

Encroachment Appeal - 2360 Yonge Street

Date: August 16, 2019

To: North York Community Council

From: Director, Transportation Services, Permits and Enforcement

Wards: Ward 8 - Eglinton Lawrence

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided that it is in keeping with City policy or by-laws.

The property at 2360 Yonge Street includes the property addresses from 2360 to 2378 Yonge Street. It is a 28-storey mixed use building with 234 residential dwelling units and 2,695 square metres of commercial floor space. The building design includes a 6-storey base building with a 22-storey tower above.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 2360 Yonge Street to install and maintain a 41.0 metre long by 0.51 metre wide steel and glass canopy at a variable height of 3.93 metres to 5.24 metres above ground level. The full extent of the canopy has no setback from the rear edge of the sidewalk on Yonge Street within the boulevard area.

The canopy on the public right of way does not meet the setback requirements of the City of Toronto Municipal Code, Chapter 743-14 (C), Streets and Sidewalks, Use of, for delegated approval as an encroachment by the General Manager, Transportation Services.

RECOMMENDATIONS

The Director, Transportation Services, Permits and Enforcement, recommends that:

1. North York Community Council approves the request to install and maintain a 41.0 metre long by 0.51 metre wide steel and glass canopy at a variable height of 3.93 metres to 5.24 metres above ground level. The canopy has no setback from the rear edge of the sidewalk within the boulevard area at 2360 Yonge Street, as generally

shown in the enclosed attachments. The approval should be subject to the following conditions:

- a) The property owner enters into an encroachment agreement with the City of Toronto at the applicant's expense and assumes all liability and damages related to the encroachment.
- b) The property owner must retain valid property insurance for the duration of the encroachment in case there are any claims initiated due to the encroachment.
- c) The property owner agrees that the City and/or utility companies may remove the canopy in order to install or maintain services within the affected public right of way with no obligation to replace the encroachment.
- d) The property owner agrees that any discharge of water from the canopy shall be oriented to direct water away from the road or sidewalk.

FINANCIAL IMPACT

There is no financial impact to the City as a result of this report.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on June 19, 2019, from the owner of 2360 Yonge Street requesting permission to install and maintain a 41.0 metre long by 0.51 metre wide steel and glass canopy at a variable height of 3.93 metres to 5.24 metres above ground level. The canopy has no setback from the rear edge of the sidewalk at 2360 Yonge Street on the public right of way.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743-14 (C), Streets and Sidewalks, Use of. The relevant provision for the encroachment subject to this appeal is that a canopy must provide a setback of 0.5 metres from the edge of the sidewalk closest to the property line and parallel with the sidewalk.

As the proposed setback of the canopy to the sidewalk does not comply with the minimum 0.5 metres permitted, an appeal was requested from the property owners, for which this report has been prepared.

A survey, floor plan, elevations, and cross section drawings showing the encroachment have been submitted and are included as attachments to this report.

Even though the proposed canopy does not comply with the setback requirements stipulated in the by-law, staff is of the opinion that it does not cause a sightline impediment which affects traffic or pedestrians, and that the proposed encroachment will not have a negative impact on the public right of way. Thus, staff is of the opinion that the encroachment is acceptable, provided that the property owners enter into an encroachment agreement with the City.

CONTACT

Luigi Nicolucci, Manager, Development Planning and Review, Transportation Services,
416-394-8412, Fax: 416-394-8942, Email: luigi.nicolucci@toronto.ca

