



STAFF REPORT ACTION REQUIRED

Alterations to a Designated Heritage Property – 7 Austin Terrace and Authority to Enter Into a Heritage Easement Agreement

Date:	June 7, 2011
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Acting Director, Policy & Research, City Planning Division
Wards:	Ward 21 – St. Paul's
Reference Number:	P:\2011\Cluster B\PLN\HPS\TEYCC\June 22 2011\teHPS09

SUMMARY

This report is being brought forward in light of a scheduled pre-hearing conference before the Ontario Municipal Board on June 27, 2011 pertaining to this property. This report recommends the approval in principal, of a proposed conservation strategy for the designated heritage property at 7 Austin Terrace.

A revised Conservation Plan was received by Heritage Preservation Services on May 26, 2011. Heritage Preservation Services (HPS) staff have not had sufficient time to work with the applicant to finalize details of both the rehabilitation and restoration plans for the proposed alterations to this designated property. Therefore, the strategy as proposed will undergo further refinement as part of the Site Plan approval process.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the alteration to the heritage property at 7 Austin Terrace based on the conservation strategy proposed by the applicant and described in the Heritage Impact Assessment prepared by ERA Architects dated May 3, 2011 and on file with the Manager of Heritage Preservation Services, subject to the following conditions:

- a. Prior to final site plan approval the owner shall provide the following to the satisfaction of the Manager, Heritage Preservation Services:
 - i. an as-found record of the existing building including photographs keyed to plans and elevations of all the visible exteriors and interiors;
 - ii. a detailed Conservation Plan (including drawings and specifications for materials and finishes) for the rehabilitation and restoration work described in the May 3, 2011 Heritage Impact Assessment, to be prepared by a qualified heritage consultant, detailing recommended interventions, exterior restoration, building protection measures during construction (including an engineer's report on the proposed strategy for shoring, excavation and protections related to the provision of underground parking and the new addition), estimated costs of all restoration work and a schedule of short and long term maintenance requirements;
 - iii. a final detailed landscape plan that supports the heritage character of the heritage building.
- b. Prior to final site plan approval the owner shall enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property, subject to the approved alterations, to the satisfaction of the Manager, Heritage Preservation Services;
- c. Prior to final site plan approval the owner shall provide a Letter of Credit, in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all restoration work included in the detailed Conservation Plan.
- d. Prior to the issuance of any permit pursuant to the Ontario Heritage Act for the heritage property located at 7 Austin Terrace, the owner shall provide the following:
 - i. full building permit drawings, including notes and specifications for the rehabilitation, restoration and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect, engineer and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
- e. Prior to the release of the Letter of Credit, the owner shall:
 - i. complete the heritage rehabilitation and restoration work to the satisfaction of the Manager, Heritage Preservation Services;

- ii. provide a Letter of Substantial Completion for the heritage rehabilitation and restoration work signed by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services;
 - iii. submit final as-built photographs of the exterior of the heritage building at 7 Austin Terrace to the satisfaction of the Manager, Heritage Preservation Services.
2. City Council grant authority for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owners of 7 Austin Terrace for the property at 7 Austin Terrace.
3. The City Solicitor be authorized to introduce the necessary Bill in Council authorizing the entering into of the Heritage Easement Agreement.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

City Council designated the property at 7 Austin Terrace under Part IV, Section 29 of the Ontario Heritage Act on February 23, 2011 by By-Law No. 172-2011 for its cultural heritage value or interest. The designation of the property followed an application by the owner to demolish the John B. Maclean House. The owner has appealed the designation of the property to the Conservation Review Board.

A demolition application for the property at 7 Austin Terrace (John B. Maclean House) was refused by Council on March 8 and 9, 2011. City Council's decision and the related staff report can be viewed through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE4.4>

The owner has appealed the City's refusal of the heritage demolition permit to the Ontario Municipal Board. In addition, the owner appealed the refusal of related minor variance and site plan approval applications. A pre-hearing conference by the Ontario Municipal Board has been scheduled by the OMB for June 27, 2011.

On May 4, 2011, a prospective purchaser of the property at 7 Austin Terrace submitted settlement plans following the various appeals on City decisions. At its May 17, 18 & 19, 2011 meeting, City Council accepted a settlement proposal related to the appeals and directed staff to initiate planning approvals.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.CC8.2>

ISSUE BACKGROUND

Given City Council's May 17, 18 & 19, 2011 decision, the City Solicitor and staff have sufficient Council instruction to attend at the OMB in support of the proposed settlement offer, subject to the satisfaction of several conditions.

In addition to the present alteration report, which will secure heritage conditions for the settlement proposal, an associated staff report is being considered at the June 22, 2011 meeting of Toronto and East York Community Council from the Director, Community Planning, which is related to an Official Plan Amendment and Residential Demolition.

