

Clause embodied in Report No. 7 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its meeting held on May 21, 22 and 23, 2002.

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**Installation of Art Display -
250 Wellington Street West
(The Residences at the Icon)
(Trinity-Spadina, Ward 20)**

(City Council on May 21, 22 and 23, 2002, adopted this Clause, without amendment.)

The Toronto East York Community Council recommends the adoption of the following report (April 22, 2002) from the Manager, Right of Way Management, Transportation Services, District 1.

Purpose:

To report on a request to install an art display consisting of 8 stainless steel chairs, of which 2 will encroach, 16 stainless steel poles with coloured metals ribbons attached thereto and 4 uplights, within the public right of way fronting 250 Wellington Street West (tentative address - 270 Wellington Street West). As the former City of Toronto Municipal Code does not make provision for this type of encroachment, we are required to report on this matter.

Financial Implications and Impact Statement:

All costs associated with this public art program will be of no cost to the City and all the public art expenditures will be the responsibility of the owner.

Recommendation:

It is recommended that City Council approve the installation of the art display fronting 250 Wellington Street West (tentative address - 270 Wellington Street West), subject to the owners entering into an agreement and agreeing to:

- (a) indemnify the City of Toronto from and against all actions, suits, claims or demands and from all loss, costs, damages, charges and expenses that may result from such permission granted;
- (b) remove the encroaching art display upon receiving 90 days notice from the City to do so;
- (c) maintain the art display in a good and proper repair and a condition satisfactory to the Commissioner of Works and Emergency Services;

- (d) indemnify the City and utility/telecommunication companies of any damage sustained to the art display in the event of a need to access the area in the vicinity of the art display;
- (e) accept such additional conditions as the City Solicitor or the Commissioner of Works and Emergency Services may deem necessary in the interests of the City; and
- (f) Legal Services be requested to prepare, execute and arrange to register the encroachment agreement on title.

Comments:

The site, currently known as 250 Wellington Street West, “The Residences at the Icon”, is bounded by Blue Jays Way to the east, Wellington Street West to the south, John Street to the west and a laneway system to the north (public and privately owned). The development of the site includes a mix of residential and retail uses at the north-east corner of Blue Jays Way and Wellington Street West. Phase I, the westerly portion of the site (proposed Municipal address - 270 Wellington Street West), a 13-storey, 247 unit condominium, has been completed and is ready for occupancy. Phase II (to be known as 250 Wellington Street West), an 18-storey, 304 unit condominium is planned adjacent and immediately east of Phase I. Phase I is currently under construction. The shared, main entrance for both phases is located at the east-end of Phase I. At ground level, retail stores will be located along Wellington Street West and on the west-side of the development along Blue Jays Way. The project is a joint venture of Tridel Inc. and Dorsay Development Corporation. A marked up copy of a property data map denoting the site is shown on Appendix ‘A’.

City Council, at its meeting on April 23, 24, 25, 26 and 27, 2001 and its special meeting held on April 30, May 1 and 2, 2001, approved that a public art competition brief be filed with the Public Art Commission and that the Icon Condominium Percent for Public Art Plan be approved for 250 Wellington Street West. The art site was selected as the area outside the front entrance for Phases I and II of the development; therefore, it is of the highest public profile for the condominium residents, for pedestrians, shoppers and drivers along Wellington Street West. The art will add visual interest to the façade at street level. It is intended to focus and enhance the common entrance situated between two block-long developments. The developers had elected to run an invitational competition among four artists to develop one or more free-standing concepts near the front entrance. Selection of the artist was completed towards the end of June, 2001 and the final proposal of the art display was finalized in September, 2001.

Mr. Andrew Johnson, Starr Landscape Group, 48 St. Clair Avenue West, Suite 1101, Toronto, Ontario M4V 3B6, submitted an application on October 18, 2001, on behalf of the developer and property owner, The Residences at the Icon Inc., 4800 Dufferin Street, North York, Ontario, M3H 5S9, requesting permission to install various streetscaping improvements within the public right of way for Phase I fronting 270 Wellington Street West (proposed address) and on the Blue Jays Way flank amongst which included the installation of the art display fronting the main entrance. The art display will be comprised of 16 stainless steel poles (2 rows/eight per side) with decorative metal ribbons attached thereto and 4 uplights which will encroach approximately 1.1 m onto the public right of way. Of note, the art display continues in front of the neighbouring property (250 Wellington Street West) and again fronting the main entrance to the proposed

condominium site. This portion of the art display entails the installation of 8 stainless steel chairs, of which 2 will encroach approximately 0.6 m within the public right of way. On Appendices 'B' and 'C', we have provided a conceptual drawing of the art work showing the proposed poles and chairs.

We had reviewed the applicant's proposal and had determined that the art display would not negatively impact on the public right of way.

We received notice from the solicitors for the developer of the Icon projects advising that their client was in the process of finalizing its agreement with the artist, however, prior to executing the agreement with the artist, they wanted the City's assurance that the proposed encroachment onto the public right of way would be permitted. The solicitor further pointed out that in order to insure installation of the artwork by the deadline date, the artists needed to proceed immediately to order materials and begin fabrication of the artwork. As such, it was essential to expedite the execution of the agreement with the artist. The Ward Councillor was notified of the developer's request and was in support of the proposal.

Having regard for the above, Construction Permit No. 14638901 was issued prematurely to Ms. Alison Astolfo on November 28, 2001, authorizing various streetscaping improvements within the public right of way at 270 Wellington Street West which included the installation of the art work. Inspection shows that the streetscape improvements have been completed, however, the art work has not been installed.

With respect to the streetscaping improvements as affecting Phase 11, an application was received on January 18, 2002 which is being currently reviewed.

Details of the encroachments are retained on file with this department.

Conclusions:

As the encroachment of the art display does not impact negatively on the public right of way, its installation should be permitted.

Contact:

Ken McGuire, Supervisor, Construction Activities
Telephone: (416) 392-7894, Fax: (416) 392-7465, E-mail: kmcguire@city.toronto.on.ca

(Attachments referred to in the foregoing report were forwarded to all Members of the Toronto East York Community Council with the agenda for its meeting on May 7, 2002, and copies are on file in the office of the City Clerk.)