

Encroachment Appeal - 1962 Eglinton Avenue West

Date: January 31, 2020
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 delegated authority from City Council to make a final decision provided it is in keeping with City policy or by-laws.

The property owner of 1962 Eglinton Avenue West is proposing to renovate the existing two-storey commercial building and add a third storey addition at the rear.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 1962 Eglinton Avenue West to install and maintain one canopy along Eglinton Avenue West and Hartley Avenue that will have a total length of 30.3 metres and at second floor of the building three aluminum window sunshades with 2.55 metres length each on Hartley Avenue. The canopy will also have an overall height of 0.3 metres and will be installed approximately 3.02 metres above the finished grade while the three sunshades will be installed approximately 6.5 metres above the finished grade. No setback will be provided between the canopies or the windows sunshades from the rear edge of the sidewalk on Eglinton Avenue West and Hartley Avenue within the boulevard area.

The canopy and window sunshades on the public right-of-way do not meet the setback requirements of the City of Toronto Municipal Code, Chapter 743-14 (C) and 743-31 (E) 2, Streets and Sidewalks, Use of, for delegated approval as an encroachment by the General Manager, Transportation Services. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

The Director, Transportation Services, Permits and Enforcement, recommends that North York Community Council:

1. Approve the request to install and maintain one canopy along Eglinton Avenue West and Hartley Avenue with a total length of 30.3 metres and at second floor of the building three aluminum window sunshades with 2.55 metres length each on Hartley Avenue. The canopy will also have an overall height of 0.3 metres and will be installed approximately 3.02 metres above the finished grade while the three sunshades will be installed approximately 6.5 metres above the finished grade. Encroachments will provide no setback from the rear edge of the sidewalk on Eglinton Avenue West and Hartley Avenue within the boulevard area, as generally shown in the enclosed attachments, 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 encroachments.
- c) The property owner agrees that the City and/or utility companies may remove the canopy and window sunshades 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.

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 January 22, 2020 from the owner of 1962 Eglinton Avenue West requesting permission to install and maintain one canopy along Eglinton Avenue West and Hartley Avenue with a total length of 30.3 metres and at second floor of the building three aluminum window sunshades with 2.55 metres length each on Hartley Avenue. The canopy will also have an overall height of 0.3 metres and will be installed approximately 3.02 metres above the finished grade while the three sunshades will be installed approximately

6.5 metres above the finished grade. Encroachments will provide no setback from the rear edge of the sidewalk on Eglinton Avenue West and Hartley Avenue within the boulevard area.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743-14 (C) and 743-31 (E) 2, Streets and Sidewalks, Use of. The relevant provision for the encroachment subject to this appeal is that a canopy and any encroachment shall provide a setback of 0.50 metres from the edge of the sidewalk closest to the property line and parallel with the sidewalk.

As the proposed setback of the canopy and window sunshades to the sidewalk does not comply with the required minimum 0.50 metres setback, an appeal was requested from the property owner, for which this report has been prepared.

A site plan, east and south elevations, and wall sections showing the encroachments have been submitted and are included as attachments to this report.

Even though the proposed canopy and window sunshade do not comply with the setback requirements stipulated in Chapter 743 of the City of Toronto Municipal Code, staff is of the opinion that this does not constitute a traffic sightline impediment affecting traffic or pedestrians. Furthermore, staff are also of the opinion that the proposed encroachments will not have a negative impact on the public right-of-way. Thus, staff have determined that the encroachments are acceptable, provided that the property owner enters into an encroachment agreement with the City.

