



5 Cumberland Street – New Entrance Connection to Bay Station

Date: February 22, 2024
To: TTC Board
From: Chief Capital Officer

Summary

A mixed-use development is proposed at the southwest corner of Yonge Street and Cumberland Street, municipally known as 5 Cumberland Street (the “Development”). The Development includes the construction of a new, accessible entrance connection to Bay Station through the adjacent development at 65 Cumberland Street (the “Entrance Connection”).

The Entrance Connection will provide customers with an additional barrier-free and weather-protected means of access to Bay Station. The Entrance Connection will be open during the operating hours of the subway, in accordance with Corporate Policy 8.3.1 Entrance Connections (“TTC’s Entrance Connections Policy”), and is supported by the TTC’s Advisory Committee on Accessible Transit (“ACAT”).

This report seeks TTC Board approval for the Entrance Connection to Bay Station from the Development via 65 Cumberland Street and the authority to enter into the appropriate agreements with the developer of the Development (the “Developer”), to facilitate construction of the Entrance Connection.

Recommendations

It is recommended that the TTC Board:

1. Approve the Entrance Connection to Bay Station within the Development located at 5 Cumberland Street via the development at 65 Cumberland Street, as generally shown in Attachments 1 and 2.
2. Authorize execution of an Entrance Connection Agreement, and any other agreements arising as a result of the Entrance Connection, all on terms and conditions acceptable to the TTC’s General Counsel.

Implementation Points

In accordance with the TTC's Entrance Connections Policy, any new Entrance Connection or amendment to an existing Entrance Connection requires approval of the Board. Entrance Connection refers to a physical, weather-protected or fully enclosed structure between a development, as defined in the policy, or an intermodal station and a transit station, including, but not limited to, tunnel structure, bridge, enclosed walkway, covered walkway, stairs, elevator and escalator, but excluding a chair lift or platform lift for a vertical transition or grade transition.

The Entrance Connection is classified as an Indirect Entrance Connection in accordance with Section 5.3.2 of the TTC's Entrance Connections Policy as it provides an accessible path that connects the Development to Bay Station through the adjacent development at 65 Cumberland Street.

To protect the TTC's assets and interests, and to ensure that obligations are carried out during construction of the Development and Entrance Connection, the Developer will enter into a construction agreement with the TTC (the "Construction Agreement").

The Development is located on property leased to the Developer from the City of Toronto and includes the new Entrance Connection. The Developer will own and maintain the new structure and equipment related to the Entrance Connection. The TTC will have minimal responsibility for the Entrance Connection, and the Entrance Connection Agreement will confirm ownership, maintenance and operating obligations of the Entrance Connection and associated equipment.

Financial Summary

The construction, operation and maintenance responsibilities of the Entrance Connection will be at the Developer's sole cost and these will be outlined in the Entrance Connection Agreement.

In accordance with the TTC's Entrance Connections Policy, and based on a Gross Floor Area ("GFA") of 49,755 square metres, the Developer is required to pay an Entrance Connection fee of approximately \$401,522.85 (excluding HST) to the TTC, subject to finalization of the Development's Floor Space Index ("FSI") (refer to Table 1 below). This revenue will be recognized in the year the Entrance Connection is completed, which is currently anticipated to be 2029.

Table 1, Entrance Connection Fee for the Development

FSI	Rate per m ²	GFA (m ²)	Total
25.0	\$8.07	49,755	\$401,522.85

The Chief Financial Officer has reviewed this report and agrees with the financial summary.

Equity/Accessibility Matters

A priority of the TTC's Corporate Plan is accessibility and as a proud leader in providing accessible public transit, we are committed to ensuring reliable, efficient, safe and inclusive transit services for all of our customers.

The Entrance Connection is an Indirect Entrance Connection under the TTC's Entrance Connections Policy. Indirect connections were introduced as part of the most recent update to the policy. They improve accessibility by increasing the number of signed, weather-protected and barrier-free paths that connect to the system while also meeting the TTC's accessibility design requirements and are formalized through entrance connection agreements.

The proposed Entrance Connection will provide barrier-free access from Cumberland Street to an elevator leading to the concourse level of the Development where customers will be able to continue through the approved accessible entrance connection within 65 Cumberland Street to Bay Station (the "Accessible Path"). The Accessible Path will be barrier-free, fully enclosed, weather-protected and open during the operating hours of the subway, and is shown in Attachments 1 and 2.

The current accessible entrance connection to Bay Station will be decommissioned to make room for a replacement entrance connection within the new development at 65 Cumberland Street. To minimize disruption to accessibility to Bay Station during construction of the new development at 65 Cumberland Street, mitigation measures were included in the Construction Agreement for that development. As a result, no additional special requirements are required for the Development at 5 Cumberland Street as it will be constructed, and connect to Bay Station, following the completion of 65 Cumberland Street.

