



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 94 Morningside Avenue – retaining wall and parking pad

Date:	August 22, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 13, High Park
Reference Number:	Folder Number 06-176148 RAW 00 IR

SUMMARY

This Staff Report is in response to an encroachment application to create a front yard parking pad on the Morningside road allowance, which also involves reconstruction of the retaining walls and maintenance of the existing concrete steps on the road allowance. The area of encroachment is approximately 14.21 square metres. The Etobicoke York Community Council has delegated authority from City Council to make a final decision for this application.

RECOMMENDATIONS

The Municipal Licensing and Standards recommends the Etobicoke York Community Council approve the application and the City Solicitor be authorized to prepare an Encroachment Agreement for the parking pad, retaining walls and the concrete steps on the Morningside Avenue road allowance, subject to the following conditions, for which the property owner is responsible:

1. to pay the City of Toronto all fees associated with the preparation of this agreement, and, should there be a requirement in future for the City of Toronto to charge an annual fee for the use of the road allowance, be responsible for such payment;
2. to return the signed agreement to the City along with the required Certificate of Insurance, evidencing a third party bodily and property damage insurance in the amount of \$2,000,000.00 or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy;

3. to renew the said Certificate of Insurance on an annual basis for the life of the encroachments;
4. to carry out all construction work and obtain the necessary building permits, including installation of the necessary guardrails and handrails which shall not create any sight line obstruction to pedestrian and vehicular traffic, in accordance with the Ontario Building Code;
5. to repair and maintain the retaining walls, guardrails and handrails, parking pad and concrete steps on the road allowance, including all necessary work including snow and ice removal, and cutting of grass;
6. to ensure that the retaining wall or curb must be flush with the height of the sidewalk for a distance of 150 millimetres from the back of the sidewalk and no water channelling devices shall direct storm water onto the City road allowance;
7. to comply with the requirements of Urban Forestry Services for the funding, protection, removal and replacement of the 30 centimetres diameter European Little-Leaf Linden City tree located at the front of the property; and
8. to obtain streets permit and comply with regulations set out in Chapter 313 of the former City of Toronto Municipal Code, Streets and Sidewalks.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

City Council in the July 25, 26 and 27, 2006 meeting adopted the recommendation of the Etobicoke York Community Council (Report 4, Clause 6, Recommendation 6), to approve the Front Yard Parking application by the owner of 94 Morningside Avenue, subject to 9 conditions. In order to comply with condition number 6 of the said recommendations, the owner is required to submit an application for an encroachment agreement to create the front yard parking pad on the Morningside road allowance. The application also involves reconstruction of the retaining walls and maintenance of the existing concrete steps at the front of the property, which are partly on the road allowance. The area of encroachment is approximately 14.21 square metres.

COMMENTS

The property is currently subject to Building Permits number #07-109937 and #07-187310.

The application has been forwarded to various City Divisions and utility companies for comments.

Transportation Services submitted the following comments:

- a) the retaining wall or curb, must be flush with the height of the sidewalk for a distance of 150 millimetres from the back of the sidewalk; and
- b) no water channelling devices shall direct storm water onto the City road allowance.

While Urban Forestry Services was not in support of the application because the encroachment request would require the removal of a 30 centimetre diameter European Little-Leaf Linden City tree at the front of the property to facilitate the construction of the retaining walls, it will be acceptable if the applicant undertakes to fund the planting of a replacement tree (to be located within the Etobicoke York District) and complies with the requirements of Urban Forestry Services.

Otherwise no adverse comments were received.

