



STAFF REPORT ACTION REQUIRED

1-11 St. Thomas Street – Encroaching Decorative Lights

Date:	September 18, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 27
Reference Number:	Te07068te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the agent of the owner of 1-11 St. Thomas Street for permission to install 4 decorative pedestrian light standards on St. Thomas Street and 6 decorative pedestrian light standards on the Charles Street West flank within the public right of way. In addition, the applicant is seeking permission to maintain existing decorative lights attached to the building wall over the main entrances to the building on St. Thomas Street and the Charles Street West which will encroach over the public right of way anywhere from 0.22 m to 0.23 m.

Given that the encroachments will not impact negatively on the public right of way, Transportation Services recommends approval of the encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of 4 decorative pedestrian light standards on St. Thomas Street and 6 decorative pedestrian light standards on Charles Street West flank within the public right of way, together with decorative lights attached to the building wall over the main entrances to the building on Thomas Street and Charles Street West, subject to the owner entering into an encroachment agreement with the City of Toronto, 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 of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in the amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - b. maintain the 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 decorative light standards or decorative lights beyond what is allowed under the terms of the Agreement;
 - c. obtain approval for the wall mounted lights from the Toronto Building Division;
 - d. pay for the costs of preparing and registration of the agreement on title; and
 - e. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachments, subject to the approval of the General Manager of Transportation Services; and
 3. request Legal Services to prepare, execute and arrange to register the Encroachment Agreement on title.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

City Council, at its meeting of September 25, 26 and 27, 2006, gave consideration to staff's report entitled "Installation of Decorative Sidewalks with Granite Pavers – 11 St. Thomas Street and on the Charles Street West Flank" and in so doing, approved the applicant's request subject to a number of conditions. The applicant's request dealt with a number of streetscaping improvements amongst which included the decorative pavers, tree planting, pedestrian access ramp, sidewalk reconstruction, tree irrigation system and the decorative pedestrian light standards and wall mounted lights. Regrettably, at the time, staff's report did not include the decorative light standards and the wall mounted lights. We are now reporting to clean up this oversight.

For the information of the Toronto and East York Community Council, Construction Permit No. 32361102 was issued to the applicant on January 25, 2007, authorizing the streetscape work including the installation of the pedestrian scale lights and decorative lighting at the main entrances. Inspection shows the majority of the trees have been installed and the sidewalks constructed together with the underground wiring for the light standards.

The decorative pedestrian light standards will be installed in line with the trees along Thomas Street and Charles Street West. The wall mounted lights have been installed either side of the main entrances to the building 3.21 m above sidewalk grade which will encroach anywhere from 0.22 to 0.23 m over the public right of way.

The property owner must enter into an encroachment agreement to maintain the decorative pedestrian light standards together with the decorative lights affixed to the building wall.

Applicable regulation

There are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the installation of the decorative pedestrian light standards and the decorative wall mounted lights; therefore, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the request and determined that the proposed decorative pedestrian lights and decorative wall mounted lights will not impact negatively upon the public right of way.

Details of the encroachments are on file with Transportation Services.

Photos of the property are shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – Photos

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