

Construction Staging Area Time Extension - Yorkville Avenue and Cumberland Street (33 Yorkville Avenue and 50 Cumberland Street)

Date: June 21, 2024

To: Toronto and East York Community Council

From: Director, Traffic Management, Transportation Services

Wards: Ward 11, University-Rosedale

SUMMARY

This staff report is about a matter that Community Council has delegated authority from City Council to make a final decision.

PEM (Yorkville) Holdings Inc. has undertaken the construction of a 68-storey mixed-used development and a 42-story residential condominium building at 33 Yorkville Avenue and 50 Cumberland Street, respectively. The south sidewalk and a portion of the eastbound curb lane on Yorkville Avenue, and the north sidewalk and a portion of the eastbound lane on Cumberland Street is currently closed for construction staging operations.

Toronto and East York Community Council, at its meeting on February 5, 2020, approved the subject construction staging area on Yorkville Avenue and Cumberland Street from March 1, 2020 to May 31, 2024. The developer has requested an extension of the duration of the construction staging area on Yorkville Avenue and Cumberland Street, due to delays caused by transfer of ownership from previous Cresford Developments to now new owner PEM (Yorkville) Holdings Inc. Consequently, the delays impacted the original construction schedule and onsite construction activities did not start until February 2021.

Transportation Services is requesting authorization to extend the duration of the construction staging area on Yorkville Avenue and Cumberland Street for an additional 30 months, from August 1, 2024 to February 1, 2027 to allow for the construction of the development to be completed.

RECOMMENDATIONS

The Director, Traffic Management, Transportation Services recommends that:

1. Toronto East York Community Council authorize the continuation of the closure of the south sidewalk and a 2.0 metre-wide portion of the eastbound curb lane on Yorkville Avenue, between a point 47 metres east of Bay Street and a point 32 metres further east and provision of a temporary pedestrian walkway within the closed portion of the eastbound curb lane, from August 1, 2024, to February 1, 2027, inclusive.
2. Toronto East York Community Council authorize the continuation of the closure of the north sidewalk and a 1.5 metre-wide portion of the eastbound curb lane on Cumberland Street, between a point 31.5 metres east of Bay Street and a point 86 metres further east, from August 1, 2024, to February 1, 2027, inclusive.
3. Toronto and East York Community Council continue to designate Cumberland Street, between Bay Street and a point 61 metres east, as one-way for eastbound traffic only.
4. Toronto and East York Community Council continue to rescind the existing standing prohibition in effect at all times on the north side of Yorkville Avenue, between a point 48 metres east of Bay Street and a point 71.5 metres further east.
5. Toronto and East York Community Council continue to prohibit stopping at all times on the north side of Yorkville Avenue, between a point 48 metres east of Bay Street and a point 71.5 metres further east.
6. Toronto and East York Community Council continue to prohibit stopping at all times on the north side of Cumberland Street, between Bay Street and a point 61 metres east.
7. Toronto and East York Community Council continue to rescind the existing standing prohibition in effect at all times on both sides of Cumberland Street, between Bay Street and a point 61 metres east.
8. Toronto and East York Community Council continue to rescind the commercial loading zone regulation in effect from 6:00 a.m. to 4:00 p.m., Monday to Friday, on the south side of Cumberland street, between a point 61 metres east of Bay Street and a point 100 metres west of Yonge Street.
9. Toronto and East York Community Council continue to designate a commercial loading zone to operate from 6:00 a.m. to 4:00 p.m., Monday to Friday, on the south side of Cumberland Street, between a point 61 metres west of Yonge Street and a point 34 metres further west.
10. Toronto and East York Community Council continue to rescind the existing parking machine regulation in effect from 4:00 p.m. to 12:00 a.m., Monday to Friday; 8:00 a.m. to 6:00 p.m. Saturday; 6:00 p.m. to 12:00 a.m. Saturday; and 10:00 a.m. to 12:00 a.m. Sunday, on the south side of Cumberland Street, between a point 61 metres east of Bay Street and a point 100 metres west of Yonge Street.

11. Toronto and East York Community Council continue to authorize the installation of parking machines on the south side of Cumberland Street, between a point 61 metres west of Yonge Street and a point 34 metres further west, to operate from 4:00 p.m. to 12:00 a.m., Monday to Friday; 6:00 p.m. to 12:00 a.m., Saturday; and 10:00 a.m. to 12:00 a.m. Sunday, for a maximum period of six hours at a rate of \$4.00 per hour.
12. Toronto and East York Community Council continue to rescind the existing parking machine regulation in effect from 8:00 a.m. to 6:00 p.m., Saturday, on the south side of Cumberland Street, between a point 61 metres east of Bay Street and a point 100 metres west of Yonge Street.
13. Toronto and East York Community Council continue to authorize the installation of parking machines on the south side of Cumberland Street, between a point 61 metres west of Yonge Street and a point 34 metres further west, to operate from 8:00 a.m. to 6:00 p.m., Saturday, for a maximum period of three hours at a rate of \$4.00 per hour.
14. Toronto and East York Community Council continue to prohibit stopping at all times on the south side of Cumberland Street, between Yonge Street and a point 61 metres west and a point 95 metres west of Yonge Street and Bay Street.
15. Toronto and East York Community Council continue to prohibit stopping at all times on the north-south public laneway, east of Bay Street, between Cumberland Street and the first east-west public laneway north of Cumberland Street.
16. 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.
17. Toronto and East York Community Council direct the applicant to continue posting 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.
18. Toronto and East York Community Council direct the applicant to continue providing and installing 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
19. Toronto and East York Community Council direct that Yorkville Avenue and Cumberland Street be returned to its pre-construction traffic regulations when the project is completed.