CONTACT

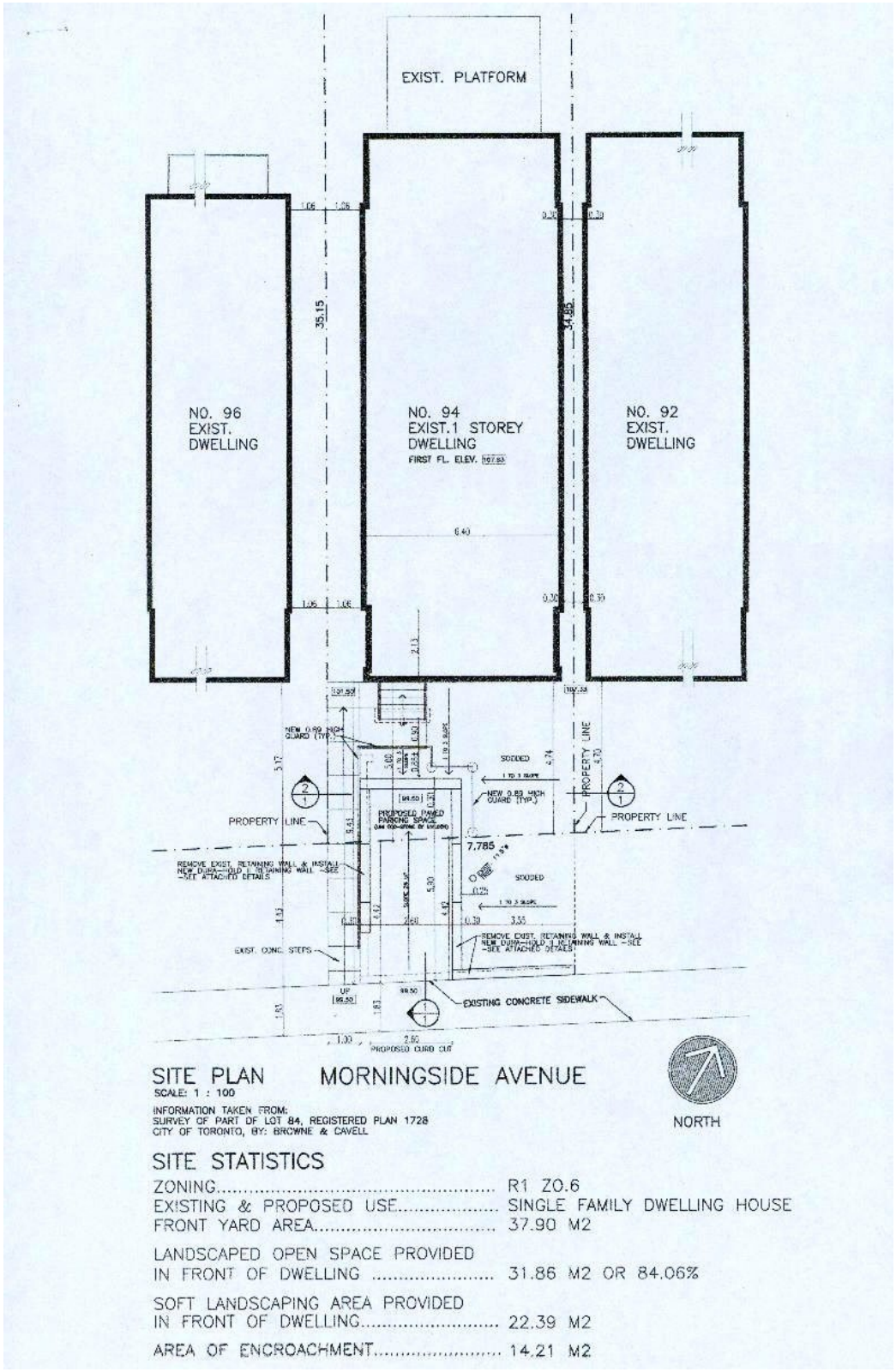
Chip Au, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-2533 Fax: 416-394-2904
E-mail: cau2@toronto.ca

