



**STAFF REPORT
ACTION REQUIRED**

Door Swing Encroachment – 123/125 Yorkville Avenue

Date:	June 1, 2010
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre – Rosedale – Rosedale -Ward 27
Reference Number:	Te10060te.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 agent of the owners of 123/125 Yorkville Avenue to install and maintain a set of doors that, when open, will encroach within the public right of way fronting 123/125 Yorkville Avenue.

Transportation Services has reviewed the proposal and does not recommend approval as it does not meet the guidelines established for installations affecting the public right of way. Additionally, the operation of the encroaching door has the potential to create sidewalk safety hazards.

The owner together with any other interested parties will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. deny the request to install an encroaching door that will encroach within the public right of way fronting 123/125 Yorkville Avenue.

Financial Impact

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

ISSUE BACKGROUND

The agent of the owners of 123/125 Yorkville Avenue submitted an application requesting permission to install and maintain an encroaching door that, when open, will encroach approximately 2.0 m into the sidewalk fronting 123/125 Yorkville Avenue leaving 1.2 m for pedestrian clearway. The building itself is an existing structure that is served as a parking garage and in the process of the ground floor being renovated into a restaurant. The proposed doors are new additions associated with the renovations.

The applicant claims that the doors will remain in a closed position except to receive the occasional delivery and access to the front of the building.

The applicant was advised that the installation of outward swinging doors onto the sidewalk is not permitted and that an alternate design is to be considered. The applicant subsequently submitted an appeal requesting further consideration.

COMMENTS

Applicable regulation

The installation and maintenance of the encroaching doors can be considered under the criteria set out in Chapter 313, Streets and Sidewalks of the former City of Toronto Municipal Code, which stipulates that;

- a minimum of 2.1 m of clear sidewalk or boulevard is to be available adjacent to the proposed installation.
- applications shall be considered for existing buildings only where the existing building constraints preclude confining the doors to private property.
- the proposed installation must not, in the opinion of the General Manager of Transportation Services, present a hazard to the public or interfere with any public utility use or proposed use.

Reasons for not approving

The proposed door installation does not conform to the criteria set out in Chapter 313, Streets and Sidewalks of the former City of Toronto Municipal Code. When open, the encroaching doors, along with an existing tree pit and mature tree located directly in front of the proposed encroachment location, would provide a sub standard pedestrian clearway of only 1.2 m.

As the doors will be used for both deliveries and entrance to the building, their frequent use will cause obstruction for pedestrians, who may resort to walking on the roadway, thereby impeding vehicular traffic and creating safety hazards. The sub standard sidewalk prevents the installation of any warning or safety measure, such as a bollard, to be installed.

In addition, the door obstructions have the potential to disrupt snow clearing and other City operations.

Lastly, as the building is currently under renovation and the doors are not an existing encroachment, the owner is not constrained by existing conditions and can look to alternate designs in order to confine the doors to private property.

Details of the proposal are on file with Transportation Services

A photo of the property is shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – Photo

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