

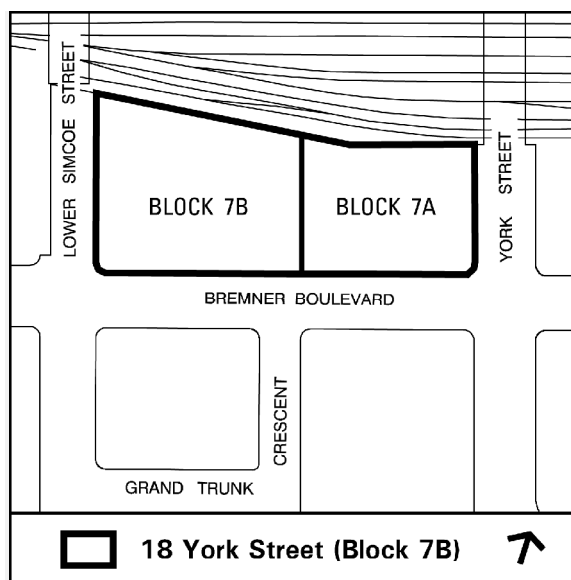
## 120 Bremner Boulevard, Block 7B, Lower Simcoe Pedestrian Bridge – Information Report

<b>Date:</b>	January 22, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	10 189641 STE 20 SA

### SUMMARY

BcIMC HOLDCO (2007) INC. (the "Applicant") proposes to construct and maintain a PATH pedestrian bridge (the " Bridge") at its sole expense linking the Delta Toronto Hotel, currently under construction at 120 Bremner Boulevard, with the SkyWalk (shown substantially in Attachments 2 and 3). The Bridge is an important link to the downtown PATH system and is supported by policies in the City of Toronto Official Plan as well as the PATH Master Plan.

In 2002, Council directed staff to identify what steps would be required to construct a PATH bridge connecting a hotel on Block 7B of the railway lands to either the Metro Toronto Convention Centre or the SkyWalk to the west across the then planned for Lower Simcoe Street. Staff responded with recommendations to Council and the Railway Lands Precinct B Agreement was subsequently amended. The amended language states that the Applicant will construct, maintain, repair and operate the Bridge at the sole expense of the Applicant, provided that the City obtain all third party approvals as may be required to permit the construction and use of the Bridge.



On May 7, 2013 Toronto City Council adopted the recommendations from the Director, Community Planning, Toronto and East York District and elected to pursue third party approvals subject to satisfaction of certain pre-conditions. Council also directed the Director of Real Estate Services to negotiate, as facilitator, a Pedestrian Bridge License Agreement "PBLA" on certain terms and authorized the City entering into such agreement within 180 days of Council's decision. Toronto City Council directed Staff to report back to Council in the event that the "PBLA" is not entered into within the 180 day period or in the event that costs for obtaining third party approvals were not nominal. The pre-conditions to obtaining third party approvals have not been satisfied, the 180 day period has expired without a PBLA being entered into, and Staff has determined that there are costs required for third party approvals. This report reviews the situation as it stands and provides information on the proposed construction of the Lower Simcoe Pedestrian Bridge.

### **Financial Impact**

This report is for information and there are no financial implications.

Council has, by its adoption of Recommendation 4 of item TE23.18 on May 7, 8, 9 and 10, 2013, waived its own fees for occupancy within the City of Toronto right of way and lands owned by the City of Toronto (Metro Toronto Convention Centre). There is nothing in this report that seeks to amend that decision of Council.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

At its meeting of June 18, 19, 20, 2002 City Council adopted the recommendation from the Director, Community Planning, South District allowing the site specific by-law which permitted a hotel and office building to be constructed. At the same meeting City Council agreed to amend the Railway Lands Precinct B agreement to allow for the construction of the Bridge. This amendment was made so that the hotel would be connected via the PATH system to the Metro Toronto Convention Centre.

On August 27, 2010, Toronto City Council enacted site specific by-law 1078-2010 which permitted commercial office uses on the site.

On May 7, 2013 Toronto City Council adopted the recommendations in the report from the Director, Community Planning, Toronto and East York District, dated March 19, 2013 and titled: "120 Bremner Boulevard, Block 7B, Lower Simcoe Pedestrian Bridge – Directions Report". The recommendations were as follows:

