

COMMITTEE OF THE WHOLE JUNE 18, 2001

SIDEWALK PLACEMENT ON THE EAST SIDE OF JOHN DEISMAN BLVD.

Recommendation

The Commissioner of Development Services & Public Works seeks Council direction:

With respect to the location of the proposed sidewalk within the east boulevard of John Deisman Blvd., from Domingo Street at the south end to Mainland Crescent at the north end.

Purpose

To report to Council the outcome of the community meeting (representatives from 16 of 48 abutting homes attended) with respect to the location of the sidewalk on the east side of John Deisman Boulevard.

At its meeting of June 4, 2001, Committee of the Whole recommended "that this matter be referred to the Committee of the Whole meeting of June 18, 2001".

Background - Analysis and Options

At the Committee of the Whole meeting on September 18, 2000 a deputation was received requesting the deletion of the proposed sidewalk on the east side of John Deisman Blvd.

On September 25, 2000, Vaughan Council ratified the following resolution:

"That the deputation of Ms. Denise Mammoliti, 391 John Deisman Blvd., Maple, L6A 3G7, and written submission, be received and that staff provide a report addressing the issues identified by the deputant; and

That the construction of the sidewalk on the east side of John Deisman Blvd., be put on hold until a Community Meeting is held and that Engineering staff be available to attend the meeting."

Pursuant to Council direction, notice of a community information meeting was delivered to 29 of the 48 homes abutting the subject sidewalk on the east side of John Deisman Blvd. The remaining 19 homes were still under construction and therefore not occupied. The information meeting was held on October 12, 2000. Residents from 20 of the homes attended the meeting. At this meeting an overview of the City sidewalk policy was presented by the Engineering Department staff who advised that sidewalk on the east side of John Deisman Blvd. is required in accordance with the City's sidewalk location policy. The residents outlined their concerns (safety, property devaluation and space), and confirmed that they wish the requirement for the sidewalk on the east side of John Deisman Blvd. be deleted.

The residents also requested that in the event the sidewalk has to be constructed as planned that the feasibility of locating the sidewalk closer to the curb be reviewed. Staff have completed this review and the sidewalk cannot be moved closer to the curb due to the location of other utilities, such as street lights, hydro transformers and Bell pedestals.

A staff report was forwarded to the Committee of the Whole on February 5, 2001, which addressed Ms. Denise Mammoliti's concerns and recommended the proposed sidewalks on the east side of John Deisman Blvd. be constructed in accordance with the requirements of the

sidewalk location policy and the subdivision agreement. Then, on February 12, 2001, Council directed (Attachment #2):

“That the matter be deferred to a future Committee of the Whole meeting following a community meeting involving the builders, developers, staff, the local Councillor and any other interested Member of Council; and

That the deputation of Ms. Denise Mammoliti, 391 John Deisman Blvd. Maple, L6A 3G7, be received.”

Pursuant to Council direction, a meeting was held with builders, developers, staff, local Councillor and representatives from homes abutting the subject sidewalk on April 2, 2001. Subsequently the local Councillor's office coordinated and notified residents of another community meeting which was held at the Council Chamber on May 22, 2001 with residents, the Engineering Department staff and local Councillor. Residents from 16 of the 48 homes attended the meeting. The deletion of the subject sidewalk was ruled out as an option on account of possible liability issues facing the City. The discussion focused on relocating the sidewalk with due consideration to the as-built site conditions. In the end, it was narrowed down to two options:

1. Locating the subject sidewalk in accordance with the approved Engineering drawings; and
2. Meandering the subject sidewalk as delineated in Attachment No. 1.

