

Encroachment Appeal - 2360 Yonge Street

Date: December 2, 2019
To: North York Community Council
From: Director, Transportation Services, Permits and Enforcement
Wards: Ward 8 - Eglinton Lawrence

SUMMARY

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

The property at 2360 Yonge Street includes the properties at 2360 to 2378 Yonge Street. A 31-storey mixed use building is currently under construction at the site. Upon completion, the building will contain approximately 404 dwelling units.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 2360 Yonge Street to install and maintain 88 soil cells under the boulevard of Yonge Street and Helendale Avenue at the north-east area fronting the property. The soil cells will cover an area of 75 square metres and will be installed in one row.

Soil cells are an expandable and low maintenance modular system that allow additional soil volume for proper tree growth. They are used in tight urban spaces, facilitate water infiltration, and given their completely open design, help with the horizontal and vertical spreading of root systems.

Urban Forestry and the Toronto Public Utilities Coordinating Committee (TPUCC) granted approval of the proposal and location of soil cells; however Toronto Water is pending their approval.

Transportation Services does not have delegated authority to enter into an encroachment agreement for the soil cells in accordance with the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. However, approval of the soil cell encroachment is recommended given that it will comply with the Toronto Green Standard, will provide street trees with high quality soil volume and almost all the TPUCC approvals were obtained as only Toronto Water's approval is pending.

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 approve the request to install and maintain 88 soil cells underneath the boulevard area fronting the north-east corner of 2360 Yonge Street, which will extend over one row and cover an area of 75.0 square metres, subject to the following conditions:

- a) The property owner shall install and maintain the encroachment to the satisfaction of the General Manager of Transportation Services and in a state of good repair, at no expense to the City.
- b) The property owner obtains approvals from Toronto Water Division and all other Divisions requirements to comply with the Site Plan Amendment Application 19 196151 NNY 08 SA and the General Manager of Transportation Services Division will not have the obligation to issue the boulevard improvements licence also known as landscape permit without the property owner obtaining the necessary approvals.
- c) 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 encroachment.
- d) The property owner must retain valid property insurance for the duration of the encroachment in case there are any claims initiated due to the encroachment.
- e) The property owner agrees that the City and/or utility companies may remove the soil cells in order to install or maintain services within the affected public right-of-way with no obligation to replace the encroachment.
- f) The City shall not be responsible for repairing or replacing any portion of the encroachment that is damaged as a result of clearing or removing litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction.
- g) Any other conditions considered appropriate by the General Manager or the City Solicitor.
- h) The property owner agrees to register the encroachment on-title to the property, at the expense of the applicant and to the satisfaction of the City Solicitor.

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

A streetscape application was received on June 19, 2019 from the owner of 2360 Yonge Street requesting permission to install and maintain 88 soil cells within the Yonge Street and Helendale Avenue boulevard area fronting the property. The soil cells will be installed in one row and will cover an area of 75 square metres.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743 Streets and Sidewalks, Use of. Transportation Services does not have delegated authority to enter into an encroachment agreement for the soil cells in accordance with the City of Toronto Municipal Code, Chapter 743. However, staff is of the opinion that the soil cell encroachment will not have a negative impact on the public right of way. As a result, an appeal was requested from the property owners for which this report has been prepared.

Soil cells are used to facilitate tree growth as they allow appropriate soil volumes for root systems. They are used in tight urban environments, are of low maintenance and their open design allow for the vertical and horizontal spreading of roots and water. In addition, the proposed soil cell encroachment is also supported by Urban Forestry and the TPUCC. Thus, staff is of the opinion that the encroachment is acceptable provided that the property owners enter into an encroachment agreement with the City, obtains Toronto Water Division's Approval and all other approvals required through Site Plan Amendment Application.

CONTACT

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SIGNATURE

David J. Twaddle
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

Attachment 1: Landscape Plan (Ground Floor)

Attachment 2: Sections - Soil Cells

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