



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 35 Riverview Gardens

Date:	March 16, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 13 Parkdale – High Park
Reference Number:	ML&S Folder No. 07-253637 RAW 00 IR

SUMMARY

This staff report is about an application for an Encroachment Agreement to rebuild the existing retaining walls and steps, and construct new planters and a walkway within the Riverview Gardens road allowance (Attachments 2, 3, 4 and 5). The total area of the encroachments amounts to approximately 22.50 square metres, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobicoke York Community Council approve this application on the following conditions:

1. the City Solicitor be authorized to prepare an Encroachment Agreement for the existing and proposed encroachments as modified;
2. the owner to enter into an Encroachment Agreement with the City of Toronto and pay all fees associated with the preparation of the Agreement; and, should there be a requirement for the City of Toronto to charge an annual fee for the use of the road allowance in future, be responsible for such payment;

3. the signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party bodily injury 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;
4. the Certificate of Insurance to be renewed on an annual basis for the life of the encroachments;
5. the proposed guards and handrails to be installed and maintained in accordance with the Ontario Building Code, including any similar additional guard protection as necessary to avoid falling off the proposed half landing at the front as well as the neighbour's retaining wall at 37 Riverview Gardens on the north side of the property (Attachments 1, 2 and 5);
6. the height of the proposed retaining walls shall not exceed 0.90 of a metre;
7. the retaining wall and planters shall be setback from the back edge of the sidewalk for at least 0.46 of a metre;
8. the footings of the proposed retaining wall shall not exceed 0.61 of a metre below the existing sidewalk;
9. there shall be no solid screen fencing along the Riverview Gardens frontage;
10. the owner to maintain the encroaching retaining walls, planters, walkway and stairs in good repair and condition, free from hazards, and comply at all times with the regulations set out in the former City of York Municipal Code, Chapter 1004, Street, and;
11. the owner to obtain the necessary construction/streets permit(s) prior to construction.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The owner has submitted an application for an Encroachment Agreement for the following encroachments on the Riverview Gardens road allowance to rebuild the existing stone retaining walls and steps on the south side and also to construct three new planters and a walkway at this location.

The proposed walkway will be constructed alongside the existing driveway (Attachments 2, 3, 4 and 5).

The existing stone retaining wall and steps are in a state of disrepair and will be replaced by new retaining walls and stairs which are of concrete construction (Attachments 2, 3 and 5).

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COMMENTS

This application has been circulated to Transportation Services, Urban Forestry Services, Toronto Fire Services and various utility companies for comments, with no adverse comments received. However, Transportation Services require the following conditions to be incorporated:

- (a) the height of the retaining walls shall not exceed 0.90 of a metre;
- (b) a 0.46 of a metre clearance setback from the back edge of the sidewalk shall be maintained;
- (c) footings shall not exceed 0.61 of a metre below the grade of the existing sidewalk; and
- (d) no solid screen fencing shall be permitted along the Riverview Gardens frontage of the subject property.

The existing guardrails and handrails along the north side of the steps will be relocated to the south side. While this will protect the occupants and visitors from falling off the new concrete retaining wall on the south side, the lawn on the north side of the steps will become accessible and this will create a hazard of falling over an unprotected 1.5 metres high retaining wall at the neighbour's property (37 Riverview Gardens) (Attachments 2 and 5). Guard protection will be required at this location. Also the half landing of the new steps will also need to be protected if the drop exceeds 0.60 of a metre. Installation of a guardrail on both sides of the steps will be a solution to this problem.

