/By-Law:

City of Kingston Official Plan

Zoning By-law No. 8499

By-Law Number 2014-184, A By-Law to Designate St. Helen's at 440 King Street West to be of Cultural Heritage Value and Interest pursuant to the Provisions of the Ontario Heritage Act (R.S.O. 1990, 0.18)

By-Law Number 2014-185, A By-Law to Designate Stone Gables at 462 King Street West to be of Cultural Heritage Value and Interest pursuant to the Provisions of the Ontario Heritage Act (R.S.O. 1990, 0.18)

Notice Provisions:

The federal process has provided 30 days for a written response. The deadline for responding in writing is March 27, 2015. There are no municipal notice requirements.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Cynthia Beach, Commissioner, Corporate and Strategic Initiatives, 613-546-4291 ext. 1150

Other City of Kingston Staff Consulted:

Alan McLeod, Senior Legal Counsel

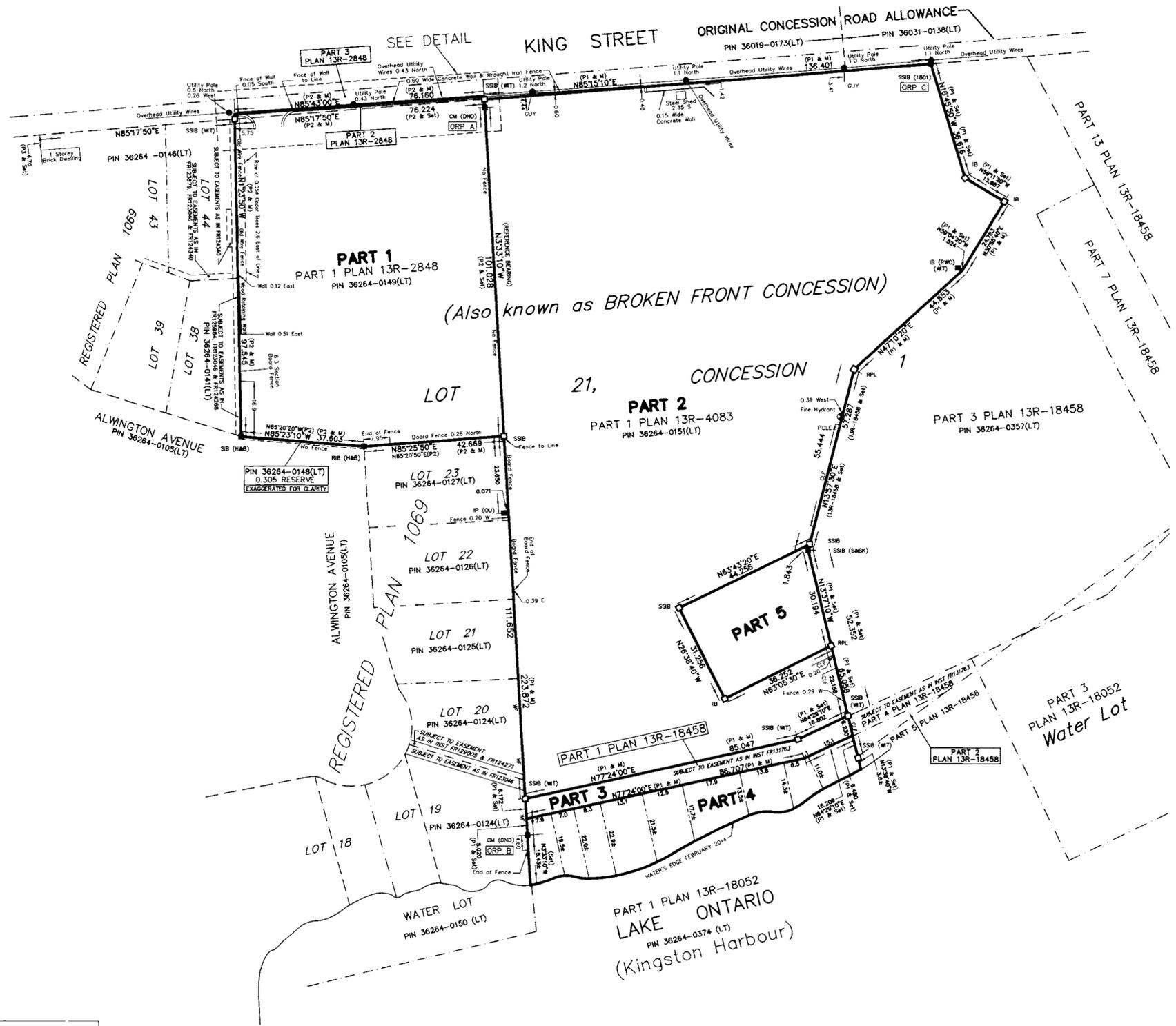
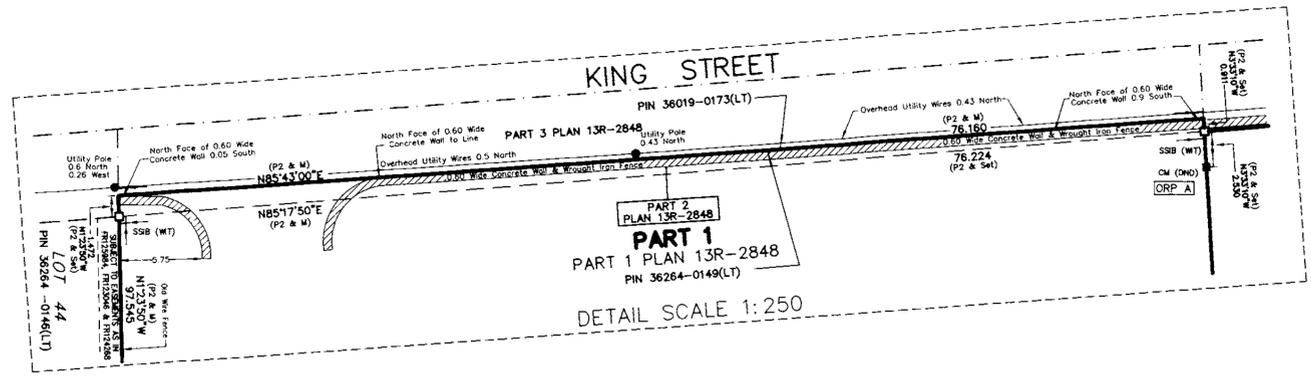
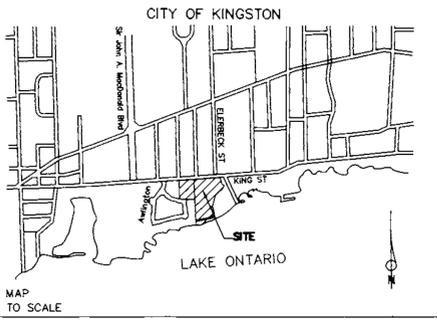
Lanie Hurdle, Commissioner, Community Services

