TORONTO

STAFF REPORT
ACTION REQUIRED

Alteration of a Designated Heritage Property - 26 Lombard Street and Authority to Enter into a Heritage Easement Agreement – 20-26 Lombard Street and 25 Richmond Street East

Date:	July 15, 2014
To:	Toronto Preservation Board Toronto East York Community Council
From:	Director, Urban Design, City Planning Division
Wards:	Ward 28 - Toronto Centre-Rosedale
Reference Number:	P:\2014\Cluster B\PLN\TEYCC\TE14108

SUMMARY

This report recommends that City Council endorse the conservation strategy generally described for the property located at 26 Lombard Street. The applicant has applied for a Zoning Amendment for the subject property to allow for the construction of a 50-storey mixed use building containing 689 residential dwelling units and grade related retail space. The properties at 20 Lombard Street and 25 Richmond Street East form the remainder of the development site. The applicant is proposing to retain the two four-storey semi-detached designated heritage buildings at 26 Lombard Street and rehabilitate them as part of the proposal. The heritage buildings will contain dwelling units, a residential lobby, and retail space. A one storey addition will be added to the heritage buildings and they be physically linked to the proposed tower by an above grade bridge connection set back from the street. The adjacent property at 75 Victoria Street is also included on the City's Inventory of Heritage Properties. Council's approval of the proposed heritage alteration is required under the Ontario Heritage Act. The related Zoning Amendment application has been appealed to the Ontario Municipal Board. Under the Ontario Heritage Act there is no appeal to the Ontario Municipal Board from a decision of City Council respecting the alteration of a heritage building designated pursuant to Part IV of the Act, however an owner may request a review of a decision by the Conservation Review Board, which then results in recommendations to the City Council.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the alterations to the heritage property at 26 Lombard Street, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a residential tower incorporating the heritage buildings on the lands known municipally as 26 Lombard Street, substantially in accordance with plans and drawings dated June 28, 2013 and revised July 7, 2014, prepared by Architects Alliance, and on file with the Manager, Heritage Preservation Services, the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc., dated June 28, 2013 and revised July 8, 2014, and on file with the Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan satisfactory to the Manager, Heritage Preservation Services and subject to the following additional conditions:

    a. That the related site specific Zoning By-law Amendment giving rise to the proposed alterations is supported by City Council, and comes into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Manager, Heritage Preservation Services.

    b. That prior to any Ontario Municipal Board Order issuing in connection with the Zoning By-law Amendment appeal, the owner shall:
        i. Enter into a Heritage Easement Agreement for the properties at 20 and 26 Lombard Street and 25 Richmond Street East, in accordance with the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc., dated June 28, 2013 and revised July 8, 2014, drawings dated June 28, 2013 and revised July 7, 2014, prepared by Architects Alliance and on file with the Manager, Heritage Preservation Services, and subject to and in accordance with an approved Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services, including registration of such agreement to the satisfaction of the City Solicitor.
        ii. Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Statement for the properties located at 26 Lombard Street, dated June 28, 2013 and revised July 8, 2014, and that is to the satisfaction of the Manager, Heritage Preservation Services.
        iii. Enter into and register on the properties at 20 and 26 Lombard Street and 25 Richmond Street East one or more agreements with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning Division and the Manager, Heritage

Preservation Services, to further secure the facilities, services and matters set forth in Recommendations c. and d. in the report (July 15, 2014) from the Director, Urban Design, City Planning Division, with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations.

c. That prior to Final Site Plan approval and prior to any permit issuing for the properties at 20 and 26 Lombard Street and 25 Richmond Street East, including a heritage permit or a building permit but excluding permits for repairs and maintenance of the existing heritage building:
   i. The owner shall provide final Site Plan drawings including drawings related to an approved Conservation Plan required in Recommendation b.ii. in the report (July 15, 2014) from the Director, Urban Design, City Planning Division, to the satisfaction of the Manager, Heritage Preservation Services.
   ii. The related Zoning By-law Amendment giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Manager, Heritage Preservation Services.

d. That prior to the issuance of any permit for the properties at 20 and 26 Lombard Street and 25 Richmond Street East, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage buildings, the owner shall:
   i. Obtain final approval for the necessary Zoning By-law amendment required for the alterations to the property at 26 Lombard Street, such amendments to have come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Manager, Heritage Preservation Services.
   ii. Have obtained final Site Plan approval for such properties, issued by the Chief Planner and Executive Director, City Planning Division, required in Recommendation b.ii. in the report (July 15, 2014) from the Director, Urban Design, City Planning Division, and to the satisfaction of such Manager.
   iii. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation b.ii. in the report (July 15, 2014) from the Director, Urban Design, City Planning Division, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services.