CONTACT

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SIGNATURE

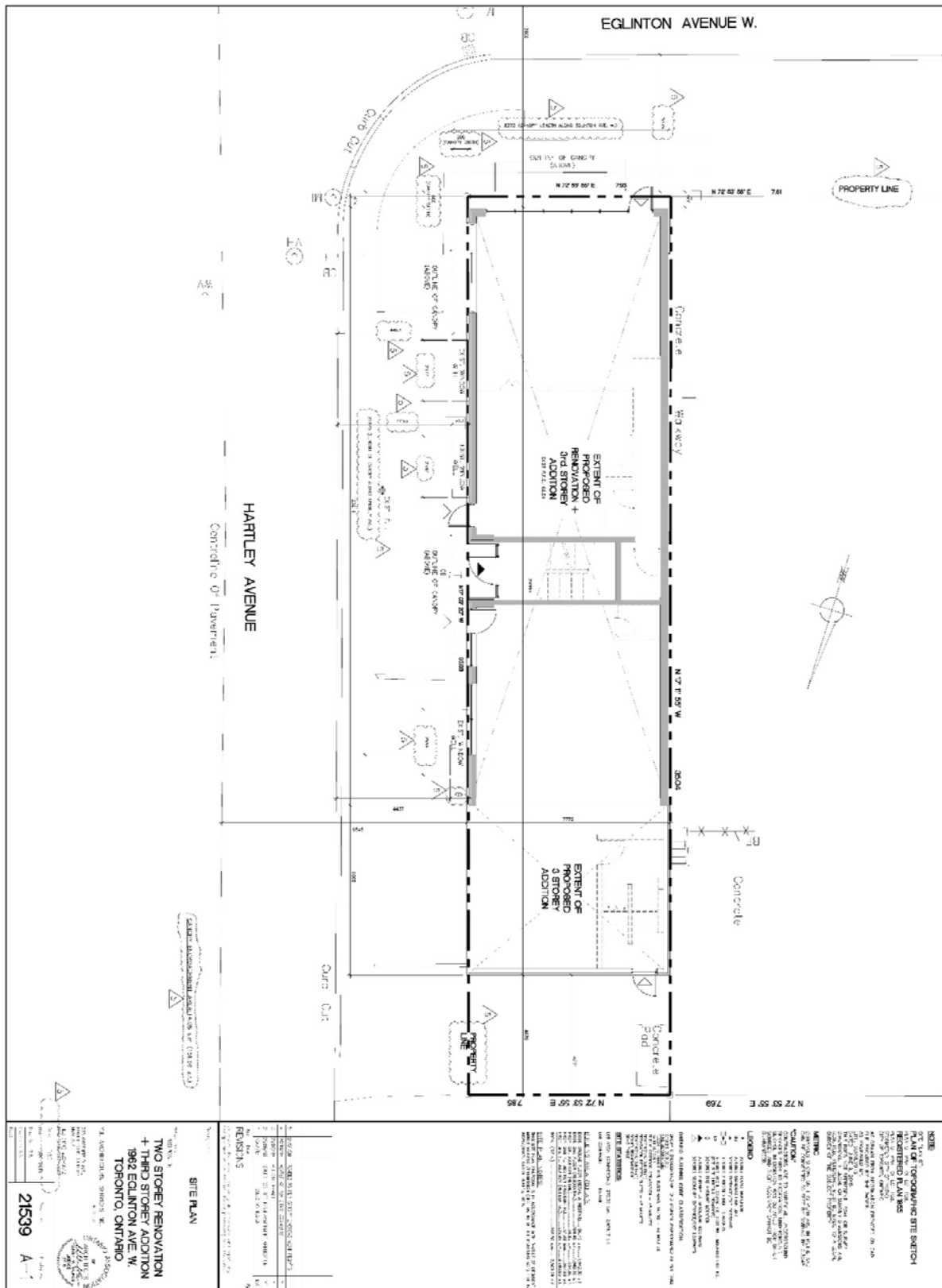
Dave Twaddle
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

