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HIGHWAY 404 MID-BLOCK CROSSING BETWEEN MAJOR MACKENZIE DRIVE AND ELGIN MILLS ROAD TOWNS OF MARKHAM AND RICHMOND HILL

The Transportation and Works Committee recommends:

- 1. Receipt of the presentation by Paul Jankowski, General Manager, Roads Branch, Transportation Services Department;**
- 2. Receipt of the communication from Elizabeth Sawicki, Vice-President Low Rise Land Development, Monarch Corporation; and**
- 3. Adoption of the recommendations contained in the following report dated May 21, 2009, from the Commissioner of Transportation Services, subject to amending Recommendation 2 to read as follows:**
 - 2. Regional Council request the Councils of Markham and Richmond Hill to direct their staff to participate in developing an implementation framework with Regional staff for the long term protection, funding, and construction of planned mid-block crossings of Highway 404 and Highway 407, and that Transportation Services staff report back to the appropriate Committee in the Fall of 2009 on the outcome of these discussions.**

1. RECOMMENDATIONS

It is recommended that:

1. Council direct staff to continue to protect, through the applicable land-use planning processes, for a future mid-block collector road crossing over Highway 404 north of Major Mackenzie Drive at the technically preferred location identified through the now-suspended Environmental Assessment for the Highway 404 Mid-Block Crossing between Major Mackenzie Drive and Elgin Mills Road.
2. Regional Council request the Councils of Markham and Richmond Hill to direct their staff to participate in developing an implementation framework with Regional staff for the long term protection, funding, and construction of planned mid-block crossings of Highway 404 and Highway 407.
3. The Regional Clerk circulate this report to the Minister of Transportation of Ontario and to the Clerks of the local municipalities.

2. PURPOSE

This report is to provide an update with respect to issues regarding the planned mid-block collector road crossing over Highway 404 between Major Mackenzie Drive and Elgin Mills Road in the Towns of Markham and Richmond Hill, to secure Council's approval for continued protection for this crossing, and direction for staff to develop an implementation framework for the long term protection, funding, and construction of mid-block crossings of Highway 404 and Highway 407.

3. BACKGROUND

Regional Council has previously endorsed the planning for a number of collector road crossings of Highway 404 between the Towns of Markham and Richmond Hill

Over the last number of years, Regional Council has directed staff to work with local municipalities to plan and protect for a number of grade-separated mid-block road crossings of provincial freeways within York Region. These crossings have been identified as a required component of the transportation system in the Region's Transportation Master Plan (2002), to support transit, walking and cycling. The importance of these crossings are also identified through a number of other Regional and local planning documents and initiatives including the Markham Transportation Planning Study (2002), and Town of Richmond Hill's Transportation Master Plan (2006), and have been the subject of previous reports to Regional and local Councils. The ongoing updates to the Region's Transportation Master Plan and Regional Official Plan have further confirmed these needs. All of the currently planned crossings are depicted in *Council Attachment 1*.

Over the last few years, staff has been working with the Towns of Markham and Richmond Hill to plan the five identified crossings of 400-series highways connecting the two communities. The five crossings are at varying stages of planning/implementation. In total the Region's update to the Transportation Master Plan has identified 13 mid-block crossings of 400-series highways across the Region. Although this report deals specifically with the mid-block crossing of Highway 404 between Major Mackenzie Drive and Elgin Mills Road, the opportunity for similar challenges to arise is common across the Region.

4. ANALYSIS AND OPTIONS

Markham has suspended the Class Environmental Assessment for the Highway 404 crossing between Major Mackenzie Drive and Elgin Mills, and moved to no longer protect for this crossing

In February 2007, York Region in partnership with the Towns of Markham and Richmond Hill undertook a Class Environmental Assessment (EA) for the proposed crossing of Highway 404 north of Major Mackenzie Drive.

It was agreed that the Town of Markham would take the lead on this undertaking, and the Town on behalf of all three co-proponents retained the firm of McCormick Rankin Corporation (MRC) to complete the Class Environmental Assessment (EA). MRC completed the work to the point of identifying a technically preferred corridor alignment.

On February 19, 2008, the technically preferred alignment was presented by MRC on behalf of the study team to the Town of Markham's Development Services Committee; however on March 4, 2008 Markham Council passed a resolution effectively suspending Markham's involvement (leadership) of this class EA. This alignment is depicted in Council *Attachment 2*.

Subsequently, the Town of Richmond Hill Council on May 5, 2008, in addressing the Markham resolution, passed a resolution requesting York Region to take the lead role of Project Manager in completing the Class EA.

