REPORT FOR ACTION

Various Encroachments - 2175 Lake Shore Boulevard West

Date: November 10, 2017
To: Etobicoke-York Community Council
From: Director, Transportation Services, Etobicoke York District
Wards: Ward 6 – Etobicoke Lakeshore

SUMMARY

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

Transportation Services is requesting authority to enter into an encroachment agreement for the installation and maintenance of various encroachments associated with the development at 2175 Lake Shore Boulevard West, which is currently under construction. The encroachments are located on lands that will be conveyed to the City for road widening purposes or implementation of future roads.

Transportation Services has no concerns with the subject encroachments as they will not negatively impact the public rights of way.

RECOMMENDATIONS

The Director, Transportation Services, Etobicoke York District recommends that:

1. Etobicoke York Community Council authorize the City to enter into an agreement (the "Encroachment Agreement") with Phantom Developments Limited (the applicant) on the following terms and conditions:

(a) Permit the installation and maintenance of the following encroachments:

(i) The third floor building overhang, which will provide 8.17 metres of clearance, and will project into the corner rounding at Future Street 'C' and Future Street 'D';

(ii) Above grade over-pour of the parking structure encroaching into strata line by 0.16 metres at Future Street 'C' and Future Street 'D';
(iii) An underground garage air shaft encroaching into the corner rounding at Lake Shore Boulevard West and Future Street 'D';

(iv) Below grade over-pour of concrete into structural elements encroaching by 0.61 meters at Future Street 'C' and Future Street 'D'; and

(v) A sanitary manhole encroaching into a road widening conveyance abutting Lake Shore Boulevard West.

(b) The applicant shall construct the encroachments to the satisfaction of the General Manager of Transportation Services and shall maintain the encroachments in a state of good repair, at no expense to the City.

(c) The City shall not be responsible for repairing or replacing any encroachment damaged as a result of clearing or removal of litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction.

(d) The applicant shall comply with the insurance and indemnity requirements of chapter 743 of the City of Toronto Municipal Code, Sub-Section 23.

(e) The City shall maintain the right to place pipes, cables, wires, poles and other infrastructure within the encroachments.

(f) The applicant shall, if required by the General Manager of Transportation Services, remove the encroachments and restore the City lands in accordance with Article VIII of Chapter 743 of the City of Toronto Municipal Code.

(g) The applicant shall pay the fees specified in Chapter 441, Fees and Charges of the City of Toronto Municipal Code.

(h) The applicant shall pay all costs associated with preparing the Encroachment Agreement.

(i) If considered appropriate, the City may require that the property owner register notice of the Encroachment Agreement on title to the property, at the expense of the applicant and to the satisfaction of the City Solicitor.

(j) Any other terms and conditions considered appropriate to the Director, Transportation Services, Etobicoke York District and in a form acceptable to the City Solicitor.

**FINANCIAL IMPACT**

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

The development at 2175 Lake Shore Boulevard West was the subject of Zoning By-law Amendment Application No. 08 203355 WET 06 OZ, which was approved by City Council on April 1, 2010, through the enactment of Site Specific By-law No. 349-2010. The development was also the subject of Site Plan Application No. 09 198694 WET 06 SA, for which City Planning staff advise that Notice of Approval Conditions were issued on November 4, 2016.

COMMENTS

The encroachments outlined in this report are the result of the construction process since they were not shown on the site plan drawings that were submitted through the development review process. In accordance with the Toronto Municipal Code Chapter 743, Transportation Services does not have the authority to enter into an encroachment agreement for the installation and maintenance of the various encroachments outlined in this report. As a result, a report is submitted to Etobicoke York Community Council for consideration.

An encroachment application was received by the applicant requesting permission to install and maintain a building overhang, a slight parking garage below/above grade over-pour and an underground air shaft which will encroach onto future roads, the lands for which will be conveyed to the City. The location and layout of these roads were secured through the development review process. The encroachment application also considers a sanitary manhole encroaching into a road widening conveyance abutting Lake Shore Boulevard West, which was also secured through the development review process. All encroachments outlined above are associated with a residential condominium building that is currently under construction. Transportation Services staff have reviewed the matter and have determined that the encroachments are acceptable, as they do not adversely affect the public right of way.

CONTACT

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