

Committee of the Whole (1) Report

DATE: Tuesday, June 1, 2021

WARD(S): 1

TITLE: **AUTHORITY TO ENTER INTO A CO-PROPONENT PHASE 3
AND PHASE 4 ENVIRONMENTAL ASSESSMENT AGREEMENT**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Council's approval to enter into a co-proponent Environmental Assessment agreement between the City and the Participating Owners of the Block 27 Development Area (the "Owners"), represented by their Trustee, to conduct Phase 3 and Phase 4 of the Municipal Class Environmental Assessment (MCEA) process.

Report Highlights

- Development of the Block 27 Development area is in process. Prior to finalization of the Block Plan, an Environmental Assessment (EA) is required in order to monitor the environmental impact of the proposed road network.
- The proposed collector road network within the Block 27 Secondary Plan has been developed under Phase 1 and Phase 2 of the MCEA process. Phase 3 and Phase 4 must be completed to inform the Block Plan process and development of the Block.
- Private developers and municipalities can enter into a mutual, or co-proponent agreement in completing an EA to allow for mutual involvement, responsibility and benefit.
- The City and the Owners, represented by their Trustee, have prepared a draft co-proponent Environmental Assessment Agreement (the "Agreement") to document the terms of their mutual agreement. The Agreement mandates that the Participating Owners bear responsibility for the costs and all technical aspects of the EA.

Recommendations

1. That the Mayor and the City Clerk be authorized to enter into a co-proponent Environmental Assessment Agreement between the City and the Block 27 Landowners Group Inc. as Trustee on behalf of the Participating Owners of the Block 27 Development Area.
2. That all necessary by-laws be enacted.

Background

The Block 27 Secondary Plan was initiated in January 2015, in accordance with the York Region Official Plan and the Vaughan Official Plan 2010 (VOP 2010), for a new residential community in North Maple (Block 27). In September 2018, the Block 27 Secondary Plan was adopted by Vaughan Council to provide for the development of the City's New Community Areas to the year 2031 and beyond. The Block 27 Secondary Plan was approved by York Region Council in April 2019, subject to modifications. While primarily residential, the Block 27 Secondary Plan also provides for additional uses under mixed-use designations.

Alongside the completion of the Secondary Plan, the North Vaughan New Communities Transportation Master Plan (Master Plan) was also conducted to coordinate and support the development of the Block 27 and Block 41 Secondary Plans within the broader context of the North Vaughan study area. The Master Plan was conducted in accordance with the Municipal Class Environmental Assessment (MCEA) process. **Phase 1** (Problem or Opportunity) and **Phase 2** (Alternative Solutions) were completed by the Master Plan identifying the Block 27 collector road network, the general roadway alignments, locations of intersections and crossing locations, and general rights-of-way of this network.

The Block 27 collector road network as recommended by the Master Plan and Block 27 Secondary Plan requires further study. **Phase 3** (Alternative Design Concepts for Preferred Solution) and **Phase 4** (Environmental Study Report) must therefore be completed for these projects prior to implementation of the Block Plan. The Participating Owners are working with the City to have these completed.

The participating owners are registered owners of real property within the Block 27 Development Area. The Block 27 Landowners Group Inc. (the "Trustee") has been appointed as Trustee on behalf of the Owners. The attached agreement is therefore in the name of the Trustee.

Previous Reports/Authority

New Community Area - Block 27 Secondary Plan Study File – [June 19, 2018 Committee of the Whole \(Item 33, Report No. 21\)](#)

[North Vaughan New Communities Transportation Master Plan](#)

Analysis and Options

1. Block Plan and Environmental Assessment integrated process

In order for the City's Block Plan process to be completed, both a Phase 3 (Alternative Design Concepts for Preferred Solution) and a Phase 4 (Environmental Study Report) Assessment pursuant to the MCEA process will be required and are recommended to proceed as Schedule C projects prior to the development of the Block. As Phase 3 and Phase 4 can be conducted by a developer as a private proponent, the Owners have been engaged with the City in discussing the completion of the Schedule C projects alongside the Block Plan process.

The Environmental Assessment Act gives the Owners the option to complete the remaining EA work for the Block 27 collector road network alongside the Block Plan submission as an integrated process. The Owners have decided to take this option.

2. Co-proponent Environmental Assessment Agreement

The Environmental Assessment Act allows the municipality and the Owners to conduct the MCEA process as co-proponents. The parties wish to take advantage of this opportunity. Aligning the Block Plan and EA exercises will greatly streamline the exercises, provide for optimal coordination in terms of both technical efforts and timing, reduce City Staff workload, and minimize City spending. Doing so will also ensure that the City has greater involvement in the process and advancement of the design of the collector road network.

