



STAFF REPORT ACTION REQUIRED

Installation of a Bioswale System - 700 St. Clair Avenue West, Toronto Parking Authority Parking Lot

Date:	August 18, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	St. Paul's - Ward 21
Reference Number:	Te08061te.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 an application from the Toronto Parking Authority (TPA) requesting for permission to install a bioswale system within the public right of way on the Humewood Drive flank of 700 St. Clair Avenue West. A bioswale is a filtration system that uses natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the stormwater runoff.

The installations are part of the TPA's project to convert the existing site into a parking lot that complies with the City of Toronto parking lot greening initiative.

As the installation of a bioswale system will not impact negatively on the public right of way, Transportation Services recommends approval of this encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of the bioswale system within the Humewood Drive flank of 700 St Clair Avenue West, subject to the Toronto Parking Authority 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 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 an amount not less than \$2,000,000.00 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - b. maintain the bioswale system 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;
 - c. pay for the costs of preparing the Agreement and the registration of the Agreement on title; and
 - d. 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 encroachment, subject to the approval of the General Manager of Transportation Services; and
 3. request Legal Services to prepare and execute the Encroachment Agreement.

Financial Impact

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

ISSUE BACKGROUND

The Toronto Parking Authority submitted an application requesting permission to install a bioswale system within the public right of way on the Humewood Drive flank of 700 St. Clair Avenue West. The bioswale itself is a shallow depression in the boulevard designed to accept and convey stormwater runoff. It will use natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water.

The installations are part of the TPA's project to convert the existing site into a parking lot that complies with the City of Toronto parking lot greening initiative.

The bioswale will be set back approximately 1.3 m of the existing City sidewalk and extend along the entire Humewood Drive flank of 700 St. Clair Avenue West.

COMMENTS

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 of a bioswale system, we are required to report to Community Council on this matter.

Reasons for Approval

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

Details of the encroachment are on file with Transportation Services.

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

CONTACT

Ken McGuire, Supervisor, Right of Way Management
Telephone: 416-392-7894, Fax: 416-392-7465, E-mail: kmcguire@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix "A" – Photos

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