

Encroachment Appeal - 1580 Avenue Road

Date: November 3, 2021

To: North York Community Council

From: Director, Permits and Enforcement, Transportation Services

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.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 1580 Avenue Road to install and maintain retail/residential canopies along the Avenue Road and Bedford Park Avenue frontages of the site. No setback will be provided between the canopies and the rear edge of the sidewalk on Avenue Road and Bedford Park Avenue.

The canopies within the public right-of-way do not meet the setback requirements of 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 owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

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

1. North York Community Council approve the request to install and maintain a 27.6 metre long canopy at a height of 3.2 metres above the sidewalk grade along Avenue Road, a 16.5 metre long canopy at a height of 3.2 metres above the sidewalk grade along Bedford Park Avenue, and a 6.3 metre long canopy at a height of 3.0 metres above the sidewalk grade along Bedford Park Avenue. The canopy encroachments will provide no setback from the rear edge of the sidewalk on Avenue Road and Bedford Park Avenue within the boulevard area at 1580 Avenue Road, 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 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

The City will receive an estimated \$456.45 annually for the proposed projected canopy encroachment. The fee is subject to an annual increase.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received from the owner of 1580 Avenue Road requesting permission to install and maintain a 27.6 metre long canopy at a height of 3.2 metres above the sidewalk grade along Avenue Road, a 16.5 metre long canopy at a height of 3.2 metres above the sidewalk grade along Bedford Park Avenue, and a 6.3 metre long canopy at a height of 3.0 metres above the sidewalk grade along Bedford Park Avenue. The canopy encroachments will provide no setback from the rear edge of the sidewalk on Avenue Road and Bedford Park Avenue within the boulevard area at 1580 Avenue Road on the public right-of-way.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743-14 (C), Streets and Sidewalks, Use of. The relevant provision for the encroachment subject to this appeal is that a canopy 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 canopies to the sidewalk does not comply with the required minimum 0.50 metres setback, an appeal was submitted by the property owner, for which this report has been prepared.

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

Although the proposed canopies 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 and 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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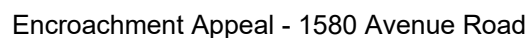
SIGNATURE

Dave Twaddle
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Site Plan - Encroaching Canopies
Attachment 2: Wall Section 2 - East Elevations of retail canopy
Attachment 3: Wall Section 1 - North Elevations of retail/residential entrance canopy

