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Office of the City Clerk

ONTARIO HERITAGE TRUST

MAY 15 2011

RECEIVED

May 18, 2011



Dear Sir:

**RE: KINGSTON MUNICIPAL HERITAGE COMMITTEE- SETTLEMENT OF  
CONSERVATION REVIEW BOARD APPEAL - DESIGNATION BY-LAW FOR 390  
KING STREET WEST**

This will confirm that Kingston City Council, at the regular meeting held on May 3, 2011, approved the following resolution, being Clause (5), Report No. 47:

- (5) *THAT Council direct settlement proceedings before the Conservation Review Board to the satisfaction of the Legal Services Department and the Commissioner of Sustainability and Growth including execution of minutes of settlement as well as through the adoption of the updated Designation By-law for 390 King Street West as attached as Exhibit 'B' to Report No. 11-142 as well as all other steps required pursuant to the Ontario Heritage Act;*

*- and further -*

*THAT a by-law be presented to amend By-Law No. 94-356, "A By-Law To Designate 370 King Street West To Be Of Architectural Value Or Interest, Pursuant To The Provisions Of The Ontario Heritage Act (Clause 2., Report No. 152 1994)", by deleting the text set out therein and inserting the text set out in Exhibit 'B' of Report No. 11-142 and also by renaming the by-law "A By-Law To Designate 370 And 390 King Street West To Be Of Architectural Value Or Interest, Pursuant To The Provisions Of The Ontario Heritage Act".*

**CARRIED**

By-Law 2011-52 received First and Second Readings on May 3, 2011 and Third Reading on May 17, 2011.

...continued on Page 2

The Corporation of the City of Kingston  
216 Ontario Street, Kingston, ON K7L 2Z3

Phone: (613) 546-4291 ext. 1247

Fax: (613) 546-5232

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Pursuant to the Ontario Heritage Act, the enclosed Notice of Passing will be published in the Kingston Whig Standard on Tuesday, May 24, 2011. I am also enclosing a copy of By-Law 2011-52, which includes the description of the property, a statement explaining the cultural heritage value or interest of the property, for your information. Following registration of this by-law on the title to the property, a copy will be provided to you as well.

If you have any questions please do not hesitate to contact Lindsay Lambert, Planner.

Yours truly,

  
John Bolognone  
City Clerk

/ki

Enclosures

Cc: C. Beach, Commissioner, Sustainability & Growth  
A. MacLeod, Senior Legal Counsel  
Ontario Heritage Trust

File No.

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**NOTICE OF AMENDED DESIGNATION FOR 390 KING STREET WEST  
AS HAVING CULTURAL HERITAGE VALUE AND INTEREST  
PURSUANT TO THE PROVISIONS OF  
THE ONTARIO HERITAGE ACT (R.S.O. 1990, Chapter O.18)**

**TAKE NOTICE** that the Council of The Corporation of the City of Kingston passed By-law 2011-52 under Section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18, to amend the designation by-law for the lands at 390 King Street West (CON 1 PT LOT 21 PT WATER LOT; RP 13R18458 PARTS 2 TO 6 AND; 8 TO 10) as having cultural heritage value and interest.

The 3.34 acre property at 390 King Street West – known also as the Morton Distillery/Brewery and the Sydenham Military Hospital is of cultural heritage value not only for its individual character defining elements, but as part of a cultural heritage landscape of an evolving nineteenth century industrial complex, which includes a larger cluster of nearby protected heritage properties such as 370 King St West, 440 King Street West and the remains of the HMS St. Lawrence. The cultural heritage value of the property at 390 King Street West lies in its design and physical values, as well in its contextual and historical associations. Situated between Lake Ontario and King Street West, the property contains two limestone nineteenth century former industrial buildings. Elements that define the property's design value include the overall cohesion of the individual buildings and their contribution to the form of the entire complex, exemplified by the massing of the Stella Buck building with its long wings on either side of a central tower and the one-storey height and medium-pitched gable roof of the Domino Theatre building. Important architectural details include the generally regular rhythm of door and window openings in the Stella Buck Building; the variety of door and window opening types in the Domino Theatre building, typically a six-over-six window flanked by narrower four-over-four sidelights; the limestone masonry construction of the buildings including voussoired flat arches at openings; and the vestiges of original elements of the buildings including stone corbels and voussoirs at filled-in window and door openings. The property also has value for its significant archaeological resources. Historically, this property is associated with several nationally and locally important individuals and organizations such as James Morton; the Department of National Defence; and the City of Kingston. It is an important landmark on King Street West and on the Kingston Waterfront.

