

**21, 23 and 25 Price Street – Site Plan Control
Amendment Application – Refusal Report**

Date:	June 14, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	16 207936 STE 27 SA

SUMMARY

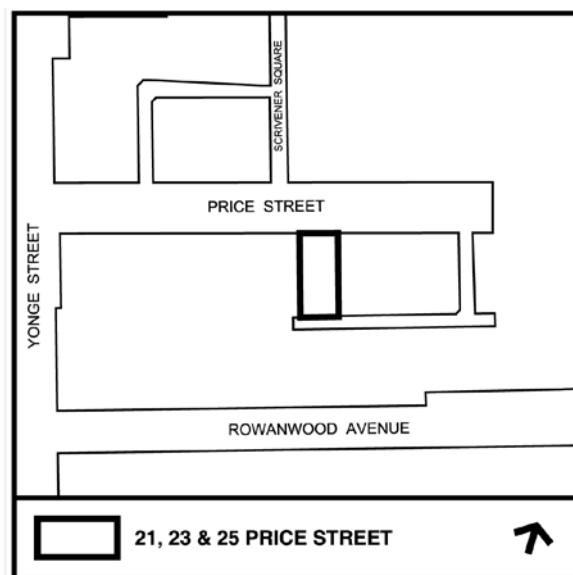
This application proposes to amend the Site Plan Agreement registered as Instrument No. AT3396977 on September 3, 2013, which secures a roof top mechanical screen located 3.0 metres north of the rear wall. The building was built not in accordance with the approved Site Plan Agreement and approved plans. The roof top mechanical screen was built at the edge of the rear wall and not set back 3.0 metres. This Site Plan Amendment application seeks to maintain the as-built mechanical screen at the building's edge.

This report reviews and recommends refusal of the Site Plan Amendment application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the Site Plan Control application for the lands at 21, 23 and 25 Price Street for the reasons outlined in the report (June 14, 2018) from the Acting Director, Community Planning, Toronto and East York District.



Financial Impact

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

DECISION HISTORY

On February 20, 2013 City Council adopted the recommendations of a report from the Director, Urban Design, City Planning Division approving the demolition of three heritage designated properties in the South Rosedale Heritage Conservation District and the construction of a replacement structure at 21-25 Price Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE21.12>

On March 25, 2013, the Ontario Municipal Board ("OMB") delivered an oral decision allowing the appeals of applications to amend the Official Plan and Zoning By-law for a 4-storey office building at 21, 23 and 25 Price Street (File No. 11 257217 STE 27 OZ) (OMB Case Nos. PL121322, PL121323 and PL130214). On April 9, 2013, the OMB issued a memorandum on its oral Decision/Order on the Official Plan and Zoning By-law Amendments and adjourned the appeal of the Site Plan Control application (File No. 11 257222 STE 27 SA). The memorandum can be found at: <http://www.omb.gov.on.ca/e-decisions/pl121322-Apr-09-2013.pdf>

In September 2013, the appellants withdrew their appeal of the Site Plan Control application. On September 18, 2013, the OMB issued its Final Order.

On August 30, 2013, City Planning issued the Notice of Approval Conditions for the Site Plan Control application. On September 3, 2013, the Site Plan Agreement was registered as Instrument No. AT3396977. On January 28, 2014, City Planning issued final Site Plan Approval by way of a Statement of Approval. Toronto Building subsequently issued building permits on August 28, 2014, January 23, 2015 and January 28, 2015.

On August 13, 2015, City Planning reviewed a Roof Plan replacing previously approved cedar slat privacy and mechanical screens with a glass guard screening with permanent etched treatment in the same location as secured in the approved Site Plan. City Planning determined that this change was minor and issued a memorandum advising that the revised Roof Plan was determined to be substantially in accordance with the Site Plan approved drawings.

On October 5, 2015, Toronto Building staff issued an Order to Comply (Order No. 15 232991 OTC 00 VI). The Order indicated as follows:

"The as built location of the roof top mechanical units and proposed roof top screening for this equipment is not in conformance with the issued building permit drawings. Further the as built location of the mechanical units and screening is not in conformance with the approved Site Plan Drawings for the project and not consistent with the Heritage Approval associated with the building."

On August 16, 2016, the applicant submitted an application to amend Site Plan Amendment registered as Instrument No. AT3396977 on September 3, 2013 (File No. 16 207936 STE 27 SA) to bring the Site Plan Agreement into conformity with the as-built condition.

