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HIGHWAY 404 MID-BLOCK CROSSINGS STUDY IN MARKHAM AND RICHMOND HILL

The Transportation Services Committee recommends:

- 1. Receipt of the presentation by Loy Cheah, Director, Infrastructure Planning;**
- 2. Receipt of the communication from Paul Jankowski, Commissioner of Engineering and Public Works, City of Vaughan, dated May 1, 2012;**
- 3. Receipt of the two communications from Kagan Shastri, Lawyers, dated May 1, 2012, on behalf of Rice Commercial Group and Vetmar Limited, and Leslie-Elgin Developments Inc.; and**
- 4. Adoption of the recommendations contained in the following report dated April 20, 2012, from the Commissioner of Transportation and Community Planning.**

1. RECOMMENDATIONS

It is recommended that:

1. Council support the planning, protection and construction of the following key infrastructure along the Highway 404 corridor, consistent with the Regional Official Plan and Transportation Master Plan, to improve the transportation network connectivity and accessibility, traffic and transit operations, and economic development opportunities:
 - a. Mid-block collector road crossings over Highway 404 between: Highway 7 and 16th Avenue; 16th Avenue and Major Mackenzie Drive; Major Mackenzie Drive and Elgin Mills Road; and, Elgin Mills Road and 19th Avenue.
 - b. A full interchange at Highway 404 and 19th Avenue.
2. For the three mid-block collector road crossings of Highway 404, north of 16th Avenue, York Region:
 - a. Take the lead in conducting the environmental assessments.
 - b. Maintain its current one-third share of the capital cost.
 - c. Fund one-third of the long-term replacement costs of the crossings.
3. Council authorize staff to develop an implementation plan with the Towns of Markham and Richmond Hill and to report back on progress by year end.

4. The Regional Clerk circulate a copy of this report to the Minister of Transportation of Ontario, and the Clerks of the Town of Markham and Town of Richmond Hill.

2. PURPOSE

This report presents the results of the Highway 404 Mid-Block Crossings Study. It recommends York Region continue to protect and plan for the construction of all four mid-block collector road crossings between Highway 7 and 19th Avenue including a full Highway 404 interchange at 19th Avenue, and authorizes staff to develop an implementation plan for the mid-block collector road crossings.

3. BACKGROUND

Investing in transportation infrastructure is a key component of managing growth and ensuring economic prosperity

By 2031, York Region is projected to grow to 1.5 million people and 780,000 jobs. Building and linking complete communities, providing live/work opportunities, promoting efficient goods movement, and investing in the necessary infrastructure to ensure economic prosperity are key components in managing this growth and ensuring a prosperous future. The 400-series highways, interchanges and other crossings are important parts of planning for the Region's future.

York Region currently funds one third of the capital cost of mid-block collector road crossings of 400-series highways

York Region has, since 2003, adopted a policy of funding one third of the capital cost of these projects in recognition of the benefits that these local municipal projects provide to the Regional road system. There are a total of eleven mid-block collector road crossings of Highways 400, 404, 407 and 427 being planned in York Region.

The planning framework for the Highway 404 mid-block crossings is supported in the Regional Official Plan

The in-force Regional Official Plan (1994) contains policies that support the need for continuous mid-block crossings including:

- Policy 6.1.15 - To encourage all local municipalities to ensure that continuous mid-concession block collector roads are implemented east-west and north-south in all new urban developments. Such continuous collector roads are required not only to serve automobile traffic in the local area but also to serve efficient and effective transit systems.

The approved Regional Official Plan (2010) also contains a similar policy as the above, as well as the following policy:

- Policy 7.2.59 – To require local municipalities to plan and implement, including land takings necessary for, mid-block crossings of 400-series highways, as shown on Map 12.

Although there are appeals to the approved Regional Official Plan specific to mid-block crossings, the Region continues to protect all identified mid-block crossings through on-going planning and development approvals processes.

The importance and benefits of the Highway 404 mid-block crossings are supported by York Region, Markham and Richmond Hill transportation plans

The four mid-block collector road crossings of Highway 404 were identified as required components of the transportation system in the Region's Transportation Master Plan. In addition to providing capacity, they also support transit, walking and cycling, which are important elements of complete communities. The importance and benefits of these crossings have been the subject of previous reports to Regional and local Councils, and they have also been identified through a number of other Regional and local planning documents and initiatives including:

- York Region Official Plan (2010)
- York Region Transportation Master Plan (2009)
- Markham Transportation Planning Study (2002) and draft 2012 Markham Transportation Strategic Plan.
- Town of Richmond Hill's Transportation Master Plan (2006).

Lack of mid-block minor arterial or major collector roads reduces network accessibility and flexibility, creating unnecessary travel demand and delays for residents and businesses

The lack of a mid-block road extending across a concession block generally means that:

- An internal trip from one edge of the concession block to the opposite edge of the concession block will have to use the boundary arterial roads, over-burdening the arterial roads.
- Efficient transit services cannot be provided into the interior of the concession block, increasing transit travel times and costs, thus reducing the attractiveness of transit.
- Trips to local amenities within the concession block such as schools, local retail and other community services are made longer.

Council Attachment 1 is a map that colour codes York Region by concession block based on whether there are any mid-block minor arterial or major collector roads in the east-west and north-south directions that connect across the concession block. To provide a

comparison with the situation in the City of Toronto, the data extends south of the York Region boundary to Highway 401.

There are currently no mid-block east-west road crossings of Highway 404 anywhere in York Region. In creating this map, it is assumed that John Street, where it crosses Highway 404 in Thornhill, will function as part of the arterial grid system.

The Region initiated collaboration with the Towns of Markham and Richmond Hill to plan, protect, fund and implement the mid-block collector road crossings of Highway 404

In June 2009, Council requested the Councils of the Town of Markham and the Town of Richmond Hill direct their staff to work with Regional staff in developing an implementation framework for protecting, funding and constructing future mid-block crossings of Highways 404 and 407. This request was made after a decision in 2008 by Markham Council to suspend an on-going Class Environmental Assessment study of the mid-block crossing between Major Mackenzie Drive and Elgin Mills Road.

A staff working group confirmed the need and identified the next steps to study all of the Highway 404 mid-block crossings between Markham and Richmond Hill

A working group consisting of staff from the Towns of Markham and Richmond Hill was established in January 2010 and the group confirmed the need for a study of the Highway 404 corridor including the mid-block crossings north of: Highway 7, 16th Avenue, Major Mackenzie Drive and Elgin Mills Road. It also identified the need to study the proposed Highway 404 interchange at 19th Avenue, and the northbound ramp extension at Elgin Mills Road.

The Ontario Ministry of Transportation (MTO) was invited and agreed to participate as a member of the working group/technical advisory committee. As the entity responsible for the management and operations of the 400 series highway infrastructure, MTO's involvement was integral to the assessment.