The Entrance Connection was presented to ACAT on November 14, 2023. The Developer has refined the Entrance Connection design to incorporate feedback received from ACAT with respect to certain features, such as tactile tiles, cameras and recessed doors, and ACAT is now satisfied.

Decision History

In May 2020, Toronto City Council approved the Zoning By-law Amendment Application and the Section 37 Agreement for 2 Bloor Street West, which was the municipal address of both the 5 and 65 Cumberland Street properties prior to a severance. [Agenda Item History – 2020.TE14.6 \(toronto.ca\)](#)

In February 2021, the TTC Board approved the update to the TTC's Entrance Connections Policy. [Update to TTC Corporate Policy 8.3.0 – Entrance Connections](#)

In January 2023, the Board approved the entrance connection to Bay Station within the development at 65 Cumberland Street, and authorized the execution of an Entrance

Connection Agreement and any other agreements arising as a result of the entrance connection and closure of the existing accessible entrance connection.

[65 Cumberland Street – New Entrance Connection](#)

In February 2023, the City approved a Consent Application to sever the lands municipally known as 2 Bloor Street West, into two separate properties, municipally addressed:

- 65 Cumberland Street; and
- 5 Cumberland Street.

Issue Background

The Development at 5 Cumberland Street is located on a portion of the property with the former municipal address of 2 Bloor Street West, which is owned by the City of Toronto and subject to a ground lease with the Developer.

In May 2020, City Council approved the Zoning By-law Amendment and Section 37 Agreement for the entire 2 Bloor Street West property. As part of this decision, Council required the Developer to secure two pedestrian connections to the subway system. This was documented in the Section 37 agreement between the Developer and the City. The proposed Entrance Connection from 5 Cumberland Street is the second pedestrian connection to Bay Station, with the entrance connection within 65 Cumberland Street being the first pedestrian connection.

The Development is comprised of a 75-storey tower with 725 residential units and the future Entrance Connection. The tower includes a three-storey podium and a below-grade concourse level with approximately 1,446 square metres of commercial uses. The Development will have doors along Cumberland Street that lead to an elevator, which will provide access from street level to the concourse level of the Development, and then through the Accessible Path to Bay Station (see Attachments 1 and 2).

The Developer and TTC staff are working with the developer of 65 Cumberland Street to enter into the necessary agreements required to implement the Entrance Connection, including reciprocal access agreements to permit customers to access the Accessible Path that spans both properties.

The Entrance Connection will be open during all operating hours of the subway. The developer will be responsible for the operation and maintenance of the Entrance Connection, including, but not limited to, the elevators, stairs, finishes, and doors. The details relating to ownership and maintenance obligations will be provided in the Entrance Connection Agreement.

Comments

The proposed accessible Entrance Connection will benefit TTC customers by providing a new barrier-free and weather-protected means of indirect access to Bay Station from the intersection of Cumberland Street and Yonge Street, which will be open during the

operating hours of the subway, in accordance with the TTC's Entrance Connections Policy.

The new Entrance Connection is consistent with the TTC's 2018-2022 Corporate Plan, Critical Path 4: Make Taking Public Transit Seamless – Accessible Entrances to Subway Stations through Adjoining Buildings.

It is recommended that the Board approve the new Entrance Connection and authorize staff to execute the Entrance Connection Agreement and any other agreements arising as a result of the Development and Entrance Connection, all on terms and conditions acceptable to the TTC's General Counsel.

Contact

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Signature

Gary Downie
Chief Capital Officer

Attachments

Attachment 1: Ground Level of Entrance Connection to Bay Station from 5 Cumberland Street via 65 Cumberland Street

Attachment 2: Concourse Level of Entrance Connection to Bay Station from 5 Cumberland Street via 65 Cumberland Street

