

Request for Fence Exemption- 480 Yonge Street

Date: June 19, 2020

To: Toronto and East York Community Council

From: Joe Magalhaes, Manager Municipal Licensing & Standards, Toronto East York District

Wards: 13 - Toronto Centre

SUMMARY

This staff report concerns a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the owner(s) of 480 Yonge Street for a site-specific Fence Exemption, pursuant to Section 447-1.3 D(1) of Toronto Municipal Code, Chapter 447- Fences. As part of the building plan for a 38 storey condominium, a swimming pool is to be built on the 3rd floor of the 3 storey podium. The property owner(s) is seeking Council's permission to be exempt from a required 1.8 metre pool fence height to 1.2 metre fence height which does not comply with restrictions contrary to Section 447-1.3 D of the bylaw as detailed below in the following chart:

The subject property 480 Yonge Street is located in Ward 13, on a commercial retail zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Third Floor of 3-storey podium	To be located around the perimeter of the outdoor amenity	Minimum height for a swimming pool enclosure on a Multiple Residential property is 1.8 metres. They are requesting this to be reduced to 1.2 metres, similar to a single residential property	Section 447-1.3(D)(1), Table 2 Minimum height of swimming pool enclosure on a Multiple Residential Property - 1.8 metres

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 480 Yonge Street for the installation of a 1.2 metre swimming pool enclosure and compel that the enclosure meets the required 1.8 metre minimum height as required in the Toronto Municipal Code, Chapter 447, Fences Bylaw.

OR

2. Grant the application for an exemption permit, by the owner(s) of 480 Yonge Street for the installation of a 1.2 metre swimming pool enclosure. Direct and require that at such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

MLS received a request (appendix 1) for a fence by-law amendment to decrease the required height of a swimming pool enclosure from 1.8 metres to 1.2 metres. This is for a development site at 480 Yonge Street that contains a 38-storey condominium, with retail at grade, 2nd floor and exterior amenities for the residential condominium on the 3rd floor of the 3 storey podium. This is located at the southwest corner of Yonge Street and Grosvenor Street.

The fence for the pool is to be located around the perimeter of the outdoor amenity area of the development site, on top of the third storey of the building. There is no public entry to the pool area. In order to access the area, a security card, issued by property management will be required to be swiped two times, one at the main door and one at the elevator. There is to be additional security provided in the amenity area. This pool access is provided only to residents and a limited number of guests.

To the south of the site there is a series of one storey retail businesses, to the west is a government owned commercial building with no windows facing their development site.

The fence has not been built yet but a site plan and drawings for the pool fence enclosure are attached (See appendix 3 and 4).

As required by Section 447-1.5(B), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Toronto and East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application.

COMMENTS

The application for a Swimming Pool fence will await the results of the decision by the Community Council for a determination of the height of the swimming pool enclosure.

CONTACT

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SIGNATURE

Joe Magalhaes
Manager, Municipal Licensing and Standards,
Toronto and East District

ATTACHMENTS

Appendix 1 – Letter from Applicant

Appendix 2 - IView Aerial Photograph

Appendix 3 – Site Plan (Overall)

Appendix 4 – Site Plan (Swimming Pool Area)

Halo Residences Inc
170 Merton Street
Toronto, On
M4S 1A1

Feb 1, 2018

City of Toronto
Municipal Licensing and Standards
Attention: Manzurul Hoque

Re: 480 Yonge Street – Fence By-Law Amendment

480 Yonge Street is the location of a 38-storey condominium, with retail at grade, 2nd floor and exterior amenities for the residential condominium on the 3rd floor of the 3-storey podium. It is located at the southwest corner of Yonge Street and Grosvenor Street.

We are applying for a fence by-law amendment to decrease the required height of the fence to 1.2 metres from 1.8m for aesthetic purposes. The fence is to be lactated around the perimeter of the outdoor amenity area of this development site, on top of the third storey of the building.

There is no public entry to the pool area. In order to gain access an individual would need to use a security card issued by property management "fob" in at least 2 times, 1 for the main door and a second time at the elevator. Additional security is provided at the amenity area. Access to the pool is provided only to residents and a limited number of guests.

The current bylaw requiring a 1.8m high fence was intended for low-rise residential yards as a safety measure and does not take this building form into account which has several additional layers of security and prohibited access into account.

To the South of the site is a series of 1 storey retail business, to the west is a government owned commercial building with no windows facing our development site. The height of the fence will have no impact to the neighbouring properties nor will they have any interest or urgency in providing letters as mentioned above the intent of this bylaw is for a much different setting and use.

The development is currently being excavated, so we are unable to take photos of the location of the fence as it has yet to be constructed baring approval of this requested variance.

Please let me know if you have any additional questions or concerns.

Thanks,

Julie