The study was initiated in Fall 2010 to assess network performance of each infrastructure element and a progress report was provided to Council in 2011

As a result of the working group recommendations, the Highway 404 Mid-block Crossings Study from Highway 7 to 19th Avenue was initiated in fall 2010. Its objective was to assess the transportation network and performance impacts of these Highway 404 mid-block crossings and transportation infrastructure elements currently planned and endorsed in the Region's and Towns' Official Plans and Master Plans. *Council Attachment 2* highlights the study area and key transportation infrastructure elements assessed in the study.

A June 2011 report to Transportation Services Committee provided a project status update to Council. The report documented the technical work program and consultation components of the study including meetings of the Working Group, Technical Advisory Committee and landowners / development industry representatives.

4. ANALYSIS AND OPTIONS

The community building and economic development benefits of the Highway 404 mid-block crossings are very important considerations

A system of mid-block crossings over Highway 404 support important connections by reducing the barriers imposed by a 400-series highway creating new opportunities for synergies in the surrounding communities, enhancing social connections and economic development opportunities while reducing the environmental impacts of increasing traffic congestion.

These mid-block crossings connect communities and improve network connectivity and accessibility by improving traffic, transit, and cycling operations and opportunities. They also improve the potential that land use and economic development objectives in the area will be met.

The transportation infrastructure elements assessed are currently at different stages of approvals but are all being protected

The current status of the Highway 404 mid-block crossings between the Towns of Richmond Hill and Markham is summarized in Table 1.

Table 1
Status of Planned Mid-Block Collector Roads
Crossing Highway 404 Between Markham and Richmond Hill

Location	Status
Highway 404 crossing between Highway 7 and 16th Avenue	• Class Environmental Assessment (EA) completed and approved • Detailed design underway and design expected to be completed by end of 2012 • Construction schedule subject to agreement between Markham and Richmond Hill
Highway 404 crossing between 16 th Avenue and Major Mackenzie Drive	• Feasibility study completed by Markham • Class EA study required • Region continuing to protect for future crossing

Highway 404 crossing between Major Mackenzie Drive and Elgin Mills Road	• Incomplete Markham Class EA suspended by Markham Council in 2008 • Region continuing to protect for future crossing
Highway 404 crossing between Elgin Mills Road and 19th Avenue	• Feasibility study completed by Markham • Class EA study required • Region continuing to protect for future crossing

In terms of implementation, the mid-block crossing between Highway 7 and 16th Avenue is the most advanced. Detailed design of this project is well underway and the design is expected to be completed by the end of 2012. The Town of Richmond Hill Council approved the execution of the tri-party agreement with York Region and Town of Markham for the delivery of this project. The Town of Markham has approved capital budget for the construction of this project. York Region's share of the capital cost is approved under the 10-Year Roads Capital Plan.

Specific to the mid-block crossing between Highway 7 and 16th Avenue, in May 2009, Council:

- Directed staff to work with the Towns of Markham and Richmond Hill to proceed with the detailed design and tender preparation and to work with MTO to draft an agreement for its implementation.
- Committed to cost-share equally with the Towns of Markham and Richmond Hill the long-term replacement costs for the Highway 404 crossing between Highway 7 and 16th Avenue subject to the agreement of the Towns of Markham and Richmond Hill.

Other key elements within the study area include the Highway 404 northbound off-ramp extensions at Highway 7 and Major Mackenzie Drive which are already EA approved. Also, the Highway 404 off-ramp extension at Elgin Mills Road and the interchange at 19th Avenue are in Regional and local plans but environmental assessments have not been carried out or completed for these two elements.

The Highway 404 Mid-block Crossings Study carried out detailed traffic modelling work to assess the benefits of the transportation infrastructure elements

In order to understand the impacts and benefits of each of the transportation infrastructure elements, detailed computer modelling of traffic operations in the study area was conducted as part of the study.

As expected, the analysis shows that the performance of the road network will decline with continuing growth, leading to increasing levels of congestion spreading over larger geographic areas on both sides of Highway 404 and delays for longer periods of time. Specific results and findings of the analysis are summarized below.

RESULTS AND FINDINGS

The ability of the road network to accommodate traffic demand diminishes as the number of mid-block crossings is reduced, resulting in fewer trip completions in the morning peak period

The inability of future networks to handle the traffic demand increase is reflected in the higher number of vehicles that are expected to be en-route, or not able to complete their trips within the 3-hour morning peak period. This number increases progressively with fewer mid-block crossings in the 2031 horizon and is a clear indication of traffic congestion persisting beyond the already extended 3-hour morning peak period.

Specifically, the diminishing ability of the road network to accommodate future traffic demands with fewer mid-block crossings will produce increasing travel deficits such as lower speeds, longer delays and travel times. These negative impacts speak to a lowering of quality of life for the affected commuters and the communities in the area, and significant impacts on business and goods movement.

Travel times are expected to increase by 50% or more over existing conditions under even the best 2031 scenario that includes the mid-block crossings

In the south end (Highway 7 and 16th Avenue) of the study area, travel time increases relative to the 2011 travel times range from approximately 50% for the best scenario to about 80-85% for the worst scenario for the same travel route and distance. More significantly, under the best scenario by 2031, east-west corridors in the northern end of the study area, namely Major Mackenzie Drive and Elgin Mills Road, are expected to experience travel times and levels of congestion similar to those experienced along Highway 7 and 16th Avenue today.

The need, role and function of each element is as important as the transportation capacity

The results of the analysis indicate that the two mid-block crossings in the south end are required immediately to provide much needed local east-west capacity and congestion relief on their own merit. On the other hand, crossings in the northern end appear to have more of a synergistic effect with other improvements (e.g., 19th Avenue interchange, Elgin Mills Road ramp extension) in the sense that they provide network connectivity and flexibility that yield benefits on a broader area basis in addition to immediate network capacity improvements.

The synergistic, positive, network-wide effect of the mid-block crossings cannot be achieved by other means

There is an overarching need for all the subject transportation elements to be provided in the long term, so that traffic congestion impacts can be minimized to the extent possible. In the event that any of the subject infrastructure elements (primarily mid-block crossings) are not provided, there are no reasonable opportunities to offset the resulting impacts. This study has demonstrated that the synergistic, positive, network-wide effect, resulting from all elements working together cannot be achieved by any other reasonable means.

Continued support and protection for the mid-block collector road crossings of Highway 404 from Highway 7 to 19th Avenue is recommended

The analysis shows that increased development and congestion will continue northerly, reaching beyond Highway 7 and 16th Avenue (as seen today) to the arterial roads of Major Mackenzie Drive and Elgin Mills Road. Congestion along these two arterials will be similar to congestion experienced on Highway 7 today and will necessitate the same mid-block crossing relief as the one that has now been committed to just north of Highway 7. Therefore, consistent with the Regional Official Plan and Transportation Master Plan, it is vitally important to the overall transportation system to continue to protect for the additional mid-block crossings north of 16th Avenue.

