



**STAFF REPORT
ACTION REQUIRED**

Amendment of Designating By-law and Revised Approval Conditions for Alterations to a Designated Heritage Property – 26 Lombard Street

Date:	January 27, 2015
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Director, Urban Design, City Planning
Wards:	Toronto Centre-Rosedale – Ward 28
Reference Number:	P:\2015\Cluster B\PLN\TEYCC\TE15021

SUMMARY

This report recommends that City Council revise its decision of August 25, 26, 27, and 28, 2014 to allow for the phased issuance of permits and that City Council amend former City of Toronto By-law No. 531-82 designating the properties at 26 Lombard Street under Part IV, Section 29 of the Ontario Heritage Act to revise the Reasons for Designation in accordance with the 2005 changes to the Ontario Heritage Act. The site contains two late 19th century former industrial buildings known historically as the R. G. McLean Company Building (1890) and the Barclay, Clark and Company Building (1894) that were recognized on the first City of Toronto Inventory of Heritage Properties in 1973 and designated under the Ontario Heritage Act in 1982. The amending of the designating by-law will ensure that all of the cultural heritage values and attributes of the properties at 26 Lombard Street are protected.

City Council has approved alterations to the heritage property at 26 Lombard Street as part of a development application for a 45-storey residential condominium that will retain the heritage buildings and authorized a heritage easement agreement with the property owner. Since Council's approval the applicant has requested changes to the timing of certain heritage requirements to allow for the phased issuance of permits for the development.

RECOMMENDATIONS

The City Planning Division recommends that:

- A. City Council adopt the following recommendations pertaining to the designating by-law for 26 Lombard Street:**
1. City Council state its intention to amend former City of Toronto By-law No. 532-82 to revise the Reasons for Designation in accordance with the Statement of Significance: 26 Lombard Street (R. G. McLean Company Building and Barclay, Clark and Company Building) attached as Attachment 4 to the report (January 27, 2015) from the Director, Urban Design, City Planning Division to explain the cultural heritage value or interest of the properties and describe their heritage attributes.
 2. If there are no objections to the proposed amendment in accordance with the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the necessary bill in Council amending designating By-law No. 531-82.
 3. If there are objections in accordance with the Ontario Heritage Act, City Council direct the City Clerk to refer the proposed amendment to the Conservation Review Board.
 4. If the proposed amendment is referred to the Conservation Review Board, City Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision to amend the designating by-law.
- B. City Council revise its decision of August 25, 26, 27 and 28, 2014 respecting TE34.39 by deleting Part 1. of such decision and substituting the following in its place:**
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 on the lands comprising 20 and 26 Lombard Street and 25 Richmond Street East of a maximum 45-storey residential tower and up to the specified heights in metres shown in the applicant's revised plans dated August 12, 2014, and the applicant's correspondence dated August 18, 2014, and described in the report (August 21, 2014) from the Chief Planner and Executive Director, City Planning Division, incorporating the heritage buildings to be retained in situ and conserved on the lands known municipally in 2014 as 26

Lombard Street, with such alterations to be 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 (the "Alterations") 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 has 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, including incorporating provisions relating to the issuance of phased permit permissions set forth in this Part 1. into the Appendix 1 (Section 37 Planning Act provisions) of such Zoning By-law Amendment and the required Section 37 Agreement to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning Division and 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 have:
 - i. Entered 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 a Conservation Plan approved by the Manager Heritage Preservation Services, all to the satisfaction of the Manager, Heritage Preservation Services, including registration of such agreement to the satisfaction of the City Solicitor.
 - ii. Provided 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 property 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 (the "Approved Conservation Plan").

- iii. Entered into and registered 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 Parts 1 a., c. and d. above and 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, all to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning Division and the Manager, Heritage Preservation Services.
- 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 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 all or any part of 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 and usual minor works acceptable to the Manager, Heritage Preservation Services, for the existing heritage buildings, the owner shall have:
 - i. Obtained final approval for the necessary Zoning By-law amendment required for the Alterations to the property at 26 Lombard Street, and such amendment shall 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. Obtained final Site Plan approval for the Alterations permitted by the City Council for the properties at 20 and 26 Lombard Street and 25 Richmond Street East, issued by the Chief Planner and Executive Director, City Planning Division, and with content acceptable to such Manager.
 - iii. Provided full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the Approved Conservation Plan 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. Provided 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 and thereafter shall implement such Plan to the satisfaction of the Manager Heritage Preservation Services.
 - v. Provided an Interpretation Plan for 26 Lombard Street, to the satisfaction of the Manager, Heritage Preservation Services, and thereafter shall implement such Plan to the satisfaction of the Manager Heritage Preservation Services.
 - vi. Provided 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 required in Part 1.b.ii. above, the approved Lighting Plan required in Part 1.d. iv. above and the approved Interpretation Plan required in Part 1.d. v. above.
- e. Notwithstanding the requirements of Parts 1.d.ii. and 1.d.iii. above and in addition to the requirements of Parts 1.d. i, and iv. to vi. above prior to the issuance of any permit for:
- i. Shoring, excavation and/or foundation work acceptable to the Manager, Heritage Preservation Services for the property at 26 Lombard Street (together the “Foundation

