

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 15, 2015

Item 10, Report No. 44, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 15, 2015.

**10 KIRBY ROAD EXTENSION BETWEEN BATHURST STREET AND DUFFERIN STREET CLASS
ENVIRONMENT ASSESSMENT STUDY
WARD 1 – VICINITY OF DUFFERIN STREET AND TESTON ROAD**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management and the Director of Development Engineering and Infrastructure Planning, dated December 1, 2015, be approved, subject to the inclusion of the following after the word “area” in recommendation 5:

“and that the public consultation dates be set in consultation with the City, and in a manner which ensures City participation at those meetings.”

- 2) That the deputation of Mr. Richard Lorello, Treelawn Boulevard, Kleinburg, be received.

Recommendation

The Deputy City Manager, Planning & Growth Management and the Director of Development Engineering and Infrastructure Planning, in consultation with the Director of Financial Planning and Development Finance and Deputy City Treasurer and the City Solicitor, recommend:

1. That Rizmi Holdings Limited be permitted to undertake a Class Environment Assessment Study (Class EA) for the Kirby Road Extension between Bathurst Street and Dufferin Street subject to the principles and conditions set out in this report and other conditions that may be required subject to staff review;
2. That staff report back to a future Committee of the Whole meeting on the outcome of the Kirby Road Extension Class EA prepared by Rizmi Holdings Limited before the Environmental Study Report is filed for the mandatory public review period;
3. That Rizmi Holdings Limited be reimbursed for the cost of retaining professional consulting services associated with undertaking the Kirby Road Extension Class EA Study to an upset limit of \$325,000 (exclusive of HST) or the actual cost of the study whichever is lesser only after the Class EA study receives final approval from the Ministry of the Environment and Climate Change with funding from Capital Project DT-7112-14;
4. That Rizmi Holdings Limited be required to enter into an agreement with the City that formalizes the arrangements respecting the completion of the Kirby Road Extension Class EA Study by Rizmi Holdings Limited and that the necessary by-law be enacted authorizing the Mayor and Clerk to execute this agreement based on the recommendation from the Deputy City Manager, Planning & Growth Management and the City Solicitor; and
5. That the public consultation process associated with the Kirby Extension Class EA be integrated to the extent possible with any future development applications in the same area.

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Contribution to Sustainability

Consistent with the goals and objectives of the City's Community Sustainability and Environmental Master Plan (Green Directions Vaughan), the Kirby Road Extension Class EA will contribute to:

- Eliminating gaps in the transportation networks and connecting new communities to the greater transportation network, which supports mixed uses and densities to create a City with sustainable built form (Objective 2.3.1)
- Eliminating gaps in the pedestrian and bicycle facilities, ensuring that Vaughan is a City that is easy to get around in with low environmental impact (Objective 3.1)
- Developing a network of primary roads that support efficient and accessible public and private transit (Objective 3.2)

Economic Impact

The necessary widening and urbanization of Kirby Road between Jane Street and Bathurst Street is included in the City's 2013 Development Charge Background Study, and is programmed at an estimated cost of \$60.6 M for 2019 and beyond. As per the Background Study, the estimated cost for the EA, design and construction of the missing section of Kirby Road between Dufferin Street and Bathurst Street is \$20.4 M to be expended in 2019-2021. In accordance with Council direction, in April 2015, to advance the completion of Kirby Road Extension between Dufferin Street and Bathurst Street, the programming of this project may be adjusted during 2018 Development Charge Background Study. The final figures on costs will be adjusted as further details concerning the project are known. Updated cost estimates will be prepared following the completion of the necessary Class Environmental Assessment studies and design exercises.

In the 2014 Capital budget, Council approved the expenditure of \$891,980 through Capital Project DT-7112-14 for the undertaking of a Class Environmental Assessment study and preliminary design for the Kirby Road corridor between Jane Street to Bathurst Street with funding from City-Wide Development Charges (Engineering). This study was subsequently reprioritized to commence after the completion of the current North Vaughan and New Communities Transportation Study, which was started in April 2015.