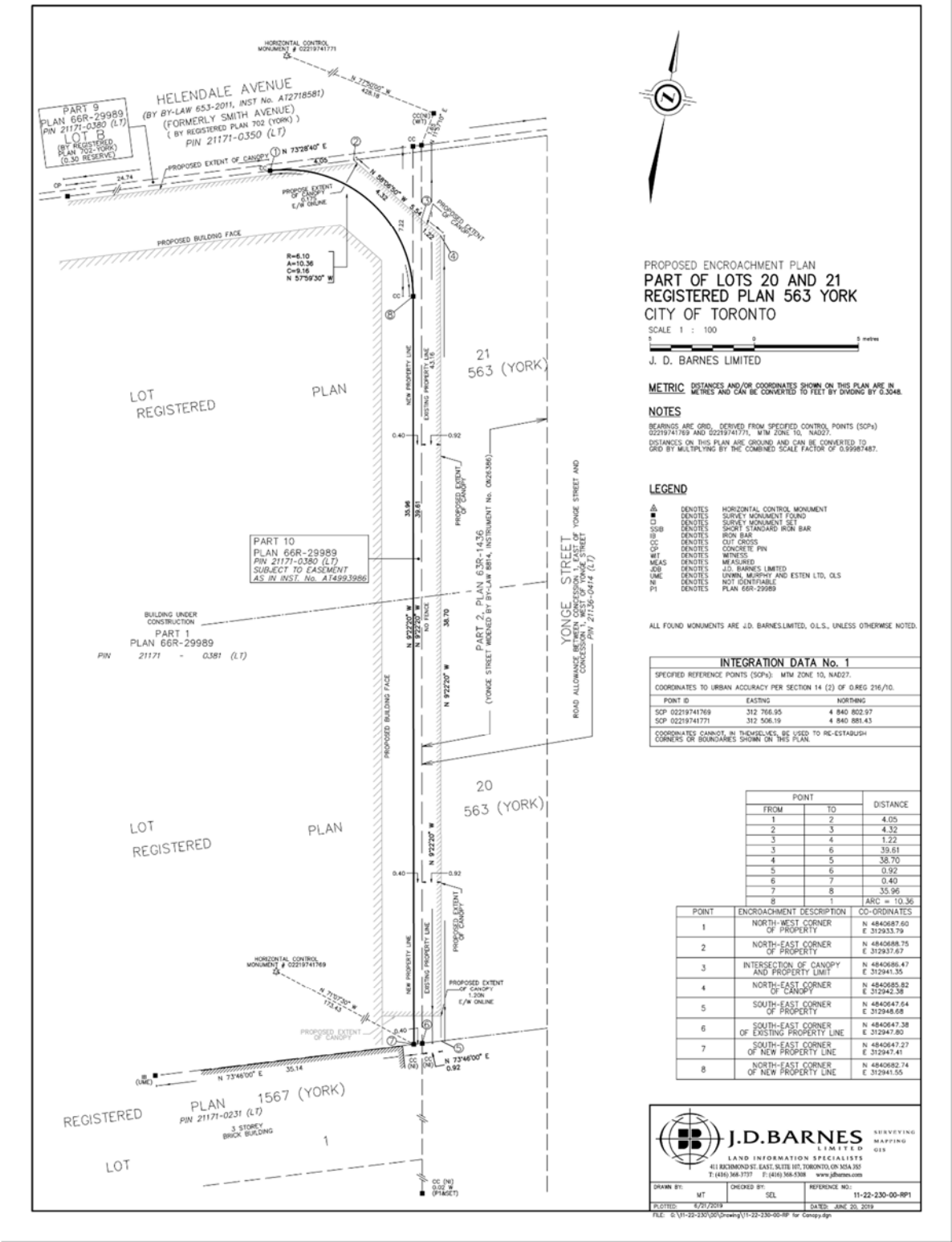
SIGNATURE

David J. Twaddle
Director, Permits and Enforcement
Transportation Services

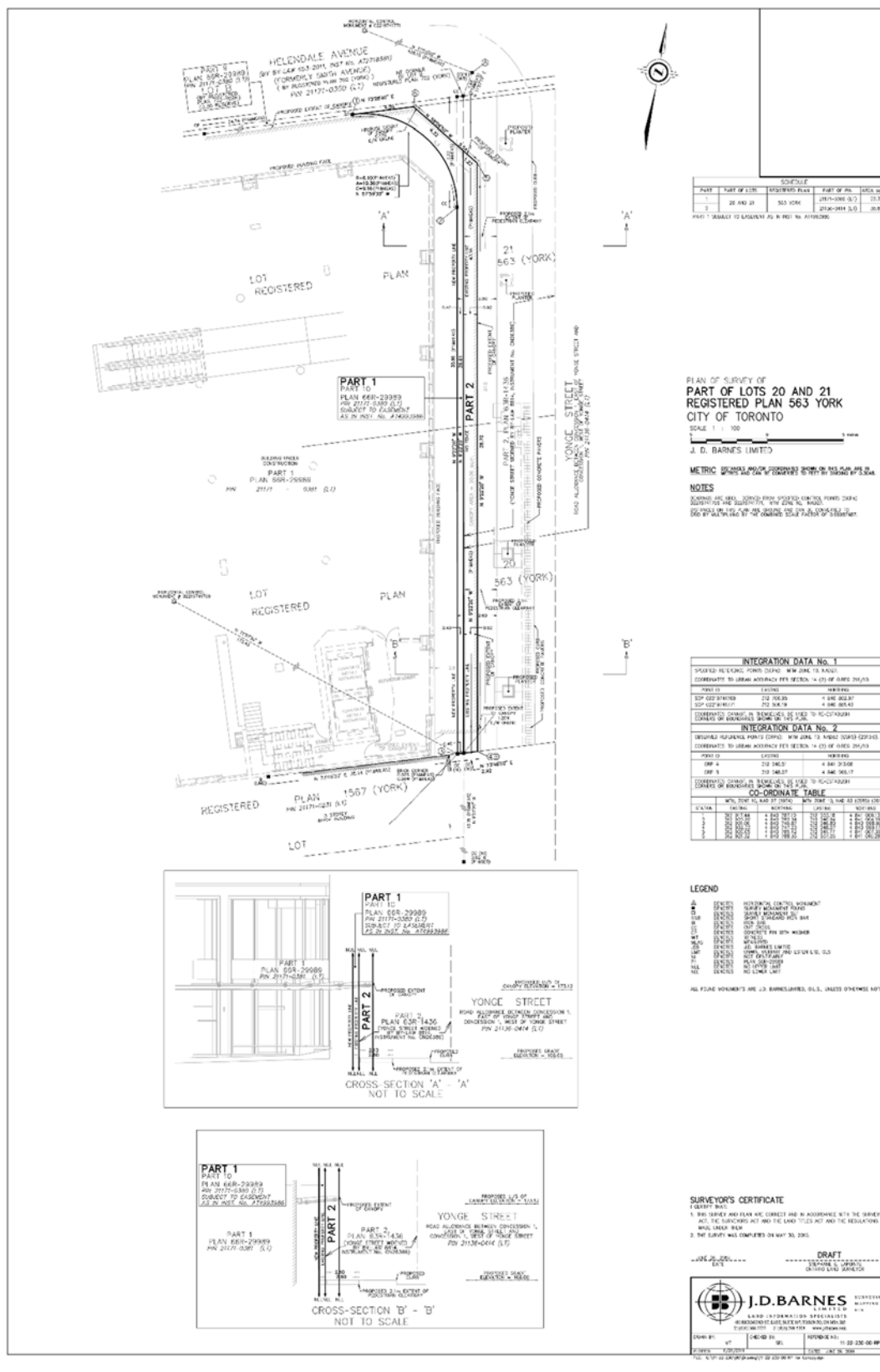
ATTACHMENTS

Attachment 1: Canopy Encroachment Plan
Attachment 2: Survey
Attachment 3: Ground Floor Plan
Attachment 4: Second Floor Plan
Attachment 5: East and North Building Elevations
Attachment 6: Enlarged East Elevation
Attachment 7: Enlarged North Elevation
Attachment 8: Canopy Cross Section East Facade

