



**STAFF REPORT  
ACTION REQUIRED**

**Installation of Decorative Driveway and Sidewalk with Granite Pavers – 330 King Street West, Festival Tower**

<b>Date:</b>	February 11, 2010
<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>	Trinity-Spadina - Ward 20
<b>Reference Number:</b>	Te10019te.row

**SUMMARY**

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This staff report is regarding a matter which the Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an application from the agent of the owners of 330 King Street West, King and John Festival Corporation, to install decorative sidewalks with granite pavers fronting 330 King Street West and decorative driveway and sidewalks with granite pavers on the John Street flank.

As the installation and maintenance of the granite pavers do not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

**RECOMMENDATIONS**

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

1. approve the installation of the decorative sidewalks with granite pavers fronting 330 King Street West and decorative driveway and sidewalks with granite pavers on the John Street flank fronting the entrances to Festival Tower, 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 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 decorative driveway and sidewalks with granite pavers 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. indemnify the City and utility/telecommunication companies of any damage sustained to the decorative driveway and sidewalks with granite pavers in the event of a need to access the area;
  - d. remove the decorative driveway and/or sidewalks with granite pavers upon receiving 90 days written notice to do so;
  - e. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
  - f. in the event that the City requires the removal of the decorative driveway and/or sidewalks with granite paving, the owner is responsible for restoring the area affected to standard concrete curb and sidewalk, or alternatively, pay the costs for the work if the work is to be carried out by the City; 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. in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the General Manager of Transportation Services be authorized to extend the Encroachment Agreement to the new owner, 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. The cost of construction and ongoing maintenance of the granite pavers will be borne by the property owners.

### **ISSUE BACKGROUND**

The agent of the owners of 330 King Street West submitted an application requesting permission to install decorative driveway and sidewalks with granite pavers within the

public right of way fronting 330 King Street West, just west of John Street, and on the John Street flank of 330 King Street West.

The proposed decorative sidewalks with granite pavers will be situated along the north side of King Street West fronting the entrance to Festival Tower. It will extend from within the property line for the full width of the sidewalk, encroaching approximately 3.4 m. Along the west side of John Street, the pavers and driveway will front the entrance of the condominium building. As with the other section, it will extend from within the property line for the full width of the sidewalk, encroaching approximately 3.5 m. The remaining sidewalk and curb along both King Street West and John Street will be constructed to City Standards and Specifications.

The pavers will consist of black granite with concrete base. This surface design is not consistent with City Standards.

The King and John Festival Corporation feels that the installation of the decorative granite paving will create both a sense of arrival and a visible landmark for pedestrians on both streets as well as for vehicle drop off in front of Festival Tower and the condominium.

Transportation Services has received clearances from the affected utility companies regarding the proposed work and have determined that it will not impact negatively on the public right of way. The property owner will be required to enter into an encroachment agreement for the ongoing maintenance of the decorative driveway and sidewalks with granite pavers with the City to be registered on title of the property.

## **COMMENTS**

### **Applicable Regulation**

The former City of Toronto Municipal Code does not make provisions for this type of encroachment, thereby requiring Transportation Services to report on this matter.

### **Reasons for Approval**

Transportation Services has reviewed the application and determined that the installation and maintenance of the decorative driveway and sidewalks with granite pavers will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Photos of the proposed area of sidewalk construction are in Appendix "A"

## **CONTACT**

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## **SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix “A” – Photos of proposed area of construction

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