

Construction Staging Area Time Extension - 59-71 Mutual Street

Date: January 10, 2023
To: Toronto and East York Community Council
From: Director, Traffic Management, Transportation Services
Wards: Ward 13, Toronto Centre

SUMMARY

This staff report is about a matter that Community Council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

Mutual Street Inc. is constructing a 32-storey residential development with 268 units and three levels of underground parking, at 59-71 Mutual Street. The site is located on Mutual Street, mid-block between Dundas Street East and Shuter Street. A portion of the City's right-of-way on the east side of Mutual Street abutting the site is currently closed to accommodate a construction staging area for the development.

Toronto and East York Community Council, at its meeting on April 21, 2021, approved the temporary closure of the east sidewalk and a 5.1-meter-wide portion of the northbound curb lane and adjacent lane on Mutual Street, between a point 44 metres north of Shuter Street and a point 37 metres further north, and to close a one-meter-wide portion of the southbound curb lane on the first laneway west of Jarvis Street and north of Shuter Street, between a point 44 metres north of Shuter Street and a point 37 metres further north, from April 22, 2021 to September 30, 2022. At the time, the developer indicated they would require the staging area for a total of 29 months, from April 22, 2021 to September 30, 2023.

As the previous permit was only approved for an 18-month period, and as COVID-19 related worker and supply chain issues have impacted the construction schedule, the developer has requested an extension of the duration of the construction staging areas until January 31, 2024 in order to complete the construction of the development.

Transportation Services is requesting authorization to extend the duration of the construction staging areas from January 27, 2023 to January 31, 2024 to allow for the construction of the development to be completed.

RECOMMENDATIONS

The Director, Traffic Management, Transportation Services, recommends that:

1. Toronto and East York Community Council authorize the continuation of the closure of the east sidewalk and a 5.1-meter-wide portion of the northbound curb lane and adjacent lane on Mutual Street, between a point 44 metres north of Shuter Street and a point 37 metres further north, from January 27, 2023 to January 31, 2024.
2. Toronto and East York Community Council authorize the continuation of the closure of a one-metre-wide portion of the southbound curb lane on the first laneway west of Jarvis Street and north of Shuter Street, between a point 44 metres north of Shuter Street and a point 37 metres further north, from January 27, 2023 to January 31, 2024.
3. Toronto and East York Community Council direct the applicant to pressure wash or sweep (weather permitting) the construction site and adjacent sidewalks and roadways daily, or more frequently as needed to be cleared of any construction debris and made safe.
4. Toronto and East York Community Council direct the applicant to continue to ensure that the existing sidewalks or the proposed pedestrian walkways have proper enhanced lighting to ensure safety and visibility at all times of the day and night.
5. Toronto and East York Community Council direct the applicant to continue to clearly consult and communicate all construction, parking and road occupancy impacts with local business improvement areas and resident associations in advance of any physical road modifications.
6. Toronto and East York Community Council direct the applicant to continue to install appropriate signage and converging mirrors to ensure that pedestrians, cyclists and motorists safety is considered at all times.
7. Toronto and East York Community Council direct the applicant to continue to provide a sufficient number of traffic control persons as determined by the Work Zone Traffic Coordinator and Toronto Police Construction Liaison Officer, on a daily basis to control construction vehicle access and egress to and from the site and maintain a safe environment for the public.
8. Toronto and East York Community Council direct the applicant to continue to provide a sufficient number of pay-duty Police Officers as determined by the Work Zone Traffic Coordinator and Toronto Police Construction Liaison Officer, during large scale concrete pours and large scale material deliveries to control vehicle access and egress to and from the site and maintain a safe environment for the public.
9. Toronto and East York Community Council direct the applicant to continue to install cane detection within the covered and protected walkway to guide pedestrians who are visually impaired.

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10. Toronto and East York Community Council direct the applicant to continue to post a 24-hour monitored construction hotline number on the hoarding board, which must be prominently placed and legible from 20 metres and on all elevations from the construction site.

11. Toronto and East York Community Council direct the applicant to continue to provide and install public art, including mural artwork, onto every elevation of the hoarding board with adequate spotlighting for night-time illumination, at their sole cost, to the satisfaction of the Ward Councillor.

12. Toronto and East York Community Council direct the applicant to continue to establish a construction management working group that meets monthly and to invite local stakeholders including Transportation Services, Municipal Licensing and Standards, Toronto Buildings staff, adjacent neighbours, and local resident groups.

13. Toronto and East York Community Council direct that Mutual Street be returned to pre-construction traffic and parking regulations when the project is complete.

