

Encroachment Appeal - 1560 Bayview Avenue

Date:February 21, 2020

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 owner of 1560 Bayview Avenue is proposing to construct an accessibility ramp to promote a barrier free community and make the building facility accessible to persons with disabilities. 1560 Bayview Avenue is an existing three-storey building with retail stores and offices.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 1560 Bayview Avenue to install and maintain an accessibility ramp at the northwest corner of Bayview Avenue and Belsize Drive. The point of entry or exit of the ramp within the boulevard area will have no setback from the edge of the sidewalk on Bayview Avenue. The lack of a setback will not impact traffic sightlines but may have a negative impact on winter sidewalk operations.

The accessibility ramp on the public right-of-way does not meet the setback requirements of the City of Toronto Municipal Code, Chapter 743-31 (E), 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 an accessibility ramp at the corner of Bayview Avenue and Belsize Drive that will have a portion of 4.21 metres length by 1.41 metres width within the boulevard area. The railings of the accessibility ramp will be at a

height of 1.07 metres above the travelled surface of the road and footing depth of 1.2 metres. The point of entry or exit of the ramp will provide no setback from the rear edge of the sidewalk on Bayview 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 encroachment.
- b) 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.
- c) The property owner agrees that the City and/or utility companies may remove the encroachment in order to install or maintain services within the affected public right of way with no obligation to replace it.
- d) The property owner obtains all approvals from Toronto Building Division. The General Manager of Transportation Services Division reserves the right to approve the application to install and maintain the portion of the proposed accessibility ramp within the boulevard area if property owner does not obtain the necessary approvals.

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 27, 2020 from the owner of 1560 Bayview Avenue requesting permission to install and maintain an accessibility ramp at the northwest corner of Bayview Avenue and Belsize Drive. 1560 Bayview Avenue is an existing three-storey building with retail stores and offices.

The accessibility ramp will have a portion of 4.21 metres length by 1.41 metres width within the boulevard area. The railings of the accessibility ramp will be at a height of 1.07 metres above the travelled surface of the road and footing depth of 1.2 metres. The point of entry or exit of the ramp will provide no setback from the rear edge of the sidewalk on Bayview Avenue within the boulevard area.

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

Applicant is proposing the accessibility ramp voluntarily to provide access for persons with disabilities and strollers. As the proposed setback of the ramp does not comply with the required minimum 0.50 metres setback, an appeal letter was received from the property owner for which this report has been prepared.

A cover page, enlarged site plan of the ramp, and ramp sections showing the encroachment has been submitted and are included as attachments to this report.

Even though the proposed accessibility entrance ramp does 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. However, Operations and Maintenance staff prefers a setback for the point of entry or exist of the ramp to ensure it does not interfere with their winter sidewalk operations. Thus, staff is recommending the Community Council to make a final decision provided that the property owner enters into an encroachment agreement with the City.

The applicant has contacted the office of the local Councillor for Ward 15 on February 14, 2020 as well received a letter in support of the proposed accessibility ramp from the Bayview Leaside BIA on February 21, 2020.

CONTACT

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SIGNATURE

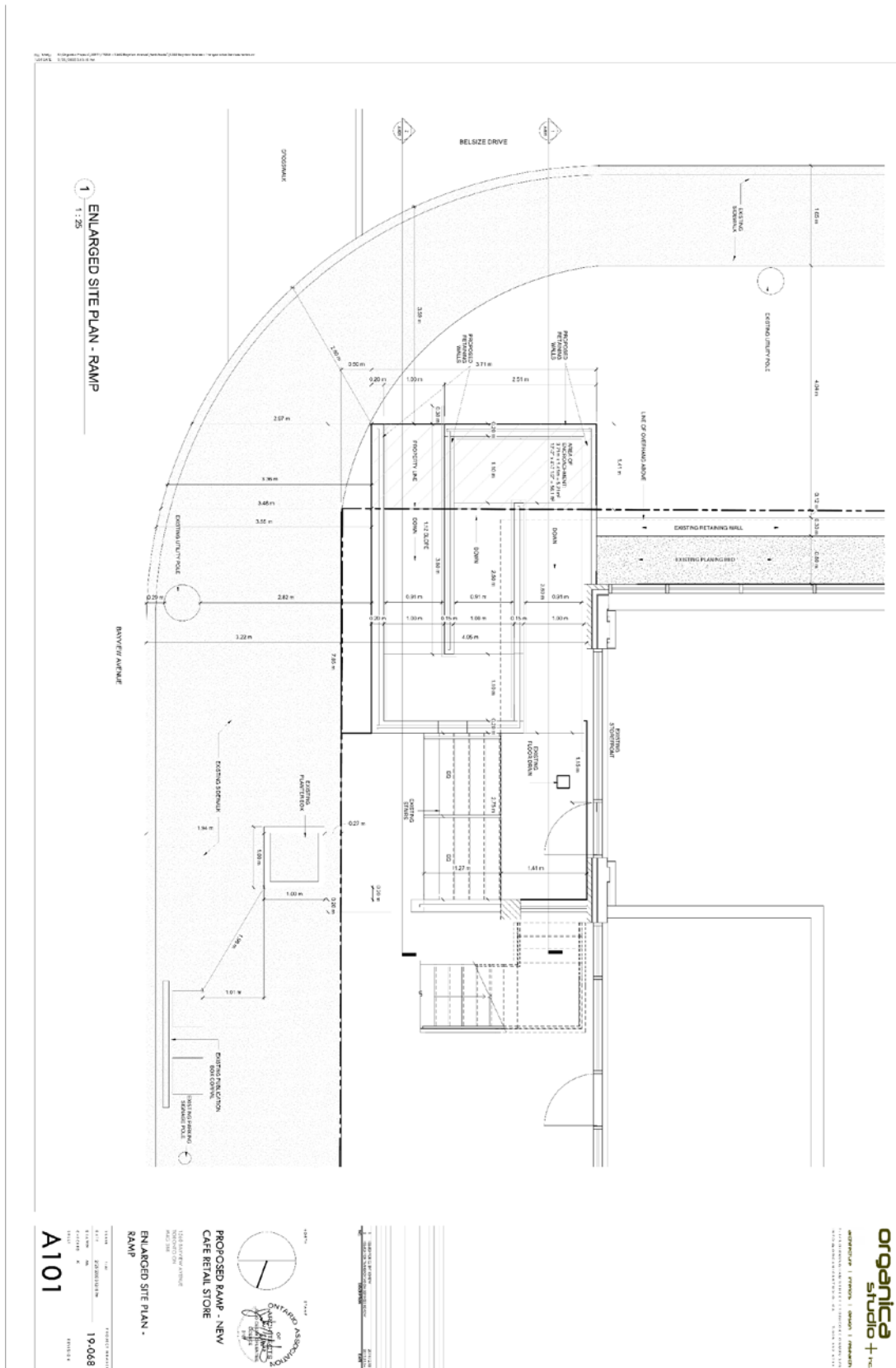
Dave Twaddle
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

Attachment 1: Cover page

Attachment 2: Enlarged site plan-ramp

Attachment 3: Ramp Sections



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