

**Construction and Maintenance of Pedestrian Bridges for
PATH Connection Linking 85 Harbour Street, 90 Harbour
Street and 40 Bay Street**

Date:	August 8, 2012
To:	Toronto and East York Community Council
From:	Acting Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 28
Reference Number:	Te2013044te.row

SUMMARY

Transportation Services has assessed a request to construct two overhead pedestrian bridges for PATH connection, which will encroach within the public right of way over Harbour Street and Lake Shore Boulevard West and underneath the F. G. Gardiner Expressway, linking 85 Harbour Street, Waterpark Place, 90 Harbour Street, Harbour Plaza and 40 Bay Street, the Air Canada Centre. City Council at its meeting of May 17, 18 & 19, 2011 approved, in principle, the pedestrian bridges for PATH connection as part of a staff report TE6.66 from City Planning.

As the proposed bridges 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 pedestrian bridges within the Harbour Street and Lake Shore Boulevard West rights of way linking 85 Harbour Street, 90 Harbour Street and 40 Bay Street. Approval is subject to the property owners 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 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 bridges 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. maintain an irrevocable letter of credit in the amount of \$150,000.00 to be retained by the City in perpetuity for the lifetime of the bridge underneath the Gardiner Expressway;
- d. maintain a separate irrevocable letter of credit in the amount of \$5 million for the duration of construction of the pedestrian bridge underneath the Gardiner Expressway, to secure against any damage to the Gardiner Expressway and to guarantee that the work within the public right of way is complete to the City's satisfaction;
- e. conduct a monitoring programme for vibration and movement of the Gardiner Expressway until construction is complete;
- f. relocate the bridge at the request of the City, and at no cost to the City, to allow the City to access the Gardiner Expressway;
- g. coordinate with the City for the relocation of the bridge within five (5) working days of receiving the request from the City to relocate the bridge;
- h. pay the City the tendered price for additional protection of the pedestrian bridge during the repair of the Gardiner Expressway;
- i. provide a detour for pedestrians, at no cost to the City, during the closure of the pedestrian bridge;
- j. ensure that the bird deterrent/screening enclosure on the roof of the pedestrian bridge is not attached to the soffit of the Gardiner Expressway;
- k. repair the bird deterrent/screening enclosure following the sliding operation of the bridge at no cost to the City;
- l. the property owner(s) are responsible for the repair of the soffit of the Gardiner Expressway that may result from the maintenance of the pedestrian bridge, including the roof and the bird screen enclosure;

- m. design and construct the bridges to comply with the Canadian Highway Bridge Design Code (CAN/CSA) as amended, superseded or replaced from time to time;
 - n. obtain all PUCC clearances and/or sign-offs from the public utility companies and satisfy any requirements they may have;
 - o. pay for the costs of preparing the Agreement and the registration of the Agreement on title of each property;
 - p. pay an annual rental fee for the pedestrian bridge connections as prescribed in Municipal Code Chapter 441, Fees and Charges, as amended from time to time;
 - q. obtain approval for associated work from the Toronto Building Division, if required;
 - r. 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;
 - s. limit the life of the Agreement to the removal of the encroachment or the date of the demolition of the buildings at 85 Harbour Street and 90 Harbour Street and/or at 90 Harbour Street and 40 Bay Street, whichever is the less;
 - t. accept such additional conditions as the City Solicitor and 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 properties abutting the encroachments, 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 on title of each property.

Financial Impact

The costs of construction of the proposed pedestrian bridges 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 Gardiner Expressway, it is anticipated that the maintenance costs of the Gardiner Expressway will increase by the presence of this pedestrian bridge. The applicant has provided an irrevocable letter of credit in the amount of \$150,000.00 to the City which will be retained in perpetuity for the lifetime of the bridges. Linear and Structures determined that this security amount is required in order to ensure that the applicant will

coordinate the relocation of the bridge within five business days of receiving such a request from the City.

ISSUE BACKGROUND

As part of the office development of 85 Harbour Street, the proponent is required to provide a PATH connection to the site.

COMMENTS

An application has been received on behalf of the owners of 85 Harbour Street Oxford Properties Inc. and 90 Harbour Street, requesting permission to construct pedestrian bridges over Harbour Street and Lake Shore Boulevard West and underneath the Gardiner Expressway.

The proposed bridge connections will encroach within the public right of way over Harbour Street, connecting 85 Harbour Street, Waterpark Place Phase III, to 90 Harbour Street, Harbour Plaza and will extend over Lake Shore Boulevard West and underneath the Gardiner Expressway from 90 Harbour Street to 40 Bay Street, Air Canada Centre. Photos of Harbour Street and Lake Shore Boulevard West are shown on Appendix 'A'.

The Harbour Street pedestrian bridge will be approximately 5.2 m in width, 5.05 m in height and will span approximately 33 m across the entire Harbour Street and Gardiner Expressway off-ramp rights of way. The bridge will provide a minimum underside clearance of 5.3 m measured from the existing grade of the road to the underside of the bridge. The interior of the bridge will have a walkway slope of 2% and will maintain a minimum headroom clearance of 2.75 m. The bridge will be supported by the building at 85 Harbour Street on the south and will be supported by a temporary steel structure on the north side of Harbour Street until such time as the development of the office tower at 90 Harbour Street is completed and the bridge will then be supported by the building. Decorative glass and acrylic fins on either side of the bridge extend its overall width to 5.9 m.

The Lake Shore Boulevard West bridge will be approximately 5.2 m in width, 4.2 m in height and will span approximately 62.5 m above and across the entire Lake Shore Boulevard West right of way and below and across the underside of the Gardiner Expressway. A 40 m long section of the bridge has been designed to slide; this moveable section of the bridge is capable of sliding laterally to the west in order to allow for the maintenance of the Gardiner Expressway. The bridge will be supported by temporary and permanent steel columnar structures to the south and will be supported by columnar steel structures on the north side of Lake Shore Boulevard West which will be protected at the base by a concrete barrier wall and will also be supported further north by the Air Canada Centre building.

A map showing the approximate locations of the bridges is shown on Appendix 'B'.

Given the potential impact of this project on the existing Gardiner Expressway structure it was determined that the property owners be required to provide an additional irrevocable letter of credit in the amount of \$5 million to guarantee against any damage to the Gardiner Expressway. The City is currently retaining two irrevocable letters of credit

that amount to a total of \$5 million which will be held for the duration of the construction of the bridges. These letters of credit are also in place to guarantee that the work undertaken within the right of way is completed to the City's satisfaction.

There are also potential impacts to existing utility infrastructure; as such 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.

Applicable regulations

As Chapter 743, Streets and Sidewalks, City of Toronto Municipal Code does not provide for bridge encroachments over major arterial roadways as defined by the Road Classification System, Transportation Services is required 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 linking 85 Harbour Street, Waterpark Place, 90 Harbour Street, Harbour Plaza and 40 Bay Street, Air Canada Centre, will not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

CONTACT

Elio Capizzano, Supervisor, Right of Way Management
Tel: 416-392-7878, Fax: 416-392-7465, E-mail: ecapizza@toronto.ca

SIGNATURE

Joe Colafranceschi
Acting Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – Photo of Harbour Street and Lake Shore Boulevard
Appendix 'B' – Map of approximate bridge locations

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