

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 28, 2025**

Item 11, Report No. 1, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on January 28, 2025:

***By receiving Communication C8 from Rosemarie Humphries, Humphries Planning Group Inc., Pippin Road, Vaughan, dated January 17, 2025.***

#### **11. CONSTRUCTION OF SHIPWILL STREET TO KIRBY ROAD – BLOCK 34 EAST**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Infrastructure Development, dated January 21, 2025:**

##### **Recommendation**

1. That Council authorize staff to prepare and execute a development agreement with the landowner in Block 34 East to facilitate the extension of Shipwill Street to Kirby Road including the installation of municipal sewers and mains within the proposed roadway.

# Committee of the Whole (1) Report

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**DATE:** Tuesday, January 21, 2025

**WARD:** 1

**TITLE:** CONSTRUCTION OF SHIPWILL STREET TO KIRBY ROAD –  
BLOCK 34 EAST

**FROM:**

Vince Musacchio, Deputy City Manager, Infrastructure Development

**ACTION:** DECISION

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**Purpose**

To seek Council approval to enter into a development agreement with the Owner at 11424 Jane Street East to secure for the construction of Shipwill Street and associated infrastructure to Kirby Road to facilitate the proposed development of Block 34 East.

**Report Highlights**

- The proposed development within Block 34 East requires the extension of Shipwill Street to Kirby Road to facilitate road access and servicing.
- The extension of Shipwill Street is located within lands containing an active development application and is required to be constructed ahead of the approval of the proposed industrial lands.
- The Owner of the Subject Lands where the extension of Shipwill Street is proposed has committed to fund the full cost of and construct the requisite infrastructure. A development agreement will secure for the land and works.

**Recommendation**

1. That Council authorize staff to prepare and execute a development agreement with the landowner in Block 34 East to facilitate the extension of Shipwill Street to Kirby Road including the installation of municipal sewers and mains within the proposed roadway.

## **Background**

***The lands in Block 34 East require the completion of Shipwill Street from Teston Road to Kirby Road to enable continuous road access and complete the water, wastewater and stormwater servicing scheme.***

The development application within Block 34 East subject to this report is located at 11424 Jane Street (File: DA.23.060) submitted by the landowner known as Livall Holdings Limited ('Livall'). The development application was initially received by the City in January 2024.

On March 4, 2022, the Minister of Municipal Affairs and Housing (MMAH) issued a Minister's Zoning Order 156/22 (the "MZO") to amend Zoning By-law 1-88 and zone the Subject Lands as 'Employment Area Zone' and 'Open Space Environmental Protection Zone'. The MZO permits the use and zoning provisions required for the proposed low-rise industrial campus. The zoning provisions under MZO 156/22 supersedes the zoning regulations of Comprehensive Zoning By-law 001-2021 and Zoning By-law 1-88 and grants zoning permission for the proposed distribution facilities. The proposed Development Application will facilitate the development and implement the zoning permissions.

Livall is proposing to develop the Subject Lands, in three phases, into an industrial campus comprised of eight (8) low-rise, multi-tenant industrial buildings. The Owner of the Subject Lands proposes that development be completed in two phases of development and servicing with the extension of Shipwill Street to Kirby Road required in the initial phase of works. Livall proposes to work with the City of Vaughan and landowners south of Subject Lands to facilitate the extension of Shipwill Street. Shipwill Street is a planned public street that will provide north-south access through the Subject Lands and complete the spine road for the entire Block 34 East lands

## **Previous Reports/Authority**

N/A

## **Analysis and Options**

***The construction of Shipwill Street to Kirby Road will efficiently facilitate the growth of the Block 34 East lands.***

The current Shipwill Street works including for all lands and infrastructure, have been secured through other City subdivision and development agreements that have been executed with the landowners south of the Subject Lands. These agreements were facilitated through the Planning Application process. The completion of the final leg of

Shipwill Street to Kirby Road on the Subject Lands will secure for the continuous north-south connection envisioned through the Block 34 East Block Plan.

