



**STAFF REPORT  
ACTION REQUIRED**

**Maintenance of Planters - Both Sides of Danforth Avenue, from Westlake Avenue to Victoria Park Avenue - Danforth Village BIA**

Date:	September 16, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Beaches-East York – Wards 31 and 32
Reference Number:	Te08080te.row

**SUMMARY**

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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 on behalf of the Danforth Village Business Improvement Area for the maintenance of 40 above-grade concrete planters on both sides of Danforth Avenue from Westlake Avenue to Victoria Park Avenue.

Although the location of the planters requires a variance from the former City of Toronto Municipal Code, they do not impact negatively on the public right of way. Transportation Services recommends approval of this encroachment.

A representative from the Danforth Village Business Improvement Area together with any interested parties will be given the opportunity to make a deputation before Community Council.

**RECOMMENDATIONS**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the maintenance of planters on both sides of Danforth Avenue, from Westlake Avenue to Victoria Park Avenue, subject to the Danforth Village

Business Improvement Area entering into an 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;
  - 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 encroachments beyond what is allowed under the terms of the Agreement;
  - c. pay for the costs of preparing the Agreement;
  - d. remove the encroachments upon receiving 60 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. 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**

An application was submitted on behalf of the Danforth Village Business Improvement Area (BIA) to install and maintain concrete planters on both sides of Danforth Avenue, from Westlake Avenue to Victoria Park Avenue in line with existing utility poles and other street furnishings (i.e., garbage waste receptacles, publication dispensing boxes, bicycle rings, etc.) which are set back 0.5 m from the edge of the curb. The BIA feels that the planters add colour and texture year round, to strengthen the emerging unique identity of the area.

In order to expedite the installation of the concrete planters within the Danforth Village BIA, Construction Permit No. 42737501 was issued on June 20, 2008 authorizing the installation and maintenance of the planters.

Photos of the existing concrete planters are shown in Appendix 'A'.

### **COMMENTS**

#### **Applicable Regulation**

The construction and maintenance of planters within the public right of way are governed under the criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the

former City of Toronto Municipal Code, which provides for planters to be placed 0.46 m from the rear edge of the sidewalk or 2.1 m where no sidewalk is present.

### **Reasons for Approval**

Transportation Services has reviewed the application and determined that the maintenance of the planters does not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

### **CONTACT**

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### **SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

### **ATTACHMENTS**

Appendix 'A' – photos

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