The ramp extensions form an integral part of the local road network by providing increased route flexibility, and should be pursued

The proposed ramp extensions form an integral part of the local road network, allowing better access from Highway 404 into areas such as the Allstate/Valleywood business parks, adding route flexibility to the overall road network, and providing significant congestion relief to the adjacent arterial roads (Highway 7, Major Mackenzie Drive and Elgin Mills Road). They would also benefit Highway 404 itself by reducing the potential for queue backups to the freeway mainline.

Development growth requires a full interchange at 19th Avenue

19th Avenue at Highway 404 is planned as the north-westerly end of the extension of Donald Cousens Parkway. An interchange with Highway 404 will enhance local accessibility and accommodate continued development growth in the surrounding area. It will provide a broader, positive network performance effect by relieving other arterial roads to the south and north in accessing the Provincial highway system.

An interchange at 19th Avenue will have a synergistic effect with the two northernmost mid-block collector road crossings in improving traffic congestion and traffic flow patterns to the south, and functions as an important part of the overall transportation system.

The scenario that includes all subject elements best addresses the transportation and future area development travel demand needs

Based on the findings, the study concludes that the scenario which included all the Regional Transportation Master Plan envisioned transportation elements in the Highway 404 corridor is technically best to address future travel demands. The full complement of the four mid-block collector crossings on Highway 404, the ramp extensions, and 19th Avenue interchange are all key to facilitating future growth in the Towns of Markham and Richmond Hill.

NEXT STEPS

Next steps include finalizing the study and developing an implementation plan for the recommended infrastructure

Markham and Richmond Hill staff are also taking similar reports to their respective Councils to present the recommendations of the study. The study report will be finalized by incorporating comments received from all three Councils by summer 2012.

The mid-block crossing between Highway 7 and 16th Avenue has already advanced to the detailed design stage and its construction schedule is being discussed between the Towns of Markham and Richmond Hill.

For the other three mid-block crossings, staff recommend that the next step include developing an implementation plan with the Towns of Markham and Richmond Hill and MTO. This strategy should include consideration for York Region to lead the necessary environmental assessment studies, prioritizing the crossings, identifying timelines for implementation, and defining cost-sharing mechanisms for initial capital as well as for long term capital replacement works.

Growth and development factors and transportation needs will drive the prioritization of the mid-block crossings in terms of identifying property requirements and construction phasing

Growth and development are continuing to occur on both sides of Highway 404. To provide certainty to land owners and to ensure that the proposed mid-block crossings are not precluded in development plans, the property requirements of each mid-block crossing must be defined in increasing details as the development plans move into the individual application and approval stage.

To define the right-of-way requirement in sufficient detail for land development plans to proceed, an environmental assessment for each mid-block crossing is required. For instance, development plans north of Elgin Mills Road on both sides of Highway 404 have reached a point where the mid-block crossing here needs to be defined in detail

through the environmental assessment process as soon as possible. Over time, the same detailed definition need will occur for the other mid-block crossings.

Early timing of environmental assessment studies will help settle Regional Official Plan appeals and allow development plans to proceed

The mid-block crossing north of Elgin Mills Road is the subject of two Regional Official Plan appeals on the issues of feasibility and property impacts. As well, detailed development plans are being prepared on both sides of Highway 404 that are impacted by this crossing. Staff anticipates that the preliminary design resulting from an environmental assessment study will help clarify and resolve the appeal issues. Therefore, it is recommended that the EA for this crossing be initiated in 2012 in collaboration with the Towns of Markham and Richmond Hill.

Link to Key Council-approved Plans

This report supports the 2011 to 2015 Strategic Plan in the priority area of

- Continue to deliver and sustain critical infrastructure.

This report also supports the following relationship to Vision 2026:

- Infrastructure for a Growing Region. In 2026, York Region will have effective, efficient and environmentally sensitive transportation system.

The results of the study also support the 2010 Regional Official Plan and Transportation Master Plan regarding accessibility and connectivity in the transportation network to serve residents and workers in the Region.

5. FINANCIAL IMPLICATIONS

The study budget was approved as part of the 2011 10-year roads capital plan.

York Region funds one third of capital costs of mid-block crossings

Currently, all mid-block crossings of 400-series highways are collector roads and are therefore under the jurisdiction of local municipalities. The current funding arrangement for the construction of mid-block crossings is for York Region to contribute one third share of the total eligible project cost with the local municipalities funding the remaining two thirds share. Eligible project costs include EA, detailed design, property, utilities relocations, structural work, curb to curb road works and construction administration.

Current capital cost funding of mid-block crossings is already included in the DC Bylaw

York Region has included its one-third share of the funding for the capital cost of the mid-block collector road crossings of Highway 404 in the Development Charge By-law.

The 19th Avenue interchange is currently included in the 2012 update of the Development Charge By-law as a contingency item. Further discussions with the Towns of Markham and Richmond Hill will be needed to finalise its inclusion in the Regional Development Charge By-law.

The Towns of Markham and Richmond Hill are collecting development charges for their proportionate share of the capital costs of the mid-block collector road crossings of Highway 404.

Long-term maintenance of mid-block crossings is a barrier to implementation

Generally, the local municipalities and MTO are responsible for the on-going operation and maintenance of the mid-block crossings. MTO requires that the section of the mid-block crossing within the highway right-of-way be transferred to the Province. In the past, it also meant that MTO would be responsible for the long-term maintenance/rehabilitation/replacement costs of the transferred section. That is no longer the case, and this issue is one of the key barriers to the implementation of all mid-block crossings of 400-series highways.

Staff recommend that Council commit to one third cost-sharing of long-term replacement costs to facilitate implementation

As noted earlier, York Region has already committed to funding one third of the long-term replacement costs of the Highway 404 mid-block crossing between Highway 7 and 16th Avenue. To facilitate the implementation of the other three mid-block crossings of Highway 404 between the Towns of Richmond Hill and Markham, staff is recommending that the same York Region funding commitment of one-third share of the long-term replacement costs be extended to these three crossings as well.

The additional costs to York Region will be programmed in the 10-Year Roads Capital Plan and included in future updates of the DC Bylaw

Recommendation No. 2 of this report will result in additional costs to the Region for conducting the three mid-block crossing Environmental Assessment studies as well as for the long term replacement of the crossings. A preliminary estimate of the increase in York Region's share of the EA studies from one-third share to 100% responsibility is \$2.5 to \$3 million. This increase will be included in the draft 2013 10-Year Roads Capital Budget that will be presented for Regional Council consideration.

The impact to York Region of the one-third share of the long-term replacement costs will be included in the next update of the DC Bylaw. The annual cost is estimated to have a net present value of \$255,000 per structure. A one-third share would be approximately \$85,000 per year per structure. With four mid-block crossings of Highway 404 between the Towns of Richmond Hill and Markham, the annual cost to York Region would be \$340,000 per year in perpetuity. The Towns of Richmond Hill and Markham individually would also have to commit to this level of expenditure.