CONTACT

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SIGNATURE

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

ATTACHMENTS

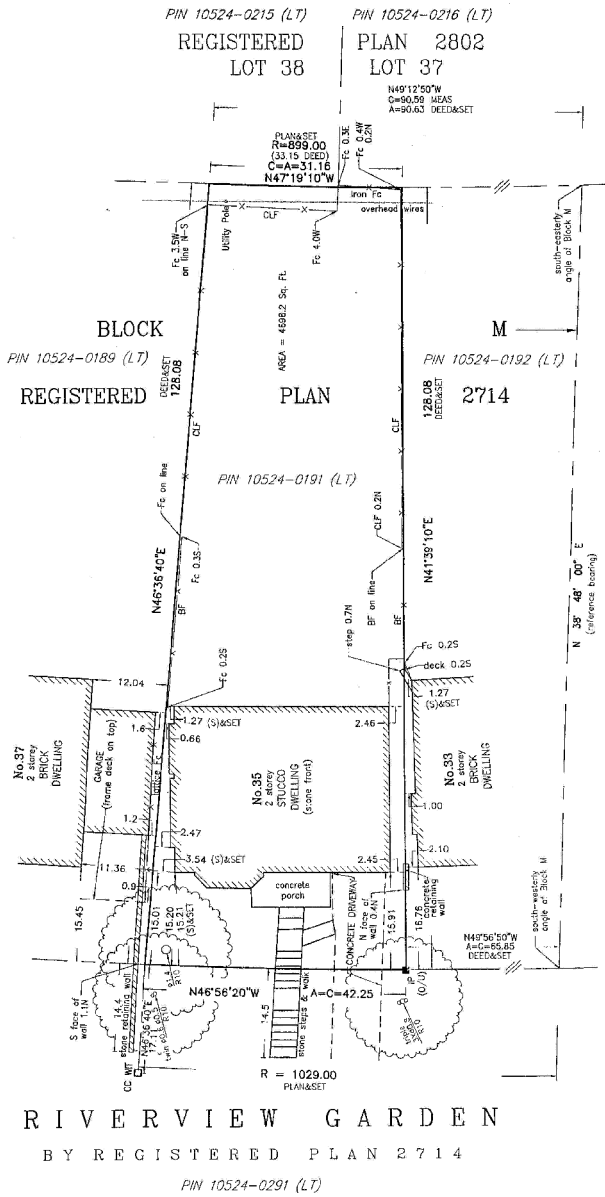
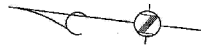
Attachment 1: Site Survey

Attachment 2: Site Plan

Attachment 3: Details showing the Concrete Retaining Walls, Steps and Guardrails

Attachment 4: Photographs showing the existing stone steps and retaining walls

Attachment 5: Photographs showing possible hazards when guard is relocated



RIVERVIEW GARDEN
 BY REGISTERED PLAN 2714
 PIN 10524-0291 (LT)

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 1672162

THIS PLAN IS NOT VALID UNLESS IT IS APPROVED AND ISSUED BY THE SURVEYOR (Regulation 1103, Statute 283)

SURVEYORS REAL PROPERTY REPORT
 PART 1
 PLAN OF BLOCK M
 REGISTERED PLAN 2714
 CITY OF TORONTO

SCALE 1" = 15'
 0 15 30 45 FEET
 H. PILLER CORPORATION LTD.

BEARING NOTE:
 Bearings are referred to the southerly limit of Block M Registered Plan 2714 having an astronomic bearing of N38°48'00" E. PART 2: (see reverse) This plan must be read in conjunction with the Survey Report dated October 9, 2007.

