



STAFF REPORT ACTION REQUIRED

Building Façade and In Ground Lights – 75 Portland Street

Date:	October 21, 2009
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Trinity-Spadina – Ward 20
Reference Number:	Te09081te.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 representing the owners of 75 Portland Street to construct a building façade which will form a part of the building and encroach 1.0 m over the public right of way, along with three in ground lights fronting 75 Portland Street.

Given that the building façade and 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 a concrete building façade which will form part of the building and in ground lights, within the public right of way fronting 75 Portland Street, subject to the 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 building façade and lights 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. limit the life of the Agreement to the removal of the encroachment or the date of the demolition of the building at 75 Portland Street, whichever is the less;
 - d. prohibit the building façade to be used as habitable space and maintain a physical barrier to separate the façade from any permitted habitable space;
 - e. ensure the in ground lights to shine towards the property of 75 Portland Street only and not towards any other surrounding properties or onto the public right of way;
 - f. pay for the costs of preparing the Agreement and the registration of the Agreement on title; 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 and execute the Encroachment Agreement.

Financial Impact

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

ISSUE BACKGROUND

The agent representing the owners of 75 Portland Street is requesting permission to construct a concrete building façade which will form part of the building wall and will encroach 1.0 m over the public right of way, along with three in ground lights fronting 75 Portland Street.

The concrete building façade is comprised of three ledges running horizontally that are connected to three “fins” running vertically along the building wall, all of which will

encroach 1.0 m over the public right of way. The three ledges run horizontally for lengths of 3.9 m, 19.7 m and 26.3, and are located 3.5 m, 8.3 m and 11.05 m, respectively, above sidewalk grade. The three fins running vertically along the building wall connecting the ledges are 7.25 m, 6.0 m and 2.7 m in length, and are 3.5 m, 2.15 m and 8.3 m, respectively, above sidewalk grade.

The three decorative in ground lights are flush with grade and are square shaped, approximately 0.14 m by 0.14 m. They will be situated adjacent to the main entrance of the building and will encroach 0.22 m, 0.26 m and 0.28 m, respectively, within the public right of way.

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 construction and maintenance of a building façade or in ground lights 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 building façade and in ground lights do not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

A photo of the property is shown on Appendix 'A', and a picture of a perspective showing the building façade encroachment is shown on Appendix 'B'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - photo
Appendix 'B' - perspective

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