

Encroachment – 585 Church Street

Date: November 19, 2020
To: Toronto and East York Community Council
From: Director, Permits and Enforcement, Transportation Services
Wards: Ward 13 - Toronto Centre

SUMMARY

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

Toronto and East York Community Council has directed the General Manager, Transportation Services to provide recommendations on this encroachment application. Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 585 Church Street to construct an enclosure within the flanking municipal boulevard of their property on Isabella Street.

The proposed encroachment on the public right of way does not meet the requirements of the City of Toronto Municipal Code, Chapter 743, 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 Toronto and East York Community Council:

1. Approve the request to construct the enclosure in the flanking municipal boulevard of the property as generally shown in the Attachments of the report dated November 19, 2020 from the Director, Permits and Enforcement, Transportation Services, subject, but not limited to, the following conditions:

- a) The property owner shall, at their own expense, enter into an encroachment agreement with the City of Toronto on terms and conditions satisfactory to the General Manager, Transportation Services, including the following:
 - i. The property owner shall assume all liability and damages related to the encroachments and release and indemnify the City with respect to any claims in relation thereto;
 - ii. The property owner must retain valid property insurance for the duration of the encroachment installation on the right of way in an amount and with coverages satisfactory to the General Manager, Transportation Services;
 - iii. The property owner shall agree that the City and/or utility companies may remove the encroachments at any time in order to install or maintain services within the affected public right of way with no obligation to replace them;
 - iv. The property owner shall remove the encroachments if required by the General Manager, Transportation Services, at any time and restore the street to the satisfaction of the General Manager, Transportation Services.
2. Authorize the General Manager, Transportation Services, enter into and execute the encroachment agreement with the owner of 585 Church Street as described in item 1.

FINANCIAL IMPACT

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

DECISION HISTORY

The owner of 585 Church Street submitted an application to permit the construction of an enclosure within in the municipal boulevard flanking the property. Transportation Services does not have delegated authority to permit enclosures as per Article IV, Encroachments in Streets, of Chapter 743, Use of Streets and Sidewalks, of the Toronto Municipal Code.

COMMENTS

Details of the enclosure are shown in Attachments 1 through 9.

Transportations Services does not have delegated authority to permit enclosed structure encroachments that create habitable space.

Transportation Services would generally require encroachments to satisfy the following conditions:

- a. It does not obstruct pedestrian and vehicle sight lines;
- b. It does not obstruct driveways, impede or pose a hazard or potential hazard to pedestrian or vehicle traffic;
- c. It does not interfere with the City's ability to maintain the street in a state of good repair or to keep it free of litter, snow and ice;
- d. It does not interfere with traffic control devices or the existing and future location and maintenance of sidewalks, bicycle trails or utilities; and
- e. It does not extend into the boulevard area fronting any neighbouring property when the common lot line is projected perpendicular to the road.

The proposed encroachment is considered an enclosed structure with habitable space. Therefore, an encroachment agreement and construction permit for the proposed installation may only be approved (delegated) through Community Council.

Although the subject enclosure is not permitted under Chapter 743, staff feel that the installation satisfies the conditions noted above, does not pose a safety hazard and will not negatively impact the public right of way.

CONTACT

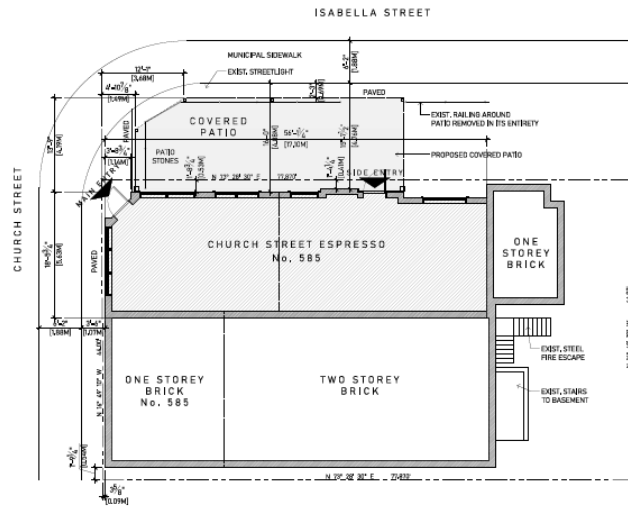
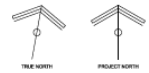
Elio Capizzano
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Transportation Services
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SIGNATURE

