

To City of Richmond Hill Councillors

Subject: Additional Information to Council Motion brought forward by Councillor Castro Liu on February 23, 2022 on the assumption of the Shirley Drive Laneway, Richmond Hill for Council Meeting September 14, 2022

A Unique Situation – Requires a Unique Solution

The Shirley Laneway residents respectfully provides the following information to help Council Members make an informed decision based on the facts about this unique community over the past 24 years. Attached for reference are reports SRP.96.054 (1996) and SRE.01.112 (2001). These reports confirm major concerns and predict a troubled future for residents of 141-247 Shirley Drive.

- In 1998 Law Development Group built 54 Freehold townhomes with a **private** rear laneway on Shirley Drive, Richmond Hill.
- This new concept of freehold self-managed townhouses was approved by the City as a unique pilot project without sufficient consideration for its long-term sustainability.
- The property was not registered under the Condominium Corporation Act 1998. The developer incorporated a “For Profit” Corporation 1286302 Ontario Limited and established a service document “Shared Facility Agreement” which mandated the requirements for operation and maintenance of the laneway by a volunteer Board of Directors (Committee). This document is registered on Title at the Land Registry Office.
- The laneway pilot project was approved at below standard width of right-of-way. At the far south end, which services 13 of the 54 homes, there is a City approved dead-end. There are entrances / exits from Redstone Road and Shirley Drive. The laneway is approved as appropriate for fire services and snow removal. Garbage collection is removed on Shirley Drive, a collector road.
- Primary vehicular access to these homes is provided by the rear laneway.
- An initial maintenance fee amount was recommended by the developer to cover the cost of the laneway maintenance as well as a contribution to the reserve fund.
- In addition, a five-year reserve fund contribution and a three-year service and maintenance plan was to be establish by the developer on recommendation by City Staff in report SRP.96.054. This was in order to assist residents during the initial years of operations.

Current Grievances:

- Legal counsel suggested 1286302 Ontario Limited was incorrectly set up as a “For Profit” corporation, suggesting a “Non-Profit” Corporation would have been a more appropriate choice for this development. The “For Profit” Corporation as established, incurred added accounting and tax filing costs. We collect revenues not income.
- Managing reliable service contractors including the administration of a “For-Profit” corporation, and other administrative duties is overwhelming for volunteer residents.
- The additional five-year reserve fund and a three-year maintenance plan to assist residents was **not** received. We were not aware of this recommendation until 2021. *Please refer to Report SRP.96.054 pages 1 and 3.*
- The process of collecting maintenance fee funds is problematic with frequent opposition and unpleasant exchanges.
- It became evident early on that a self-managed volunteer model was not sustainable. The burden on volunteer committee members is excessive and an immense challenge on personal time. *Please refer to Report SRP.96.054 page 3.*
- The volunteer board members are not qualified and understanding of the service requirements for maintenance of catch basins, storm water management and infrastructure repairs. Residents are not trained or licensed property managers.
- In addition, it is a challenge to retain volunteer Board of Directors and it becomes more obvious that this arrangement is not sustainable.
- Residents pay a maintenance fee to cover snow removal, street lighting, insurance, fence repairs, catch basin and asphalt repairs. There is a secure reserve fund for future repairs.
- This model of development accepted and approved by the City and maintained by residents for 24 years is becoming harder and harder to sustain.

- We are the only private laneway development in the City of Richmond Hill in this particular situation. A change to our **unique** position would not set a precedent for the City.
- The townhomes are sold on the premise that maintenance fees cover snow removal, insurance and lighting. The full details of the Shared Facilities Agreement and Assumption Agreement is not communicated sufficiently by Real Estate agents and Legal teams and purchasers are often unaware of all the details.
- There are City operated laneways in our neighbourhood paying the same property taxes as we do without having to maintain their laneway.

Potential Solutions:

The residents communicated with the City on these issues within the first few years of ownership as soon as it was evident this service model was not sustainable and was originally ill-conceived. In 2015 the Committee started a more formal action plan.

In 2022, City staff produced Report SRPI.22.034, entitled *Response to Council Motion Report on assumption of the private laneway for freehold townhouses 141-247 Shirley Drive, dated June 22, 2022*.

This report provided three (3) Options for the residents' consideration.

1. **Option 1:** Status Quo – Our current situation requires positive change – Our residents will not support this option.
2. **Option 2:** Conversion to Condominium Corporation – Residents purchased freehold properties and free of the condominium corporation model and fee structure – Residents will not support this option.
3. **Option 3:** Municipal Assumption of the Laneway – Created the most significant changes and challenges for both the City and the residents. After serious consideration the residents were not able to support this option due to the hurdles placed on them. Particular hurdles were bank mortgage processes and multiple City requirements. This option is unattainable also due to excessive cost and the length of processing time. *Please refer to Report SRP.96.054 page 3 – Ownership.*

As a result of Report SRPI.22.034, alternative solutions were considered.

4. **Option 4:** Evolved from earlier discussions with City Staff and following meetings with Councillors who acknowledged our grievances and need for change.

We understand a Service or Access Agreement permitting City staff / contractors to provide service and maintenance is achievable. We have reached the conclusion that a unique situation, requires a unique solution. The serious problems occurring in sustaining this management model needs to be resolved. Our residents would appreciate equal levels of service and maintenance afforded to other City managed laneways.

Therefore, we would propose the City take over snow removal, repairs and maintenance on below and above ground infrastructure. Since liability is of concern to the City, an indemnity agreement could be registered on Title, in the same manner as the Shared Facilities Agreement is currently registered on Title.

In addition, with consideration of City budget concerns, the residents would be willing to make a reasonable contribution through a capital asset sustainability levy on the residents' property taxes to help off-set this cost.

A recent Condition Assessment report which we commissioned rated the laneway in good overall condition. We are confident the laneway has many good years ahead before any major repairs are needed. We have provided a breakdown of projected infrastructure repairs for the next 10 years for your information.

We are anxiously hopeful that these circumstances will initiate the Council to relieve residents from this unsustainable management model and approve Option 4.

The Shirley Laneway Committee and Residents

Attachments A-E:

- A. *Please refer to Staff Report SRP.96.054 (referenced)*
- B. *Please refer to Committee of the Whole Report SRE.01.112 - for informational purposes*
- C. SRPI.22.034, entitled *Response to Council Motion Report on assumption of the private laneway for freehold townhouses 141-247 Shirley Drive, dated June 22, 2022.*
- D. Condition Assessment Report – estimated 10-year proposed infrastructure budget
- E. Shirley Laneway Financial Statements (2021-2022)

STAFREP/SRP96054

*TOWN OF RICHMOND HILL
PLANNING AND DEVELOPMENT
DEPARTMENT*

PREPARED BY: TOWN STAFF

TELEPHONE NO.: 905-771-8910

*PLANNING AND DEVELOPMENT
COMMITTEE*

APRIL 9, 1996

STAFF REPORT: SRP.96.054

FILE NO.: D03-94005

RECOMMENDATION:

That Planning and Development Committee receive Staff Report SRP.96.054 and approve in principle, the concept of private rear lanes in respect to the Law Development Group proposed townhouse project located on Shirley Drive subject to the following:

- 1) That the creation of the lane be based on mutual easements;
- 2) That the site plan agreement include conditions relating to the establishment of a reserve fund at the time of approval; require the developer to maintain the rear lane for a period of not less than 3 years and 80% occupancy of the units; and require the construction of the rear lane be to the satisfaction of the Commissioner of Transportation and Works; and
- 3) That an application for site plan approval be submitted and approved by the Town in accordance with standard Town practice.

BACKGROUND:

The Town has received a request by Law Development Group to approve a street townhouse development located at the intersection of Shirley Drive and Crosby Avenue in Official Plan Amendment 121. (refer to Attached Map 1) The concept proposed by the developer is a 48 unit townhouse project with access provided by means of a rear laneway which is to remain private and be maintained by the owners of the units. Shirley Drive is a major collector and access is restricted in order to reduce the number of driveways and points of conflict.

A report on rear lanes was previously considered by the Transportation and Works Committee on October 5, 1995, although the request by Ivanhoe at that time was for public as opposed to private rear lanes. A copy of the previous staff report is attached in Appendix "A" and sets out some of the issues related to development on rear lanes.

ISSUES:

Public Versus Private Lanes

The major concern regarding the approval of a development concept based on access from private rear lanes is the potential that in future, residents of the development may request the Town to assume responsibility for maintenance. Maintenance of the lane would include maintenance of the lighting to be provided along the lane and snow removal as well as long term maintenance i.e. repaving.

Development Standards

The proposal by Law Development Group is for a privately-owned rear lane of 6 metres. Staff previously, in considering Ivanhoe's request for laneways, indicated acceptance of a public lane with a 10 metre right-of-way and 6 metre pavement width. This was to ensure that public snow removal and garbage pick up could be undertaken. The Law proposal would not involve garbage pick-up which would be from the front of the units along Shirley Drive.

Ownership

Initially, representatives from Law Development indicated that the intention was to create one block forming the lane which was to be held in common ownership subject to a private legal agreement. If the rear lane block were created as a block separate from the individual townhouse units, it could more easily be transferred to the Town, subject to approval of the owners. Town Staff do not recommend this approach.

The best way to ensure that individual owners maintain a long term interest in the lane is to include that portion of the lane located at the rear of the lots in each of the individual parcels. Access could be accomplished through the creation of mutual easements at the rear of the lots which would be granted in favour of the other 47 unit owners. In order to transfer the ownership of the lane in future, this would require each of the individual owners to sever the rear portion. A severance would provide the Town an opportunity to comment and potentially oppose any approval for severance made to the Committee of Adjustment.

Maintenance Agreement

Law Development Group proposes to ensure the maintenance of the lane through a private agreement arrangement between owners. The solicitor for the developer advises that such an agreement could be registered on title to ensure that future purchasers are aware of the agreement prior to land transfer. The agreement would establish the basis for the creation of a landowners committee to oversee the maintenance of the lane with provisions to collect monthly fees. The fee structure, as provided by Law, would include not only short term maintenance but also legal fees associated with the collection of any default payments. This arrangement is not unlike that of a condominium corporation except that it does not have the legislative and legal protections afforded through the Condominium Act.

In a similar project developed by Law Development Group in Oakville, it is acknowledged that approximately 10% of landowners are in default of monthly payments after two years. It is the potential for disputes and financial shortfalls which raises the most concern for Staff. In addressing this issue with the developer, a number of alternatives were discussed including the following:

- Require the developer through the site plan agreement to maintain the lane at its expense for a period of 2-3 years and after 80% of the units are occupied. The basis for this recommendation is to ensure that new homeowners, inexperienced in soliciting maintenance contracts and working together, are able to take over an established arrangement as opposed to having to create their own.
- Require the development of the lane to Town standards with respect to grading and pavement during the construction phase to ensure that should the lane be turned over to the homeowners, it does not require significant maintenance costs. This would involve inspections during the construction phase. The agreement could also specify that prior to the assumption of the lane by the homeowners group, the Town does a final inspection.
- Require the developer to establish a fund up-front which represents the maintenance and replacement costs for the first five years. By having the monies secured to ensure maintenance for the initial period, there is greater flexibility for the co-owners group to maintain a reserve fund account.

It is anticipated that if there are problems in maintaining these lanes as private facilities, the problems would likely occur in the first five years when, either through inexperience or administrative problems, the homeowners request the Town to assume the lane. There is a greater opportunity for such an arrangement to be successful if there is a reasonable period where the financial, maintenance and construction concerns are secure.

Traffic Impacts

One implication of development based on rear lanes is the potential for an increase in on-street parking, either by unit owners or visitors. However, on-street parking has been shown to result in reduced traffic speeds especially on major collector roads.

Urban Design

Attached in Appendix "C" is the architectural perspective of the units from Shirley Drive. One of the major benefits of allowing development along rear lanes is improved streetscape and urban design. By removing the garages to the rear, the buildings are able to address the street more directly with the ability to achieve a more pleasing building look with the emphasis being on the entrances and windows as opposed to the garage door. Many communities in the GTA are trying to encourage increased use of rear lanes in order to accommodate the trend to smaller building lots but do so in a manner which does not compromise good urban design and community appearance.

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Experience of Other Municipalities

A number of other municipalities either currently permit or are encouraging the use of rear lanes. The concept of rear lanes has recently returned to vogue in the "new urbanism" philosophy of urban design which seeks to create compact neighbourhoods with less emphasis on the car and more emphasis on street orientation of buildings and pedestrian-related streetscapes. The City of Toronto has had an uncertain history with rear lanes, some of which are private and continue to operate satisfactorily as private lanes while other lanes have been taken over as public lanes due in large part, to resident concerns. Suburban municipalities such as Oakville, North York, Markham and Aurora are beginning to allow and encourage the use of private and public lanes but to-date, they are relatively new in the suburban context. There is no evidence in the suburban context to indicate whether this reintroduction of rear lanes will in future result in demands by residents for the municipalities to assume responsibility for their maintenance.

Approval Process

The process for the approval of this development is for the applicant to enter into a site plan agreement for the block which would include specific conditions. At such time as a survey plan showing the individual lots and the easement blocks is submitted by the applicant, the Town would be requested to lift part lot control. Conditions may be imposed at the time of the lifting of part lot control. Part lot control is then reimposed after the individual lots have been transferred.

CONCLUSION

Development on the basis of rear lanes providing access to garages is a relatively new phenomenon in a suburban context. It offers significant opportunities to allow townhouse developments along major arterials while eliminating concerns regarding individual accesses and traffic conflicts. Development using rear lanes also offers opportunities to improve streetscape, create more attractive housing profiles and improves urban design. In principle, Town Staff support this new form of urban development.

The request by Law Development Group for rear lane development is based on private versus public lanes with development standards and right-of-way widths significantly smaller than if the lanes were public. The proposal does not involve any municipal services. The intention is to require the creation of a homeowner's association through a legal agreement at the time of the purchase of the unit which would continue with subsequent owners.

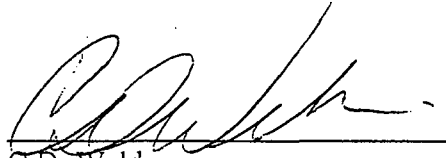
The major concern by Town Staff is the potential that the owners will request the Town to assume responsibility for the rear lane in future if there are maintenance or administrative problems associated with the private agreement. This report was prepared to provide Council with an evaluation of the issues related to development on privately owned rear lanes. As this concept is relatively new and has not been approved elsewhere in the Town, it was decided that a report should be prepared to seek Council's direction as to whether they support the concept insofar as it relates to the development proposal by Law Development Group.

Respectfully submitted:

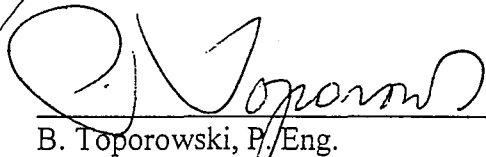
Approved by:



Janet E. Babcock, M.C.I.P.,
Commissioner of Planning and Development



C.D. Weldon,
Chief Administrative Officer



B. Toporowski, P. Eng.
Commissioner of Transportation and Works

DATE: MARCH 29, 1996

JEB:CDW

Attachments

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APPENDIX CONTENTS

- Appendix 'A' - Staff Report SRE.95.152
- Appendix 'B' - Newspaper clipping in The Toronto Star dated Saturday, February 24, 1996 "Garages hidden in upscale Bayview townhomes"
- Appendix 'C' - Perspective of Townhouse Proposal
- Map 1 - Location Map

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Appendix	<u>"A"</u>
SRP.	<u>96.054</u>
File (s)	<u>T03-94005</u>

TRANSPORTATION AND WORKS COMMITTEE
OCTOBER 5, 1995
STAFF REPORT SRE.95.152

TOWN OF RICHMOND HILL
ENGINEERING DEPARTMENT
SEPTEMBER 25, 1995

SUBJECT: PUBLIC REAR LANE - IVANHOE RESIDENTIAL LANDS
(OPA 121)
OUR FILE: T03-T-LA

RECOMMENDATION:

That Transportation and Works Committee receive staff report SRE.95.152 for information purposes.

