

Construction Staging Area Time Extension - 1 Bloor Street West (Balmuto Street)

Date: June 21, 2024
To: Toronto and East York Community Council
From: Director, Traffic Management, Transportation Services
Wards: Ward 11, University-Rosedale

SUMMARY

As the Toronto Transit Commission (TTC) operates a transit service on Yonge Street and Bloor Street West, City Council approval of this report is required. Further, since this report contains recommendations that do not comply with City policy or by-laws, City Council approval of this report is required. Mizrahi Development Group (The One) Inc. (the "developer") is currently the owner of a mixed-use development at 1 Bloor Street West (Mizrahi Project). The site is located on the southwest corner of Yonge Street and Bloor Street West. The development will consist of an eight-storey high retail podium and an 86-storey high residential tower.

A five-metre-wide portion of the northbound curb lane on Balmuto Street from a point 29 metres south of Bloor Street West to a point 12 metres further south is currently closed to accommodate construction staging operations for the development. The west sidewalk and a three-metre-wide portion of the southbound curb lane on Yonge Street, between Bloor Street West and a point 66 metres south are also closed. The previous closure of the south sidewalk and a 1.2-metre-wide portion of the eastbound curb lane on Bloor Street West, between Yonge Street and a point 49 metres west, is no longer required. Pedestrians have access to the existing sidewalk on the south side of Bloor Street West, abutting the construction site, which is covered and protected. Existing vehicle and bicycle lanes are maintained for both directions on Bloor Street West.

Toronto and East York Community Council, at its meeting on November 25 and 26, 2020, approved the construction staging area on Balmuto Street from November 30, 2020 to November 30, 2022. In a separate meeting on March 10, 2021, Toronto and East York Community Council approved an extension of the construction staging areas on Yonge Street and Bloor Street West from September 1, 2020 to December 31, 2021. In a meeting on December 14 and 15, 2022, City Council approved an extension of the construction staging areas on Yonge Street, Bloor Street West and Balmuto Street, from December 14, 2022 to March 31, 2023. At the time, the developer indicated they would require the staging areas until June 30, 2025.

At its meeting on March 29, 2023, City Council approved an extension of the construction staging areas on Yonge Street, and Bloor Street West, from April 1, 2023 to June 30, 2025, and for Balmuto Street an extension was approved for only one year from April 1, 2023 to April 1, 2024. At the time of the meeting on March 29, 2023, the developer indicated they would require the staging area on Balmuto Street until June 30, 2025.

The applicant applied for another time extension of the construction staging area permit on Balmuto Street and at its meeting on March 20 and 21, 2024, the Toronto and East York Community Council approved an extension for a four month period, from April 2, 2024 to July 31, 2024. At the time of the meeting the developer indicated they would require the staging area on Balmuto Street until August 31, 2025. The developer now requires a further permit for the duration of the construction staging on Balmuto Street, to allow for the construction of the development to be completed.

Transportation Services is requesting authorization to extend the duration of the construction staging area on Balmuto Street, between the first public lane south of Bloor Street West to Bloor Street West to allow for intermittent closures of the street during concrete pouring operations, for an additional 18 months from August 1, 2024 to February 1, 2026.

For the maintenance of the concrete pump on Balmuto Street, Transportation Services is also requesting the authority for the General Manager of Transportation Services to issue a Temporary Street Occupation permit for Balmuto Street to the developer, notwithstanding that not all the criteria within the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, for so doing would be met.

In addition, Transportation Services is requesting authority to transfer the ownership of the Temporary Street Occupancy Permit for Balmuto Street in the event that the development and property is acquired by a new owner during the requested construction staging area times extension period from August 1, 2024 to February 1, 2026. The developer is currently the subject of Court-supervised Receivership proceedings, and the property may be the subject of a Court-supervised sale during this period.

The issuance or transfer of the permit is contingent on the applicant providing an indemnity and security satisfactory to the General Manager, Transportation Services and the City Solicitor. Transportation Services is also requesting authority to transfer indemnity agreement(s) to a new owner, subject to the ongoing court proceedings.