**Additional information**, including a full description of the reasons for designation is available upon request from the Planning and Development Department (613-546-4291, Ext. 3180), during regular business hours.

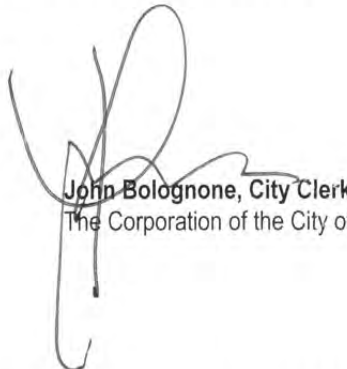
**DATED** at the City of Kingston  
this 24<sup>th</sup> day of May, 2011

John Bolognone, City Clerk  
City of Kingston



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I, **John Bolognone**, hereby certify this to be a true and correct copy of **By-Law No. 2011-52, "A By-Law To Amend By-Law No. 94-356, "A By-law To Designate 370 And 390 King Street West To Be Of Architectural Value Or Interest, Pursuant To The Provisions Of The Ontario Heritage Act" (See Clause (5), Report No. 47)**, which By-Law was passed by the Council of the Corporation of the City of Kingston on May 17, 2011.



**DATED** at Kingston, Ontario  
This 18th day of May, 2011.

**John Bolognone, City Clerk**  
The Corporation of the City of Kingston

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BY-LAW NO. 2011-52

A BY-LAW TO AMEND BY-LAW NO. 94-356 "A BY-LAW TO DESIGNATE 370 AND 390 KING STREET WEST TO BE OF ARCHITECTURAL VALUE OR INTEREST, PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT."

PASSED: May 17, 2011

WHEREAS Section 30.1 of the *Ontario Heritage Act* provides for the updating of existing designation by-laws; and

WHEREAS 370 King Street West was a property owned by the City of Kingston which has now been divided into two parcels known as 370 King Street West and 390 King Street West; and

WHEREAS amendment to Bylaw No. 94-356 in relation to the new 370 Kings Street West was and adopted by passage of By-law 2008-106;


WHEREAS the cultural heritage values of 390 King Street West, identified within the Building Conservation Master Plan are not reflected within the existing designation by-law; and

THEREFORE, the Council of The Corporation of the City of Kingston hereby enacts as follows:

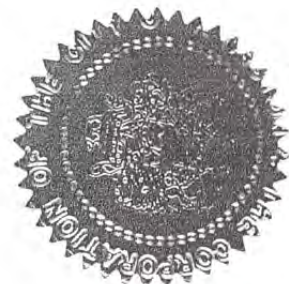
1. To update Clause 1 of By-law 94-356 as follows:  
Clause 1. To designate as being of cultural heritage value and significance the following properties in the City of Kingston:  
(b) 390 King Street West, the detailed description of which has been attached as "Schedule 'B'"
2. To rename By-law 94-356 "A By-law to Designate 370 and 390 King Street West to be of Architectural Value or Interest, Pursuant to the Provisions of the Ontario Heritage Act."
3. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS May 3, 2011

GIVEN THIRD READING AND PASSED May 17, 2011

  
CITY CLERK

  
MAYOR



**Schedule 'B'**  
**Description and Reasons for Designation**  
**390 King Street West**

**Legal Description:**

Civic: 390 King Street West

Lot/Concession: CON 1 PT LOT 21 PT WATER LOT; RP 13R18458 PARTS 2 TO 6 AND 8 TO 10

Property Number: 101107008000210

**Description of Property**

The 3.34 acre property at 390 King Street West – known also as the Morton Distillery/Brewery and the Sydenham Military Hospital – is of cultural heritage value not only for its individual character defining elements, but as part of a cultural heritage landscape of an evolving nineteenth century industrial complex, which includes a larger cluster of nearby protected heritage properties such as 370 King St West, 440 King Street West and the remains of the HMS St. Lawrence. The cultural heritage value of the property at 390 King Street West lies in its design and physical values, as well in its contextual and historical associations. Situated between Lake Ontario and King Street West, the property contains two limestone nineteenth century former industrial buildings. Elements that define the property's design value include the overall cohesion of the individual buildings and their contribution to the form of the entire complex, exemplified by the massing of the Stella Buck building with its long wings on either side of a central tower and the one-storey height and medium-pitched gable roof of the Domino Theatre building. Important architectural details include the generally regular rhythm of door and window openings in the Stella Buck Building; the variety of door and window opening types in the Domino Theatre building, typically a six-over-six window flanked by narrower four-over-four sidelights; the limestone masonry construction of the buildings including vousssoired flat arches at openings; and the vestiges of original elements of the buildings including stone corbels and voussoirs at filled-in window and door openings. The property also has value for its significant archaeological resources. Historically, this property is associated with several nationally and locally important individuals and organizations such as James Morton; the Department of National Defence; and the City of Kingston. It is an important landmark on King Street West and on the Kingston Waterfront.