Dave Twaddle
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

1. Site Plan SP.1, dated October 1, 2020
2. Existing Floor Plan A1.0, dated October 1, 2020
3. Proposed Floor Plan A1.1, dated October 1, 2020
4. Existing Elevations (West) A1.2, dated October 1, 2020
5. Existing Elevations (North) A1.3, dated October 1, 2020
6. Proposed Elevations (West) A1.4, dated October 1, 2020
7. Proposed Elevations (North) A1.5, dated October 1, 2020
8. Proposed Building Section (A-A) A1.6, dated October 1, 2020
9. Proposed Building Section (B-B) A1.7, dated October 1, 2020



SURVEY INFORMATION TAKEN FROM:
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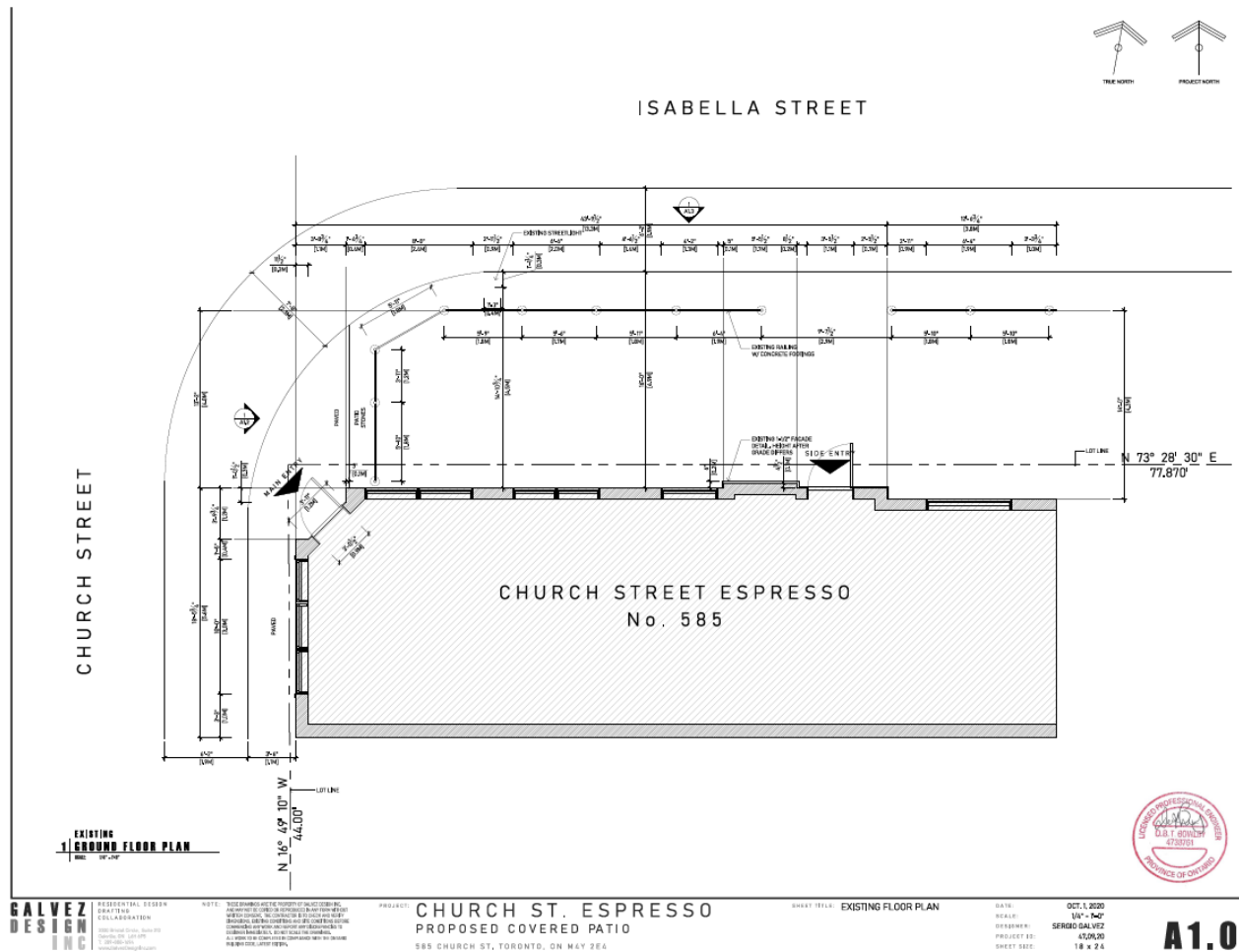
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PROPOSED COVERED PATIO
585 CHURCH ST., TORONTO, ON M5T 2E4