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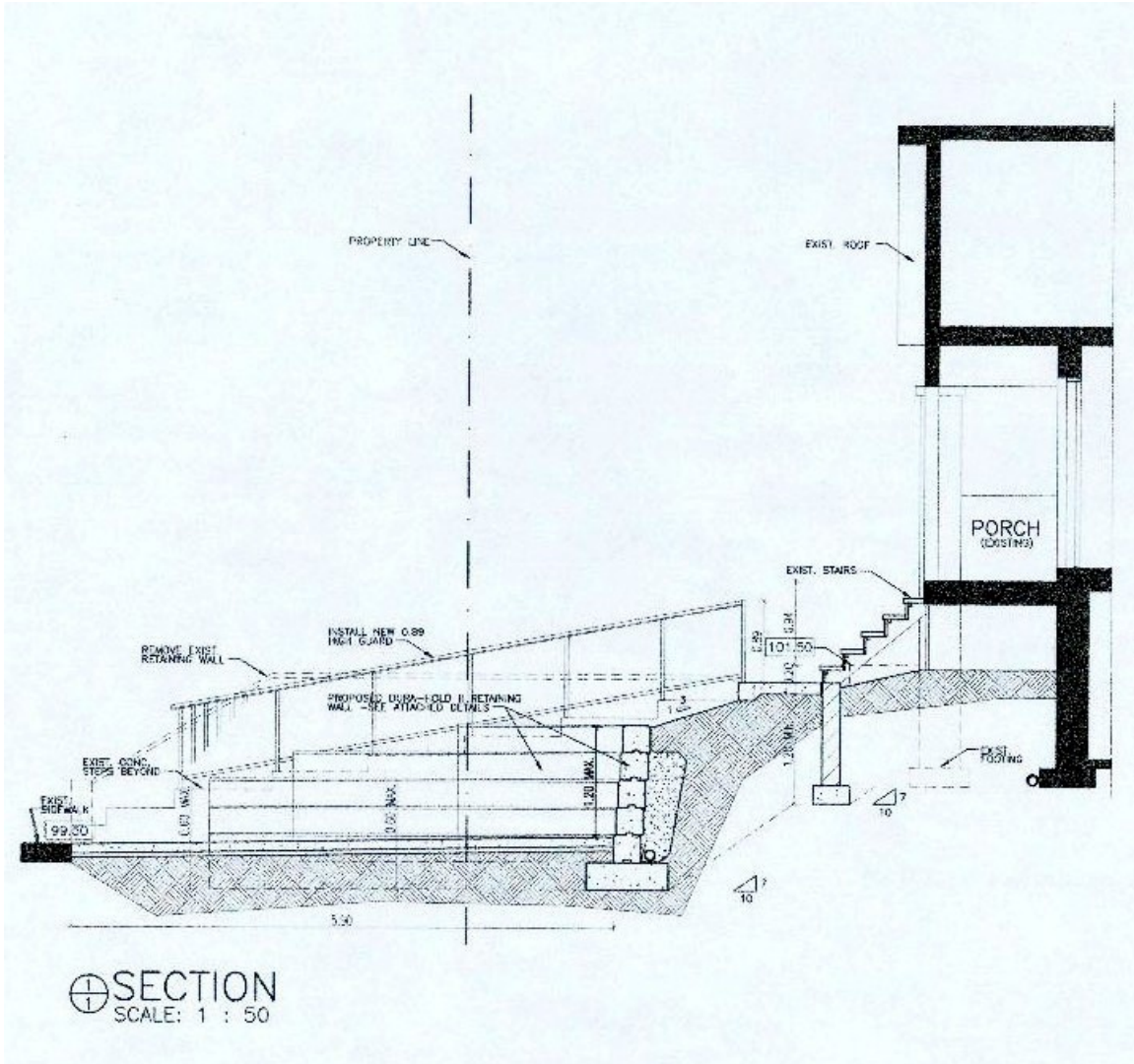
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