**Attachment 1 –
Ground Level of Entrance Connection to Bay Station from 5 Cumberland Street via 65 Cumberland Street**

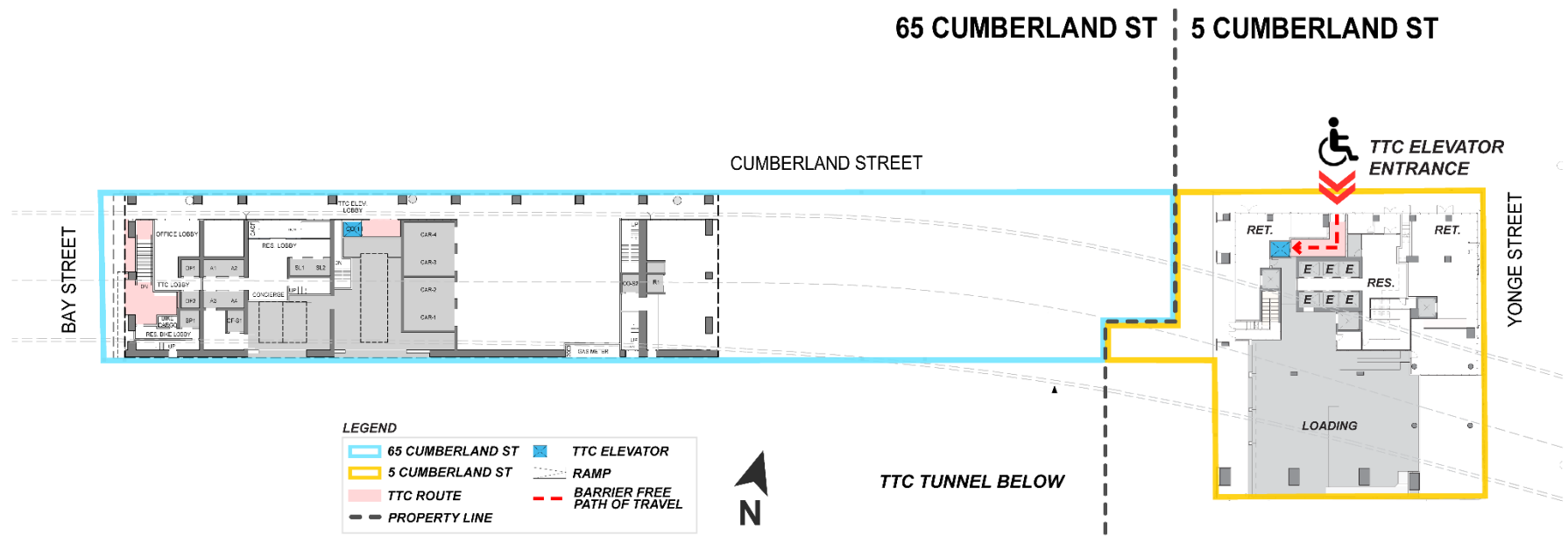


Figure modified from Applicant's ACAT Submission (Not to Scale)

**Attachment 2 –
Concourse Level of Entrance Connection to Bay Station from 5 Cumberland Street via 65 Cumberland Street**

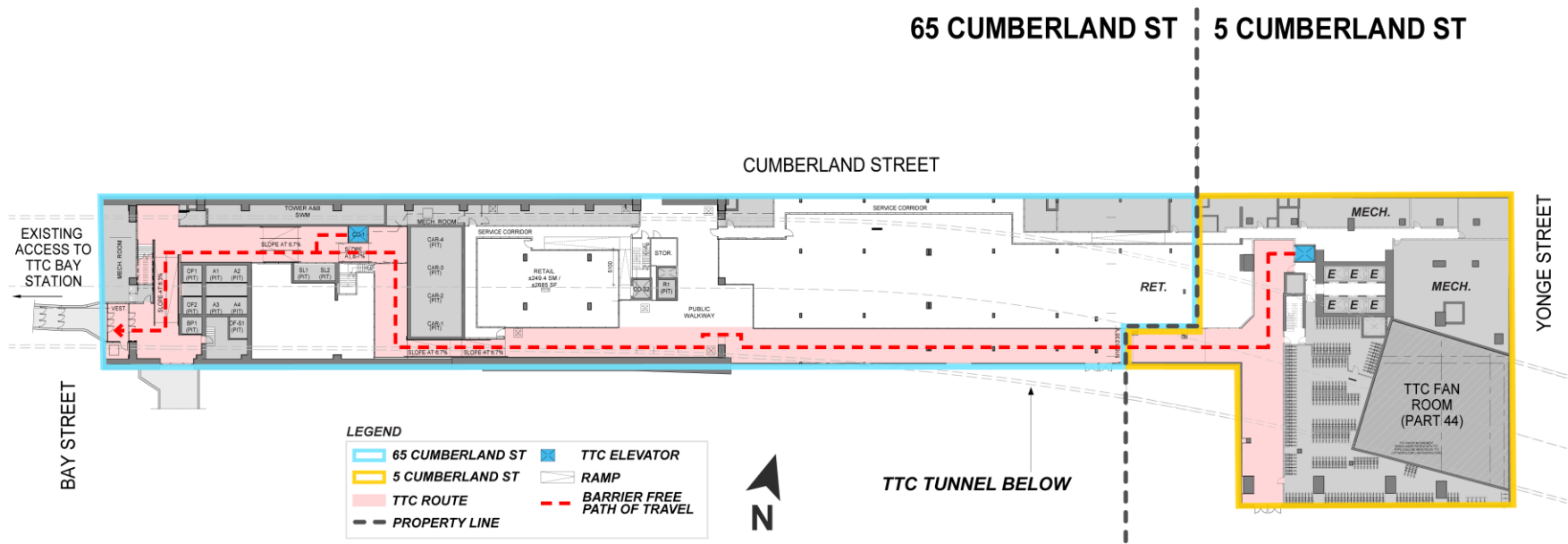


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