



**STAFF REPORT
ACTION REQUIRED**

Installation of a Concrete Spill Pad – 30 Bond Street, St. Michael’s Hospital

Date:	February 19, 2010
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale - Ward 27
Reference Number:	Te10020te.row

SUMMARY

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 on behalf of St. Michael’s Hospital for the installation of a concrete spill pad within the roadway fronting 30 Bond Street.

As the installation and maintenance of the concrete spill pad within the roadway will not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of the concrete spill pad within the roadway fronting 30 Bond Street, subject to St. Michael’s Hospital 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

\$5,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

- b. maintain the concrete spill pad 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. the City to perform all maintenance-related work, and the owner to be responsible to reimburse the City within 30 days of the work being done;
 - d. indemnify the City and utility/telecommunication companies of any damage sustained to the concrete spill pad in the event of a need to access the area;
 - e. pay the cost for the City to install the concrete spill pad;
 - f. remove the concrete spill pad upon receiving 90 days written to do so;
 - g. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
 - h. in the event that the City requires the removal of the concrete spill pad, the owner is responsible for restoring the area affected to its former condition with the City of Toronto standard for roads, or alternatively, pay the costs for the work if the work is to be carried out by the City; and
 - i. 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. Legal Services be requested 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 concrete spill pad be borne by the property owners.

ISSUE BACKGROUND

An application has been submitted on behalf of St. Michael's Hospital requesting permission to install a concrete spill pad within the roadway fronting 30 Bond Street,

approximately 93 metres north of Queen Street. As the proposed concrete spill pad is not consistent with City of Toronto Standards, we are obligated to report on the proposal.

The daily functions of the hospital require the regular use of a variety of gases, including oxygen, nitrogen, and nitrous oxide. Currently the storage tanks for these and other gases are located on the Victoria Street side of the property along with garbage storage and removal functions and parking and loading functions. This area is crowded and less than ideal in terms of its proximity to waste marshalling, loading access, and short-term parking facilities. Access for refilling the tanks is also limited due to the relative proximity of the tanks to the intersection of Queen and Victoria Streets. The hospital needs to expand the storage facilities to address the growing demand for the gases and the hospital currently lacks a central storage facility for nitrogen.

Of note, the hospital has submitted a site plan application for a new wing at the southwest corner of the property, where the storage facilities are currently located.

As the hospital extends across most of the property, there are few opportunities to relocate the necessary gas storage tanks. The hospital proposes to relocate them to the Bond Street side of the property in an existing open courtyard (the “courtyard”) currently used for employee bicycle parking. The bicycle parking will be relocated to an inner courtyard closer to the Queen Street frontage. While the courtyard can accommodate the existing and expanded storage tanks, there is no room for the delivery trucks to enter onto the property and refill the storage tanks. St. Michael’s proposes to refill the storage tanks from the Bond Street road allowance. The delivery trucks will park along the west side of Bond Street and the fuel lines will run across the sidewalk onto the property. A concrete spill pad will need to be installed within the roadway as the refilling must occur over a non-combustible material, i.e. concrete. The concrete pad within the roadway will measure approximately 4 metres by 4.7 metres and situated directly in front of the courtyard.

With respect to the installation and maintenance of the concrete spill pad, the hospital has provided the City with a letter of commitment agreeing to pay for the cost for the City to install the concrete spill pad; as well as the City performing any future maintenance. The owner will be notified of any necessary maintenance costs prior to the City undertaking the work, and the City will invoice the owner for reimbursement.

A separate Street Occupancy Permit will be required on a weekly basis for the refuelling operation, to allow for the fuel line across the sidewalk and for the sidewalk to be closed during refuelling. The hospital will provide a security guard to be stationed on Bond Street during the refueling to assist with redirecting pedestrians to the sidewalk across the street. This matter is being dealt with administratively.

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 with the City for the ongoing maintenance of the concrete spill pad 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 concrete spill pad 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 the concrete spill pad are shown in Appendix “A”

CONTACT

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SIGNATURE

Angie Antoniou
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ATTACHMENTS

Appendix “A” – Photos of proposed area for the concrete spill pad

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