

**Date:** 2021-04-22

**Subject:** Request for Budget Amendment - Developer Reimbursement for Brampton Block 5 Landowner Group Inc. (Ward 4)

**Secondary Title:** For the Development of Two Valley Recreational Trails and Pedestrian Bridges namely: Fieldgate Phase 1 Development Recreational Trail and Pedestrian Bridge in Valley Block 442 and FP Block 5 Phase 2 Development Recreational Trail and Pedestrian Bridge in Valley Block 154

**Contact:** Ed Fagan, Acting Director, Parks Maintenance & Forestry  
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**Report Number:** Community Services-2021-590

**Recommendations:**

1. That the report titled **Request for Budget Amendment - Developer Reimbursement for Brampton Block 5 Landowner Group Inc. (Ward 4) for the Development of Two Valley Recreational Trails and Pedestrian Bridges namely: Fieldgate Phase 1 Development Recreational Trail and Pedestrian Bridge in Valley Block 442 and FP Block 5 Phase 2 Development Recreational Trail and Pedestrian Bridge in Valley Block 154**, to the Committee of Council Meeting of May 26, 2021, be received; and
2. That a budget amendment be approved for Project #216000 – Valleyland development in the amount of \$1,226,276.87 with full funding to be transferred from Reserve #134 – DC: Recreation.

**Overview:**

- The subdivision developer, Brampton Block 5 Landowner Group Inc., has constructed and completed the following two recreational trail and pedestrian bridge projects to the City's satisfaction:
  - 1) Fieldgate Phase 1 Development Recreational Trail and Pedestrian Bridge in Valley Block 442 (Ward 4)
  - 2) FP Block 5 Phase 2 Development Recreational Trail and Pedestrian Bridge in Valley Block 154 (Ward 4)

- In accordance with 'Schedule D' of the approved Subdivision Agreements, the developer is entitled to reimbursement from the City of Brampton for the agreed upon cost of developing the recreational trails and bridges.
- Both recreational trail and pedestrian bridge projects had respective budgets previously approved in the 2013 and 2014 Capital Budgets. The two budgets were based on the design requirements of the time.
- In March 2016, the Ontario Ministry of Natural Resources and Forestry (MNRF) introduced new development requirements in Red Side Dace (an endangered fish species) Protected Habitat, in which both projects are located. This required a significant re-design of both recreational trail and bridge projects, resulting in substantially higher costs. The resulting changes made to the permit issue process by the MNRF delayed the issuance of the required permits until December 2019.
- The additional costs for the two projects were reviewed by staff and were subsequently approved by Senior staff in 2019.
- Both recreational trails are important community linkages, providing essential connections between neighbourhoods and Active Transportation opportunities.
- City staff provided direction to Brampton Block 5 Landowner Group Inc. to commence with the construction of the two projects and construction commenced in Spring of 2020.
- The developer has satisfied the City's requirements to construct the two recreational trail and pedestrian bridge projects and staff is prepared to issue payments for the construction of the two projects.
- This report recommends that Council authorize a budget amendment of \$1,226,276.87 to reimburse Brampton Block 5 Landowner Group Inc. for the additional costs to construct these two projects.

### **Background:**

When a new subdivision contains a park or recreational trail, the project is typically constructed by the developer. Construction drawings and cost estimates are prepared by the developer's landscape consultant and approved by the City's Open Space Development Section (Community Services Department). The developer is entitled to compensation for the cost of the park or trail development through Development Charges collected. Funding for the reimbursement comes from Reserve #134 - DC: Recreation.

Funding for the reimbursement must be approved by Council before payment for the completed works can be processed.

### **Current Situation:**

Through the respective Subdivision Agreements for Fieldgate Phase 1 (Registered Plan 43M-1883) and FP Block 5 Phase 2 (Registered Plan 43M-1931), the developer, Brampton Block 5 Landowner Group Inc., was required to design and construct the recreational trails and bridges. Designs and cost estimates were submitted by the developer's consulting team to City staff, reflecting the standards of the time (2012 and 2013, respectively). In response, the respective cost estimates were included in Subdivision Agreements and were approved in the Capital Budgets of 2013 and 2014. Subsequent to the original designs, the Ontario Ministry of Natural Resources and Forestry (presently named Ontario Ministry of the Environment, Conservation and Parks) introduced new development requirements to protect Red Side Dace habitat. Red Side Dace is a fish found in the watershed in which the two trail and bridge projects were built. It is considered an endangered species and therefore requires extensive habitat protection.