RECOMMENDATIONS

The Director, Traffic Management, Transportation Services recommends that:

1. City Council authorize for purposes of construction at 1 Bloor Street West the temporary closure to vehicular traffic of a five-metre-wide portion of the northbound curb lane on Balmuto Street, between a point 29 metres south of Bloor Street West and a point 12 metres further south, from August 1, 2024 to February 1, 2026 inclusive.
2. City Council authorize for purposes of concrete pouring at 1 Bloor Street West, the intermittent temporary closure to vehicular traffic of Balmuto Street, from the first public lane south of Bloor Street West to Bloor Street West, from August 1, 2024 to February 1, 2026 inclusive.
3. City 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.
4. City 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.
5. City Council direct the applicant to continue sweeping the construction site daily and nightly, or more frequently as needed to be cleared of any construction debris and made safe.
6. City Council direct the applicant to continue pressure washing the construction site and adjacent sidewalks and roadways weekly, or more frequently as needed to be cleared of any construction debris and made safe.
7. City Council direct the applicant to continue ensuring that the existing sidewalks or the proposed pedestrian walkway have proper lighting to ensure safety and visibility at all times of the day and night.
8. City Council direct the applicant to continue consulting and communicating all construction, parking and road occupancy impacts with local business improvement areas and resident associations in advance of any physical road modifications.
9. City Council direct the applicant 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.
10. City Council direct the applicant 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.

11. City Council direct the applicant to continue installing appropriate signage and converging mirrors to ensure that pedestrians, cyclists and motorists safety is considered at all times.
12. City Council direct that Balmuto Street, Bloor Street West and Yonge Street be returned to their pre-construction traffic regulations and lane configurations when the project is completed.
13. City Council authorize the General Manager, Transportation Services, to issue a Temporary Street Occupation permit to Alvarez & Marsal Canada Inc., Court – Appointed Receiver for MIZRAHI DEVELOPMENT GROUP (THE ONE) INC. for the period of August 1, 2024 to February 1, 2026, inclusive, for a portion of Balmuto Street, from a point 29 metres south of Bloor Street West and a point 12 metres further south, without Alvarez & Marsal Canada Inc., Court – Appointed Receiver for MIZRAHI DEVELOPMENT GROUP (THE ONE) having to comply with certain requirements of the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, as more generally described in the report from the Director, Traffic Management, Transportation Services (dated February 20, 2024) and, where the approval conflicts with Chapter 743, Streets and Sidewalks, Use of, the approval of the General Manager, Transportation Services shall prevail to the extent of the conflict.
14. City Council authorize the General Manager, Transportation Services, to transfer and/or assign the Temporary Street Occupancy Permit for Balmuto Street in the event that a new party acquires or becomes responsible for the Mizrahi Project during the requested construction staging area time extension request from August 1, 2024 to February 1, 2026.
15. City Council direct the applicant to continue ensuring adequate winter maintenance of all the areas that are not accessible by the City of Toronto Contracted Services, within the affected area designated on the construction management plan.
16. City Council direct the applicant to continue visually improving the pumping station fence by providing and installing public art, in a manner that does not block sightlines for vehicles exiting the laneway.
17. City Council direct the applicant to continue only placing additional bollards and traffic signage on the street fifteen minutes prior to operating the pump; to removing them within fifteen minutes of discontinuing use of the pump; and to not placing them in legal parking areas.
18. City Council direct the applicant to 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, and at no cost to the City to remove any staging to accommodate the necessary municipal infrastructure work.

19. City Council direct the applicant to continue ensuring that cement trucks and other construction vehicles and equipment do not queue or park on Balmuto Street, and that they do not block access for service vehicles accessing the properties at 21 and 35 Balmuto Street, except during concrete pouring operations.

