

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department

Report Number: ED-23-70

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Front Ending Agreement with Broccolini Thornton Limited  
Partnership

Ward: Ward 2

File: SPA-2022-14

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## **1.0 Purpose**

On March 6, 2023, the Economic and Development Services Committee considered Correspondence Item ED-23-58 from Broccolini Thornton Limited Partnership (“Broccolini”), regarding a front ending agreement with the City to undertake the design, tendering, and construction work associated with the road widening and left-turning lane storage requirements on Thornton Road North, as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Road North (File: SPA-2022-14) and adopted the following resolution:

“That Correspondence ED-23-58, dated February 28, 2023, concerning Broccolini Thornton Limited Partnership requesting to enter into an agreement concerning Road Widening and Left-turning lane on Thornton Road North be referred to staff for a report.”

The purpose of this Report is to respond to the above noted referral.

Attachment 1 is a copy of ED-23-58.

Attachment 2 is an exhibit detailing the Proposed Widening and Left Lane Construction on Thornton Road North.

Attachment 3 is a list of growth related projects forecasted for 2024.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council:

1. That pursuant to Report ED-23-70 dated April 12, 2023 regarding the request from Broccolini Thornton Limited Partnership to enter into a Front Ending Agreement with Broccolini Thornton Limited Partnership and any other developer with work on Thornton Road North in the vicinity of 1680 Thornton Road North for the construction of work associated with the road widening and left-turning lane storage requirements on Thornton Road North, that the Commissioner of Economic and Development Services be authorized to sign the agreement provided the agreement is in a form and content acceptable to the City Solicitor and the Commissioner of Corporate and Finance Services.
2. That, pursuant to Report ED-23-70 dated April 12, 2023, funding in the amount of \$5,129,864.47 in Development Charge and Growth Related Non DC funding for 73-0461 Thornton Road North Growth Related Widening for the reimbursement to Broccolini Thornton Limited Partnership be provided, subject to the execution of the Front Ending Agreement authorized by Item 1.
3. That, pursuant to Report ED-23-70 dated April 12, 2023, Council waive the Purchasing By-law requirements and allow Broccolini Thornton Limited Partnership to construct the work associated with the road widening and left-turning lane storage requirements on Thornton Road North as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Road North.

## **3.0 Executive Summary**

Not Applicable

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Commissioner, Corporate and Finance Services
- City Solicitor

## **5.0 Analysis**

### **5.1 Thornton Road North – Existing Condition and Future Needs**

Thornton Road North from Taunton Road West to Conlin Road West is a 2 lane rural cross section, with a Pavement Condition Rating of 90/100.

In December 2015, the “Thornton Road North Environmental Study Report” was completed under Schedule “C” of the Municipal Environmental Assessment process. The study identified the need for a future four-lane arterial roadway from Taunton Road West to Winchester Road West.

Combined pedestrian and cycling facilities within the boulevards to coincide with the Regional Cycling Plan are a part of the scope within the City's forecast work.

Public consultations were undertaken in 2014 in accordance with the Schedule "C" Municipal Class Environmental Assessment process for Thornton Road North.

The proposed construction interchange on Highway 407 East at Thornton Road North has been deferred with no timeline or budget assigned to its construction.

The timing of the future 4 lane arterial road is currently forecasted for construction in 2033.

## **5.2 The Broccolini Development**

Broccolini has submitted an application for Site Plan Approval for 1680 Thornton Road North to develop the site with two warehouse buildings with associated office space.

This site is identified as one of the potential major industrial building projects in Oshawa for 2023 with an estimated permit value of \$75 million resulting in the creation of 150 jobs.

Based on the traffic analysis presented in the transportation impact study, the proposed development is expected to generate up to 73 (8 truck trips and 65 passenger car trips) and 76 (12 truck trips and 64 passenger car trips) net new automobile trips during the weekday AM and weekday PM peak hours, respectively.

As requested by City staff, a warrant analysis was undertaken to determine whether a southbound right-turn lane and/or a northbound left-turn lane at Thornton Road North into the site is warranted. The warrant analysis indicates that a dedicated left-turn lane with approximately 15 metres (49.21 ft.) of storage is necessary during the PM peak period.

Given that the development is slated to be complete by the end of 2024, Broccolini requires left-turn storages to be built and fully functional by the end of the third quarter of 2024 in the interest of public safety and tenant requirements.

Staff do not have the ability to complete this work in time for the planned completion of the development in the third quarter of 2024.

## **5.3 Request for Front Ending Agreement**

Section 44 of Part III of the Development Charges Act, 1997, S.O. 1997, c.27 allows a municipality to enter into a front ending agreement as a means for advancing public infrastructure (roads, sewers, watermains, etc.) to support development and growth.

