

Consolidated Clause in North York Community Council Report 1, which was considered by City Council on April 12, 13 and 14, 2005.

10b**Feasibility to Extend the Concrete Median -
Keele Street north of Highway 401 (Ward 9 - York Centre)**

City Council on April 12, 13 and 14, 2005, adopted the staff recommendations contained in the Recommendations Section of the confidential report (April 13, 2005) from the City Solicitor. The following recommendations and Attachment 1 are now public, and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information that is subject to solicitor client privilege:

“It is recommended that City Council:

- (1) receive North York Community Council Report 1, Clause 10b;*
- (2) authorize execution of a tri-partite agreement with Canadian Tire Corporation and Independence Way Inc. to implement an interim driveway connecting Keele Street to Wilson Avenue, including a revised median design for Keele Street, on terms and conditions satisfactory to the Acting Commissioner of Works and Emergency Services as outlined in the body of this report;*
- (3) approve the extension of the median on Keele Street, as detailed in Attachment 1, for construction in 2005 as part of the Capital Works Program already underway for Keele Street;*
- (4) direct the appropriate City officials to introduce in Council the appropriate Road Alterations By-law to permit the construction; and*
- (5) authorize and direct the appropriate City officials to take all other necessary action to give effect thereto.”*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

City Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered additional material, which is noted at the end of this Clause.

City Council on February 1, 2 and 3, 2005, deferred consideration of this Clause to its next regular meeting on February 16, 2005.

Council also considered additional material, which is noted at the end of this Clause.

The North York Community Council submits this matter to City Council without recommendation in order to allow the parties to finalize a mutually acceptable resolution to allow appropriate access and egress to Wilson Avenue and to Keele Street for all affected properties.

Action taken by the Committee:

The North York Community Council requested the Acting Commissioner, Works and Emergency Services to:

- (a) report directly to the next meeting of City Council on February 1, 2 and 3, 2004 commenting on:
 - (i) whether any proposed resolution meets the City's objectives for access and egress to Keele Street;
 - (ii) an implementation strategy;
 - (iii) the report (January 10, 2005) from Mr. Robert Gilchrist, AT Traffic Safety Corporation, attached to the communication (January 17, 2005) from Pitman Patterson, Solicitor, of the law firm of Borden Ladner Gervais; and
- (b) encourage the parties to negotiate a settlement of this matter prior to the next meeting of City Council on February 1, 2 and 3, 2005.

The North York Community Council submits the following report (November 1, 2004) from the Director, Transportation Services, North District, Works and Emergency Services:

Purpose:

To report on the need to extend the concrete median on Keele Street north of Highway 401, to manage existing and future traffic along Keele Street, between Highway 401 and Wilson Avenue.

Financial Implications and Impact Statement:

All costs for the extension of the concrete median should be included as part of the Capital Works Programme presently underway for Keele Street.

Recommendations:

It is recommended that:

- (1) the extension of the median on Keele Street, as detailed in Attachment 2, be approved for construction in 2005; and
- (2) the appropriate City officials be directed to introduce in Council the appropriate Road Alterations By-law to permit the construction.

Background:

At its meeting of June 22, 23 and 24, 2004, City Council adopted Clause No. 42 of Report No. 5 of the North York Community Council, wherein staff of the Transportation Services Division was directed to assess the existing traffic conditions on Keele Street between Highway 401 and Wilson Avenue, to determine whether operational safety concerns exist. Further, staff was directed to report on the need to extend the existing concrete median on Keele Street north of Highway 401, to control existing traffic conditions and those that will be created by further development of the Canadian Tire property on the east side of Keele Street, immediately north of the ramp from westbound Highway 401.

Comments:

Between Highway 401 and Wilson Avenue, Keele Street is a six lane major north-south arterial road. Access from Keele Street is currently provided to a Canadian Tire gas bar and a Travelodge Hotel on the east side of Keele Street and a commercial plaza, Galati Brothers, on the west side. All three driveway locations are within the existing limits of a centre left turn lane which has a length of approximately 55 metres. In the future, access will also be provided to a 232 stacked townhouse development at 2701 Keele Street which, will share a new road access with the Canadian Tire gas bar.

During the review for the development at 2701 Keele Street (Independence Way Inc.), the City initiated a feasibility study for a new road connection between Keele Street and Wilson Avenue to provide the access needs of existing and future development in the southeast quadrant of the intersection. URS Canada Inc. was retained by the City of Toronto as the traffic consultants for this project. In addition to the review of the proposed road alignment, the consultant was asked

to review the turning movements that might have to be prohibited or allowed on this section of Keele Street.