Staff outlined concerns with the option of meandering the subject sidewalk as follow:

1. There is very little room to meander the subject sidewalk between the curb and the street furniture, with the result that the sidewalk would look like a straight sidewalk being forcefully meandered or constructed incorrectly. It would not be a smooth meandering sidewalk;
2. In order to meander the sidewalk smoothly, street furnitures (e.g. street lights, hydro transformers, Bell pedestals etc.) would have to be relocated, which would be expensive. There are 10 hydro transformers and 10 street lights along the subject sidewalk. At least 4 (maybe more) hydro transformers would have to be relocated; each costs approximately \$5,000.00 (relocating street light would cost roughly \$1,500.00 each);
3. It is impractical to relocate the hydro transformers. Presently, the transformers are built as close to the curb as possible. Hydro Vaughan stipulates that the transformers cannot be any closer than 1.2 meters from the curb. Relocating the transformers closer to the property line would not be to the liking of the residents. Relocating transformers elsewhere in front of homes which do not have any transformer now will face objection from these home-owners as well;
4. At present, the developer has constructed the street furnitures in accordance with the approved Engineering drawings. There is no mechanism within the Subdivision Agreement requiring the developer to relocate those street furnitures at his own cost;
5. By meandering the subject sidewalk, it does not provide any benefits in being able to park more than 1 vehicle in tandem on the driveway; and
6. After snowing, sidewalk and boulevard will be covered with snow. Then, the sidewalk snow-plougher will not be able to identify the location of sidewalk and will hence damage the boulevard sodding, which will not be appreciated by the home owners.

At the end of the meeting, a vote on the layout of the subject sidewalk was carried out. The vote was 12 to 4 in favour of meandering the sidewalk.

The developer has advised staff that he is not prepared to absorb the cost of relocating any of the street furniture.

Conclusion

Pursuant to Council direction a community meeting was held with respect to the location of the sidewalk on the east side of John Deisman Boulevard. Residents from 16 of the 48 abutting homes attended the meeting. Twelve residents would like the sidewalk to be meandered, however, there are a number of concerns with the feasibility of doing so as outlined in this report. Staff seek Council direction.

Attachments

1. Location Map
2. February 12, 2001 Council Extract

Report prepared by

T. Ching, Development Engineer, Development Review, ext 8711
B. Holly, Senior Manager Development/Transportation Engineering, ext 8250

Respectfully submitted,

FRANK MIELE
Commissioner of Development Services
& Public Works

Bill Robinson, P. Eng.
Director of Engineering

ATTACHMENT No. 1



Drawing name: R:\ENGR\WT\DEVELOP\SUBDIV\TOWN_C\DEISMAN_2.dwg

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 12, 2001

Item 15, Report No. 11, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 12, 2001.

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**SIDEWALK PLACEMENT
ON THE EAST SIDE OF JOHN DEISMAN BLVD.**

The Committee of the Whole recommends:

- 1) That this matter be deferred to a future Committee of the Whole meeting following a community meeting involving the builders, developers, staff, the Local Councillor and any other interested Member of Council; and
- 2) That the deputation of Ms. Denise Mammoliti, 391 John Deisman Blvd., Maple, L6A 3G7, be received.

Recommendation

The Commissioner of Development Services recommends:

That the proposed sidewalk on the east side of John Deisman Blvd. be constructed in accordance with the requirements of the sidewalk location policy and the subdivision agreement.

Background

At the Committee of the Whole meeting on September 18, 2000 a deputation was received requesting the deletion of the proposed sidewalk on the east side of John Deisman Blvd.

On September 25, 2000 Vaughan Council ratified the following resolution:

"That the deputation of Ms. Denise Mammoliti, 391 John Deisman Blvd., Maple, L6A 3G7, and written submission, be received and that staff provide a report addressing the issues identified by the deputant; and

That the construction of the sidewalk on the east side of John Deisman Blvd. be put on hold until a Community Meeting is held and that Engineering staff be available to attend the meeting."

There were three main concerns identified by Ms. Denise Mammoliti in her deputation, that is, safety, property depreciation and space. The following are the specific concerns which she listed.

- a) Ms. Mammoliti disagrees that John Deisman Blvd. is a main primary road.

