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ONTARIO MUNICIPAL BOARD HEARING - CAMPUS 2000 DEVELOPMENTS INC. TOWN OF RICHMOND HILL

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report, April 21, 2004, from the Commissioner of Planning and Development Services and the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. Regional staff be authorized to appear at the upcoming Ontario Municipal Board (OMB) hearing for the Official Plan Amendment, Zoning By-law Amendment and Site Plan applications by Campus 2000 Developments Inc. to support the proposed mid-block flyover of Highway 404 between Highway 7 and 16th Avenue.
2. Regional Staff coordinate with Town of Richmond Hill staff in the preparation of evidence required for the OMB hearing.
3. The Regional Clerk circulate copies of this report to the Clerks of the Town of Markham and the Town of Richmond Hill.

2. PURPOSE

The purpose of this report is to request authorization for Regional staff to appear before the Ontario Municipal Board, as required, to assist the Town of Richmond Hill in protecting for all possible alignments for a proposed mid-block flyover of Highway 404 between Highway 7 and 16th Avenue.

3. BACKGROUND

3.1 Campus 2000 Development Inc.

3.1.1 Location

The Campus 2000 lands are within the mostly built-out Beaver Creek Business Park (BCBP), which is a major employment area located between Leslie Street and Highway 404, immediately north of Highway 7. The lands subject to the development applications represent the southerly 3.82 hectares (9.44 acres) of a larger, vacant 21 hectare (52 acre) site owned by Campus 2000 Development Inc. The subject property is located between East Beaver Creek Road and Highway 404, approximately 500 metres north of Highway 7 (see shaded area on *Figure 1*). The eastern portion of the site has direct exposure to Highway 404.

These lands are located entirely within a larger area currently subject to an Environmental Assessment (EA) study to determine a preferred alignment for a proposed mid-block flyover of Highway 404 between Highway 7 and 16th Avenue. This project is discussed in further detail in section 4.1.1 of this report.

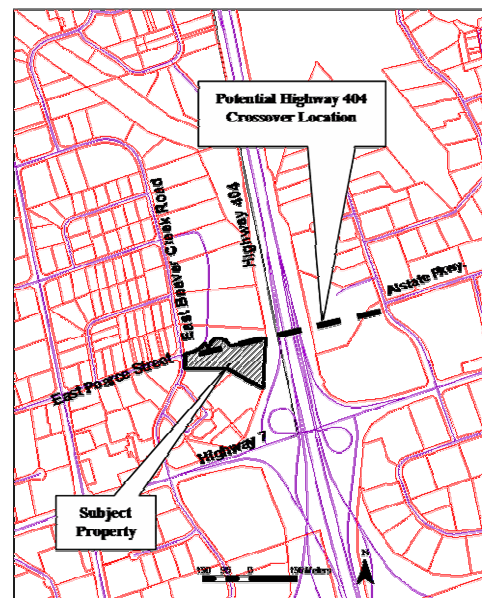
3.1.2 Planning Applications

The subject property, like the balance of the larger Campus 2000 holdings, are designated “High Performance Industrial Commercial” under OPA 1 (The Leslie Industrial Area Secondary Plan). Uses permitted under this designation are generally employment-related.

Campus 2000 filed Official Plan and Zoning By-law Amendment applications with the Town to permit a high-density residential development on the southern portion of its landholdings. The balance of the Campus 2000 lands would be retained for future employment-related development.

Proposed are 818 condominium apartments in four buildings that are 9, 10, 13 and 14-storeys in height, and a one-storey recreation centre.

Figure 1 – Location Map



3.2 OMB Hearing

The Official Plan and Zoning By-law Amendment applications were appealed to the OMB by the applicant on June 19, 2003, following Town of Richmond Hill council's failure to make a final decision within the prescribed time periods under the *Planning Act*. A three-week hearing to consider these applications has been set to begin on June 9, 2004.

3.3 Highway 404 Mid-Block Flyover between Highway 7 and 16th Avenue Environmental Assessment Study

The Region received correspondence from the Town of Richmond Hill (Report SRE.03.012) dated February 3, 2003, requesting that the Region amend the Regional Official Plan and Development Charges By-law to include three mid-block crossings of Highway 404 and to undertake an EA for a Highway 404 overpass between Highway 7 and 16th Avenue in conjunction with both the Towns of Richmond Hill and Markham.

