



SUBJECT: Construction and Mobility Management Policy

TO: Committee of the Whole

FROM: Capital Works

Report Number: CW-27-19

Wards Affected: All

File Numbers: 750-01

Date to Committee: September 9, 2019

Date to Council: September 23, 2019

Recommendation:

Approve a Construction and Mobility Policy, which defines the requirements for a Construction and Mobility Management Plan, to regulate construction and mobility impacts on a public road allowance resulting from land development within the City of Burlington; and

Approve the effective date of the Construction and Mobility Management Policy to be the date the policy receives approval at council; and

Direct the Director of Transportation to include the applicable fees in the City's Rates and Fees By-law to support the Construction and Mobility Policy proposed in capital works department report CW-27-19.

Purpose:

The purpose of this report is to establish new guidelines for the approval and management of construction activities associated with land development, to ensure that land development does not adversely impact public health and safety, amenity, traffic or the environment in the surrounding area. This policy will establish new details, fees and requirements for a site's Construction & Mobility Management Plan.

Background and Discussion:

As land developers attempt to maximize the developable area of their site, construction staging on private property is becoming less feasible and as a result, construction

staging is being proposed on the public road allowance which may adversely impact one's ability to use sidewalks, cycling facilities, parking and streets as intended.

The City of Burlington is developing a Construction & Mobility Management Policy that aims to:

- Minimize the impacts to sidewalks, cycling facilities, parking and streets during the construction of new development projects;
- Provide consistency in staff's review and approval of proposed developments;
- Successfully manages multiple developments, potentially in close proximity, while maintaining an active city for residents and businesses; and
- Coordinate private development with planned construction by the City, Region of Halton and Utility companies in the public road allowance.

The City's Construction & Mobility Management Policy shall require that developers provide a Construction & Mobility Management Plan (CMMP), for approval, with every development application. A CMMP shall specify how construction activity for a project will be organized to minimize disruption to the surrounding community, including but not limited to sidewalks, cycling facilities, parking and streets. Potential concerns that will need to be addressed in a CMMP are:

- Public safety, amenity and site security;
- Operating hours;
- Noise control;
- Air and dust management;
- Stormwater and sediment control;
- Waste management;
- Traffic management;
- Loss of parking;
- Site-generated parking demands (i.e. contractor / tradespeople parking); and
- Construction Schedule

There are generally three stages to a development. The CMMP shall address each of the following stages below:

- Demolition;
- Excavation; and
- Construction.

Although it will not be possible to eliminate every impact during construction (e.g. equipment and material deliveries), the appropriate design and implementation of a CMMP will ensure that common concerns associated with land developments are minimized.

Currently, the Construction & Mobility Management Plan is a typical requirement of Site Plan Approval; however, there is a need for more detailed information at the planning stage to ensure feasibility of land development. The Construction & Mobility Management Policy and the CMMP will enable Capital Works and Transportation Services to regulate construction activities associated with land development on the public road allowance.

Strategy/process

The primary purpose is to establish new guidelines for the approval and management of construction activities associated with land development, to ensure that land development does not adversely impact public health and safety, amenity, traffic or the environment in the surrounding area. This policy will enable Capital Works and Transportation Services to regulate construction activities associated with land development on the public road allowance.

The Construction & Mobility Management Policy will be similar to that of the City of Toronto's Street Occupation Permit process, for the regulation of temporarily occupying any portion of the public road allowance during a demolition, renovation and/or construction project.

Financial Matters:

Prior to developing the Construction & Mobility Management Policy, staff contacted multiple municipalities within the Greater Toronto Area (GTA) to discuss their road occupancy processes and fees. The information gathered from this review have reinforced the importance of a fee structure to support the administrative requirements of the CMMP.

Pending Council approval of the proposed CMMP, staff will include the applicable fees associated to the CMMP in an amendment to the City's Rates and Fees By-law. The proposed fees shall be based on the type of temporary occupancy required, the duration for the temporary occupancy, cost recovery for lost revenue due to the loss of City administered parking spaces and may consider compensation to local businesses related to the Downtown Parking Levy.

