



STAFF REPORT ACTION REQUIRED

33 Sherbourne Street – Ground Sign Encroachment

Date:	May 14, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 28
Reference Number:	Te07030te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the property owner of 33 Sherbourne Street to replace and maintain an existing ground sign fronting the property, within the public right of way.

Given that the sign does not impact negatively on the public right of way, Transportation Services recommends approval of the replacement and ongoing maintenance of the ground sign.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the request to replace and maintain the ground sign within the public right of way on the Front Street East flank of 33 Sherbourne Street, subject to the owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing of an insurance policy for such liability for the lifetime of the Agreement in a form approved by the Deputy City

Manager and Chief Financial Officer and in the amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

- b. maintain the ground sign at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
 - c. provide a certified cheque in the amount of \$2,500 to ensure that the public right of way is restored to the satisfaction of the General Manager of Transportation Services;
 - d. remove the ground sign upon receiving 90 days written notice to do so; and
 - e. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services.

Financial Impact

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

ISSUE BACKGROUND

The agent of the owner of 33 Sherbourne Street submitted an application requesting permission for the replacement and maintenance of an 8 m high by 2.5m wide ground sign, supported by a single steel column, which will encroach within the public right of way fronting the property. With respect to the frontage, encroachments also include the existing building.

The owner of the property is currently in the process of redeveloping their 33 Sherbourne Street location. One of the aspects of this development includes making the appropriate application to Transportation Services for the review and approval of the sign encroachment within the Sherbourne Street public right of way. A check of available records shows that there is no encroachment agreement for the ground sign.

The property owner claims that he has had a gas station on this corner for approximately 50 years and the location of the ground sign has always been at the corner of the property. Due to the orientation of the site, the location of the ground sign is very important to the success of the business. The lot is small in size and has limited exposure from several directions due to the proximity of buildings with zero setbacks.

Currently the ground sign has been removed to accommodate ongoing construction at the site. The base for the ground sign still remains in place and will be used for the erection of the replacement ground sign.

COMMENTS

Applicable regulation

There are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the encroachment of signs within the public right of way; therefore, we are required to report to Community Council on this matter.

The maintenance of the building encroachment is considered under the provisions of Chapter 313, Streets and Sidewalks of the former City of Toronto Municipal Code and can be dealt with administratively.

Reasons for approval

Transportation Services has reviewed the application and determined that the ground sign will not negatively impact the public right of way.

Details of the encroachment are on file with Transportation Services.

Photos of the property are shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – photos

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