On-going operating costs of these mid-block crossings will be the subject of future negotiations with the Towns of Richmond Hill and Markham.

6. LOCAL MUNICIPAL IMPACT

The Towns of Markham and Richmond Hill, MTO and York Region are working collaboratively on the study

Throughout the study and as part of the working group and Technical Advisory Committee, Town of Markham, Town of Richmond Hill and MTO staff have been fully engaged and supportive of the project. The transportation infrastructure elements studied and recommended are consistent with elements identified in the various local municipal plans. In 2008, the mid-block crossing north of Major Mackenzie Drive was not supported by the Town of Markham Council, resulting in the suspension of the EA.

Implementation of the full complement of infrastructure elements will assist Markham and Richmond Hill in accommodating growth and facilitating future travel demands.

Affected land owners were consulted as part of the study

The working group met with landowners and development community representatives throughout December 2010 to introduce the study and again in October 2011 to table preliminary study findings. The development community were unanimous in their interest to bring resolution to the infrastructure needs along the Highway 404 corridor. They further encouraged the Working Group to deliver the final report as quickly as possible so that they could fully understand the Regional and municipal positions on the mid-block crossings.

7. CONCLUSION

The Highway 404 Mid-Block Crossings Study is complete in draft. The report will be finalized after comments from Regional Council, Town of Markham Council and Town of Richmond Hill Council are incorporated.

The study confirms that all transportation improvements, as identified in the Regional Transportation Master Plan, are needed to accommodate traffic demand growth arising from projected land use development activity in the study area and beyond over the next 20 years.

A review of the transportation network in the area indicates there are no other opportunities for transportation infrastructure improvements beyond what is identified in the Regional and local master plans.

The technical analysis also demonstrated that there are progressively increasing negative transportation impacts and travel deficits if the infrastructure elements assessed in this study are not implemented. Without the infrastructure elements, negative traffic impacts will be evident across an increasing area around the Highway 404 corridor, over longer periods of time, and will be much worse than today.

The need, role and function of each element is as important as the transportation capacity that each provide. As well, the synergistic, positive, network-wide effect of the mid-block crossings cannot be achieved by other means.

It is therefore recommended that Council continue to plan and protect for all the infrastructure elements including the Highway 404 mid-block crossings, and the 19th Avenue interchange. Development of an implementation plan in collaboration with the Towns of Markham and Richmond Hill and MTO in which York Region takes the lead role in conducting the environmental assessments is also recommended for the mid-block collector crossings.

To facilitate land development on both sides of Highway 404 and implementation of the mid-block crossings of Highway 404, staff recommend that Council commit to funding 100% of the environmental assessment studies and one-third share of the long term replacement costs in addition to the current one third share of the capital construction cost.

For more information on this report, please contact Loy Cheah, Director, Infrastructure Planning at Extension 5024 or Steve Collins, Manager, Engineering at Extension 5949.

The Senior Management Group has reviewed this report.

(The two attachments referred to in this clause are attached to this report.)

Highway 404 Mid-Block Crossings Study Markham and Richmond Hill

Presentation to
Transportation Services Committee

Loy Cheah
May 2, 2012

Presentation Overview

- ❑ Background
- ❑ Study Conclusions & Recommendations
- ❑ Recommendations for Moving Forward
- ❑ Next Steps

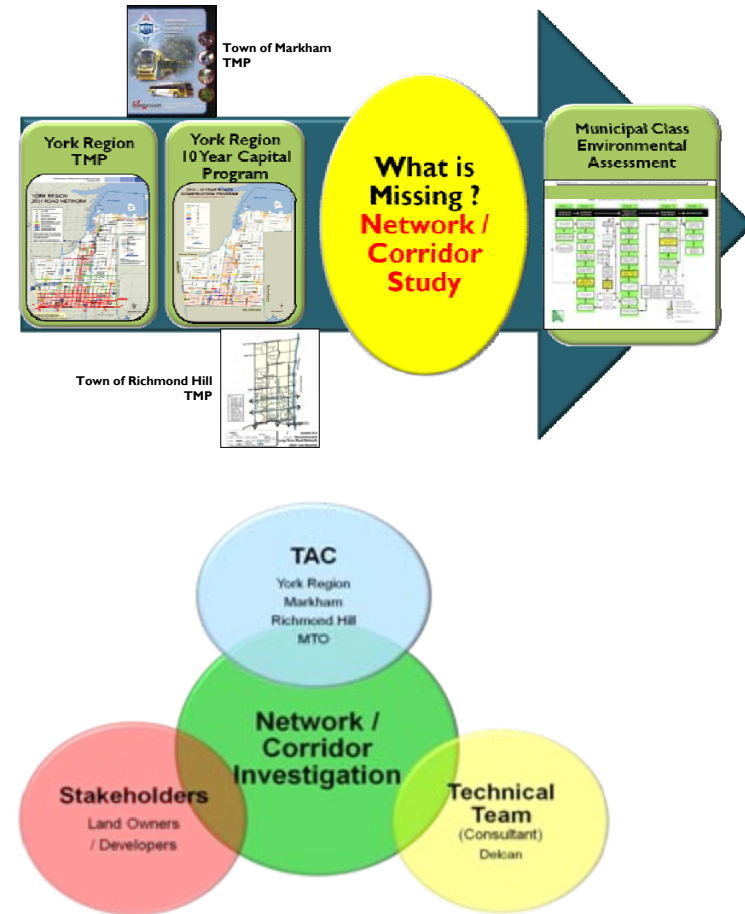
Background

- ❑ Mid-block crossings included in various YR, MRKM, RH plans
- ❑ March 2008 - MRKM Council suspends Class EA of mid-block crossing north of Major Mackenzie Dr
- ❑ June 2009 - Regional Council requested collaboration from MRKM and RH to develop implementation framework to protect, fund and construct future mid-block crossings



Collaborative Approach

- ❑ Jan 2010 – YR, MRKM & RH established working group to identify next steps for the mid-block crossings
- ❑ Fall 2010 - YR initiated joint study with MRKM and RH including full collaboration with MTO and area landowners/developers