SHEET TITLE: **SITE PLAN**

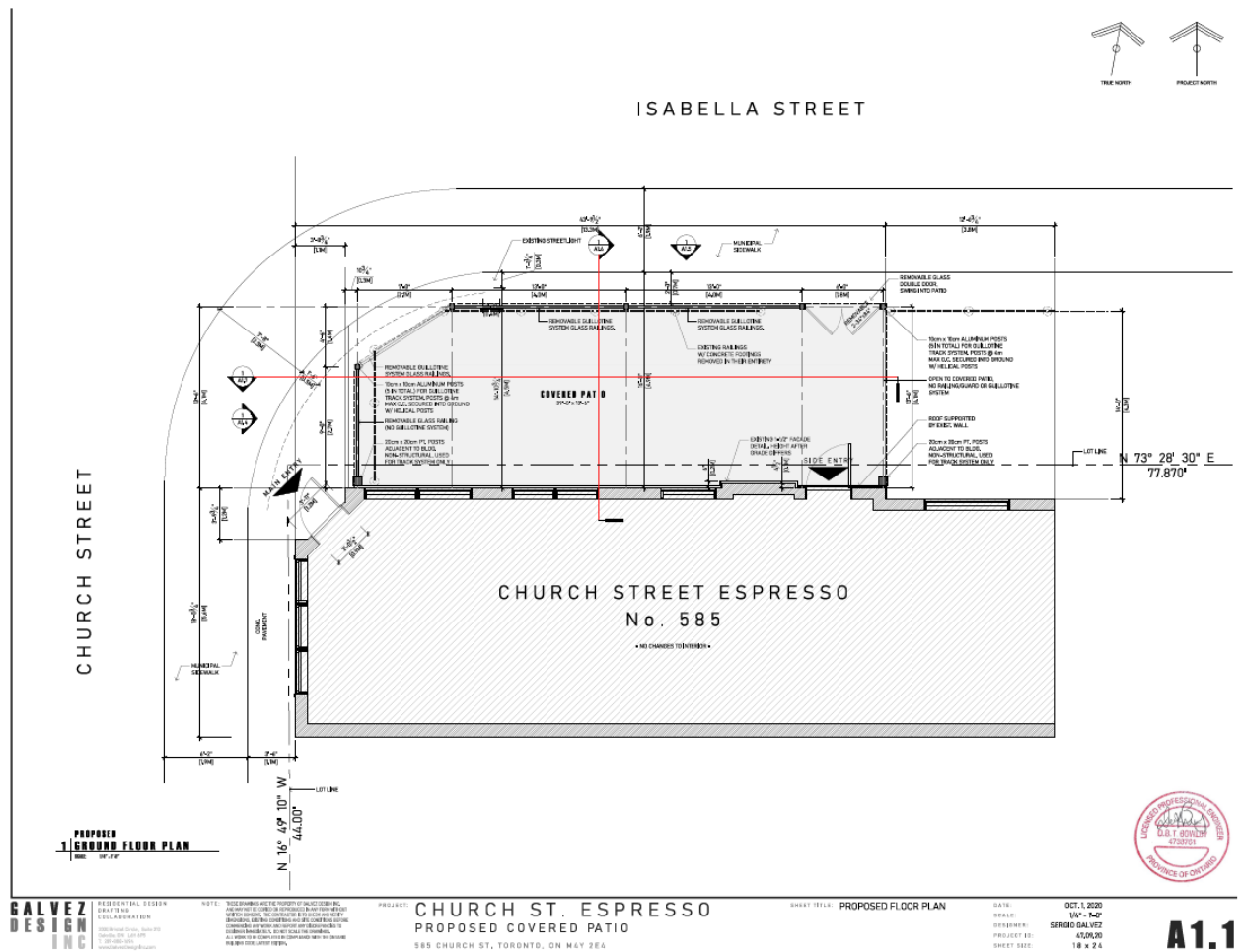
DATE: **OCT. 1, 2020**
SCALE: **1/8" = 1'-0"**
DRAWN BY: **SERGIO GALVEZ**
PROJECT ID: **4706/20**
SHEET SIZE: **18 x 24**

