

431 King Street East – Construction of a Canopy and Fence

Date:	August 23, 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:	Te07049te.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 an appeal from the agent of the owner of 431 King Street East for the construction of a wooden canopy with an underside measurement of 2.15 m from grade. In addition, the owner wishes to construct a new fence on the Trinity Street flank of 431 King Street East.

As the encroachments do not impact negatively on the public right of way, Transportation Services recommends approval, subject to the property owner providing vision splays for the fence at the intersection of King Street East and Trinity Street and adjacent to the public lane.

The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the construction of a wooden canopy and fence on the Trinity Street flank of 431 King Street East, subject to the owner constructing the fence to a maximum height of 1.9 m and providing vision splays adjacent to the intersection of King Street East and Trinity Street and at the public laneway on the Trinity

Street flank and entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

- a. maintain the overhead canopy and fence at his/her 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;
 - b. obtain approval for associated work on private property from the Toronto Building Division;
 - c. remove the overhead canopy and fence upon receiving 90 days written notice to do so; and
 - d. 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 431 King Street East submitted an application requesting permission to construct an overhead wooden canopy and a 1.9 m high fence on the Trinity Street flank of 431 King Street East.

The property owner of 431 King Street East has registered a pharmacy with the City at the property which also operates a methadone clinic. For this reason, the owner feels that it is important to provide anonymity to patients that visit the clinic. He wants to do so by constructing an enclosed area where a patient's privacy is intact from neighbouring properties and keeps them from loitering on the sidewalk and/or any possible interference with passers-by, while they wait to see their doctor or fill a prescription.

Currently there is a fence on the Trinity Street flank of 431 King Street East, which was constructed as a temporary means until Community Council approval is obtained. Upon approval, the existing fence will be removed and replaced with a 1.9 m high wooden fence with an overhead wooden canopy with an underside clearance of 2.15 m from grade. The wooden canopy will be attached to the building wall and supported by wooden posts integrated into the fence.

COMMENTS

Applicable regulation

The construction and maintenance of various encroachments within the public right of way are governed under the criteria set out in the former City of Toronto Municipal Code, Chapter 313 which require installations to be set back a minimum of 0.46 m back of the sidewalk or in the case where there is not a sidewalk present, a minimum of 2.13 m from the curb.

There are no provisions within the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to allow for the construction and maintenance of the wooden canopy, therefore, we are required to report to Community Council on the matter.

The construction of the 1.9 m high fence 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 overhead wooden canopy and fence will not impact negatively on the public right of way, provided that the owner constructs vision splays at the intersection of King Street East and Trinity Street adjacent to the public lane and maintain the height of the fence to 1.9 m.

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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