BACKGROUND:

The Town has received a request by representatives of Ivanhoe to consider rear lane(s) in order to facilitate the development of their lands (block 2, medium density) located at the south west corner of the extension of Boake Trail and the extension of Centre Street East in OPA 121. (Appendix 1).

The request for the rear lanes is supported by a guideline document published by the Province of Ontario in the Spring of 1995, entitled "Alternative Development Standards: Making Choices" that was prepared for the Ministry of Housing and the Ministry of Municipal Affairs by a team consisting of Marshall Macklin Monaghan Limited, Consulting Engineers; and Berridge Lewinberg Greenberg Dark Gabor Ltd., Urban Design and Planning Consultants. REIC Limited and the River Oaks Group also contributed to the early stages of the study (Appendix 2).

The above noted document states that the guidelines have been developed in accordance with objectives formulated by an advisory committee representing a wide range of stakeholders including municipalities, planners, engineers, builders, developers, architects, landscape architects, utility companies and environmentalists; these guidelines being:

- enhancing the livability of communities;
- improving cost efficiency;
- supporting environmental sustainability; and
- allowing for adaptability and flexibility.

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The document is divided into five chapters, these being; Introduction, Why Alternative Development Standards, Urban Design Considerations, Engineering Considerations, and, Detailed Engineering Concepts.

One of the components of Urban Design Considerations and Engineering Considerations chapters is Rear Lane. The document argues that rear lanes are "an effective way of achieving compact development. When the garage is removed from the front of the house, the lot frontage and building setback can be reduced." "Placing garages and parking spaces at the rear of the lot frees up the front of the house for such community - supporting features as garden, front porches and house entrances." This 'Old Idea' is gaining interest, the document outlines, because of the economic, environmental and social benefits lanes can offer.

Among concerns raised regarding rear lanes, the issue of the cost of snow removal and security and safety is often raised. With respect to snow removal, the document advises that municipalities should decide from the outset of a development what level of service should be offered. On this matter, two schools of thought are provided. The first one is that lane ways should receive a lower level of service than streets. They should be passable but the municipality should not strive for more, nor the resident expect more. The second view is that inevitably, purchasers will demand a level of service close to or equal to what is traditionally provided on the local street. The issue of level of service, it is concluded, must be resolved on a local basis.

On the matter of security and safety, it is suggested that "rear lanes have to be designed with these factors in mind. The same sorts of design measures applicable to streets, sidewalks and parks also apply to rear lanes, including adequate lighting, avoiding dead end spaces and allowing for views from adjacent residences."

As noted above, Ivanhoe's representatives have requested the Town to consider the use of public lanes as part of the development of Block 2 - medium density, located west of the extension of Boake Trail and south of the extension of Centre Street East. Following a series of alternative alignments submitted for discussion, the alternative shown in Appendix 3 was selected to be the most acceptable to Engineering staff. Cosburn, Patterson, Wardman Limited was also requested to provide the engineering details that would apply to the proposed rear lane(s).

Cosburn, Patterson, Wardman Limited have recommend the following as illustrated in Appendix 4:

- 10.0m right-of-way with 6.0m pavement width.
- A single road crossfall which will minimize the number of catchbasins.
- No watermain within the rear lane.
- Storm sewer, under the rear lane may be shallow and will thus only service the lane.
- The house foundation drains will connect to the Centre Street of Street 'C' storm sewer.
- Sanitary connection will be to Centre Street or Street 'C'.

- Given that the spacing for fire hydrants is 150.0m and that the rear lane will be 140.0m, the hydrants can be located at both end of the lane.
- Water service and utility services to the houses will be from the main road (Centre Street or Street 'C').


Engineering staff have reviewed the concept of the rear lane for the proposed residential development fronting on the extension of Centre Street East as well as the supporting document prepared by Cosburn, Patterson, Wardman and are prepared to accept the implementation of rear lanes on a limited basis, within the Ivanhoe lands (blocks 1 and 2), as follows:

- that the rear lane be used for both rows of abutting residential lots;
- that due to the limited availability of on-street parking, that a second rear lane be provided at the rear of block 1 with access to the extension of Centre Street East and Street 'A';
- garages along the rear lane will be setback a minimum of 1.5m from the property line;
- 7.5m daylight triangles will be provided at the laneway access (at the rear of block 1) to Centre Street East;
- it is anticipated that the garbage pick-up will be done from the laneway;
- snow clearance will have a very low priority. As such the potential future owners will have to be advised of this through their purchase and sales agreement;
- should electrical transformers be needed along the rear lane, they will be located outside the 10.0m right-of-way.

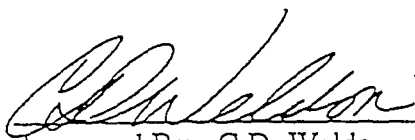
It should be noted that this has been the first request for rear lanes, within OPA 100, that has been received by the Town. Another rear lane development concept is proposed within the Law Development lands but this lane is to remain private (Appendix 5).

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Report Approved By:


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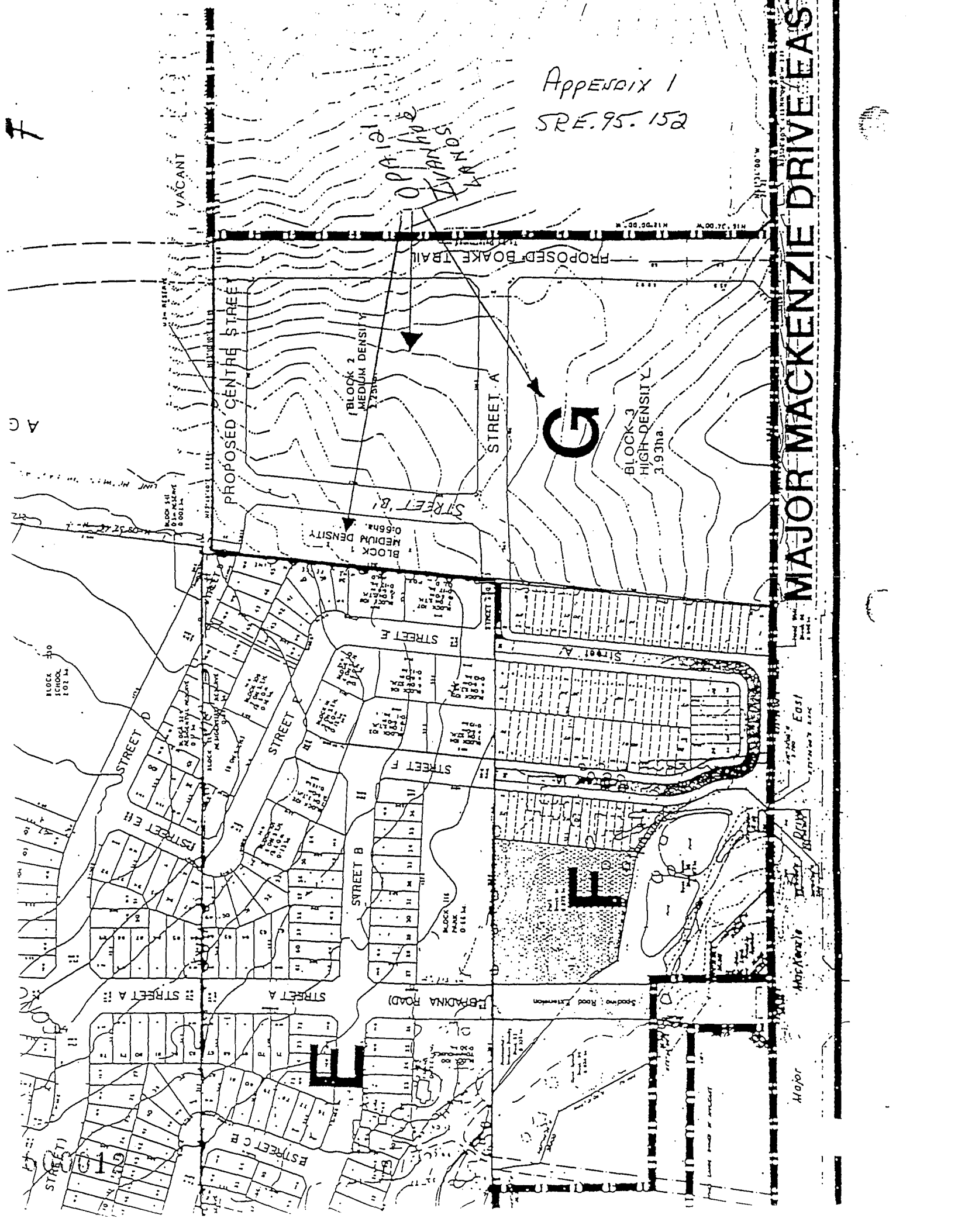
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Appendix 1
SRE.95.152

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MAJOR MACKENZIE DRIVE EAST

Major Mackenzie Drive East

Major Mackenzie Drive East

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Major Mackenzie Drive East

Major Mackenzie Drive East

ALTERNATIVE DEVELOPMENT STANDARDS

Appendix 2

SRE.95.152

Making Choices

GUIDELINE

Planning
reform
initiative

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3.6 Sidewalks

Sidewalks are multi-functional spaces that allow streets to play a more significant role in the community. They are places for pedestrian movement, children's play and neighbours' socializing. Sidewalks are key to reducing dependence on the automobile and improving the liveability of communities. Sidewalks encourage walking as urban transportation, walking to transit and walking for pleasure.

"Sidewalks enhance safety and convenience for able-bodied transit users, and are vital for seniors, the disabled, parents pushing baby strollers, or residents pulling shopping carts".

Transit-Supportive
Land Use Planning
Guidelines

The approach to determining the need for sidewalks discussed by the Advisory Committee and utilized in this guideline is based on the Model Zoning Ordinance found in *The Subdivision and Site Plan Handbook* by David Listokin and Carole Walker (see "Further Reading"). Under this approach, the need for a sidewalk or sidewalks is based on assessing the conditions which are likely to generate the need:

- the intensity of development;
- the type of street - its function and traffic volumes; and
- the connections that the street provides to local amenities.

As the intensity or density of development increases, distances between activities are shortened, making walking more viable. The amount of pedestrian traffic likely to be generated is also increased because of the greater population density. It only makes sense then that denser areas have adequate provision for sidewalks. The Province's *Transit-Supportive Land Use Planning Guidelines* recommend sidewalks on at least one side of all

streets, and both sides of streets with transit services.

The traffic function, volume and speed of traffic on a street are also important considerations in determining the need for a sidewalk or sidewalks. Where traffic moves quickly or is frequently heavy, sidewalks are necessary to ensure pedestrian safety.

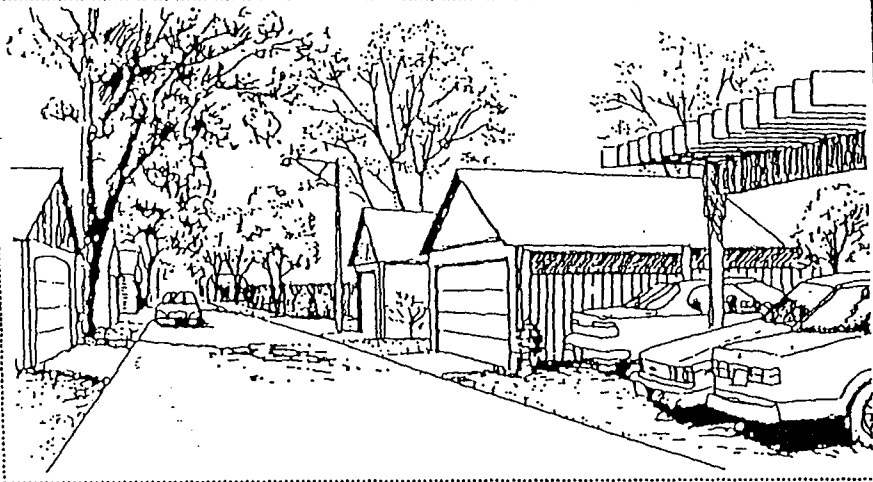
As a general rule, at least one sidewalk should be provided on all residential streets. Only in very low-density settings or very short cul-de-sacs would sidewalks not be necessary. Streets in compact developments and streets with fast or heavy traffic should have two sidewalks. Streets that play a significant connecting role in a neighbourhood should also always have sidewalks on each side. This includes streets that act as regular routes to local amenities, such as parks, schools, recreation centres, shopping or areas of future development.

3.7 Rear Lanes

Recently community planners have taken a fresh look at an old idea - the rear lane. In the pre-war period, rear lanes were widely used in both residential and commercial development in Ontario. Today, there is renewed interest because of the economic, environmental and social benefits lanes can offer.

Rear lanes are an effective way of achieving compact development. When the garage is removed from the front of the house, the lot frontage and building setback can be reduced. Narrow lot frontages as small as 5.5 m become possible, highly functional, and with a high-quality, lively streetscape. (As mentioned previously, while narrow lots without rear lanes are possible, the streetscape tends to be dominated by garages.) Narrow lots served by rear lanes can mean significant land savings, and

Figure 3.2 Rear Lane



because most subdivision infrastructure is linear in nature, they also bring down the capital cost per housing unit of roads, pavement, street lights and underground services. The additional costs of providing a second access to houses with rear lanes are offset at least in part by the savings from narrower lots.

Rear lanes can also provide an improved streetscape. Placing garages and parking spaces at the rear of the lot frees up the front of the house for such community-supporting features as gardens, front porches and house entrances. The internal layout of houses can also be improved with the front of the house entirely devoted to living space. Security on the street may be enhanced with more "eyes on the street" from street-level windows. Finally, where utilities are placed in the lane, the width of the street right-of-way can be reduced.

Although there is increasing acceptance for rear lanes as an additional choice on the urban design menu, some concerns have been raised.

The concern most frequently raised is the potential cost of snow removal if the lanes are public and residents expect the same level of service as on the street. This, along with other servicing issues, is discussed in the next chapter. Other concerns relate to security and safety. Like all elements of public space, rear lanes have to be designed with these factors in mind. The same sorts of design measures applicable to streets, sidewalks and parks also apply to rear lanes, including adequate lighting, avoiding dead end spaces and allowing for views from adjacent residences.

3.8 Alternative Street Types

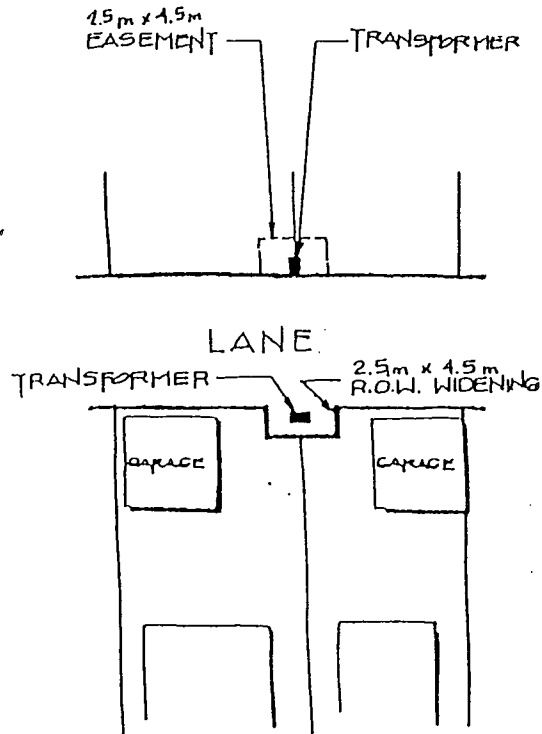
Ten street types bringing together alternative development standards are presented on the pages that follow. The ten streets are grouped by the hierarchy or neighbourhood that they fit into – "more urban" or "less urban". A bird's-eye view of the neighbourhood precedes the related group of streets. For each street, there are notes on setbacks, parking, road widths, dwelling types and other issues, plus a perspective drawing, a plan view and a cross-section showing servicing and other details. Servicing issues and views are discussed in greater depth in Chapter 4.