iv. Provide a Lighting Plan that describes how 26 Lombard Street will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Manager, Heritage Preservation Services.
v. Provide an Interpretation Plan for 26 Lombard Street, to the satisfaction of the Manager, Heritage Preservation Services.
vi. Provide a Letter of Credit, including provision for upward indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services, to secure all work included in the approved Conservation Plan and the approved Interpretation Plan required in Recommendations b.ii. and d.v. in the report (July 15, 2014) from the Director, Urban Design, City Planning Division.

e. That prior to the release of the Letter of Credit, the owner shall:
i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services.
ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.

2. City Council authorize the City Solicitor to enter into a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 20 and 26 Lombard Street and 25 Richmond Street East in a form and content satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor.

3. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the properties at 20 and 26 Lombard Street and 25 Richmond Street East.

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

DECISION HISTORY
On September 10, 1982, Toronto City Council passed City of Toronto By-law 531-82 designating the property at 26 Lombard Street as having cultural heritage value under the Ontario Heritage Act.

On September 10, 2013, the Toronto and East York Community Council considered a preliminary report for a proposed Zoning Amendment Application for the subject properties, dated August 16, 2013, from the Director, Community Planning, Toronto and

East York District. Toronto and East York Community Council amended and adopted the recommendations within that report.

http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60846.pdf

BACKGROUND

Development Proposal

The development site is located at the southeast corner of Richmond Street East and Victoria Street. The parcel is an irregular shaped lot with frontages on Richmond Street East, Victoria Street, and Lombard Street (Attachment No. 1). The site contains the two vacant four-storey semi-detached heritage buildings at 26 Lombard Street (R.G. McLean Building and the Barclay Building). The remainder of the site currently functions as a commercial parking lot.

The applicant is proposing to construct a 50-storey (165 metres including the mechanical penthouse and 159 metres excluding mechanical penthouse), mixed use building with a four-storey base building containing 689 residential dwelling units and grade related retail space. The four-storey semi-detached heritage buildings at 26 Lombard Street will be retained, rehabilitated and restored as part of the proposal. The heritage buildings will contain 12 residential dwelling units, a residential lobby on the ground floor and 325 square metres of retail space at grade. The heritage buildings will be connected to the new tower through a bridge that will link the fourth storey of the proposed tower with the proposed additional storey above the heritage building. This link will be set back from Lombard Street.

Policy Framework

Planning Act and Provincial Policy Statement 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and the associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

The Planning Act states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest."

Provincial Policy Statement 2.6.1 directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Inventory of Heritage Properties are considered to be significant in this context.

In the PPS 2014, "conserved" is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

Provincial Policy Statement 2.6.3 directs that "planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

Official Plan
Policy 3.1.5.2 of the Official Plan states that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved." The policy also states that "Development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

At its meeting of April 3, and 4, 2013, Toronto City Council adopted amendments to the Official Plan heritage policies as City of Toronto By-law 468-2013. Heritage Preservation Services (HPS) has also considered the proposal within the context of these amended polices.

The Standards and Guidelines for the Conservation of Historic Places in Canada
In 2008 Toronto City Council adopted the Standards and Guidelines for the Conservation of Historic Places in Canada as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of

Toronto. The Heritage Impact Assessment submitted in support of this application identifies the proposed conservation treatment for the R.G. McLean Building and the Barclay Building as primarily rehabilitation. Staff agree with this assessment. For this reason the General Standards (1-9) and the Standards for Rehabilitation (10-13) apply to this project. The Standards for Restoration (13-14) apply specifically to the proposed restoration work.

Heritage Resources

The property at 26 Lombard Street includes the R.G. McLean Building and the Barclay Building. These four-storey buildings formed part of the first group of buildings listed on the City of Toronto's Inventory of Heritage Properties by Toronto City Council on June 20, 1973. They were subsequently designated by Toronto City Council under Part IV of the Ontario Heritage Act on September 10, 1982. The buildings are located mid-block on the north side of Lombard Street between Victoria Street and Church Street.

The R.G. McLean building was constructed in 1890, while the Barclay Building was constructed in 1894. They both have design value as examples of Romanesque Revival style architecture with distinctive design features including a "heavy" appearance achieved through the use of large rusticated stone work and inset windows. On its principle elevation the R.G. McLean building features bartizans at the parapet level, stone arches at the base, and moulded brickwork and terracotta detailing.

