

Encroachment – Bremner Boulevard Barrier Gate & Swing Gate

Date: May 13, 2019
To: Toronto and East York Community Council
From: Director, Permits and Enforcement, Transportation Services
Wards: Ward 10, Spadina – Fort York

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided it is in keeping with City Policy or by-laws.

Transportation Services is requesting authority to enter into an encroachment agreement with Maple Leaf Sports & Entertainment Partnership (MLSEP) to install, maintain and repair an 8 metre wide by 1.26 metre high permanent, manually operated, barrier gate located on Bremner Boulevard approximately 11 metres north of Lake Shore Boulevard West. This barrier gate is being proposed to enhance pedestrian safety in this area of Bremner Boulevard during events at the Scotiabank Arena, and will allow the flexibility to open the roadway to general traffic when no events are scheduled, as this section of roadway has been permanently closed (since April 2018) for security reasons. The gate will be operated solely by Toronto Police Services under the authority in the Highway Traffic Act. MLSE will be responsible for the installation and maintenance of the gate.

An additional swing gate (4.57 metres by 1.25 metres) is also being proposed to operate in tandem with the barrier gate, and will be located at the entry point of Bremner Boulevard at Lake Shore Boulevard West to prevent vehicles from being trapped on Bremner Boulevard between Lake Shore Boulevard West and the barrier gate when the barrier gate is closed.

RECOMMENDATIONS

The Director, Permits and Enforcement, Transportation Services recommends that:

1. Toronto and East York Community Council authorize the City to enter into, and the General Manager of the Transportation Services Division or the Director, Permits and Enforcement to execute an encroachment agreement with MLSEP to permit the installation, maintenance and repair of a 1.26 metre high by 8 metre long permanent, manually operated, barrier gate on Bremner Boulevard located approximately 11.0 metres from Lake Shore Boulevard West, as well as a 4.57 metre by 1.25 metre swing gate located on Bremner Boulevard immediately at the intersection of Lake Shore Boulevard West subject to the following conditions:
 - a) MLSEP enter into the encroachment agreement with the City of Toronto at its expense, which agreement shall include the terms identified in paragraphs 1 to 8 of Section 743-34.D in Chapter 743 of the Toronto Municipal Code, together with the following.
 - b) MLSEP assume all liability related to the installation, maintenance and repair of the encroachments including providing an indemnity in a form as required by the General Manager and the City Solicitor.
 - c) MLSEP obtain and maintain in good standing insurance in an amount and form as required by the General Manager and the Chief Financial Officer of the City.
 - d) MLSEP obtain and maintain in good standing any permits or consents required by law including municipal by-laws.
 - e) Prior to installation of the gates, MLSEP obtain all utility locates.
 - f) Footings for the encroachments not exceed 1.2 meters below grade.
 - g) Any protruding objects to be cane detectable, where the lowest edge of the object should be no higher than 680 mm above the ground to ensure a person swinging a white cane left and right will be able to detect the protruding element.
 - h) A red and white retroreflective banding and "Do Not Enter/ Road Closed" sign RB92 must be attached to the barrier gate.
 - i) Any other conditions considered appropriate by the General Manager and in a form acceptable to the City Solicitor.

FINANCIAL IMPACT

There is no financial impact to the City as a result of this report. MLSE will be responsible for all costs associated to the installation, maintenance and repair of the encroachments.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

Bremner Boulevard between Lake Shore Boulevard West and a point approximately 11 metres thereof, has been permanently closed to general traffic with concrete jersey barriers since April 2018. This closure was implemented by the Toronto Police Service for security purposes.

To improve safety and allow for flexibility to open this section of roadway during non-event times, an application was received on April 2, 2019, from MLSE, to install an 8 metre by 1.26 metre barrier gate on Bremner Boulevard, approximately 11 metres north of Lake Shore Boulevard West.

The area or distance between the barrier and Lake Shore Boulevard West is functionally necessary to accommodate the depth of the concrete footings, the width of the base, the unobstructed clearance around the barrier gate, and to accommodate any maintenance and or/repair that may be required.

In view of this setback, an additional swing gate will be required on Bremner Boulevard at the entry point from Lake Shore Boulevard West to operate in tandem with the barrier gates. This is to prevent vehicles from potentially being trapped on Bremner Boulevard between Lake Shore Boulevard West and the barrier gate when the barrier gate is closed.

The proposed barrier and swing gate plan is illustrated in Attachment 1.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The relevant provision for the subject encroachment is that the height of a barrier gate within 70 metres of an intersection of two or more roadways cannot exceed 1 metres measured from the roadway grade.

The proposed height of the barrier gate(s) does not comply with the maximum 1.0 metre height permitted, under the bylaw. Accordingly, authority to permit this encroachment(s) is delegated to the Toronto and East York Community Council.

Although the subject gates exceed the permitted heights under Chapter 743, Transportation staff feel that the installations will not negatively impact the public right-of-way.

CONTACT

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SIGNATURE

Dave Twaddle
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

1. Drawing No. 421G-3406, dated May 2019

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NOTE:
INFORMATION ON THIS PLAN IS BASED
ON OFFICE RECORDS AND IS SUBJECT
TO FIELD VERIFICATION.

ENCROACHMENT: BREMNER BOULEVARD BARRIER GATE & SWING GATE

DWG. NO. 421G-3406

M.S.

MAY, 2019

TRANSPORTATION SERVICES

TORONTO & EAST YORK DISTRICT