

STAFF REPORT ACTION REQUIRED

Pedestrian Bridge for PATH Connection from 40 Bay Street (Air Canada Centre) to 85 Harbour Street, 10 and 20 Bay Street (Waterpark Place)

Date:	May 10, 2011
To:	City Council
From:	Chief Planner & Executive Director, City Planning Division
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	Cc11029 (File No. 2011 187960 TM)

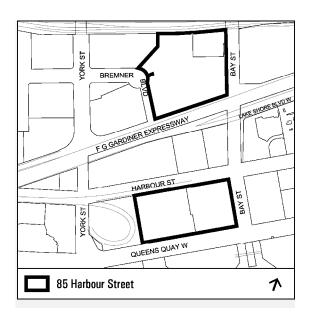
SUMMARY

The long term direction of the PATH system has been to provide pedestrian links between the financial district, the waterfront and Union Station. The current PATH plans provide locations where this may occur. One of the locations identified is from the Air Canada Centre to the south between York Street and Bay Street.

RECOMMENDATIONS

The City Planning Division recommends:

- 1. City Council approve in principle the construction of a pedestrian bridge for a PATH connection over the public rights-of-way at no cost to the City of Toronto between the Air Canada Centre and Waterpark Place at 85 Harbour Street, 10 and 20 Bay Street subject to:
 - (a) acceptable site plan approval in respect of the affected private lands;
 - (b) any and all applicable agreements being signed and in place;
 - (c) any required variances being in place; and



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- (d) any consent applications for the private lands affected have been approved through the Committee of Adjustment.
- 2. City Council authorize staff to enter into negotiations in respect of the appropriate agreements, to facilitate the construction of the climate controlled pedestrian bridge and address future maintenance requirements of the Gardiner Expressway including but not limited to the following:
 - (a) an Encroachment/license Agreement in respect of Harbour Street and Lake Shore Boulevard/Gardiner Expressway rights-of-way and to secure access for the public through the bridge as part of the PATH system;
 - (b) a Wayfinding Agreement to address signage for the pedestrian bridge; and
 - (c) any other applicable agreements with the private property owners affected that may be required to facilitate the PATH connection to the satisfaction of the City of Toronto.
- 3. City Council authorize the Chief Planner & Executive Director, the Acting General Manager of Transportation Services, the City Solicitor and the General Manager of Technical Services to undertake any other actions as deemed necessary.
- 4. City Council direct staff to report back on final agreements and financial details that will be implemented for the pedestrian bridge connection.

Financial Impact

The costs of construction of the proposed elevated pedestrian bridge will be privately funded. Although the developer has proposed the portion of the bridge to be constructed below the Gardiner Expressway to be moveable to accommodate future maintenance of the expressway, it is anticipated that the maintenance costs of the expressway will increase by the presence of this pedestrian bridge. Securities will be required to address the long term maintenance costs with the amount determined through the review process. The financial arrangements will be addressed when staff report back to Council.

DECISION HISTORY

At the April 21, 2011 meeting of Toronto and East York Community Council the following motion as introduced by Councillor McConnell was passed:

"That Toronto and East York Community Council direct the Chief Planner, in consultation with the Acting General Manager of Transportation Services, the City Solicitor, the General Manager of Economic Development and Culture, and the General Manager of Technical Services to report to the May 17, 2011 City Council meeting on the feasibility, financial implications, economic benefits, and property ownership issues related to a PATH bridge from 40 Bay Street (Air Canada Centre) to 85 Harbour Street."

ISSUE BACKGROUND

Waterpark Place Phase I and Phase II office towers are located at 10 and 20 Bay Street. The site specific zoning that was approved for the Waterpark Place complex included a third 33-storey tower at 85 Harbour Street that has not been built. Oxford Properties Inc., the owner of 85 Harbour Street is now in the position to proceed with development of Phase III of the Waterpark Place development on this site. With zoning in place to permit the office tower development, approvals required would be limited to site plan approval and minor variances through the Committee of Adjustment, if required. As part of the office development of 85 Harbour Street the proponent is required to provide a PATH connection to the site.

There has been consultation with staff to review the proposed pedestrian bridge including Urban Design, Right-of-Way Management, Infrastructure Planning, Traffic Planning, Transportation Services and Legal Services staff.

COMMENTS

The Chief Planner & Executive Director was directed through the approved motion on April 21, 2011 to report back to City Council on the feasibility, financial implications, economic benefits, and property ownership issues related to a PATH bridge from 40 Bay Street (Air Canada Centre) to 85 Harbour Street.