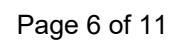
Attachment 1: Canopy Encroachment Plan



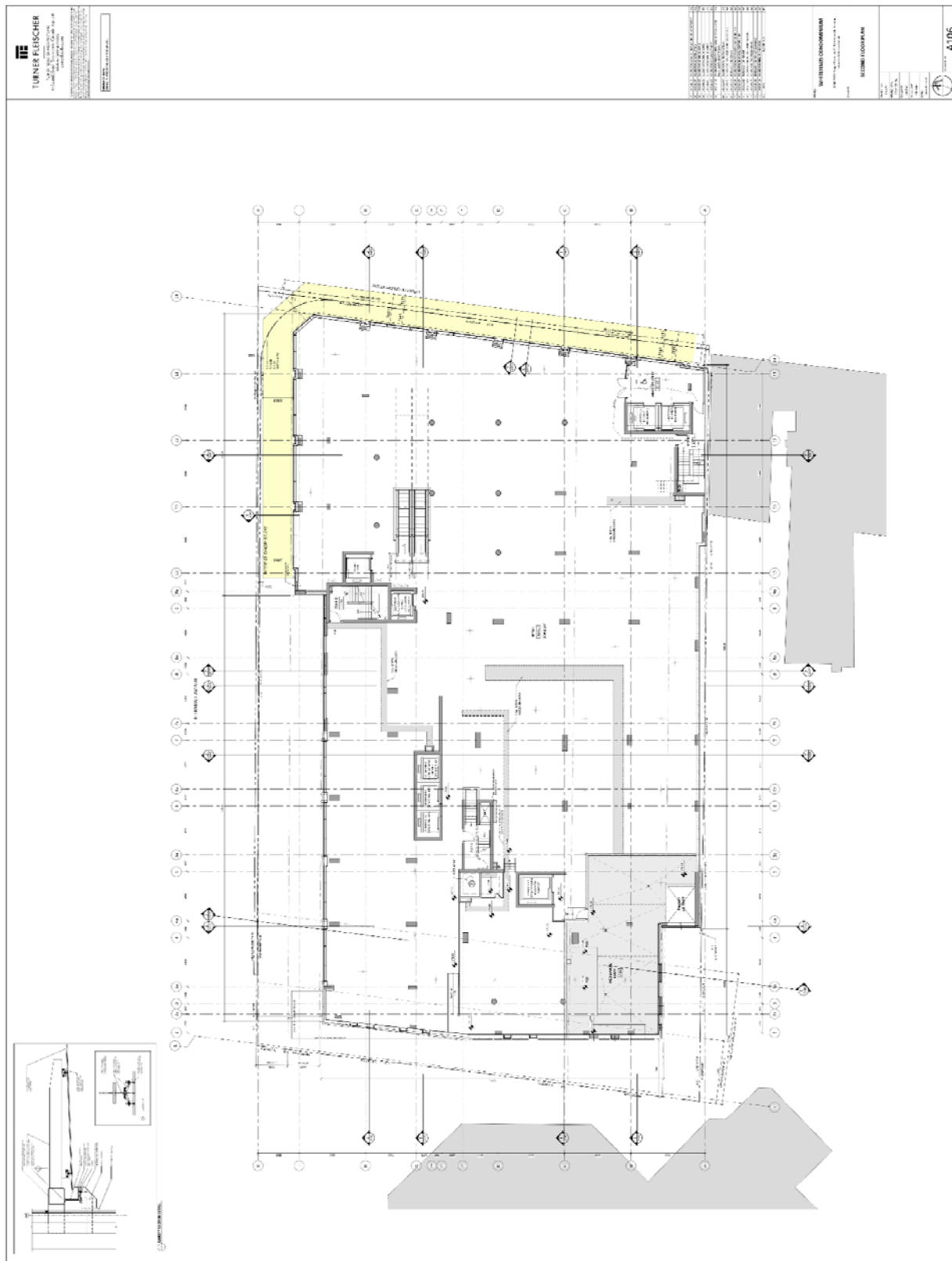
Encroachment Appeal - 2360 Yonge Street



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Attachment 4: Second Floor Plan



