



## **STAFF REPORT ACTION REQUIRED**

### **Installation of a Storm Water Management System and Maintenance of a Parking Access Barrier Arm – 4 Massey Square, Crescent Town School**

<b>Date:</b>	March 10, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Beaches-East York – Ward 31
<b>Reference Number:</b>	Te09042te.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 a request on behalf of Crescent Town School for the installation of a storm water management system and to maintain a parking access barrier arm that encroach within the public right of way on the Victoria Park Avenue rear of 4 Massey Square.

The installation of the storm water management system is part of Crescent Town School's current renovation and the installation of the storm water management system complies with the City of Toronto green development initiatives.

As the installation of a storm water management system and maintenance of the existing parking access barrier arm do not impact negatively on the public right of way; Transportation Services recommends approval of the encroachments.

#### **RECOMMENDATIONS**

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

1. approve the request for the installation of the storm water management system and the maintenance of the parking access barrier arm within the Victoria Park Avenue rear of 4 Massey Square, subject to the property owners 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 an 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;
  - c. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
  - d. satisfy any utility companies' requirements prior to the issuance of a construction permit authorizing work within the public right of way, including the relocation of such utility at their expense;
  - e. provide "as-constructed" drawings within 90 days of completing the construction of the storm water management system;
  - f. remove the parking access barrier arm upon receiving 90 days written notice to do so; and
  - g. 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, execute and register the Agreement on title.

### **Financial Impact**

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

### **ISSUE BACKGROUND**

Crescent Town School submitted an application requesting permission to install a storm water management system and maintain an existing parking access barrier arm within the public right of way on the Victoria Park Avenue rear of 4 Massey Square.

Crescent Town School is currently undergoing extensive renovations to their facilities, amongst which includes modification and expansion of the existing parking area, a portion of which extends onto the public right of way of Victoria Park Avenue.

The storm water management system will consist of 2 catch basins, 3 utility holes, 4 Storm sewers and a bioswale. Of note, the installation of the storm water management system complies with the City's green development initiatives. The system will be constructed within the public right of way and connected to the City's storm sewer within Victoria Park Avenue. The applicant has advised that drainage cannot be taken onto Crescent Town School's property because the natural drainage pattern is dictated by the existing slope of the land surface.

Given the potential impact of these type of applications on existing underground utility services, it is the applicant's responsibility to undergo a public utility review with an objective of obtaining clearances or sign-offs from the affected utility agencies and/or satisfying their requirements prior to the issuance of a construction permit authorizing work within the public right of way.

Although the utility clearances and/or sign-offs have not been received by Transportation Services to date, we are seeking authority to approve the installation of the storm water management system in principle, subject to any further additional requirements of the utility agencies that may have infrastructure in the area within the Victoria Park Avenue public right of way, together with any conditions of approval by the General Manager of Transportation Services.

During the course of our inspection, it was determined that a parking access barrier arm have been constructed within the public right of way on the Victoria Park Avenue rear of 4 Massey Square. A check of available records shows that there is no encroachment agreement in place for the parking access barrier arm.

The parking access barrier arm is of metal construction and swings across the vehicle access/egress and is manually operated by school staff.

## **COMMENTS**

### **Applicable regulation**

As there are no provisions within the former Borough of East York By-Law No. 23-89, Boulevard Use Restrictions, to allow for the installation of a storm water management system and/or maintenance of the parking access barrier arm, 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 storm water management system together with the maintenance of the parking access barrier arm do not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

Photos of the existing parking access barrier arm are shown on Appendix 'A'.

## **CONTACT**

Ken McGuire, Supervisor, Right of Way Management

Tel: 416-392-7894, Fax: 416-392-7465, E-mail: [kmcguire@toronto.ca](mailto:kmcguire@toronto.ca)

## **SIGNATURE**

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Angie Antoniou, Manager  
Traffic Planning/Right of Way Management

## **ATTACHMENTS**

Appendix 'A' – photos

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