

Construction Staging Area Time Extension – 89, 97 and 99 Church Street (Church Street and Lombard Street)

Date: March 14, 2024
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 from City Council to make a final decision.

Minto Communities is constructing a 48-storey mixed use building at 89, 97 and 99, Church Street. The site is located on the northeast corner of Church Street and Lombard Street. The north sidewalk and a 4 metre wide portion of the westbound curb lane on Lombard Street and the east sidewalk and a 2.8 metre wide portion of the northbound curb lane on Church Street, fronting the site, is closed to accommodate a construction staging area.

Toronto and East York Community Council, at its meeting on June 24, 2021, approved the subject construction staging area on Church Street and Lombard Street from July 16, 2021 to July 30, 2022. At the time, the developer indicated they would require the staging area for a total of 35 months, from July 16, 2021 to May 31, 2024. As the previous permit was approved for a 13 month period, the developer has requested an extension of the duration of the construction staging area on Church Street and Lombard Street.

Transportation Services is requesting authorization to extend the duration of the construction staging area on Church Street and on Lombard Street for an additional 9 months, from April 4, 2024 to December 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 north sidewalk and a 4 metre wide portion of the westbound curb lane on Lombard Street, between Church Street and a point 36 metres east, from April 4, 2024 to December 31, 2024, inclusive.
2. Toronto and East York Community Council authorize the continuation of the closure of the east sidewalk and a 2.8 metre wide portion of the northbound curb lane on Church Street, between Lombard Street and a point 41 metres north, from April 4, 2024 to December 31, 2024, inclusive.
3. Toronto and East York Community Council direct the applicant to continue to pressure wash the construction site and adjacent sidewalks and roadways weekly, 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 install a wash station at all exits within the staging area to clean truck tires in order to eliminate dirt and mud from entering the municipal road network.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

11. 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.

12. 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.

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

14. Toronto and East York Community Council direct the applicant to continue to construct and maintain a fully covered, protected, unobstructed, and wheelchair accessible pedestrian walkway for the entire duration of the construction staging area permit.

15. Toronto and East York Community Council direct the applicant to continue to create a publicly accessible website with regular construction updates and post the website address on the construction site hoarding, which must be prominently placed and legible from 20 metres and on all elevations from the construction site.

16. Toronto and East York Community Council direct the applicant to continue to sweep the construction site daily and nightly, or more frequently as needed to be cleared of any construction debris and made safe.

17. Toronto and East York Community Council direct the Director, Traffic Management, Transportation Services and the applicant to continue to establish a construction management working group that meets monthly and invites local stakeholders including Municipal Licensing & Standards, Toronto Building, adjacent neighbours, and local resident groups.

18. Toronto and East York Community Council direct the applicant to continue to email monthly construction progress reports to the local Councillor, local residents' association, and Business Improvement Area Board of Management.

FINANCIAL IMPACT

There is no financial impact to the City. Minto Communities 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 Church Street

and Lombard Street, these fees will be approximately \$160,000.00 including lost revenue from the parking machines.

DECISION HISTORY

Toronto and East York Community Council, at its meeting of June 24, 2021, adopted item TE26.45, entitled "Construction Staging Area - 89, 97 and 99 Church Street (Church Street and Lombard Street)" with amendments, and in so doing, authorized a construction staging area on Church Street and Lombard Street from July 16, 2021 to July 30, 2022.

[Agenda Item History - 2021.TE26.45 \(toronto.ca\)](#)

Local Planning Appeal Tribunal, formerly known as The Ontario Municipal Board, pursuant to its Order issued May 27, 2020 in relation to Board Case No. PL170328 authorized an amendment to Zoning By-law No. 438-86 and 569-2013, for the lands municipally known as 89, 97 and 99 Church Street.

City Council, at its meeting on July 23, 24, 25, 26, 27 and 30, 2018, adopted Item MM44.127 entitled "89, 97, 99 Church Street - Revisions to Item CC43.17 - Zoning Amendment Application - Request for Direction"

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM44.127>

City Council, at its meeting on October 2, 3 and 4, 2017, adopted Item TE26.28 entitled "89, 97, 99 Church Street - Zoning Amendment Application - Request for Direction"

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.28>

COMMENTS

Status of the Development

Minto Communities has undertaken the construction of a 48-storey mixed-use building at 89, 97 and 99 Church Street. The site is located on the northeast corner of Church Street and Lombard Street.

Based on the information provided by the developer, construction activities for the above grade formwork are nearing completion. The development is scheduled to be completed in March 2025, however, the construction staging area is only required until December 31, 2024. Additional major construction activities and associated timelines for the development are as follows:

- Above grade formwork: March 2022 to April 2024;
- Building envelope phase: March 2023 to May 2024; and

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- Interior finishes stage: October 2022 to March 2025.

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. Therefore, continued occupancy of the construction staging area until December 31, 2024 is essential to complete the development.

Construction Staging Area

The construction staging area for the development on Lombard Street is currently within a portion of the westbound curb lane fronting the site. The north sidewalk and a 4 metre wide portion of the westbound curb lane on Lombard Street, between Church Street and a point 36 metres east is currently closed. One eastbound and one westbound traffic lane is maintained around the construction staging area. Pedestrian operations on the north side of Lombard Street is maintained in a 1.7 metre wide covered and protected walkway within the closed portion of the westbound lane.

Additionally, the construction staging area on Church Street is currently within a portion of the northbound curb lane fronting the site. The east sidewalk and a 2.8 metre wide portion of the northbound curb lane on Church Street, between Lombard Street and a point 41 metres north is currently closed. Pedestrian operations on the east side of Church Street is maintained in a 2.1 metre wide covered and protected walkway within the closed portion of the northbound lane.

A drawing of the existing 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 Major Capital Works Program indicates from 2024-2026 indicates that there are no capital works projects planned in the vicinity of the site. Therefore, the construction staging area on Church Street and on Lombard Street are not expected to conflict with the City's capital works projects.

If the proposed staging area is not approved, the developer's only option will be to apply for day-use permits of Church Street and Lombard Street for periods of less than 30 consecutive days over the 9-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 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 in this report.

CONTACT

Nathan Sham, Acting Manager, Work Zone Coordination and Traffic Mitigation, Transportation Services, (416) 338-5397, Nathan.Sham@toronto.ca.

SIGNATURE

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

ATTACHMENTS

Attachment 1: Construction Staging Area - 89, 97 and 99 Church Street

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