

Finance, Administration and Audit Committee Report

DATE: Wednesday, June 05, 2019

WARD: 1

**TITLE: KIRBY ROAD EXTENSION BETWEEN BATHURST STREET
AND DUFFERIN STREET CLASS ENVIRONMENTAL
ASSESSMENT STUDY**

FROM:

Zoran Postic, Deputy City Manager, Public Works

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth
Management

ACTION: DECISION

Purpose

Following Council authority provided in December 2015, Rizmi Holdings Limited (RHL) has now substantially completed the Environmental Assessment Study for the Kirby Road Extension between Bathurst Street and Dufferin Street. This report informs Council of the activities carried out to date and recommends that the City jointly proceeds as co-proponents with RHL to issue the Notice of Study Completion and file the Environmental Study Report, subject to RHL finalizing the Environmental Study Report, on public record in accordance with the Municipal Engineers Association Municipal Class Environmental Assessment October 2000, as amended in 2007, 2011 & 2015 (MCEA).

This report is brought forward as an addendum to ensure timely resources and services, to seamlessly advance the next phases of the project within Council's broader timeline for the commencement of construction this term of Council. Staff are seeking Council's approval for a mid-year Capital Budget amendment to create a new capital project to provide the necessary funding needed to initiate detailed design and preliminary engineering.

Report Highlights

- The Kirby Road Extension between Bathurst Street and Dufferin Street is a strategic growth-related transportation infrastructure project, forming part of broader Kirby Road improvements in the City's planned street network, as identified in the City-wide Transportation Master Plan 2012 and in the City's 2018 Development Charge Background Study
- RHL, as a private sector proponent, has substantially completed the Class Environmental Assessment Study (EAS) for the Kirby Road Extension between Bathurst Street and Dufferin Street and submitted a Final Draft Environmental Study Report May 2019 for key stakeholder review
- City staff have monitored the progress of the EAS, as per the conditions outlined in Council's direction of December 2015, and are satisfied that the EAS is substantially complete and can proceed to Notice of Study Completion - subject to RHL finalizing the Environmental Study Report
- Staff recommend the City proceed jointly as co-proponents with RHL to issue Notice of Study Completion and file the Environmental Study Report for the mandatory public review period in accordance with the Municipal Engineers Association MCEA, subject to RHL finalizing the EAS to the satisfaction of the City
- In order to advance the project within Council's broader timeline for construction commencement by this term of Council, staff are seeking Council's approval for a mid-year Capital Budget amendment to create a new capital project to initiate detailed design and preliminary engineering

Recommendations

1. That Council direct staff to continue to proceed jointly as co-proponents with Rizmi Holdings Limited to issue the Notice of Study Completion and file the Kirby Road Extension between Bathurst Street to Dufferin Street Environmental Study Report, once finalized to the satisfaction of the City and in accordance with the agreement between the City and Rizmi Holdings Limited, as amended;
2. That a new 2019 Capital project be created in the amount of \$3,100,000, funded from City-wide Engineering Development Charges Reserve Fund, to initiate detailed design and preliminary engineering, including a three-year Project Manager position within the Infrastructure Delivery Department to commence the design phase of the project in 2019;
3. That the inclusion of this matter on a Public Committee or Council agenda with respect to amending the Capital Budget identified as "Kirby Road Extension between Bathurst Street and Dufferin Street" is deemed sufficient notice pursuant to Section 2(1)(c) of By-Law 394-020 as amended;

4. That this report be forwarded to the Citizen Liaison Committee including representatives from the Mackenzie Ridge Ratepayers Association, Maplewood Ravines Ratepayers Association and resident members at large from the City of Vaughan and Richmond Hill and the Vaughan Chamber of Commerce; and
5. That this report be forwarded to York Region, York Region Transit, City of Richmond Hill, Toronto and Region Conservation Authority, Ministry of Environment Conservation and Parks, Ministry of Natural Resources and Forestry and the Ministry of Municipal Affairs and Housing.

Background

The City of Vaughan Official Plan 2010 provides broader transportation policy context for completing missing links including Kirby Road

The Environmental Assessment Study has been advanced consistent with and in meeting the following transportation policies of the Official Plan, notably:

- policy 4.2.1.6 for implementing planned network improvements completing grid connections including Kirby Road, and
- policy 4.2.7 directing undertaking of environmental assessment study for transportation infrastructure related to crossings of watercourses and entering into the Oak Ridges Moraine Conservation Plan Area and Greenbelt Area.

Successive Transportation Master Plans have reaffirmed the need for completing the Kirby Road missing link between Bathurst Street and Dufferin Street as part of broader Kirby Road improvements in north Vaughan

The City's Transportation Master Plan (A New Path 2012) and more recently completed North Vaughan and New Communities Transportation Master Plan (February 2019), identify the Kirby Road missing link between Bathurst Street and Dufferin Street as part of a strategic network connection and improvement in the City and Regional transportation networks respectively.