20. City Council authorize the General Manager, Transportation Services, to transfer and/or assign existing indemnity agreements with Mizrahi Development Group (The One) Inc. or its Court-appointed Receiver and/or negotiate, enter into and execute further indemnity agreement(s) to address the City's interests with respect to any and all temporary street occupations and closures on Balmuto Street, on terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor.

21. City Council authorize the General Manager, Transportation Services, to require the applicant to provide financial security in a form and amount satisfactory to the General Manager, Transportation Services, as a condition of granting the above permits.

22. City Council direct that parts 1 to 19, inclusive, above, be subject to Mizrahi Development Group (The One) Inc. its Court-appointed Receiver, and/or a transferee or assignee of the permits entering into such indemnity agreements and/or providing security as may be required by the General Manager, Transportation Services pursuant to Parts 20-22, above.

FINANCIAL IMPACT

There is no financial impact to the City. Mizrahi Developments 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 temporary closures on Balmuto Street, these fees will be approximately \$ 255,000.00 including lost revenue from the parking machines (if applicable).

DECISION HISTORY

City Council, at its meeting on March 20 and 21, 2024, adopted Item 2024.TE11.36 entitled " Construction Staging Area Time Extension - 1 Bloor Street West (Balmuto Street) and, in so doing, authorized a temporary closure for purposes of construction at 1 Bloor Street West, the temporary closure to vehicular traffic of a 5 metre-wide portion of the northbound curb lane and to pedestrian traffic on the east sidewalk on Balmuto Street, between a point 29 metres south of Bloor Street West and a point 12 metres further south, from April 2, 2024 to July 31, 2024, inclusive.

As well as authorized the intermittent temporary closure to vehicular traffic of Balmuto Street, from the first public lane south of Bloor Street West to Bloor Street West, from April 2, 2024 to July 31, 2024, inclusive.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE11.36>

City Council, at its meeting on March 29, 2023, adopted Item TE3.23 entitled "1 Bloor Street West (Yonge Street and Balmuto Street) - Construction Staging Area Time Extension" and, in so doing, authorized a temporary closure for purposes of construction at 1 Bloor Street West, the temporary closure to vehicular traffic of a 5 metre-wide portion of the northbound curb lane and to pedestrian traffic on the east sidewalk on Balmuto Street, between a point 29 metres south of Bloor Street West and a point 12 metres further south, from April 1, 2023 to April 1, 2024, inclusive. As well as authorized the intermittent temporary closure to vehicular traffic of Balmuto Street, from the first public lane south of Bloor Street West to Bloor Street West, from April 1, 2023 to April 1, 2024, inclusive. Furthermore, City Council authorized for purposes of construction at 1 Bloor Street West the temporary closure to pedestrian traffic of the west sidewalk and to vehicular traffic of a three-metre-wide portion of the southbound curb lane, both on Yonge Street, between Bloor Street West and a point 66 metres south, from April 1, 2023 to June 30, 2025, inclusive.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE3.23>

City Council, at its meeting on December 14 and 15, 2022, adopted Item TE1.11 entitled "1 Bloor Street West (Yonge Street, Bloor Street and Balmuto Street)" and, in so doing, authorized the closure of a portion of the northbound curb lane and east sidewalk on Balmuto Street, the sidewalk and a portion of the southbound lane on Yonge Street, and the closure of the sidewalk and a portion of the eastbound lane on Bloor Street West, from December 14, 2022 to March 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE1.11>

City Council, at its meeting on March 10, 2021, adopted Item TE23.57 entitled "Construction Staging Area Time Extension - 1 Bloor Street West, Phase 2 - (Yonge Street and Bloor Street West)" and, in so doing, authorized the closure of the sidewalk and a portion of the southbound lane on Yonge Street and the closure of the sidewalk and a portion of the eastbound lane on Bloor Street West, from September 1, 2020 to December 31, 2021.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE23.57>

City Council, at its meeting on November 25 and 26, 2020, adopted Item TE20.29 entitled "Construction Staging Area - 1 Bloor Street West (Balmuto Street)" and, in so doing, authorized the closure of the sidewalk and a portion of the northbound lane on Balmuto Street, from November 30, 2020 to November 30, 2022.

