

## **Encroachment Appeal - 495-517 Wellington Street West - Proposed Ground Sign**

**Date:** June 21, 2024

**To:** Toronto and East York Community Council

**From:** Director, Permits and Enforcement, Transportation Services

**Wards:** Ward 10, Spadina Fort York

### **SUMMARY**

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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 East York Community Council to consider an appeal from the property owner of 495-517 Wellington Street West, a multi-tenant commercial building regarding their proposed encroachment application. The proposed encroachment consists of an illuminated electrified ground sign ("the sign") to identify multiple tenants in this commercial building. The proposed sign consists of aluminum and acrylic construction, measuring 4.05 metres high, 1.43 metres wide and 0.62 metres thick, with a foundation depth of 1.37 metres within the public right of way, which is in contravention of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

The property owner is seeking authority from Toronto and East York Community Council to permit an electrified ground sign to be installed within the public right-of-way fronting 495-517 Wellington Street West and enter into an encroachment agreement with the City.

The proposed ground sign encroachment 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**

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

1. Toronto and East York Community Council does not authorize the City to enter into an encroachment agreement with the owners of 495-517 Wellington Street West permitting the construction and maintenance of the illuminated electrified ground sign as it contravenes City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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This report addresses a new initiative.

## **COMMENTS**

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An encroachment application was received on January 2, 2024, from the owners of 495-517 Wellington Street West requesting permission to construct and maintain an illuminated electrified ground sign within the public right-of-way on Wellington Street West fronting the subject premises. The applicant was notified that the illuminated ground sign is not eligible for an encroachment agreement as Municipal Code Chapter 743 does not provide for ground sign installations. An appeal was subsequently received from the property owners.

A site plan, details, photos of the proposed encroachment is shown in Attachments 1-6.

Transportation Services has reviewed the application and the property located at 495-517 Wellington Street West. The encroachment contravenes Municipal Code Chapter 743 as the proposed electronic/illuminated ground sign is not a permitted encroachment as defined in Section 31 of the City of Toronto Municipal code, Chapter 743, Streets and sidewalks, Use of, nor is it listed in Section 33 as one of the encroachments which the General Manager of Transportation Services has delegated authority to permit.

The site for the proposed electronic ground sign, shown in the Attachments, has been inspected by Transportation Services' staff. Staff confirmed the proposed ground sign will not obstruct driver sight lines, and the appropriate setbacks from the curb are sufficient to maintain an appropriate pedestrian clearway width.

Toronto Water sign off has been obtained since excavation of sign has a foundation depth of 1.37 meters below grade. The Applicant would be responsible for obtaining additional public utility sign offs pending Toronto and East York Community Council's Encroachment Appeal - 495-517 Wellington Street West

decision on this encroachment appeal application. Permit to construct/ install proposed sign will not be issued and encroachment agreement will not proceed unless public utility sign offs have been obtained and submitted.

## **Alternate Recommendations**

If, despite the findings above, Toronto East York Community Council decides to authorize the General Manager, Transportation Services to enter into an encroachment agreement with the property owner of 495-517 Wellington Street West permitting the electrified ground sign, it may approve the following:

1. Toronto and East York Community Council authorize the General Manager of Transportation Services to enter into an encroachment agreement with property owner of 495-517 Wellington Street West, to permit Electrified/ Illuminated ground sign, subject 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 proposed electrified illuminated ground sign 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 proposed electrified ground sign upon receiving written notice to do so;
- e. 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;
- f. The property owner to ensure all electrical wirings and connections to the subject sign are provided from the building located at 495-517 Wellington Street West and all work to be in accordance with Electrical Safety Authority requirements; 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.

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

## **CONTACT**

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## **SIGNATURE**

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Antonia Markos  
Director, Permits and Enforcement, Transportation Services

## **ATTACHMENTS**

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Attachment 1: Site Plan of Proposed Encroachment- Drawing no. W.20