The York Region Transportation Master Plan (YRTMP) 2016 identifies Kirby Road as a strategic goods movement corridor forming part of the arterial concession grid and will serve a regional function as growth and development occurs. The YRTMP 2016, broadly identifies Kirby Road as a strategic goods movement corridor, and is part of an emerging east-west link comprised of Gamble Road, 19th Avenue and Donald Cousens Parkway.

A Notice of Study Completion for the North Vaughan and New Communities Transportation Master Plan was issued on February 28, 2019

Building on the City-wide Transportation Plan Master Plan, the North Vaughan and New Communities Transportation Master Plan (NVNCTMP) recommendations and conclusions were approved in principle by Council in June 2018. A Notice of Study Completion was issued on February 28, 2019. The NVNCTMP identified the need for capital improvements to the City's transportation system in North Vaughan including Kirby Road improvements and recommended the need for the Kirby Road "missing link"

segment, as aligned with the timing of Kirby Road improvements from Dufferin Street to Jane Street including the crossing of the Barrie GO Rail Line and jog elimination at the intersection of Kirby Road and Jane Street.

The NVNCTMP Phases 1 and 2 of the Municipal Class EA confirmed the City's TMP A New Path recommendation to complete Phases 3 and 4 for broader Kirby Road Widening and New Construction from Bathurst Street to Weston Road. The NVNCTMP more specifically corroborated the need and justification for widening of Kirby Road from 2 to 4 lanes and completion of the "missing link" between Bathurst Street and Dufferin Street (as initially recommended in the City Transportation Master Plan 2012).

The NVNCTMP recommends completing Phases 3 and 4 of the Environmental Assessments studies for Kirby Road improvements between Dufferin Street to Weston Road in corridor segments pro-actively, positioning the transportation network in alignment with Metrolinx's 10 Regional Express Rail program including the future Kirby GO Station and supporting growth in the new communities and employment areas in North Vaughan.

Rizmi Holdings Limited undertook the Class Environmental Assessment Study the Kirby Road Extension between Bathurst Street and Dufferin Street following Council authority provided in December 2015

In December 2015, Council authorized RHL to conduct the Environmental Assessment Study for the Kirby Road Extension from Bathurst Street to Dufferin Street. An agreement formalizing Council's decision was executed in November 11, 2016 and thereafter amended to provide for extensions to the EAS deadline. The agreement further provided that the completed Class EA and related project file report may only be filed for the mandatory public review with the City as co-proponent once the City is satisfied that the key agencies and stakeholders have accepted the recommendations and conclusions of the Class EA study.

RHL retained the professional services of Schaeffers Consultant Engineers (Schaeffers) to undertake the EAS.

Previous Reports/Authority

The following chronicles the timeline and Council's decision history specific to advancing the Environmental Assessment Study for the Kirby Road missing link between Bathurst Street and Dufferin Street:

- Council, at its [meeting of October 18, 2011](#), in approving the Transportation Master Plan A New Path 2012 recommended:

"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;"

- Council, at its [meeting of April 21, 2015](#), directed staff:

“...the consultant and/or staff should be directed 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.”

- [Per Council's authorization December 2015](#), the City subsequently entered into an agreement with RHL formalizing the arrangements under which RHL was to undertake and complete the Municipal Class Environmental Assessment Study Kirby Road Extension between Bathurst Street to Dufferin Street. The agreement further provided that the completed Class EA and related project file report may only be filed for the mandatory public review with the City as co-proponent once the City is satisfied that the key agencies and stakeholders have accepted the recommendations and conclusions of the Class EA study.

http://meetingarchives.vaughan.ca/extracts_2011/pdf/46ws1004ex-11.pdf

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW0414_15_17.pdf

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW1201_15_10.pdf

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=4362>

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=2626>

Analysis and Options

Schaeffers Consulting Engineers, on behalf of Rizmi Holdings Limited, has substantially completed the Environmental Assessment Study and prepared the Final Draft Environmental Study Report for the Kirby Road Extension between Bathurst Street and Dufferin Street May 2019

Formally commenced, by Notice of Study Commencement on May 11, 2017 Schaeffers, on behalf of RHL, have substantially completed the Environmental Assessment Study and prepared a Final Draft Environmental Study Report (ESR) May 2019 and supporting appendices. The ESR and supporting technical appendices document the EAS planning and design process and recommends a Preliminary Preferred Design Concept for the construction of the Kirby Road Extension between Bathurst Street and Dufferin Street. Schaeffers has made available the Final Draft ESR May 2019 to the key stakeholder groups, Citizen Liaison Committee and Technical Advisory Group, for review and feedback.

A detailed overview of the EAS process is found within Attachment 1, Technical Report – Summary of Class Environmental Assessment Study the Kirby Road Extension between Bathurst Street and Dufferin Street.