SP.1

Attachment 1: Site Plan SP.1, dated October 1, 2020



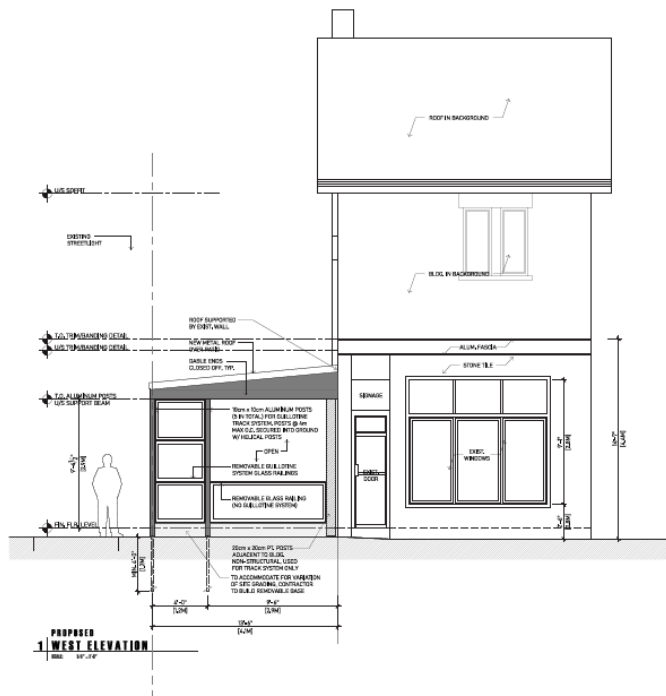
Attachment 2: Existing Floor Plan A1.0, dated October 1, 2020



Attachment 3: Proposed Floor Plan A1.1, dated October 1, 2020



Attachment 5: Existing Elevations (North) A1.3, dated October 1, 2020



**GALVEZ
DESIGN
INC.**

RESIDENTIAL DESIGN
DRAWN BY: S. GALVEZ
CHECKED BY: S. GALVEZ
DATE: OCT. 01, 2020
PROJECT NO.: 18-0001
SHEET NO.: 18-0001

PROJECT: **CHURCH ST. ESPRESSO**
PROPOSED COVERED PATIO
585 CHURCH ST., TORONTO, ON M5T 2E4

SHEET TITLE: **PROPOSED ELEVATIONS**

DATE: **OCT. 1, 2020**
SCALE: **1/4" = 1'-0"**
DESIGNER: **SERGIO GALVEZ**
PROJECT NO.: **18-0001**
SHEET NO.: **18 x 24**

A1.4

Attachment 6: Proposed Elevations (West) A1.4, dated October 1, 2020