***A Development Agreement will be required between the Owner and the City to facilitate the requisite works.***

A development agreement will need to be executed amongst the City and Owner to facilitate the construction of Shipwill Street and the associated wastewater sewer, watermain and stormwater works within the road right-of-way. Livall will need to satisfy the conditions to construct the municipal works through the development agreement with the City and provide the City with a letter of credit for the value of the works. The detailed design and construction of the works will be completed by Livall and ensure the coordination of the connection of services with the landowners within Block 34 East.

***The Development Engineering Department have no objections to the proposed extension of Shipwill Street to Kirby Road on the Subject Lands, subject to Conditions of Approval.***

Development Engineering has no objection to the proposed extension of Shipwill Street to Kirby Road on the Subject Lands, subject to the Owner satisfying their conditions of approval in Attachment 1 of this report.

**Financial Impact**

The Owner of the Subject Lands have made a commitment to fully fund and construct the extension of Shipwill Street to Kirby Road on its lands including the wastewater sewer, watermain and stormwater works inclusive of applicable taxes and administration recovery. Livall will need to execute a development agreement for the proposed street with the City to secure the necessary funds prior to any works being initiated.

**Operational Impact**

The extension of Shipwill Street to Kirby Road will require minor administrative modifications to the existing active development application for the Subject Lands to acknowledge the creation of a municipal road that would bisect the property east-west. This will be addressed through the Planning Application.

**Broader Regional Impacts/Considerations**

The proposed extension of Shipwill Street to Kirby Road on the Subject Lands has been reviewed by the Toronto and Region Conservation Authority, Region of York and Ministry of Transportation. Their comments have been provided through the active Development Application. The Owner of Subject Lands will be responsible to obtain the

required approvals and permits from the identified agencies to facilitate the construction of Shipwill Street on their lands. Any outstanding requirements will be identified as conditions of approval within the future Development Agreement.

### **Conclusion**

The proposed extension of Shipwill Street to Kirby Road on the Subject Lands is required to complete the north-south road access envisioned to service the entire Block 34 East lands. The City supports the Shipwill Street works to complete the road to Kirby Road, subject to the City's approval conditions attached herein. The Owner shall also address any outstanding conditions approval from external agencies. The Owner of the Subject Lands have committed to fund the full cost of and construct the requisite Shipwill Street works within their lands to Kirby Road. A development agreement will need to be executed between the City and Owner to facilitate these works.

**For more information**, please contact: Frank Suppa, Director, Development Engineering, extension 8255.

### **Attachment**

1. Attachment 1 – Approval Conditions.

### **Prepared by**

Ary Rezvanifar, Manager, Development Engineering Review, extension 8239.

**ATTACHMENT 1**  
**APPROVAL CONDITIONS**

Prior to the approval of the plan or drawings:

**DEVELOPMENT ENGINEERING DEPARTMENT CONDITIONS:**

1. Prior to final approval:

- (a) The Owner shall enter into a Development Agreement with the City for the design and construction of municipal works internal to the Subject Lands required to support the proposed development to the satisfaction of the City. The Development Agreement shall be registered against the lands to which it applies, and upon agreement execution, the Owner shall satisfy conditions of the City, financial or otherwise, all to the satisfaction of the City;
- (b) The City's Development and Parks Planning Department shall be advised in writing that the Owner has satisfied all requirements of:
  - i. York Region;
  - ii. Trans Canada Pipeline;
  - iii. Rogers Communication Inc.;
  - iv. Alectra Utilities Corporation;
  - v. Bell Canada;
  - vi. Canada Post;
  - vii. Enbridge Distribution Inc.; and
  - viii. Ministry of Transportation.