York Region continues to protect for the Highway 404 crossing between Major Mackenzie Drive and Elgin Mills

As conditions of Draft Plan approval, property within both Richmond Hill and Markham has been protected pending the completion of the Environmental Assessment. To date, Regional and Town of Richmond Hill staff continue to protect for the planned crossing on the basis of the technically-preferred alignment identified by the study team and MRC in the suspended Class EA work. Similarly, conditions of draft approval within Markham protect several corridors identified through the Environmental Assessment. However, current conditions of draft plan approval are dependant on the completion of the Environmental Assessment and do not serve as a long term mechanism to protect the corridor, nor does it resolve the Town of Markham's resolution to withdraw as a proponent of the Environmental Assessment.

In early 2009 Regional staff became aware that the owners of the lands on the east (Markham) side of Highway 404 may be preparing to process further development applications on the lands subject to the technically-preferred corridor alignment.

Staff has developed a number of options for Regional consideration in view of Markham's current position

All of the currently planned crossings are vital to the effective performance of the overall transportation network, so Regional staff has considered a number of options to address the future of the crossing planned north of Major Mackenzie Drive. The options are listed briefly here and outlined in some detail below:

- Resume Class EA work with York Region and Richmond Hill as co-proponents.
- Resume Class EA work with York Region as sole proponent.
- Assumption of this collector road as a Regional road.
- Defer further Class EA work and continue to protect for this crossing through available land use planning processes.
- Give up protection of this crossing.

Finishing the Class EA work as a sole proponent or with only one of the original municipal co-proponents of a local collector roadway would be problematic

Although the Class EA for this project was originally undertaken with all three municipalities acting as co-proponents, and with the Town of Markham acting as the lead administrator of the project, there is no legal impediment to the Region of York and/or the Town of Richmond Hill from completing the Class EA and submitting it as co-proponents. However, as recent experience with the Individual EA for the Don Cousens Parkway extension into Toronto has demonstrated, there are risks with respect to the ultimate clearance, or "approval", of such an undertaking in a situation where part of the implementation would be within a jurisdiction which may be objecting to the project. Further, staff are concerned that sufficient resources are not available to manage the stakeholder relationships which would be required to support this project, resulting in a prolonged study timeline.

The completion of the Environmental Assessment would fulfill the conditions of Draft Approval and support the Region's long term interest in protecting the corridor.

Furthermore, under the current cost-sharing agreement the costs for the approach roadways are borne by the local municipalities. In this case, the Region would have to assume funding responsibility for Markham's share in order to implement the project if Markham were not willing to allocate funding to the project.

Regional assumption or Regional responsibility for construction of mid-block crossings of 400 Series Highways would accelerate their implementation

In light of the position recently taken by Markham Council, Regional Council could consider assuming responsibility for implementation of this crossing specifically, or of all such collector roads crossing provincial freeway facilities. Regional assumption of local roads is governed in part through policies of the Regional Official Plan. The update to the Regional Official Plan identifies the mid-block crossings as “other arterial roads”, which may be considered for transfer to the Region subject to policies of Regional Council and as such serves as justification of future assumption of these corridors, and ultimately responsibility for implementation. The assumption of these corridors would help develop a consistent standard across the Region to protect for and implement these critical components of the Region’s long term transportation needs.

As an alternative, recognizing that mid-block crossings assist in supporting the regional transit network, and assist in freeing up capacity on the parallel Regional arterial roadways, the Region could on behalf of the local municipalities, retain the full capital responsibility for implementing mid-block crossings. The ongoing ownership, and maintenance of the corridors would be retained by the local municipality. In the case of the crossing of Highway 404 between Major Mackenzie Drive and Elgin Mills Road, it will be a Town of Markham and Richmond Hill road. By the Region maintaining sole responsibility for the implementation of the crossings, the conflicting needs of the local municipalities could be minimized.

As the Master Plans for both the Region and the Town of Richmond Hill have demonstrated the need for this crossing, the Region should continue to protect for the longer-term while respecting the Town of Markham’s current position

As outlined above, there was little disagreement until recently that these planned freeway crossings will be required in the longer term. The analysis for the Region’s current update of the Transportation Master Plan, and Draft update to the Regional Official Plan, have confirmed the benefit of these crossings. Many of these proposed collector crossings will assist in transit servicing, and improve walking and cycling opportunities of the adjacent developed or developing areas. In addition, these crossings assist in freeing up capacity on the adjacent parallel Regional arterial roadways, intersections and arterial/highway interchanges. Recent consultations suggest that Markham concerns are related to the ongoing development of the Cathedraltown lands on the east side of Highway 404, the aesthetic impact of the elevated crossing, and possible neighbourhood traffic infiltration arising from the crossing.

