



**STAFF REPORT
ACTION REQUIRED**

**Downtown-Yonge Business Improvement Area –
Illuminated Polar Bear Decorations – Traffic Median on
Yonge Street, South of College/Carlton Streets**

Date:	November 12, 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:	Te07080te.row

SUMMARY

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

Transportation Services has assessed an application on behalf of the Downtown-Yonge Business Improvement Area for the installation of three 3-dimensional illuminated polar bear decorative structures within the median just south of the intersection of Yonge Street and College/Carlton Streets.

As the former City of Toronto Municipal Code does not make provisions for these types of encroachments, we are required to report on this matter.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of the three 3-dimensional illuminated polar bears within the two most northern planters located on the first median on Yonge Street, south of the Yonge Street and College/Carlton Streets intersection, subject to the Downtown-Yonge BIA entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

- a. maintain the three illuminated polar bear decorative structures 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;
 - b. take full responsibility for any repairs or replacements of any existing plantings within the existing planters; and
 - 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;
2. request Legal Services to prepare and execute the Encroachment Agreement; and
 3. direct the General Manager of Transportation Services to deal with similar applications administratively should future requests for the installation of decorative structures be required by the Downtown-Yonge BIA or any other Business Improvement Area.

Financial Impact

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

ISSUE BACKGROUND

An application has been submitted requesting permission to construct three 3-dimensional illuminated polar bears within the two most northern planters located on the first median on Yonge Street, south of the Yonge Street and College/Carlton Streets intersection. The planters themselves are absent of any tree plantings and are greater than 30 m away from the closest signalized intersection. The 3-D bears will be constructed of light-weight aluminum framing cover with white, energy efficient LED lights. Each of the 3 installations will plug into the existing GFI (ground fault) electrical outlets that have been installed by Toronto Hydro last year.

Each polar bear installation will be structurally fastened to aluminum metal frames. The frames themselves will be anchored to the inside of the planter and will be raised 0.91 m high above the grade of the planter.

The weight of each individual polar bear structure will not exceed 45.4 kg. The individual height and size of each bear structure is as follows.

- the smallest bear will measure approximately 1.22 m long, 1.0 m wide and 1.3 m high, and will be attached on a raised support frame that is 0.91 m wide, 0.91 m long and 0.91 m high;
- the medium sized bear will measure approximately 1.83 m long, 0.7 m wide and 1.31 m high and be attached to a raised support frame that is 0.61 m wide, 0.91 m long and 0.91 m high;

- the largest bear will measure approximately 2.44 long, 1.04 m wide and 1.62 m high and attached to a support frame that is 0.91 m wide, 1.4 m long and 0.91 m high.

As the support frames are smaller than the bear structures, the bears will project beyond their frames; however, neither the bears nor their frames will project beyond the existing planter beds. The support frames and bears will be removed when the BIA's Cavalcade of Lights permit expires. The structural anchoring inside the planter would remain for seasonal use.

This application is in conjunction with the Downtown-Yonge BIA's Cavalcade of Lights decoration displays. The BIA believes the addition of the illuminated polar bears will enhance their existing seasonal decorations.

In order to expedite the installation of the illuminated polar bears within the Downtown-Yonge BIA, staff consulted with the Ward Councillor's office to determine if a permit could be issued prematurely for the installation of the decorations, notwithstanding that Toronto and East York Community Council's approval had not been obtained. The Councillor's office concurred with the issuance of the requisite construction permit to avoid delaying the project. Construction Permit No. 30681404 was issued on November 5, 2007 authorizing the installation and maintenance of the illuminated polar bear structures, subject to a number of conditions, amongst which included a report would be submitted to the Toronto and East York Community Council and that the applicant would be responsible to adhere to any further requirements by the Toronto and East York Community Council.

COMMENTS

Applicable Regulation

The former City of Toronto Municipal Code Chapter 313 and Metro By-Law No. 211-74, as amended, do not make provisions for these types of encroachments, thereby requiring Transportation Services to report on this matter.

Reasons for Approval

Transportation Services has reviewed the application and determined that the installation and maintenance of the illuminated polar bears will not impact negatively on the public right of way.

Given that there has been an increasing number of Business Improvement Areas within the City of Toronto who have made similar requests to install and maintain seasonal elements within the public right of way and we anticipate that additional applications for decorative lighting/seasonal elements will be filed by various BIAs; to expedite the process of these applications, we are requesting that the authority be granted to the General Manager of Transportation Services to deal with these applications administratively and to approve such additional requests for the Business Improvement Areas.

Details of the encroachment are on file with Transportation Services.

Photos of the median and planters together with conceptual drawings denoting the illuminated polar bears are in Appendices 'A' and 'B'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - Photos
Appendix 'B' - Proposed polar bear decorations

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