2. The Development Agreement shall include the following provisions:

- (a) The Owner, at its own expense, shall agree to decommission the interim water distribution system and design and construct the ultimate PD8 water distribution system, to the satisfaction of the City
- (b) The Owner shall convey to the City, the lands required for the creation of any necessary municipal roads, easements and municipal right-of-way(s) as will be detailed in the development agreement, and shall prepare and register the associated reference plan at their expense, all to the satisfaction of the Development Engineering Department;
- (c) Following the creation of municipal roadway and right-of-way or when requested by the City, any temporary access driveways (i.e. access from Jane Street as shown on the civil engineering drawings) shall be removed complete with boulevard and road restoration to the satisfaction of the City and Region. The Owner shall agree to provide the necessary financial security in the form of a Letter of Credit, for this work, all to the satisfaction of the Development Engineering Department; and
- (d) The Owner shall decommission any temporary services constructed for the

development and provide the necessary financial security in the form of a Letter of Credit for this work, all to the satisfaction of the Development Engineering Department.

3. Prior to execution of the Development Agreement:

- (a) the Development Engineering Department shall approve the final grading plan, servicing plan (including interim and ultimate strategies), erosion and sediment control plan, Functional Servicing and Stormwater Management Report, Geotechnical Investigation Report and Transportation Impact Study
- (b) the Owner shall have provided the updated downstream sanitary design sheets and related drawings to demonstrate that the Subject Lands can be adequately serviced for sanitary sewage, to the satisfaction of the Development Engineering Department;
- (c) the Owner shall have provided the updated water servicing analysis and related drawings to demonstrate that the Subject Lands can be adequately serviced by water, to the satisfaction of the Development Engineering Department;
- (d) the Owner shall submit a draft reference plan to the Development Engineering Department for review prior to deposit for the conveyance of lands required for the creation of all required municipal easements, any necessary municipal roads and municipal right-of-way(s) within the Subject Lands, and shall arrange to prepare and register the associated reference plan at their expense, to the satisfaction of the Development Engineering Department
- (e) The Owner shall coordinate wastewater servicing with the Block 34 East South landowners and shall agree to decommission the interim wastewater servicing system and construct or contribute its proportionate share of funds to construct the ultimate local wastewater servicing infrastructure required to connect to York Region's Jane Street Sanitary Trunk Sewer, to the satisfaction of the City.
- (f) Any dead ends or open sides of road allowances created shall be terminated in 0.3 metre reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.
- (g) The Owner shall agree that construction access shall be provided only in a location approved by the City and the Region of York.
- (h) The Owner shall provide easements and land dedication as may be required for access, utility servicing, drainage, construction purposes, or

other municipal requirements shall be granted to the appropriate authority(ies), to their satisfaction free of all charge and encumbrance.

- (i) The Owner shall agree to ensure that the grading at the boundaries of the Plans match with the grading for the surrounding lands and working easements to be obtained.
- (j) The Owner may be required to revise or update the technical reports related to the development where such reports may not reflect existing conditions or where they no longer meet City Standards immediately prior to approval of the plans and drawings. Such reports may include Stormwater Management, Traffic Impact Study, Hydrogeological Study and Noise Study.
- (k) The Owner shall agree in the development agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City
- (l) The Owner shall agree in the development agreement that no building permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- (m) The Owner shall design and construct, at no cost to the City, any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized to accommodate the development of the Plan.
- (n) The Owner shall make the necessary arrangements at the expense of the Owner for the relocation of any utilities required by the development of the Plan to the satisfaction of the City.
- (o) The Owner shall agree in the development agreement to maintain adequate chlorine residuals in the watermains within the Plan after successful testing and connection to the potable municipal water system and continue until such time as determined by the City or until assumption of the Plan. In order to maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program
- (p) The Owner shall agree in the development agreement to convey any lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the municipal services for the Plan, which may include any required easements and/or additional lands within and/or external to the draft plan, to the satisfaction of the City.