A wide variety of building types and lot configurations are shown in the drawings. These, however, do not represent the full range of possibilities. The combinations of alternative standards appropriate to a particular municipality or neighbourhood will depend on local conditions and practices.

The treatment of elements in the street right-of-way will vary with the density of development. Streets in more urban neighbourhoods will be more likely to need two sidewalks, and the sidewalks will more likely be located at the curb. In a less urban context, sidewalks may only be required on one side of the street and

Finally, where there are rear lanes and the electrical lines are located in the lanes, the transformers can be located in widenings or easements in the lanes. Provided the minimum separations can be achieved, locating transformers in lanes can be an aesthetically appealing option. They can be tucked among the garages and fences and somewhat hidden from the view from the house or yard, while continuing to be accessible to hydro maintenance crews. Local hydro concerns and Code requirements with respect to access, separations from property lines and back-yard swim-

Figure 4.8 Transformers in Rear Lanes



ming pools and requirements for ducting must be considered in assessing the feasibility of this approach.

To this point, the discussion has been about the conventional, above-grade, pad-mounted transformer. Two alternatives to this were considered in the course of the study.

The first is the underground transformer. While aesthetically pleasing (basically unseen except for the access grate), the use of underground transformers in lower-density residential areas is generally undesirable from a cost, operating and maintenance point of view. Underground transformers (and related facilities) can cost two to four times as much as comparable above-grade transformers. As well, they require more space, either in an alignment in the right-of-way or on private property.

The second alternative is the dry transformer, which does not require a 6 m setback. Unfortunately, the large size and significant noise emission of the dry transformers currently available make them inappropriate for most residential streets. Future technological developments in the transformer field should be closely monitored for opportunities to overcome constraints that transformers pose for compact urban development.

4.5 Rear Lanes

The main function of rear lanes is to provide vehicle access to homes. In addressing this function, the first determination to be made is the level of local emergency servicing requirements. Depending on the type of homes (single-detached, townhouses, etc.), there may or may not be a need to access the lane with large emergency vehicles such as fire trucks. If fire trucks must access

the lane, appropriate local requirements must be met. If, on the other hand, the lane is not viewed as an essential component of the emergency access regime but as an auxiliary access in addition to what is normally available, then there is greater flexibility in the sizing of the lane.

Other issues that will dictate the width of the lane include:

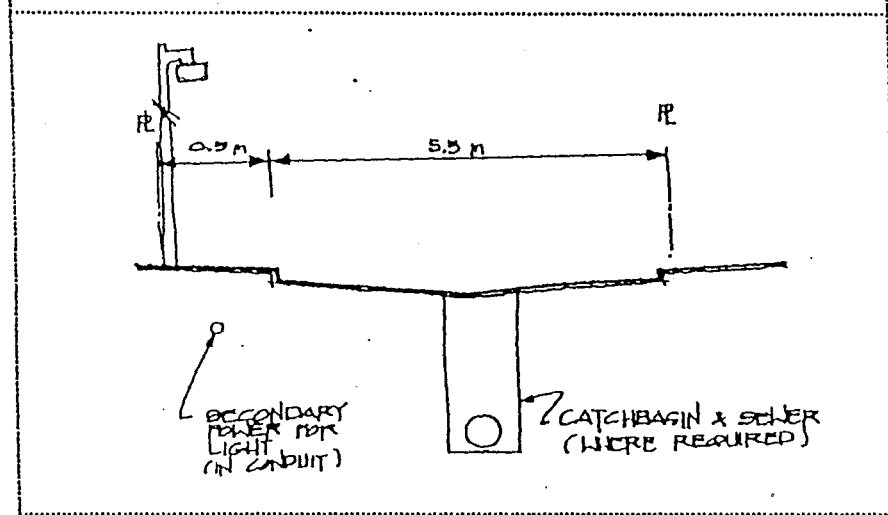
- maintenance and snow clearing requirements (truck movements);
- whether parking is allowed (not recommended); and
- the setback of garages from the lane (related to the turning movement of vehicles entering and leaving garages).

Unless these considerations dictate a greater width, a minimum lane pavement width of 5.5 m is recommended. Generally speaking, lanes should be designed to allow two-way vehicle access (but at very low speeds) for greatest flexibility.

It is recommended that lanes be designed with a "dished" section so that drainage is conveyed along the centre of the lane and kept away from the private property and garages. This approach also controls construction costs since only a single line of catchbasins is required. Since water ponding and freezing are a concern, catchbasins should be kept away from intersections. Depending on local requirements and pavement type, a small curb, 50 mm to 75 mm high, can be utilized to define and protect the edge of the pavement. Lane construction details should be developed locally. Some experimentation is recommended in order to allow appropriate techniques to emerge.

Public lighting of lanes is recommended. To accommodate lights, and the secondary cable for the lights, it is recommended that the right-of-way be at least 6 m wide (with an offset pavement) if the

Figure 4.9 Typical Lane Cross-Section

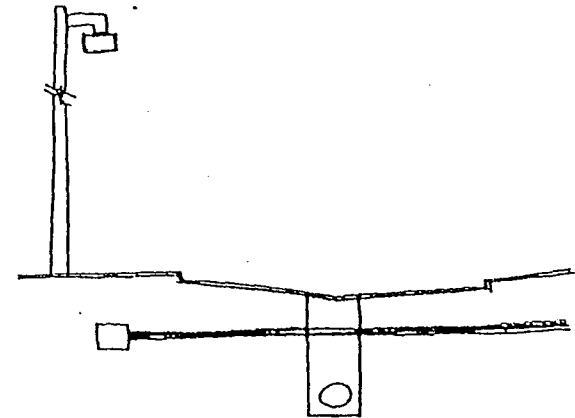
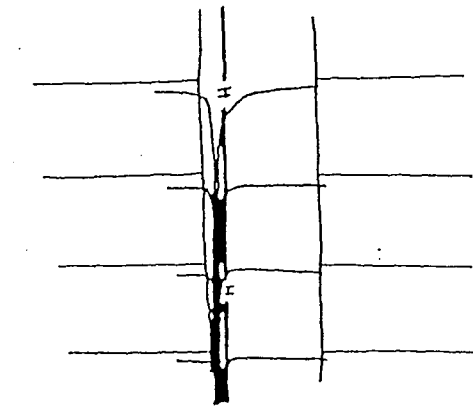


lights can be located on easements adjacent to the right-of-way. If they cannot, then a slightly greater right-of-way width is required. Depending on the approach taken to snow plowing, it may also be necessary to widen the lane right-of-way to accommodate snow storage.

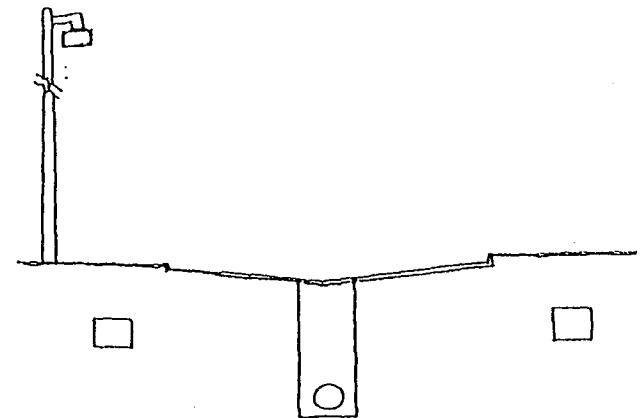
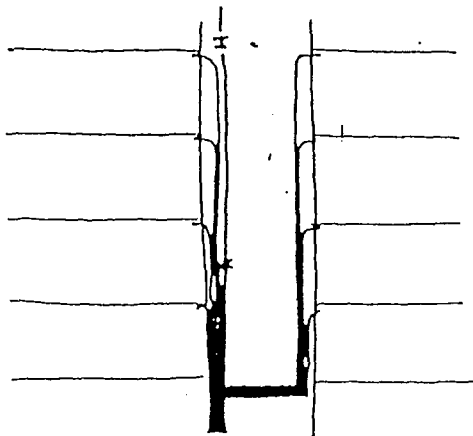
Another function that lanes can perform is as a location for cabled utilities. The aesthetic and urban design merits of locating hydro cables in the lane and hydro transformers in widenings or easements adjacent to the lane were mentioned in Chapter 3. If hydro is located in the lane, then it also makes sense to locate the telephone and cable television lines there. In that instance, a wider right-of-way will be needed.

There are two options for locating utility services in the lane. One is to place them on both sides of the lane, as is done with local streets. The other is to locate them on one side only and run con-

Figure 4.10 Utilities in Lanes



Utilities on One Side (Less Length, More Crossings)



Utilities on Both Sides (Greater Length, Fewer Crossings)

nections across the lane. Local right-of-way widenings will be required for transformers and utility pedestals. Lot widths and local requirements and preferences will dictate the approach selected.

Additional factors to consider when locating services in lanes include:

- Where will utility meters be installed? Since the rear walls of houses will typically be inaccessible for meter reading because of fencing, garage walls (preferred) or poles at the rear of the lot are recommended for meters and utility connection points.
- What happens if garages cover the full width of the lots? In this instance, the service connections must be constructed in a concrete-encased duct under garage slabs.
- The CSA requires significant separations between underground hydro and swimming pools.

Where utilities are installed in the lanes, it will likely be necessary to maintain a location for primary lines on the street right-of-way to allow for continuity of service because the lane network may not be continuous. The desire of the local gas company to be able to locate its services in the lane, where necessary, should also be considered in developing a design that includes lanes. If gas is to be in the lane, a location (likely under the pavement) must be selected. A suitable meter location should be determined early in the design process. The timing of the construction of the lane vis-a-vis the gas connections must also be considered.

One further option for installing cabled utilities in lanes that should be mentioned is placing them above ground on poles. The Advisory Committee discussed the old standard of putting wires on poles on the street. This was ultimately rejected, chiefly for

aesthetic reasons. There was, however, some support for above-ground utilities in lanes as they would be less intrusive than on the street. Above-ground utilities offer advantages over underground utilities in terms of saving both costs and space. Utility authorities are divided over whether or not aboveground utilities are preferable from a maintenance standpoint.

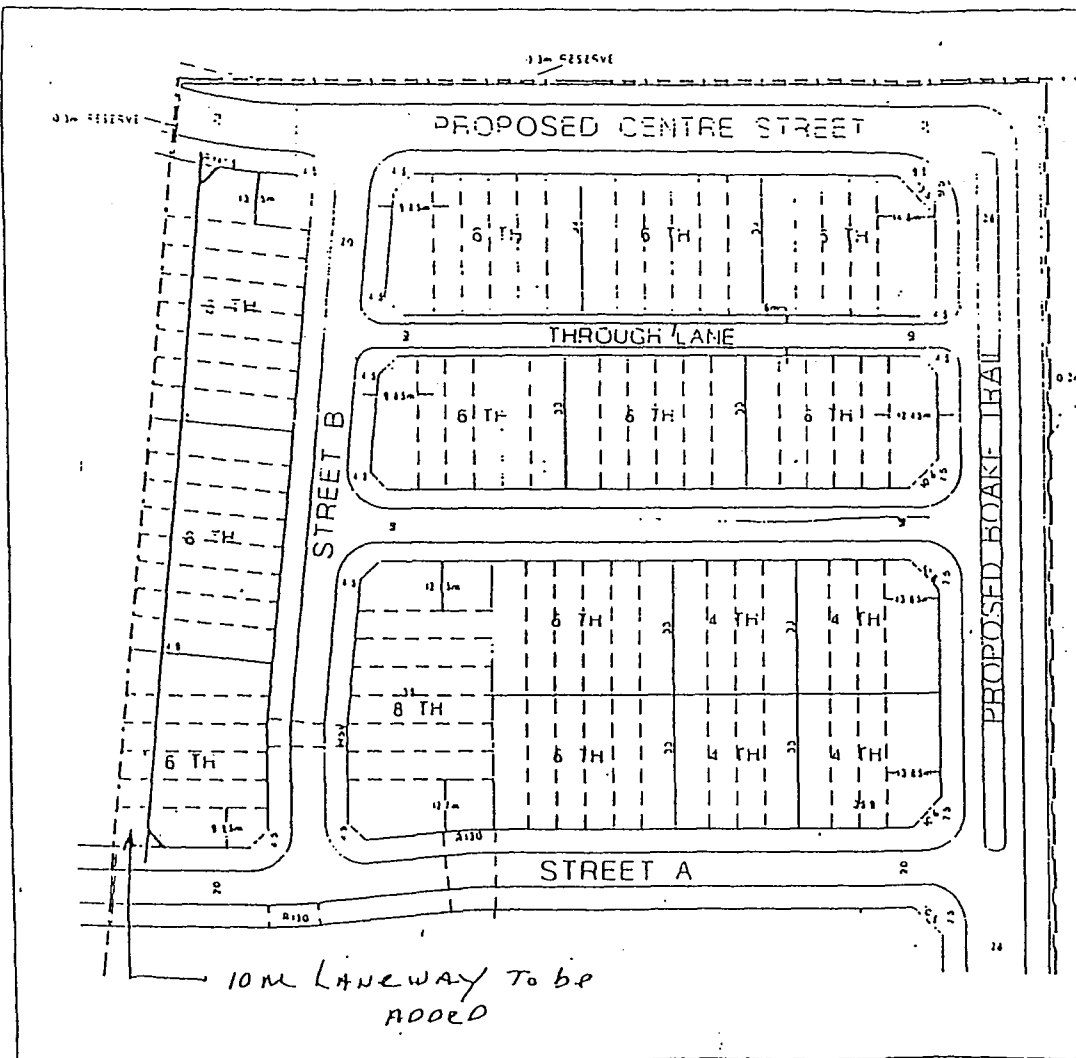
4.6 Trees

Trees are an important element in the creation of liveable communities. Trees add colour and contrast to the street. They move, moderate the micro climate of the street, filter pollution and can act as a separator between uses.

Many consider the right-of-way the most appropriate location for trees since this gives the municipality clear control over their care, protection and, when necessary, replacement. Some parks departments suggest that the tree be given the status of a utility and that a location within the right-of-way be reserved for it. Formal and organized tree planting programs on private lots are, however, an alternative to locating trees within the right-of-way. When the latter approach is utilized, selected tree species are typically planted in set locations by the developer or house builder. The advantage of this approach is that trees can often be located farther from underground and surface elements of the right-of-way and thus are less likely to be disturbed. The disadvantage is that the care and maintenance of trees are not guaranteed since they become a home owner rather than a municipal responsibility.