On March 5, 2018, Councillor Wong-Tam referred ("bumped-up") the Site Plan Amendment application for a decision to City Council, in accordance with By-law No. 483-2000.

ISSUE BACKGROUND

Proposal

The proposal is to amend the Site Plan Agreement registered as Instrument No. AT3396977 on September 3, 2013 to allow the roof top mechanical screen to be maintained, as constructed, at the edge of the rear wall parapet and with a height of 1.52 metres above the height of the finished roof. The registered Site Plan Agreement secures a roof top mechanical screen located 3 metres north of the rear wall with a height of 1.22 metres above the height of the finished roof.

The amendment would include replacing Drawing Nos. A4.06 - Roof Plan, A5.03 - Elevation East and A5.04 - Elevation West in the Site Plan Agreement with those submitted as part of the Site Plan Amendment application and dated July 28, 2016.

See Attachments 1 to 4: Roof Plan, West Elevation, East Elevation, and As-Built Photograph.

Heritage

The site is located within the South Rosedale Heritage Conservation District (HCD), an area designated under Part V of the *Ontario Heritage Act* on February 7, 2003, and is subject to the policies contained in the South Rosedale HCD Study. The related Zoning By-law Amendment for the development was subject to approval by City Council under Section 42 of the *Ontario Heritage Act*. The approval allowed for the demolition of three unrated buildings and construction of a new 4-storey office building. The conditions of approval were as follows:

City Council approve the plans prepared by Young + Wright / IBI Group Architects date stamped received by the City Planning Division on August 9, 2012 for the replacement structure and on file with the Manager, Heritage Preservation Services and that the replacement building be constructed substantially in accordance with the submitted plans, subject to the following conditions:

- a. Prior to final site plan approval the owner shall provide to the satisfaction of the Manager, Heritage Preservation Services, final site plan drawings, and a landscape plan;

- b. Prior to the issuance of any heritage permit for the replacement structure located at 21-25 Price Street, the owner shall provide building permit drawings to the satisfaction of the Manager, Heritage Preservation Services.

Zoning

Site Specific Zoning By-law 65-2014 (OMB) amends By-law 438-86 to allow a 4-storey office building and includes provisions to regulate gross floor area, building setbacks, parking, height, and permitted height projections. The Zoning By-law allows a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements to project a maximum of 3.0 metres above a building height limit of 14.0 metres.

The proposal for the expanded mechanical equipment area and relocated mechanical screen comply with the regulations in the Zoning By-law.

See Attachment 5: Site Specific By-law 65-2014 (OMB).

Agency Circulation

The application was circulated to Urban Design, Heritage Preservation Services, and Toronto Building staff for review. Responses received have been used to assist in evaluating the application.

COMMENTS

Following a circulation of the submitted materials, Heritage Preservation Services (HPS) staff raised an objection to permit the as-built condition, specifically with respect to additional mechanical equipment on the rear portion of the roof where it was not originally intended to be located and, as a consequence, the mechanical screen constructed at the edge of the rear wall roof parapet. It is the opinion of HPS staff that the enlarged mechanical area and mechanical screen create new unacceptable visual impacts within the South Rosedale HCD and are not substantially in accordance with the existing Council approval. Visual impacts were carefully considered during the original site plan application due to the development being within an HCD and the approved plans were to the satisfaction of the Manager, Heritage Preservation Services.

The Senior Manager, Heritage Preservation Services is not satisfied with the as-built condition and does not support the application. As such, it is recommended that the application to amend the Site Plan Agreement be refused.

CONTACT

Kevin Friedrich, Planner
Tel. No.: (416) 338-5740
E-mail: Kevin.Friedrich@toronto.ca

SIGNATURE

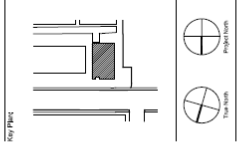
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Roof Plan
Attachment 2: West Elevation
Attachment 3: East Elevation
Attachment 4: As-Built Photograph
Attachment 5: Site Specific By-law 65-2014 (OMB)

