

Decorative Lights – 109 Atlantic Avenue and on the Snooker Street Flank (formerly Hanna Avenue)

Date:	August 12, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Trintiy-Spadina - Ward 19
Reference Number:	Te08057te.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 109 Atlantic Avenue to allow the installation of 24 decorative lights to be attached to the building wall which will encroach over the public right of way by 0.62 m fronting 109 Atlantic Avenue and on the Snooker Street flank (formerly Hanna Avenue).

As the proposed decorative lights will not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of the 24 decorative lights to be attached to the building wall that will encroach over the public right of way by 0.62 m fronting 109 Atlantic Avenue and on the Snooker Street flank, 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 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 his/her 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;
 - c. obtain approval for associated work on private property from Toronto Building;
 - d. remove the encroachments upon receiving 90 days written notice to do so; 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; and
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 encroachment, subject to the approval of the General Manager of Transportation Services.

Financial Impact

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

ISSUE BACKGROUND

The agent of the owner of 109 Atlantic Avenue submitted an application requesting permission to install 24 decorative lights, 9 lights on Atlantic Avenue and 15 lights on Snooker Street to be attached to building wall. The lights will be situated approximately 2.43 m above the boulevard grade which will encroach 0.62 m over the public right of way.

In order not to delay the project, the applicant has requested that Transportation Services issue a construction permit authorizing the installation of the decorative lights notwithstanding that Toronto and East York Community Council's approval has not been received. We have consulted with the Ward Councillor and he concurs with the applicant's request. Accordingly, Construction Permit No. 42688001 was issued July 10, 2008 for the installation and maintenance of the decorative lights, subject to a number of conditions, amongst which included that the owner enters into an encroachment agreement.

The Barrymore Building (109 Atlantic Avenue) is a listed historic building. Staff of Heritage Preservation Services have reviewed the plans and have advised that they have no objection to the proposal.

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the installation and maintenance of the decorative lights, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the proposed decorative lights will not impact negatively on the public right of way and should be permitted, subject to the owner entering into an encroachment agreement.

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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