

Encroachment Agreement - Basement Walkout Appeal – 31 Oxford Street

Date: March 23, 2023

To: Toronto and East York Community Council

From: Director, Permits and Enforcement, Transportation Services

Wards: Ward 11, University-Rosedale

SUMMARY

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

Transportation Services has reviewed an application to construct an encroachment within the public right-of-way at 31 Oxford Street. The encroachment consists of a basement walkout within the municipal boulevard fronting the property.

The purpose of this report is to request authority to enter into an encroachment agreement with the property owner of 31 Oxford Street to permit the construction and ongoing maintenance of the basement walkout within the City's right-of-way on Oxford Street.

RECOMMENDATIONS

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

1. Toronto and East York Community Council authorize the City to enter into an encroachment agreement (the "Agreement") with the owner of 31 Oxford Street (the "Owner") for the purpose of permitting the owner to construct and maintain a basement walkout fronting 31 Oxford Street subject, but not limited to, the following conditions:

a. Indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages, and expenses that may result from such permission granted;

b. Maintain the basement walkout at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement.

c. Accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;

- d. Remove the basement walkout upon receiving written notice to do so; and
- e. The basement walkout is to have a minimum setback of 0.5 metres from the sidewalk and hydro pole; and
- f. Obtain clearances and/or sign-offs from all affected utilities and satisfy all conditions imposed by any utilities that may be affected by the installation and maintenance of the basement walkout; and
- g. Obtain clearances and/or sign-offs from Urban Forestry and satisfy all conditions imposed by Urban Forestry; and
- g. The property owner will enter into an encroachment agreement with the City of Toronto, at the applicant's expense, and assume all liability and damages related to the encroachments.

2. Toronto and East York Community Council authorize the General Manager Transportation Services, to negotiate, enter into, and execute the encroachment agreement with the owner of 31 Oxford Street as described in recommendation 1.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report, as the property owner will be responsible for all associated costs of constructing and maintaining the encroachment.

DECISION HISTORY

This report addresses a new issue.

COMMENTS

The owner of 31 Oxford Street submitted an application seeking permission to construct a basement walkout in the City right-of-way fronting the property on Oxford Street. Drawings of the proposed basement walkout are shown in Attachments 1-4, and photos of the site are shown in Attachment 5.

The proposed basement walkout ranges from a depth of 2.87 metres below grade, including footings, to a height of 1.21 metres above grade with steel railings, fronting the subject property on Oxford Street.

Under Code Chapter 743, the General Manager of Transportation Services does not have authority to enter into encroachment agreements for basement walkouts with a depth greater than 1.20 metres, or with railings higher than 0.90 metres, measured from the surface of the adjoining boulevard. As the proposed depth of the basement walkout exceeds maximum allowable depth and proposed railings exceed the maximum allowable height, Community Council approval is required. An encroachment agreement between the City and the property owner will set out the property owner's responsibilities for the maintenance, repair and operation of the basement walkout.

As there may be impacts to existing utility infrastructure, it will be the property owner's responsibility to undergo a public utility review and obtain clearances from the affected utility agencies including satisfying their requirements prior to issuance of a construction permit authorizing work within the public right-of-way.

Prior to a permit being issued for the construction of the basement walkout, the property owner is also required to obtain sign/off and/or clearance from Urban Forestry and satisfy any conditions they may have.

Transportation Services has reviewed the application and determined the proposed basement walkout fronting 31 Oxford Street will not have a negative impact on the public right-of-way. Therefore, Transportation Services recommends the City enter into an encroachment agreement with the property owner to permit the proposed basement walkout to encroach within the City's right-of-way.

The Ward Councillor has been advised of the recommendations in this report.

CONTACT

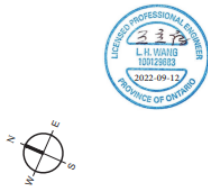
Elio Capizzano, Manager, Permits and Enforcement, Construction Activities -
Transportation Services, 416-392-7878, Elio.Capizzano@toronto.ca

SIGNATURE

David J. Twaddle, CET
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Site Plan Drawing No. A1.0, dated February 10, 2021
Attachment 2: Section Drawing No. A7.0, dated February 10, 2021
Attachment 3: East Elevation Drawing No. A7, dated February 10, 2021
Attachment 4: Photo of 31 Oxford Street.