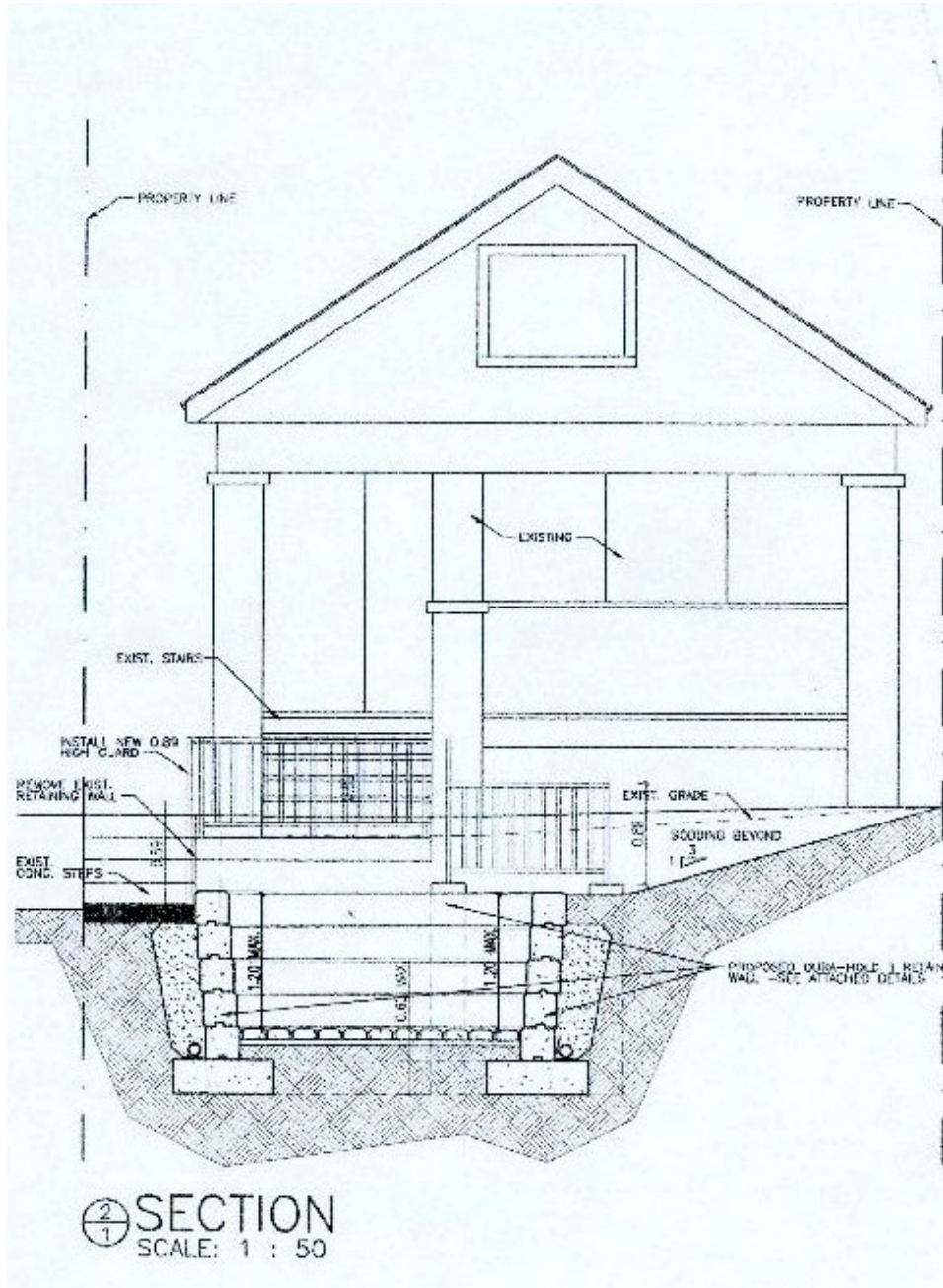
- Attachment 1: Site Plan
- Attachment 2: Section of Parking Pad and Retaining Walls (looking west)
- Attachment 3: Section of Parking Pad and Retaining Walls (looking north)



Attachment 1: Site Plan



Attachment 2: Section of Parking Pad and Retaining Walls (looking west)



Attachment 3: Section of Parking Pad and Retaining Walls (looking north)