In September 2015, Rizmi Holdings Limited made a proposal to the City to undertake the necessary Class EA study for only the segment of Kirby Road between Dufferin Street and Bathurst Street, which is approximately one third of the overall corridor. Rizmi Holdings Limited (Rizmi) is proposing to retain the professional consultant services of Schaeffers Consulting Engineers along with a multi-discipline team of sub-consultants to complete the Class EA study. Rizmi has advised that the estimated cost to engage these consultant services for the Class EA assignment is approximately \$325,000 (exclusive of HST). This consulting fee is comparable to the cost of other recently completed City initiated Class EA road. Accordingly, if Rizmi is successful in completing the Class EA for the extension of Kirby Road then staff would be in a position to recommend that Rizmi be reimbursed for the cost of the Class EA study to an upset limit of \$325,000 (exclusive of HST) with funding from approved Capital Project DT-7112-14 as detailed in the tables below. This arrangement, if approved by Council, would be set out in an agreement with Rizmi.

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TABLE 1: ESTIMATED PROJECT COSTS	
	Total \$
Maximum Repayment to Rizmi	325,000
H.S.T. (1.76%) Not Recoverable	5,720
Sub-total	330,720
Administration Recovery (3%)	9,922
Total Class EA Costs	340,642

TABLE 2: PROJECT FUNDING POSITION SUMMARY	
	Total \$
Approved Budget (DT-7112-14)	891,980
Less: Expenses/Commitments to Date	0
Current Funds Remaining	891,980
Total EA Costs	(340,642)
Balance Remaining	551,338

The balance remaining will be used to fund the Municipal Class EA Study in support of Kirby Road widening/urbanization from Jane Street to Dufferin Street.

Communications Plan

Through the undertaking of the Kirby Road Extension Class EA, Rizmi will be required to conduct a comprehensive consultation program in accordance with the Municipal Engineers Association Municipal Class Environmental Assessment process for a Schedule "C" undertaking. The Ministry of the Environment and Climate Change (MOECC) may also require additional consultation or requirements. As Rizmi is proposing to be the initial proponent of the study, the City's role will be limited throughout the earlier stages of the study process. Efforts will be made to ensure coordinated communication to the public as part of any future *Planning Act* process and *Environmental Assessment Act* process for the same area.

Purpose

The purpose of this report is to seek Council approval to permit Rizmi Holdings Limited to retain a professional consultant team and undertake a Class Environmental Assessment process for the extension of Kirby Road between Dufferin Street and Bathurst Street in accordance with the Municipal Class Environmental Assessment process and the principles and conditions set out in this report.

Background - Analysis and Options

Kirby Road is currently a two lane rural arterial road that extends across the northern part of the City. The road is discontinuous west of Highway 27 and between Dufferin Street and Bathurst Street largely due to topographical and environmental constraints.

Kirby Road is an important east-west arterial road in the City's transportation network

Based on the planned growth in the City, Kirby Road will ultimately serve a more significant function in the City's overall transportation network. The City's Transportation Master Plan (2013) identifies Kirby Road as a key east-west arterial corridor in the City and confirmed the need to

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extend Kirby Road between Dufferin Street and Bathurst Street as a four lane roadway and to widen Kirby Road between Keele Street and Dufferin Street from two to four lanes by 2021.

Council, at its meeting on October 18, 2011 directed staff as follows:

“That the Kirby Road Environmental Assessment be brought forward as soon as necessary to permit the Kirby Road link between Bathurst Street and Dufferin Street being completed by 2021”

Staff developed an action plan to complete the Kirby Road improvements by 2021

In early 2012, staff developed a sequence of action steps to deliver on Council's direction respecting the timing for the completion of Kirby Road link. In general, the action plan included the following stages:

- Class Environmental Assessment including 30% design – 2015-2017
- Detailed Design – 2018
- Construction – 2019-2021

City requested the Region to assume Kirby Road between Pine Valley Drive and Dufferin Street in May 2012

With consideration for the changing function of Kirby Road, Council, at its meeting on May 29, 2012, requested the Region of York assume the jurisdiction of Kirby Road between Pine Valley Drive and Dufferin Street. The missing section of Kirby Road between Dufferin Street and Bathurst Street was omitted from the assumption request.

The Region is considering this request and has agreed to review the assumption of Kirby Road in conjunction with the update of the Regional Transportation Master Plan, which is currently underway and is scheduled to be completed by Q2-2016.

City initiated New Communities Secondary and Transportation Master Plans

In April 2015, the City initiated the North Vaughan and New Communities Transportation Master Plan (NVNCTMP) to develop a well-integrated and sustainable transportation network that considers auto, transit, cycling, and pedestrian needs for the North Vaughan study area to accommodate both existing residents and new residents to 2031 and beyond.

