

Construction of a Pedestrian Bridge and a Pedestrian Underground Service Tunnel Linking 341-355 Yonge Street to 350 Victoria Street

Date:	December 9, 2011
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 27
Reference Number:	Te2012014te.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 to construct a multi-level overhead pedestrian bridge and a pedestrian underground service tunnel connection, both which will encroach within the public right of way in the O'Keefe Lane rear of 341-355 Yonge Street, linking the Ryerson Student Learning Centre site to the existing Ryerson Library Building at 350 Victoria Street.

As the proposed bridge and tunnel will not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. Approve the request to construct and maintain the overhead bridge and underground tunnel connections within the O'Keefe Lane rear of 341-355 Yonge Street linking 341-355 Yonge Street to 350 Victoria Street. Approval is subject to the property owner entering into an encroachment agreement(s) 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 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 and tunnel 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(s);
- c. design and construct the bridge and tunnel connections to comply with the Canadian Highway Bridge Design Code (CAN/CSA) for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors;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. obtain all PUCC clearances and/or sign-offs from the public utility companies and satisfy any requirements they may have;
- f. satisfy all conditions of approval provided by Toronto Water and Technical Services and any further requirements they may have;
- g. pay for the costs of preparing the Agreement(s) and the registration of the Agreement(s) on title;
- h. pay an annual rental fee for both the underground tunnel connection and the overhead bridge connection as determined by the Director of Real Estate Services;
- i. new annual rental fees be calculated for both the underground tunnel connection and the overhead bridge connection every successive five year period, based on the current market value of the lands, as determined by the Director of Real Estate Services;
- j. obtain approval for associated work from the Toronto Building Division, if required;
- k. provide as-built drawings within 60 days of completing the construction of the bridge and tunnel to Survey and Mapping, Attention: Utility Mapping Supervisor, 18 Dyas Road, 4th Floor, Toronto, Ontario, M3B 1V5;

- l. limit the life of the Agreement(s) to the removal of the encroachment or the date of the demolition of the building at 341-355 Yonge Street or 350 Victoria Street, whichever is the less;
 - m. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. Direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement(s) 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(s).

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 Ryerson University, the owner of 341-355 Yonge Street, requesting permission to construct a multi-level pedestrian bridge and underground service tunnel within O'Keefe Lane. The bridge and tunnel will connect 341-355 Yonge Street, the new Ryerson Student Learning Centre, to the existing Ryerson Library at 350 Victoria Street. A photo of O'Keefe Lane is shown on Appendix 'A'.

The proposed bridge connection will encroach within the public right of way over the O'Keefe Lane rear of 341-355 Yonge Street, for a length of approximately 6.78 m. The bridge will commence approximately 14.65 m from the north street line of Gould Street and extend approximately 23.1 m north, at its widest point. The bridge will be constructed at Level 2 and Level 3 and be available for pedestrian use.

The proposed tunnel connection will encroach within the public right of way underneath the O'Keefe Lane rear of 341-355 Yonge Street, for a length of approximately 6.92 m. The tunnel will commence approximately 52.1 m from the north street line of Gould Street and extend approximately 5.1 m north thereof at its widest point. The service tunnel will be available to Ryerson staff only.

A map showing the approximate locations of the tunnel and bridge is shown on Appendix 'B'.

Given the potential impact of this project on existing utility services, it is the applicant's responsibility to undergo a public utility review with a view of obtaining clearances from the affected utility agencies or satisfying their requirements prior to the issuance of a Construction Permit authorizing work within the public right of way. At the time of writing this report, clearance from the public utilities as well as Technical Services and Toronto Water was still outstanding.

Of note, Technical Services and Toronto Water have indicated that the proposed tunnel may be in conflict with an existing City sewer. As such, the applicant must satisfy any requirements provided by Technical Services and Toronto Water.

We have requested Real Estate Services to determine an appropriate interim annual rental fee based on the area of each the proposed bridge and tunnel. This interim rate will be applied for the initial 5-year term.

It is recommended that the interim annual rental fees be utilized for an initial term of five years and that the annual rental fees be recalculated every successive five year period based on the current market value of the lands.

Applicable regulations

The construction and maintenance of the bridge and tunnel encroachments 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 and tunnel encroachments linking 341-355 Yonge Street and 350 Victoria Street will not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

CONTACT

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SIGNATURE

Kyp Perikleous
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – Photo of O'Keefe Lane
Appendix 'B' – Bridge and tunnel map location

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