Since this crossing is important, but not critical in the short term, it is possible to wait for Cathedraltown to continue to develop and to monitor traffic over time, to determine when, or if, to re-initiate the Class EA. However, as recently evidenced in the City of

Vaughan, the problems associated with implementing a crossing into an existing residential subdivision could be even greater.

In view of the longer-term benefits which have been identified and reconfirmed through recent planning, it is suggested that it would be appropriate for staff to continue to protect for this crossing. Although the Region has been successful to date working with participatory landowners in both Markham and Richmond Hill to protect for the technically preferred corridor, the current conditions of Draft Plan approval within the Cathedral community do not provide a long term solution to protect the corridor. A mechanism to protect for the mid-block corridor for the long term is needed. However at this time staff recommends that it would be appropriate for the Region continue to protect for this corridor on the east (Markham) side as these lands may be subject to further land use applications.

Abandoning these mid-block connections would compromise the long-term transportation objectives of York Region and the Towns of Markham and Richmond Hill both in terms of road capacity, transit serviceability and walking and cycling accessibility to the affected development areas.

The last option which Regional Council could consider is to abandon the protection of this particular crossing. As identified above however, this approach would limit longer-term transportation capacity of the road network in the area, limit the ability to develop a comprehensive pedestrian and bicycle network between the two communities, and limit effective transit servicing to these areas.

Every study to date recommends construction of these midblock crossings to support the long term transportation needs in the area. Markham's Transportation Planning Study (2002) identified the need for east-west mid-block crossing of Highway 404 for all blocks between Highway 7 and Elgin Mills Road. Similarly, the Town of Richmond Hill's Transportation Master Plan (2006) identified mid-block crossing for all blocks between Highway 7 and 19th Avenue.

Specific to the crossing north of Major Mackenzie Drive, no analysis has been conducted yet but experience suggests that deleting or abandoning this crossing will have broad impacts on the timing of and required infrastructure to support future phases of development within the Cathedral Community.

Develop an implementation framework to establish project responsibility, commitment and balance the long term needs between the Region, Markham and Richmond Hill

The Region's Transportation Master Plan Update has identified 5 mid-block crossings between the Town of Richmond Hill and the Town of Markham. Although Regional and local staff have worked in partnership on various aspects of each of the mid-block crossings, there has not been a consistent framework and approach in implementing these

projects. So far, the coordination of local and Regional capital programs, and the resourcing of staff to undertake / manage the environmental assessments and detailed design of each corridor have proceeded in an ad hoc manner that have resulted in delays in implementing many of the projects.

One common constraint between each of the mid-block crossings is that, for the studies to succeed, they have to be developed in partnership. The implementation framework would assist local and Regional staff establish expectations and commitments to plan for and implement these crossings in a timely manner, and in turn support the transportation needs of the local community through ensuring that construction is phased appropriately with development. More importantly, the Framework would assist local and Regional Councils in developing a process to help ensure a consistent and common approach to implement the long term protection of, funding for, and construction of the five mid-block crossings.

5. FINANCIAL IMPLICATIONS

Continued protection for the Highway 404 crossing between Major Mackenzie Drive and Elgin Mills Road will not result in any financial impacts unless this issue is subject to future land use appeals, in which case staff will report back to seek Council direction.

6. LOCAL MUNICIPAL IMPACT

Continued Regional protection of the property for the Highway 404 crossing between Major Mackenzie Drive and Elgin Mills Road would be in opposition to the current Markham Council position with respect to this crossing, and the issue may be disputed by either the Town or the developers with interest in the affected lands as these lands are subjected to further land use approvals process(es).

7. CONCLUSION

While the Region has continued to plan and protect for a number of mid-block collector crossings, Regional Council direction is required with respect to the planned Highway 404 crossing between Major Mackenzie Drive and Elgin Mills Road.

Because of the long-term importance of this crossing to the transportation network, Regional staff have proposed that the Region continue to protect, through the applicable land-use planning processes, for a future mid-block collector road crossing over Highway 404 north of Major Mackenzie Drive at the technically preferred location identified through the now-suspended Environmental Assessment for the Highway 404 Mid-Block Crossing between Major Mackenzie Drive and Elgin Mills Road.

To establish a consistent and coordinated approach to planning, protecting and implementing the five crossings of Highway 404 and 407, and implementation framework between York Region and the Towns of Markham and Richmond Hill is recommended.

For more information on this report, please contact Paul Jankowski, General Manager, Roads, at extension 5901.