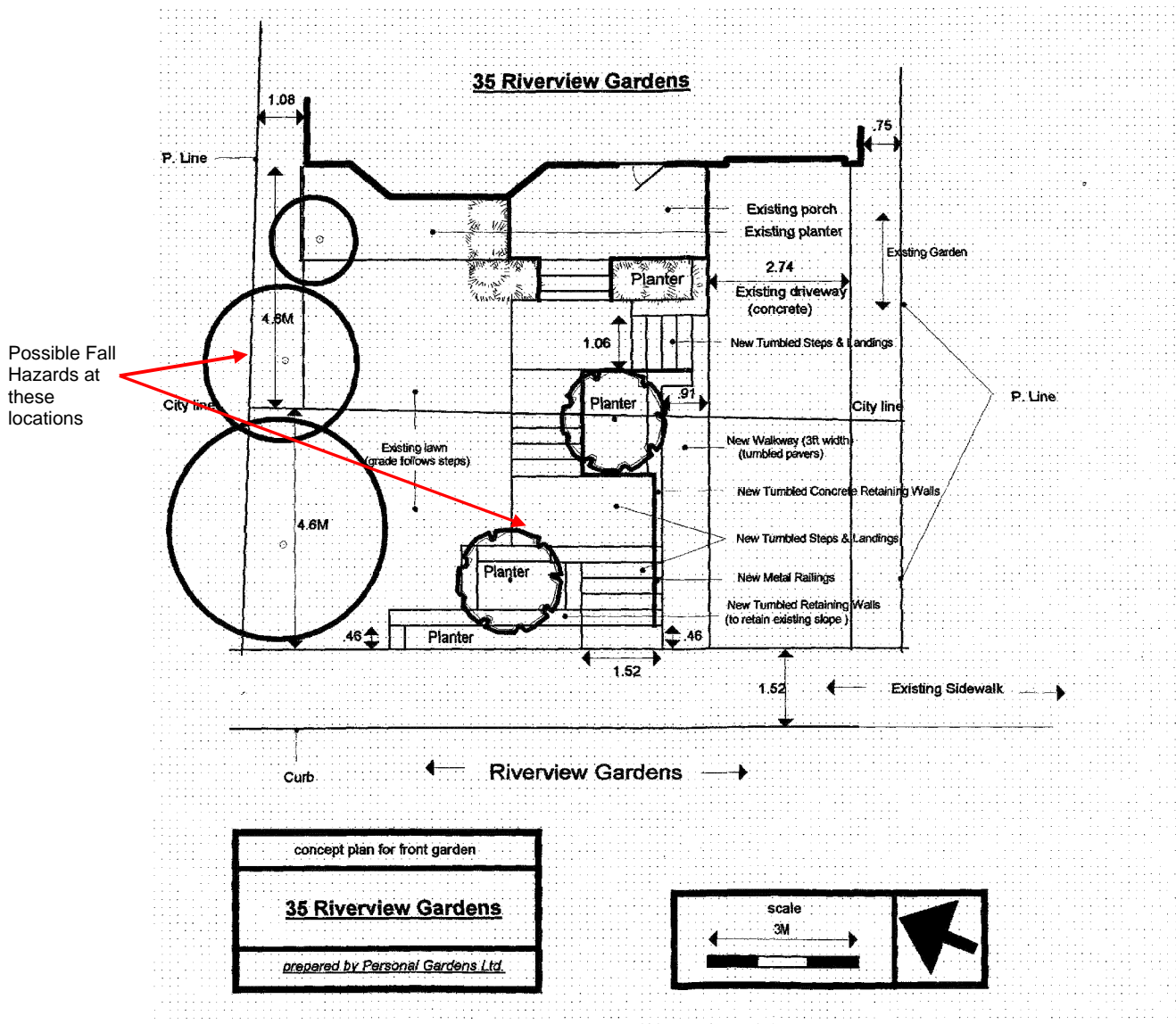
NOTE:
 Distances shown on this plan are in feet and can be converted to metres by multiplying by 0.3048.

LEGEND:
 ■ Monument found
 □ Monument planted
 ⊕ Cut Cross
 ⊖ Cut Cross
 ⊙ Short Standard Iron Bar
 ⊙ Standard Iron Bar
 ⊙ Origin unknown
 ⊙/⊙ Measured
 ⊙/⊙ Measured, Block 2714
 ⊙/⊙ Measured, Plan No. C/947157
 ⊙/⊙ DEED
 ⊙/⊙ H. C. Sewell, O.L.S.
 (S)