Settlement Proposal and Conservation Strategy

The settlement proposal in regards to the heritage property includes the following:

- The retention of the 7 Austin Terrace frontage, which was designated heritage by City Council
- Complete restoration, based on historic documentation, of the designated building's exterior
- The introduction of three units within the designated portion of the building, with a 3-storey rear addition
- The addition of a pair of semi-detached dwelling and a single family detached dwelling with frontage on Lyndhurst Court (east side of property)
- Underground parking to accommodate five of the six proposed units
- \$50,000 cash contribution towards an area specific Heritage Conservation District study.

COMMENTS

A revised Site Plan Application and Heritage Impact Assessment were received by City Planning on May 4, 2011 and a draft Conservation Plan and related architectural drawings were submitted on May 26, 2011. Given that an OMB pre-hearing meeting has been scheduled for June 27, 2011, HPS has not had sufficient time to review the May 26 submissions. However, staff have been working with the responsive prospective purchaser of 7 Austin Terrace on the revised Site Plan application to address key concerns, including an appropriate conservation strategy, restoration principles and the design of an addition and new buildings on the designated property.

At this time, HPS are sufficiently satisfied with the rehabilitation and restoration strategy as proposed in the May 4, 2011 Heritage Impact Assessment to recommend approval of the alteration to City Council. Details of the proposed work still require further analysis and refinement within the site plan approval process.

While staff support the overall strategy of the rehabilitation, and have accepted in principle the specific interventions as described below, the detailed design of the alteration, including but not limited to the following elements of the proposal, will need to be reviewed and potentially revised to the satisfaction of the Manager, Heritage Preservation Services within the Conservation Plan and prior to the release of any Heritage Permit.

- The design of the alteration to the pitch of the roof and its impact on the existing roof, associated exterior walls, dormers and chimneys
- The replication/restoration of heritage attributes and architectural elements that have been lost and/or removed, as well as those that are existing and in need of repair
- The replacement of two existing windows with new entrance doors, secondary in appearance to the main entrance to facilitate separate entry into the three new residential units
- The retention of the primary (north) elevation along with flanking walls *in situ* during construction process
- The removal of the rear portion of the existing building to be replaced by a new three storey rear addition
- The removal of an enclosed west porch to be replaced by a new two storey addition, with a new garage entry below
- New driveway along the west side of the property providing entrance and egress to garage
- The proposed cost estimate for conservation work must be revised to reflect any revisions that may alter the scope of work.

CONTACT

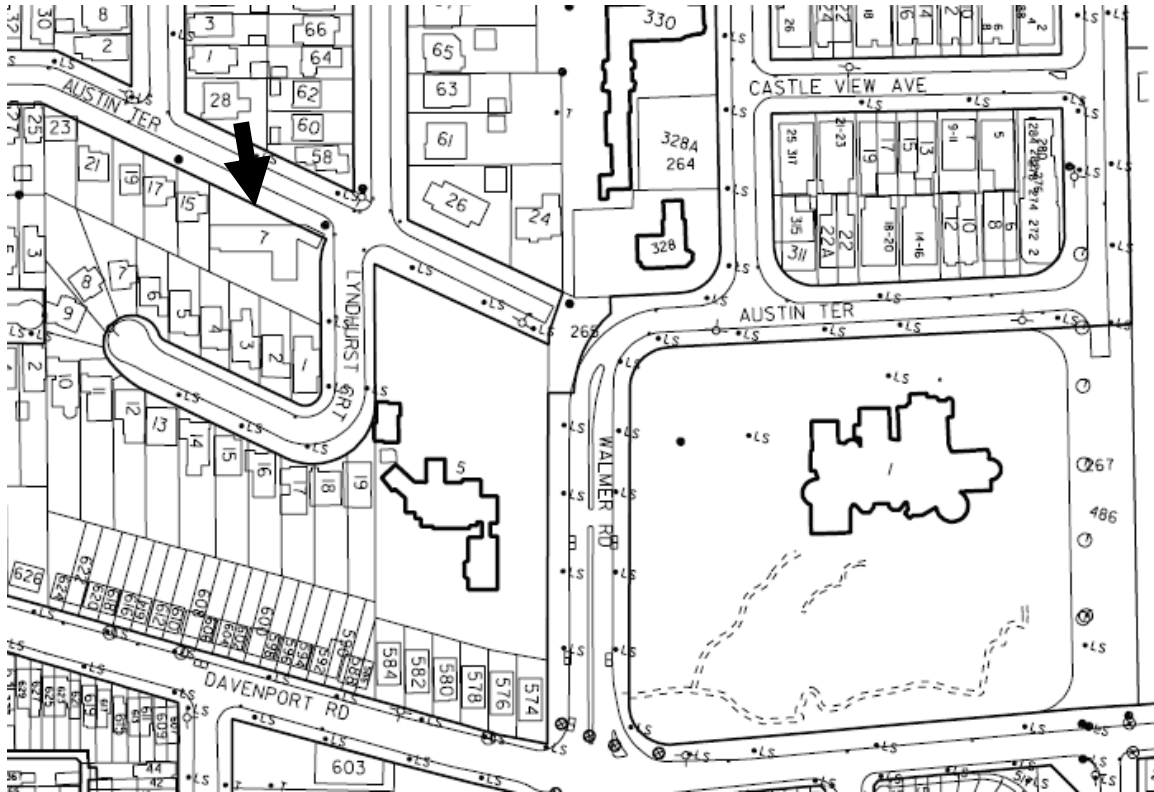
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SIGNATURE

