



## STAFF REPORT ACTION REQUIRED

### Various Encroachments – 722 College Street, Luis Camões Square

<b>Date:</b>	March 12, 2013
<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 19
<b>Reference Number:</b>	Te2013023te.row

#### SUMMARY

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

Transportation Services has assessed an application from the owner of 722 College Street which abuts Luis Camões Square, to install a Portuguese Wall of Fame with new plaques that will be installed annually, decorative boulevards with coloured concrete, a granite inlay in the shape of Portugal, eight granite inlay plaques, repave the existing garbage pad and reduce the setback requirement for encroachments within the public right of way, fronting 722 College Street and on the Crawford Street flank.

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

#### RECOMMENDATIONS

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

1. approve the reduced setback for encroachments and the installation and maintenance of a Portuguese Wall of Fame with new plaques that will be installed annually, decorative boulevards with coloured concrete, a granite inlay in the shape of Portugal, eight granite inlay plaques and the reconstructed garbage pad within the public right of way fronting 722 College Street and on the Crawford

Street flank, subject to the owner 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 Portuguese Wall of Fame with new plaques to be installed annually, decorative boulevards with coloured concrete, a granite inlay in the shape of Portugal, eight granite inlay plaques and the garbage pad 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 encroachments beyond what is allowed under the terms of the Agreement;
  - c. indemnify the City and utility/telecommunication companies of any damage sustained to the encroachments in the event of a need to access the area;
  - d. remove the encroachments 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; and
  - f. 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 encroachments will be borne by the property owners.

### **ISSUE BACKGROUND**

The owner of 722 College Street submitted an application requesting permission to install a Portuguese Wall of Fame with new plaques to be installed annually, decorative

boulevards with coloured concrete, a granite inlay in the shape of Portugal, eight granite inlay plaques and to reconstruct and maintain an existing garbage pad within the public right of way, fronting 722 College Street and on the Crawford Street flank.

The Portuguese Wall of Fame will be located within the Crawford Street flank and consists of a galvanized steel frame structure with an overhang and four panels that will hold a number of individual marble plaques. The marble plaques will bear the names of individuals of the Portuguese community who have excelled within their respective fields and whose contributions have enhanced the Portuguese-Canadian culture. A poll will be conducted annually by a selection committee and three plaques will be awarded annually.

A portion of the boulevard will be paved with coloured concrete and will be inlaid with eight individual granite plaques and a granite inlay in the shape of Portugal.

There is an existing garbage pad on the Crawford Street flank of the property which is currently paved with precast unit pavers which does not provide an even surface. The garbage pad has been in existence for a number of years and the owner would like to resurface the pad in concrete to facilitate movement of the bins.

There are additional permitted encroachments which do not require Community Council approval that will be installed as part of the improvements on College and Crawford Street however, some of the proposed encroachments will be installed within the required 0.5 m setback from the sidewalk, for which we are seeking relief from.

The purpose of the project is to modernize and refurbish the northwest corner of College and Crawford Street. This corner and the building located at 722 College Street are of historical and cultural importance to the Portuguese-Canadian community; the First Portuguese Canadian Club building was occupied by the First Portuguese Club in the early 1960's. It was a place where new Portuguese-Canadians could visit to receive guidance and education to aid them with the integration into Canadian culture and society. To mark the importance of this location, the corner was inaugurated by the City as Luis Camões Square and a statue honouring Luis de Camões was erected and currently exists at the site, which will be relocated as part of the alterations. The proposed improvements will serve to enhance and preserve this area's importance within the Portuguese-Canadian community. The applicant has advised that the Square will be managed and operated as a not-for-profit organization.

In order not to delay the project and in consultation with the Ward Councillor, Construction Permit No. 59148101 was issued March 4, 2013, authorizing the installation and maintenance of the various encroachments.

Transportation Services has determined that the proposed installations 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 encroachments to be registered on title of the property.

## **COMMENTS**

### **Applicable Regulation**

The former City of Toronto Municipal Code does not make provisions for these types of encroachments, 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 Portuguese Wall of Fame with new plaques that will be installed annually, decorative boulevards with coloured concrete, granite inlay in the shape of Portugal, eight granite inlay plaques, garbage pad and reduced setback 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 construction along College and Crawford Street are shown in Appendix "A". Conceptual drawings are provided in Appendix "B".

## **CONTACT**

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## **SIGNATURE**

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Kyp Perikleous  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix "A" & "B" – Photos of proposed area of construction  
Appendix "C" & "D" – Conceptual drawings

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