



STAFF REPORT ACTION REQUIRED

Public Lane on the West Side of Weston Road, between Dee and Maple Bush Avenues - Construction of Pavement

Date:	October 15, 2008
To:	Etobicoke York Community Council
From:	Director, Transportation Services Division - Etobicoke York District
Wards:	Ward 11 - York South-Weston
Reference Number:	p:\2008Cluster B\TRA\Etobicoke York\eycc080141-tp

SUMMARY

This staff report is about a matter that Etobicoke York Community Council has delegated authority from City Council to make a final decision.

A 3.0m wide unimproved public lane exists on the west side of Weston Road, between Dee and Maple Bush Avenues. The laneway is located in Etobicoke York District, in the former City of North York. Registered Plan No. 1945 of September 1913, established the lane as a public highway.

The paving of this lane is included in the Transportation Services 2009 capital program. Abutting owners were notified of this plan in December 2005, and were advised at that time that any encroachments located within the lane will be removed by the municipality without further notice prior to construction.

The owner of the property at 2596 Weston Road, which abuts the lane, objects to the City's improvement plan, and the Ward Councillor requested that this issue be referred to Etobicoke York Community Council for a decision on whether the municipality should improve the lane.

If Community Council decides against improving the public lane, then the lane should be declared surplus, stopped up and closed as public highway as described in the "Comments" section of this report.

RECOMMENDATIONS

Transportation Services recommends that:

1. Etobicoke York Community Council authorise the improvement of the existing public lane on the west side of Weston Road, between Dee and Maple Bush Avenues, subject to the approval of sufficient funds by City Council as part of Transportation Services 2009 capital program.

Financial Impact

The cost of constructing the public lane is estimated at \$50,000. Funds to cover the cost of this work are included in the Transportation Services 2009 capital budget.

ISSUE BACKGROUND

The presence, use and improvement of the lane west of Weston Road, between Maple Bush and Dee Avenues, has had a long and controversial history primarily due to differences of opinion between abutting property owners relative to public ownership and improvement of the lane. This resulted in challenges, on the part of the former City of North York, to manage this asset effectively and consistently with other lanes in the immediate area. For example, although the former City of North York approved the closure sale of two other sections of public lane on the south side of Weston Road, between Maple Bush Avenue and Cardell Avenue, and between Cardell Avenue and Fair Glen Crescent, it continued to keep this section of lane open as public highway, but declined to take any action on improving it.

In 1981, the former City of North York reconstructed Maple Bush Avenue; however, the municipality did not provide a curb cut at the lane's intersection with Maple Bush Avenue. In January 1986, there were discussions at North York's Transportation Committee concerning the difficulties with developing the lane, particularly the 3.0m width that staff considered too narrow to allow for effective snow removal.

The Committee discussed the possibility of closing the lane and selling it to adjoining owners. At the time, municipal staff indicated that they would only consider this alternative if vehicle access to the lane was protected by mutual right-of-way agreements between all the abutting owners, and that all the owners must first agree to any proposal to 'privatise' the lane.

This proposal was deferred pending discussions with the affected landowners. No further action on this issue appears to have occurred until April 1994, when the former North York Transportation Committee considered a request from 2598 Weston Road to provide a curb cut at the Maple Bush Avenue entrance to the lane for the purpose of providing service vehicle access to the rear of their site. Objecting to this request, the owner of the property at 2596 Weston Road, representing five of the eight properties adjoining the lane, proposed instead that the former City of North York stop up and close the lane as public highway, selling portions of the lane to each of the five abutting owners.

Subsequent to these deliberations, North York Council, in October 1994, rejected the Transportation Committee's recommendation to close the section of public lane between Maple Bush Avenue and the rear lot line of 2 Maple Bush Avenue, requiring instead that the entire lane, between Dee and Maple Bush Avenues, remain open. According to our records, no work to improve or maintain the lane was done until 2004, when Transportation Services, North York District, installed a checkerboard sign at the south limit of lane for the purpose of advising motorists that the lane cannot be used to access Maple Bush Avenue.

In 2005, the public lane was included in the City's 2009 capital budget program. In December 2005, we notified all abutting owners, by registered mail, that we have scheduled the public lane for improvement in 2009, and that the adjoining owners must remove any encroachments into the public lane prior to construction.

Acting on complaints that vehicles were illegally parking within the lane, Transportation Services, Etobicoke York District, installed "No Parking" signage on both sides of the lane in September of 2008.

COMMENTS

The 3.0m wide public lane is located on the west side of Weston Road, between Dee Avenue and Maple Bush Avenue. The lane was created by Registered Plan No. 1945 dated September 1913, but is unimproved. The only existing municipal infrastructure situated within the limits of the lane is a 55cm diameter storm sewer.

Improving the lane involves the construction of a concrete pavement to its full extent, with curbs as required. The work will also require removing an existing tree located near Maple Bush Avenue within the road allowance. Should Community Council approve the improvement of the lane, Transportation staff will work with Forestry staff in respect of the disposition of this tree in the appropriate manner.