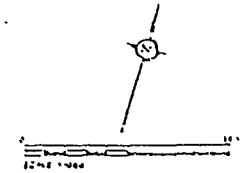
Selection of tree species is important to the success of the streetscape particularly in compact communities. There is a trend towards native trees being used in all designs to ensure that inva-

000020



Lotting Concept
 BLOCKS 1&2
 REVISED 19T-93026

23 UNITS @ 6.85m Frontage



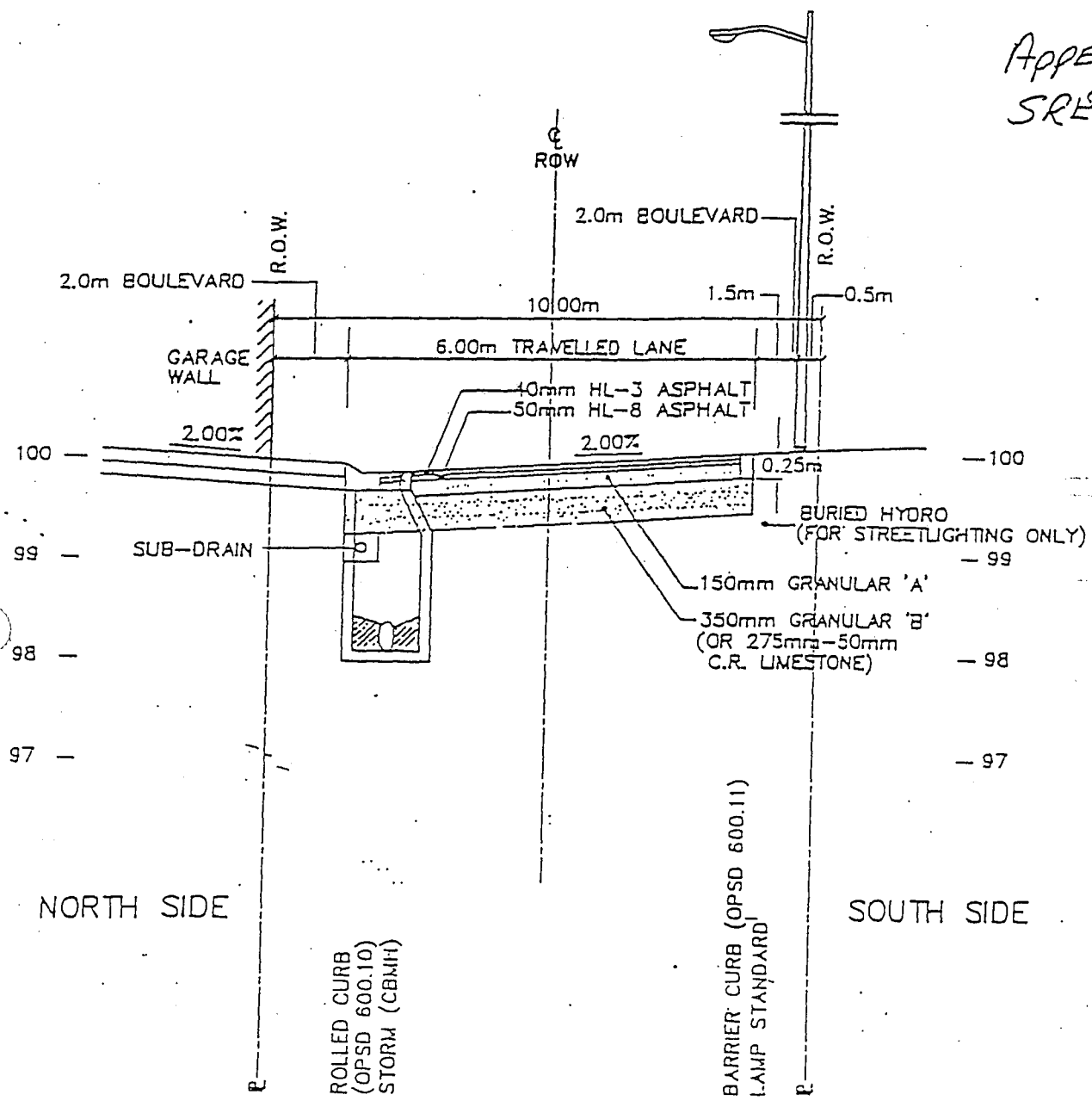
MACAULAY SHIOMI HOWSON LTD.
 1995

NOT TO SCALE

APPENDIX 3
 SRE 95.150

IVANHOE RESIDENTIAL SUBDIVISION LANE CROSS SECTION

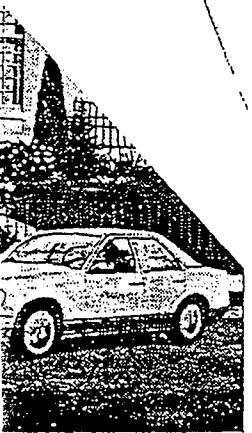
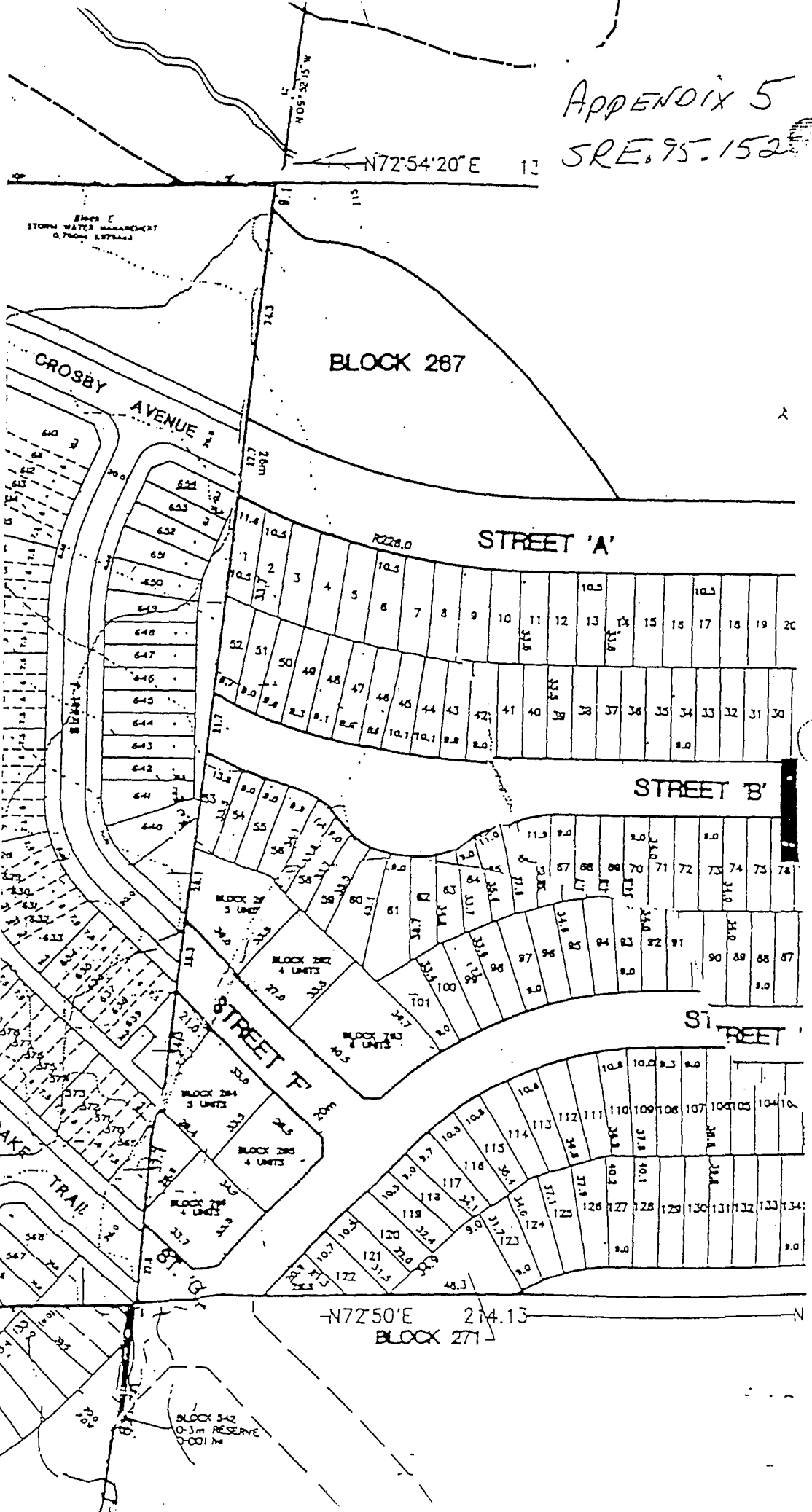
*APPENDIX 4
SRE. 95.152*



REAR LANE SECTION

NOTE : SANITARY SEWERS, WATERMAIN, AND UTILITIES TO BE LOCATED ON FRONTING STREETS. (CENTRE ST. AND STREET C)

APPENDIX 5
SRE. 95.152



at Bridlepath on windows — won't

ar omes

the four designs there
designed as a home

other two, the garden
room can be convert-
ome office.
main floor, the living
great room has a 12-
ceiling in all designs.
allest unit has three
including two identi-
c suites on the top
with walk-in closets,
cylights and one has
il fireplace while the
an oval bathtub.
elling this final phase
ridlepath sales office
v Ave. just north of
ckenzie Dr. in Rich-

000022

NING



Elev. A 1,840 sq. ft. \$189,900

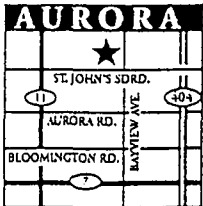
**PIRED
TACHED
0' LOTS**

- 9 ft. ceilings and cathedral windows
- Various ceramic flooring
- Gas fireplace in every home
- Oval tub and separate shower in master ensuite
- Quality clay brick construction

ONLY*

100

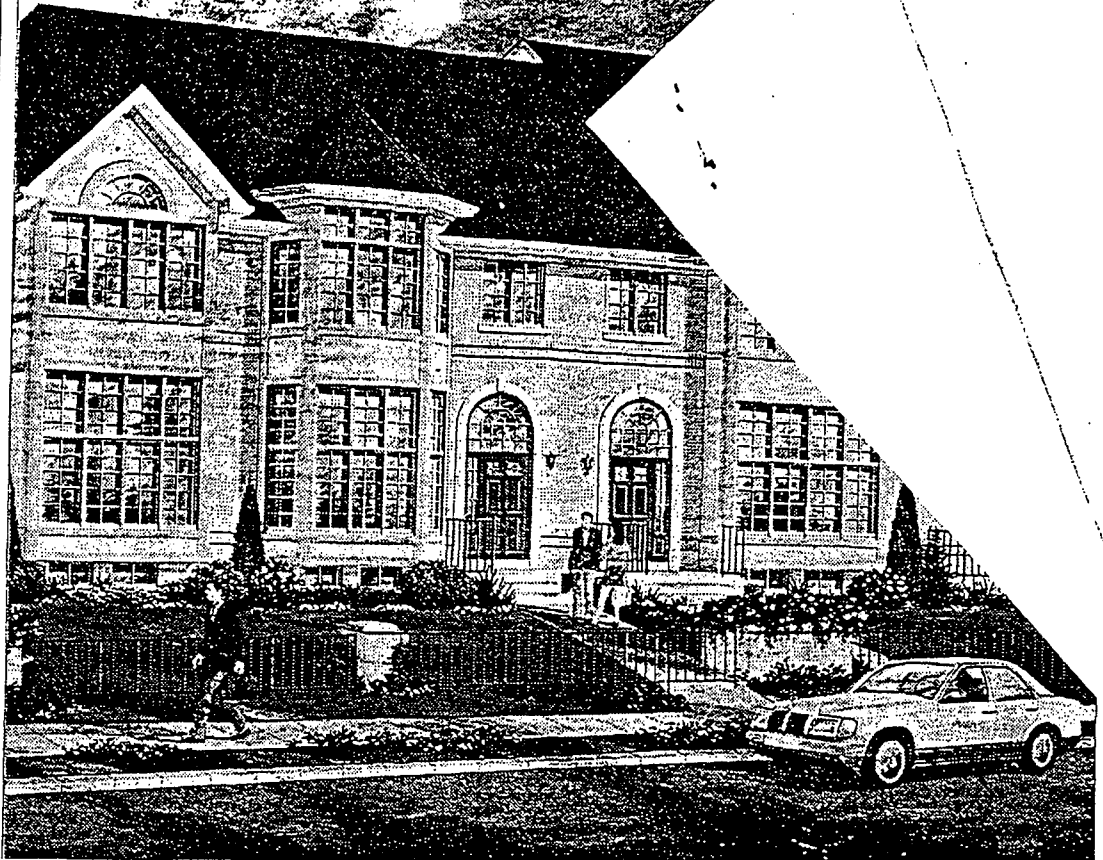
cluded



E

100
159,900

in most models. See our notice. E. & O.E.



PEOPLE FRIENDLY: The front face of new townhomes to be built at Bridlepath on Bayview in Richmond Hill — with their double-decker front windows — won't have their curb appeal tarnished with a garage and driveway.

Garages hidden in rear at upscale Bayview homes

Continued from F1

rather than automobiles encourages people to walk their neighborhood streets and that's one of the best ways to create a community atmosphere in a new housing area," said Law.

His four styles of Bridlepath townhomes are priced from \$229,980 for 2,000 sq. ft. of living area to \$269,980 for 2,771 sq. ft.

Avril Lister, marketing director at Law, said their new townhomes have also been designed in keeping with the new reality in family make-ups.

"With adult children taking a lot longer to move out of the family home and the increasing

trend for elderly parents to be moving in with their married children, we've been trying to create designs that can better accommodate the extended family," said Lister.

"For instance, each of our four styles has a separate bedroom and washroom on the lowest level of the home, which can give a teenager or a grandparent some privacy from the rest of the house."

The entrance to these townhomes from the detached garage is via a walkout from the lower level.

This lower level, called a garden room, is finished with a two-sided fireplace, a full bathroom, an optional wet bar and

in two of the four designs there is a room designed as a home office.

In the other two, the garden room bedroom can be converted to a home office.

On the main floor, the living room or great room has a 12-foot-high ceiling in all designs.

The smallest unit has three bedrooms, including two identical master suites on the top floor, both with walk-in closets, optional skylights and one has an optional fireplace while the other gets an oval bathtub.

Law is selling this final phase from its Bridlepath sales office on Bayview Ave. just north of Major Mackenzie Dr. in Richmond Hill.

000023

WHAT'S HOT

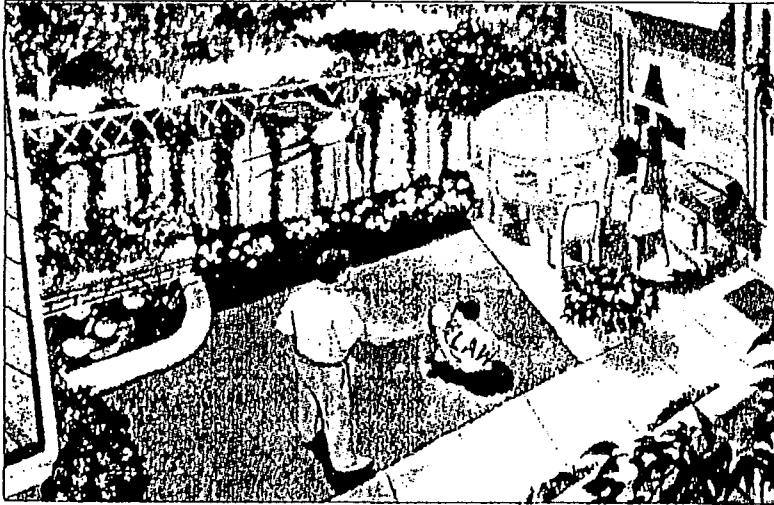
NEW IN HOMES

Saturday, February 24, 1996 Section F

Appendix B
SRP. 96.05L4
File(s) D03-94005

10024

Garages hidden in upscale Bayview townhomes



PRIVACY COURT: Detached garages on rear lanes will get the cars off streets and create privacy courts for Law's townhomes in Bayview and Major Mackenzie area.

BY PAT BRENNAN
NEW IN HOMES EDITOR

It was the most successful new home site in the province last year.

The police were often called in to bring order to the weekend traffic on Bayview Ave. at Major Mackenzie Dr. in Richmond Hill and two of the five builders there — Law Development Group and Mattamy Homes — sold more than 500 houses between them since June.

Now Law, the developer of the large housing project it calls Bridlepath on Bayview (Mattamy call the same site Bayview Hills), is introducing its final housing phase with a streetscape of upscale townhomes.

They're so upscale, some homes have two master bedrooms.

And each townhome has a two-car garage, but you won't see it.