1. City Council approve the configuration of the proposed Bridge as shown substantially in Attachments 2, 3 and 4 of the report (March 19, 2013) from the Director, Community Planning, Toronto and East York District and titled: "120 Bremner Boulevard, Block 7B, Lower Simcoe Pedestrian Bridge – Directions Report".
2. City Council elect to pursue third party approvals as may be required to permit the construction and use of the Bridge provided that :
  - a. the Applicant assumes full responsibility for the identification of all required third party approvals;
  - b. the City will only be pursuing third party approvals identified by the Applicant;
  - c. the City will not be pursuing third party approvals after the date that the City executes the Pedestrian Bridge License Agreement described in Recommendation 3;
  - d. the Applicant will be responsible for securing all other approvals and permits required for the construction and use of the Bridge;
  - e. the Applicant will provide the City with a release and indemnity in favour of the City, in form and substance satisfactory to the City Solicitor, indemnifying and releasing the City from any and all claims resulting from the City pursuing or obtaining third party approvals identified by the Applicant and such an indemnity shall include without limiting the generality of the foregoing, any failure by the City to obtain any Applicant identified third party approvals or other approvals or permits required for the Construction and use of the Bridge and any disputes, losses, liability or claims arising there from; and
  - f. the City only incurring nominal costs for obtaining such third party approvals. For the purposes of this Report, nominal costs incurred by the City means waived permit, licensing, service and registration fees and Staff time expended in obtaining third party approvals for the construction and use of the Bridge.
3. City Council authorize and direct the Director, Real Estate Services, to negotiate, as facilitator and not as agent for any party, a Pedestrian Bridge Licence Agreement on terms and conditions set out in Attachment 5 of the report (March 19, 2013) from the Director, Community Planning, Toronto and East York District and titled: "120 Bremner Boulevard, Block 7B, Lower Simcoe Pedestrian Bridge – Directions Report", and approves the City entering into such Agreement, provided such Agreement is entered into within 180 days of this Council decision, failing which or in the event that the City is to incur a cost for obtaining any third

party approval the Director or City Staff shall report back to the next available meeting of Toronto and East York Community Council.

4. City Council authorize that permit, licensing, service and registration fees be waived for encroachment and licence agreements relating to the Bridge.

### **Agency Circulation**

This report was circulated to all appropriate agencies and City divisions. The Directors of Real Estate Services and Right-of-Way Management have both reviewed this report and agree with the findings.

## **COMMENTS**

### **Proposal**

The Applicant is proposing to construct an above-grade PATH Pedestrian Bridge across Lower Simcoe Street linking the Delta Toronto Hotel (under construction) with the SkyWalk. This proposal will allow hotel guests and pedestrian commuters to access the SkyWalk and ultimately the Metro Toronto Convention Centre, Union Pearson Air-Rail Link, CN Tower, Aquarium and Union Station. The Bridge completes an essential loop in the PATH system south of the railway as shown in the PATH Master Plan, will support pedestrian connectivity, tourism, conferences, commuters and economic development objectives of the City of Toronto.

### **Site and Surrounding Area**

The site is located in Railway Lands East and the Financial District, an area characterized by a vibrant mix of commercial, office, residential and recreational uses in a predominantly high-rise built form setting. Within the immediate context, the following uses surround the site:

North: the Toronto Terminal Railway, GO and CN rail corridor, and beyond which are office buildings. 151 Front Street has an approved development application for a 36-storey office building (file nos. 05 105725 STE 20 OZ and 06 198574 STE 20 OZ);

East: a 26-storey office building under construction with an address of 18 York Street (Block 7A, Railway Lands East, file no. 06 162121 STE 20 OZ);

South: Bremner Boulevard, beyond which is a mixed use building with a 16-storey and 35-storey residential tower; to the southeast is an approved development at 16 York Street. This project consists of a 31-storey office building, and 57 and 67 storey residential towers under construction (08 100769 STE 20 OZ and 09 161101 STE 20 SA); and

West: Lower Simcoe Street, beyond which is the Metro Toronto Convention Centre and parkland.

## **Reasons for Information Report**

Based upon the knowledge available to Staff at the time of the March 19, 2013 report, it was not known whether third party approvals could be obtained at nominal cost. During negotiations with CN Rail and Allied Properties REIT, however, compensation was requested for connecting to the SkyWalk and for crossing over lands owned by CN Rail. City Staff are required as per the previous Council direction to report back in the event that either the PBLA is not entered into within 180 days of Council's May 7, 2013 decision, or the costs for obtaining third party approvals are not nominal. Both of these pre-conditions did not occur and triggered the need for this report. This report outlines the discussions Staff have had with the applicant and the actions that have been undertaken subsequent to those discussions which address the concerns intended to be resolved by the pre-conditions.

## **Status of Bridge Construction**

When Staff were informed of the various fees and compensation required by Allied Properties REIT and CN Rail it became apparent that the City of Toronto would not be able to enter into the PBLA contemplated by the March 19, 2013 Report. Staff informed Great West Life (acting on behalf of BcIMC HOLDCO (2007) INC.) that there was no authority for the City to incur any third party costs and that no City funds have been allocated for any third party costs. Subsequently, Great West Life undertook their own initiative to negotiate with Allied Properties REIT and CN Rail. Through their relationships, they were able to negotiate a flat fee of \$500,000.00 from Allied Properties and \$125,000.00 from CN Rail which the Applicant is agreeable to pay under separate agreements between the Applicant and the said third parties.