This matter was supported by the Town of Markham (Clause 3, Report No. 17, March 18, 2003) which reiterated the need for the mid-block crossings of Highway 404 and authorized the Town's participation in an EA for the Highway 404 crossing located between Highway 7 and 16th Avenue.

The proposed flyover is further supported by a series of studies carried out by the area municipalities to identify transportation improvements in the general area of Highway 404 in southern York Region, including:

- "16th Avenue Transportation Review," iTrans Consulting, April 2, 2001
- "Feasibility Review of Highway 404 Mid-Block Crossing Between Highway 7 and 16th Avenue," iTrans Consulting, July 5, 2001
- "Transportation Infrastructure Requirements Study – East Beaver Creek Business Park, Town of Richmond Hill," Earth Tech Canada Inc., May 2002.

The ongoing EA study for the "Highway 7 Corridor & Vaughan North-South Link Public Transit Improvements" under the York Region Rapid Transit Plan also points to the possible need for a Highway 404 flyover in the vicinity of Highway 7.

Once the Highway 404 crossing EA has been completed, this new link is proposed to be a local road and will fall under the jurisdiction of the Town of Markham and Richmond Hill.

This project is consistent with Policy 6.1.15 of the Regional Official Plan, which encourages local municipalities to provide continuous mid-concession block collector roads. These roads are essential for improving traffic flow, and the effectiveness and efficiency of existing and planned transit services. An amendment to the Regional Official Plan, as requested by the Towns of Richmond Hill and Markham, is therefore not required.

At its meeting on May 22, 2003, Regional Council adopted recommendations contained in Clause No. 1, Report No. 5 of the Transportation and Works Committee including the following:

“Regional staff be authorized to undertake an Environmental Assessment (EA) study for the mid-block crossing of Highway 404 between Highway 7 and Sixteenth Avenue, subject to one third funding from each of the Towns of Richmond Hill and Markham.”

At its meeting on March 3, 2004, Regional Council adopted recommendations to retain URS Canada Inc. to conduct the Class Environmental Assessment.

4. ANALYSIS AND OPTIONS

4.1 Transportation Analysis

4.1.1 Highway 404 Mid-Block Road Crossing Class EA

The Region has recently initiated the Highway 404 Mid-Block Road Crossing EA between Highway 7 and 16th Avenue. As noted in section 3.3 of this report, the Town of Richmond Hill and the Town of Markham requested the Region’s participation and leadership for this project because the proposed link will be a new cross boundary municipal roadway over Highway 404.

The Highway 404 Mid-Block road crossing EA will be undertaken as a Schedule C Class EA project. Such projects have the potential for significant environmental effects and must proceed under the full planning and documentation procedures specified in this Class EA document. Schedule C projects require that an Environmental Study Report be prepared and submitted for review by the public. If concerns are raised that cannot be resolved, the ‘bump-up’ procedure may be invoked.

The Highway 404 Mid-Block Road Crossing EA Study will identify alternative solutions to the problem, by taking into consideration the existing environment, and establish the preferred solution taking into account public and agency review and input. The study will also examine alternative methods of implementing the preferred solution (i.e. the preferred location of the Highway 404 mid-block flyover), based upon the existing environment, public and government agency input, anticipated environmental effects and methods of minimizing negative effects and maximizing positive effects.

The Highway 404 Mid-Block Road Crossing Class EA is expected to be completed before the end of 2004.

The official plan, Zoning by-law applications and the proposed Site Plan by Campus 2000 Developments Inc. may preclude the identification of alternative solutions to the Highway 404 Mid-Block Flyover between Highway 7 and 16th Avenue. Therefore, the

Region should be represented at the OMB hearing to support the Town of Richmond Hill in maintaining all possible alignments of the flyover.