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 Crossing Between
Major Mackenzie Drive and Elgin Mills Road**

Towns of Markham and Richmond Hill

**Presentation to
Transportation and Works
Committee**

(reference Report D10)

Paul Jankowski,
General Manager, Roads

June 17, 2009

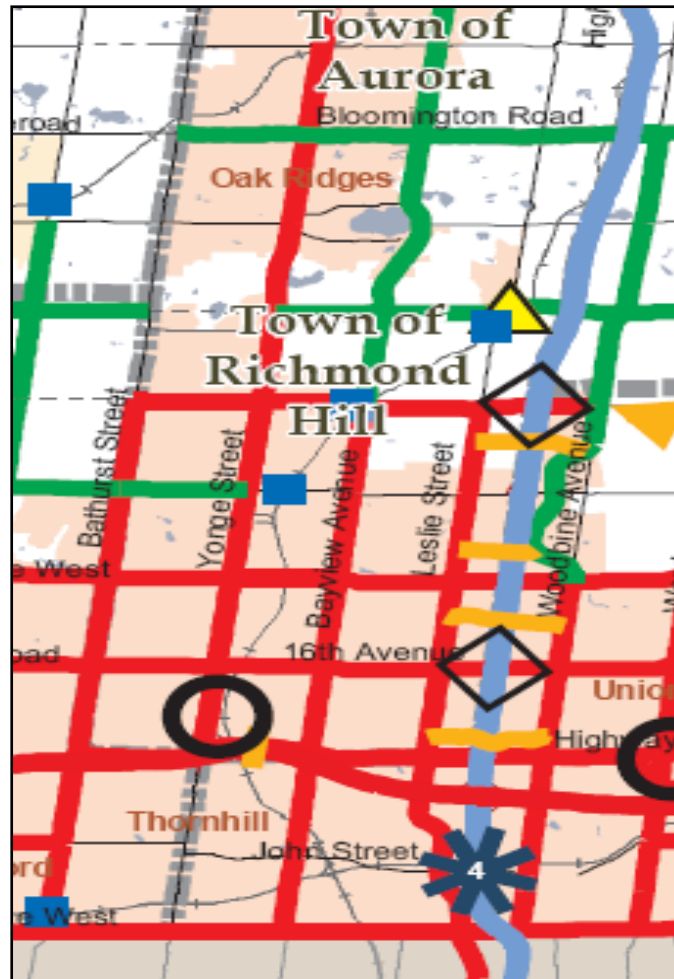
Overview

- ❑ **Background**
- ❑ **Status of Hwy 404 Crossing Between
Major Mackenzie Drive and Elgin Mills Road**
- ❑ **Options**
- ❑ **Recommendation**

