

Consolidated Clause in Toronto and East York Community Council Report 8, which was considered by City Council on September 25, 26 and 27, 2006.

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**Community Vehicular Reclamation Project –
Augusta Avenue
(Ward 20 - Trinity-Spadina)**

City Council on September 25, 26 and 27, 2006, adopted the staff recommendations contained in the Recommendations Section of the report (September 25, 2006) from the General Manager, Transportation Services, with the exception of Recommendations (1)(b) and (1)(c), so that the recommendations, as amended and renumbered, now read as follows:

“It is recommended that:

- (1) City Council approve the request from the ‘Streets are for People’ organization to temporarily display an inoperable vehicle referred to as ‘Public Art’ located in the curb lane in front of 256 Augusta Avenue to remain until October 31, 2006 subject to the applicant agreeing to but not limited to the following:*
 - (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 and providing an insurance policy for such liability for the duration of the temporary street occupation in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$2,000,000.00 or such greater amount as the Deputy City Manager and Chief Financial Officer may require; and*
 - (b) accept such additional conditions as the City Solicitor or the General Manager, Transportation Services may deem necessary in the interest of the City; and*
- (2) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that may be required.*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

The Toronto and East York Community Council submits this matter to City Council without recommendation.

Action taken by the Committee

The Toronto and East York Community Council requested the General Manager of Transportation Services to report to City Council on September 25, 2006 on the request made by Councillor Silva in his communication (September 21, 2006).

The Toronto and East York Community Council submits the communication (September 21, 2006) from Councillor Silva:

I am writing in reference to the public art installation 'Community Vehicular Reclamation Project', by Kensington Market based organization *Streets are for People!*

As I understand it, this piece is essentially a car that has been transformed into a garden, and also has a patch of grass for use by the public. The group is promoting the creation of more urban green space, as well as trying to raise awareness about the negative impacts on air quality of vehicle use in the urban core.

Current by-laws regulating the use of the public right of way do not specifically allow the General Manager of Transportation Services to permit the storage of a derelict vehicle used as public art by the Kensington Market based organization "Streets are for People".

I am asking that this project, located at 256 / 258 Augusta Ave., be issued a permit for the temporary storage of this vehicle on Augusta Avenue, until October 31, 2006, on compliance of the organization meeting the conditions of the General Manager.

City Council – September 25, 26 and 27, 2006

Council also considered the following:

- *Report (September 25, 2006) from the General Manager, Transportation Services [Communication 58(a)].*

*Subject: Community Vehicular Reclamation Project – Augusta Avenue
(Trinity-Spadina, Ward 20)*

Purpose:

To report directly to City Council at its meeting of September 25, 2006 as requested by the Toronto and East York Community Council, on a request for permission to temporarily permit the display of an inoperable vehicle on Augusta Avenue referred to as "Public Art" by the Kensington Market based organization "Streets are for People".

Financial Implications and Impact Statement:

Total revenue resulting from this application is estimated to be \$1,461.54 plus GST. Under the applicable provisions of Chapter 313 of the former City of Toronto Municipal Code, temporary occupancy of the public right of way is subject to fees in the amount of \$909.54 plus GST for the month of October. This revenue will accrue to Transportation Services Operating Account Cost Center TP0150. In addition, the use of one parking space at a pay and display machine on Augusta Avenue for the month of October is subject to \$552.00, confirmed by the Toronto Parking Authority. This revenue will accrue to Toronto Parking Authority Operating Account 52001403.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial implications should City Council decide to waive the requisite fees.

Recommendations:

It is recommended that:

- (1) City Council approve the request from the “Streets are for People” organization to temporarily display an inoperable vehicle referred to as “Public Art” located in the curblane in front of 256 Augusta Avenue to remain until October 31, 2006 subject to the applicant agreeing to but not limited to the following:*
 - (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 and providing an insurance policy for such liability for the duration of the temporary street occupation in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;*
 - (b) pay a monthly rental fee for the area of public right of way occupied in keeping with the provisions of Chapter 313, of the former City of Toronto Municipal Code, Streets and Sidewalks;*
 - (c) pay for the loss of pay and display machine revenue for one parking space cupied by the display inoperable vehicle; and*
 - (d) accept such additional conditions as the City Solicitor or the General Manager, Transportation Services may deem necessary in the interest of the City;*
- (2) the appropriate City Officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that may be required.*

Background:

The Toronto and East York Community Council, at its meeting of September 21, 2006, in considering a communication (September 21, 2006) from Councillor Silva, forwarded the matter to Council without recommendation and requested the General Manager, Transportation Services to report directly to Council at its meeting of September 25, 2006 on the request made in his communication (Clause No. 37 of Report No. 8 of the Toronto and East York Community Council).

Comments:

A request was received through Councillor Silva's office to permit an inoperable vehicle which has been transformed into a garden (Appendix A) and is referred to as "Public Art" by the "Streets are for People" organization to remain in the curblane adjacent to 256 Augusta Avenue, until October 31, 2006. The group is promoting the creation of more urban green space, as well as trying to raise awareness about the negative impacts on air quality of vehicle use in the urban core.

Current by-laws regulating the use of the public right of way do not specifically allow the General Manager of Transportation Services to permit the display of an inoperable vehicle.

We have reviewed the request and from Transportation perspective, there is no objection to permitting the inoperable vehicle referred to as "Public Art" to remain on Augusta Avenue until October 31, 2006, the end of the street event season for "Car Free Days". This permission is subject to the organization, "Streets are for People" indemnifying 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 and providing for an insurance policy for such liability in an amount not less than \$2,000,000, and accepting such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City, including the paying of the street occupation fees and loss of pay and display machine revenue.

Conclusion:

As the request to allow the display of an inoperable vehicle, referred to as "Public Art" until October 31, 2006 will not impact negatively on the public right of way, permission could be granted.

The Parking Authority has been consulted in the preparation of this report.

Contact:

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Attachment:

Attachment No. 1 – Appendix “A” – photo of vehicle

APPENDIX "A"



256-258 Augusta Avenue – September 7, 2006