Other Resource Impacts

The review and approval of Construction & Mobility Management Plans will be a coordinated effort between Capital Works and Transportation Services. The additional administrative requirements associated with the review, approval and inspection of Construction & Mobility Management Plans may result in the need for additional staff resources. The impact on staff workload will be monitored and reviewed during 2019 and 2020. Any future request will be subject to regular budgetary processes and approvals.

Public Engagement Matters:

The establishment of a Construction & Mobility Management Policy was discussed with the Hamilton Halton Home Builders Association (HHHBA) and an initial draft of the Construction & Mobility Management Plan guidelines was provided to HHHBA for their review and comment.

If Council adopts the staff recommendation to establish the Construction & Mobility Management Policy, notice to the public and development industry will be required in accordance with the *Planning Act* and the City of Burlington Official Plan.

Conclusion:

The establishment of the Construction & Mobility Management Policy is to establish new guidelines for the approval and management of construction activities associated with land development, to ensure that land development does not adversely impact public health and safety, amenity, traffic or the environment in the surrounding area.

Respectfully submitted,

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Appendices:

- A. Construction and Mobility Management Policy

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

Appendix A

Construction & Mobility Management Policy

Approved by Council; mm/dd/year

The intent of the Construction & Mobility Management Policy is to establish new guidelines for the approval and regulation of construction activities associated with land development and to ensure that land development does not adversely impact public health and safety, amenity, traffic or the environment in the surrounding area.

The policy is based on the following principles:

- Minimize the impacts to sidewalks, cycling facilities, parking and streets during the construction associated with land development; and
- Managing multiple developments, potentially in close proximity, while maintaining an active city for residents and businesses.

The Executive Director of Capital Works and the Director of Transportation Services shall be responsible for the administration of this policy. The Executive Director and Director shall be authorized to amend or revise the policy requirements and/or guidelines, from time to time, provided that the policy amendment(s) or revision(s), as the case may be, are in a form satisfactory to the City Solicitor.

Requirements

Developers will be required to provide a Construction & Mobility Management Plan (CMMP), for approval, with every development application (as identified in the City of Burlington Official Plan), such that staff are able to evaluate feasibility and impact to the public road allowance. The CMMP shall be completed in accordance with the CMMP Guidelines in Schedule A and to the satisfaction of the Executive Director of Capital Works and the Director of Transportation Services.

Schedule A

Construction & Mobility Management Guidelines

The following is an index of the Construction & Mobility Management requirements:

- 1. General Requirements**
 - 1.1 Construction Management
 - 1.2 Mid-Rise and High-Rise Construction
 - 1.3 Additional Requirements
- 2. Public Communication**
- 3. Road Occupancy Permit**
- 4. Securities**

1. General Requirements

An applicant shall pre-consult with Capital Works and Transportation Services staff prior to submitting a Construction & Mobility Management Plan (CMMP). Through pre-consultation, City staff shall outline CMMP constraints and restrictions, including but not limited to emergency access roads that shall not be impacted and/or sidewalks and/or driving lane closures that will not be permitted.

The CMMP shall be a drawing that is plotted on a 24" x 36" sheet and to an acceptable scale. The proposed works shall be underlain by a legal survey. The CMMP shall indicate all existing property lines as well as any required road widening(s) and/or daylight and visibility triangle(s).

1.1 Construction Management

The following construction management information shall be shown on the CMMP:

- Proposed limits of construction;
- Proposed construction staging areas, including any staging areas required on the City's road allowance for concrete pours, material deliveries, site servicing, etc and written justification for any construction staging areas on the City's road allowance;
- Show all existing above/below grade services and/or utilities;
- Show the limits of underground parking and dimension distance from the property lines. All elements of the underground parking structure (i.e. walls, foundation drains, shoring, etc.) are required to be within the limits of the subject property;