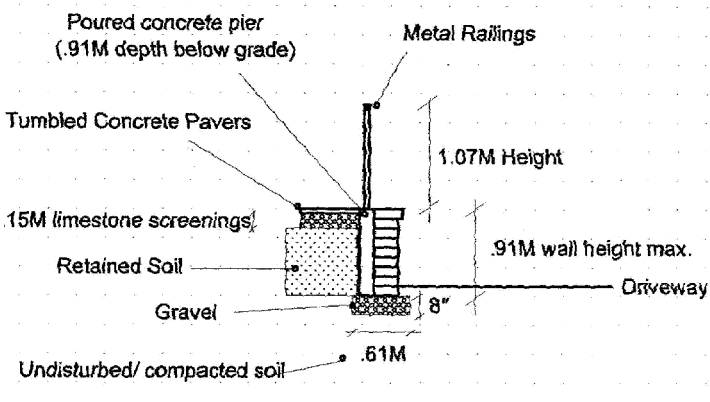
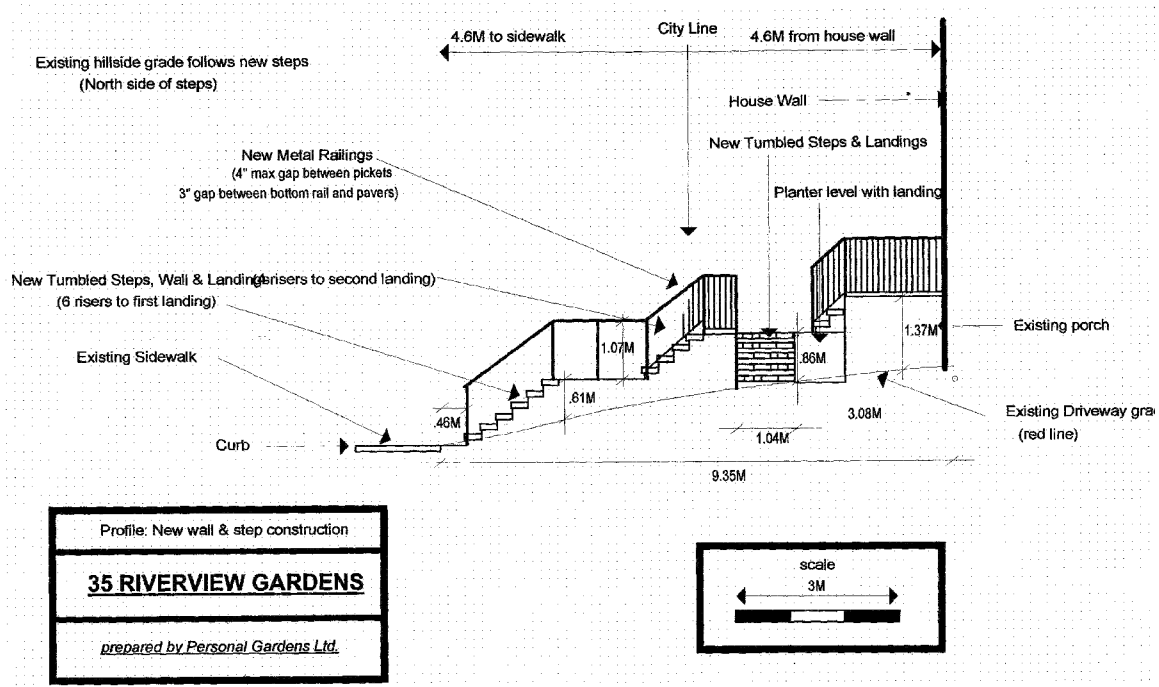
SURVEYORS CERTIFICATE:
 I CERTIFY THAT:
 1. This survey and plan are correct and in accordance with the provisions of the Survey Act and the regulations made thereunder.
 2. The survey was completed on the 3rd day of October, 2007.

date Oct. 29/2007
 reference number 27-21-7495-01
 H. Piller Corporation Ltd
 Toronto 416-468-1174 CANADA

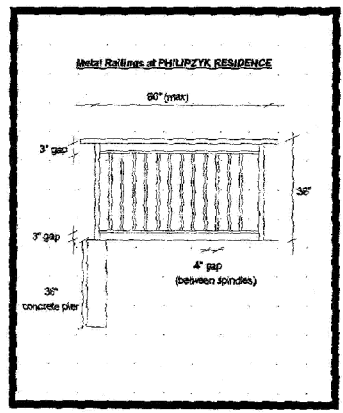
Attachment 1: Site Survey



Attachment 2: Site Plan



Hampton Tumbled Wall Construction
35 Riverview Gardens (not to scale)



Attachment 3: Details showing the Concrete Retaining Walls, Steps and Guardrails



Attachment 4: Photos showing the existing encroaching retaining walls and steps



Possible Fall Hazard after relocation of Guardrail to the south side of steps



Attachment 5: Photos showing possible hazards when guard is relocated