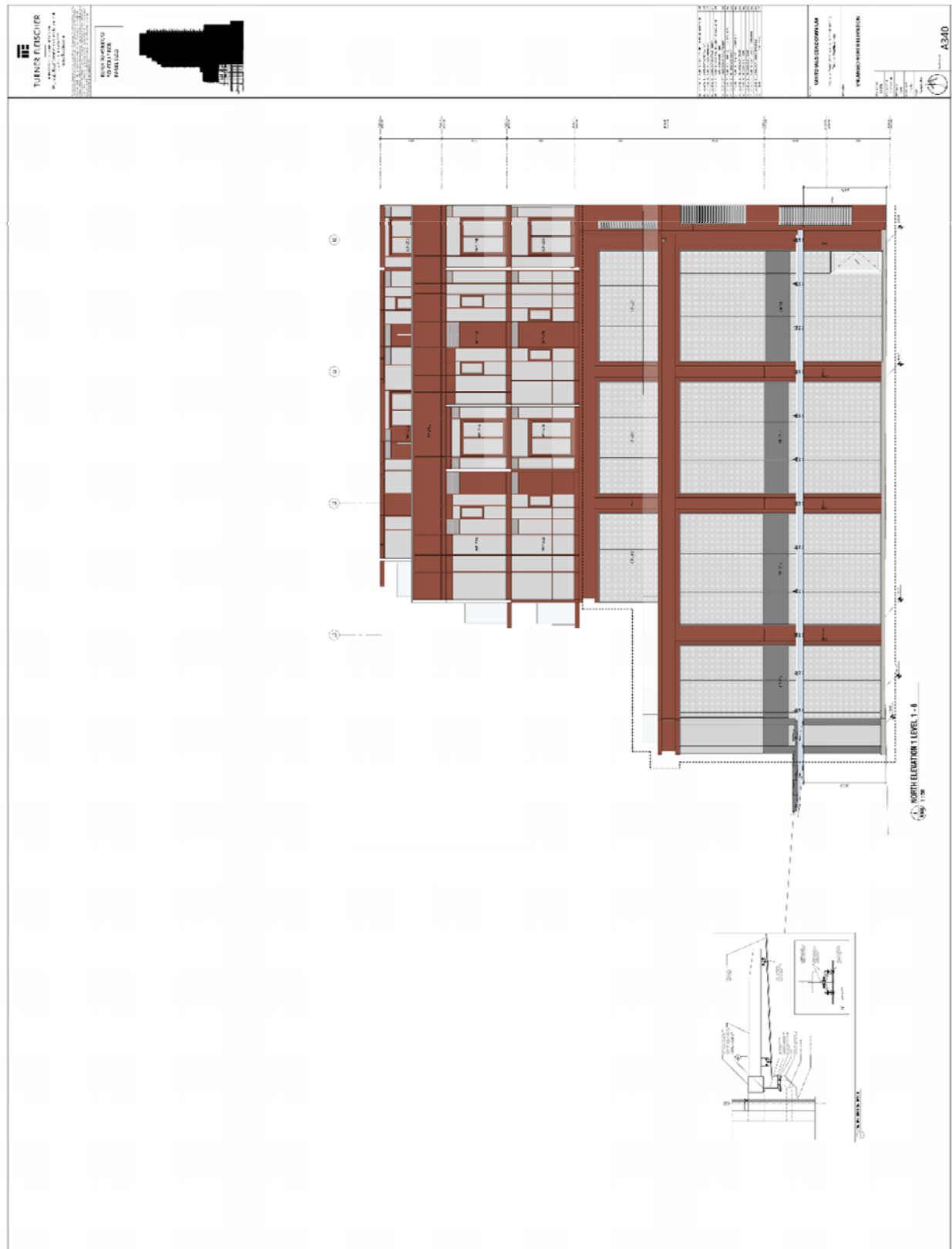
Attachment 5: East & North Building Elevations



Encroachment Appeal - 2360 Yonge Street



Encroachment Appeal - 2360 Yonge Street



Attachment 8: Canopy Cross Section East Facade