John Deisman Blvd. is a 20 metre wide primary road allowance with 9 metre pavement width and two 5.5 metre boulevards. It was planned in the Official Plan and Block Plan to be a primary road. Ms. Mammoliti was not aware that the road would ultimately be constructed through the Mosque lands to the north, and would be a major link through the Community.

- b) Ms. Mammoliti believes that there is not, and will not be a school or a park built in the immediate vicinity of John Deisman Blvd.

There is a school block and a park located on the east side of Mast Road, which is the continuation of John Deisman Blvd. south of Tiara Avenue, as shown on Attachment No. 1.

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c) Homeowners were advised by the house builders that there would be no sidewalk on the east side of John Deisman Blvd. because there were street lights, hydro transformers and Bell boxes on that boulevard.

The standard cross section for a 20 metre road allowance provides for sidewalk on both sides of the road, and the location is coordinated with the other utilities such as street lights, poles, hydro transformers, Bell pedestals and hydrants.

d) The value of a property on John Deisman Blvd. would most likely depreciate due to the fact that this is the only subdivision in the area that has sidewalks placed so close to the homes.

The sidewalk on John Deisman Blvd. is located 1 metre off the street line, which is the standard location for not only this community but for the entire City.

e) Many residents will not be able to fit vehicles in their driveways without overhanging the sidewalk.

The sidewalk is located at its standard location of 1 metre inside the road allowance. The minimum set back to the garage is 5.8 metres, accordingly, there is a minimum of 6.8 metres to park a car between the sidewalk and the garage door. This is consistent with the rest of the community and City requirements.

f) If a pedestrian, walking on the sidewalk trips and falls and lands on private property, would the City or the Homeowner be responsible?

The sidewalk is located at its standard location 1 metre inside the road allowance and as such any responsibility and liability with respect to an accident of this type would be the same as it is throughout the rest of the City.

g) Should someone have a car accident on the street and drive off the road over the sidewalk they could easily hit the front porch.

The probability of a car hitting the front porch as a result of an accident would not be influenced by the sidewalk on the boulevard.

h) Should the property owner, their children or grandchildren be sitting on their front porch or stairs and somebody with a leashed dog walks by, the dog could easily turn and bite or attack the homeowner and their children or grandchildren.

The sidewalk is constructed 1 metre inside the street line which is consistent with the rest of the community and the City, and as such, this possible problem is no different for John Deisman Blvd. as it is for anywhere else.

Pursuant to Council direction, notice of a community information meeting was delivered to 29 of the 48 homes abutting the subject sidewalk on the east side of John Deisman Blvd. The remaining 19 homes were still under construction and therefore not occupied. The information meeting was held on October 12, 2000. Residents from 20 of the homes attended the meeting. At this meeting an overview of the City sidewalk policy was presented by the Engineering Department staff who advised that the sidewalk on the east side of John Deisman Blvd. is required in accordance with the City's sidewalk location policy. The residents outlined their concerns (safety, property devaluation and space), and confirmed that they wish the requirement for the sidewalk on the east side of John Deisman Blvd. be deleted.

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The residents indicated that they wish to obtain waivers from every homeowner on the street and submit them to Council at the same time as the staff report, which has been requested by Council, is submitted. A sample copy of a waiver was forwarded to Ms. Denise Mammoliti, along with the following additional information which was requested at the meeting.

- a) Schedule F "Work Schedule" of the Subdivision Agreement
- b) Section 19 "Notice to Purchasers" of the Subdivision Agreement
- c) Chronology of approval dates

The residents also requested that in the event the sidewalk has to be constructed as planned that the feasibility of locating the sidewalk closer to the curb be reviewed. Staff have completed this review and the sidewalk cannot be moved closer to the curb due to the location of other utilities, such as street lights, hydro transformers and Bell pedestals.

Report Prepared by: Brendan Holly, Sr. Manager Development/Transportation Eng., ext. 8250

BH:MR

Attachment

- 1. Location Map

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)