Attachment 2: Conceptual Drawing no. W.1.1

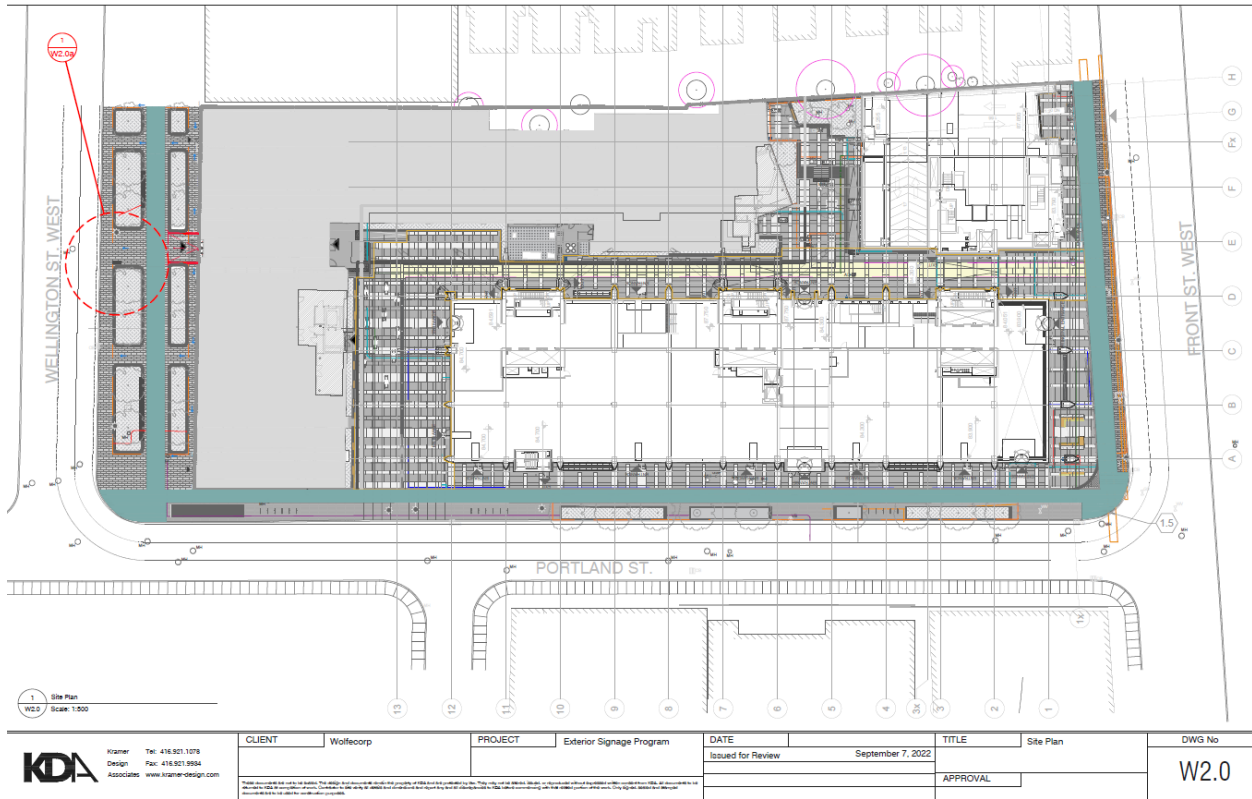
Attachment 3: Location Plan - 495-517 Wellington Street West - Drawing no. W2.0a

Attachment 4: Side and Front elevations - Drawing no. W2.2a

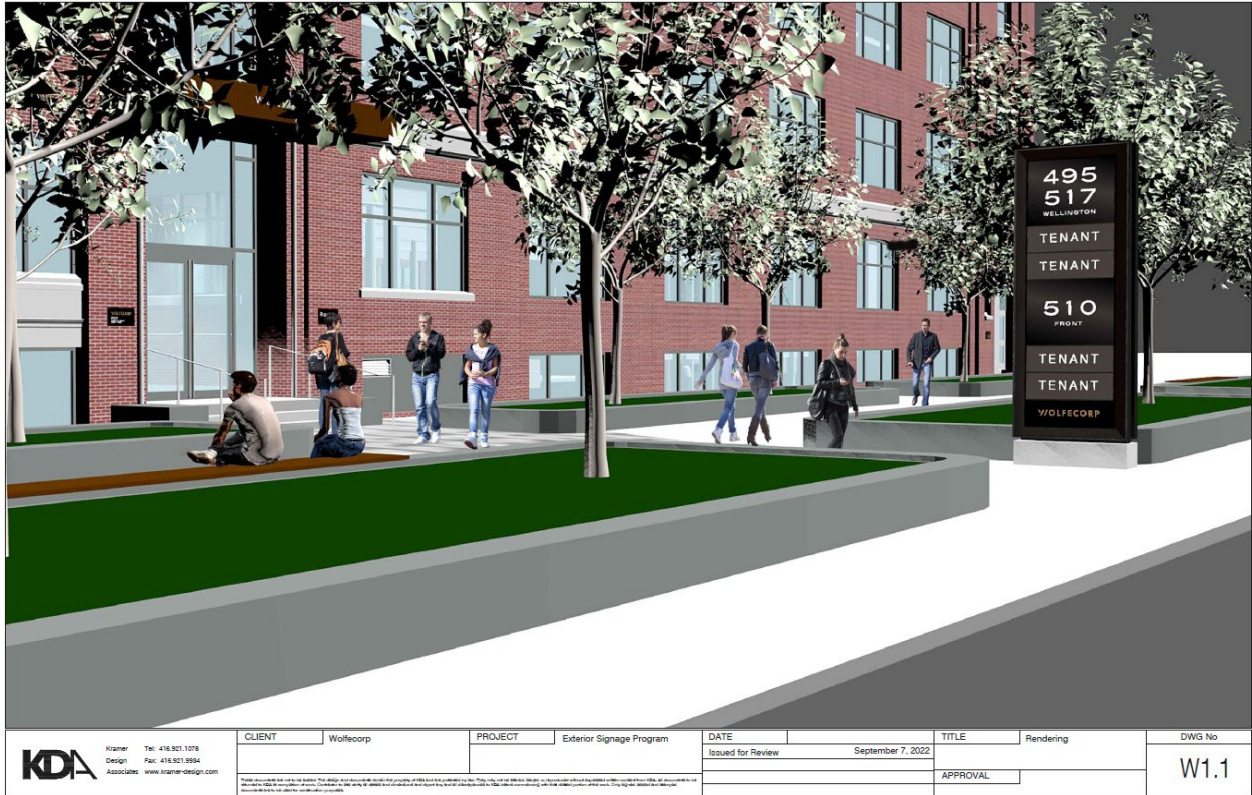
Attachment 5: Structural Drawings - Drawing no. W2.2b