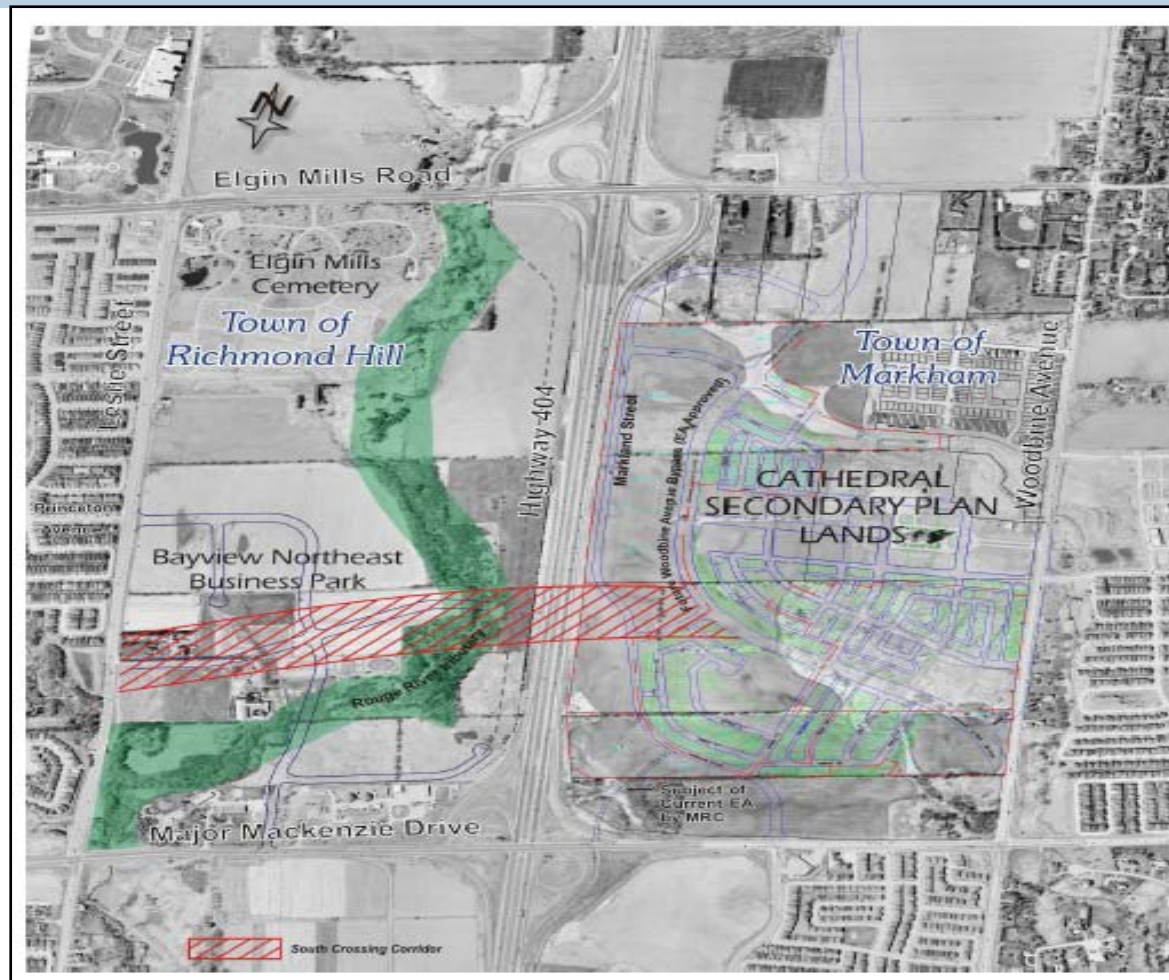
Background

- ❑ 5 crossings planned over Highways 404 and 407 connecting the local road networks in Markham and Richmond Hill.
- ❑ Markham led the Class EA for the crossing north of Major Mackenzie Drive on behalf of all 3 municipalities (Markham, Richmond Hill, York).
- ❑ Technically preferred corridor identified by consultant in 2008.
- ❑ March 2008 – Markham Council suspended further work on the class EA.
- ❑ York and Richmond Hill have been protecting the technically preferred corridor on the west side of Highway 404.

Planned Crossings Between Richmond Hill and Markham



Planned Hwy 404 Crossing North of Major Mackenzie Drive Technically Preferred Corridor



Options For Consideration

- ❑ Resume Class EA with York and Richmond Hill as co-proponents.
- ❑ Resume Class EA with York as sole proponent.
- ❑ Assume this collector as Regional Road.
- ❑ Defer Class EA but protect for crossing through land use planning processes.
- ❑ Give up protection of this crossing.

While the first three options would attempt to implement a beneficial transportation improvement, trying to do so without the support of a jurisdiction within which the project is located, will be difficult.

The success of these projects will likely continue to be contingent on partnership among the three municipalities.

Recommendations

- ❑ Request the Councils of Markham and Richmond Hill to direct staff to develop a comprehensive implementation framework with the Region for all 5 planned Highway 404 and 407 crossings.
- ❑ Continue to protect for the crossing north of Major Mackenzie Drive, through applicable land-use planning processes.



Mid Block Collectors – Definition



**New roads crossing
Highways 400, 404, 407**

Local municipal collectors

Connect two arterial roads

Not full access interchanges



Regional Municipality of York
Corporate Services Department
York Region Administration Building
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

June 16, 2009
Via fax and email

Att: Denis Kelly, Regional Clerk

Dear Sir

**Re: June 17, 2009 Transpiration and Works Committee Agenda (Item 10)
Highway 404 Mid-block Crossing Between Major Mackenzie Drive and Elgin Mills
Road, Towns of Markham and Richmond Hill
Region of York**

I am writing to the Region of York Transportation and Works Committee in order to provide some supplementary information regarding Item 10 on the Agenda, noted above, that will be the subject of discussion at the June 17th Committee Meeting.

By means of background Monarch Corporation has lands within the West Cathedral Secondary Plan in Markham. Monarch has had a substantial portion of these lands frozen from development in anticipation of the conclusion of an EA for the 404 mid-block crossing between Major Mackenzie Drive and Elgin Mills. Monarch lands are required for the technically preferred mid-block crossing that was established in 2008 by the EA work undertaken by the Town of Markham and shown in the attached Regional staff report.

Monarch's employment lands adjacent to the 404 have been draft plan approved since 2006 subject to a variety of restrictions related to the completion of the mid-block crossing EA. The restrictions imposed by York and Markham, include no presales agreements being allowed on these lands, holding zones, and draft plan conditions that restrict these lands from development until such time as this EA is completed.