City staff are satisfied, in principle, and recommend proceeding to issue Notice of Study Completion jointly with Rizmi Holdings Limited subject to conditions

City staff, having monitored the EAS in accordance with the basic conditions in the December 15, 2015 Council report to date, are satisfied, in principle, and recommend

proceeding to issue Notice of Study Completion and file the Environmental Study Report jointly as co-proponents with RHL subject to the following conditions:

1. RHL finalizing the ESR to the satisfaction of the City,
2. RHL continues to assume sole responsibility for the project file through the public review. All services and associated costs are to be borne by RHL, and
3. RHL is solely responsible for responding and resolving any Part II orders and addressing any conditions imposed by MECP including the need for an addendum in association with approval per the MCEA (*Environmental Assessment Act*). All services and associated costs are to be borne by RHL.

The Final Draft Environmental Study Report May 2019 documents a planning and design process following the MCEA and recommends a Preliminary Preferred Design Concept for the extension of Kirby Road from Bathurst Street to Dufferin Street, as shown in Attachment 1a.

Notice of Study Completion and filing of the ESR for the public review period is anticipated in Q3-2019. Recognizing that the public review period may potentially occur during the summer months, staff are recommending the public review period be extended to 45 days, exceeding the mandatory minimum 30-day public review period as per the MCEA.

Financial Impact

The Class Environmental Assessment Study for the Kirby Road Extension from Bathurst Street to Dufferin Street is being funded from approved Capital Project DT-7112-14 and with funding from City-wide Development Charges.

The Kirby Road Extension from Bathurst Street to Dufferin Street is a growth-related project and is included in the City's 2018 Development Charges Background Study. The preliminary cost of design and construction prepared for purposes of the City's Development Charges Background Study was estimated to be \$38.2M.

The preliminary cost estimate prepared by Schaeffers as part of the EAS has estimated the project cost to be \$43.2M. Preliminary cost estimates are subject to revision and refinement through future processes for advancing project implementation and property acquisition, respectively.

There are currently no funds approved within the 2019 Capital Budget for the Kirby Road Extension from Bathurst Street to Dufferin Street. The ability to deliver the project would be subject to the City's annual Capital Budget review and approval process.

To advance the next phase of the project, staff are seeking Council's approval to create a new capital budget in the order of \$3,100,000, funded from City-wide Engineering Development Charges Reserve Fund, to initiate detailed design and preliminary

engineering, including a three-year Project Manager position within the Infrastructure Delivery Department for staff to commence the design phase of the project in 2019.

Staff are in receipt of documentation from RHL with respect to the cost in undertaking the EAS to date. Staff will review the information and report back to Council seeking direction on amendments to the agreement, if required.

Broader Regional Impacts/Considerations

York Region and York Region Transit staff have participated through all phases of the EAS as members of the formal Technical Advisory Group and specifically as it relates to intersections at Dufferin Street and Bathurst Street at Gamble Road at the City's boundary with Richmond Hill. It is recognized that intersections are subject to the findings of any York Region future studies including any Environmental Assessments, as applicable, for improvements to Dufferin Street or Bathurst Street as applicable.

The City's TMP 2012 and YRTMP 2016 identify Kirby Road is to be considered for transfer of jurisdiction from the City to the Region

The City continues to request the Region's consideration for assumption of Kirby Road as part of the Regional road network under the Regional Road Assumption Policy which sets out the criteria for road jurisdiction transfers. The EAS identified all key criteria to be considered for jurisdiction transfer as satisfied as follows:

- The Region's longer-term plans as part of the goods movement network and broader regional arterial network with cross boundary/inter-regional-inter-municipal function comprised of east along Gamble Road, 19th Avenue and Donald Cousens Parkway as identified in the YRTMP 2016 are supported
- It creates a logical connection in the Regional road network wherein a gap in the 2km concession grid exists
- It forms part of the existing or planned rapid transit route or connection to major transit hub considering Metrolinx's 10-year Regional Express Rail program and the future Kirby GO Station

Conclusion

Schaeffers, on behalf of RHL, has substantially completed the Environmental Assessment Study and prepared a Final Draft Environmental Study Report May 2019.

Upon RHL finalizing the EAS to the satisfaction of the City, staff will proceed jointly with RHL to issue the Notice of Study Completion and file the ESR for a mandatory public review period in accordance with the MCEA.

To seamlessly advance the next phase of the project, staff are seeking Council's approval of a new capital project in the order of \$3,100,000 requested to fund resources and services to initiate detailed design and preliminary engineering, including a three-

year Project Manager position within the Infrastructure Delivery Department to commence the design phase of the project in 2019.

For more information, please contact:

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Attachments

1. Attachment 1 - Summary of the Environmental Assessment Study process
 - a. Recommended Preliminary Preferred Design Concept – Plan and Profile Drawing
 - b. Recommended Preliminary Preferred Design Concept – Cross -Section

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