To ensure the best outcome for the City, the City retained an experienced environmental lawyer as consultant. The consultant met with City Staff to discuss potential risks and concerns, performed a detailed review of the various iterations of the Agreement and provided advice and insight. Staff and the consultant have arrived at a satisfactory draft of the Agreement that minimizes risks to the City while facilitating the MCEA process and all requirements. Under the Agreement, the City will have the

ultimate decision-making ability and will have the final say with respect to all aspects of the MCEA process and Phase 3 and Phase 4. Provision for Liaison and Special Liaison Meetings have been made should conflicts or disagreement arise.

3. Terms of Reference

Following the completion of the Master Plan and Block 27 Secondary Plan, the Owners submitted Terms of Reference for both the Block Plan Master Environmental Servicing Plan (MESP) and the EA.

The Terms of Reference detail the scope of work to be conducted through Phase 3 and Phase 4. Many of the site investigations and studies completed to support the EA will also inform the development of the Block Plan and MESP. This will ensure consistency in the development of these initiatives.

The Terms of Reference have been circulated through a number of rounds of submission to the relevant City departments, as well as all relevant external stakeholders and agencies. The Owners and their consultant have satisfactorily addressed all concerns and comments received on these submissions to date.

Staff can support the Terms of Reference scope of work moving the project forward to the Study Design phase, which will involve solidifying the scope of work and project understanding with all stakeholders, and with the Technical Advisory Committee (TAC) which will be established to guide the completion of the project. The Terms of Reference have been incorporated into the EA Agreement and will be binding on all parties.

4. Future considerations

The MCEA process is currently under review, with the intent of further streamlining and integrating the process with the Planning Act. However, the exact changes proposed and the impact to the planning and design of Block 27 are not clear, and Staff recommend that the Agreement and EA be initiated prior to these changes being implemented. Staff, the Block 27 Participating Owners, and their consultant are familiar with the existing process and feel comfortable proceeding under the current framework.

It is expected that when the process is amended, it will be possible to seamlessly transition any existing projects from the current to the future framework. In that case, should the Owners and the City agree at a future point that it would be preferable to use

the new process, it can be adopted at such time. The Agreement anticipates the possibility of this change and makes provision for it.

Financial Impact

There is no financial impact to the City from entering into the Agreement.

As stipulated in the Agreement, the Owners have agreed to fund the cost of the Block 27 collector road network EA in full, presenting no cost to the City.

The Agreement also outlines that any administrative costs incurred by the City throughout the project will be funded by the Owners. The Owners have agreed to provide a conservative upfront lump sum payment of \$30,000. The administrative costs are anticipated to include items such as printing costs, publishing or advertising costs for consultation, notifications or notices and processing fees of external agencies, as applicable.

While these administrative costs do not include Staff review time or peer-review consultation, the City has already allocated funds for a Block 27 EA coordinator/project manager Staff and an external peer-review consultant, should this be required. Funding for any scope changes or increases will be the responsibility of the Owners. As such, there are no cost risks for the City associated with the Block 27 collector road network EA.

Broader Regional Impacts/Considerations

The Terms of Reference ensure that all parties have a mutual understanding of the minimum scope of work expectations involving consultation with the relevant stakeholders, external agencies, landowners both participating and non-participating, and indigenous communities. The scope of work stipulates that all required indigenous, public, and stakeholder consultation by the MCEA process are conducted at a minimum and take into account the sensitivities and challenges of consultation during the COVID-19 pandemic.

City Staff have consulted York Region and all relevant external agencies through the Terms of Reference process. York Region and the external agencies have indicated that the Terms of Reference are acceptable. Through the MCEA process, York Region and all relevant external agencies will continue to be involved by various means including project team meetings, the Technical Advisory Committee (TAC), stakeholder consultation and public consultation.

The City will also engage the indigenous communities through consultation activities specific to those communities. The range of consultation that will be performed through the EA will ensure that any regional or broader impacts of realizing the recommended Block 27 collector road network are thoroughly understood and can be avoided or mitigated as appropriate.

Conclusion

- Finalization of the Block Plan for the Block 27 Development Area requires Phase 3 and Phase 4 Environmental Assessments to be completed.
- The City and the Owners have the opportunity to work together as co-proponents on the Block Plan and the Environmental Assessments, carrying out both processes concurrently with mutual involvement and responsibility.
- The Agreement drafted to document the arrangement was prepared with the assistance of a consultant experienced in environmental law and protects the interests of the City.
- The Owners have provided satisfactory Terms of Reference to undertake the required projects. The City will have decision making power and there is no financial impact to the City from entering into the Agreement.

It is recommended that Council approve the co-proponent Environmental Assessment Agreement and direct the City to enter into the Agreement with the Block 27 Landowners Group Inc. as Trustee on behalf of the participating owners of the Block 27 Development Area.

For more information, please contact: Frank Suppa, Director, Development Engineering, x8255

Attachments

1. Draft Block 27 EA Agreement
2. Block 27 EA Terms of Reference

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