Works”), including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works acceptable to the Manager, Heritage Preservation Services, for the existing heritage building at 26 Lombard Street and other usual and minor works acceptable to the Manager, Heritage Preservation Service:

- A. the owner shall have entered into and registered the related site plan agreement for the Alterations to allow for the construction of a maximum 45 storey, and up to the specified heights in metres shown on Map 2 to the draft Zoning By-law Amendment provided at the January 13, 2015 Toronto and East York Community Council Meeting, residential development with retail at grade, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services; and
 - B. the owner shall have provided full building permit drawings for such Foundation Works, including notes and specifications for the conservation and protective measures keyed to the Approved Conservation Plan, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services.
- f. That prior to the release of the Letter of Credit required in Part 1.d.iv above, the owner shall:
- i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work have been completed in accordance with the Approved Conservation Plan, the approved Lighting 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.

Financial Impact

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

DECISION HISTORY

The properties at 26 Lombard Street were listed on the inaugural City of Toronto Inventory of Heritage Properties in 1973 and designated under Part IV, Section 29 of the Ontario Heritage Act by former City of Toronto By-law No. 531-82 in 1982.

At its meeting of August 25, 2014, City Council adopted with amendments TE34.39, “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”, which was forwarded by the Toronto and East York Community Council (August 14, 2014) without recommendations. City Council approved the alterations to the heritage property at 26 Lombard Street to allow for the construction of a residential tower while incorporating the heritage buildings on the site, and authorized the entering into of a heritage easement agreement with the property owner.

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-72367.pdf>

ISSUE BACKGROUND

City Council has approved alterations to the properties at 26 Lombard Street that conserve the heritage buildings as part of a development site, and authorized a Heritage Easement Agreement with the property owner. Since this approval the applicant has requested revisions to the heritage approval conditions that would allow for the phased issuance of permits.

The amendment of the designating by-law for the properties at 26 Lombard Street to update the Reasons for Designation according to the 2005 amendments to the Ontario Heritage Act will ensure that all of the cultural heritage values and attributes of the properties are identified and protected.

COMMENTS

The existing Council approval established conditions that the applicant must meet before obtaining permits for the development. The applicant has requested that these conditions be revised to allow for an accelerated construction timeline. In response to this request staff are recommending revised conditions concerning permit timing. Staff are recommending that certain below grade work be permitted once the applicant has entered into and registered the related site plan agreement and all of the other preapproval conditions have been met. Below grade construction at this stage should not put the heritage resource at any additional risk. Above grade construction would not commence until the applicant has obtained final site plan approval.

A location map (Attachment No. 1) and photograph (Attachment No. 2) are attached, as well as the Heritage Property Research and Evaluation Report (Attachment No. 5) that identifies and evaluates the buildings on the heritage property at 26 Lombard Street containing the R. G. McLean Company Building and the Barclay, Clark and Company Building.

The Reasons for Designation from former City of Toronto By-law No. 531-82 are found in Attachment No. 3, with the amended Statement of Significance (Reasons for Designation) as Attachment No. 4. The 2015 revisions contain the statement of cultural heritage value and the heritage attributes relating to Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation following the 2005 amendments to the Ontario Heritage Act.

Following research and evaluation according to Ontario Regulation 9/06, it has been determined that the R. G. McLean Company Building (1890) and the adjoining Barclay, Clark and Company Building (1894), both of which were commissioned by Robert Grant McLean for his printing factory and related businesses, have design and contextual values as a pair of well-crafted late Victorian industrial buildings with Romanesque Revival styling that are historically and visually linked to their surroundings where they reflect the appearance of Lombard Street around the turn of the 20th century. The Barclay, Clark and Company Building is also valued historically as the location in 1894-1895 of the forerunner of the famed Toronto lithographers, Grip Limited.

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SIGNATURE

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ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Photograph
Attachment No. 3 – Reasons for Designation, former City of Toronto By-law 531-82
Attachment No. 4 – Statement of Significance (Reasons for Designation, 2015)
Attachment No. 5 – Heritage Property Research and Evaluation Report