

**MINUTES OF THE REGULAR MEETING OF COUNCIL, HELD ELECTRONICALLY  
FROM CITY HALL, 141 WEST 14<sup>TH</sup> STREET, NORTH VANCOUVER, BC, ON **MONDAY,**  
**JULY 12, 2021****

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**REPORT OF THE COMMITTEE OF THE WHOLE (CLOSED SESSION)**

21. Reciprocal Underpinning and Crane Swing Agreements – Fire Hall and North Shore Neighbourhood House Sites – File: 02-0800-01-0001/2021

Report: Manager, Real Estate, June 28, 2021

Moved by Councillor McIlroy, seconded by Councillor Girard

PURSUANT to the report of the Manager, Real Estate, dated June 28, 2021, entitled “Reciprocal Underpinning and Crane Swing Agreements – Fire Hall and North Shore Neighbourhood House Sites”:




THAT staff be authorized to enter into a reciprocal crane swing and underpinning agreement with Millennium Northmount for the development site located at 145 East 13<sup>th</sup> Street and the City-owned property located at 165 East 13<sup>th</sup> Street;

THAT staff be authorized to enter into a reciprocal crane swing agreement with 2278372 Ontario Inc. and 2281140 Ontario Inc. for the development site located at 222 East 2<sup>nd</sup> Street and the City-owned properties located at 207 and 225 East 2<sup>nd</sup> Street;

AND THAT the Mayor and Corporate Officer be authorized to sign the necessary documentation to give effect to this motion.

**CARRIED UNANIMOUSLY**



 Department Manager	 Director <i>per BP</i>	 CAO
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The Corporation of **THE CITY OF NORTH VANCOUVER**  
**STRATEGIC & CORPORATE SERVICES DEPARTMENT**

Council approved release of Confidential Report on July 12, 2021

**CONFIDENTIAL REPORT**

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To: Mayor Linda Buchanan and Members of Council

From: Brian Lightfoot, Manager, Real Estate

Subject: RECIPROCAL UNDERPINNING AND CRANE SWING AGREEMENTS –  
FIRE HALL AND NORTH SHORE NEIGHBOURHOOD HOUSE SITES

Date: June 28, 2021 File No: 02-0800-01-0001/2021

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*The following is a suggested recommendation only. Refer to Council Minutes for adopted resolution.*

## RECOMMENDATION

PURSUANT to the report of the Manager, Real Estate, dated June 28, 2021, entitled "Reciprocal Underpinning and Crane Swing Agreements – Fire Hall and North Shore Neighbourhood House Sites":

THAT the City be authorized to enter into a reciprocal crane swing and underpinning agreement with Millennium Northmount for their development site at 145 East 13<sup>th</sup> Street and the City-owned property at 165 East 13<sup>th</sup> Street;

THAT the City be authorized to enter into a reciprocal crane swing agreement with 2278372 Ontario Inc. and 2281140 Ontario Inc., for their development site at 222 East 2<sup>nd</sup> Street and the City-owned properties at 207 and 225 East 2<sup>nd</sup> Street;

AND THAT the Mayor and the Corporate Officer be authorized to sign the necessary documentation to give effect to this motion.

## ATTACHMENTS

1. Sketch of proposed extent of crane swing affecting the City-owned Fire Hall site at 165 East 13<sup>th</sup> Street (Millennium Northmount).

2. Sketch of proposed extent of crane swings affecting the City properties at 207 East 2<sup>nd</sup> Street and 225 East 2<sup>nd</sup> Street (North Shore Neighbourhood House) (2278372 & 2281141 Ontario Inc., as represented by GWL Realty Advisors).

## SUMMARY

Underpinning and crane swing agreements are a standard form of agreement between adjacent properties to facilitate development. In many previous cases, the City has dealt with these agreements through a licence agreement of street and/or property, which can be executed through staff approval.

The City has been requested by the owners of properties adjacent to two City-owned sites to allow underpinning and crane swinging on the City-owned sites to enable construction. As it is in the City's best interest, in these two cases, to secure registered reciprocal easement agreements in consideration of future potential redevelopment on City-owned sites, Council approval is required. Council approval will allow for agreements to be signed by the Mayor and Corporate Officer and for charges to be registered on title through the Land Title Office for the City-owned lands and the respective developers' properties. The agreements would then be binding on future owners of the adjacent lands, thereby protecting the interests of the City when it wishes to develop its sites.

## DISCUSSION

Millennium Northmount ("Millennium") has requested a crane swing and underpinning agreement over/under the City owned Fire Hall property at 165 East 13<sup>th</sup> Street. Great West Life Realty Advisors ("GWLRA"), on behalf of the registered owners 2278372 Ontario Inc. and 2281140 Ontario Inc., have requested a crane swing agreement over the City-owned North Shore Neighbourhood House property at 207 and 225 East 2<sup>nd</sup> Street. Attachments #1 and #2 show the extent of the proposed crane swings for the developers' sites over City property. The proposed crane swings allow developers to swing the boom of the crane, but not any construction loads, over City air space.