FINANCIAL IMPACT

There is no financial impact to the City. PEM (Yorkville) Holdings 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 Yorkville Avenue and on Cumberland Street these fees will be approximately \$1,095,000.00, including lost revenue from the parking machines (if applicable).

DECISION HISTORY

At its meeting of February 5, 2020, Toronto and East York Community Council adopted item 2020.TE13.30, entitled " Construction Staging Area - Yorkville Avenue and Cumberland Street (33 Yorkville Avenue and 50 Cumberland Street) " with out amendments, and in so doing, authorized a construction staging area on Yorkville Avenue and Cumberland Street from March 1, 2020 to May 31, 2024.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.TE13.30>

City Council, at its meeting on September 30, October 1 and 2, 2015, adopted Item MM9.52 to amend Zoning By-law No. 438-86 for the lands at 227-37 Yorkville Avenue and 26-32 and 50 Cumberland Street. The decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM9.52>

COMMENTS

Status of the Development

A 68-storey residential condominium building is being constructed PEM (Yorkville) Holdings Inc. at 33 Yorkville Avenue and 50 Cumberland Street. The site is bounded by Yorkville Avenue to the north, existing commercial uses and public laneway to the east, Cumberland Street to the south and existing commercial uses and a private laneway to the west. The development in its completed form will consist of two condominium buildings containing 1079 dwelling units and a redevelopment of the Toronto Parking Authority parking lot. Permanent vehicular access to the development will be from Yorkville Avenue and Cumberland Street.

Based on the information provided by the developer, the project has experienced delays due to transfer of ownership from Cresford Developments to PEM (Yorkville) Holdings Inc. which occurred shortly after the Community Council approved the construction staging permit on February 5, 2020. Consequently, the delays impacted the original construction schedule and onsite construction activities did not start until February 2021. At the time of writing this report, the developer is working on P2 below grade framework.

Major construction activities and associated timelines for the development are as follows:

- Excavation: Completed;
- Below grade Formwork: from April 2023 to August 2024;
- Above grade Formwork: from October 2024 to July 2027;
- Building Envelope Phase: from December 2025 to September 2027, and;
- Interior Finishes Stage: from October 2028 to October 2029.

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 February 1, 2027 is essential to complete the development.

Construction Staging Area

By way of background, Toronto and East York Community Council, at its meeting on April 24, 2019, authorized a closure of the north sidewalk and eastbound curb lane on Cumberland Street, between Yonge Street and a point 52 metres west, May 1, 2019 to October 31, 2022, for the development site at 8 Cumberland Street. In addition, the installation of pedestrian crossover was also recommended to facilitate pedestrians crossing at the commercial businesses located between the two subject development sites. In consultation with the area business owners, Bloor-Yorkville BIA and Councillor Mike Layton's office, a pedestrian crossover was not recommended based on the short crossing distance and negative impact to the commercial loading zone and parking machine spaces.

Construction staging operations on Yorkville Avenue will continue to take place within the existing boulevard and eastbound curb lane. The south sidewalk and a 1.8 metre wide portion of the eastbound lane on Yorkville Avenue, between a point 47 metres east of Bay Street and a point 32 metres further east, will continue to be closed to accommodate construction material storage, material hoist, and worker facilities. Pedestrians will be redirected into a protected 1.7 metres wide covered walkway within the closed portion of the eastbound lane. Two-way traffic operations will be maintained on Yorkville Avenue.

Construction staging operations on Cumberland Street will continue to take place within the existing boulevard and eastbound curb lane. The north sidewalk and a 1.5 metre wide portion of the eastbound lane on Cumberland Street, between a point 47 metres east of Bay Street and a point 32 metres further east, will be closed to accommodate construction staging operations for the development.

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

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

Finally, a review of the City's five-year major Capital Works program on Yorkville Avenue indicates that Toronto Hydro Electric System Ltd. has overhead, and underground civil and electrical work planned in 2025. On Cumberland Street, Transportation Services has local road resurfacing work planned in 2028, and Toronto Hydro Electric System Ltd. has overhead, and underground civil and electrical work planned in 2025. On the Public Laneway west of Yonge and south of Yorkville, Enbridge Distribution Inc. has gasmain reinforcement work planned in 2024. On Yonge Street, Transportation Services has infrastructure enhancement work planned between 2028 and 2030, and Toronto Hydro Electric System Ltd. has overhead, and underground civil and electrical work planned in 2025. Lastly, on Bay Street, Toronto Hydro Electric System Ltd. has overhead, and underground civil and electrical work planned in 2025.

The developer was informed that the staging area may need to be temporarily removed or modified to accommodate the above mentioned Capital Works, and failure to do so may result in the developer being responsible to cover any cost penalties incurred by the City as a result.

The applicant shall cooperate with and provide all necessary assistance to the City Engineers, staff and representatives carrying out operation, maintenance, and construction activities to municipal infrastructure within the vicinity of the construction staging area at no cost to the City.

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

CONTACT

Nathan Sham, Manager, Work Zone Coordination and 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: Existing Construction Staging Area - 33 Yorkville Avenue and 50 Cumberland Street

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