

REPORT

COUNCIL MEETING

MEETING DATE: JANUARY 25, 2020

FROM: Legal Department

DATE: January 12, 2021

SUBJECT: Zancor Oakville Ltd. Tieback and Crane Swing Agreements

LOCATION: 3025 Pine Glen Road

WARD: 4

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RECOMMENDATION:

1. That Town staff be authorized to negotiate temporary license agreements with the owner/developer of lands at 2444-2460 Old Bronte Road to permit cranes to swing over, and tiebacks to go underneath a portion of the Town-owned fire station lands at 3025 Pine Glen Road, to the satisfaction of the Town Solicitor;
2. That execution of such license agreements and all requisite documentation be authorized in accordance with By-law 2013-57; and
3. That the Town Solicitor be authorized to extend the term of the temporary license agreements and make minor amendments, if deemed necessary.
4. That Development Engineering staff be authorized to permit the piles for the tiebacks to encroach into the surplus portion of Old Bronte Road under a temporary street occupancy permit.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The Town has been approached by the owner/developer of 2444-2460 Old Bronte Road (the “**Developer Lands**”) for a license agreement to allow cranes to temporarily swing over a portion of the Town-owned fire station lands at 3025 Pine Glen Road (the “**Fire Station Lands**”) and for tiebacks to go underneath the Fire Station Lands to temporarily support the construction of the foundation on the Developer’s Lands.
- A crane swing agreement permits the use of airspace over abutting lands for temporary construction purposes.

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- A tieback agreement permits metal cable/rods to be placed underneath the adjacent lands to temporarily support the foundation as it is being constructed.
- The tiebacks would not go underneath the fire station building or hydro infrastructure on the Fire Station Lands and the developer will be required to de-stress (cut) the tiebacks when the foundation construction is complete.
- The developer will also be required to enter into temporary street occupancy permits for the tiebacks and crane swing where it impacts Old Bronte Road.
- Normally, staff would not allow the piles for tiebacks to encroach into the road allowance, but staff are recommending making an exception in this case because the piles will only encroach into the surplus portion of Old Bronte Road.
- The proposed license agreements would further facilitate construction of the developer's residential condominium project.

BACKGROUND:

The owner/developer of 2444-2460 Old Bronte Road (Zancor Oakville Ltd.), is in the process of developing a residential condominium project. The developer intends to use 1-3 cranes to assist in the construction. The crane(s) will swing over a portion of Old Bronte Road and a portion of the Fire Station Lands at 3025 Pine Glen Road. The developer also intends to use tiebacks encroaching underneath Old Bronte Road and the Fire Station Lands to support the foundation construction. Tiebacks are metal cable/rods connected to shoring system during construction of the foundation for temporary support.

The use of the crane(s) over Old Bronte Road and tiebacks underneath Old Bronte Road will be authorized pursuant to a temporary street occupancy permit. However, separate temporary license agreements are required to authorize the crane swing and tiebacks over and under the Fire Station Lands.

The developer anticipates that it will need to use cranes for approximately 22 months starting in early 2021. Tiebacks would be installed in early 2021 and destressed approximately 16 months later.

COMMENT/OPTIONS:

Staff are recommending that they be authorized to negotiate and execute temporary license agreements with Zancor Oakville Ltd. to permit the crane swing and tiebacks over and under the Fire Station Lands on terms satisfactory to the Town Solicitor.

Staff from Development Engineering will be granting a temporary street occupancy permit for the crane and tiebacks encroaching over and under Old Bronte Road, which requires the owner/developer to pay a fee in accordance with Council-

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approved rates and fees. Compensation for the additional crane swing and tieback agreements for the Fire Station Lands will be satisfied by the payment of the fees under the temporary street occupancy permit. The developer will also be required to pay an agreement fee to cover the cost of preparing these agreements, consistent with the fee charged for Town encroachment agreements.

The tiebacks will not be permitted underneath the fire station building or the hydro infrastructure on the Fire Station Lands. Once the foundation is complete, the developer will be required to de-stress the tiebacks. This consists of cutting the rods, so they are no longer attached to the building foundation and can easily be removed. Once the rods are de-stressed they are easy to remove. The piles (to which the base of the tieback attach) cannot be easily removed and are left in the ground. In this area of the Developer's Lands the piles are able to remain on the Developer's Lands and not encroach onto the Fire Station Lands.

Typically, the Town provides a temporary street occupancy permit for tiebacks. Piles (concrete column with steel i-beam) are part of the tieback and shoring wall system, which usually remain on the developer's lands and it is only the tiebacks that encroach into the road allowance. In the case of the portion of the Developer's Lands that borders Old Bronte Road, the development is a zero lot line setback, so the piles as designed need to encroach into the road allowance. Upon completion, the developer indicates that the piles will be cut down to a depth of approximately 1m to 1.5m below grade. However the section of the piles below this depth will remain as a permanent encroachment. A redesign would be costly and at this stage would likely require changes to the site plan application. The Town typically would not allow this type of permanent encroachment. However, staff are proposing making an exception in this case, only because the area where the piles will be located is surplus to the road allowance. Staff recommend continuing to take a firm stance on piles not being permitted in the road allowance in the future, unless it is within a surplus area.

CONSIDERATIONS:

(A) PUBLIC

The inclusion of this report in the Council agenda will provide public notification.

(B) FINANCIAL

Compensation paid by the developer will be based on Council-approved rates and fees for a temporary street occupation permit. The developer will also be charged a fee for the preparation of these agreements consistent with the fee charged for a Town encroachment agreement.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

Staff from affected departments, including Development Engineering, Roads and Works Operations, Fire, and Engineering and Construction, have been consulted and are in concurrence with the recommendations of the report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our economic environment
- be accountable in everything we do

(E) COMMUNITY SUSTAINABILITY

The approval of the license agreements will help facilitate the timely development of this residential condominium project which is encouraged from a planning and economic development view point.

APPENDICES:

Appendix A – Location map

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