

MANAGEMENT REPORT

Date: November 29, 2023
To: Infrastructure, Transportation and Safety Sub-committee
From: Tatiana Dafoe, City Clerk
Report Number: ITS23-034
Attachments: Sketch of Encroachment

Title: Encroachment Application for 56 Albert Street

Objective: To consider a request to enter into an Encroachment Agreement with the owner of 56 Albert Street. The purpose of the Encroachment Agreement is to permit the following existing structures to encroach onto the Albert Street road allowance:

- steps
- eaves
- façade

The applicant has also requested the following new structures be permitted to encroach onto the Albert Street road allowance:

- installation of a new overhanging canopy on the front façade above the new entry door; and
- new proposed out swinging entry door.

Background: An encroachment agreement is a formal agreement signed between the City and a property owner, approved by by-law and registered on title against the property that is benefited by the agreement (not the municipal property). The intent of the encroachment agreement is to formally recognize the encroachment and clearly establish the terms and conditions specific to the encroachment if it is permitted to remain.

The City adopted an Encroachment Policy P.3.2 (the Policy) which states:

"It is the policy of the City of Stratford that there shall be no unauthorized encroachments onto road allowances or municipal property, including park property. A property owner shall seek prior permission from the City to encroach onto a road allowance or municipal property and subject to

Council approval, enter into an encroachment agreement with the City and pay the required fees.

Where an encroachment exists without City approval, the owner shall be required to remove the encroachment at their own expense or seek permission from the City for the encroachment to remain.

No new encroachments onto park property will be permitted.”

The Policy further states:

“7. When Encroachments will not be granted

It is the policy of the City of Stratford that approval for the following will not be granted:

- new encroachments onto park property;
- additions to existing buildings or other structures that would encroach or do encroach onto municipal property or road allowances;
- the encroachment poses a danger to the public;

when construction has commenced prior to the issuance of a required permit from the City.”

Analysis: In June, 2023, an encroachment application was received from Longwood Keep Ltd. requesting the following structures be permitted to encroach onto the Albert Street road allowance:

- existing steps;
- existing eaves;
- existing façade;
- installation of a new overhanging canopy on the front façade above the new entry door; and a
- new proposed out swinging entry door.

In accordance with the Policy, the encroachment application was submitted for review to the following divisions: Planning, Engineering, and Building. Their comments are summarized below.

Planning Services:

- No concerns with this application.

Building Services:

- The developer prefers if the door swings out onto the municipal road allowance, as it enables them to maintain an occupant load greater than 60 persons. The developer could do what many other buildings in the downtown core do and have the alcove built into the building and have the door swing outwards not onto City property to maintain the occupant load greater than 60 persons. This option would need to be explored by the designer to determine if it can be completed onsite.
- If the door swings inwards, the occupant load would be restricted to 60 or less persons, a restriction on occupant load is not desired by the developer.
- Heritage Stratford has supported the door swinging outwards onto City property with the approval of a Heritage Alteration Permit. It is unknown whether the alcove option was discussed with or considered by Heritage Stratford.
- If the door were to swing outwards onto City property, some sort of physical barrier would be recommended to ensure pedestrian safety.
- The encroachment is required to be completed prior to the approval of the building permit application currently with their office (PRM-2023-0094) for the new entrance to the building. Approval of the encroachment is required to be provided to the Building Division.
- Application denotes an existing encroachment, which some elements of the application may be, but staff note that the proposed canopy, and new entry door that is proposed to swing over municipal property should be considered new. Attached is the floor plan submitted with the building permit application showing the entry door swinging over City Property.

Engineering Division:

- The Engineering Division advised they do not have any comments or concerns with this encroachment application.

The Encroachment Policy states that additions to existing buildings or other structures that would encroach or do encroach onto municipal property or road allowances will not be permitted. Staff do not recommend permitting the requested new encroachments, being the canopy and outward swinging door, to encroach onto municipal property.

If Council wishes to permit the new structures to encroach onto municipal property a condition requiring some sort of physical barrier is recommended to be included near the door to ensure pedestrian safety.

Financial Implications:

Financial impact to current year operating budget:

If the proposed canopy and new door are approved along with the existing eaves, steps and façade, the total annual encroachment fee would be \$578.69. If approval is granted to permit existing encroachments only then the annual fee would be \$564.15.

The annual fee will be adjusted yearly by the CPI and would be added to the property tax bill for this property for the encroachment agreement. The annual fee is based on the size of the encroachment and is calculated by taking the current property tax times the size of the encroachment (area) divided by the total area of the owned property.

Financial impact on future year operating budget:

If approved the annual fee adjusted yearly by the CPI, would be added to the property tax bill annually until the agreement is terminated or the encroachment is removed.

Alignment with Strategic Priorities:

Not applicable: The Encroachment Policy is a service offered by the City to permit existing building or structures to encroach onto municipal property. The City will exercise its right to require an encroachment agreement if the City intends to allow the encroachment to remain under certain terms and conditions.

Alignment with One Planet Principles:

Not applicable: The Encroachment Policy is a service offered by the City to permit existing building or structures to encroach onto municipal property. The City will exercise its right to require an encroachment agreement if the City intends to allow the encroachment to remain under certain terms and conditions.

Staff Recommendation: THAT direction be given on whether the new canopy and door is permitted to encroach onto the Albert Street road allowance;

THAT the existing steps, eaves, and façade at 56 Albert Street be permitted to encroach onto the Albert Street road allowance;

THAT, subject to direction given, the total encroachment area be calculated by staff;

THAT, subject to the direction given, the annual fee adjusted yearly by the CPI be calculated by staff and added to the property tax bill for 56 Albert Street;

AND THAT the City Clerk be directed to prepare and list a by-law authorizing the approved encroachments at 56 Albert Street on a future Regular Council agenda.

Prepared by:

Tatiana Dafoe, City Clerk

Recommended by:

Karmen Krueger, Director of Corporate Services

Joan Thomson, Chief Administrative Officer