Attachment 1: Roof Plan

- General Notes:**
1. ALL DIMENSIONS IN MILLIMETERS
 2. VERIFY ALL DIMENSIONS
 3. VERIFY ALL DIMENSIONS
 4. VERIFY ALL DIMENSIONS
 5. VERIFY ALL DIMENSIONS
 6. VERIFY ALL DIMENSIONS
 7. VERIFY ALL DIMENSIONS
 8. VERIFY ALL DIMENSIONS
 9. VERIFY ALL DIMENSIONS
 10. VERIFY ALL DIMENSIONS
 11. VERIFY ALL DIMENSIONS
 12. VERIFY ALL DIMENSIONS
 13. VERIFY ALL DIMENSIONS
 14. VERIFY ALL DIMENSIONS
 15. VERIFY ALL DIMENSIONS
 16. VERIFY ALL DIMENSIONS
 17. VERIFY ALL DIMENSIONS
 18. VERIFY ALL DIMENSIONS
 19. VERIFY ALL DIMENSIONS
 20. VERIFY ALL DIMENSIONS



No.	Issue	Date
1	Site Plan Approval	2014-05-15
2	Final Design Review	2014-05-15
3	Final Design Review	2014-05-15
4	Final Design Review	2014-05-15
5	Final Design Review	2014-05-15
6	Final Design Review	2014-05-15
7	Final Design Review	2014-05-15
8	Final Design Review	2014-05-15
9	Final Design Review	2014-05-15
10	Final Design Review	2014-05-15
11	Final Design Review	2014-05-15
12	Final Design Review	2014-05-15
13	Final Design Review	2014-05-15
14	Final Design Review	2014-05-15
15	Final Design Review	2014-05-15
16	Final Design Review	2014-05-15
17	Final Design Review	2014-05-15
18	Final Design Review	2014-05-15
19	Final Design Review	2014-05-15
20	Final Design Review	2014-05-15



ZAP ARCHITECTS
 1000 SHEPPARD AVENUE EAST
 SUITE 1000
 SCARBOROUGH, ONTARIO M1S 1W4
 TEL: (416) 291-1111
 FAX: (416) 291-1112
 WWW.ZAPARCHITECTS.COM

Timbercreek Asset Management

Timbercreek Offices
 225 Price Street
 Toronto, Ontario

Scale: 1/8" = 1'-0"

PLAN: ROOF

Sheet Title:

Project Number:

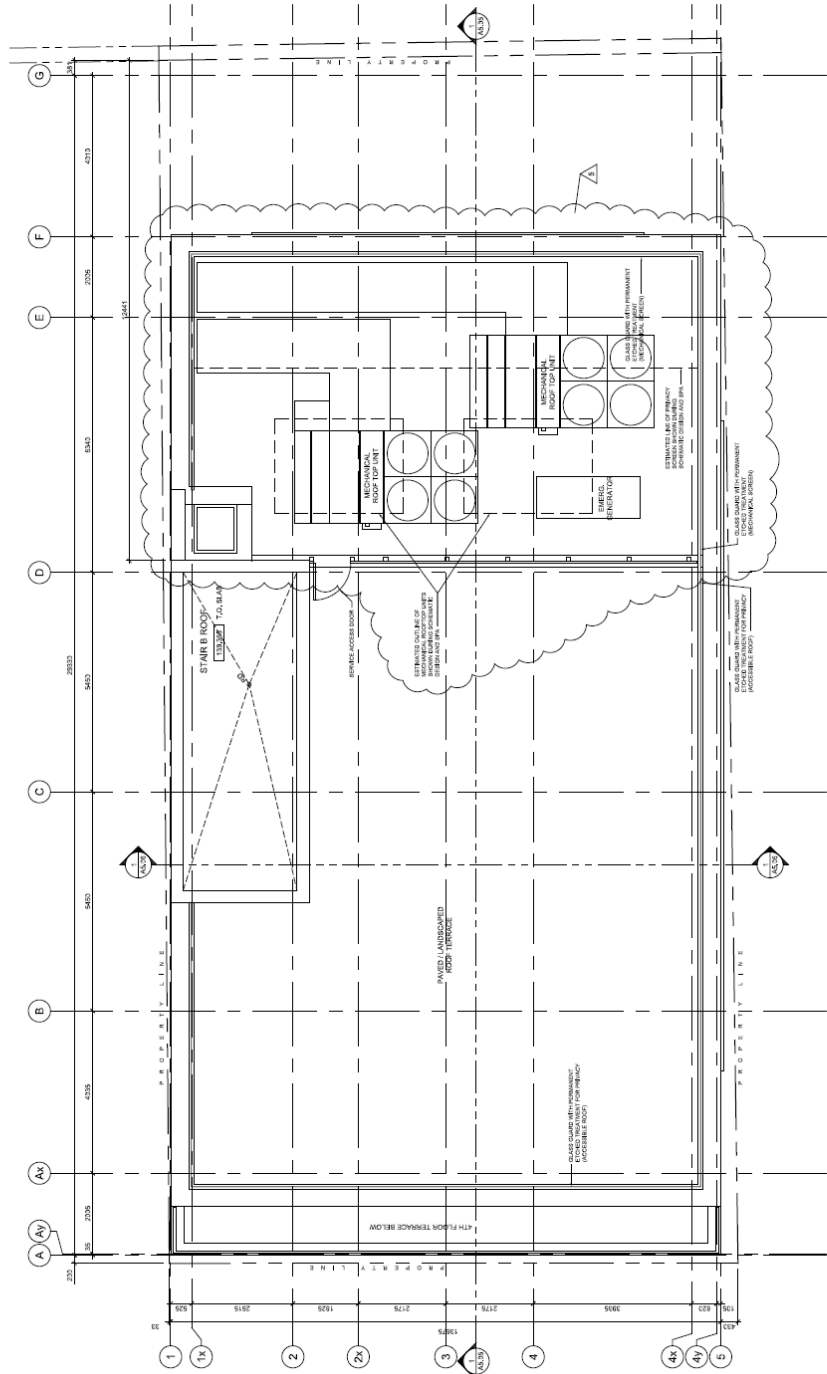
Client Name:

Drawn By:

Checked By:

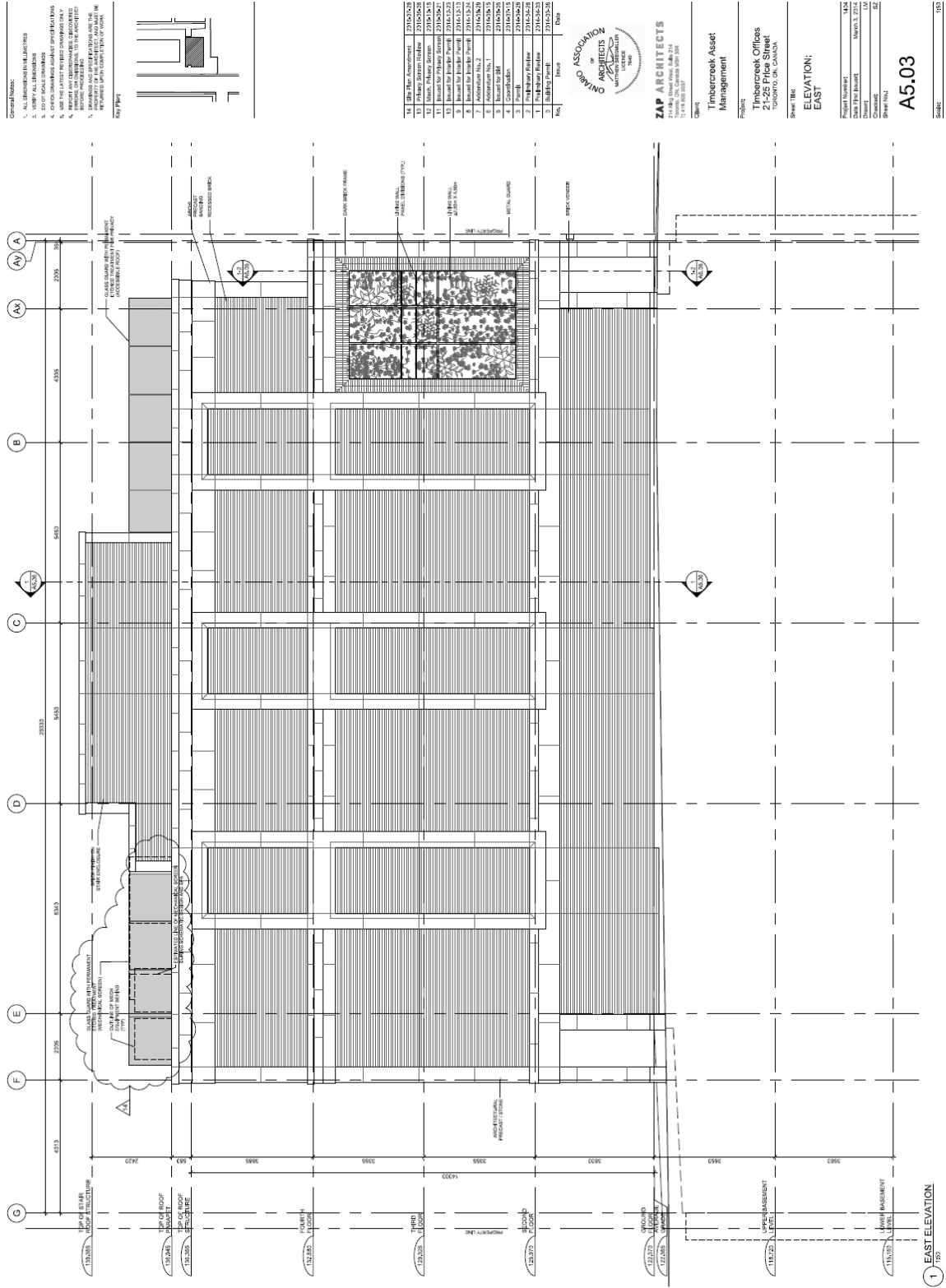
Scale: 1/8" = 1'-0"