The primary objective of the transportation study is to identify the policies, programs and infrastructure required to meet the City's mobility needs of the planned development in the Block 27 and Block 41 Secondary Plan areas with consideration for the broader context of the North Vaughan study area. The study will also examine both internal and external factors that contribute to achieving sustainable transportation for residents and businesses while ensuring recommendations of the plan address needs ranging from immediate to future growth.

Building on the 2013 City-wide Transportation Master Plan, the study will also identify a transportation plan for the entire North Vaughan study area which includes support for existing communities and other growth areas including:

- Highway 400 North Employment Lands
- Kleinburg-Nashville Focused Area (Block 55 East)
- Planning Blocks 40 and 47

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The NVNCTMP will also consider and assess the significance the proposed GTA West highway, proposed Metrolinx Regional Express Rail, connectivity with Highway 400 and the implications of the Region of York Transportation Master Plan update. The NVNCTMP will develop network plans and identify triggers for different infrastructure needs, phasing of projects, an action plan and a funding strategy. Kirby Road is one of the key roadways within the study area. The transportation assessment completed through the NVNCTMP was intended to inform the undertaking of the future Kirby Road Class Environmental Assessment study. The NVNCTMP is scheduled to be completed in Q1-2017.

Council directed staff to advance the completion of the Kirby Road Extension by fall 2018

Council, at its meeting on April 21, 2015, directed staff to:

“work with the landowner along the Kirby unopened road allowance between Dufferin Street and Bathurst Street with a goal to having the missing link constructed by Fall of 2018 if possible”.

Staff assessed options to advance the early completion of the Kirby Road missing link

Rizmi Holdings Limited owns the lands on either side of the existing un-opened Kirby Road allowance. Rizmi is in the process of submitting a development application on its lands which is partly dependent on the construction of the Kirby Road missing link for access and servicing.

The landform along the Kirby Road missing link corridor can be generally characterized by environmentally sensitive areas, significant topography, cultivated fields and an active aggregate operation as shown on Attachment No 1. In addition, the extension of Kirby Road between Dufferin Street and Bathurst Street will have implications on both the Regional and Richmond Hill road networks. In response to Council's direction to advance the completion of the Kirby missing link, staff developed a realistic work plan that considers the complexity of the study and the current commitment of resources to other priority transportation projects.

Based on this work plan, the City could initiate the Kirby Road Extension Class EA in Q1-2016, either as sole proponent or as a co-proponent with a major role with Rizmi. After retaining a city project consultant team, the study could formally begin in Q3-2016. Assuming an 18 month study period, the study could be completed no earlier than Q2-2018 as illustrated on Attachment 2. Based on this work plan, the Kirby unopened road allowance between Dufferin Street and Bathurst Street could not be constructed by Fall of 2018 as directed by Council.

Rizmi Holdings Limited has submitted a proposal to complete the Class EA and preliminary design of the Kirby Road Extension by Q4-2016

Rizmi has an interest in advancing the Class EA study and the constructing the Kirby Road Extension earlier than could be achieved by City staff to support the proposed development of its surrounding lands. Accordingly, Rizmi has made a proposal to the City to undertake the Class EA on the basis that Rizmi would be the sole proponent of the study. Under the proposal, Rizmi would retain a consultant team to carry out the study as a schedule C project in accordance with the MEA Municipal Class Environmental Assessment process including all agency and public engagement and consultation. Once the Class EA study was completed and the City, Region and relevant agencies were satisfied with the results, the City could endorse the recommendations of the study and file the notice of completion as a co-proponent thereby satisfying the need for municipal involvement in the study. Based on the Rizmi work plan, the Class EA study could be completed by Q4-2016 as illustrated on Attachment No.2. Staff note that a number of dates identified in the land use planning stages have not been achieved as complete applications have yet to be submitted that reflect the Minister's zoning order covering a portion of the lands.

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In the proposed work plan, Rizmi has also identified potential opportunities to integrate some of the steps in the Block Plan and Draft Plan of Subdivision planning processes with the points of public consultation that are included in the Class EA process. These integration opportunities will be explored further in consultation with City Planning staff following the submission of a development application by Rizmi.

Potential additional MOECC requirements

The study area for this site includes significant natural heritage features included in the ESA and ANSI. The ORMCA includes special requirements for infrastructure crossing these features. It is possible based on the history of other road projects in Vaughan i.e. Pine Valley Drive, Teston Road etc. and due to other environmental factors that the MOECC will require an Individual Environmental Assessment to be conducted for this road segment. If such a situation occurs, the cost of the study would increase considerably. If a full Individual Environmental Assessment or special conditions are imposed by MOECC, staff will need to report back to Committee and Council for direction.