- (q) Prior to final approval of the Plan, and/or conveyance of land, and/or any initiation of grading or construction, the Owner shall implement the following to the satisfaction of the City:
- i. Submit a Phase One Environmental Site Assessment (ESA) report and, if required and as applicable, a Phase Two ESA, Remedial Action Plan (RAP), Phase Three ESA report in accordance with Ontario Regulation (O. Reg.) 153/04 (as amended) for the lands within the Plan. The sampling and analysis plan prepared as part of the Phase Two ESA, Phase Three ESA, and RAP shall be developed in consultation with the City, implemented, and completed to the satisfaction of the City.
  - ii. Should a change to a more sensitive land use as defined under O. Reg. 153/04 (as amended) or remediation of any portions of lands within the Plan be required to meet the applicable Standards set out in the Ministry of the Environment, Conservation and Parks (MECP) document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended), submit a complete copy of the satisfactory registration of the Record(s) of Site Condition (RSCs) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering all the lands within the Plan.
  - iii. Submit a signed and stamped certificate letter prepared by the Owner's Environmental Qualified Person/Professional (QP) stating that they covenant and agree that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City and the Region were remediated in accordance with O. Reg. 153/04 (as amended) and the accepted RAP (if applicable), are suitable for the intended land use, and meet the applicable Standards set out in the MECP document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended).
  - iv. Reimburse the City for the cost of the peer review of the ESA reports and RAP, as may be applicable
- (r) Prior to final approval of the Plan, the Owner shall coordinate any telephone or telecommunications service provider to locate its plant in a common trench on future Street(s) to service the proposed Development Block(s) prior to release of the plan for registration, provided such service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be able to install its plant so as to permit connection to individual units within the subdivision, at no cost to the City.
- (s) The Owner shall contribute for the sanitary contribution requirement as per the wastewater projects identified in the integrated Urban Water Master Plan.

- (t) All proposed watercourse/roadway crossings and subsurface infrastructure including, but not limited to, sanitary, stormwater and water services shall be constructed in conjunction with this development. The timing for construction of these works shall be to the satisfaction of the City.
- (u) Prior to final approval of the Plan, the Owner shall retain the services of a qualified Electrical Consultant to provide an updated streetlighting design and photometric analysis as part of the proposed works. The plan/analysis to be submitted to the City and Region for review and approval, shall demonstrate that adequate lighting is available for the sidewalk and roadway, and shall recommend mitigative measures for these issues, to the satisfaction of the City.
- (v) The Owner shall agree in the development agreement that any additional lands required for public highway purposes, where daylight triangles do not conform to the City Standard Design Criteria, will be conveyed to the City, free of all costs and encumbrances.
- (w) Prior to final approval of the Plan, a Water Supply Analysis Report shall be submitted to the satisfaction of the City which shall include a comprehensive water network analysis of the water distribution system and shall demonstrate that adequate water supply for the fire flow demands is available for the Plan and each phase thereof. The analysis shall include, but not be limited to, conducting a WaterCAD/InfoWater analysis of the lands in accordance with the recommendations set forth within the Functional Servicing Report. The Owner shall agree in the development agreement to design and construct, at no cost to the City, all applicable works that are necessary to service the proposed lands to the satisfaction of the City. The Owner shall agree to provide a financial security for operation, maintenance and decommissioning considerations as necessary, to be held by the City until the ultimate water servicing works are implemented by the Region to service the Subject Lands.
- (x) Prior to final approval of the Plan, the Owner shall conduct comprehensive sanitary sewer study including, but not limited to, flow monitoring, conveyance capacity analysis of downstream sewers, downstream sanitary sewer design sheets and related drawings to demonstrate that the subject lands can be adequately serviced as proposed and conform to the City's comments on the sewer design. The sanitary sewer analysis shall be completed using the City standards as these lands are proposed to connect through an existing sanitary sewer network. The Owner shall agree in the development agreement to design and construct, at no cost to the City, all applicable works that are necessary to service the proposed lands to the satisfaction of the City. The Owner shall agree to provide a financial security for operation, maintenance and decommissioning considerations as necessary, to be held by the City until the ultimate sanitary servicing works are implemented by the Region to service the Subject Lands