In addition to its separate negotiations with the various third parties, the Applicant is taking further steps to make the Lower Simcoe Street Bridge a reality. The Applicant has applied to Transportation Services for approval of an encroachment agreement over Lower Simcoe Street and a separate report from the General Manager of Transportation Services is currently being prepared for Community Council consideration. The Applicant is also seeking approval from the City as landlord of the Metro Toronto Convention Centre site.

## **Conclusion**

Great West Life and BcIMC HOLDCO (2007) INC. have stepped up as city builders and provided the necessary funds in order to complete the construction of the Lower Simcoe Pedestrian Bridge. As a result the Lower Simcoe Pedestrian Bridge is moving forward towards completion.

This is an important piece of infrastructure that will benefit the City as well as the Applicant and complete a logical loop in the PATH system. Staff will continue to work with the Applicant to expeditiously complete any outstanding agreements or permits as may be necessary to complete the Bridge.

## **CONTACT**

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## **SIGNATURE**

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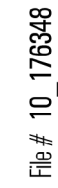
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

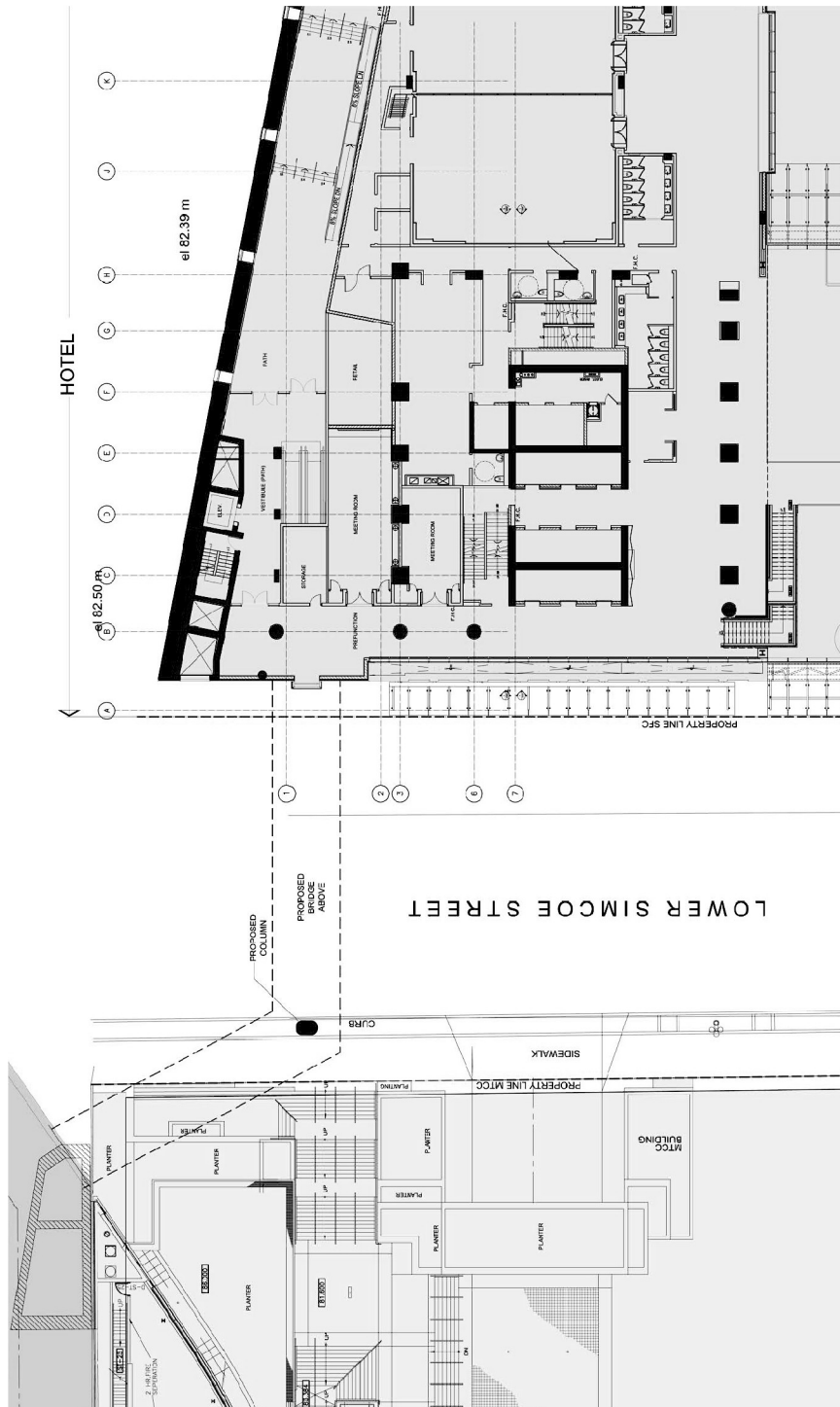
Attachment 1: Site Plan  
Attachment 2: Lower Simcoe Bridge, Second Floor Plan  
Attachment 3: Lower Simcoe Bridge, Third Floor Plan