Staff can recommend accepting the Rizmi Holdings Limited proposal subject to conditions

Although the Rizmi proposal is unique and comes with some inherent risk, staff can recommend accepting the proposal subject to certain basic conditions including:

1. Prior to commencing the study, Rizmi shall confirm that the proposed approach for a private sector developer to undertake the Kirby Road Extension Class EA is in keeping with Environmental Assessment Act and the MEA Municipal Class Environmental Assessment October 2000, as amended in 2007 & 2011;
2. Rizmi, as the proponent, assumes full responsibility for completing the class EA in compliance with *Environmental Assessment Act* and the MEA Municipal Class Environmental Assessment October 2000, as amended in 2007 & 2011;
3. The preferred vertical and horizontal alignments, dimensions and design of the Kirby Road Extension as established through the Class EA shall be to the satisfaction of the City and Region of York;
4. Rizmi shall obtain written confirmation from the Region of York, Toronto and Region Conservation Authority, MOECC and other relevant agencies accepting the conclusions and recommendations of the Kirby Road Extension Class EA and the process that was followed in completing the study;
5. The completed Class EA and related project file report be filed for the mandatory public review as a co-proponent City and Rizmi project only after the City is satisfied that the key agencies and stakeholders have accepted the recommendations and conclusions of the Class EA study;
6. Rizmi would be responsible for responding and resolving any Part II Order request's that are received during the public review period including MOECC requests to elevate the project, and or to address any conditions of approval that are imposed by MOECC;
7. Rizmi be reimbursed for the cost of completing the Kirby Road Extension Class EA to an upset limit of \$325,000 (exclusive of HST) or the actual cost of the study whichever is lesser from Capital Project DT-7112-14 only after the study receives final approval from the Ministry of the Environmental and Climate Change. The approval would be defined further in the agreement but would include MOECC and Ministers approval of any Part II Order's received; and

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8. An agreement be executed between the City and Rizmi Holding Limited that more specifically sets out the terms on which Rizmi undertakes the Kirby Road Extension Class EA study.

Relationship to Vaughan Vision 2020/Strategic Plan

The recommendations contained in this report are consistent with the priorities set by Council. Specifically, the recommendations in this report support the following Vaughan Vision 2020 initiatives:

Plan and Manage Growth and Economic Vitality – By eliminating an important gap in the City's transportation network, the Kirby Road Extension Class EA will ensure and promote attractiveness and competitiveness of employment opportunities in the area and help implement the Growth Management Strategy as set out in the Vaughan Official Plan 2010 and Transportation Master Plan; and

Lead and Promote Environmental Sustainability – the Kirby Road Extension Class EA shall identify and evaluate alternative vehicular and non-vehicular transportation networks to encourage all modes of transportations providing more sustainable travel alternatives for existing and future users. Environmental mitigation measures will be a requirement of the EA including road ecology considerations outlined in the Oak Ridges Moraine Conservation Plan.

Regional Implications

Kirby Road Extension will intersect with both Bathurst Street and Dufferin Street which are both Regional roads. Once built, Kirby Road will provide a significant linkage for Regional traffic between Vaughan and Richmond Hill in the east-west direction and also for traffic in the north-south direction using Bathurst and Dufferin streets. Given its Regional function and significance, Kirby Road west of Dufferin Street has been recommended by Council to be uploaded to the Region's jurisdiction. As a linkage between Vaughan and Richmond Hill, Richmond Hill will also be a key stakeholder for this Class EA study as well as the Region.

Conclusion

With consideration for the scope and complexity of the Kirby Road Extension project, staff estimates that it will take between 36 and 48 months to deliver the planning, design and construction phases of this project. Rizmi is interested in advancing the Class EA study and has made a proposal to the City whereby Rizmi would be the sole proponent of the study. Based on the Rizmi proposal, the Kirby Road Extension could potentially be constructed by Q1-2018. Although the Rizmi proposal is unique and comes with some inherent risk to the City, staff can recommend accepting the proposal subject to the conditions and recommendations set out in this report.

Attachments

1. Location Plan – Kirby Road Extension (Between Dufferin Street and Bathurst Street)
2. Comparison of City and Rizmi Proposed Kirby Road Extension Class EA Work plans

Report prepared by:

Andrew Pearce, Director, Development Engineering & Infrastructure Planning, Ext 8255
Selma Hubjer, Manager of Transportation Planning, Ext. 8674
Winnie Lai, Transportation Project Manager, Ext. 8192

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)