

Encroachment Appeal - 2781 Yonge Street

Date: August 16, 2019

To: North York Community Council

From: Director, Transportation Services, Permits and Enforcement

Wards: Ward 15 - Don Valley West

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided it is in keeping with City policy or by-laws.

The property at 2781 Yonge Street includes the property addresses from 2779 to 2781 Yonge Street and 15 to 21 Strathgowan Avenue. It will be a mixed use, 9-storey building with 90 residential dwelling units, 28 rental units, and 800 square metres of commercial floor space.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 2781 Yonge Street to install and maintain canopies and door swings on Yonge Street and Strathgowan Avenue, as well as a planter on the boulevard area of Strathgowan Avenue. The encroachments will be installed and maintained as per Table 1 under the 'Recommendations' section on page 2 of this report.

The canopies will not provide the required 0.5 metre setback from the edge of the sidewalk closest to the property line on the public right-of-way as per the requirements set out by the City of Toronto Municipal Code, Chapter 743-14 (C), Streets and Sidewalks, Use of, for delegated approval as an encroachment by the General Manager, Transportation Services.

The 14.8 metre long by 2.0 metre wide planter will be set back 0.3 metres from the rear edge of the curb with a total height (including vegetation within the planter) of 0.8 metres measured from the roadway grade on Strathgowan Avenue. Multiple door swings will encroach into the City's right-of-way as follows; two will encroach 0.95 metres on Yonge Street, two will encroach 0.85 metres on Strathgowan Avenue, and four will encroach 0.35 metres on Strathgowan Avenue. The planter and door swings do not comply with Chapter 743-31E (2) which requires a 0.5 metre setback from the edge of the sidewalk located closest to the property line.

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

RECOMMENDATIONS

The Director, Transportation Services, Permits and Enforcement, recommends that:

1. North York Community Council approves the request to install and maintain canopies, doors swings, and a planter along Yonge Street and Strathgowan Avenue as per Table 1 below:

Table 1. Encroachment Information

Encroachments			Dimensions (metres)			
Type	Location	Number	Length	Width	Height	Height Above Ground Level
Canopy	Yonge Street	2	6.7	1.69	0.17	4.91
	Yonge Street	1	6.0	1.69	0.17	4.91
	Yonge Street	1	8.85	1.69	0.17	4.91
	Strathgowan Avenue	1	10.69	1.69	0.17	4.61
	Strathgowan Avenue	1	5.44	1.69	0.17	4.61
	Strathgowan Avenue	1	4.22	1.69	0.17	3.5
	Strathgowan Avenue	1	5.61	1.69	0.17	3.52
Planter	Strathgowan Avenue	1	14.8	2.0	0.20	
Door Swing	Yonge Street	2		0.95		
	Strathgowan Avenue	2		0.85		
	Strathgowan Avenue	4		0.35		

The approval should be subject to the following conditions:

- a) The property owner enters into an encroachment agreement with the City of Toronto at the applicant's expense and assumes all liability and damages related to the encroachments.

- b) The property owner must retain valid property insurance for the duration of the encroachments in case there are any claims initiated due to the encroachment.
- c) The property owner agrees that the City and/or utility companies may remove the canopies, doors swings and planter in order to install or maintain services within the affected public right-of-way with no obligation to replace the encroachments.
- d) The property owner agrees that any discharge of water from the canopies shall be oriented to direct water away from the road or sidewalk.
- e) The property owner agrees that the door swing encroachments shall include glazing to provide visibility during operation of the doors.
- f) The property owner agrees that the vegetation grown in the planter must not obstruct driver and/or pedestrian sight lines.

FINANCIAL IMPACT

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

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on May 29, 2019, from the owner of 2781 Yonge Street requesting permission to install and maintain the encroachments on the public right of way as per Table 1 above:

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743-14 (C) and 743-31E (2), Streets and Sidewalks, Use of. The relevant provision for the encroachments subject to this appeal is that canopies, door swings, and planter must provide a setback of 0.5 metres from the edge of the sidewalk closest to the property line and parallel with the sidewalk.

As the proposed canopies, door swings, and planter do not comply with the minimum 0.5 metres sidewalk setback requirement, an appeal was requested from the property owners, for which this report has been prepared.

A site plan, elevations, encroachment plan, and cross section drawings showing the encroachments have been submitted and are included as attachments to this report.

