

**Access Control Equipment – 40 Bay Street**

<b>Date:</b>	April 6, 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>	Toronto Centre-Rosedale – Ward 28
<b>Reference Number:</b>	Te10031te.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 from the agent representing the owners of 40 Bay Street to install access control equipment for the purpose of regulating traffic entering the loading ramp within the public right of way at the northwest corner of Lakeshore Boulevard and Bay Street at 40 Bay Street.

The access control equipment consists of a gate control arm and intercom speaker along with two retractable bollards, an electrical underground heating system, and an underground control conduit connected to the existing parking booth that will provide electrical power.

As the Traffic Management Plan dated February 11, 2010, submitted by Lea Consulting Ltd., complied with Transportation Services requirements, Transportation Services recommends approval of these encroachments.

**RECOMMENDATIONS**

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

1. approve the installation of the access control equipment which consists of a gate control arm and intercom speaker along with two retractable bollards and an underground heating system on the loading ramp, together with an electrical conduit

leading to the existing parking booth near the bottom of the loading ramp at the northwest corner of Lakeshore Boulevard and Bay Street at 40 Bay 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 gate control arm and intercom system, two retractable bollards and underground heating along with the electrical conduit 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. remove the encroachments upon receiving 90 days written notice to do so;
  - d. provide, maintain and operate the transportation demand management measures, facilities and strategies stipulated in the Traffic Management Plan dated February 11, 2010, approved by the General Manager of Transportation Services as shown on Appendix 'A';
  - e. agree to install and maintain permanent "No Public Parking" signage at the top of the ramp;
  - f. comply with all requirements stipulated by Structures and Expressways, Technical Services; 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 40 Bay Street is requesting permission to install and maintain an access control equipment within the public right of way at the northwest corner of Lakeshore Boulevard and Bay Street at 40 Bay Street.

The access control equipment consisting of a gate control arm and intercom speaker, two retractable bollards and underground electrical heating system approximately 39 m west of the west curb line on Bay Street within the driveway loading ramp within the public right of way at Lakeshore Boulevard and Bay Street. Trenching will be undertaken to install an electrical conduit that will lead from the access control equipment to the parking booth situated near the bottom of the ramp that will provide electrical power for the equipment.

The proposed encroachment of this access control equipment is being requested to address security concerns by allowing the screening and control of vehicular access to the underground loading area.

A Traffic Management Plan dated February 11, 2010 was submitted by Lea Consulting Ltd. and was approved by Transportation Services to ensure the safety of pedestrians and vehicles using the public right of way at Lakeshore Boulevard and Bay Street intersection.

For the Committee's information, this ramp provides driveway access to loading facilities for 40 Bay Street - Air Canada Centre, 25 York Street - Telus Building, and 15 York Street – Maple Leaf Square.

## **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 installation and maintenance of access control equipment within the public right of way, we are required to report to Toronto and East York Community Council on this matter.

### **Reasons for approval**

Transportation Services has reviewed the application and determined that the gate control arm and intercom speaker, retractable bollards along with underground electrical heating system and trenching to install the electrical conduit which will provide power for the equipment will not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

Traffic Management Plan dated February 11, 2010 is shown on Appendix 'A'. A photo of the property is shown on Appendix 'B'.

## **CONTACT**

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## **SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' – Traffic Management Plan  
Appendix 'B' – photo

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