Attachment 6: Photo looking west of 495-517 Wellington Street West towards the proposed sign location

Attachment 1: Site Plan of Proposed Encroachment - Drawing no. W.20



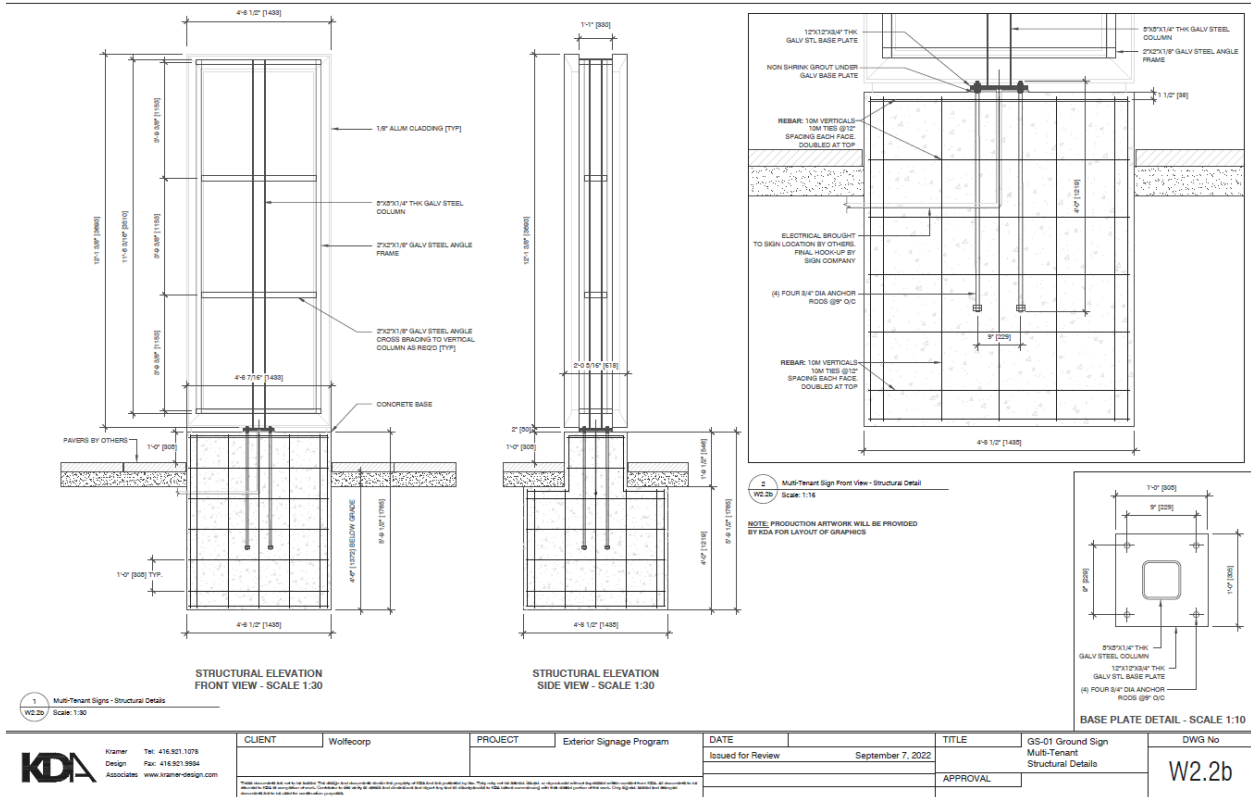
Attachment 2: Conceptual Drawing - Drawing no. W.1.1







# Attachment 5: Structural Drawings - Drawing no. W2.2b



KDA KRAMER DESIGN ASSOCIATES Tel: 416.921.1078 Fax: 416.921.9554 www.kramersdesign.com	CLIENT	Wolfecorp	PROJECT	Exterior Signage Program	DATE	September 7, 2022	TITLE	GS-01 Ground Sign Multi-Tenant Structural Details	DWG No	W2.2b
	<small>           We warrant that we will be bound by the design and construction documents prepared by us, and that we will be held liable for the design and construction of the project. We do not warrant that the design and construction documents will be approved by the relevant authorities. The design and construction documents are provided for informational purposes only. The design and construction documents are not to be used for any other purpose.         </small>					Issued for Review	APPROVAL			

Attachment 6: Photo looking west of 495-517 Wellington Street West towards the proposed sign location.