Section 44 of Part III of the Development Charges Act, 1997, S.O. 1997, c. 27 reads as follows:

- 44** (1) A municipality in which a development charge by-law is in force may enter into an agreement, called a front-ending agreement, that,
- (a) applies with respect to work, done before or after the agreement is entered into,
    - (i) that relates to the provision of services for which there will be an increased need as a result of development, and
    - (ii) that will benefit an area of the municipality, defined in the agreement, to which the development charge by-law applies;
  - (b) provides for the costs of the work to be borne by one or more of the parties to the agreement; and
  - (c) provides for persons who, in the future, develop land within the area defined in the agreement to pay an amount to reimburse some part of the costs of the work.

The terms of the agreement include what is to be built, what the re-payment terms are and any supporting conditions.

Staff would investigate opportunities for collaboration with adjacent developments, to reduce impacts on the public by achieving multiple objectives through one construction project.

### **5.3.1 Potential Benefits**

Entering into a front ending agreement would:

- demonstrate collaboration with the development community;
- allow more projects to be completed by the City;
- shift risk from municipality to developer;
- allow for timely construction of infrastructure;
- include the required controls for the City to ensure proper construction/financial methods and oversight; and,
- reduce risk to the City for potential delays as it would not be a City executed contract.

### **5.3.2 Potential Risks**

Entering into a front ending agreement would also:

- limit the impact ability to fund other large scale projects in 2024 and remainder of the forecast, as pre-budget approval of 73-0455 will result in this project “jumping the line”. There are several other Growth Road Related Projects competing for available funds forecasted in 2024 as show in Attachment 3; and,

- shift control of capital spending from the municipality to the developer.

#### **5.4 Recommendations**

On balance, it is recommended that the City proceed with a front ending agreement for the Thornton Road works. While this recommendation may come at the expense of other projects scheduled for 2024, it supports job creation and will result in approximately 150 jobs in the 4<sup>th</sup> quarter of 2024.

#### **6.0 Financial Implications**

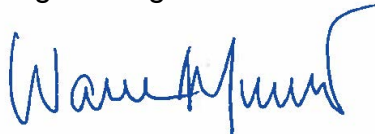
The project, if approved, will be funded with \$4,616,878.02 from the Transportation Roads Development Charge Reserve and \$512,986.45 from the Growth Related Non-Development Charge Reserve.

#### **7.0 Relationship to the Oshawa Strategic Plan**

The recommendation in this Report advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



Anthony Ambra, P.Eng., Director,  
Engineering Services



Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department

Via e-mail: [WMunro@oshawa.ca](mailto:WMunro@oshawa.ca)

February 28, 2023

Attn: Warren Munro  
The Corporation of the City of Oshawa  
50 Centre Street South  
Oshawa, ON  
L1H 3Z7

Dear Mr. Munro,

**Re: Broccolini Thornton Limited Partnership  
Site Plan Agreement File #SPA-2022-14  
Developer Commitment to Road Widening**

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This letter is to serve as a formal request for the City of Oshawa to enter into an agreement with Broccolini Thornton Limited Partnership to allow the same to take responsibility, on behalf of the City, for the design, tendering, and construction work associated with the road widening and left-turning lane storage requirements on Thornton Rd N, as described and set forth by the City of Oshawa in the Site Plan Agreement for 1680 Thornton Rd N (file #SPA-2022-14).

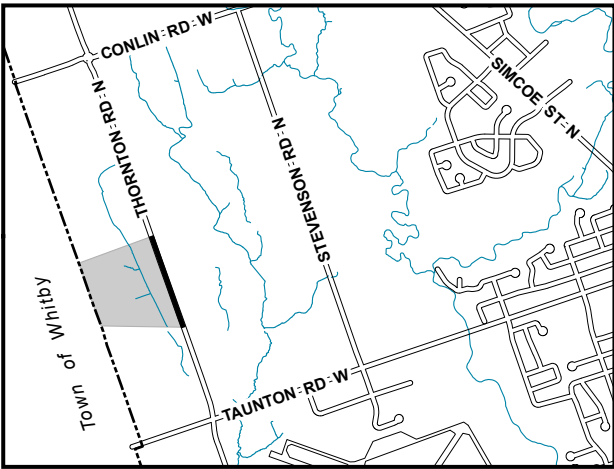
As the development in question is slated to be complete by the end of 2024, Broccolini requires left-turn storages to be built and fully functional by the end of Q3 2024 in the interest of public safety and tenant requirements. If the City of Oshawa permits, Broccolini will proceed immediately with the design and coordination with the City of Oshawa to guarantee the work is completed by said date.

Thank you for consideration.