[Agenda Item History - 2020.TE20.29 \(toronto.ca\)](#)

City Council, at its meeting on November 26 and 27, 2019, adopted Item TE10.27, entitled "Construction Staging Area Time Extension Phase 2 - Yonge Street and Bloor Street West -1 Bloor Street West" to extend the closure of the sidewalk and a portion of the southbound lane on Yonge Street and the closure of the sidewalk and a portion of the eastbound lane on Bloor Street West, until August 31, 2020.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE10.27>

City Council, at its meeting on October 2, 3 and 4 2017, adopted Item TE26.69 entitled "Construction Staging Area (Phase 1) Yonge Street and Bloor Street West (1 Bloor Street West)" and, in so doing, authorized the closure of the sidewalk and a portion of the southbound lane on Yonge Street and the closure of the sidewalk and a portion of the eastbound lane on Bloor Street West, from October 9, 2017 to October 31, 2019. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.69>

COMMENTS

Status of the Development

A mixed-use development is currently owned by Mizrahi Development Group (The One) Inc. at 1 Bloor Street West. The site is bounded by Bloor Street West to the north, Yonge Street to the east and existing commercial uses to the south and west.

The development, in its completed form, will include an 86-storey high residential condominium building atop an eight-storey high retail podium. Retail uses will also be provided in a below grade concourse level. A four-level underground parking garage will be provided.

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

- Above grade formwork: Ongoing to February 2026;
- Building envelope phase: Ongoing to September 2027, and;
- Interior finishes stage: April 2024 to April 2028.

An extension for the duration of the construction staging area on Balmuto Street is being requested to allow for the completion of the construction project. At the previous City Council meeting on March 20 and 21, 2024 the developer requested for the construction staging on Balmuto Street to be in effect until August 31, 2025 however an extension was granted for only four months till July 31, 2024 which is now near end.

Construction Staging Areas

Traditionally, Transportation Services prefers to have the construction staging areas abutting the development. The delegated authority given to the General Manager, Transportation Services to issue Temporary Street Occupation permits pursuant to City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, provides that "a permit may be issued under this section when it is required on behalf of an owner of the lands abutting the street, or portion thereof that will be occupied temporarily by equipment or material that has been used, or that is intended to be used, for constructing, repairing, or demolishing a building or structure situated on the lands, or that will be otherwise temporarily occupied in connection with the applicants use of the lands". Irrespective of the above provision in Chapter 743, the General Manager may still issue a permit under Chapter 743 despite the temporary occupation of any portion of the street beyond the limit of the applicants' property frontage on the street, where the

adjoining property owner consents in writing and waives all claims against the City for losses and damages that may arise or result directly or indirectly from this occupation. The proposed temporary street occupation on Balmuto Street does not abut the applicant's property. Rather the proposed temporary street occupation on Balmuto Street would abut the property at 19 Bloor Street West, whose owner has not consented in writing or waived all such claims against the City. City staff contacted Mappro to seek its views on the proposed temporary street occupation. Mappro responded to advise that it opposes any further authorization of the temporary street occupation, but alternatively requested that the temporary street occupation be authorized for no more than one year, and that Mizrahi's Receiver be required to reimburse Mappro for damages it claims from the temporary street occupation, put in place further security measures around Mappro's property, address and repair issues and damage from loitering and vandalism that it alleges, and coordinate regarding any future construction work at Mappro's property to ensure that the work can be performed efficiently. Mappro has previously deputed to Toronto and East York Community Council and Council to oppose the temporary street occupation.

Given the above, City Council approval is required for the temporary street occupation to occur on Balmuto Street and to authorize the General Manager, Transportation Services, to issue a Temporary Street Occupation permit. Several mechanisms of mitigating the City's risks and seeking to accommodate neighbours have been included in the recommendations.

