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PLANNING AND DEVELOPMENT LAWYERS

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Matter No. T901-01

June 29, 2018

DELIVERED VIA EMAIL (teycc@toronto.ca)

Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Attn: Ellen Devlin, Committee Administrator

Dear Chair and Members of Community Council:

**RE: 21, 23, and 25 Price Street
Site Plan Control Amendment Application
Application No. 16 207936 STE 27 SA
Refusal Report
TEYCC Agenda Item No. TE34.56**

We are counsel to 21 Price Street Holdings Inc., the owner of the lands municipally known as 21, 23, and 25 Price Street, in the City of Toronto (the “**subject site**”). City Planning has issued a Refusal Report, dated June 14, 2018, respecting a Site Plan Control Amendment Application for the subject site. We are writing to request that, notwithstanding the Refusal Report, Toronto and East York Community Council approve the Site Plan Control Amendment Application.

Background

The subject site is located at the north end of the South Rosedale Heritage Conservation District and contains a four-storey office building (the “**Building**”) having a municipal address of 25 Price Street. Construction of the Building required Official Plan and Zoning By-law Amendments, which were approved by the Ontario Municipal Board (the “**OMB**”) following a settlement reached with the City and two sets of area residents who live on Rowanwood Avenue and whose rear yards are adjacent to the southern property line of the subject site.

A number of important objectives relating to privacy and overlook, of particular importance to the Rowanwood Avenue residents to the south, were achieved through the OMB settlement. These included a reduction in height from five storeys to four storeys, movement of a rooftop amenity space north towards the front of the Building with an inaccessible mechanical equipment area between it and the south end of the building, and the addition of opaque glass screening around the entire rooftop.

Site Plan Control Amendment Application

The opaque glass screening mentioned above was intended to be located three metres north of the rear south wall. However, during construction, certain mechanical equipment and ductwork was not built as intended and extended too far to the south. This had the result of pushing the glass screen to the edge of the south wall of the Building and bringing the Building out of conformity with the issued building permit drawings. Accordingly, a Site Plan Control Amendment Application (the “**Application**”) was submitted to the City.

On September 15, 2016, we were advised by City Planning that Heritage Preservation Services, Urban Design, and the Buildings Department had reviewed the Application and had no concerns. The Application was then referred to the Ward Councillor’s office to advise whether or not it would be “bumped up” for consideration by Community Council. On September 28, 2016, we received confirmation that the Application would not be bumped up. However, on October 12, 2016, we were advised by City Planning that following the decision by the Ward Councillor not to “bump up” the Application, Heritage Preservation Services indicated that “new information had come to light” and further review of the Application was necessary.

Alternatives to the Application

Following the decision to hold off on approval of the Application, we attempted to resolve the situation through discussions with Heritage Preservation Services. Heritage Preservation Services suggested that the location of the opaque glass screen along the south wall was not consistent with the terms of settlement agreed to before the OMB and that it gave the appearance of a fifth storey. Attached hereto as Appendix “A” are two images; one showing the current condition, and one depicting a what a fifth storey would look like.

During these discussions with Heritage Preservation Services, our client also began to explore further options to rectify the situation. However, in consulting with local area residents, it was clear the majority preferred that the screening be maintained. Attached hereto as Appendix “B” are five letters from area residents, two of whom reside on Rowanwood Avenue with backyards that are adjacent to the subject site and who were participants to OMB process. It is their position that the glass screening is in fact attractive and does not make the Building look taller.

In June of 2017, an engineering firm was retained to explore the possibility of relocating the mechanical equipment and the ductwork. This was determined to be an impractical solution due to the fact that the supply and return air shafts are built through the concrete floor of each level and therefore fixed in place. As outlined in a letter from Nemetz (S/A) & Associates Ltd., attached hereto as Appendix “C”, relocation of the ductwork would require major structural modifications and would render the heating and cooling systems of the Building unusable for the duration of the work, which would be a major disruption to the large workforce currently occupying the Building.

Refusal Report

All of the above information, including the attached appendices, was provided to Heritage Preservation Services in June 2017. Despite a number of attempts to follow up, no further comments or concerns were received from the City until June 18, 2018, when our client was advised by the City Planner that the Application had been “bumped up” and that a Refusal Report had been drafted based on the concerns of Heritage Preservation Services.

Request for Approval of the Application

Our client acknowledges that there was a mistake on its part with respect to the breakdown of communication between it and the contractor who constructed the Building. As well, our client appreciates the extensive process that led to approval of the Building and that one of the fundamental components of that approval was the appearance and reduction in height of the Building. However, we respectfully submit that contrary to the conclusion of the Refusal Report, the visual impacts of the glass screen within the South Rosedale Heritage Conservation District are acceptable and minor, and that the location of the glass screen is substantially in accordance with the existing Council approval.

Removal of the glass screen has been considered but that would result in the visual exposure of the extensive ductwork. This was deemed less desirable than the existing condition by those residents who would be impacted. Additionally, relocation of the mechanical equipment and the ductwork is highly impractical as detailed in the engineer's letter attached as Appendix "C". Furthermore, as clearly demonstrated in the images attached as Appendix "A", the visual impacts of the location of the glass screen along the southern wall of the Building are benign. Finally, the location of the glass screening does not create any overlook nor does it impact the privacy of residents to the south.