FINANCIAL IMPACT

There is no financial impact to the City. Mutual Street Inc. is responsible for all costs, including payment of fees to the City for the occupancy of the right-of-way. Based on the area enclosed and projected duration of the proposed closures on Mutual Street, these fees will be approximately \$420,000.00, including lost revenue from the parking machines.

DECISION HISTORY

At its meeting of April 21, 2021, Toronto and East York Community Council adopted item TE24.47, entitled "Construction Staging Area - 59-71 Mutual Street" and in so doing, authorized a construction staging area on Mutual Street and on the first laneway west of Jarvis Street from April 22, 2021 to September 30, 2022.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.TE24.47>

COMMENTS

Status of the Development

A 32-storey residential building is being constructed by Mutual Street Inc. at 59-71 Mutual Street. The site is bounded by a private two-storey building (73 Mutual Street) to the north, a public laneway to the east, private three-storey building (55 Mutual Street) to the south and Mutual Street to the west. The development, in its completed form, will consist of 268 dwelling units with ground-floor retail and a three-level underground

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parking garage for approximately 57 vehicles. Permanent access will be from Mutual Street.

Major construction activities and associated timelines for the development are described below:

- Above grade formwork: March 2022 to July 2023;
- Building envelope phase: September 2022 to August 2023; and
- Interior finishes stage: August 2022 to June 2024.

The developer originally requested a closure for 29 months to accommodate construction staging operations. Construction is behind schedule due to COVID-19 related worker and supply chain issues.

The developer has informed staff that due to the built form of the development and limited availability of space, all the construction staging operations cannot be undertaken from within the site as it may create unsafe working conditions. Continued occupancy of the construction staging areas until January 31, 2024 is therefore essential to complete the development.

Construction Staging Areas

Construction staging operations on Mutual Street are taking place within the existing east sidewalk and a 5.1-metre-wide portion of the northbound curb and adjacent lane. The traffic lanes were realigned to maintain two 3-metre-wide lanes for northbound and southbound traffic. Pedestrian operations on the east side of Mutual Street are maintained in a 1.5-metre-wide covered and protected walkway within the closed portion of the existing lane.

A one-metre-wide portion of the southbound curb lane is closed on the first laneway west of Jarvis Street, between a point 44 metres north of Shuter Street and a point 37 metres further north, to accommodate the construction of the building. A four-metre-wide laneway is maintained for traffic within the laneway.

A drawing of the construction staging area is shown in Attachment 1.

Overall, the existing construction staging area is operating acceptably, and Transportation Services does not recommend any modifications to the area for the duration of the extension period.

A review of the City's Five-Year Major Capital Works Program indicates that local road resurfacing is currently scheduled for 2025. Since the construction staging area is scheduled to be removed in January 2024, the proposed construction staging area is not expected to conflict with the City's capital works projects. The development site is within a Metrolinx Review Zone. Therefore, the issuance of the occupation permit by Transportation Services, for construction staging on Mutual Street and the first laneway west of Jarvis Street, is conditional and subject to Metrolinx review of potential conflicts with transit project construction.

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If the proposed staging area is not approved, the developer's only option will be to apply for day-use permits of Mutual Street and the first laneway west of Jarvis Street for periods of less than 30 consecutive days over the 13-month life of the project in order to complete construction.

These permits would often contain time of day restrictions to ensure there is no road occupation during peak periods. Based on the nature of this type of construction activity, there are potential risks to the City in not allowing the staging area permit to proceed such as:

- During crane hoisting activities for a project of this scale, in considering Health and Safety regulations, the Police Act and the Ontario Highway Traffic Act give Toronto Police Service officers the discretionary authority to close all lanes of a public highway during the hoist, taking into account wind conditions, as well as both the size and nature of the load.
- Once the pouring of concrete for a structural slab or member is commenced (like a building foundation or floor), it cannot be stopped for any reason (including the commencement of a rush hour restriction) until it is completed in order to maintain its structural integrity.
- This would mean that on any given day during the construction activity, instead of having a single lane occupied 24/7 so that all hoisting would take place within the site, behind the construction hoarding, where the remaining adjacent lanes of traffic operate in a free-flow condition, all lanes of traffic may be held by the paid-duty officer on-site during the hoisting activity, including morning and afternoon peak periods at their sole discretion.
- When the constructor/developer requests the use of adjacent public highway to expand the size of their construction footprint, and bring vehicles into the site, they are also attempting to address their obligations as a constructor/employer under Ontario Regulation 213/91 "Construction Projects" pursuant to the Occupational Health and Safety Act.

The Ward Councillor has been advised of the recommendations of this report.

CONTACT

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SIGNATURE

Roger Browne, M.A.Sc., P. Eng.
Director, Traffic Management, Transportation Services

ATTACHMENTS

Attachment 1: Construction Staging Area - 59-71 Mutual Street

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