Study Focus

Mid-Block Collector Road Crossings

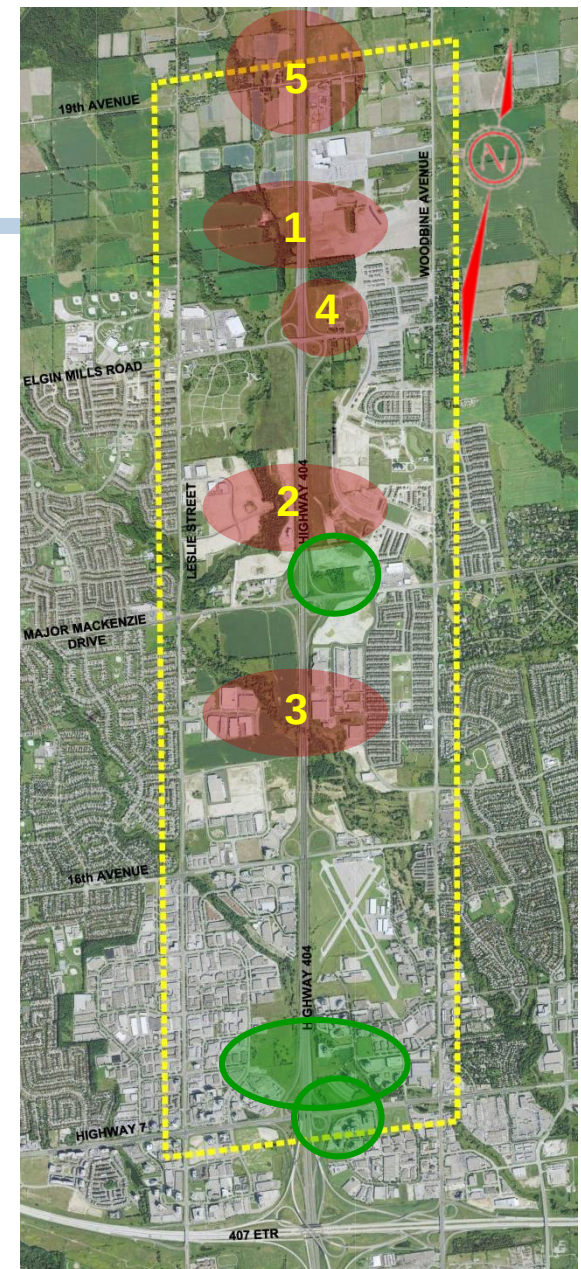
1. Between 19th Ave and Elgin Mills Rd
2. Between Elgin Mills Rd & Major Mackenzie Dr
3. Between Major Mackenzie Dr and 16th Ave

4. NB Off-Ramp extension at Elgin Mills Rd

5. 19th Avenue Interchange

Other key elements with completed EA:

- Mid-block crossing between 16th Ave & Hwy 7
- NB Off-Ramp extension at Highway 7
- NB Off-Ramp extension at Major Mackenzie Dr



Current Status

Mid-block crossings north of 16th Ave and north of Elgin Mills Rd

- Feasibility studies completed by Markham
- Class EA study required
- YR continuing to protect for future crossing

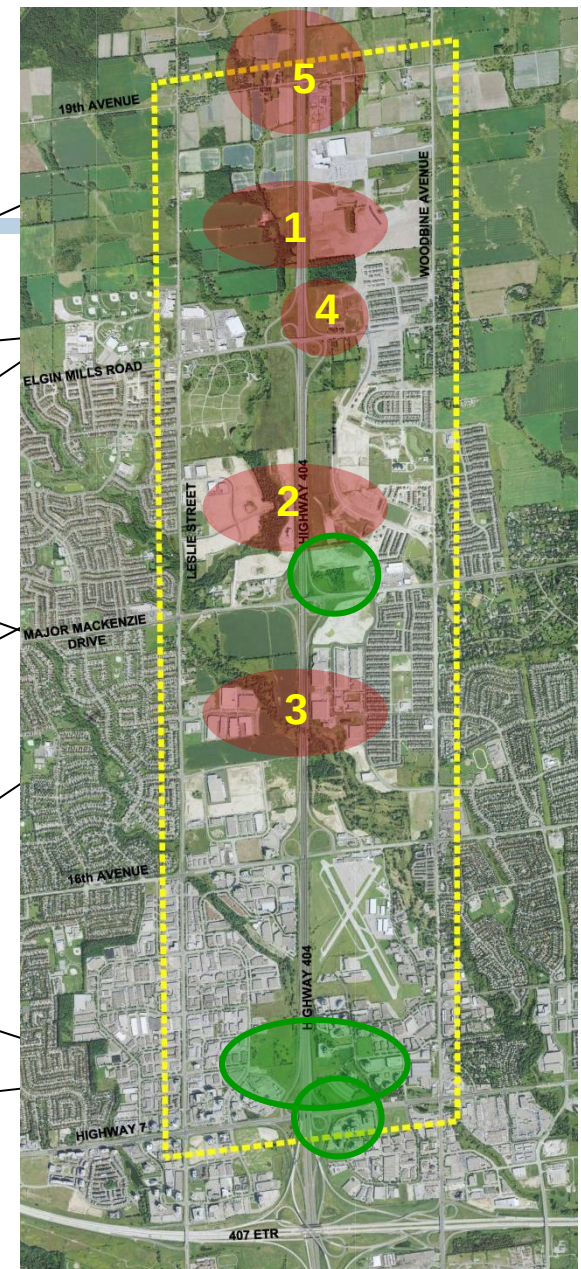
Mid-block crossing north of Major Mackenzie Dr

- Incomplete Markham Class EA suspended by Markham Council in 2008
- YR continuing to protect for future crossing

Markham Class EAs for ramp extensions completed

Mid-block crossing north of Hwy 7

- Class EA completed and approved
- Detailed design underway – 2012 completion
- Construction schedule subject to MRKM & RH agreement (not in place yet)



Network Assessment

- ❑ Network capacity diminishes as number of mid-block crossings are reduced
- ❑ Travel times expected to increase 50% or more with development growth
- ❑ Local connectivity and accessibility benefits as important as traffic capacity benefits

Implement all elements or accept a much higher level of congestion and associated impacts

Network Assessment

- ❑ Mid-Block crossings:
 - ❑ Broader planning and community benefits are as important as traffic capacity benefits
 - ❑ Synergistic, positive, network-wide effect cannot be achieved by other means



Land Use Objectives



Community Benefits



Transportation Network Development



Traffic and Transit Objectives



Active Transportation



Environment

Study Recommendations

- ❑ Immediate implementation of mid-block crossing between Hwy 7 and 16th Ave, and NB off-ramp extension at Hwy 7
- ❑ Initiate engineering/property protection studies for other 3 mid-block crossings
- ❑ Continue to plan and protect other elements including 19th Ave interchange

Considerations for Moving Forward on the Mid-Block Crossings

- ❑ Community and development pressures on locating the mid-block crossings
- ❑ OMB appeals of ROP on feasibility and property impacts of mid-block crossing north of Elgin Mills Rd
- ❑ Lack of progress on defining alignments and property requirements
- ❑ Funding for long term maintenance and replacement costs