Respectfully,

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*Sean Moncrieff*  
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**Sean Moncrieff**  
Real Estate Development Manager  
Broccolini Thornton Limited Partnership



**Item: ED-23-70**  
**Attachment 2**

Economic and Development Services

**Subject:** Front Ending Agreement with Broccolini Thornton Limited Partnership

**Address:** 1680 Thornton Road North

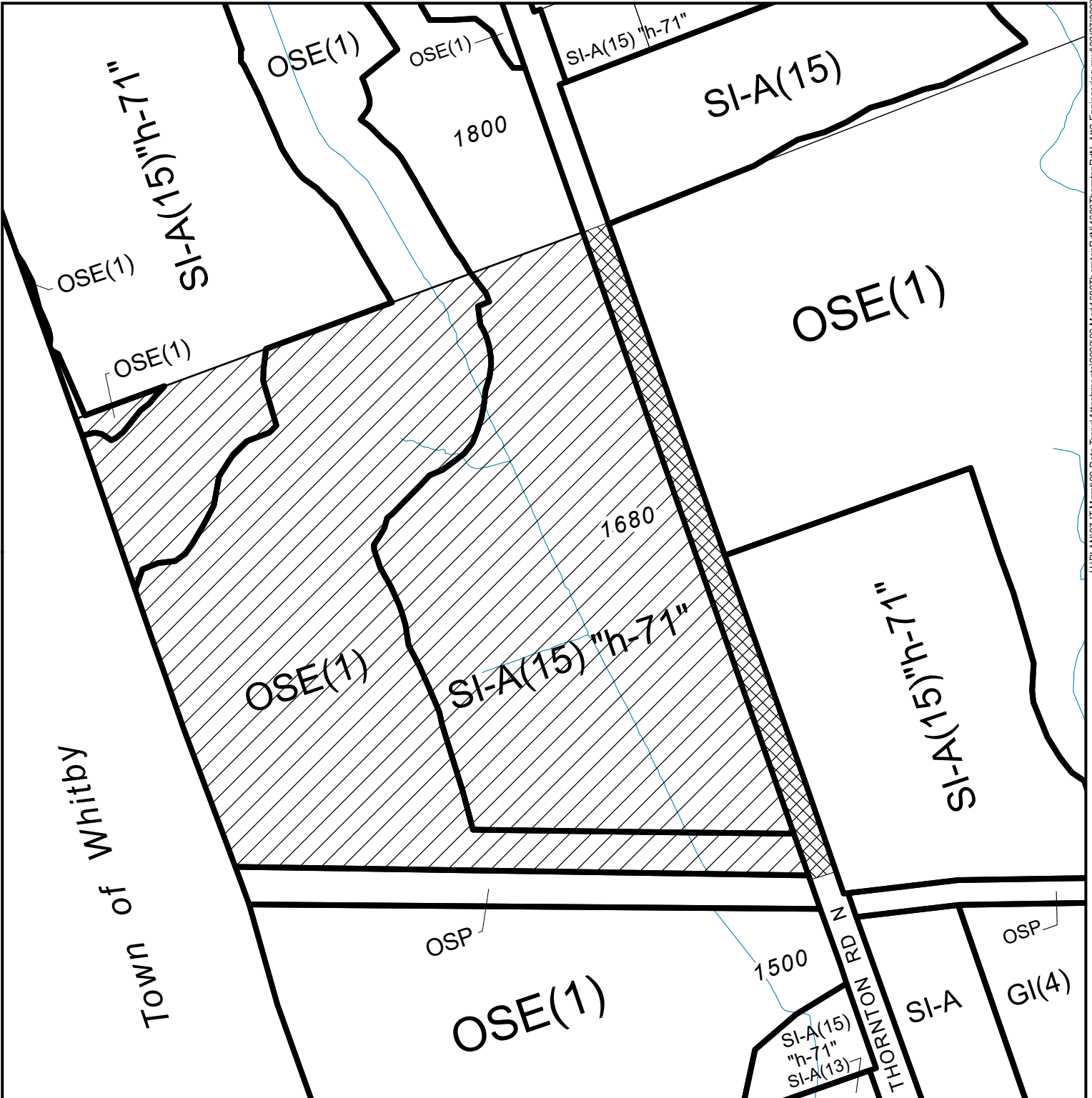
**Ward:** Ward 2

**File:** SPA-2022-14

1680 Thornton Road North



Area for Proposed Widening and Left Lane Construction



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**List of Growth Related Projects Forecasted for 2024**

- (a) 73-0453 Conlin-Wilson Roundabout (\$2,630,000)
- (b) 73-0456 Northwood Roads (\$796,000)
- (c) 73-0457 Columbus Road (\$310,000)
- (d) 73-0459 Central Oshawa Hub Infrastructure Improvements (\$591,000)
- (e) 73-0461 Thornton Road North (\$802,000)
- (f) 73-0463 Townline Rd Intersection Improvements (\$500,000)
- (g) 73-0470 Windfields Collector Road (\$250,000)
- (h) 73-0480 Conlin Road East (\$4,801,000)
- (i) Various Sidewalk & Multi-Use Path Projects (\$6,194,000)