Staff recommend that the approval for the bridge be in principle subject to certain agreements and other matters being addressed such as site plan approval, easement requirements, and Committee of Adjustment variances. Other agreements will also be required to be in place including a site plan agreement, encroachment and/or licensing agreements, a way finding agreement as well as any other agreements that may be required.

Feasibility

City staff secured a PATH knock-out panel at 40 Bay Street with the anticipation of a future PATH connection between Union Station and the waterfront. The City of Toronto is currently undertaking a PATH Master Plan study that will identify, among other things, a number of strategic new links. This elevated connection has been identified in the Master Plan study as a potential PATH extension, to provide a key connection to the revitalized waterfront area.

Through the approval process for the Air Canada Centre provision had been made for a future elevated PATH connection to the south with the inclusion of a knock-out panel at the south west corner of the building. The intention at that time was to connect across Lakeshore Boulevard West to future development to the south. With the proposal for Waterpark Place Phase III ready to proceed at this time the proposed PATH connection would extend from the existing knock-out panel in the Air Canada Centre over Lake Shore Boulevard West under the Gardiner Expressway, across privately owned lands at 90 Harbour Street, and over Harbour Street to the second floor of the proposed Waterpark Place Phase III at 85 Harbour Street. The developer is proposing to inter-connect the

second floor of the 10 and 20 Bay Street office building and the proposed building at 85 Harbour Street. The developer has provided preliminary plans and information to staff demonstrating the feasibility of-the proposed connection as shown in Attachment 1.

Technical Services has done a preliminary review of the plans submitted to date and is of the opinion that the proposed pedestrian bridge can be designed to facilitate the maintenance of the Gardiner Expressway.

Financial Implications

PATH connections are typically privately built and maintained by the property owners through which the publicly accessible PATH connection traverses. The cost of construction for the proposed pedestrian bridge is also to be privately funded. The area of the PATH that would traverse the public right-of-way will be subject to appropriate agreements including and encroachment agreement. The City of Toronto would retain the right to access the Gardiner Expressway and Lakeshore Boulevard West and Harbour Street for any maintenance work that may be required.

As typical in PATH bridge connections a licensing fee will be required for the private owner for use of the bridge over the public right-of-way.

Securities will be required to address future costs for maintenance of the Gardiner Expressway as well as any other costs pertaining to the PATH connection in the future.

The site at 90 Harbour Street is zoned for high density mixed use development. When a development application is submitted for this site the proponent will be required to address the pedestrian bridge by including it in any development concept and internalizing it within any new buildings. The PATH connection would remain as a public thoroughfare within the building. Appropriate agreements would be sought at that time to address and protect the PATH connection through a building.

Economic Benefits

Future PATH connections to the waterfront were envisioned to facilitate not only the existing development that has occurred but also to accommodate future development that is anticipated for this area. Future development includes the sites as 60, 90 and 120 Harbour Street. In addition, there are long term plans to extend the Queens Quay streetcar east of Yonge Street to accommodate future development to the east. Having a centralized PATH connection will assist in pedestrian movement from the east/west streetcar line and north and south to the downtown core and Union Station.

Area residents, the York Quay Neighbourhood Association and the Waterfront BIA have also been requesting that a PATH connection be constructed south from Union Station to Queens Quay.

The proposed development at 85 Harbour Street is a 33-storey office tower for a Class A user group looking to locate close to Union Station and the downtown. A PATH connection is critical to their locating in this area. The site plan application will be

submitted prior to the May 17 and 18, 2011 City Council meeting and has been identified as a Gold Star application. The Gold Star program was implemented to help businesses reduce the time and costs incurred when working through development projects. The extension of the PATH will generate economic benefit to the City and the surrounding area in at least two ways. Specifically, economic benefit will accrue from the increased value of this development project and related increased taxation (vs. a project without a PATH link) and, by facilitating other strategic office development applications in the area in part by expediting their PATH approval process.

Property Ownership

In terms of any property ownership implications related to the City's interest, the pedestrian bridge would remain as a privately owned structure with access over the public rights of way subject to encroachment agreements.

CONTACT

Sarah Henstock, Senior Planner Tel. No. (416) 392-7196 Fax No. (416) 392-1330

E-mail: shensto@toronto.ca

SIGNATURE

Gary Wright, Chief Planner & Executive Director City Planning Division

ATTACHMENT

Attachment 1: Site Plan

ATTACHMENT 1