Recommendations for Moving Forward on the Mid-Block Crossings

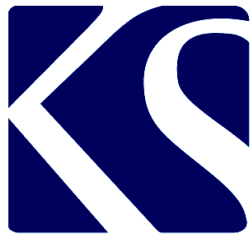
	YR	MKRM	RH	MTO
Protect (planning approvals)				
Plan (EA)	Proposed lead			
Fund - Capital	1/3 share 	1/3 share 	1/3 share 	
Fund – long term rehab & replacement	Propose 1/3 share	Propose 1/3 share	Propose 1/3 share	
Design & construction lead	As resources permit			

Committee Report Recommendations

- ❑ Continue to protect and plan for the four Hwy 404 mid-block crossings and full interchange at 19th Ave
- ❑ For the Hwy 404 mid-block crossings, York Region:
 - ❑ Leads the EA
 - ❑ Maintains 1/3 share of capital cost
 - ❑ Funds 1/3 of long-term replacement costs
- ❑ Authorize staff to develop implementation plan with Markham and Richmond Hill and report back by year end on progress

Next Steps

- ❑ Present recommendations to Markham and Richmond Hill Committees/Councils
- ❑ Re-convene staff working group to develop implementation plan
- ❑ Report back to Regional Council with the implementation plan



**Kagan
Shastri** ^{LLP}
LAWYERS

IRA T. KAGAN
Tel. 416.368.2100 x 226
Direct Fax: 416.324.4224
ikagan@ksllp.ca

File: 08221

May 1, 2012

By email

Regional Chair Bill Fisch and Members of Regional Council
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1

Attn: Denis Kelly, Regional Clerk

Dear Mr. Kelly:

Re: Region of York Study for Mid-Block Highway 404 Crossings
Our client: Rice Commercial Group and Vetmar Limited

We are the solicitors for Rice Commercial Group and Vetmar Limited with respect to their lands in the Town of Markham. Their lands are located north of Elgin Mills Road, between Highway 404 and Woodbine Avenue. Part of the Rice lands have been developed for the Honda Head Office complex. The Vetmar lands have been draft plan approved for an industrial development (with a modest residential community south and east of the Woodbine By-pass).

Together Rice and Vetmar have dedicated the lands needed for and front-ended the construction costs of the Woodbine By-pass. That by-pass is now fully built. Our two clients are dedicated to the timely development of their lands and are working to bring new employment to this portion of the Region. Unfortunately the possibility of the midblock flyover is hampering those efforts. The midblock flyover is delaying the employment lands from coming on stream.

On the east side of Highway 40, there is a very narrow strip of land where the flyover could possibly be placed (due to existing development). That location would then necessitate the need to span a large environmentally sensitive area on the west side of Highway 404. The constraints on the west side are compounded by the 2006 decision of the OMB which prohibited the flyover from going through the Bawden Wood lands. [By separate letter I have advised the Region of this element.]

Rice Commercial Group has appealed (to the OMB) the proposed identification of the flyover in the Town of Richmond Hill Official Plan and that issue will be determined through a full OMB hearing.

Lands north of 19th Avenue (in Richmond Hill) are part of the provincial greenbelt and thus prohibited from urban development. The Region is already studying the need for a full interchange at 19th Avenue and Highway 404. It may well be that such an interchange would

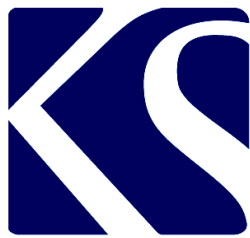
serve the transportation needs of the Region without the need for a very expensive and environmentally costly Highway 404 flyover just south of that intersection. For these reasons our client's request that the Region not pursue the midblock flyover of Highway 404 between Elgin Mills Road and 19th Avenue. Thank you for your kind consideration of this request.

Yours very truly,

A handwritten signature in cursive script that reads "Ira Kagan". The signature is written in dark ink and is positioned below the closing "Yours very truly,".

Ira T. Kagan

cc. Rice Commercial Group
Vetmar Limited



**Kagan
Shastri** ^{LLP}
LAWYERS

IRA T. KAGAN
Tel. 416.368.2100 x 226
Direct Fax: 416.324.4224
ikagan@ksllp.ca

File: 10200

May 1, 2012

By email

Regional Chair Bill Fisch and Members of Regional Council
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1

Attn: Denis Kelly, Regional Clerk

Dear Mr. Kelly:

Re: Region of York Study for Mid-Block Highway 404 Crossings
Our client: Leslie-Elgin Developments Inc.

We are the solicitors for Leslie-Elgin Developments Inc., the owner of the property commonly referred to as the Bawden-Wood lands. Our client's lands are located in the Town of Richmond Hill (north of the RioCan development) at the northeast corner of Leslie Street and Elgin Mills Road. We were also legal counsel to the former owners, the Bawden and Wood families, when their lands were before the OMB in 2006 (as part of the North Leslie Secondary Plan).

The purpose of this letter is to ensure that the Region's Transportation Services Committee (and ultimately Regional Council) is aware of the ruling which the OMB made on November 23, 2006 with respect to the potential Highway 404 flyover. The Region was a party to that OMB hearing, was represented by legal counsel and called expert evidence, including staff from Transportation Services, as witnesses. The OMB ruled that the potential Highway 404 flyover could **not** be shown on the secondary plan schedules and that it could **not** go through the Bawden-Woods lands. This is noted at pages 24 & 25 of the decision (excerpt attached) and is reflected in the text of the North Leslie Secondary Plan.

In March 2011 I sent a letter to the Region (and its consultant, Delcan), to ensure that it was aware of this OMB ruling. I have attached a copy of that letter. The schedules attached to the Region's staff report do not honour the OMB decision. I trust that the Region will honour the OMB's decision. Thank you.

Yours very truly,

A handwritten signature in cursive script that reads "Ira Kagan". The signature is written in dark ink and is positioned below the closing "Yours very truly,".

Ira T. Kagan
Encl.

cc. Leslie-Elgin Developments Inc.
Mr. Gabe Szobel (Region Legal Services)
Delcan (m.delibasic@delcan.com)



**Kagan
Shastri** ^{LLP}
LAWYERS

IRA T. KAGAN
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ikagan@ksllp.ca

File: 10200

March 8, 2011

By email

Mr. Lloyd Fernandes (Lloyd.Fernandes@york.ca)
Project Manager, Capital Delivery - Roads, Transportation Services Department
The Regional Municipality of York

Dear Mr. Fernandes:

Re: Region of York Study for Mid-Block Highway 404 Crossings
Our client: Leslie-Elgin Developments Inc.

We are the solicitors for Leslie-Elgin Developments Inc., the owner of the property commonly described as the Bawden-Wood lands in the Town of Richmond Hill (north of the RioCan development at the northeast corner of Leslie Street and Elgin Mills Road). We were also legal counsel to the former owners, the Bawden and Wood families, when their lands were before the OMB in 2006 (the North Leslie Secondary Plan).