You will if you go around to the laneway at the back of these homes because these are some of the first new homes

Richmond Hill has approved with rear-lane detached garages.

That means the front face of these townhomes, with their double-decker front windows, won't have their curb appeal tarnished with a garage and driveway creating a first impression.

Larry Law, a principal of Law Development Group, said the private courtyard created between the home and the detached garage adds to the home security which is high on the must-list for most new home shoppers.

"And getting the garages, driveways and cars away from the front of the home and off the street is one of the main principles of the new urbanism movement to make new neighborhoods a more people-friendly place," said Law who has worked in California and Hong Kong as an architect.

"Giving a higher priority to people

☛ Please see Garages, F4

Housing

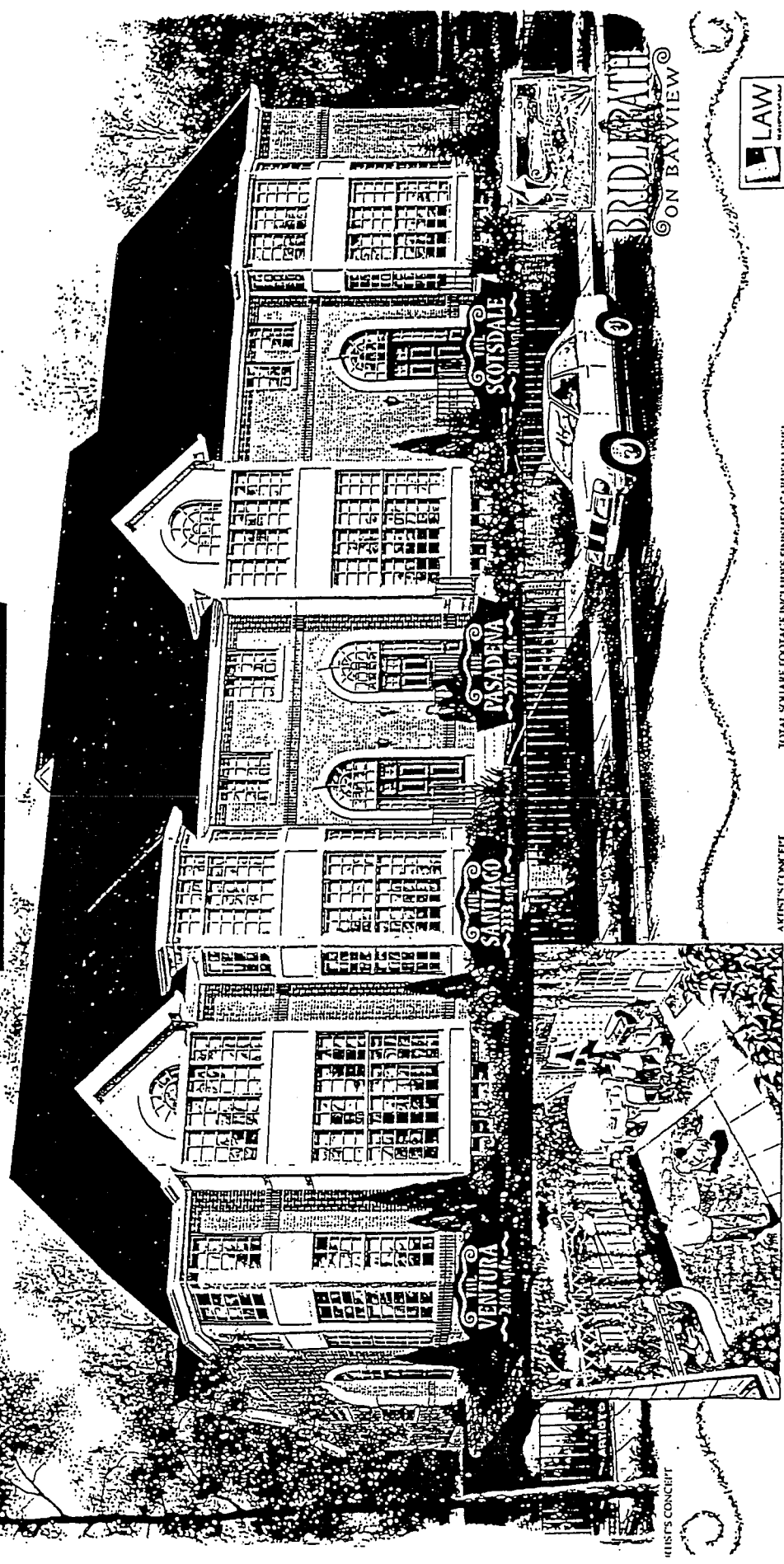
PAT BR



Silent make neighb

As vice-president Ontario Lottery Cor often told us heavenning the big one.

**THE
COURTYARDS
OF BAYVIEW**



TOTAL SQUARE FOOTAGE INCLUDES FINISHED GARAGE 11,571

ARTIST'S CONCEPT

ARCHITECTURAL PERSPECTIVE

APPENDIX "C"


JB / MM / SS SRP. 96.054 MAP.

TOWN OF RICHMOND HILL
PLANNING DEPARTMENT

000026



LOCATION MAP

 : SUBJECT LANDS



JB / MM / SS

SRP. 96.054

MAP.1

TOWN OF RICHMOND HILL
PLANNING DEPARTMENT

TOWN OF RICHMOND HILL

COMMITTEE OF THE WHOLE
November 5, 2001
SRE.01.112

Engineering & Public Works Department

**SUBJECT: POLICY LIMITING PUBLIC OWNERSHIP OF LANEWAYS
IN NEW DEVELOPMENT
OUR FILE: D00-DE**

PURPOSE:

To advise Council on the history of the emergence of rear laneways in new development and recommend future restrictions.


RECOMMENDATION:

That the Committee of the Whole receive Staff Report SRE.01.112 and recommend to Council that new laneways be approved for use only when ownership (and maintenance) is to be carried out privately through a plan of condominium and that any proposed exceptions to this policy be the subject of separate reporting and approval of Council.

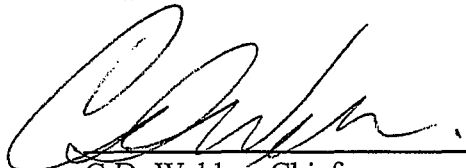
Contact: Eugene Zawadowsky, Ext. 3510.

Submitted by:

Approved by:



Bruce Macgregor, P.Eng.
Commissioner of Engineering
& Public Works



C.D. Weldon, Chief
Administrative Officer

BACKGROUND:

The use of laneways in new development was first proposed in Bayview North by Law Development in 1996. This involved a street townhouse development fronting on Shirley Drive at Redstone Road. The site plan was approved with a private laneway to achieve the following objectives:

- Improve the aesthetics of the streetscape on Shirley Drive;

- Reduce the number of driveways accessing Shirley Drive to improve its performance as a major collector road.

Laneways reemerged in the 1990's in an effort to improve streetscapes and minimize traffic disruption on major arterial and collector roads. Until then, the roads were either backlotted or were bounded by side lots and buffers. In some cases, laneways can be accommodated without adding to the extent of public roadway (i.e., the laneway replaces what would have alternatively been a single loaded or buffer road). In others, however, they impose additional maintenance obligations (i.e., requirement to maintain two roads).

Engineering and Public Works staff identified various concerns relating to:

- The extra cost of maintaining laneways (i.e. snow clearing, pavement management, lighting etc.);
- Substandard design respecting road geometrics, drainage and long term structural worthiness.

Given the Town's approval obligations, these concerns are relevant regardless of whether the laneway is public or private. Public owned facilities however have a bearing on property taxes and must be substantiated by traffic and/or streetscaping improvements on the adjacent roads.

Since this initial application, several development applications were received proposing public laneways. A total of 9 laneways have been approved, mostly in the Bayview Glen Community but also in Bayview North and Elgin West. Appendix 'A' (6 pages) provides a complete description of laneways in the Town and the rationale for their approval. All but the Law Development laneway in Bayview North are public and maintained by the Town.

During this period, the use of laneways was being encouraged by the Province as part of their alternate development standards for new growth. In the Provincial Guideline entitled "Making Choices" published in April 1995, rear lanes are promoted as an effective way of achieving compact development. This was an initiative to stimulate innovative and more efficient forms of housing and reduced servicing costs.

By moving the garage from the front of the house, both lot frontage and building setback can be reduced resulting in significantly decreased land requirements. In this way, rear lanes provide the added benefit of improving the streetscape. Instead of garages, community supportive features such as gardens, porches and house entrances dominate the street. The Provincial Guideline also identified the negative aspects of laneways regarding increased snow removal costs, security and public safety issues.

The Bayview Glen Community has the highest concentration of laneways within the Town, utilizing them mainly with townhouse developments fronting on Yonge street. In approving these laneways, it was understood that they would not be accepted universally, but only where an urban design or streetscape objective could be achieved. In particular, the Yonge Street frontage would especially benefit from laneways by removing garages and driveways from the streetscape. In

addition, by eliminating vehicular access, traffic flow on Yonge Street would also be maintained. Other services, such as garbage collection would also be provided via the laneways.

Now that Operations staff have been maintaining laneways for the last number of years, it has become increasingly clear that routine costs for snow removal are significantly higher than for typical local roads. Because laneways are the only vehicular access to these homes, snow clearing priority is rated the same as local streets. Adequate area for snow storage is not available in the laneway resulting in the need for extra equipment such as loaders and trucks in addition to plows to remove snow off site. This has increased costs of approximately \$2,000 per laneway per snowfall event. Given an estimated forty homes serviced by a typical laneway and assuming two snowfall events per year, this results in an extra average annual snow-clearing cost of \$100 per home. Comparing this to our normal cost of plowing conventional residential roads of \$33 per home per year, it becomes very clear that rear lanes are much more expensive to maintain on a per capita basis.

Additional costs would also be incurred for streetlighting, however, there would be offsetting efficiencies in garbage collection since narrower laneways typically allow collection in one pass.

Notwithstanding the aesthetic benefits in improved streetscapes, staff have always resisted laneways in new development. In our view, the increased maintenance costs, duplication of infrastructure and potential safety issues (e.g. lighting, isolation, vandalism) outweigh, in most cases, the potential visual enhancements.

Although several other municipalities have accepted the use of laneways, we maintain that alternatives are available to achieve the same objectives and should be thoroughly investigated. For example, the long standing practice of using service roads abutting arterial roadways presents an attractive streetscape but without the extraordinary maintenance requirements.

At present, there are only four new laneways pending in the Yonge Bayview Community (see Appendix 'B' for locations).

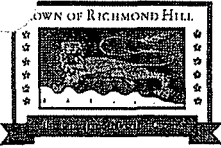
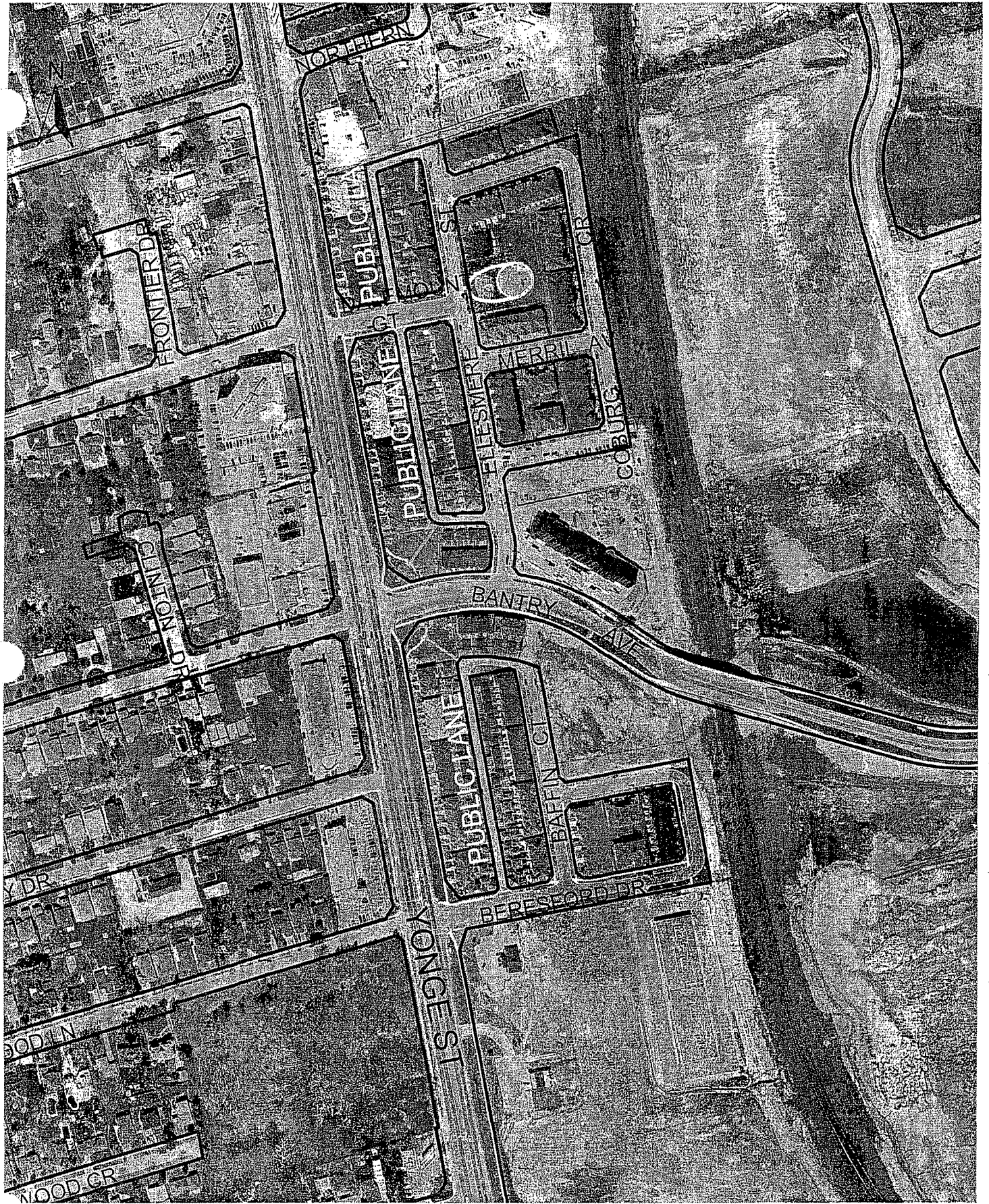
Even though laneways may have appropriate applications in certain special circumstances, staff cannot justify recommending their use as public facilities except under exceptional circumstances. Laneways should be privately maintained by the benefiting residents. Recent revisions to the Condominium Act will facilitate the arrangements.