As both of these City sites may be redeveloped in the short to medium term, staff have prepared reciprocal agreements with Millennium and GWLRA to secure these same rights in favour of the City over their properties at 119-149 East 13<sup>th</sup> Street and 222 East 2<sup>nd</sup> Street. The benefit of securing reciprocal crane swing and underpinning agreements is to grant the City the same development rights for its properties for a period of up to 20 years after issuance of the developers' building permits. A registered charge protects the interests of the City in the future even if the adjacent properties are resold and/or stratified. In addition, it is much easier to secure these rights with a single developer, rather than with a strata corporation in the future with multiple strata owners.

### **165 East 13<sup>th</sup> Street – City of North Vancouver Fire Hall**

The City-owned Fire Hall site at 165 East 13<sup>th</sup> Street does not currently have any confirmed plans for redevelopment. However, consideration for future redevelopment

within a 20-year timeframe for a larger Fire Hall is reasonable to contemplate. If future redevelopment plans were to be confirmed, the Fire Hall site would have the necessary allowance for a crane swing and underpinning agreement in place.

In addition to the crane swing agreement, the underpinning proposed as part of the Millennium's development will have anchor rods inserted into the ground, which will run inside the City's property line to temporarily support Millennium's foundation during construction. Following construction, these rods are grouted and de-tensioned and certified by a Project Engineer for safety. The City will have the reciprocal agreement for the Fire Hall site to allow any future redevelopment on the City site to undertake the same process.

### **207 and 225 East 2<sup>nd</sup> Street – North Shore Neighbourhood House Site**

The City property at 207 and 225 East 2<sup>nd</sup> Street is currently under consideration for potential rezoning and redevelopment. If approved, this reciprocal agreement will be a benefit to the redevelopment on City-owned property. Staff have confirmed that the cranes on the developer's site will not impact the proposed construction schedule on the City's sites.

Staff are requesting Council's authority to authorize the Mayor and Corporate Officer sign the necessary documentation to allow both of these agreements to be registered on title of the involved properties. A registered charge protects the interests of the City in the future even if the adjacent properties are resold and/or stratified.

## **FINANCIAL IMPLICATIONS**

The cost of the proposed underpinning and crane swing agreements is limited to staff time and minimal legal costs. If the City requested underpinning or crane swing agreements in the future, a Strata Council could ask for compensation for those rights or deny the City's request.

## **INTER-DEPARTMENTAL IMPLICATIONS**

The Real Estate Division has been working with the Fire Department, Development Services and the City Solicitor to protect the City's interests in this initiative.

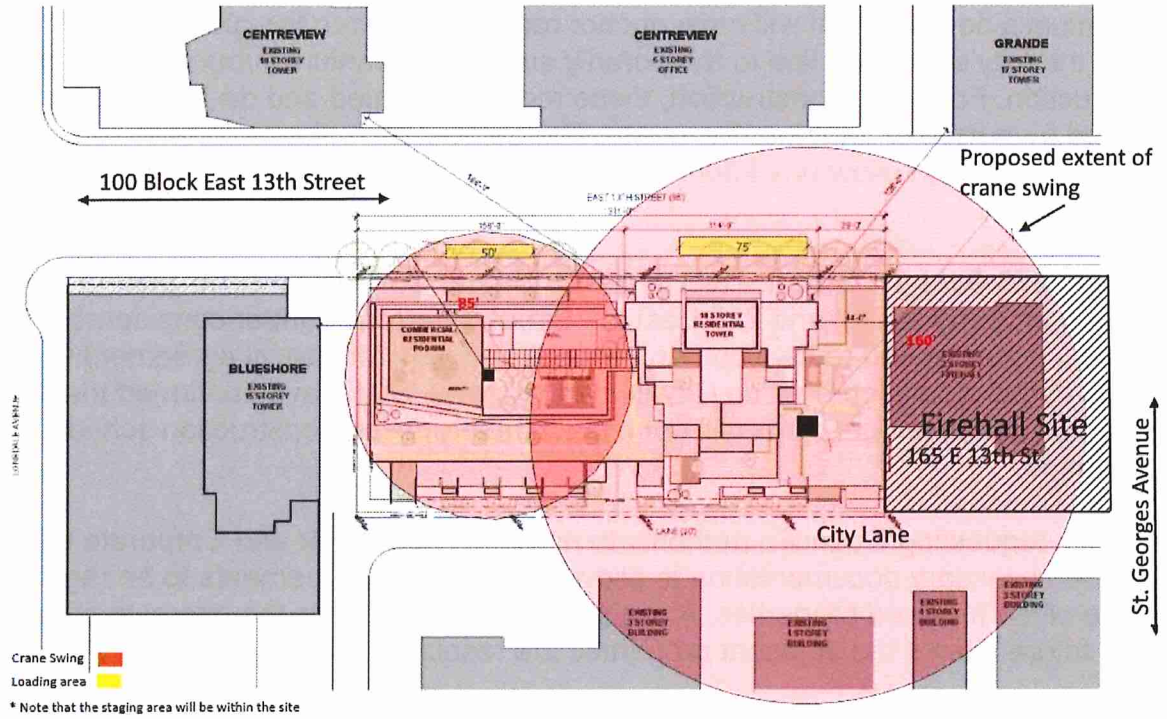
RESPECTFULLY SUBMITTED:



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Brian Lightfoot  
Manager, Real Estate

### 119-149 East 13th Street Crane Swing



207 and 225 East 2<sup>nd</sup> Street – Crane Swing