The R.G. McLean Building and the Barclay Building have associative cultural heritage value through their association with the late 19th and early 20th century printing industry in Toronto. The buildings were constructed for the printing industry and housed business related to publishing, printing, and book binding. The Barclay Building was originally home to the prominent Grip printing and publishing company. At first the buildings functioned independently, but in the first decade of the twentieth century the Barclay Building was purchased by R.G. McLean and the buildings have operated as a single building since this time.

The development site is contiguously adjacent to the designated heritage property at 75 Victoria Street (formerly known as 73 and 81 Victoria Street). The Comstock Building (formerly 73 Victoria Street) is located on the northeast corner of Victoria Street and Lombard Street. It was constructed c1890 and was listed on the City of Toronto`s Inventory of Heritage Properties by Toronto City Council on June 20, 1973, and designated under Part IV of the Ontario Heritage Act by Council on October 3, 1988 by City of Toronto By-law 854-88.

The Strand Hotel (formerly 81 Victoria Street) is located on the east side of Victoria Street immediately north of the Comstock Building. The Strand Hotel was constructed in 1907-8 and was listed on the City of Toronto`s Inventory of Heritage Properties on July 11, 1988, and designated under Part IV of the Ontario Heritage Act by Council on October 3, 1988 by City of Toronto By-law 854-88.

COMMENTS

Proposed Conservation Strategy

Heritage Preservation Services has reviewed the Heritage Impact Assessments (HIA) prepared by ERA Architects Inc. dated June 28, 2013 and revised July 8, 2014. The HIA finds that the proposed alterations to the R.G. McLean Building and the Barclay Building are appropriate and will be mitigated in part through an exterior restoration program. The scope of work includes the restoration of the heritage windows on the south elevation with minor modifications at the ground level to accommodate the proposed new use. An existing exterior stair tower will be removed from the west elevation. New windows and doors compatible with the heritage building will be installed on the east, north, and west elevations. A one storey (3.6 metre addition) will be added above the heritage building stepped back from the west elevation and stepped back from the Lombard Street elevation. Minor modifications will be made to the existing parapet, and the building will be connected to the proposed tower with a glazed connecting bridge. The interior of the building will be extensively modified to accommodate the new use.

The HIA also addresses the proposed tower and its base building. It finds that the development has been massed to minimize the visual impact of the development on the heritage property. The proposed four-storey base building addresses the height of the heritage buildings on both Lombard Street and Victoria Street. On Lombard Street the tower will be stepped back from the edge of the proposed base building by 6.5 metres. On Victoria Street the tower will be stepped back 9.4 metres. With the proposed massing, the heritage buildings will continue to maintain their prominence on the street.

Assessment of Heritage Impacts

HPS has considered the application in the context of the Planning Act, the heritage policies of the Provincial Policy Statement 2014 (PPS), the heritage policies of the City of Toronto Official Plan, the heritage policies of the Council adopted amendments to the City of Toronto Official Plan, and the Standards and Guidelines for the Conservation of Historic Places in Canada. Staff agree that the proposed development should not have a negative impact on the heritage character of 26 Lombard Street or on the adjacent heritage property at 75 Victoria Street.

Physical Impact of the Proposed Alteration

The proposed physical alterations to the R.G. McLean Building and the Barclay Building are generally appropriate. The interior of the building has been extensively altered over time. As a result little heritage fabric remains so staff do not have a concern with the proposed alterations to allow for its repurposing. However, the application drawings do show a conflict between an existing exterior window and a proposed interior partition. This partition will need to be addressed at Site Plan stage in a way that allows for this prominent ground floor window to remain transparent and unobstructed. The stair tower that the applicant is proposing to remove is a later addition and it detracts from the heritage character of the property. Staff support the applicants proposal to remove it.

Should the proposed conservation strategy be endorsed the restoration of the building's heritage fabric will need to be addressed in detail through a Conservation Plan. New interventions such as the minor modifications required to the ground floor of the Lombard Street elevation to allow for its adaptive reuse will also need to be addressed in detail in this plan.

Scale Form and Massing

The scale form and massing of the R.G. McLean Building and the Barclay Building are important character defining features. The applicant is proposing to cantilever balconies over the heritage property. Originally these east facing balconies were proposed to have run the entire length of the east elevation of the proposed tower. Through revisions the applicant has mitigated the visual impact of these cantilevers on the heritage building by removing the forward 2/3rds of this balcony (the section closest to Lombard Street) from the 6th through 12th floors. This revision will result in visible balcony cantilevers over the heritage building from the thirteenth level of the tower up to the top residential floor. A 1.5 metre cantilever approximately twenty metres above the heritage building (at the 13th level) should not have a significant impact on the heritage character of the property.