Figure 1-Site Plan - Encroaching Canopies



Attachment 2: Wall Section 2 - East Elevations of retail canopy

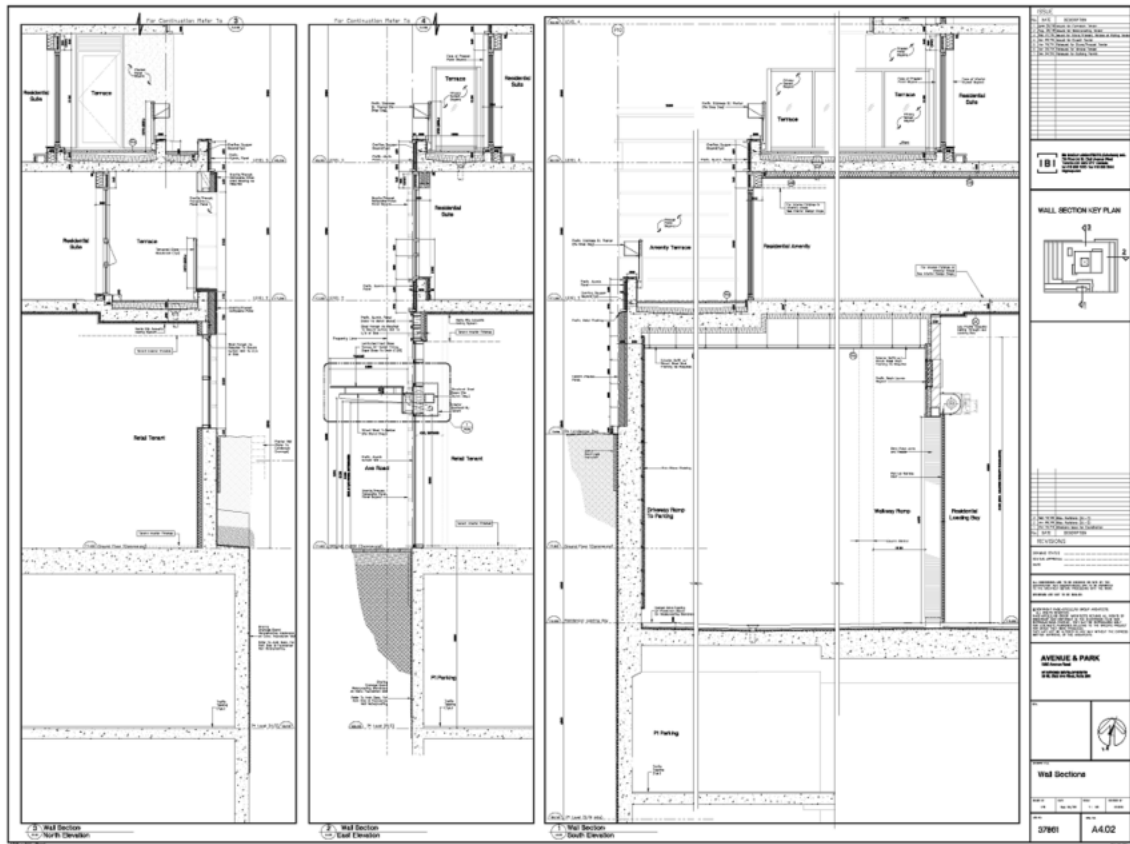


Figure 2-Wall Section 2 - East Elevations of retail canopy

Attachment 3: Wall Section 1 - North Elevations of retail/residential entrance canopy

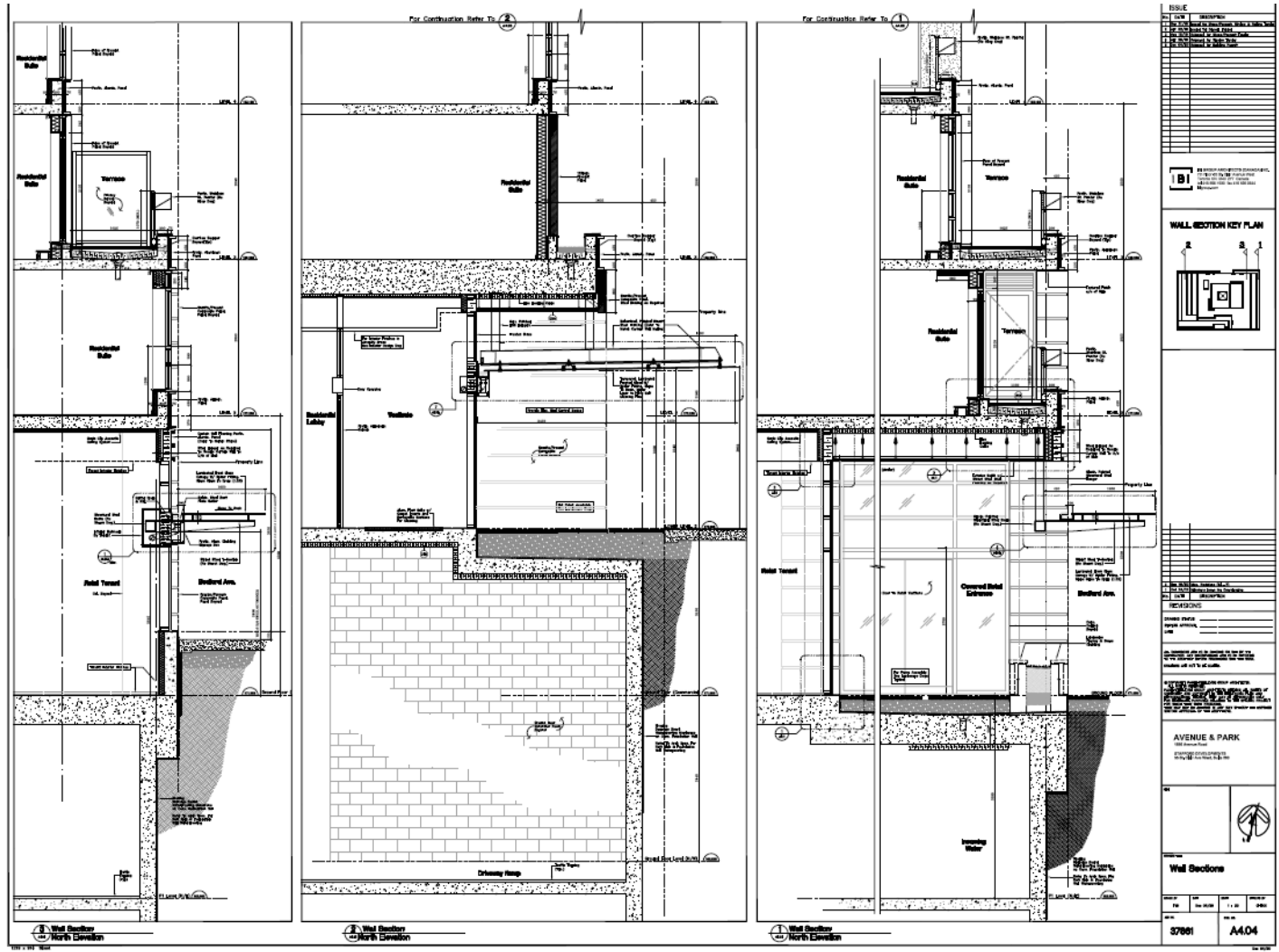


Figure 3-Wall Section 1 - North Elevations of retail/residential entrance canopy