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ATTACHMENTS

Attachment No.1 – Location Map
 Attachment No.2 – Photographs
 Attachment No.3 – Reasons for Designation



The **arrow** marks the location of the site.

This location map is for information purposes only.
The exact boundaries of the property are not shown



Principal (north) façade - prior to alterations, 2009



Principal (north) façade - following alterations, 2009



Main entry (north façade) - following alterations, 2009

John B. Maclean House

Description

The property at 7 Austin Terrace is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets the criteria for municipal designation prescribed by the Province of Ontario under the categories of associative and contextual value. Located on the south side of Austin Terrace near the foot of Lyndhurst Avenue, the John B. Maclean House (1910) is a 1½-storey house form building.

Statement of Cultural Heritage Value

The house form building at 7 Austin Terrace is historically associated with publisher John Bayne Maclean (1862-1950), a person of significance to the community, who occupied the building from its construction in 1910 until his death 40 years later. After working as a newspaper reporter and editor, in 1889 Maclean established a publishing company for trade journals and popular magazines that became the largest enterprise of its kind in the British Commonwealth. After moving to Austin Terrace, Maclean renamed an existing magazine Maclean's, which has been published continuously for over a century and remains the most recognized legacy of his career.

The John B. Maclean House is also connected to the important Canadian architect, John M. Lyle, who prepared the plans for the dwelling. After training at the Ecole des Beaux Arts and with prominent New York City architectural firms, Lyle established a solo practice in Toronto in 1905 where he quickly rose to prominence with his designs for the Royal Alexandra Theatre (1907) and Toronto's Union Station (designed in 1911-13 in association with Ross and Macdonald and Hugh G. Jones), as well as work with the Civic Improvement Commission (1911). Lyle prepared the plans for the 1910 section of the building at 7 Austin Terrace as the gatehouse or lodge for a suburban estate that Maclean did not complete (instead expanding the original building with a service wing and southeast addition by Mathers and Haldenby in 1934). The John B. Maclean House is significant for its association with the first phase of Lyle's career in Toronto when he accepted residential commissions from many prominent businessmen.

From a design perspective, the John B. Maclean House (1910) is a unique expression of Georgian Revival styling developed by Lyle during the early stages of his practice in response to this particular commission. Archival evidence reveals that Lyle was engaged to prepare plans for the gatehouse by combining two existing buildings beneath a Georgian Revival façade. Instead, the gatehouse was constructed of new materials, but Lyle's unusual design was retained. It displays Georgian Revival motifs in the roof features, dormer windows and classical detailing, yet the deliberate asymmetry with the

offset placement of the main entrance, the varied widths of the bays and the different-sized windows openings is an atypical application of the style.

Contextually, with its origin as a gatehouse or lodge for the Maclean estate, the property at 7 Austin Terrace is historically linked to the enclave of residential estates that developed along Austin Terrace, including the neighbouring Spadina (1866, with additions up to 1912), Henry Pellatt's Casa Loma (1909-13, with lodge and stables also extant), and Lenwil (designed and occupied by architect E. J. Lennox, 1913-15). The John B. McLean House contributes to the character of the neighbourhood where the group of large surviving estate houses and auxiliary buildings have a strong visual presence overlooking the city from the escarpment above Davenport Road.

Heritage Attributes

The heritage attributes of the property at 7 Austin Terrace are:

- The 1½-storey house form building completed in 1910
- The scale, form and massing of the structure with the 1½-storey rectangular plan
- The stucco cladding and wood detailing
- The gable roof with tall brick chimneys, gabled wall dormers with pediments, and a wood cornice
- The main entrance, which is asymmetrically placed on the north façade in a classical doorcase with columns, pilasters and an entablature with dentils beneath a segmental-arched pediment
- On the north façade, the flat-headed window openings with wood trim
- The covered porch with classical detailing on the west elevation
- The placement of the 1910 building on the south side of Austin Terrace