

Signs, Light Standards and Pillars – 30 The Queensway

Date:	June 1, 2009
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Parkdale-High Park – Ward 14
Reference Number:	Te09049te.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 representative of St. Joseph's Health Centre to allow the maintenance of four free standing illuminated and one non-illuminated ground signs, four decorative light standards, along with six stone pillars that encroach within the public right of way fronting 30 The Queensway and on the Sunnyside and Glendale Avenue flanks and Parkdale Road rear of 30 The Queensway.

As the free standing illuminated and non-illuminated ground signs, decorative light standards and stone pillars do not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

Additionally, three obsolete electrical concrete fixtures existing within the public right of way fronting 30 The Queensway must be removed and the City boulevard restored to its original grassed condition as part of this approval.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the maintenance of the four free standing illuminated and one non-illuminated ground signs, four decorative light standards, along with six stone pillars within the public right of way fronting 30 The Queensway and on the

Sunnyside and Glendale Avenues flanks and Parkdale Road rear of 30 The Queensway, 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 to the encroachment beyond what is allowed under the terms of the Agreement;
 - c. obtain clearances and/or sign offs from Toronto Hydro and satisfy any requirements that Toronto Hydro may have;
 - d. submit a Hydro Electric Clearance Certificate upon completion of work;
 - e. remove three obsolete electrical fixtures from within the public right of way fronting 30 The Queensway and restore the grassed boulevard to its original condition;
 - f. remove the encroachments 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 encroachments, 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

The representative for St. Joseph's Health Centre submitted an application requesting permission to allow the maintenance of the following free standing illuminated non-illuminated ground signs:

- a plastic and metal ground sign reading, "St. Joseph's Health Centre Toronto", measuring 2.9 m in length, 0.3 m in width and 1.3 m in height, with a concrete base, set back 4.4 m from the rear edge of the City sidewalk and encroaching 0.2 m within the public right of way on the Sunnyside Avenue flank of 30 The Queensway;
- a plastic and metal ground sign reading, "St. Joseph's Health Centre Toronto", measuring 3.2 m in length, 3.0 m in width and 1.6 m in height, with a concrete base, set back 3.4 m from the rear edge of the City sidewalk and encroaching 0.5 m within the public right of way fronting 30 The Queensway;
- a plastic and metal ground sign reading, "Emergency", measuring 0.5 m in length, 0.6 m in width and 3.8 m in height, with a concrete base, set back 1.8 m from the rear edge of the City sidewalk and encroaching 1.8 m within the public right of way on the Glendale Avenue flank of 30 The Queensway;
- a metal ground sign reading, "Emergency", measuring 3.0 m in length, 0.4 m in width and 1.5 m in height, with a concrete base, set back 0.6 m from the rear edge of the City sidewalk and encroaching 3.5 m within the public right of way on the Glendale Avenue flank of 30 The Queensway;
- a plastic and metal ground sign reading, "Welcome to Our Smoke Free Facility", measuring 2.9 m in length, 0.3 m in width and 1.3 m in height, with a concrete base, set back 4.3 m back from the rear edge of the City sidewalk and encroaching 0.02 m within the public right of way on the Sunnyside Avenue flank of 30 The Queensway.

In addition, the applicant has requested the maintenance of four decorative light standards situated on Glendale Avenue measuring 7.1 m in height with a 0.6 m round concrete base which is 1.0 m in height. The light standards are set back 1.6 m, 0.7 m, 0.8 m and 0.4 m, respectively, from the rear edge of the City sidewalk on Glendale Avenue.

Site inspection determined that four stone pillars, measuring 1.5 m in height, are encroaching from 0.02 m to 0.3 m within the public right of way on the Parkdale Road rear of 30 The Queensway. There are an additional two stone pillars, measuring 1.5 m in height, encroaching from 0.3 m and 0.4 m within the public right of way on the Sunnyside Avenue flank of 30 The Queensway.

As a condition of approval, the applicant is to provide a certificate of inspection from the Electrical Safety Authority.

The representative of St. Joseph's Health Centre was requested to provide a survey indicating existing encroachments within the public right of way. From this, it was found that 3 obsolete concrete electrical fixtures containing wire, exist within the public right of way fronting 30 The Queensway. The applicant was advised that these fixtures must be removed from the public right of way and that the boulevard be restored to grassed condition.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for free standing illuminated and non-illuminated ground signs, decorative light standards, or stone pillars to be maintained within the public right of way, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the free standing illuminated and non-illuminated ground signs, decorative light standards and stone pillars do not impact negatively within the public right of way and can be permitted, provided that the owners enter into an encroachment agreement with the City of Toronto.

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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