- Proposed temporary/permanent encroachments on the City's road allowance and written justification for any required encroachment on the City's road allowance;
- Should there be private encroachments onto adjacent properties, a letter (agreeing to such an encroachment from the affected party) shall be submitted to the City;
- Proposed location of mud mat and vehicle wash down area;
- Proposed location of site trailer, material storage and sanitary facilities prior to, during and following excavation for the underground parking structure;
- Written notification of construction sequence including start-finish for any occupancies/closures; and
- Proposed location of crane assembly and swing radius.
- Proposed truck haulage route, location of truck stacking and trades parking (Parking Management Plan may be required);
- Proposed traffic control measures, specifically addressing signage and/or any lane closures/restrictions (All related signing as per OTM Book 7);
- Pedestrian control measures, specifically addressing signage, sidewalk closures/restrictions and pedestrian routing; and
- Temporary and permanent asset removals and relocations (i.e. street lights, parking meters, street signs, etc.);
- Full street and/or lane closures shall be strongly discouraged and generally not permitted, unless extenuating circumstances (which have been mutually agreed to by the developer and the Director of Transportation Services) exist;
- Sidewalk closures are not permitted unless extenuating circumstances (which have been mutually agreed to by the developer and the Director of Transportation) exist. Closure of sidewalks adjacent to Arterial streets is not permitted under any circumstance;
- Loss of on-street parking is not permitted unless extenuating circumstances (which have been mutually agreed to) exist and financial compensation for loss of parking may be required;
- Hoarding and protection shall be provided to safe-guard pedestrians;
- Shoring and formwork must be contained within the limits of the development site. This will result in the potential elimination of "Zero set-backs". No formwork encroachments will be allowed on City property or road allowances; and
- Anchor rods will be permitted to encroach into the road allowances, but will be subject to an Encroachment Agreement.

1.2 Additional Requirements

- The developer shall be responsible to provide a staging and mitigation plan, to be approved by the City and implemented by the developer;
- Coordination of closures between existing and/or proposed adjacent developments as well as other construction projects (ie...City and/or Region of Halton projects, utility company projects and City events) must occur. The developer in consultation with the City will be responsible to coordinate financial or otherwise with the above mentioned, to the satisfaction of the City;
- Any encroachments/obstructions shall be progressively removed as the project proceeds including but not limited to moving construction containers/offices/sanitary facilities into the site once construction is above ground, reinstating/repairing sidewalks, curbs and asphalt). The City may request removal of the above at its sole discretion;
- If site dewatering is required, the following shall be outlined:
 - The discharge location(s) and amount (L/s) must be clearly identified;
 - Dewatering equipment and method (quantity/quality controls) shall be specified as well as any associated processes in order to carry out the dewatering; and
 - The applicant is reminded that dewatering discharge must comply with the City of Burlington's Storm Sewer Discharge By-Law No. 086-2002. Water quality testing will be required prior to discharge approval.
- A Vibration Study prepared by a Professional Engineer outlining the following:
 - The anticipated vibration generated by the proposed construction on adjacent lands;
 - The anticipated vibration generated by the proposed construction on itself.
 - Details of the measures proposed to mitigate or reduce the anticipated negative vibration impacts.

2. Public Communication

The developer shall be responsible to submit for approval a Public Communication Plan. The Plan shall include, but not be limited to, the following:

- A preconstruction written notice shall be sent out to all adjacent properties and along the construction access routes, all Emergency agencies (fire, police, and ambulance) as well as any impacted bus authorities (Burlington Transit, GO Transit and School Boards);
- Include all project information on signs surrounding the project site (including but not limited to phone number, email address, fax, website,

etc). Additionally, include project schedule (anticipated completion date) and general working hours;

- An onsite supervisor shall be appointed and a phone number shall be posted onsite and to adjacent residents;
- 48 hours of written notice shall be provided to adjacent properties should any construction operations produce impacts beyond the normal day-to-day operations of the site (including but not limited to excessive noise and/or vibration, unanticipated construction traffic including large-type deliveries, temporary road closures, any disruption to public transit, etc.);
- Informing of the Mayor and Ward Councillor, business community, residents;
- A link to the development website and social media, to provide construction updates and contact information; and
- Indicate on-site emergency protocols (shall comply with the Ministry of Labour requirements).

3. Road Occupancy Permit

Prior to starting a minor or major construction or demolition project, a Road Occupancy Permit shall be obtained from Transportation Services for any temporary occupation of a City road allowance or right-of-way, including but not limited to construction staging or equipment/material storage.

4. Securities

Securities (as determined by the Executive Director of Capital Works and Director of Transportation Services) shall be deposited in cases where damage to public infrastructure and/or required maintenance may likely occur as a result of occupying the road right-of-way. Additional securities may also be taken for road damage along the proposed haulage route during excavation and construction.