Between 2014 and 2019, various design options based on the new standards required by the Ministry were evaluated and permits to construct the projects were issued in December 2019. (Refer to Appendix C: Memorandum by Beacon Environmental re: Overall Benefit Permit Application for Pedestrian Crossings and Trail System, Springbrook Creek and Tributary 8B West, City of Brampton).

The new requirements from the Ministry included:

- Increased shoreline stabilization and restoration
- Larger, more elaborate bridge designs with increased spans to elevate the proposed bridges above the watercourse.
- Increased restoration plantings
- An intensified stewardship requirement for the sites

The changes to the design of the two bridges and trails, compounded by the lengthy approval process and increased consulting costs required by the Ministry increased the project costs substantially. Please refer to the Financial Implications section in this report for details.

The additional costs for the two projects were reviewed by staff and were subsequently approved by Senior staff.

It is noteworthy that both recreational trails are essential linkages across the two valleys, connecting neighbourhoods and providing important Active Transportation opportunities to the community. Both trails and pedestrian bridges are shown on the respective approved homebuyers information maps. Refer to Appendix D: Approved Homebuyers Information Maps.

The developer has completed the two projects to staff's satisfaction, met the conditions of the respective subdivision agreements and has invoiced for the works. This report is intended to obtain approval for the additional costs in the Capital Budget and allow the City to complete its obligation to reimburse the developer.

The details of the requested reimbursement are:

<b>Development Name:</b>	<b>Brampton Block 5 Landowner Group Inc. (Fieldgate Phase 1)</b>
<b>Registered Plan No.:</b>	<b>43M-1883</b>
<b>Block:</b>	<b>Valley Block 442</b>
<b>Ward:</b>	<b>4</b>
<b>Reimbursement Amount:</b> <b>(13 % H.S.T. excluded)</b>	<b>\$ 1,105,183.73</b>

<b>Development Name:</b>	<b>Brampton Block 5 Landowner Group Inc. (FP Block 5 Phase 2)</b>
<b>Registered Plan No.:</b>	<b>43M-1931</b>
<b>Block:</b>	<b>Valley Block 154</b>
<b>Ward:</b>	<b>4</b>
<b>Reimbursement Amount:</b> <b>(13 % H.S.T. excluded)</b>	<b>\$ 722,917.56</b>

### **Corporate Implications:**

#### Financial Implications:

The City has received the developers' reimbursement invoices as per 'Schedule D' of the Subdivision Agreement plus approved additional costs resulting from MNRF requirements. Therefore, a budget amendment will be required to increase Capital Project 216000 in the amount of \$1,226,276.87 as shown below, with full funding to be transferred from Reserve #134 – DC: Recreation.

Brampton Block 5 Landowner Group Inc. (Fieldgate Phase 1)  
Recreational Trail and Pedestrian Bridge, Valley Block 442  
(Registered Plan 43M-1883)

Approved invoice amount (includes non-recoverable HST of 1.76%): \$1,124,635.96

Original approved budget (136000-005): \$410,000.00\*

Budget amendment amount (216000-003): \$714,635.96\*

*\*includes non-recoverable HST of 1.76%*

Brampton Block 5 Landowner Group Inc. (FP Block 5 Phase 2)  
Recreational Trail and Pedestrian Bridge, Valley Block 154  
(Registered Plan 43M-1931)

Approved invoice amount (includes non-recoverable HST of 1.76%): \$735,640.91

Original approved budget (146000-001): \$224,000.00\*

Budget amendment amount (216000-004): \$511,640.91\*

*\*includes non-recoverable HST of 1.76%*

Total Budget Amendment: \$1,226,276.87 (\*Includes non-recoverable HST of 1.76%)

Other Implications:

None

**Term of Council Priorities:**

This report supports the following Term of Council Priorities:

- Brampton is a Green City – Implement a Green Framework
- Brampton is a Healthy and Safe City – Continue to design and build new activity hubs to provide accessible spaces and recreational elements to residents of all ages and abilities

**Conclusion:**

Brampton Block 5 Landowner Group Inc. has completed the recreational trail and pedestrian bridge works to the satisfaction of the City. Therefore, staff recommends that the 2021 Capital Budget be amended to allow the City to meet its obligation to pay the amounts owed to the developer.

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**Attachments:**

Appendix A: Location Map and Site Photos

Appendix B: Conceptual Drawings of Project Sites

Appendix C: Memorandum by Beacon Environmental

Appendix D: Approved Homebuyers Information Maps