The purpose of this letter is to ensure that the Region (and its consultant, Delcan) is aware of the ruling which the OMB made on November 23, 2006 with respect to the potential Highway 404 flyover. The Region was a party to that OMB hearing, was represented by legal counsel and called expert evidence, including staff from Transportation Services, as witnesses. The OMB ruled that the potential Highway 404 flyover could not go through the Bawden-Woods lands. This is noted at pages 24 & 25 of the decision (excerpt attached) and is reflected in the text of the North Leslie Secondary Plan.

I trust that the Region will honour the OMB's decision in its deliberations respecting the above-noted matter. Thank you.

Yours very truly,

Ira T. Kagan
Encl.

cc. Leslie-Elgin Developments Inc.
Mr. Gabe Szobel (Region Legal Services)
Delcan (m.delibasic@delcan.com)

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ISSUE DATE:

NOV. 23, 2006

DECISION/ORDER NO:

3289

Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL020446

Lionheart Enterprises Ltd., 583753 Ontario Limited, 625734 Ontario Inc. and others (collectively called Bayview East Landowners Group) have appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Richmond Hill to redesignate lands composed of Lots 26 to 30, Concession 2 and 3, E.Y.S., to establish the North Leslie Planning District and to implement a Secondary Plan for the North Leslie Area in order to facilitate the expansion of the Town's urban boundary

Town's File No: D01-00011

OMB File No: O020073

Lionheart Enterprises Ltd., 583753 Ontario Limited, 625734 Ontario Inc. and others (collectively called Bayview East Landowners Group) have appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Regional Municipality of York to redesignate lands composed of Lots 26 to 30, Concession 2 and 3, E.Y.S., from "Agricultural Policy Area" to "Urban Area" and to add the lands to the "Urban Transit Area"

Region's File No: D05 102.41

OMB File No: O020096

E. Manson Investments has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Regional Municipality of York to redesignate lands composed of Lots 26 to 30, Concession 2 and Part of Lots 26 to 30, Concession 3 E.Y.S. in the Town of Richmond Hill from "Agricultural Policy Area" to "Urban Area" and to add the lands to the "Urban Transit Area"

OMB File No: O030043

E. Manson Investments has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Richmond Hill to redesignate lands composed of Lots 26 to 30, Concession 2 and Part of Lots 26 to 30, Concession 3 E.Y.S. from "Agricultural Policy Area" to "Urban Area"

OMB File No: O030046

APPEARANCES:**Parties**

Lionheart Enterprises Ltd., et al
(Bayview East Landowners Group)

Town of Richmond Hill

Counsel

J.L. Davies
S. Rosenthal
M. Melling
A. Chan

R.T. Beaman

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PL020446

	A. Burton
The Regional Municipality of York	D. Sinclair G. Szobel
The Toronto and Region Conservation Authority	B.C. Ketcheson A. Broccolini
E. Manson Investments Limited	P.A. Foran S. Zakem
Shirley Endean	J.P. Patterson D. Klacko
D. Bawden and M. Wood Mahtaf Investment Limited S. & Z. Mizrahi Investments Limited and Richmond Greenhouses	I.T. Kagan
Gus and Maria Sotirakos	G. Borean E. Moaveni
Save the Rouge Valley System Inc. (SRVS)	D. Donnelly T. Gilbert V. de Grandpré A. Lester
York Catholic District School Board	P.C. Williams
RR REIT	M. Stewart

DECISION DELIVERED BY M.F.V. EGER AND D.L. GATES**A. INTRODUCTION**

The proposal before the Board is to expand the urban boundary of the Town of Richmond Hill. This requires an amendment to the Official Plan of the Richmond Hill Official Planning Area to establish the North Leslie Planning District (North Leslie) and implement a Secondary Plan for this new District. In addition to the proposed secondary plan are applications, and related appeals, to amend the York Region Official Plan to bring the North Leslie into the Urban Area of that Plan. The Regional Official Plan requires an official plan amendment for any expansion of the

On the other hand, the remoteness of the Bawden-Wood parcel, if designated for employment uses, would, in the Board's opinion, be considerably improved by the overpass link.

b) Need For Overpass

The Board's finds that the overpass is not needed and should not be located on the Bawden-Wood lands. What follows are a few of the reasons that assisted the Board in reaching this conclusion.

General Reasons:

- Significant physical destruction of the natural environment resulting from a crossing of least 250 metres of some of the most environmentally sensitive land in Richmond Hill, including the Green Belt, and the easterly Tributary of the Rouge River, in addition to passing over Hwy 404.
- Contradicts the Town's "Environment First" policy.
- No need demonstrated by the Region; at best only that it couldn't be ruled out entirely.
- Regional OP encourages overpasses, but doesn't mandate them or show them on any map schedule.
- Many alternative options are available, including the widening and improvement of the bridges at the intersections of Elgin Mills Road East, and 19th Avenue with Hwy 404.
- Generally, the land north of 19th Avenue will not be intensified from its present use because it lies within the Oak Ridges Moraine.
- Unlike other potential locations, no possibility exists for a north-south mid-block collector road east of Leslie, as encouraged by the Region, due to the environmental constraints.
- Because of environmental constraints, no possibility of connecting the overpass collector road west from Leslie Street to Bayview Avenue.
- There was evidence of the possibility of overpasses in the blocks of land to the south of Elgin Mills Road East.

Specific reasons relating to the Bawden-Wood lands:

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PL020446

- With 80 of the 180 acres of this property designated NHS and Greenbelt, the Bawden-Wood land is no longer such an obvious and preferable crossing location.
- Just because Bawden-Wood lands are located "mid-block" does not mean that a mid-block connector overpass must be located in them. Counsel for Bawden-Wood demonstrated that mid-block overpasses are regularly constructed over 400-series highways close to major east-west arterials.
- The Riotrin lands that are immediately to the south, were not identified by the Town of Richmond Hill as being a possible location for an overpass and were recently rezoned for commercial purposes.
- If the Board accepts the Bawden-Wood residential vision, the overpass would introduce a road, which would appear arterial in visual impact as a result of the substantial structure of the ramps and bridge, into the centre of a "new urbanist community" surrounded by significant environmental features.
- Similarly, more transport truck traffic, with consequential pollution, noise and vibration would be introduced at or near the main street of the proposed community.

For all of the above reasons, the Board concludes that the overpass should not be referred to on the OP schedules, nor is an overpass appropriate through the Bawden-Wood lands.

While some of the Parties may argue that the Board in coming to this conclusion is fettering the outcome of a future Environmental Assessment, the Board finds its conclusion to be consistent with the decision of Richmond Hill Council to proceed with the development of the Riotrin lands and all the other lands already developed and presently being developed along the west side of Highway 404 south of this North Leslie parcel. How can the necessity and location of this overpass be determined until the land uses in North Leslie are known? If the location and need is so certain, why has the Region waited so long to show its location in its Official Plan?