**Statement of Cultural Heritage Value/ Statement of Significance**

The cultural heritage value of the property at 390 King Street West lies in its design and physical values, as well in its historical and contextual associations.

390 King Street West's design/physical value is derived from its importance as the core section in one of the few remaining nineteenth century industrial complexes in Kingston. It is important not only for its individual architectural elements, but also as part of a coherent whole cultural heritage landscape. The property, with its two limestone masonry buildings, represents the centre of a cultural heritage landscape of an evolving nineteenth century industrial complex which was described as the largest brewery and distillery in Upper Canada in the mid-nineteenth century. Each building on the property contributes value to the overall cohesion of the complex in addition to possessing its own individual values. Elements that define the property's design value include the overall cohesion of the individual buildings and their contribution to the form of the entire complex, exemplified by the

massing of the Stella Buck building with its long wings on either side of a central tower and the one-storey height and medium-pitched gable roof of the Domino Theatre building. Important architectural details include the generally regular rhythm of door and window openings in the Stella Buck Building; the variety of door and window opening types in the Domino Theatre building, typically a six-over-six window flanked by narrower four-over-four sidelights; the limestone masonry construction of the buildings including voussoired flat arches at openings; and the vestiges of original elements of the buildings including stone corbels and voussoirs at filled-in window and door openings. Despite the various 20<sup>th</sup> century renovations, the property can still be understood as a part of a brewery/distillery complex. The property also has value for its significant archaeological resources.

The property's historical/associative value stems from its association with several nationally and locally important individuals and organizations such as James Morton and the Department of National Defence. Until about 1900, this property was part of the Morton Brewery and Distillery complex. It has a historical association with James Morton, a leading nineteenth century Kingston industrialist and key player in the political and economic history of nineteenth century Upper Canada. After it closed as a brewery and distillery, the property went through several owners. Following the First World War, the buildings were acquired by the Federal government and incorporated into the Sydenham Military Hospital, and later became part of the regional headquarters of the Department of National Defence. In 1968, the property was purchased by the City of Kingston and was used for various community social service and cultural activities.

It is an important landmark on King Street West and on the Kingston Waterfront. Strategically, the complex's proximity to the waterfront was a key aspect of the Brewery/Distillery's operations; the remains of a wharf once used by the complex is still visible.

#### **Description of Heritage Attributes/Character-Defining Elements**

Elements that define the property's design value include:

- the overall cohesion of the individual buildings and their contribution to the form of the entire complex;
- the massing of the Stella Buck building with long wings on either side of a central tower;
- the generally regular rhythm of door and window openings in the Stella Buck Building;
- the one-storey height and medium-pitched gable roof of the Domino Theatre building;
- the variety of door and window opening types in the Domino Theatre building, typically a six-over-six window flanked by
- narrower four-over-four sidelights;
- the limestone masonry construction of all three buildings including voussoired flat arches at openings;
- the vestiges of original elements of the buildings including stone corbels and voussoirs at filled-in window and door openings; and,
- the property's significant archaeological resources.

Elements that define the historical value include:

- the continuing legibility of the site as part of a historical nineteenth century industrial complex;

- the association of the property with James Morton, leading nineteenth century Kingston industrialist;
- the association of the property with Government attempts to deal with the aftermath of the First World War in eastern Ontario; and
- the historical and current ongoing use of the property for community social service and cultural programs.

Elements that define the contextual value include:

- its core position in a culture heritage landscape which includes its location on the Lake Ontario shoreline and its location near by other protected heritage resources such 370 King Street West, 440 King Street West, known marine and terrestrial archaeological resources, and other surviving elements such as the remains of the waterfront wharf.
- Its role as a landmark on King Street West and on the Kingston Waterfront.