Peter Huigenbos, Manager, Real Estate & Land Development

George Wallace, Senior Special Project Manager

Exhibits Attached:

Exhibit A: Reference Plan 13R-20851



REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 13R-20851
RECEIVED AND DEPOSITED

DATE: MARCH 28, 2014

DATE: March 28, 2014

PHIL W. CHITTY
ONTARIO LAND SURVEYOR

Marion Limoges
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC (No. 13)

SCHEDULE

PART	PART OF LOT	CONCESSION	ALL OF P.I.N.	AREA (Ha.)
1			PIN 36264-0149(LT)	0.807 Ha.
2	21	1		2.279 Ha.
3		(Also known as BROKEN FRONT)	PIN 36264-0151(LT)	0.062 Ha.
4				0.18± Ha.
5				0.123 Ha.

PART 3 SUBJECT TO EASEMENT AS IN INSTRUMENT NUMBER FR131763.

PLAN OF SURVEY OF
**PART OF LOT 21
CONCESSION 1
(Also Known as BROKEN FRONT
CONCESSION)**
CITY OF KINGSTON
COUNTY OF FRONTENAC

HOPKINS, CORMIER & CHITTY SURVEYING CONSULTANTS INC.

0 15.0m 75.0m

SCALE: 1:750

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs) DERIVED FROM GPS OBSERVATIONS USING REAL-TIME NETWORK (RTN) SERVICE, UTM ZONE 18, NAD83 (CSRS) (1997.0) CO-ORDINATES TO URBAN ACCURACY IN ACCORDANCE WITH SEC. 14(2) OF O.REG. 216/10

POINT	UTM NORTHING (M)	UTM EASTING (M)	COMBINED SCALE FACTOR
ORP A	4897563.15	379504.73	0.9997643633
ORP B	4897339.74	379518.61	0.999764762
ORP C	4897576.96	379640.48	0.9997643679

AVERAGE COMBINED SCALE FACTOR = 0.99977833

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

NOTES

GRID COORDINATES SHOWN HEREON ARE REFERRED TO THE 1983 NORTH AMERICAN DATUM - NAD83 (CSRS) (1997.0) GRS80 ELLIPSOID 6° UNIVERSAL TRANSVERSE MERCATOR PROJECTION, UTM ZONE 18 (75° WEST LONGITUDE)

GRID COORDINATES ARE DERIVED USING THE AVERAGE COMBINED SCALE FACTOR AS LISTED IN THE SCHEDULE ABOVE.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.99977833

ALL FENCES ARE "ON LINE" UNLESS OTHERWISE NOTED.

FOR BEARING COMPARISON A ROTATION OF 1°03'40" CLOCKWISE WAS APPLIED TO PLAN 13R-2848.

FOR BEARING COMPARISON A ROTATION OF 1°02'00" CLOCKWISE WAS APPLIED TO PLAN 13R-18458.

BEARING REFERENCE

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS B TO A, HAVING A BEARING OF N3°33'10" W REFERRED TO THE CENTRAL MERIDIAN OF ZONE 18, NAD83 (CSRS) (1997.0).

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 18th of MARCH, 2014.

MARCH 28, 2014
DATE

PHIL W. CHITTY
ONTARIO LAND SURVEYOR

HOPKINS, CORMIER & CHITTY SURVEYING CONSULTANTS INC.
Ontario Land Surveyors
www.hopkinschitty.com

634-636 NORRIS COURT
KINGSTON, ONTARIO K7P-2R9
Tel (613) 384-9266 Fax (613) 384-3513

CHECKED BY: PWC

FILE: 2014-013

drawn by: R. Hopkins dessiné par: R. Hopkins

PROJECT No: R.066904.003 no. du projet

Public Works and Government Services Canada
Travaux publics et Services gouvernementaux Canada

Real Property Services
Services immobiliers

Real Property Geomatics Services
Services géomatiques immobiliers

S.G.C. 10-011 C.G.T. Item no. 13-032 Item no.

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - DENOTES HORIZONTAL CONTROL MONUMENT
 - ⊙ DENOTES STANDARD IRON BAR
 - ⊙ DENOTES IRON BAR
 - ⊙ DENOTES WITNESS
 - M DENOTES MEASURED
 - P1 DENOTES PLAN 13R-18458
 - P2 DENOTES PLAN 13R-2848
 - P3 DENOTES PLAN BY (S&S&C) DATED MARCH 11, 1984
 - BF DENOTES BOARD FENCE
 - WF DENOTES WIRE FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - H&B DENOTES HUMPHRIES & BURGHAM, O.L.S.
 - 1801 DENOTES HOPKINS, CORMIER & CHITTY, O.L.S.
 - DND DENOTES DENOTES DEPARTMENT OF NATIONAL DEFENCE
 - S&S&C DENOTES DENOTES SMITH & SMITH KINGSTON, O.L.S.
 - PWC DENOTES DENOTES PUBLIC WORKS CANADA
 - OJ DENOTES DENOTES ORIGIN UNKNOWN

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.