Attachment No. 1 shows the geographic limits of the lane and its relationship to the adjoining properties.

The properties abutting the west side of the lane are residential. The properties on the east side are predominantly commercial, consisting of a fast food restaurant (2600 Weston Road), chain saw sales/service facility (2598 Weston Road), an insurance company (2596 Weston Road) and other commercial uses (2590-2592 Weston Road). All of the properties on the east side of the lane have direct vehicle access to Weston Road.

The northerly 40m of the lane has been paved in asphalt to provide access to rear yard parking for 2592-2600 Weston Road. There are no records suggesting that the former City of North York made these or any other physical improvements to the lane prior to amalgamation, and it would therefore appear that this work was done by the abutting owners.

The southerly 20m of the lane is unimproved and untravelled, consisting only of sod. There is raised curb on Maple Bush Avenue, across the lane frontage, physically precluding vehicle access to the lane from Maple Bush Avenue.

Attachment Nos. 2 and 3 are photographs of the existing lane, viewed from Dee Avenue and Maple Bush Avenue, respectively.

The new City of Toronto Official Plan recognizes the important role that public lanes play in achieving municipal urban design objectives along arterial roads, particularly by reducing the number of driveways to decrease crash rates and pedestrian exposure to vehicle traffic. At the same time, rear yard laneways provide the opportunity to increase landscaping along arterial frontages, providing other amenities that enhance the pedestrian environment and encourage transit-friendly development.

Given the importance of the lane in achieving our urban design objectives, both Community Planning and Transportation Services do not consider the public lane on the west side of Weston Road, between Dee Avenue and Maple Bush Avenue, surplus to municipal transportation requirements. During the 1994 North York debate on the lane's possible closure and sale, the Transportation Committee noted that:

“ . . . Over the years, the City [North York] has taken the position with any road or lane which is proposed to be closed to accommodate development, that the process for such closure would run concurrent with the development application. Inasmuch as there appears to be a land assembly by Mr. Lawrynowicz [2596 Weston Road] and the agencies which he represents, and interest has been expressed by Mr. Lawrynowicz to purchase the lane, then the City's position should be consistent with past practice by recognizing that it is premature to close and sell the lane prior to an application being submitted through the planning process for Council's consideration.”

Other than requesting that Community Council authorise its improvement, there is nothing to suggest that the staff position regarding this lane is any different from the 1994 comments made by North York's Transportation Committee.

While the lane itself is too narrow for two-way traffic operation, it is adequate for one-way operation. Following improvement, parking will continue to be prohibited on both sides of the lane, and one-way operation will be recommended through bylaw and appropriate signage. While the lane width is too restrictive for access by tractor-semi trailers, it is sufficient for single-unit trucks, which have a width of 2.6m or less.

We emphasise that pursuant to municipal requirements, we will secure additional property from the abutting landowners during any development proposals for the adjoining properties. The site plan review process gives us the ability to obtain additional lands to secure the minimum six metre lane width specified for public lanes in Chapter 2.2 of the City of Toronto Official Plan. This will eventually allow us to convert the lane to two-way traffic operation.

Should Community Council decide against improving the lane, then Transportation Services recommends that since it is apparent that the lane is no longer considered necessary from a transportation perspective, it should be declared surplus, stopped up and closed, subject to the following conditions:

1. The public lane on the west side of Weston Road, between Dee and Maple Bush Avenues, shown as Part 1 on Sketch No. PS-2008-128, be declared surplus to municipal transportation requirements, and that the appropriate steps be taken to stop up and close the entire section of public lane between Dee and Maple Bush Avenues;
2. Notice be given to the public of a proposed bylaw to permanently close the public lane on the west side of Weston Road, between Dee and Maple Bush Avenues, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code, and that Etobicoke York Community Council hear any member of the public who wishes to speak on this matter; and,
3. Following closure of the public lane, any purchase of the public lane, or portion thereof, shall, at the expense of the purchaser, be subject to the purchaser granting easements to any affected utility companies for any existing utilities plant located in the road allowance, or with the consent of the said utility companies, the purchaser shall relocate, adjust or abandon the utilities plant at the purchaser's expense, with such costs to be determined by the appropriate utility companies.

From a Transportation Services perspective, there appears to be little benefit in closing and selling of the lane, since the closing/selling process itself will no doubt prove equally as controversial as our proposal to improve it.

Given the acrimony between the property owners at 2596 and 2598 Weston Road, there appears to be little that the municipality can do that either owner will not perceive as contrary to their particular long-term interests. But from a municipal perspective, improving the lane as part of our 2009 capital budget plays an important role in shaping future "mainstreets" development along this section of Weston Road.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment No. 1 – Map (Sketch No. PS-2008-128)
Attachment No. 2 - Photograph
Attachment No. 3 - Photograph