Sheet:



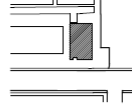
1 PLAN: ROOF
1/120

Attachment 2: West Elevation



Attachment 3: East Elevation

- General Notes:**
1. ALL DIMENSIONS IN METERS
 2. VERIFY ALL DIMENSIONS
 3. VERIFY ALL DIMENSIONS
 4. VERIFY ALL DIMENSIONS
 5. VERIFY ALL DIMENSIONS
 6. VERIFY ALL DIMENSIONS
 7. VERIFY ALL DIMENSIONS
 8. VERIFY ALL DIMENSIONS
 9. VERIFY ALL DIMENSIONS
 10. VERIFY ALL DIMENSIONS
 11. VERIFY ALL DIMENSIONS
 12. VERIFY ALL DIMENSIONS
 13. VERIFY ALL DIMENSIONS
 14. VERIFY ALL DIMENSIONS
 15. VERIFY ALL DIMENSIONS
 16. VERIFY ALL DIMENSIONS
 17. VERIFY ALL DIMENSIONS
 18. VERIFY ALL DIMENSIONS
 19. VERIFY ALL DIMENSIONS
 20. VERIFY ALL DIMENSIONS
 21. VERIFY ALL DIMENSIONS
 22. VERIFY ALL DIMENSIONS
 23. VERIFY ALL DIMENSIONS
 24. VERIFY ALL DIMENSIONS
 25. VERIFY ALL DIMENSIONS
 26. VERIFY ALL DIMENSIONS
 27. VERIFY ALL DIMENSIONS
 28. VERIFY ALL DIMENSIONS
 29. VERIFY ALL DIMENSIONS
 30. VERIFY ALL DIMENSIONS
 31. VERIFY ALL DIMENSIONS
 32. VERIFY ALL DIMENSIONS
 33. VERIFY ALL DIMENSIONS
 34. VERIFY ALL DIMENSIONS
 35. VERIFY ALL DIMENSIONS
 36. VERIFY ALL DIMENSIONS
 37. VERIFY ALL DIMENSIONS
 38. VERIFY ALL DIMENSIONS
 39. VERIFY ALL DIMENSIONS
 40. VERIFY ALL DIMENSIONS
 41. VERIFY ALL DIMENSIONS
 42. VERIFY ALL DIMENSIONS
 43. VERIFY ALL DIMENSIONS
 44. VERIFY ALL DIMENSIONS
 45. VERIFY ALL DIMENSIONS
 46. VERIFY ALL DIMENSIONS
 47. VERIFY ALL DIMENSIONS
 48. VERIFY ALL DIMENSIONS
 49. VERIFY ALL DIMENSIONS
 50. VERIFY ALL DIMENSIONS
 51. VERIFY ALL DIMENSIONS
 52. VERIFY ALL DIMENSIONS
 53. VERIFY ALL DIMENSIONS
 54. VERIFY ALL DIMENSIONS
 55. VERIFY ALL DIMENSIONS
 56. VERIFY ALL DIMENSIONS
 57. VERIFY ALL DIMENSIONS
 58. VERIFY ALL DIMENSIONS
 59. VERIFY ALL DIMENSIONS
 60. VERIFY ALL DIMENSIONS
 61. VERIFY ALL DIMENSIONS
 62. VERIFY ALL DIMENSIONS
 63. VERIFY ALL DIMENSIONS
 64. VERIFY ALL DIMENSIONS
 65. VERIFY ALL DIMENSIONS
 66. VERIFY ALL DIMENSIONS
 67. VERIFY ALL DIMENSIONS
 68. VERIFY ALL DIMENSIONS
 69. VERIFY ALL DIMENSIONS
 70. VERIFY ALL DIMENSIONS
 71. VERIFY ALL DIMENSIONS
 72. VERIFY ALL DIMENSIONS
 73. VERIFY ALL DIMENSIONS
 74. VERIFY ALL DIMENSIONS
 75. VERIFY ALL DIMENSIONS
 76. VERIFY ALL DIMENSIONS
 77. VERIFY ALL DIMENSIONS
 78. VERIFY ALL DIMENSIONS
 79. VERIFY ALL DIMENSIONS
 80. VERIFY ALL DIMENSIONS
 81. VERIFY ALL DIMENSIONS
 82. VERIFY ALL DIMENSIONS
 83. VERIFY ALL DIMENSIONS
 84. VERIFY ALL DIMENSIONS
 85. VERIFY ALL DIMENSIONS
 86. VERIFY ALL DIMENSIONS
 87. VERIFY ALL DIMENSIONS
 88. VERIFY ALL DIMENSIONS
 89. VERIFY ALL DIMENSIONS
 90. VERIFY ALL DIMENSIONS
 91. VERIFY ALL DIMENSIONS
 92. VERIFY ALL DIMENSIONS
 93. VERIFY ALL DIMENSIONS
 94. VERIFY ALL DIMENSIONS
 95. VERIFY ALL DIMENSIONS
 96. VERIFY ALL DIMENSIONS
 97. VERIFY ALL DIMENSIONS
 98. VERIFY ALL DIMENSIONS
 99. VERIFY ALL DIMENSIONS
 100. VERIFY ALL DIMENSIONS