EZ/js
Attachments

APPENDIX 'A'

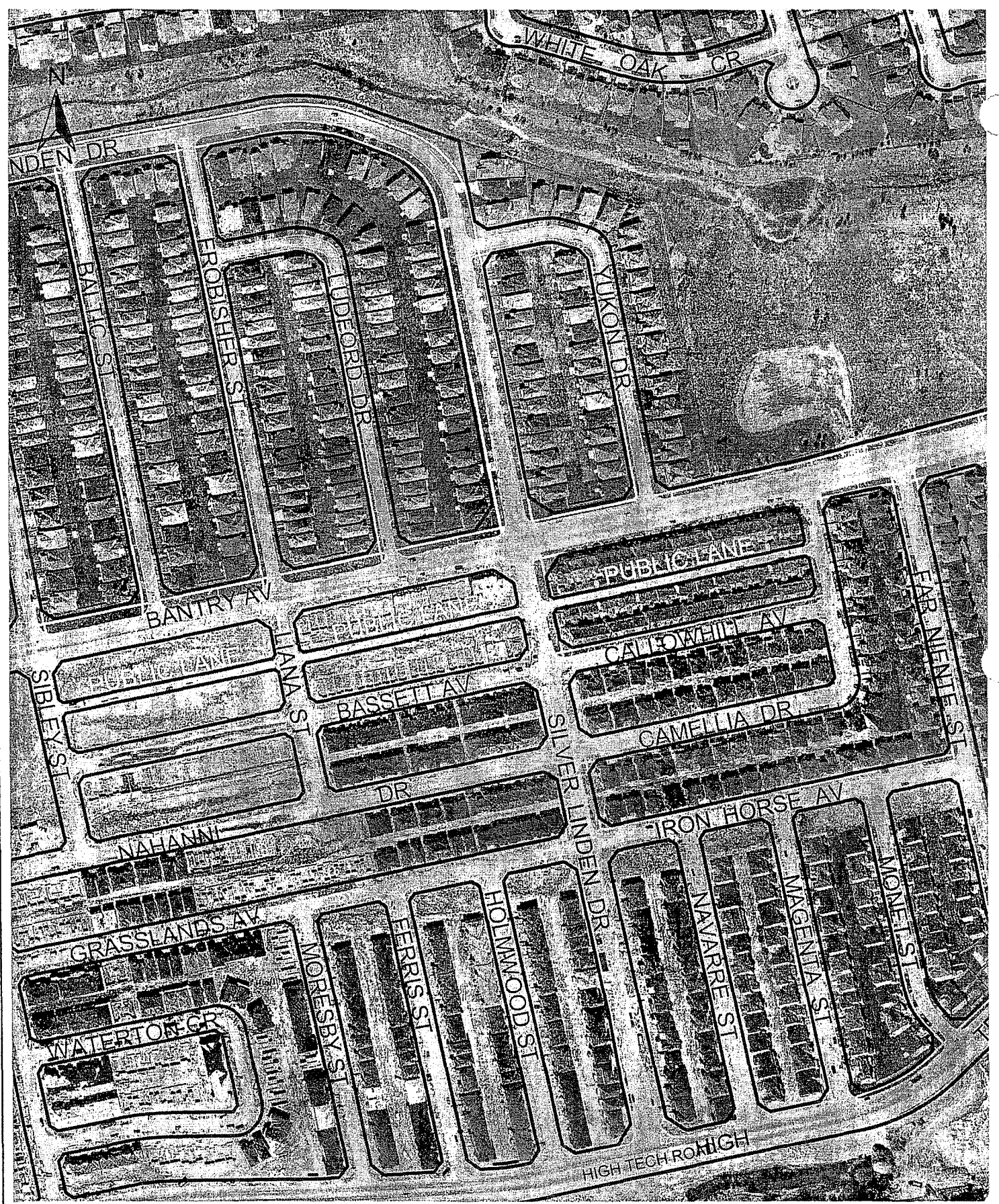
No.	Subdivision		Location	Owner-ship	Rationale
	Name	Date Draft Approved			
1	Yonge Bayview Holdings	Nov. 28, 1996	S. of Bantry btwn Sibley St. & Liana St.	Public	Improved streetscape, reduced traffic conflicts
2	Same	Same	S. of Bantry btwn Liana & Silver Linden	Public	same
3	Same	Same	S. of Bantry btwn Silver Linden & Camellia Dr.	Public	same
4	Same	Same	E. of Yonge St. N. of Beresford	Public	same
5	Same	Same	E. of Yonge St. N. of Bantry	Public	same
6	Same	Same	E. of Yonge St. N. of Dalemont	Public	same
7	Elgin-West	Mar. 23, 1998	N. of Canyon Hill btwn Leyburn & Abitibi	Public	same
8	Bayview-North	July 27, 1995 (OMB)	E. of Bayview N. of Frank Endean	Public	same
9	Bayview-North	June 24, 1998 (OMB)	E. of Shirley S. of Redstone	Private	same

000267



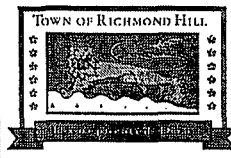
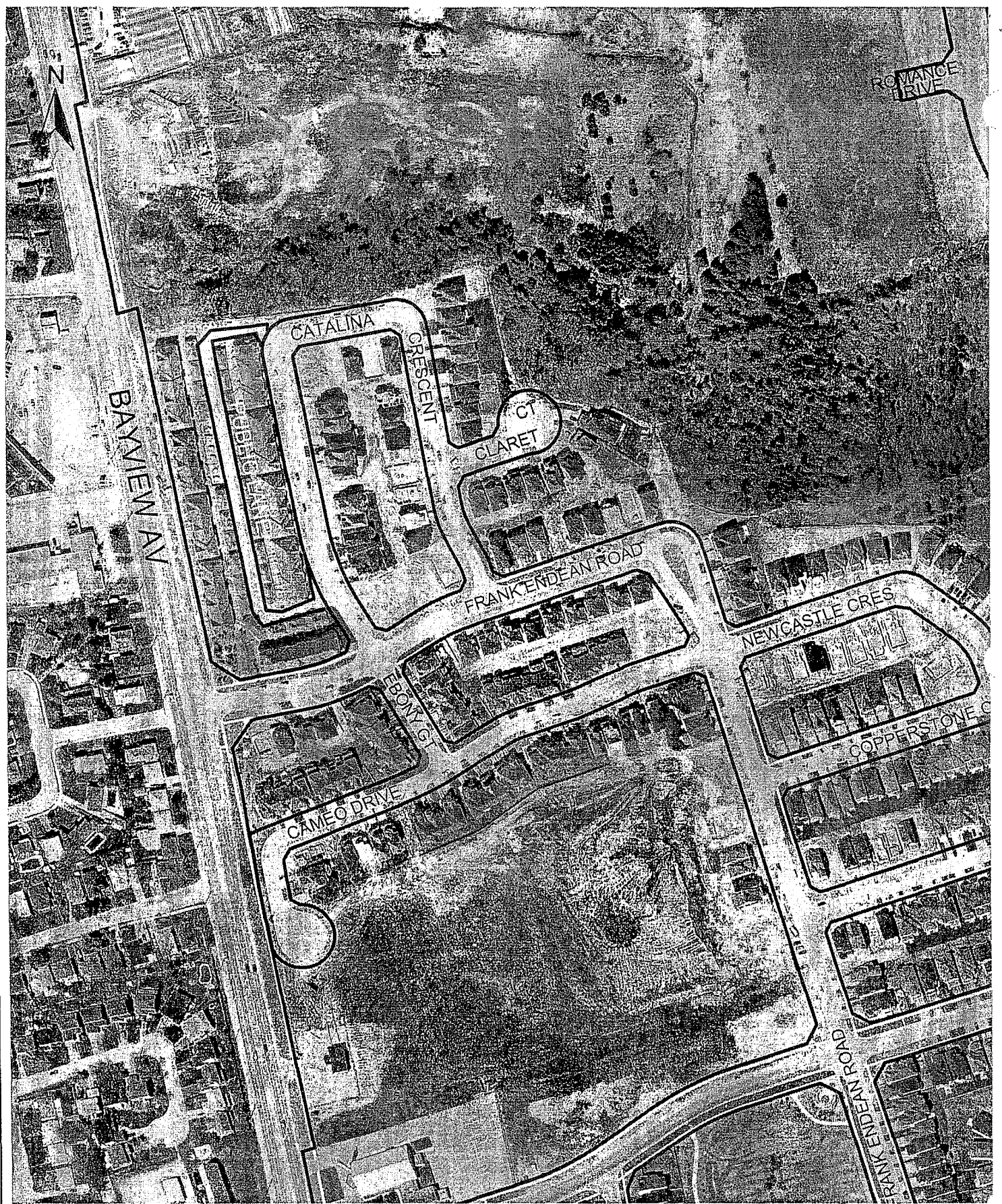
Yonge Bayview

000268



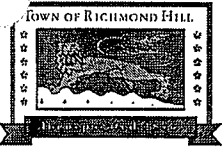
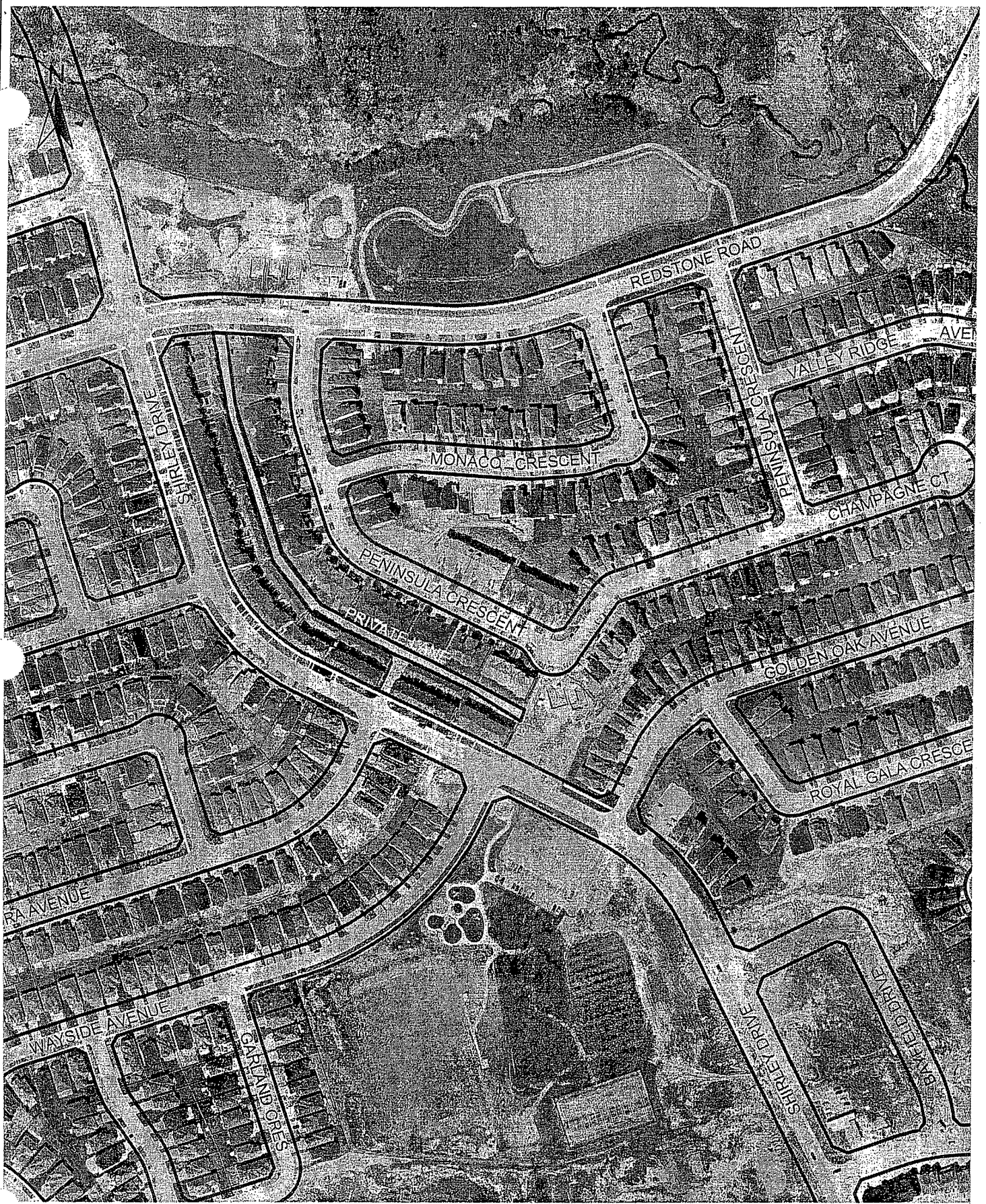
000269

Yonge Bayview



000271

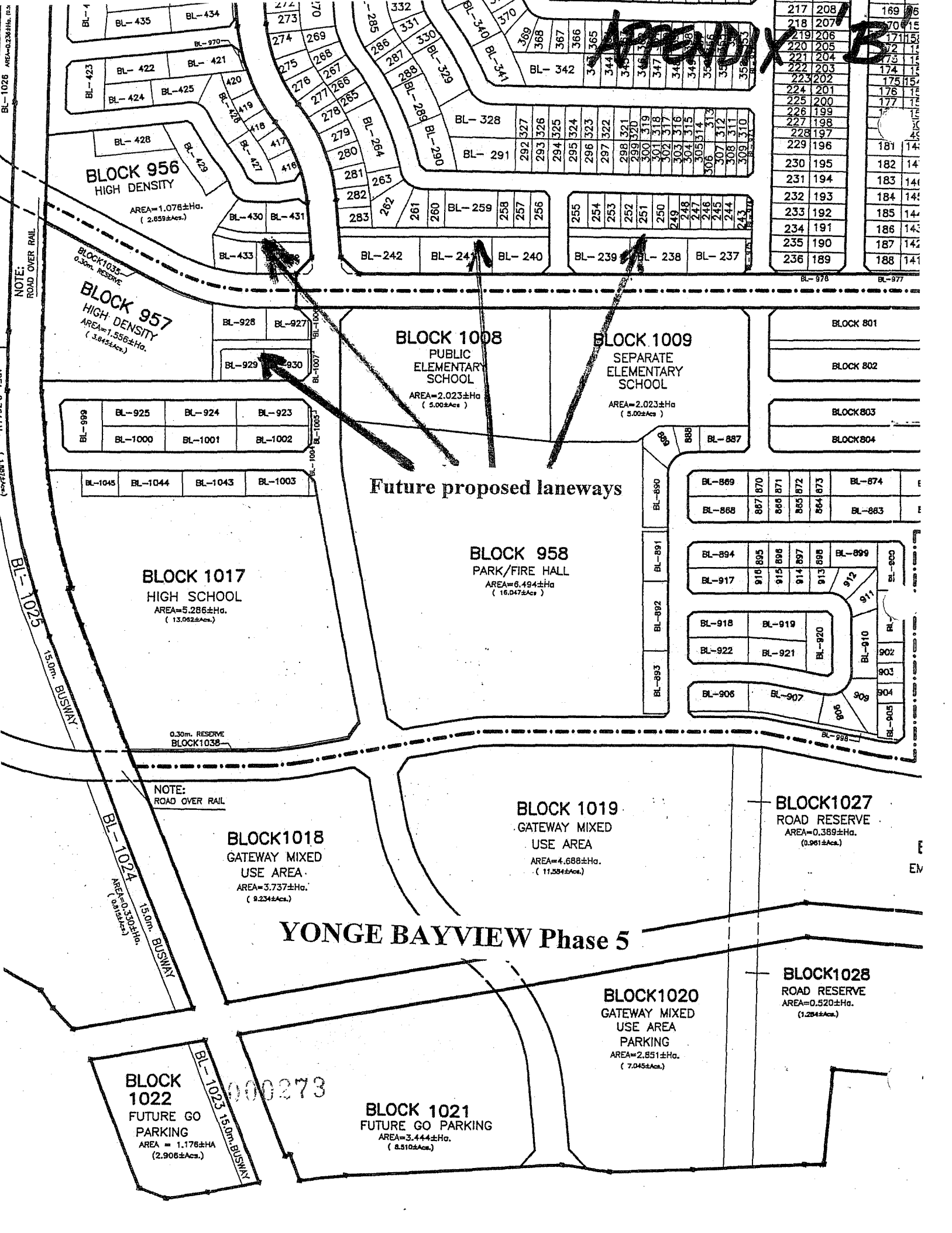
Bayview North



Bayview North

000272

APPENDIX B



217	208	169	165
218	207	170	166
219	206	171	167
220	205	172	168
221	204	173	169
222	203	174	170
223	202	175	171
224	201	176	172
225	200	177	173
226	199	178	174
227	198	179	175
228	197	180	176
229	196	181	177
230	195	182	178
231	194	183	179
232	193	184	180
233	192	185	181
234	191	186	182
235	190	187	183
236	189	188	184

BLOCK 956
HIGH DENSITY
AREA=1.076±Ha.
(2.659±Acres.)