Therefore the wording of Section 1.4 of the Preamble to the Blended Plan relating to the overpass should be based on wording Belg proposed. Section 5.1.3 a) of the Blended Plan should be amended to read: "A potential mid-block overpass across Highway 404 connecting to future development in the Town of Markham has been

identified. The determination of need and specific location will be subject to further study through an Environmental Assessment to be undertaken jointly by the York Region, the Town of Markham and the Town of Richmond Hill. The land use structure in this Plan precludes the connection through the Bawden-Wood property but does not preclude the connection through any other property...". Sections 5.1.3 b) and c) would remain because the landowners, Region and Town agree and recommend them and the fact that they would have no application to the Bawden-Wood lands. Amendments to the OP will be necessary to reflect these findings.

c) Landowners' Vision For The Bawden-Wood Lands

It was easy for the Board to understand the landowners' vision for these lands because of the 3-D model that showed how the lands might be developed. This vision included the utilization of the main physiographical feature, "the knoll", to anchor one end of a central park. The knoll, a natural gravel hill, appears to be about 10 metres higher than the rest of the lands. Integral to the plan, the park would run in a north-south direction, parallel to Leslie, but approximately 300 metres distant, and would be accessed by an east-west main street running westerly from the park to Leslie Street. The main street would be located near the north end of the Bawden-Wood property. The central park would essentially be a common or corridor area, which would run from the knoll on the north to connect with an elementary school near the south end of the property. Attachment 4 is a one-dimensional representation of the model (Exhibit 212D).

Two heritage complexes are to be retained *in situ*. Densities would be greater along the main street, and between the park and Leslie Street (three to four storeys in height.) The densities would be slightly less on the east side of the park, and even lower to the southeast.

The main street would consist of about 2 blocks of 3-4 storey buildings with commercial enterprises on the main floor and offices or living space above.

To the north of the main street area, an employment area is envisioned fronting on to Leslie Street but well set back from it, primarily serving the local community with office space. This office space would be constructed in buildings that would

2012 Assessment of Collector Road Network

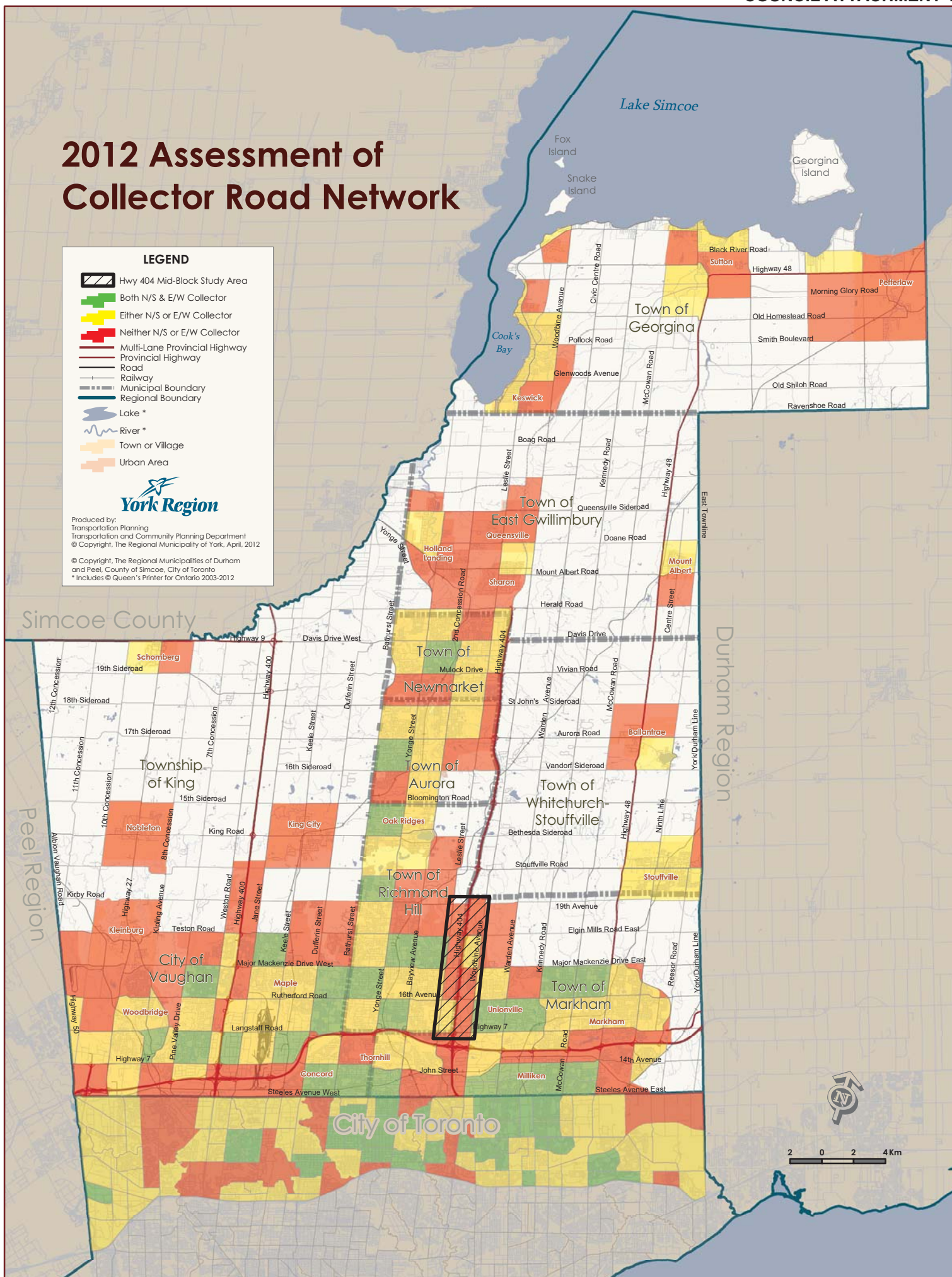
LEGEND

-  Hwy 404 Mid-Block Study Area
-  Both N/S & E/W Collector
-  Either N/S or E/W Collector
-  Neither N/S or E/W Collector
-  Multi-Lane Provincial Highway
-  Provincial Highway
-  Road
-  Railway
-  Municipal Boundary
-  Regional Boundary
-  Lake *
-  River *
-  Town or Village
-  Urban Area



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Transportation and Community Planning Department
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Highway 404 Mid-Block Crossings Study in Markham and Richmond Hill

..... Study area

Element	Description
1	Mid-block crossing north of Elgin Mills Rd
2	Mid-block crossing north of Major Mackenzie Dr
3	Mid-block crossing north of 16 th Ave
4	Northbound off-ramp extension at Elgin Mills Rd
5	Highway 404 & 19 th Ave full interchange
Others	• Mid-block crossing north of Highway 7 • Northbound off-ramp at Highway 7 • Northbound off-ramp at Major Mackenzie Dr