The proposed link/bridge between the existing heritage buildings and the amenity floor of the new building will be set back from Lombard Street. Its design will be distinct from both the heritage building and the proposed base building as it will be clad in glazing. This glazed appearance should also make this link subordinate to the existing heritage building. Staff do not have a concern with this alteration.

Staff have also considered the applicant's proposal to add one additional storey 3.6 metres in height above the heritage buildings and any impact this will have on the heritage building's scale form and massing. Through their heritage impact assessment the applicant has sufficiently demonstrated that the proposed step backs will make this addition invisible from the public realm on Lombard Street. For this reason this addition should also not have a negative heritage impact.

Proposed Base Building Design
Tower base buildings should set a supportive context for adjacent heritage properties. In this application the applicant is proposing a four-storey base building that addresses the height of both the R.G. McLean Building and the Barclay Building, and the adjacent Strand Hotel and Comstock Building. The proposed step backs to the tower should help keep the tower subordinate from the heritage buildings when viewed at street level.

Staff have a concern that the articulation of the proposed base building is vertical in nature and does not adequately address the adjacent heritage buildings. As Romanesque buildings, the R.G. McLean, Barclay, and Comstock Buildings have both heavy vertical and horizontal articulation. Staff will work with the applicant at the site plan stage on refinements to the design of the base building to ensure that it will be compatible with and subordinate to the heritage buildings. The proposed cladding material will also be reviewed at that time.

Designating By-law
As a result of this application HPS will be undertaking an updated assessment of the heritage value of the property at 26 Lombard Street, employing the current criteria for the evaluation of cultural heritage value under the Ontario Heritage Act consistent with the City's practice. It is anticipated that this work will result in revisions to the 1982 designating by-law which will more fully explain the cultural heritage values and attributes of the property as set out in the 2005 amendment to the Act. Staff anticipate reporting back to the Toronto Preservation Board the Toronto and East York Community Council, and Toronto City Council on the results of this assessment in early 2015.

Additional Recommended Studies
Conservation Plan
Prior to the issuance of any Order for the Zoning By-law Amendment for 25 Richmond Street East and 20-26 Lombard Street, the applicant is required to submit a Conservation Plan for 26 Lombard Street for the work described in the Heritage Impact Assessment prepared by a qualified heritage professional, to the satisfaction of the Manager, Heritage Preservation Services. The Plan should detail all of the proposed interventions and conservation work including the conservation of the original exterior heritage fabric

(including the original windows on the south elevation), and appropriate replacement windows and exterior doors for the other elevations. The Plan should resolve the conflict between the existing exterior window and a proposed interior partition in a way that allows for this prominent ground floor window to remain transparent and unobstructed. The Plans should also include an appropriate treatment for the ground floor commercial openings and lobby; a schedule of short and long term maintenance requirements; and estimated costs of all of the conservation work.

Lighting Plan
Prior to the issuance of any permit for the proposed development at 25 Richmond Street East and 20-26 Lombard Street, the applicant is required to submit a lighting plan to the satisfaction of the Manager of Heritage Preservation Services. This plan should provide details of how the exterior of the R.G. McLean Building and the Barclay Building will be sensitively lit to enhance the building's heritage character at night.

Heritage Interpretation Plan
Heritage interpretation enhances personal experiences, increases respect and understanding, and communicates the importance of our cultural heritage sites. Prior to the issuance of any permit for the proposed development at 25 Richmond Street East and 20-26 Lombard Street, the applicant is required to provide a detailed Interpretation Plan to the satisfaction of the Manager, Heritage Preservation Services that fully interprets the heritage values R.G. McLean Building and the Barclay Building.

Landscape Plan
Should Council approve the proposed conservation strategy, HPS is recommending that the applicant be required to complete a final landscape that enhances the heritage character of the R.G. McLean Building and the Barclay Building and the adjacent Comstock Building and Strand Hotel prior to final Site Plan approval.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment No. 1 – Location Plan, 25 Richmond Street East and 20-26 Lombard Street
Attachment No. 2 – Photograph, 26 Lombard Street
Attachment No. 3 – Photographs, 75 Richmond Street
Attachment No. 4 – Proposal, 25 Richmond Street East and 20-26 Lombard Street
Attachment No. 5 – Designating By-law No. 531-82