4.2 Planning Analysis

Regional planning staff completed a preliminary review of the Campus 2000 applications and advised the Town in a letter dated March 24, 2003 that the following criteria should form part of the Town's review:

- The suitability of the site for residential uses.
- The impact on local and Regional employment forecasts.
- Proximity to Toronto Buttonville Airport and applicable Federal Aviation Zoning Regulations.
- Existing and planned transit services, including higher-order services (e.g. bus rapid transit) in the Highway 7 corridor.
- Status of a potential future Highway 404 flyover from East Wilmot Street.
- Pedestrian and transit connections to adjacent employment uses and the Highway 7 corridor.
- Water and wastewater servicing.

Local planning staff recommended refusal of the applications in a report to Richmond Hill Council dated September 17, 2003. Council approved the staff recommendation and refused the applications. From the report, the basis of staff's position included, that:

- It is unnecessary and premature to remove such a strategically located and serviced property from the Town's employment land inventory.
- The subject property represents a significant portion of the short-term supply of prestige office and warehouse space within the Town.
- The proximity to the Toronto Buttonville Airport has not formed a detailed part of the applicant's planning evaluation.
- Locations with direct frontage onto Highway 7 are more suitable for high density residential development, and will provide a higher degree of access to transit services than the subject property.
- The applicant has not demonstrated the need for additional high density residential development, relative to the need for employment lands within the BCBP.
- Residential uses, especially adjacent to Highway 404, within a mostly built-out warehouse/industrial business park does not represent good planning.

Regional staff concur with the planning analysis. Regional staff should be directed to attend the upcoming OMB hearing to ensure that the subject lands do not preclude an alignment for a future Highway 404 flyover.

4.3 Regional 2003 Development Charges By-law

Regional By-law DC-0005-2003-050 includes a provision for contributions to mid-block road crossings over 400-Series Highways. Specifically, Schedule "G" of the by-law includes the provision for a crossing of Highway 404 between Highway 7 and 16th Avenue. The cost of this undertaking will be added to the Regional development charge, once the Towns of Richmond Hill and Markham amend their respective official plans and

development charge by-laws to include this proposed infrastructure. Once included in the development charge by-law, the single-family dwelling development charge rate is proposed to increase by \$12.00.

Since flyovers relieve congestion from the Regional road network, the Region has agreed to share one-third of the capital costs of this project, in conjunction with Markham and Richmond Hill.

4.4 Relationship to Vision 2026

Mid-block collectors like the proposed Highway 404 flyover are an integral part of a mature and responsive transportation network that improves traffic flow and enhances transit accessibility. This is consistent with all eight goal areas of Vision 2026, including “Infrastructure for a Growing Region.”

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5. FINANCIAL IMPLICATIONS

Of the estimated \$13 million total capital cost of the proposed Highway 404 flyover, the Region would assume one-third. This work is included in the Region’s 2003 Development Charges By-law, as outlined in section 4.3 of this report. The balance of the costs would be borne by the Towns of Richmond Hill and Markham. A detailed cost analysis will form part of the EA study conclusions.

6. LOCAL MUNICIPAL IMPACT

The Town of Markham and the Town of Richmond Hill support the need for a Highway 404 flyover between Highway 7 and 16th Avenue and are co-proponents and equal partners in the cost sharing for the Highway 404 Mid-Block Environmental Assessment Study.

A mid-block flyover of Highway 404 between Highway 7 and 16th Avenue will improve traffic mobility in the area. Once completed, the crossing is proposed to be a local road and will fall under the jurisdiction of Markham and Richmond Hill.

The Campus 2000 Development Inc. application before the OMB may preclude the identification of alternatives to a Highway 404 mid-block flyover between Highway 7 and 16th Avenue.

7. CONCLUSION

At the request of the Towns of Richmond Hill and Markham, the Region recently initiated the Highway 404 Mid-Block Road Flyover between Highway 7 and 16th Avenue

EA Study on an equal cost share basis between York Region, the Town of Markham and the Town of Richmond Hill. The study is expected to be completed by the end of 2004.

Ensuring that the development of the Campus 2000 lands do not preclude an alignment for a future Highway 404 flyover or any subsequent phase of the related EA process represents good planning. Regional staff should be directed to attend the upcoming OMB hearing to support this position. This project is consistent with Regional Official Plan policies and would serve to improve traffic flow and transit services in southern York Region.

The Senior Management Group has reviewed this report.