Construction staging operations for the development will continue to take place on Balmuto Street, within a five-metres-wide portion of the northbound curb lane between a point 29 metres south of Bloor Street West and a point 12 metres further south. Further to on-site meetings with Mizrahi Development Group, their constructor has agreed to pull-back the hoarding around the concrete pump, from the sidewalk, allowing for the future installation of walk-through scaffolding over the existing sidewalk to accommodate building renovations at 17-19 Bloor Street West. Pedestrians will be accommodated on the existing east side sidewalk of Balmuto Street until renovations at 17-19 Bloor Street West commence. Two-way traffic operations will be maintained on Balmuto Street within the remaining six-metre-wide roadway during days when there is no concrete pouring scheduled; however, a modification to the construction staging setup will be required during days when concrete pouring is scheduled to take place (approximately every third day), during which Balmuto Street will be closed to vehicle traffic between Bloor Street West and the first public lane south of Bloor Street West. The closure will be required to accommodate space for concrete trucks to stop next to the pump. The space north of the pump, next to the properties at 17-19 Bloor Street West, was previously used by concrete trucks (which allowed for Balmuto Street to remain open); however, that space will be made available for Mappro Realty Inc related construction work at 17-19 Bloor Street West. Relocation of the concrete pump set-up on Balmuto Street is no longer feasible due to the mechanics of pumping concrete into the site, as the feeder pipe and structural base supporting the pump are now in-place at their current location.

Construction staging operations will also continue to take place within the road right-of-way on the west side of Yonge Street abutting the site. The sidewalk and southbound curb lane on the west side of Yonge Street, between Bloor Street West and a point 66 metres south, will continue to be temporarily closed to accommodate construction staging operations. Pedestrians are directed to a 2.1-metre-wide covered and protected walkway within the closed portion of the southbound curb lane. Yonge Street, in the immediate vicinity of the site, operates as one southbound traffic lane and two northbound traffic lanes.

The southbound curb lane on Yonge Street north of Bloor Street West is temporarily closed, between the stop bar and a point 30 metres north (including taper). Vehicles and cyclists travelling in the southbound curb lane are channelized into the southbound through traffic lane to achieve smooth traffic flow around the existing construction staging area on Yonge Street. Southbound right-turn movements at the intersection of Yonge Street and Bloor Street West are prohibited at all times. In addition, the TTC near-side bus stop on Yonge Street at Bloor Street West was relocated approximately 60 metres north of Bloor Street West.

A previous construction staging area was set-up on the sidewalk and a portion of the curb lane on the south side of Bloor Street West, between Yonge Street and a point 49 metres west, which is no longer required. Pedestrians have access to the existing sidewalk on the south side of Bloor Street West, abutting the construction site, which is covered and protected. Existing vehicle and bicycle lanes are maintained for both directions on Bloor Street West.

A review of the City's Five-Year Major Capital Works Program was undertaken to identify any conflicts between the proposed construction staging areas and planned capital works projects in the area. The review of the program on Bloor Street West indicates that Transportation Services have infrastructure enhancement work planned from 2026 to 2027, and Toronto Hydro Electric System Ltd have overhead and underground Civil and Electrical work planned in 2025. On Balmuto Street, Toronto Hydro Electric System Ltd have overhead and underground Civil and Electrical work planned in 2025. On Yonge Street, Toronto Hydro Electric System Ltd. have overhead, and underground civil and electrical work planned in 2026, and Transportation Services has infrastructure enhancement work planned from 2028 to 2030.

The developer was informed that the staging areas 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 proposed permit conditions require the applicant to 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.

Transportation Services is satisfied that the applicant has looked at all options to alleviate congestion at these locations.