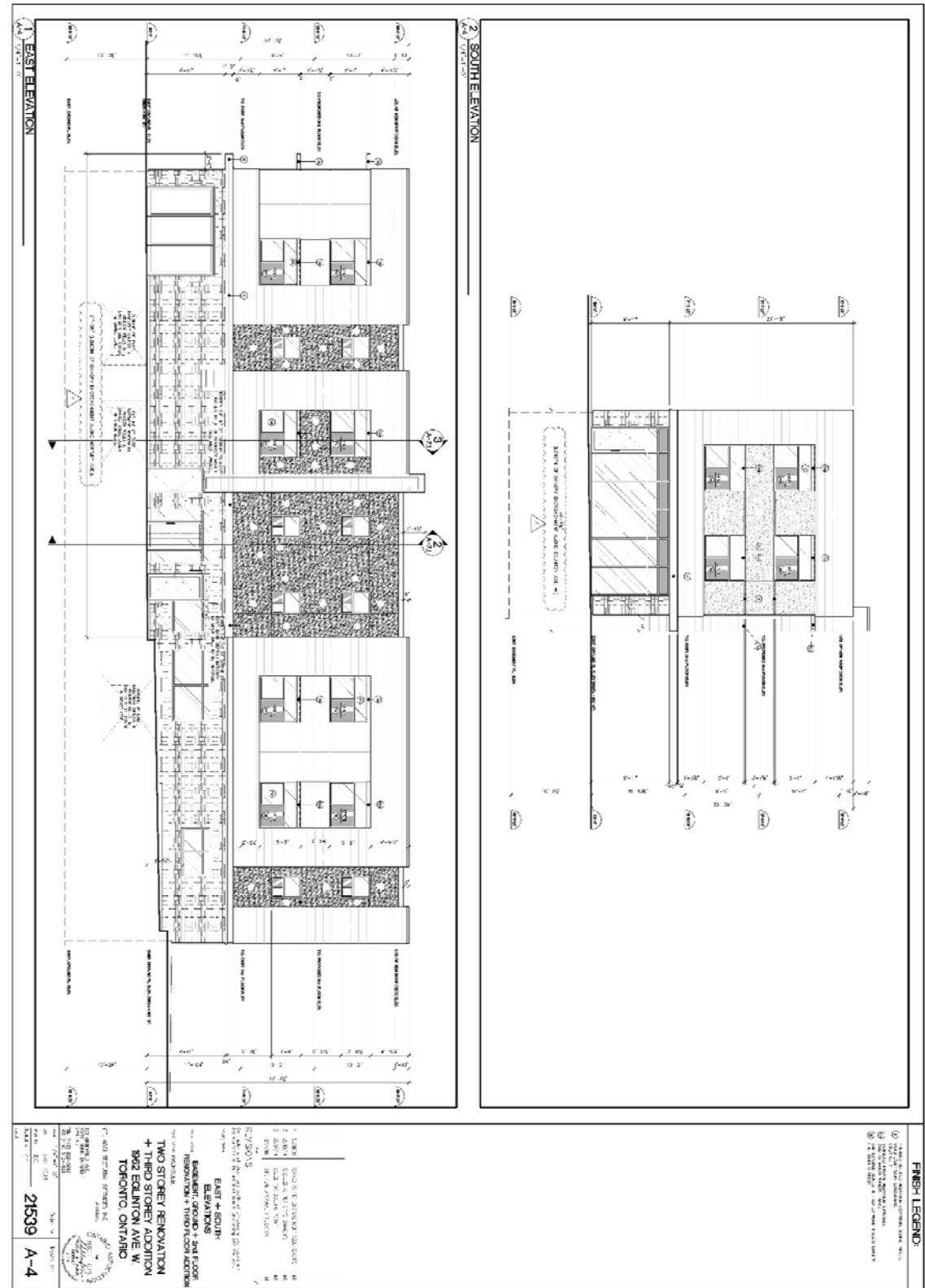
Attachment 1: Site Plan

Attachment 2: East and South Elevations
Attachment 3: Wall Sections

Attachment 1 Site Plan



Attachment 2 East and South Elevations



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