- (y) Prior to final approval of the Plan, the Owner shall provide an engineering report for the review and approval of the City that describes the proposed storm drainage system to develop the subject lands, as the current design does not conform to the City Standard. This report shall describe the proposed drainage system to develop the subject lands to conform to the City Standards. This condition is to be read in conjunction with related City's standard site plan conditions and comments related to the stormwater management design.
- (z) Prior to final approval of the Plan, the Owner shall conduct comprehensive storm sewer study including, but not limited to, conveyance capacity analysis of proposed sewers, downstream storm sewer design sheets, hydraulic grade line analysis and related design drawings to demonstrate that the subject lands can be adequately serviced as proposed and conform to the City's comments on the sewer design. The stormwater analysis shall be completed using the City standards as these lands are proposed to be serviced by a new storm sewer within the lands adjacent to the Subject Lands. The Owner shall agree in the development agreement to design and construct, at no cost to the City, all applicable works that are necessary to service the proposed lands to the satisfaction of the City. The Owner shall agree to provide a financial security or direct financial contribution for operation and maintenance considerations alongside pipe replacement costs for the sewers to the City.
- (aa) Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed hydrogeological impact study that identifies, if any, local wells that may be influenced by construction and, if necessary, outline a monitoring program to be undertaken before, during and after construction of the development (until after the construction is completed and until the assumption of the municipal works).
- (bb) The Owner shall agree in the development agreement to obtain all necessary permissions to enter from adjacent private properties to facilitate and construct the required facilities necessary to service the Plan, free of all costs and encumbrances, and to the satisfaction of the City.
- (cc) The Owner shall agree in the development agreement that adequate access and municipal services will be available to service the subject Lands or demonstrate that alternative arrangements have been made for their completion to the satisfaction of the City.
- (dd) Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit detailed engineering design plans for the proposed roads within and external to the Subject Lands including, but not limited to, the intersection design with existing municipal and Regional roads, lane widths, lane configurations, curb radii, turning lanes with storage/

taper length, retaining wall details and sidewalk details to the satisfaction of the City and Region.

- (ee) The Owner shall submit an environmental noise and/or vibration report to the City for review and approval. The preparation of the noise/vibration report shall include the ultimate traffic volumes associated with the surrounding road network and railway to according to the Ministry of Environment Guidelines. The Owner shall agree in the development agreement to carry out, or cause to carry out, the recommendations set out in the approved noise/vibration report to the satisfaction of the City.
- (ff) The Owner shall obtain confirmation from the City and Region of York that adequate water supply and sewage treatment capacity are available and have been allocated to accommodate the proposed development.
- (gg) The Owner shall prepare and implement a detailed erosion and sedimentation control plan(s) addressing all phases of the construction of the municipal services including stabilization methods, topsoil storage locations and control measures to the satisfaction of the City. The Owner shall prepare the erosion and sediment control plan(s) for each stage of construction (pre-stripping/earthworks, pre-servicing, post-servicing) in accordance with the TRCA Erosion and Sediment Control Guidelines for Urban Construction, dated December 2006 and implement a monitoring and reporting program during the construction, to the satisfaction of the City.
- (hh) The Owner shall agree in the development agreement to decommission any existing wells and driveways on the Plan in accordance with all applicable provincial legislation and guidelines and to the satisfaction the City.
- (ii) The Owner shall address and satisfy all comments supplied by the Development Engineering Department prior to site plan approval, to the satisfaction of the City.
- (jj) Prior to final approval of the Plan, the Owner shall prepare an updated comprehensive Traffic Impact Study (TIS). The TIS shall include the details of the future and proposed road network, future traffic calming measures, future transit routes, pedestrian network, traffic controls, phasing etc. that reflects the latest road network to the satisfaction of the City. The Owner shall ensure all necessary approvals to facilitate the road network in accordance with the Traffic Impact Study (TIS), to the satisfaction of the City. The traffic study is also subject to approval by the Region of York.
- (kk) Prior to final approval of the Plan, the Owner shall retain the services of a qualified Transportation Consultant to provide an updated transportation report/plan outlining the required Regional and City road improvements. The report/plan submitted to the City and Region for review and approval, shall demonstrate that adequate road capacity is available for the proposed

development, and shall explain all transportation issues and recommend mitigative measures for these issues. An updated transportation report shall include a traffic management/roadway detour plan for the proposed roadway improvements. The Owner shall agree in the development agreement to implement the recommendations of the updated transportation report/Plan and TMP, to the satisfaction of the City