BLOCK 957
HIGH DENSITY
AREA=1.556±Ha.
(3.815±Acres.)

BLOCK 1008
PUBLIC
ELEMENTARY
SCHOOL
AREA=2.023±Ha
(5.00±Acres.)

BLOCK 1009
SEPARATE
ELEMENTARY
SCHOOL
AREA=2.023±Ha
(5.00±Acres.)

BLOCK 1017
HIGH SCHOOL
AREA=5.266±Ha.
(13.062±Acres.)

BLOCK 958
PARK/FIRE HALL
AREA=6.494±Ha
(16.047±Acres.)

BLOCK 1018
GATEWAY MIXED
USE AREA
AREA=3.737±Ha.
(9.234±Acres.)

BLOCK 1019
GATEWAY MIXED
USE AREA
AREA=4.688±Ha.
(11.594±Acres.)

BLOCK 1027
ROAD RESERVE
AREA=0.389±Ha.
(0.961±Acres.)

YONGE BAYVIEW Phase 5

BLOCK 1020
GATEWAY MIXED
USE AREA
PARKING
AREA=2.651±Ha.
(7.045±Acres.)

BLOCK 1028
ROAD RESERVE
AREA=0.520±Ha.
(1.284±Acres.)

BLOCK 1022
FUTURE GO
PARKING
AREA = 1.176±HA
(2.906±Acres.)

BLOCK 1021
FUTURE GO PARKING
AREA=3.444±Ha.
(8.510±Acres.)

NOTE:
ROAD OVER RAIL

NOTE:
ROAD OVER RAIL

BL-1025
15.0m. BUSWAY

BL-1024
15.0m. BUSWAY
AREA=0.530±Ha.
(1.318±Acres.)

0.30m. RESERVE
BLOCK 1038

Future proposed laneways

BL-999	BL-925	BL-924	BL-923
	BL-1000	BL-1001	BL-1002

BL-1045	BL-1044	BL-1043	BL-1003
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BL-928	BL-927
BL-929	BL-930

BL-242	BL-241	BL-240
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BL-239	BL-238	BL-237
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BL-428	BL-429
BL-424	BL-425
BL-423	BL-421
BL-435	BL-434
BL-430	BL-431
BL-433	BL-432

BL-291	BL-292	BL-293	BL-294	BL-295	BL-296	BL-297	BL-298	BL-299	BL-300	BL-301	BL-302	BL-303	BL-304	BL-305	BL-306	BL-307	BL-308	BL-309	BL-310	BL-311	BL-312	BL-313	BL-314	BL-315	BL-316	BL-317	BL-318	BL-319	BL-320	BL-321	BL-322	BL-323	BL-324	BL-325	BL-326	BL-327	BL-328
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0	BL-731	BL-732	BL-733	BL-734	BL-735	BL-736	BL-737	BL-738	BL-739	BL-740	BL-741	BL-742	BL-743	BL-744	BL-745	BL-746	BL-747	BL-748	BL-749	BL-750	BL-751	BL-752	BL-753	BL-754	BL-755	BL-756	BL-757	BL-758	BL-759	BL-760	BL-761	BL-762	BL-763	BL-764	BL-765	BL-766	BL-767	BL-768	BL-769	BL-770	BL-771	BL-772	BL-773	BL-774	BL-775	BL-776	BL-777	BL-778	BL-779	BL-780	BL-781	BL-782	BL-783	BL-784	BL-785	BL-786	BL-787	BL-788	BL-789	BL-790	BL-791	BL-792	BL-793	BL-794	BL-795	BL-796	BL-797	BL-798	BL-799	BL-800	BL-801	BL-802	BL-803	BL-804	BL-805	BL-806	BL-807	BL-808	BL-809	BL-810	BL-811	BL-812	BL-813	BL-814	BL-815	BL-816	BL-817	BL-818	BL-819	BL-820	BL-821	BL-822	BL-823	BL-824	BL-825	BL-826	BL-827	BL-828	BL-829	BL-830	BL-831	BL-832	BL-833	BL-834	BL-835	BL-836	BL-837	BL-838	BL-839	BL-840	BL-841	BL-842	BL-843	BL-844	BL-845	BL-846	BL-847	BL-848	BL-849	BL-850	BL-851	BL-852	BL-853	BL-854	BL-855	BL-856	BL-857	BL-858	BL-859	BL-860	BL-861	BL-862	BL-863	BL-864	BL-865	BL-866	BL-867	BL-868	BL-869	BL-870	BL-871	BL-872	BL-873	BL-874	BL-875	BL-876	BL-877	BL-878	BL-879	BL-880	BL-881	BL-882	BL-883	BL-884	BL-885	BL-886	BL-887	BL-888	BL-889	BL-890	BL-891	BL-892	BL-893	BL-894	BL-895	BL-896	BL-897	BL-898	BL-899	BL-90
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Staff Report for Council Meeting

Date of Meeting: June 22, 2022

Report Number: SRPI.22.034

Department: Planning and Infrastructure
Division: Infrastructure and Engineering Services

Subject: **SRPI.22.034 – Response to Council Motion:
Report on assumption of the private laneway for
freehold townhouses 141-247 Shirley Drive**

Purpose:

To provide information regarding the Member Motion brought forward by Councilor Liu at the February 23, 2021 Council meeting regarding the challenges and options for the assumption of the private laneway servicing the freehold townhomes known municipally as 141-247 Shirley Drive.

Recommendation(s):

- a) That Staff Report SRPI.22.034 be received for information purposes

Contact Person:

Dan Terzievski, Director Infrastructure Planning and Development Engineering

Jeff Stewart, Director Public Works Operations

Gus Galanis, Director Development Planning

Antonio Dimilta, City Solicitor

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, Interim City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

Staff have been directed by Council to report back, outlining challenges and options for the assumption of the Shirley Drive Laneway

At the February 23, 2022 Council Meeting, a Member Motion was brought forward by Ward 3 Councillor Liu directing staff to investigate the challenges and options for the assumption of the private laneway servicing the Shirley Drive freehold townhomes (municipally known as 141-247 Shirley Drive) as a designated public highway, including the above and belowground infrastructure. The Members Motion, as amended by Council, is as follows:

WHEREAS the Shirley Drive townhomes built in 1997/1998 have an ownership arrangement for their rear laneway that is unique within in the City of Richmond Hill, and pre-dates the Condominium Act, 1998;

WHEREAS the builder, Law Development Group, registered "For Profit" Corporation 1286302 Ontario Limited with a residents' Board of Directors to govern and self-manage the maintenance and upkeep of the laneway under the terms of a Shared Facilities Agreement under which residents purchased their homes;

WHEREAS the Shirley Drive Rear Laneway townhomes are not registered under the Condominium Act, 1998 and therefore, are not supported by legislative requirements provided by the Condominium Act;

WHEREAS in order to provide relief to residents who have been disadvantaged with this unique arrangement over the past 23 years;

WHEREAS in order to eliminate the onerous and unsustainable expectation placed on residents to operate a self-managed committee without the support of the legislative provisions provided by the Condominium Act;

WHEREAS in order to eliminate the burden on residents to understand environmental sensitivities and technical requirements related to catch basin stormwater management and other infrastructure needs.

WHEREAS residents are entitled to receive equal levels of service and maintenance as other City owned rear laneway townhomes;

WHEREAS the City of Richmond Hill should achieve uniformity with other City owned rear laneway townhomes;

AND WHEREAS current residents have approved a 100% majority signed petition requesting the City of Richmond Hill to assume ownership and maintenance responsibilities for the rear laneway;

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THEREFORE, BE IT RESOLVED THAT:

Council direct staff to investigate and report back on the possible challenges and options for the assumption of the private laneway (above and below ground) for the freehold townhomes known municipally as 141-247 Shirley Drive as a designated public highway, in keeping with other freehold rear laneway townhomes operated and maintained by the City by June 2022.

And that should any information about laneways come to Council, that all information known to staff about laneways be brought to Council at that time.

Planning, legal, construction, operating, and maintenance challenges have been contemplated for both the City and residents of Shirley Drive in considering the assumption of the Shirley Drive Laneway, along with other ownership options

Staff from various divisions across the City have been consulted on this Motion and have contributed to in the preparation of this report. In response to the member motion, historical background context is provided specifically with respect to the Shirley Drive Laneway approval, as well as a number of ownership options for Council to consider along with the associated risks and challenges for each.

Laneways approved as part of compact residential development similar to the Shirley Drive Laneway are the primary focus of this report in responding to the Member Motion

In order to provide clear context, the analysis focuses on laneways approved through modern compact residential development since the 1990's, as an alternative street type option for urban design to accommodate higher density forms of housing. For clarity, compact development refers to multi-unit ground related residential development.

Historic laneways established in the City of Richmond Hill prior to the 1990's or through acquisition of road allowances, have not been included as part of this investigation. These laneways were created historically or often for specific purposes different from laneways in new development, such as to provide lake and cottage access, service access to municipal water and/or sanitary infrastructure, utility corridor access for gas, above ground telephone and hydro poles, or to protect for future municipal roads.

As such, staff focused on investigating laneways approved through modern residential development applications within the City of Richmond Hill serving similar functions to Shirley Drive, in order to better understand their design, current ownership structure, and maintenance obligations to inform options for the Shirley Drive Laneway.

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The Use of Laneways in New Development:

The use of rear laneways in development is a relatively new concept encouraged by the Province of Ontario to achieve compact development forms in nineties

The concept of laneways in modern compact residential development emerged in the 1990's. During this period, the use of laneways was encouraged by the Province of Ontario as part of their alternate development standards for new growth. Introducing rear lanes was an initiative to stimulate innovative and more efficient forms of housing and reduced servicing costs.

In the Provincial Guideline entitled "Making Choices" published in April 1995, referenced in SRE.95.152 (Appendix 2), rear lanes are promoted as an effective way of achieving compact development. The document cites that "Rear lanes can also provide an improved streetscape. Placing garages and parking spaces at the rear of the lot frees up the front of the house for such community supporting features as gardens, front porches, and house entrances".

In order to achieve compact development forms, laneways are often constructed to alternative development standards, but are typically under private ownership since they do not satisfy municipal requirements or standards

Public streets are designed to have a wide right-of-way, gentle gradients, and different infrastructure and materials in order to comply with municipal design and construction standards, meet legislative requirements, satisfy operational needs, and to accommodate and ensure the safety of the general public. As these standards are more onerous, they may limit the ability to implement compact alternative housing forms for non-freehold developments. Public Streets also require conveyance of lands to the Municipality, which will result in reduction of developable land and can impact lot sizes and create potential zoning conformity challenges which may require relief from the zoning by-law standards for lot sizes, setbacks, etc.

Implementing compact development forms can often only be achieved by applying flexible and alternative design standards. Adopting alternative site development standards to accommodate compact development forms is recommended in the Province's Stormwater Management Planning and Design Manual published in March 2003 (www.ontario.ca/document/stormwater-management-planning-and-design-manual/environmental-planning). Furthermore, Appendix A.4.5 in the Province's manual titled "Adoption of environmentally responsible subdivision/site planning and design criteria" expresses that alternative development standards for services (i.e. roads, laneways, stormwater infrastructure, etc.) which do not meet municipal standards are generally permitted in non-freehold development projects (i.e., condominium and freehold developments with common element, etc..) where they are not municipally maintained.

Where laneways are constructed with reduced or alternative designs not meeting municipal requirements they are typically under private ownership, as they do not satisfy one or more of the public requirements noted above.

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The Condominium Act does provide different forms of Private Ownership for Laneways in Townhouse Developments

In Richmond Hill's experience, the most common form of freehold and condominium ownership proposed by developers fall into two categories being Standard Condominium Corporations and Common Elements Condominium Corporations. Depending on the type of governance, the maintenance responsibilities can vary according to the ownership structure as outlined below:

Standard Condominium Corporations – the homeowner owns and is responsible for the upkeep and maintenance of their unit that is limited to the internal components of the unit. Condominium unit owners make up a condominium corporation that collects dues to cover ongoing maintenance and replacement costs for the common elements of the corporation, including private roads.

Freehold with Common Elements Condominium Corporations – also known as a fee simple townhome ownership, the homeowner actually owns a parcel of land (freehold) which is tied to one or more of the common elements condominium corporation. A condominium corporation made up of homeowners that share these facilities manages common elements such as a private laneway, road, and amenities. Owners jointly fund the maintenance, repair, and replacement costs through the payment of common expenses.

It should be noted that there are also completely Freehold Townhouses (or Street Townhouses), which are in simplest terms a house attached on both sides with frontage and driveway access on a municipal road. In this case, there are no management fees, no condominium board and no common areas. However, the delivery of municipal services is provided in the same manner as traditional detached homes, relying on either existing municipal services and roads or new municipal services and roads that have been constructed and maintained to municipal standards.

Laneways within the City of Richmond Hill:

With the City continuing to shift toward more intensification and mixed housing, and with the Provincial guidance noted above, there have been a number of developments with laneways that have been approved in the Richmond Hill over the last twenty-five years. These laneways primarily provide access for residents within condominium developments such as high-rise, low-rise and freehold townhouses with common elements.

There are both public and private laneways in the City of Richmond Hill, however most are privately owned and operated

In the City of Richmond Hill, two types of residential laneways exist through new compact development, specifically public and private.

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Private laneways, also known as condominium roads, are privately owned and maintained by the benefitting residents typically facilitated through a condominium board. There are approximately thirty-six existing developments with private laneways and twenty-seven approved and/or under construction in the City. Appendix 1 provides a listing and description of private laneways within the City.

However, the City also has a small number of public laneways, constructed to municipal standards, which are classified as lanes that are municipally owned and operated. There are only thirteen of these in the context of new and modern compact residential development. Appendix 2 provides a complete inventory of Public laneways in the City and the rationale for their approval.

The City uses established criteria for determining the type of laneway to approve for new development

The types of laneway, public or private, serve different purposes and are comprised of different corridor widths, which will influence the design layout of a residential project. Development, such as high-rise, low-rise and row condominiums mainly consist of private condominium roads or laneways, which is the preferred tenure type by developers as it can achieve the most compact form and minimizes maintenance costs for dwelling unit owners.

Private laneways have minimal or no building setbacks from the lane in order to achieve compact development form and require no land dedication to the Municipality.

In contrast, a public laneway requires land dedication to the City and requires more land and a wider right-of-way to achieve municipal infrastructure standards, maintenance requirements, and to accommodate the needs of the general public. This reduces the developable land and introduces setback requirements, which may impact the development footprint.

Understanding the primary function and intended use of a laneway helps determine the classification type (public or private), and inform which criteria and development standards to apply.

The criteria outlined in Table 1 is used in the development review process to evaluate whether a laneway should be public or private, and apply the appropriate design and development guidelines as outlined below:

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Table 1: Design Criteria for Private vs Public Laneways

	Private Laneway	Public Laneway
Function and Purpose	<ul style="list-style-type: none"> • support compact development form and allow for development to occur on smaller parcels of land • avoid multiple driveways on City and Regional streets and to prohibit driveways along collector and arterial roads to improve performance, minimize traffic conflicts and disruption • achieve improved neighbourhood aesthetics and urban streetscape by decreasing the dominance of residential garages and driveway along the public street 	<ul style="list-style-type: none"> • facilitate municipal needs such as: • access for the general public to adjacent developments through a connecting series of laneways • access to public open spaces and recreational facilities within the development • providing for municipal infrastructure servicing more than one development • provide for and improve public linkages and support neighbourhood connectivity
Design Criteria	<ul style="list-style-type: none"> • typically designed to reduced standards to accommodate private infrastructure • designed to accommodate for private boulevard treatment, utilities, landscaping, pedestrian access, street furniture, lighting, underground services, etc. • designed to facilitate a minimum 6.0 metre pavement width to allow for fire route, waste collection and for a two-way aisle • may incorporate reduced snow storage space for private snow removal • laneway design excludes municipal infrastructure (above and below ground) 	<ul style="list-style-type: none"> • exceed minimum private laneway standards and are designed to meet local road standards • achieve a minimum laneway width of 9.0 metres through a combination of land dedication and easements to accommodate pavement width and snow storage space • laneway design and road geometrics are similar to municipal local roads • lane design considers municipal winter maintenance and waste collection requirements capable of allowing appropriate maneuvering of heavy vehicles and turn around • municipal infrastructure within public lanes are limited to street lighting and laneway drainage system and unencumbered by private infrastructure • public lanes have a minimum boulevard width of 2.0 metres to allow for sufficient snow storage

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Previously, Council has provided direction to no longer approve public laneways in new development without their approval

While Table 1 outlines the current criteria in determining the classification and characteristics for laneways in new development, the City does own and operate a small number of public laneways that do not fit this criteria and are not appropriate from a maintenance and operation perspective for the Public Works Operations.