Even though the proposed canopies, door swings, and planter do not comply with the sidewalk setback requirement stipulated in the by-law, staff is of the opinion that this does not constitute a sightline impediment which affects traffic or pedestrians and that the proposed encroachments will not have a negative impact on the public right of way. In addition, the proposed planter is also supported by Urban Forestry. Thus, staff is of the opinion that the encroachments are acceptable provided that the property owners enter into an encroachment agreement with the City.

CONTACT

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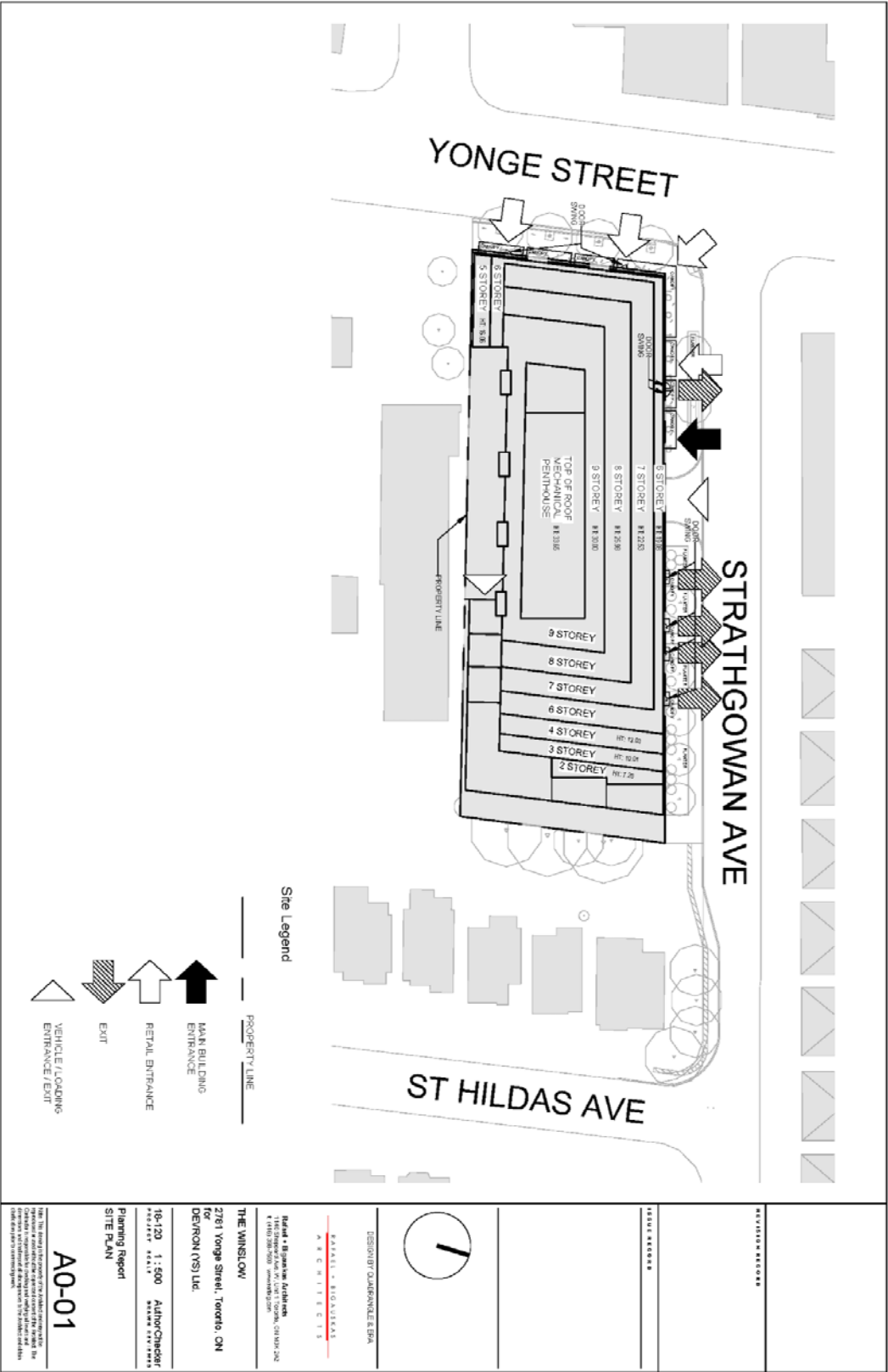
SIGNATURE

