

Encroachment Appeal - 750 Spadina Avenue

Date: January 31, 2025

To: Toronto 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.

The purpose of this report is for Toronto and East York Community Council to consider an appeal from the property owner of 750 Spadina Avenue regarding their encroachment. The proposed encroachments consist of various encroachments including three (3) steel bollards. The proposed bollard encroachments contravene City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, specifically, no encroachments other than soft landscaping are permitted within 0.50 metres of the edge of sidewalk located closest to the street line and should exceed 1.0 metre in height within 70 metres of the intersection.

Transportation Services is seeking authority from Toronto and East York Community Council to permit the construction and maintenance of three steel 1.2m high bollards, as a 2.1-metre-wide pedestrian clearway will be maintained within which meets the 2.1m pedestrian clearance required for permitted encroachments.

RECOMMENDATIONS

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

1. Toronto and East York Community Council authorize the General Manager of Transportation Services to negotiate and enter into an encroachment agreement with property owner of 750 Spadina Avenue, to permit the construction and maintenance of three steel bollards and other encroachments, 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 steel bollards and other encroachments 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 encroachments upon receiving written notice to do so;
- e. 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 encroachments; and
- f. 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.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendations in this report.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on September 26, 2024, from the agent of the owners of 750 Spadina Avenue requesting permission to construct and maintain various hostile vehicle mitigation encroachments within the public right-of-way, including two steel bollards on Bloor Street West flanking the subject premises, one bollard and various permitted benches and seating on Spadina Avenue fronting the subject premises.

Transportation Services has reviewed the application and the property located at 750 Spadina Avenue. The encroachments contravene Municipal Code Chapter 743. The contravention includes the following:

- The steel bollards are proposed to be installed at 1.0 metres from the exterior building wall on Bloor Street West and 2.0 metres for the exterior building wall on Spadina Avenue, which will lead to an encroachment into the public right-of-way and will be installed directly within the City of Toronto sidewalk. This contravenes Municipal Code Chapter 743 article 743-31E.(2) provisions that requires a 0.5m setback from the rear edge of the sidewalk "E. Unless otherwise specified in this chapter, no encroachments other than soft landscaping are permitted: ... (2) Within 0.50 metres of the edge of sidewalk located closest to the street line".
- The proposed steel bollards will be built to a maximum height of 1.2 metres which contravenes the Municipal Code Chapter 743 article 743-34A.(2)(a)[1] requirement that "No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within 70 metres of the intersection of any two or more streets shall exceed a height of one metre, with the height measured from the surface of the intersecting road"

The applicant was notified that the steel bollards are not eligible for an encroachment agreement and an appeal was subsequently received from the property owner.

A site plan and detail drawing of the proposed encroachments are shown in Attachments 1 and 2, and digital photos of the existing site conditions are included Attachment 3.

Transportation Services has reviewed the application and staff is of the opinion that the steel bollards will not have a negative impact on the public right-of-way for pedestrians, for traffic on the adjacent streets, or the City's ability to properly maintain the right-of-way. Therefore, Transportation Services recommends that the City enter into an encroachment agreement with the property owner to allow the steel bollards to encroach within the City's right-of-way.

Transportation Services staff have determined that the proposed bollards do not cause any sightline issues as they are to be installed at a sufficient distance from the curb and intersection and provide the City of Toronto's standard sidewalk pedestrian clearance of 2.1 metres.

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

CONTACT

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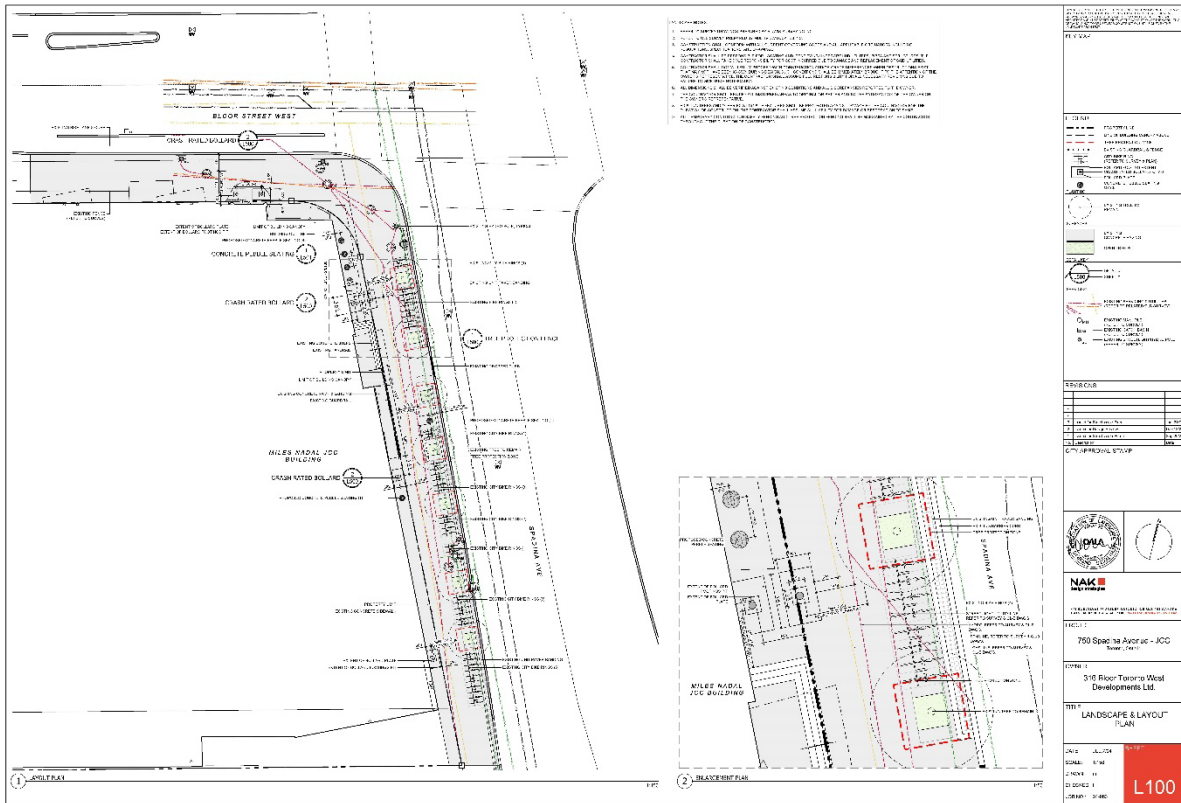
SIGNATURE

Antonia Markos,
Director
Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Site Plan of Proposed Encroachments - 750 Spadina Avenue
Attachment 2: Details Plan of Proposed Encroachments - 750 Spadina Avenue
Attachment 3: Photos of the proposed installation locations - 750 Spadina Avenue

Attachment 1: Site Plan of Proposed Encroachments - 750 Spadina Avenue



Attachment 3: Photos of the proposed installation locations - 750 Spadina Avenue
Proposed location for bollard installation - Bloor Street West, west of Spadina Ave



Proposed location for bollard installation - Spadina Avenue, south of Bloor Street West