No.	Description	Date
1	Issue for Approval	2016.05.24
2	Issue for Approval	2016.05.24
3	Issue for Approval	2016.05.24
4	Issue for Approval	2016.05.24
5	Issue for Approval	2016.05.24
6	Issue for Approval	2016.05.24
7	Issue for Approval	2016.05.24
8	Issue for Approval	2016.05.24
9	Issue for Approval	2016.05.24
10	Issue for Approval	2016.05.24
11	Issue for Approval	2016.05.24
12	Issue for Approval	2016.05.24
13	Issue for Approval	2016.05.24
14	Issue for Approval	2016.05.24
15	Issue for Approval	2016.05.24
16	Issue for Approval	2016.05.24
17	Issue for Approval	2016.05.24
18	Issue for Approval	2016.05.24
19	Issue for Approval	2016.05.24
20	Issue for Approval	2016.05.24
21	Issue for Approval	2016.05.24
22	Issue for Approval	2016.05.24
23	Issue for Approval	2016.05.24
24	Issue for Approval	2016.05.24
25	Issue for Approval	2016.05.24
26	Issue for Approval	2016.05.24
27	Issue for Approval	2016.05.24
28	Issue for Approval	2016.05.24
29	Issue for Approval	2016.05.24
30	Issue for Approval	2016.05.24
31	Issue for Approval	2016.05.24
32	Issue for Approval	2016.05.24
33	Issue for Approval	2016.05.24
34	Issue for Approval	2016.05.24
35	Issue for Approval	2016.05.24
36	Issue for Approval	2016.05.24
37	Issue for Approval	2016.05.24
38	Issue for Approval	2016.05.24
39	Issue for Approval	2016.05.24
40	Issue for Approval	2016.05.24
41	Issue for Approval	2016.05.24
42	Issue for Approval	2016.05.24
43	Issue for Approval	2016.05.24
44	Issue for Approval	2016.05.24
45	Issue for Approval	2016.05.24
46	Issue for Approval	2016.05.24
47	Issue for Approval	2016.05.24
48	Issue for Approval	2016.05.24
49	Issue for Approval	2016.05.24
50	Issue for Approval	2016.05.24
51	Issue for Approval	2016.05.24
52	Issue for Approval	2016.05.24
53	Issue for Approval	2016.05.24
54	Issue for Approval	2016.05.24
55	Issue for Approval	2016.05.24
56	Issue for Approval	2016.05.24
57	Issue for Approval	2016.05.24
58	Issue for Approval	2016.05.24
59	Issue for Approval	2016.05.24
60	Issue for Approval	2016.05.24
61	Issue for Approval	2016.05.24
62	Issue for Approval	2016.05.24
63	Issue for Approval	2016.05.24
64	Issue for Approval	2016.05.24
65	Issue for Approval	2016.05.24
66	Issue for Approval	2016.05.24
67	Issue for Approval	2016.05.24
68	Issue for Approval	2016.05.24
69	Issue for Approval	2016.05.24
70	Issue for Approval	2016.05.24
71	Issue for Approval	2016.05.24
72	Issue for Approval	2016.05.24
73	Issue for Approval	2016.05.24
74	Issue for Approval	2016.05.24
75	Issue for Approval	2016.05.24
76	Issue for Approval	2016.05.24
77	Issue for Approval	2016.05.24
78	Issue for Approval	2016.05.24
79	Issue for Approval	2016.05.24
80	Issue for Approval	2016.05.24
81	Issue for Approval	2016.05.24
82	Issue for Approval	2016.05.24
83	Issue for Approval	2016.05.24
84	Issue for Approval	2016.05.24
85	Issue for Approval	2016.05.24
86	Issue for Approval	2016.05.24
87	Issue for Approval	2016.05.24
88	Issue for Approval	2016.05.24
89	Issue for Approval	2016.05.24
90	Issue for Approval	2016.05.24
91	Issue for Approval	2016.05.24
92	Issue for Approval	2016.05.24
93	Issue for Approval	2016.05.24
94	Issue for Approval	2016.05.24
95	Issue for Approval	2016.05.24
96	Issue for Approval	2016.05.24
97	Issue for Approval	2016.05.24
98	Issue for Approval	2016.05.24
99	Issue for Approval	2016.05.24
100	Issue for Approval	2016.05.24