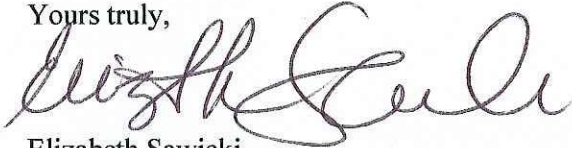
It should be noted that the land required to support this technically preferred alignment is substantially smaller than the original area that was contemplated and restricted from development within the 2006 approved Monarch draft plan.

Monarch respectfully requests that as part of this technical report that the Transportation and Works Committee give Regional staff, through consultation with Monarch and the Town of Markham, the flexibility to reduce the amount of land being restricted while still protecting for the preferred alignment of the 404 midblock crossing.

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I trust that the Transportation and Works Committee will be able to deal with our request as part of item 10 and the staff report at the June 17th, 2009 Transportation and Works Committee.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Elizabeth Sawicki', written in a cursive style.

Elizabeth Sawicki
Vice President Low Rise Land Development
Monarch Corporation

c.c. Mayor Wayne Emmerson (Whitchurch Souffville), Chairman York Region
Transportation and Works Committee
Jim Jones, Regional Councilor, Town of Markham
Kathleen Llewellyn Thomas, Commissioner of Transportation Services York Region
Paul Jankowski, General Manager, Roads Transportation and Works York Region
Bryan Tuckey, Commissioner of Planning and Development Services, York Region