- (ll) Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit detailed engineering design plans for the proposed roads within and external to the Subject Lands including, but not limited to, the intersection design with existing municipal and Regional roads, lane widths, lane configurations, curb radii, turning lanes with storage/ taper length, retaining wall details and sidewalk details to the satisfaction of the City and Region.
- (mm) The Owner shall provide updated TDM plan to the satisfaction of the City and a letter of Credit for TDM measures prior site plan approval.
- (nn) Prior to final approval of the Plan, the Owner shall provide an updated architectural set, function designs, civil drawings, TIA updates, and pavement marking and signage plan to the satisfaction of Development Engineering.
- (oo) The Owner, at its own expense, shall agree to front-end finance and construct the required interim wastewater servicing works and to decommission the interim wastewater servicing works, at the appropriate time, to the satisfaction of the City.
- (pp) The Owner shall agree to front-end finance and construct or contribute to the required ultimate wastewater system infrastructure improvements as detailed in the conclusions and recommendations of the City's Integrated Urban Water Master Plan Class Environmental Assessment / Area Specific Development Charge Project, to the satisfaction of the City.
- (qq) The Owner shall front-end finance, contribute to participate in an ongoing Flow Monitoring Program to the satisfaction of the City. This flow monitoring program will be in effect until the development is redirected to the ultimate servicing outlet.
- (rr) The Owner shall front-end finance, contribute to participate in an ongoing Flow Monitoring Program to ensure construction Inflow-Infiltration is monitored and managed to the satisfaction of the City. This Flow Monitoring Program will be in effect until completion of construction (City assumption).
- (ss) The Owner shall develop its lands via construction phasing and progressive approval. Approval of a subsequent construction phase will depend on confirmation of generation rates (dry and wet weather flows) of the previous phase.

- (tt) The watermain, sanitary sewer, and stormwater sewer and pond located on external lands in Block 34 East have been oversized to accommodate the water, sanitary and stormwater servicing of the Plan. The oversizing costs will be established in the development agreement between the City and Jane St. Nominee Inc DA.23.011. The Owner shall pay the City its proportionate share of the oversizing costs once determined after the corresponding design drawings are approved. Upon receipt of the money, the City shall deduct its 3% administration cost and forward the balance of the proportionate share as per the Schedules set forth in preceding agreements with external lands.
- (uu) Prior to the execution of this agreement by the City, the Owner shall provide a letter of good standing to the City from both the Block 34 East South Developers' Group Agreement and Jane St. Nominee Inc. indicating that the Owner has fulfilled all cost sharing and other obligations.

**PARKS, FORESTRY AND HORTICULTURE OPERATIONS CONDITIONS :**

1. Prior to final approval:
  - (a) The Owner/Applicant shall obtain a Private Tree Removal permit from the City for the removal of on-site trees
2. The Site Plan Agreement shall include the following provisions:  
Not Applicable (N/A)
3. Prior to execution of the Site Plan Agreement:  
Not Applicable (N/A)

**FIRE AND RESCUE SERVICES CONDITIONS :**

1. Prior to final approval:
  - (a) The Owner/Applicant shall provide to the Emergency Planning Program and Fire and Rescue Service where applicable, the names and volumes of hazardous material being stored, manufactured, used or distributed from the site. The Owner shall provide to the Emergency Planning Program and Fire and Rescue Service where applicable, information on dust hoppers and/or storage silos that may be installed and the products that they will contain
2. The Site Plan Agreement shall include the following provisions:  
Not Applicable (N/A)
3. Prior to execution of the Site Plan Agreement:  
Not Applicable (N/A)