David J. Twaddle
Director, Permits and Enforcement
Transportation Services

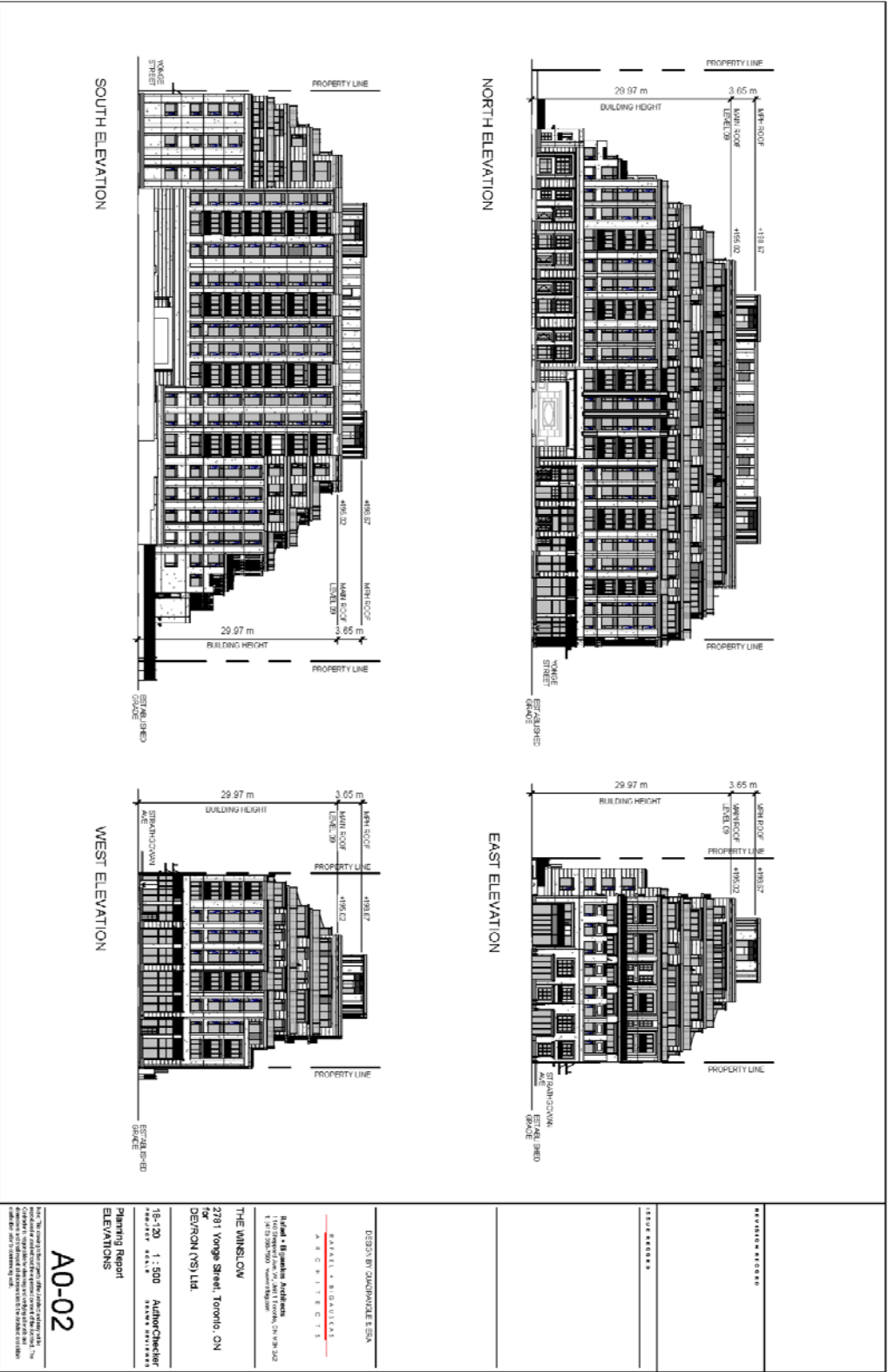
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Encroachment Plan
Attachment 4: Cross Section - Canopies and door swing detail section
Attachment 5: Cross Section - Canopies and door swing detail section