For the reasons expressed above, we respectfully request that Toronto and East York Community Council approve the Site Plan Control Amendment Application.

Should you have any questions or concerns respecting this matter, please do not hesitate to contact the undersigned.

Yours very truly,

Devine Park LLP



per Michael Cook

MAC

cc: 21 Price Street Holdings Inc.

**Appendix “A”
Visuals**

(see attached)





**Appendix “B”
Letters of Support**

(see attached)

Rosedale Home Owners

To Whom it may Concern

Regarding: 23-25 Price Street - Removal of existing railing on roof.

It has come to our attention that efforts are being made to require the owners of 23-25 Price Street to set back the beautiful glass railing on their roof.

We do not feel that the railing makes the building look taller. In fact, it provides a graceful transition from the brick of the building to the sky above. It has been installed tastefully and we would prefer that it stay as it is.

Sincerely,

Signature: _____

A handwritten signature in blue ink that reads "Imla Roberts". The signature is written in a cursive style and is positioned above a horizontal line that serves as a signature line.

Imla Roberts

22 Rowanwood Avenue M4W 1Y7

May 25th, 2017

Rosedale Home Owners

To Whom it may Concern

Regarding: 23-25 Price Street - Removal of existing railing on roof.

It has come to our attention that efforts are being made to require the owners of 23-25 Price Street to set back the beautiful glass railing on their roof.

We do not feel that the railing makes the building look taller. In fact, it provides a graceful transition from the brick of the building to the sky above. It has been installed tastefully and we would prefer that it stay as it is.

Sincerely, Fiona J. Brown

Signature: Chris Brown

Name: Fiona + Chris Brown

Street and house number: 14 Chestnut Park

Date: 27th May 2017

Rosedale Home Owners

To Whom it may Concern

Regarding: 23-25 Price Street - Removal of existing railing on roof.

It has come to our attention that efforts are being made to require the owners of 23-25 Price Street to set back the beautiful glass railing on their roof.

We do not feel that the railing makes the building look taller. In fact, it provides a graceful transition from the brick of the building to the sky above. It has been installed tastefully and we would prefer that it stay as it is.

Sincerely,

Signature: _____



Name:

Michael & Teresa Hartrick

Street and house number: 24 Rowanwood Ave M4W 1Y7

Date: _____

28/5/07

Rosedale Home Owners

To Whom it may Concern

Regarding: 23-25 Price Street - Removal of existing railing on roof.

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We do not feel that the railing makes the building look taller. In fact, it provides a graceful transition from the brick of the building to the sky above. It has been installed tastefully and we would prefer that it stay as it is.

Sincerely,

Signature:  _____

Name: THOMAS J. KNOTT _____

Street and house number: 16 ROWANWOOD AVE _____

Date: MAY 26, 2017 _____

Rosedale Home Owners

To Whom it may Concern

Regarding: 23-25 Price Street - Removal of existing railing on roof.

It has come to our attention that efforts are being made to require the owners of 23-25 Price Street to set back the beautiful glass railing on their roof. We do not feel that the railing makes the building look taller. In fact, it provides a graceful transition from the brick of the building to the sky above. It has been installed tastefully and we would prefer that it stay as it is.

Sincerely,

Signature:



Name:

JAMES PANTELIDIS

Street and house number:

16 CHESTNUT PARK ROAD.
TORONTO, ONTARIO
M4W - 1W6

Date:

JUNE 15 / 2017

Appendix "C"
Letter from Nemetz (S/A) & Associates Ltd.

(see attached)

June 9, 2017

Nemetz File No.: T115

Timbercreek Asset Management Inc.
25 Price Street
Toronto, ON
M4W 1Z1

Via Email: mjwilliams@timbercreek.com

Attention: **Mr. Michael Williams**

Re: **Rooftop Ductwork for 25 Price Street, Toronto, Ontario**

Dear Michael,

The ductwork that has been installed on the rooftop of 25 Price Street, Toronto, ON has been done so in the least conspicuous manner possible. The current layout of the rooftop ductwork was designed to connect to the supply and return air shafts of the building with the least possible impact to the exterior aesthetic and overall height of the building. The supply and return air shafts for the building are fixed in place as they are formed through the concrete floor of each level.

Relocation of the rooftop ductwork would require major structural modification to the existing building. Any modification to the existing building structure will create operational issues. Relocating the existing roof top mechanical equipment will also require additional structural re-enforcement for the area that would be intended to carry the load of the relocated equipment.

Regarding the operational issues mentioned above, the building would be without any form of heating or cooling for the duration of the extensive changes that would be required. This would effectively render the building un-usable. Additionally if this work were to roll over into the colder months of the year there is a high likelihood that the interior plumbing and sprinkler systems could freeze, causing further damage.

In our opinion relocation or revisions to the roof top mechanical equipment and/or ductwork is not a practical option for this building, due to the immense cost and potential redesign required for the entire building, which is already completely constructed and currently occupied by a large workforce.

Regards,

NEMETZ (S/A) & ASSOCIATES LTD.



Steve Nemetz, P. Eng.
CEO/Senior Principal

SN/JB/vb

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