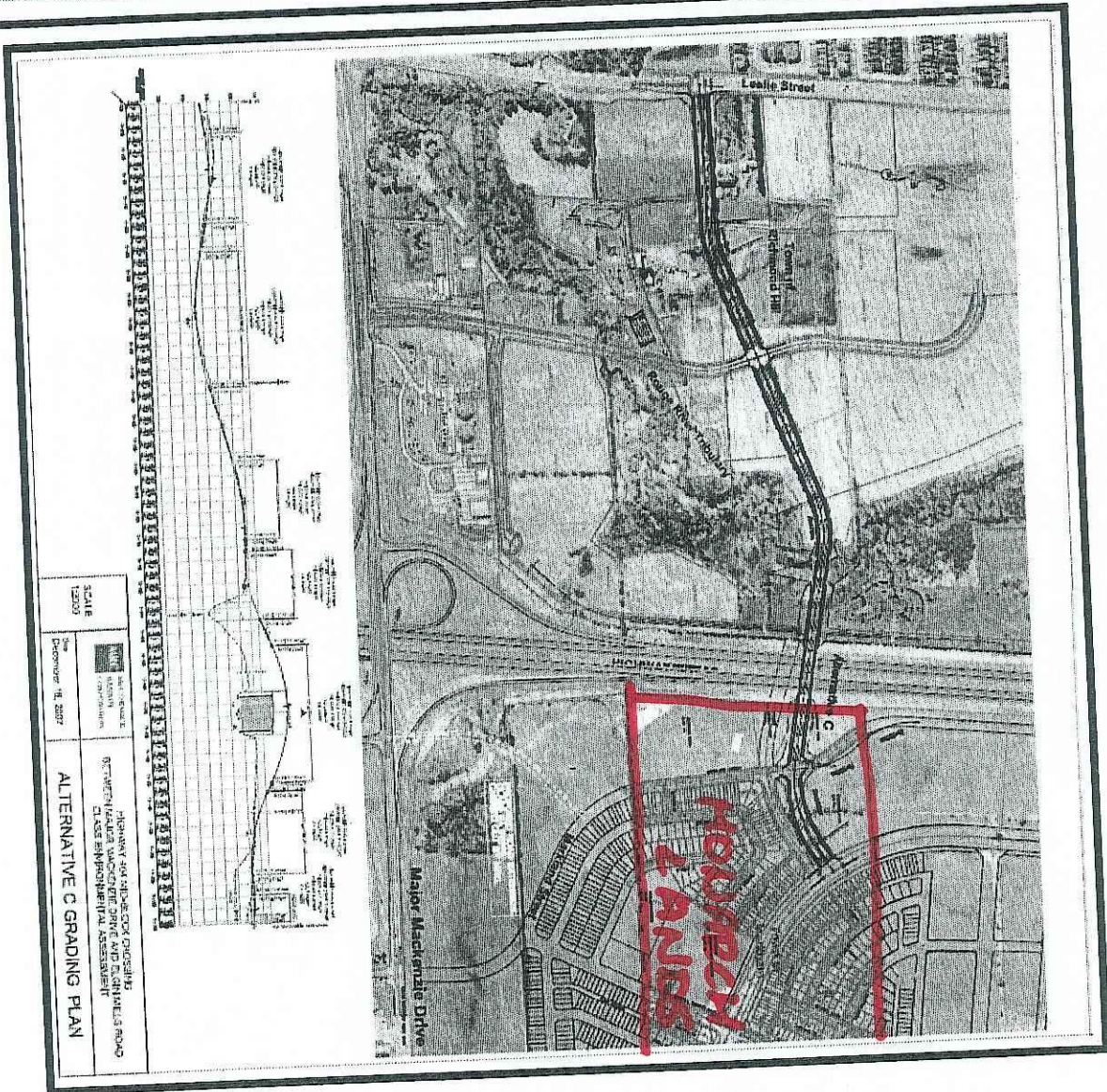
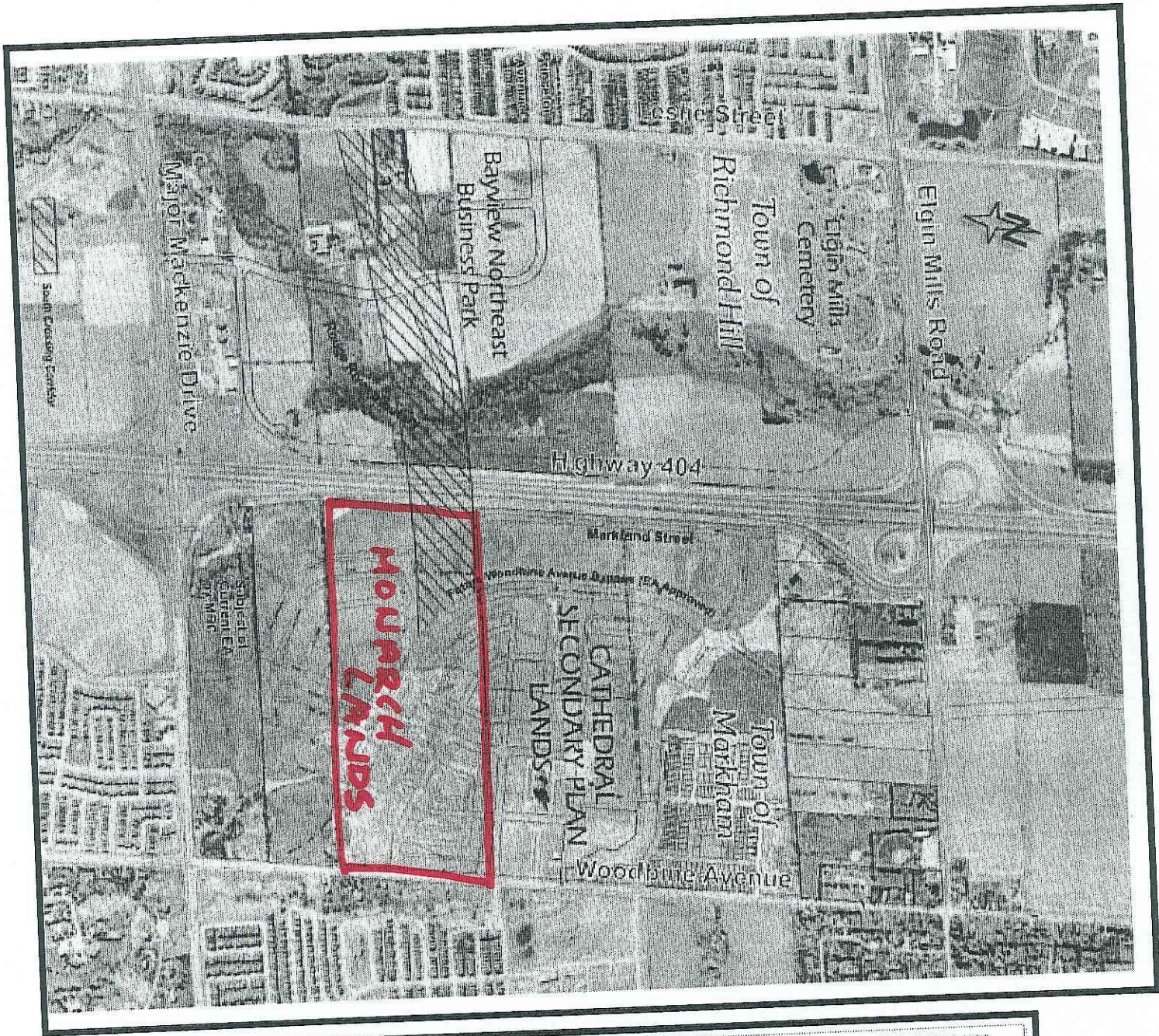
BLOCKS FROZEN
DUE TO 404
FLYOVER ON MONARCH DRAFT PLAN 19T-05M09



