



**STAFF REPORT
ACTION REQUIRED**

**Construction and Maintenance of a Pedestrian Bridge
Over Future Street Right of Way - Rear of 635 King
Street East**

Date:	December 9, 2011
To:	Toronto and East York Community Council
From:	Director, Transportation Services, Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 28
Reference Number:	Te2012012te.row

SUMMARY

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

Transportation Services has assessed a request from the owner and developer of Blocks 3 and 4 of the West Don Lands, Phase 1 development plan, to enter into an encroachment agreement for the construction and maintenance of a multi-level overhead pedestrian bridge which will encroach over Block 22, 66M-2473. This is a future public right of way. The proposed bridge will connect two new buildings to be constructed on Blocks 3 and 4, 66M-2473, at the rear of 635 King Street East.

As the proposed bridge will not impact negatively on the future public right of way, Transportation Services recommends approval of the future encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. Approve the request for the owner(s) to enter into an encroachment agreement with the City of Toronto to construct and maintain an overhead bridge that will encroach over Block 22, 66M-2473, the future public right of way and connect two new residential buildings to be constructed on Blocks 3 and 4, 66M-2473, 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 of an insurance policy for such liability for the lifetime of the Agreement(s) in a form as approved by the Deputy City Manager and Chief Financial Officer and in the amount not less than \$10,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
- b. design, construct and maintain the bridge as necessary at their own expense in good repair and in 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. design and construct the bridge connection to comply with the Canadian Highway Bridge Design Code (CAN/CSA) for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors;
- d. design and construct the bridge to comply with the minimum vertical underside clearance of 5.3 m as per the Canadian Highway Bridge Design Code (CAN/CSA);
- e. pay for the costs of preparing the Agreement and the registration of the Agreement(s) on title;
- f. pay an annual rental fee for the overhead bridge connection as determined by the Director of Real Estate Services;
- g. obtain approval for associated work from the Toronto Building Division, if required;
- h. provide as-built drawings within 60 days of completing the construction of the bridge to Survey and Mapping, Attention: Utility Mapping Supervisor, 18 Dyas Road, 4th Floor, Toronto, Ontario, M3B 1V5;
- i. limit the life of the Agreement to the removal of the encroachment or the date of the demolition of the building on Block 3 or Block 4, 66M-2473 or the parking facility, whichever occurs first;
- j. the Agreement will provide that it will come into legal force and effect upon the conveyance of Block 22 to the City as public right of way; and

- k. 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, execute and arrange to register the Encroachment Agreement.

Financial Impact

There is no financial impact to the City as a result of this report.

COMMENTS

An application has been received on behalf of the owner and developer of the development lands known as Block 3 and 4, 66M-2473, of the West Don Lands, Phase 1, requesting permission to enter into an encroachment agreement with the City of Toronto to construct and maintain a multi-level pedestrian bridge that will encroach over the future public right of way on Block 22, 66M-2473, to the rear of the property known municipally as 635 King Street East.

The subject site is located within the West Don Lands, Phase 1, development atop a Flood Protection Landform (FPL). The FPL is an earthen structure that must be completed as part of comprehensive flood remediation measures identified through the Lower Don River West Remedial Flood Protection Project Class Environmental Assessment, which was led by the Toronto and Region Conservation Authority (TRCA) and received approval. As a requirement of the TRCA, below grade structures, including parking, are prohibited within the FPL. As no below grade structures are permitted within the FPL, the parking garage will be an above-grade structure and the bridge connection will provide access to the common indoor and outdoor amenities between the two blocks. The bridge will be constructed at levels three through seven and be available for pedestrian use only.

The West Don Lands Precinct Plan was endorsed by City Council at its meeting of May 17, 18 and 19, 2005 (Policy and Finance Committee Report 5, Clause 1). The Plan is the framework for future development, which was further refined by the West Don Lands Block Plan and Design Guidelines ("Block Plan"). At its meeting of June 27, 28 and 29, 2006, Council endorsed the Block Plan (Planning and Transportation Committee Report 4, Clause 2). The constraints of the Flood Protection Landform, design solution for providing parking across the street, and provision of a connection over the future street were contemplated in this Council-endorsed Block Plan. Buildings on Blocks 3 and 4 have since been designed and the requested approval will secure permission for the proposed bridge connection between Block 3 and Block 4. The concept, design and

location of the proposed bridge have been reviewed and accepted by the City through the Site Plan review process.

The Province, through Ontario Infrastructure and Lands Corporation, currently own Block 22, which is intended to be transferred to the City of Toronto as a future right of way. The Province has entered into a Bridge License Agreement with the owner and developer of the subject site to permit construction, operation and maintenance of the bridge, until such time as the Block 22 is conveyed to the City as public right of way.

Applicable regulations

The construction and maintenance of the bridge encroachment can be considered under the criteria set out in Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which requires Transportation Services to report on the application to Community Council.

Reasons for approval

Transportation Services has reviewed the application and determined that the construction and maintenance of the bridge encroachment over Block 22, 66M-2473, will not impact negatively on the public right of way, subject to the recommendations provided in this report.

Details of the encroachments are on file with Transportation Services.

CONTACT

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SIGNATURE

Andrew Koropeski, P.Eng.,
Director, Transportation Services
Toronto and East York District

ATTACHMENTS

Appendix 'A' - Bridge location map
Appendix 'B' – 66M-2473 (Plan of Subdivision, West Don Lands Phase 1)

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