



Report to: Development Services Committee

Date Report Authored: June 13, 2011

SUBJECT: Pathways / Sidewalks for Lane-based Developments
PREPARED BY: Brian Lee, Senior Manager, Development Engineering & Transportation, ext. 4838

RECOMMENDATION:

- 1) THAT the report entitled "Pathways / Sidewalks for Lane-based Developments" be received;
- 2) AND THAT the construction of a municipal pathway that leads from the municipal sidewalk to the curb, except where it is intended to connect to a safe crosswalk, not be approved as a new standard;
- 3) AND THAT notwithstanding Recommendation 2), where a resident requests to install a private pathway and it is permitted by the Director of Operations, the resident be required to enter into an encroachment agreement with the Town, to the satisfaction of the Town Solicitor;
- 4) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

At the Development Services Committee meeting on September 14, 2010, staff were directed to report back on "the potential impacts to the Town of Markham and residents with respect to the installation and maintenance of pathways in front of lane based homes." This matter was raised by residents in the Ivory Silk Drive and Russell Dawson Road area of the West Cathedral Community regarding a proposal for a municipal pathway from the curb to municipal sidewalks across the grass boulevard to facilitate access between their cars and their homes.

BACKGROUND:

Mr. Abdelati, a Markham resident, requested that the Town provide and maintain a pathway in front of houses from the municipal sidewalk to the curbside to access their vehicles. Mr. Abdelati suggested that a municipal pathway is required so residents and visitors can access their vehicles on the street, especially in the winter months. Staff have looked at the urban design, engineering and operational issues related to installation of such municipal pathways.

OPTIONS/ DISCUSSION:

- 1) Lane-based Development & Parking in Rear Garages
In the early 1990's lane based development was approved by Markham Council as part of the Cornell Master Plan. Since then lane based development has been built in other communities including Cathedral, South Unionville, Wismer, Berczy, Greensborough and Angus Glen.

Residents are to park their vehicles in the rear garages overnight and may only park in front of their homes on the street between the hours of 6:00 a.m. to 2:30 a.m. The Town has introduced a pilot project to further restrict on-street parking on the even numbered side of the street, from November 15th to April 15th, to facilitate snow clearing. Therefore, resident parking on the street is not a permanent feature, but rather a convenience for residents during the day. Staff have observed that less than 10% of the lane based developments have private pathways installed by the residents without Town approval.

2) Pathways Maintenance

The Town provides mechanized winter maintenance of sidewalks as a cost effective means for removal of snow, sanding and salting. The proposed pathways cannot be maintained in the same way because of potential blockages of the end of the pathways by parked cars. If these pathways were to be maintained by the Town, it would have to be carried out manually by hand to remove the snow and spread sand/salt. This would take considerably more time and staff resources and, therefore would increase the operating and maintenance costs for winter maintenance. We should note that driveways in the public right-of-way for front-loaded developments do not receive winter maintenance by the Town.

3) Safety Issues and Risk Associated with Pathways

If proposed pathways are installed as municipal infrastructure, pedestrians (including children, seniors, people with disabilities such as vision impairment) may be misled to think these pathways connect to safe areas to cross the street. Unlike properly designed pedestrian crossings at intersections, these pathways will often be blocked by parked cars, creating poor sight lines and potential danger if pedestrians cross at these pathways locations. Staff are extremely concerned about the safety and associated risks of these pathways, and strongly recommend that they not be approved as a standard municipal infrastructure or private encroachments on municipal infrastructure. As mentioned in the previous section, difficulties in providing effective winter maintenance will increase the risk and liabilities due to slips and falls.

4) Urban Design

The original intention of lane-based development is to provide less clutter on the public boulevard and to eliminate driveways so that the façade of the houses can be closer to the street. These pathways can be unsightly and therefore undesirable from an urban design and streetscape perspective. The new urbanism approach to community design also entails a more connected road pattern and shorter block lengths, which facilitates pedestrian movements to connecting streets and sidewalks.

5) Private Pathway Encroachments

Pathways should be discouraged even if they are privately owned and maintained. Given the current situation, staff are not recommending that the existing private pathways be removed by the Town, but owners who have installed side paths are

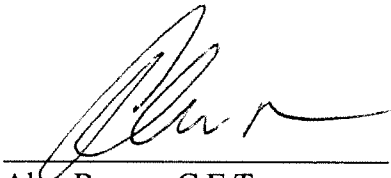
doing so at their own risk and liability. However, if residents formally request a private pathway on the municipal boulevard, the application should be reviewed by staff from Operations Department, in consultation with the Planning & Urban Design Department, to review matters related to public safety and the use of appropriate materials and design. In exceptional situations, the Town may permit such private pathways. If the encroachment is permitted by the Town, an encroachment agreement should be required between the homeowner to the Town, which will indemnify the Town. The Town's Legal fee to prepare an encroachment agreement is \$750.00 plus HST. There will also be cost to prepare legal surveys and for registration of the encroachment agreement.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

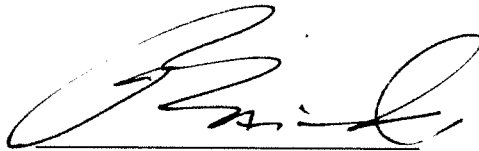
Operations and maintenance costs will increase if municipal pathways become a new Town standard.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Planning & Urban Design Department, Operations Department and the Legal Department were consulted and their comments were incorporated into the report.

RECOMMENDED BY:

Alan Brown, C.E.T.
Director of Engineering



Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Attachment "A" - Lane Based Development/Front Loaded Development

Attachment "B" - Sidewalks and Pathways

Attachment "C" - Example of a Pathway