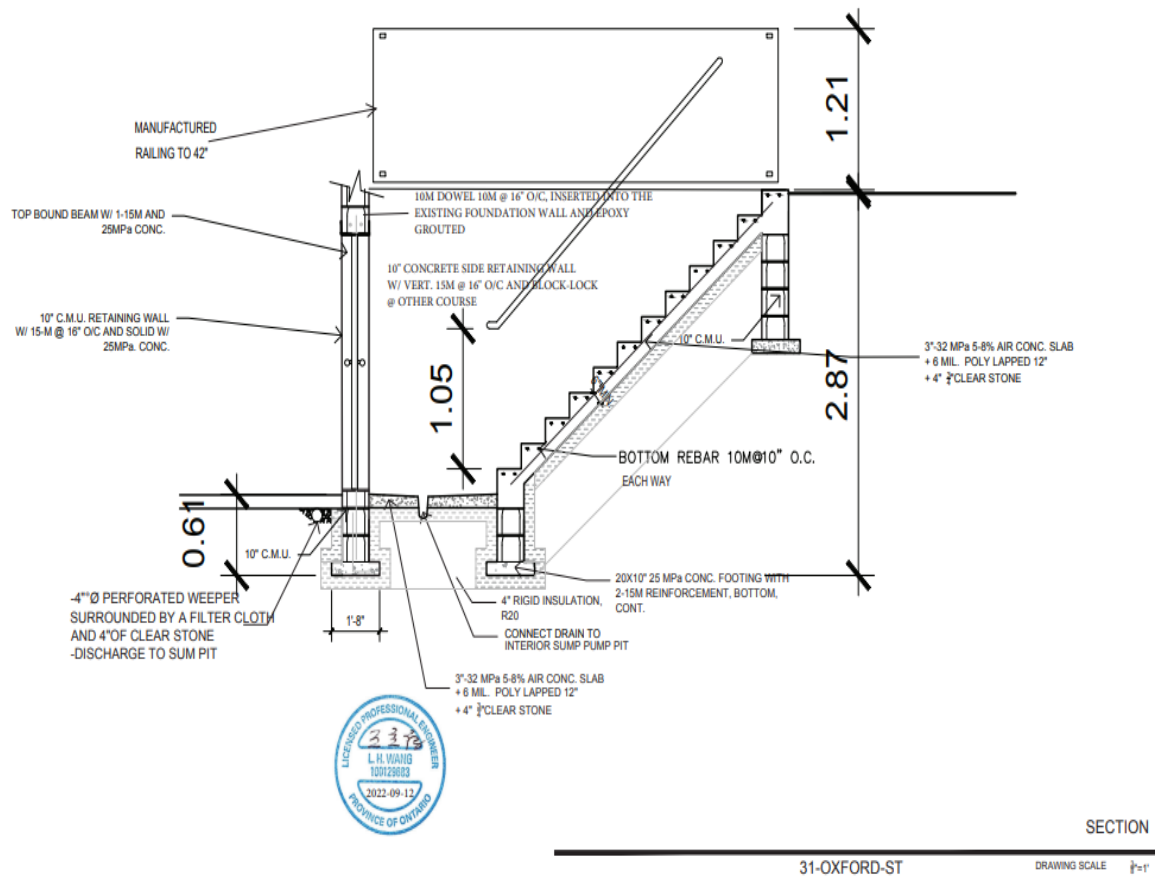
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Site Plan

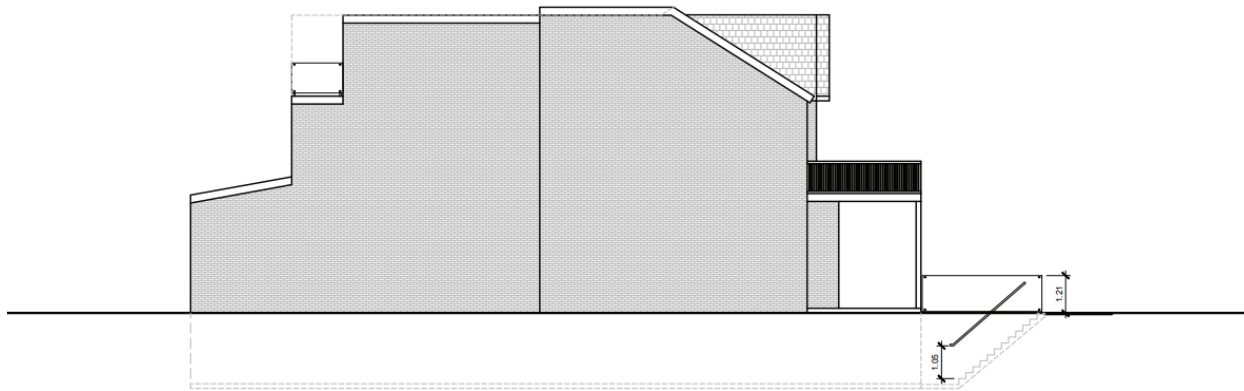
31-OXFORD-ST DRAWING SCALE 1/8"=1'

FEB,10,2021

A1.0



Attachment 3: East Elevation Drawing No. A7.0, dated February 10, 2021



EAST ELEVATION
31-OXFORD-ST
DRAWING SCALE 1/8"=1'-0"

FEB. 10, 2021

A7.0

Attachment 4: Photo of 31 Oxford Street taken February 22, 2023