In their review, the consultant concluded that the actual operating conditions on Keele Street in this area, result in a high number of conflicts between turning traffic and both northbound and southbound through traffic flows. The consultant further indicates, that these types of conflicts are undesirable as they can lead to unacceptable collision levels particularly the southbound left turns into the Canadian Tire gas bar, which are opposed by northbound through movements. Secondary rear-end collisions may also be encountered on the northbound through traffic flow, as drivers encounter unexpected braking.

Gap studies indicated that there are few available gaps for a continuous “one-step” westbound (outbound) left turn, thereby requiring drivers to first enter into the left turn lane, before attempting to continue southbound.

The above noted conditions are aggravated by the short available left turn lane, which is 55 metres and cannot accommodate the left turning demand for all the driveways on the east and west side of the road. Any excessive queue of left turning vehicles, results in spillovers into the adjacent through lanes, further reducing the capacity of the main road network.

Collision history compiled by staff, confirms the concerns raised by the consultant. In the full 5 -year collision history currently available, the data shows that 123 collisions occurred on Keele Street between Highway 401 and Wilson Avenue. Of these, over 100 were collisions associated with turning movements.

It is important to note that until recently, a Canadian Tire retail store that operated at 2701 Keele Street required Paid Duty officers from the Toronto Police Services, which were necessary to manage the movement of traffic accessing and egressing the store onto Keele Street.

As indicated earlier, the future construction of a road connecting Keele Street and Wilson Avenue will facilitate access to the adjacent properties by providing routing flexibility and thereby a better dispersion of traffic. However, as the existing situation could deteriorate traffic flow in this corridor until the new road is built, the prohibition of left turn movements from the combined Canadian Tire gas bar and new residential development, is still required as a necessary interim condition.

This is consistent with access points on high volume arterial roads in the vicinity of high volume intersections, as in this case. Traditionally, MTO would not allow full-movement access or would even preclude all new access at similar locations.

A review of traffic operations after the extension of the median as recommended in this report, will be undertaken by staff to determine if the median should be further extended to include the driveways to the other land uses further north towards Wilson Avenue. In that review, staff will also consider the need for consolidation/elimination of the driveway access locations along this section of Keele Street.

Councillor Maria Augimeri has been advised of the recommendations in this report.

Conclusion:

The extension of the concrete median on Keele Street to eliminate left turn movements will reduce the identified traffic conflicts and thereby also reduce the potential for collisions.

Contact:

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List of Attachments:

Attachment 1: Map – Keele Street, north of Highway 401; Extension of Concrete Median
Attachment 2: Map – Keele Street; Extension of Concrete Median

(Attachments referred to in the foregoing report were forwarded to all Members of the North York Community Council with the agenda for its meeting on January 18, 2005; and copies are on file in the office of the City Clerk, North York Civic Centre).

The North York Community Council also considered a communication (January 17, 2005) from Pitman Patterson, Solicitor, of the law firm of Borden Ladner Gervais, representing Canadian Tire Corporation Limited.

The following persons appeared before the North York Community Council:

- Pitman Patterson, Solicitor, of the law firm of Borden Ladner Gervais, on behalf of Canadian Tire Corporation Limited;
- Neil Skinner, in-house counsel, Canadian Tire Corporation Limited; and
- Karl D. Jaffary, Barrister & Solicitor, on behalf of Independence Way Inc.

City Council – February 1, 2 and 3, 2005

Council also considered the following:

Report (January 24, 2005) from the Acting Commissioner, Works and Emergency Services:

Subject: Feasibility of Extending the Concrete Median: Keele Street north of Highway 401 (North York Community Council 2005, Report No. 1, Clause 10) (Ward 9 York Centre)

Purpose:

To respond to a North York Community Council request to comment on issues specific to the proposed extension of the median on Keele Street, between Highway 401 and Wilson Avenue.

Financial Implications and Impact Statement:

There are no financial impacts associated with receiving this report.

Recommendation:

It is recommended that this report be received for information.