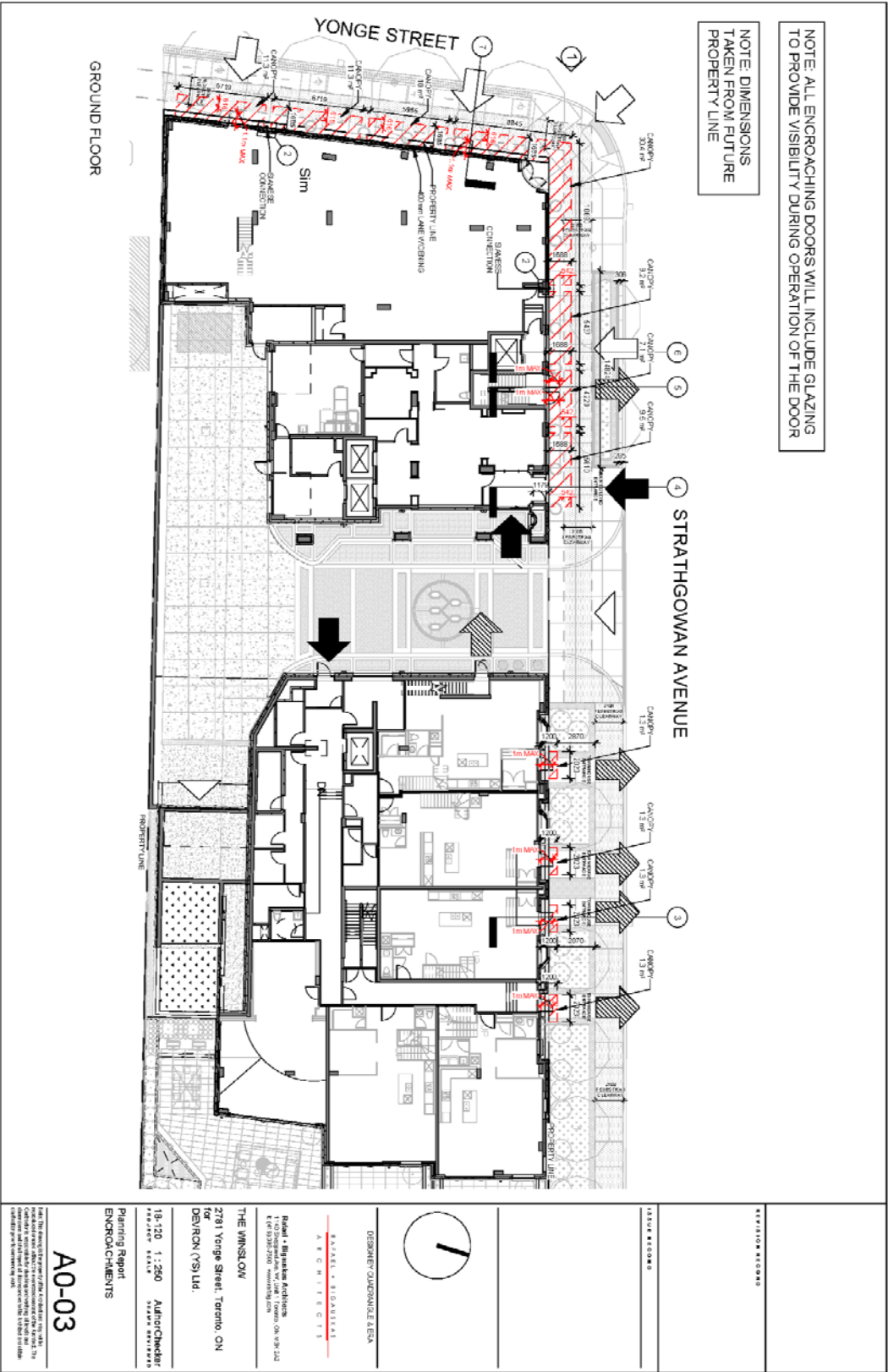
Attachment 1: Site Plan

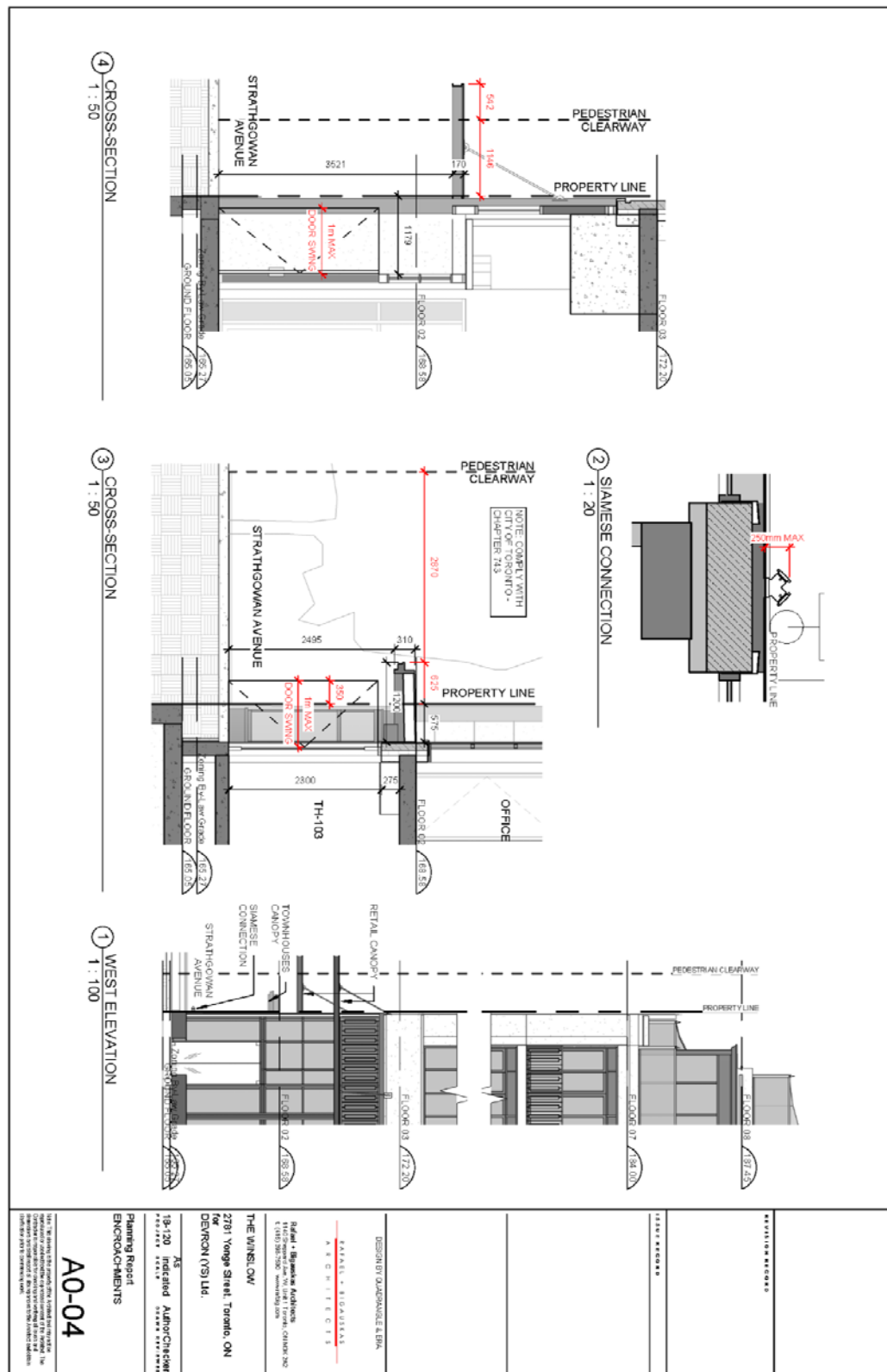


Attachment 2: Elevations



Attachment 3: Encroachment Plan





7 CROSS-SECTION 1:50

PEDESTRIAN CLEARWAY
2.10 m
4900
1119
960
400mm LANE WIDENING
518
1069
PROPERTY LINE
LANE WIDENING
FLOOR 03 / 112.20
FLOOR 02 / 108.63
YONGE STREET
DOOR SWING
1114mm

6 CROSS-SECTION 1:50

PEDESTRIAN CLEARWAY
4608
3501
542
170
1146
PROPERTY LINE
FLOOR 03 / 112.20
FLOOR 02 / 108.63
STRATHGOWAN AVENUE
DOOR SWING
1114mm

5 CROSS-SECTION 1:50

PEDESTRIAN CLEARWAY
3501
1296
860
542
170
1146
PROPERTY LINE
FLOOR 03 / 112.20
FLOOR 02 / 108.63
STRATHGOWAN AVENUE
DOOR SWING
1114mm