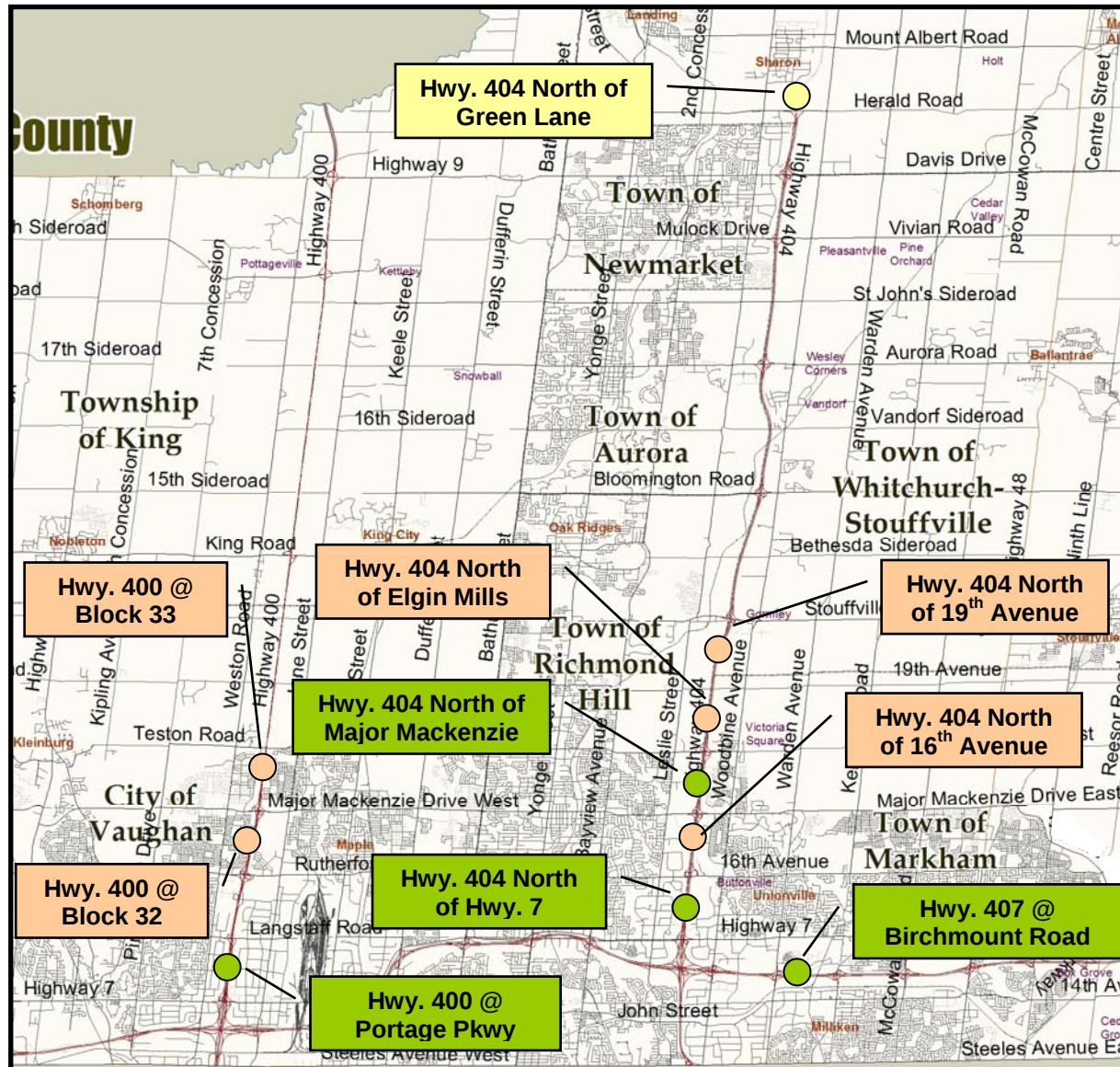
KEY PLAN

AREA TABLE	TOTAL
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TECHNICALLY PREFERRED ALIGNMENT



CURRENTLY PLANNED CROSSINGS



LEGEND



CROSSINGS IN 10-YEAR CAPITAL PROGRAM



CROSSINGS IN CURRENT DC BY-LAW, BUT NOT YET PROGRAMMED



CROSSINGS IDENTIFIED IN DRAFT 2008 TMP

TECHNICALLY PREFERRED ALIGNMENT