Background:

At its meeting of January 18, 2005, North York Community Council directed that staff report directly to City Council on the referenced matter, specifically requesting that the report address:

- whether any proposed resolution meets the City's objectives for access and egress to Keele Street;*
- an implementation strategy; and,*
- commenting on the report dated January 10, 2005, from AT Traffic Safety Corporation authored by Robert Gilchrist.*

In a report to North York Community Council dated November 1, 2004, staff expressed concerns with overall traffic operations on this section of Keele Street, particularly with regards to collisions which have occurred as a result of access and egress from driveways to adjacent land uses and recommended the extension of an existing median on Keele Street. Of specific concern, was the development of Independence Way, a complex of about 240 townhouses on the lands east of Keele Street which were formerly occupied by a Canadian Tire store. Staff had indicated from the initial review of this application, that there is a concern with unprotected left turning movements to and from the access road of the new development at Keele Street.

This concern was shared by MTO staff who had reviewed the development application, as the lands and the access fall within their jurisdiction which extends 400 meters north of Highway 401. MTO staff indicated that necessary permits for the residential development would not be granted until the matter of safe access and egress to and from the development east of Keele Street are addressed to their satisfaction.

The consultant for the developer of the townhouses also concluded that outbound westbound left turning movements could not be safely undertaken onto Keele Street during the weekday peak hours and recommended that they be prohibited at those times.

The prohibition of certain vehicular movements from lands adjacent to Keele Street between Highway 401 and Wilson Avenue, was also recommended by URS Canada Inc., traffic consultants who were retained by the City in March of 2004, to undertake the “New Road Connection Feasibility Study – Keele Street and Wilson Avenue” which addresses the Official Plan Amendment 318 of the former City of North York.

The new road being reviewed in accordance with the Environmental Assessment (EA) Act, would join Keele Street and Wilson Avenue through the south east quadrant of the intersection, providing additional access and egress opportunities for the lands in this quadrant. The EA study has not been completed and any decision regarding the road would be subject to the conclusions and recommendations of the EA process.

North York Community Council heard deputations from Canadian Tire Corporation representatives who expressed concern regarding the financial impact that the closure of the median on Keele Street might have on the operation of their gas station located on the north side of Highway 401 and the east side of Keele Street, particularly to their sales of diesel fuel bought by trucks travelling on Highway 401.

Comments:

(1) *Possible Resolution for an Interim Period:*

The principal concern that has been expressed by a number of traffic experts relates to safe left turning access and egress on Keele Street to and from the new residential development. These concerns would be addressed with the construction of the new road in the south east quadrant of Keele Street and Wilson Avenue. While the EA is currently still underway, adjacent land owners have committed to protect lands for a significant section of the preferred alignment of the road until the EA study is completed.

To address the various concerns with access and egress to and from Keele Street while maintaining the current median configuration in the short term, it is necessary to develop options that will re-direct traffic related to the new development, on an interim basis. This could allow the current access configuration for the Canadian Tire gas station to remain.

Staff have been advised that the neighbouring land owners are negotiating the feasibility of creating an interim access from Independence Way to Wilson Avenue through an easement. This easement would be the subject of an agreement between the developers and their neighbouring property owners to the north, thereby providing access from the new town homes directly onto Wilson Avenue. This interim access would address the concerns related to left turning movements from the new residential development, to and from Keele Street.

(2) *Implementation Strategy:*

As indicated above, the neighbouring land owners are negotiating an interim access agreement which redirects traffic from the new residential development away from Keele Street. However, as the status of these negotiations between land owners is not available to staff, further plans for a modified access cannot be finalized in detail.

(3) *Comments on the Report by AT Traffic Safety Corporation:*

Mr. Robert Gilchrist, of AT Traffic Safety Corporation submitted a report to Canadian Tire Corporation, dated January 10, 2005, outlining his review of the staff report dated November 1, 2004, wherein the extension of the median on Keele Street is recommended. It appears that the review outlined in Mr. Gilchrist's report is based on two main premises.

The first, is that the City had a long-standing desire to close the median on Keele Street and that subsequent traffic reviews by staff or consultants were specifically directed to conclude that the median closure was necessary.

The need for traffic improvements and access control in the south east quadrant of Keele Street and Wilson Avenue has been mentioned in several past traffic studies of the area. The current examination of traffic operations on this section of Keele Street, was initiated as part of the review for the proposed development of Independence Way which was the subject of a significant land use change from retail to residential.

The second assumption made by Mr. Gilchrist, is that the City retained URS Canada Inc., to assist in the review of traffic operations on this section of Keele Street as directed by North York Community Council in June of 2004. However, as indicated earlier, URS was retained much before this matter was addressed at North York Community Council. URS was retained to investigate the feasibility of connecting Keele Street and Wilson Avenue with a new road and independently arrived at the conclusion that left turning access and egress from Keele Street to the adjacent properties should be restricted for traffic safety issues.