ZAP ARCHITECTS
 214 King Street West, Suite 214
 Toronto, Ontario M5H 1K5
 Tel: 416-593-1037

Client: Timbrecreek Asset Management

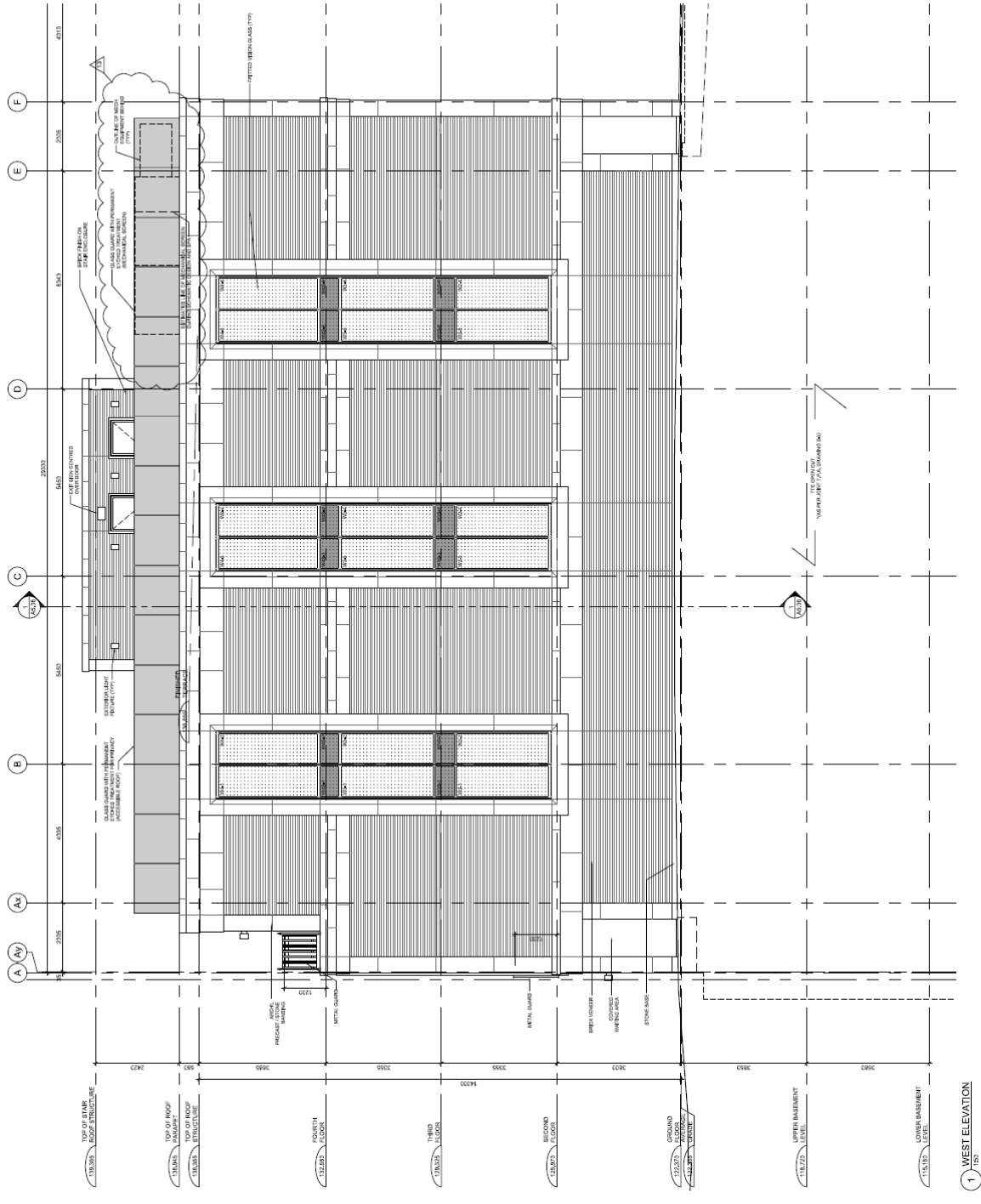
Project: Timbrecreek Offices
 21-25 Price Street
 TORONTO, ON CANADA