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

CONTACT

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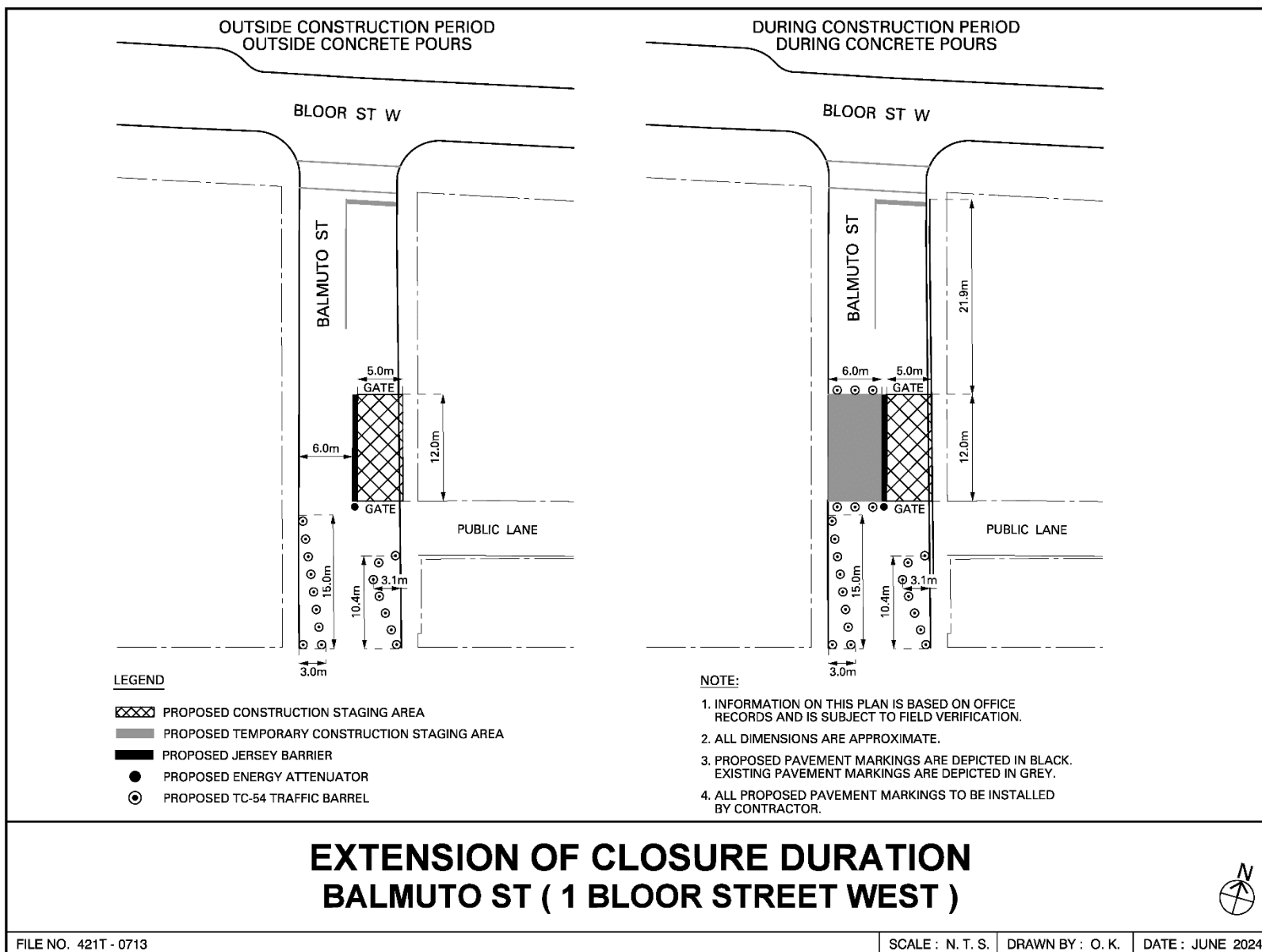
SIGNATURE

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

ATTACHMENTS

Attachment 1: Existing Construction Staging - 1 Bloor Street West (Balmuto Street)

Attachment 2: Existing Construction Staging Area - 1 Bloor Street West (Yonge Street)



Attachment 2: Existing Construction Staging Area - 1 Bloor Street West (Yonge Street)