Therefore, the significant sections of AT Traffic Safety Corporation comments that are based on these two assumptions are not applicable as they are not reflective of the facts.

The report indicates that the traffic generated by the residential development, would be half of that which was generated by the former Canadian Tire store. While this is the case, it is important to note that the peak traffic generation for the store occurred almost exclusively during weekends and that access and egress onto Keele Street could only happen safely with the assistance of point-duty policemen.

The traffic generated by the residential development would occur during the road peak morning and afternoon periods without any type of protection, because the short distance from the signals at the ramps from Highway 401 precludes the signalization of the new access.

The report by AT Traffic Safety Corporation addresses the specific needs of access to the Canadian Tire gas station. However, the staff report addresses the traffic safety concerns associated with a number of driveways serving various land uses adjacent to this section of Keele Street.

The AT Traffic Safety Corporation report also suggests the use of the existing centre left turn lane, as a storage area for incoming southbound and outgoing westbound left turns from the Canadian Tire gas station. Staff cannot concur with these recommendations because of the impact they have on the access to other properties, the inability to store large vehicles within the

available centre left turn lane dimensions and the resulting dangerous merging maneuvers which would be required to access the Highway 401 ramps in a short distance.

Based on a review of the comments by AT Traffic Safety Corporation, staff have determined that the conclusions and recommendations in the staff report dated November 1, 2004, should not be modified.

Conclusions:

In their review of a proposed development of townhouses in the north-east quadrant of Highway 401 and Keele Street, known as Independence Way, staff recommended that the existing median on Keele Street be extended to preclude left turning movements to and from the future access to the development. This recommendation was supported by MTO staff who have jurisdiction over this section of Keele Street, an independent consultant for the City as well as the consultant for the developer.

Canadian Tire Corporation operates a gas station on the east side of Keele Street which would have a shared access driveway with the new residential development. Canadian Tire has indicated that the extension of the median as recommended by staff would have a significant financial impact on the operation of the gas station.

The City is currently undertaking an EA to determine the feasibility of constructing a road in this area which would provide significantly improved access to both Keele Street and Wilson Avenue.

Until the EA study is concluded and its recommendations reviewed, staff of MTO and the City have agreed that in order to eliminate the impact that the extension of the Keele Street median might have on the Canadian Tire gas station, this extension could be deferred, if the traffic from the new residential development could be re-directed to Wilson Avenue on an interim basis. Any such diversion is subject to a private easement agreement between Independence Way and its neighbours to the north.

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City Council – February 16, 2005

Council also considered the following:

Communications:

- (February 15, 2005) from Michael Melling, Davies Howe Partners [Communication 16(a)];*
- (February 15, 2005) from Michael Melling, Davies Howe Partners [Communication 16(b)]; and*

- *(February 15, 2005) from J. Pitman Patterson, Borden Ladner Gervais LLP [Communication 16(c)].*

City Council – April 12, 13 and 14, 2005

Council also considered a confidential report (April 13, 2005) from the City Solicitor [Confidential Communication C.23(a)]. The staff recommendations contained in the Recommendations Section of the report, together with Attachment 1, are now public, and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information that is subject to solicitor-client privilege:

“It is recommended that City Council:

- (1) receive North York Community Council Report 1, Clause 10b;*
- (2) authorize execution of a tri-partite agreement with Canadian Tire Corporation and Independence Way Inc. to implement an interim driveway connecting Keele Street to Wilson Avenue, including a revised median design for Keele Street, on terms and conditions satisfactory to the Acting Commissioner of Works and Emergency Services as outlined in the body of this report;*
- (3) approve the extension of the median on Keele Street, as detailed in Attachment 1, for construction in 2005 as part of the Capital Works Program already underway for Keele Street;*
- (4) direct the appropriate City officials to introduce in Council the appropriate Road Alterations By-law to permit the construction; and*
- (5) authorize and direct the appropriate City officials to take all other necessary action to give effect thereto.”*

(Attachment 1, headed “Revised Median Design”, is on file in the City Clerk’s Office.)

Communications:

- *(February 15, 2005) from Michael Melling, Davies Howe Partners [Communication 5(a)];*
- *(February 15, 2005) from Michael Melling, Davies Howe Partners [Communication 5(b)]; and*
- *(February 15, 2005) from J. Pitman Patterson, Borden Ladner Gervais LLP [Communication 5(c)].*