Sheet Title: ELEVATION: WEST

Project Number: 142
Date of Issue: March 3, 2016
Drawn: LM
Checked: BE

A5.04

Scale: 1/50



Attachment 4: As-Built Photograph



Attachment 5: Site Specific Zoning By-law 64-2013 (OMB)

Authority: Ontario Municipal Board Order issued on September 18, 2013, in Board File No. PL121322

CITY OF TORONTO

BY-LAW No. 65-2014(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 21, 23 and 25 Price Street.

Whereas the Ontario Municipal Board, pursuant to its Order issued September 18, 2013 in Board File No. PL121322 upon hearing the appeal of 21 Price Street Holdings Inc. under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend Zoning By-law No. 438-86 of the former City of Toronto;

Former City of Toronto Zoning By-law No. 438-86, as amended, is amended as follows:

1. None of the provisions of Sections 2(1) *grade, lot*, 4(2)(a), 4(4)(b), 6(3) Part II 2 (III), 6(3) Part I 1, 6(3) Part II 3.G, 6(3) Part II 4, 6(3) Part II 5(1) of Zoning By-law No. 438-86, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to the use of existing buildings municipally known in the year 2013 as Nos. 21, 23 and 25 Price Street; and shall not prevent the erection and use of a four-storey office building on the lands delineated by a heavy line and by diagonal hatching on Map 1 attached hereto, provided:
 - (a) the *non-residential gross floor area* of the office building does not exceed 1325 square metres;
 - (b) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto;
 - (c) the owner shall provide 1 *parking space* for each 300 square metres of *net floor area*, or fraction equal to or greater than one-half thereof, contained therein;
 - (d) no portion of any building or structure erected on the *lot* and used above *grade* located within the areas delineated by heavy black lines on the attached Map 2, shall have a greater *height* in metres than the *height* limit specified by the numbers following the symbol "H", shown on Map 2, but this paragraph does not prevent the erection or use of:
 - (i) 3.0 metres for a stair tower on the roof, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements; and
 - (ii) 1.5 metres for parapets, including roof drainage, railings, partitions dividing outdoor recreation areas, landscape elements, lighting fixtures, cornices, eaves, and ornamental elements;

- (e) a roof top patio shall only be permitted a minimum of 12.44 metres from the rear property line. For greater certainty, no outdoor rooftop amenity space shall be permitted closer than 12.44 metres from the rear property line; and
 - (f) windows on the 2nd to 4th floors of the south elevation shall be composed exclusively of permanent translucent or fritted glass only. More specifically, the windows on the 2nd to 4th floors of the south elevation shall be composed of translucent glass to a minimum of 1.53 metres in height taken from each floor. Any window higher than 1.53 metres on the 2nd to 4th floors of the south elevation shall be composed exclusively of fritted glass. For greater certainty, no windows on the south elevation of the 2nd to 4th floors of the property shall contain open glass.
2. For the purposes of this By-law:
- (a) *lot* means the lands delineated by heavy lines on Map 1 attached hereto, shall be deemed to be one *lot*, regardless of whether two or more buildings which are not connected below *grade* are erected thereon, and regardless of any conveyances made or easements granted after the date of enactment of the By-law;
 - (b) *grade* means 122.36 metres Canadian Geodetic Datum;
 - (c) *height* means the height above grade as shown on Map 2; and
 - (d) each word of expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended, unless the contrary is expressed in this By-law.
3. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON
SEPTEMBER 18, 2013 IN BOARD CASE NO. PL121322.