Staff report for information – Information Report – 120 Bremner Boulevard



**18 York Street (Block 7B)**

## Attachment 2: Lower Simcoe Bridge, Second Floor Plan



### Second Floor Plan

120 Bremner Boulevard

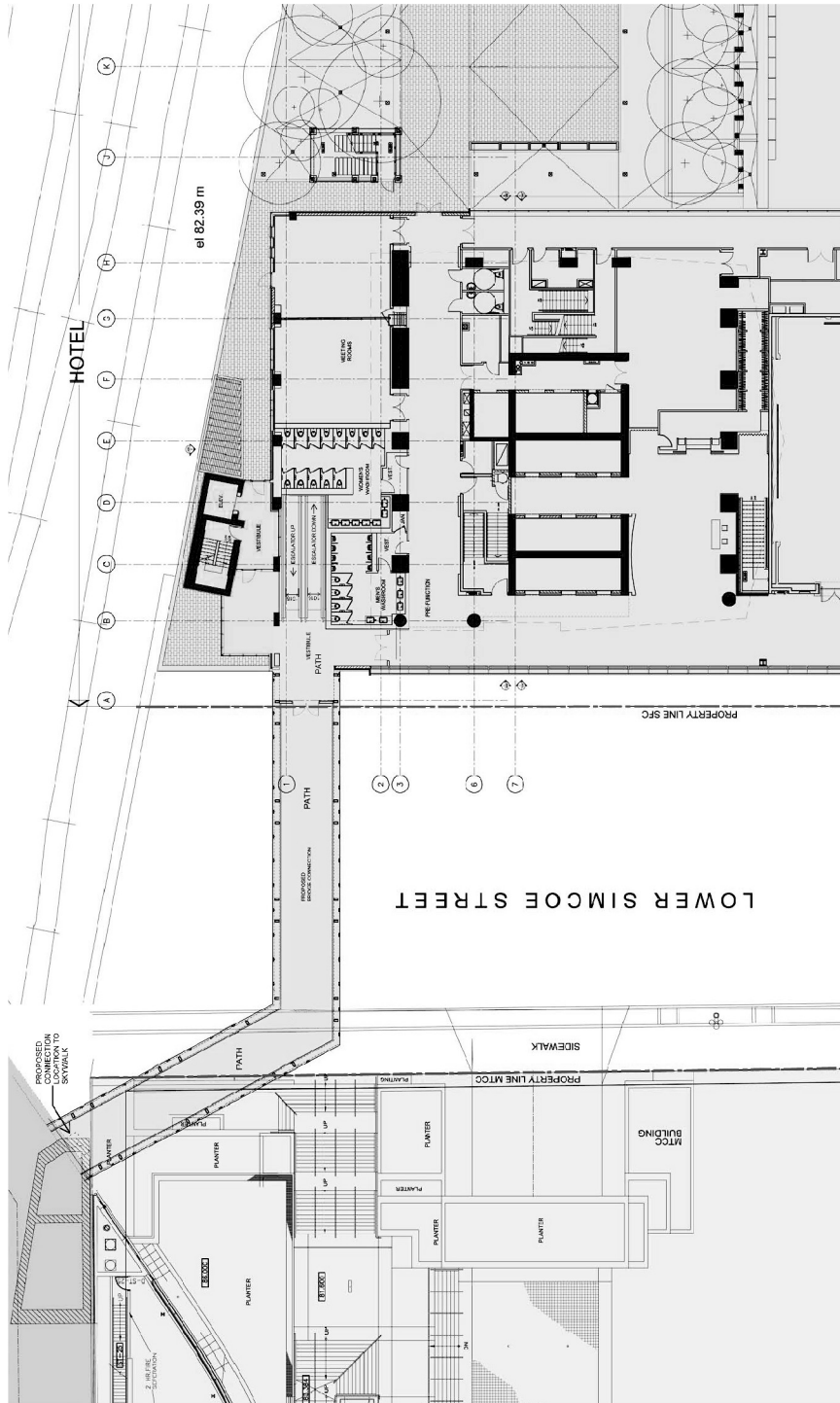
Applicant's Submitted Drawing

Not to Scale  
02/21/2013

File # 10 189641 SA



### Attachment 3: Lower Simcoe Bridge, Third Floor Plan



#### Third Floor Plan

120 Bremner Boulevard

Applicant's Submitted Drawing

Not to Scale  
02/21/2013

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