Between 1997 and 2002, based on the Province's guidelines encouraging the use of laneways in new development, the City did approve thirteen Public Laneways as outlined in Appendix 2. In 2001, Public Works Operations (formerly known as Engineering and Public Works) raised concerns through Staff Report SRE.01.112 (attached in Appendix 3) regarding increased maintenance challenges and costs associated with snow clearing, pavement management, lighting, etc. The report outlines the lessons learned from ownership of public laneways approved in the Bayview Glen Community subdivisions. Council approved Staff's recommendation that new laneways be approved for use only when ownership and maintenance is to be carried out privately through a plan of condominium, and that any proposed exceptions to this policy be subject of separate reporting and approval of Council.

Shirley Drive Laneway - History and Current Conditions:

The use of laneways in new development was first proposed in Bayview North in 1996 by Law Development involving the Shirley Drive street townhouse development as noted in Staff Report SRE.01.112. The concept of rear laneways providing access to garages was a relatively new concept in a suburban context at that time, and had never been contemplated by the City of Richmond Hill for a modern townhouse development until the City received the application from the Law Development Group.

The townhouse development proposed by Law Development Group in 1995 included 48 freehold townhouse units fronting onto Shirley Drive, with garages situated in the rear of the units and accessed via a privately owned 6 metre wide laneway to exclusively serve the development, providing little to no space for snow storage and not in keeping with municipal standards.

The City required that the Shirley Laneway be constructed to municipal standards and to be publically owned

As indicated in Staff Report SRP.96.054 (attached in Appendix 4), in considering the developer's concept, the City identified their concerns with this proposal, including the possibility of residents requesting the City to assume ownership of the laneway in the future should there be maintenance or administrative problems with a private arrangement. In response, the City indicated it would accept a public laneway conveyed to the City and constructed to a municipal standard with a 10 metre right-of-way, which would consist of a 6 metre wide pavement, as well as space to facilitate public snow removal, garbage collection, and related appurtenances.

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A reduced laneway design under private ownership was proposed for the Shirley Drive development, which was approved by Council

Law Development Group responded that they would design the units to facilitate garbage pick-up from the front of the units along Shirley Drive by incorporating masonry garbage enclosures into the landscaping design. They also indicated that the reduced 6 metre laneway would remain under the ownership of each property and that access would be facilitated through the creation of mutual easements which would be granted in favour of the other 47 unit owners. Since this development preceded the Condominium Act, 1998, the arrangement proposed at the time by the developer for ongoing management of the laneway was through a Shared Facilities Agreement between the owners. This agreement would be registered on title to make future purchasers aware of the agreement prior to land transfer, and establishes the terms for the collection of fees and the ongoing operation, maintenance repair, replacement and administration of the facilities.

Lessening the lane's right-of-way width afforded the developer more developable land to increase the rear yard amenity areas, but significantly reduced snow storage space in the laneway.

Since the concept of privately owned rear lanes was relatively new and had not been approved elsewhere in the City at that time, staff had prepared Staff Report SRP.96.054 for Council seeking direction on the private ownership arrangements proposed by Law Development Group, as well as outlining the benefits and challenges of this arrangement. Council approved the recommendations of the report, which included the approval of the 6 metre wide laneway under private ownership.

A Shared Facilities Agreement is in place and registered on title for each townhouse within the development and a Landowners Committee has been established to oversee the terms of the agreement

The Shirley Drive Laneway Committee has informed the City that the current ownership structure for the private laneway consists of a Landowners Committee, created through a Shared Facilities Agreement registered on title for each townhouse within the development, to oversee the terms of the Shared Facilities Agreement. The Shared Facilities Agreement oversees the long-term maintenance of the laneway with provisions to collect monthly fees, and that mutual easements have been established to create legal access across properties in favour of all the owners.

The Shared Facilities Agreement between Law Development Group and 1286302 Ontario Limited, being the Agent of the unit owners at the time, was registered in 1998 with respect to the operation, maintenance, repair, replacement and administration of the laneway. To the extent that the Landowners Committee has exercised its due diligence through the shared use agreement for its intended purpose as mentioned above in unknown.

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Ownership Options for Shirley Drive Laneway Moving Forward:

In response to the Members Motion, Staff have explored ownership options for Council's consideration, taking into account the implementation challenges and other aspects that would need to be considered by the City and the residents from planning, legal, risk, financial and ongoing operations and maintenance perspective.

1. STATUS QUO

The existing ownership arrangement already allows for the continued management of the Shirley Laneway and is the simplest approach for residents

The Shirley laneway is already governed by a Landowners Committee created through a Shared Facilities Agreement, which is registered on title for each property along with easements to provide for mutual access and maintenance of assets.

Maintaining the status quo is the simplest arrangement, as it does not place any additional burden or impacts on homeowners, it does not require additional land conveyances or planning applications, and is generally consistent with how reduced laneways in other townhouse developments function.

It would be incumbent upon the Landowners Committee to provide the appropriate administration of the laneway through the shared use agreement for the operation, maintenance, repair and replacement of its assets. In order to reduce the burden on the Landowners Committee members, and ensure the ongoing maintenance and repair of the laneway is properly administered, the homeowners and committee may consider leveraging a professional property management company to oversee and assist with the maintenance of the laneway.

While not a condominium ownership, this arrangement still sets out similar administration and obligation parameters to other privately owned laneways constructed to reduced design standards

Similar to a Condominium Corporation, the Shared Facilities Agreement outlines the obligations of each homeowner and establishes the parameters of which the Landowners Committee will operate and how they will maintain the laneway. These parameters include, but are not limited to, preparing and delivering an annual budget for the projected common expenses, establishing and maintaining a reserve fund for major repairs and replacement of the shared facilities and determining the contribution for all members and provisions to collect monthly fees.

Maintaining the status quo has no impacts for the City

From the City's perspective, there are no additional impacts or burdens resulting from maintaining the status quo.

2. CONVERT THE SHARED FACILITIES AGREEMENT TO A COMMON ELEMENT CONDOMINIUM OWNERSHIP

A common elements condominium corporation will be the simplest option to ensure the Shirley Drive Laneway is consistent with other privately owned laneways constructed with reduced standards

Similar to the responsibilities set out in the shared facilities agreement, a condominium corporation would have full authority, power and responsibility over all

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matters relating to the operation, maintenance, replacement and administration of the shared facilities. This includes preparing and delivering an annual budget for the projected common expenses, establishing and maintaining a reserve fund for major repairs and replacement of the shared facilities and determining the contribution for all members.

Converting the Laneway to condominium ownership would require a planning application, legal transactions, and the consent of all landowners

Converting the Laneway to a condominium ownership would require administrative work, and would have some cost implications to the homeowners and the Committee as a result of administrative fees, preparation of plans and preparation of the condominium documentation.

A planning application would be required to formalize this arrangement and legal documents will need to be prepared.

Owners would need to elect a board of directors to oversee the business affairs of the condominium corporation and to conduct mandatory annual meetings and keep records of minutes (similar to existing shared facilities agreement). In order to achieve this ownership arrangement, all of the homeowners within the Shirley Drive development would have to agree to move forward with formalizing this arrangement. In the event that all homeowners agree, municipal resources may be available for guidance and direction to the Landowners Committee through the process.

Converting to condominium ownership for the Shirley Drive laneway would have little impacts for the City

As with the status quo option, there would be no additional impacts or burdens to the City from this option. This option would also make Shirley Driveway consistent with other townhouse developments in the city that have private laneways constructed to alternative development standards.

3. MUNICIPAL ASSUMPTION OF THE LANEWAY

Municipal assumption of the Shirley Drive Laneway under public ownership poses the most significant impacts, risks, and challenges for both the City and the landowners

While feasible, assumption the Shirley Drive Laneway under public ownership is the most cumbersome option and presents the most significant challenges and impacts from both the City's and landowners' perspective.

Assumption of the Laneway would require one hundred percent of the Shirley Drive landowners to agree to a conveyance of all of the Laneway Lands to the City free of all costs and clear of encumbrances

If the City takes ownership of the Shirley Drive Laneway, the lands associated with the laneway would need to be fully conveyed to the Municipality to establish a public right-

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of-way. One Hundred percent of the Shirley Drive landowners would need to agree to the conveyance in order to be able to accomplish this, as each would need to agree to transfer their respective portion of property that contains the Laneway to the City free of costs and with no encumbrances including any liens, claims, charges and/or mortgages.

An up to date survey of the laneway would be required to ensure that there are no encroachments over the Laneway. Environmental investigations would also be required to ensure that there are no environmental issues with respect to the Laneway. Council authority would be required for the acquisition of the laneway by the City at no added cost to the City.

Land transfers to the municipality would require the retention of a lawyer by the landowners to complete the transfer. If a single owner now or in the future, prior to the transfer, does not cooperate, the City would need to consider the expropriation of that portion of the owner's private Laneway which would result in an unquantifiable cost and risk to the City, and is not considered an feasible or appropriate option by Staff.

Assumption of the Laneway would also reduce lot sizes, triggering planning applications and legal administration for the residents

These land transfers would effectively reduce the individual parcel sizes and property boundaries for each townhome. A survey and reference plan would have to be prepared to enable a proper zoning review to confirm if individual lots are in conformance with the zoning by-law standards. Should the zoning review of the proposed condominium plan result in the lots being legal non-conforming, it could trigger a planning application for such relief as a minor-variance.

It has been the experience of staff that as the conveyance of lands to the City changes the property description, this may sometimes trigger a property appraisal and/or re-assessment by the homeowner's financial lender, which may affect the owner's current mortgage.

Assumption of the Laneway would incur unquantifiable operating and capital expenses and liabilities for the City

If assumed by the City, the aboveground and belowground infrastructure in the Shirley Drive Laneway would become a municipal capital asset, which the City would be responsible for, along with the capital costs associated with the ongoing repair and replacement of this infrastructure as well as potentially upgrading this infrastructure in the future to bring it up to a municipal standard.

These capital asset costs would include, but may not be limited to, costs associated with the pavement, illumination, storm drainage system, as well as adjacent retaining walls and fences. Note that some of these costs would have to be borne by the City in the near term if assumed, as this infrastructure is already approximately twenty-five years old and there are items that need immediate repair based on recent visual inspections conducted by staff (i.e. retaining walls and fences). These capital costs will continue to increase in the longer term as the infrastructure continues to age.

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There is also the ongoing operating and maintenance costs associated with these assets that would need to be borne by the City. These would include, but may not be limited to, annual winter maintenance, cleaning of catch basins and ongoing routine repair of pavement, curbs, fences, retaining walls, illumination, and storm systems.

To reiterate, the Shirley Drive laneway does not meet municipal requirements in terms of design or right-of-way. As such, items such as laneway pavement and the drainage system may require more frequent maintenance, repairs, and replacement, and the ongoing maintenance of items such as illumination may cost more as these light fixtures would be unique to the City.

Furthermore, given the physical limitations of the Laneway, the costs for snow removal will be significantly higher than typical snow removal costs for the City, as it has been designed with insufficient snow storage space, which is coupled with inadequate turn-around areas for winter maintenance vehicles at the south end of the laneway. Therefore, in order to conduct routine maintenance, the City would need to either acquire specialized or additional equipment (such as loaders and trucks) to remove snow off site (resulting in longer duration time for snow removal) or the City would need to retain a contractor to provide these services.

There is also an enforcement aspect related to the winter maintenance that will need to be considered. In order to ensure that the City can conduct appropriate snow removal activities on time, By-law Enforcement may need to be engaged from time to time to ensure that the laneway is clear.

Overall, the assumption of the laneway by the City would result in unquantifiable capital replacement costs and annual operating costs, which would have to be determined through a detailed laneway condition assessment and costing evaluation.

Assumption of the Shirley Drive Laneway would also expose the City to additional risks and liabilities

Assumption of the Shirley Drive Laneway could also expose the City to additional risks, liabilities, and claims in the future, especially given the reduced criteria used for the design and construction of the laneway, the unique maintenance needs of the laneway, and the possible precedent this assumption would set.

For example, as noted above there would be insufficient turnaround space available at the south end of the site for snow removal vehicles to turn around without encroaching onto private property or performing unsafe maneuvers such as backing up the Laneway. This poses additional safety hazards for snow removal operators and residents, and could increase risks of private property damage and claims against the Municipality.

Also, as the Laneway has inadequate snow storage space, snow removal operations could result in damages to private property such as privacy fences and garages given their proximity to the travel lanes.

If the City becomes responsible for the non-typical assets, such as wood privacy fences and retaining walls on or adjacent to neighboring properties, the City would be

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assuming additional liabilities and risks if these assets are not appropriately maintained or damaged by residents.

Existing Service Levels for the residents could be reduced if the City assumes the Laneway

As this laneway only serves access to the residents, it will be considered a low priority in terms of the winter maintenance program (similar to cul-de-sacs). Furthermore, City winter maintenance operations are only triggered during certain winter events when a minimum snow amounts are accumulated. As these residents currently have these services delivered by a private contractor, the service provided by City forces may not meet the resident's expectations.

In addition, as there is inadequate snow storage, the windrow created in front of the garages by City snow removal operations may also not meet the expectations of residents and result in additional complaints. Given the proximity to garage faces, windrow clearing is not likely an option for this laneway.

Assumption of the Shirley Drive Laneway may establish a precedent for the City to assume other private laneways built to alternative design standards

Assuming public ownership of Shirley lane could also initiate further requests for the City to assume other private laneways that have been built to reduced or alternative standards.

The Shirley Drive Laneway should be in a state of good repair and appropriate operating and capital budgets need to be established before Council considers assumption

Should Council wish to move forward with the assumption of the Shirley Drive Laneway, Staff recommend that the Landowners Committee have a full condition assessment of the Laneway and its related assets completed by a qualified engineering firm, and that all infrastructure be brought up to a reasonable state of good repair prior to assumption by the City. Furthermore, staff recommend that appropriate operating and capital budgets be approved by Council for the ongoing operation, maintenance, repair, and replacement of the Laneway, prior to assumption.

Financial/Staffing/Other Implications:

Since this staff report simply outlines information for Council in response to a Member Motion, there are no direct financial or staffing implications associated with this report. However, should Council give direction to implement the option involving the assumption of the Shirley Drive Laneway, staff will need to report back to Council with any financial and staffing implications based on the direction received from Council in order to establish appropriate operating and capital budgets prior to assumption.

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Relationship to Council’s Strategic Priorities 2020-2022:

The discussion in this staff report about the transfer of Shirley Drive Rear Laneway from private to public ownership aligns with Council’s Strategic Priority of “Fiscal Responsibility” in determining the most appropriate arrangement for managing laneway infrastructure within the municipality.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

This staff report has been prepared in response to the Member Motion entitled “Report on assumption of the private laneway for freehold townhouses 141-247 Shirley Drive” brought forward by Ward 3 Councilor Liu at the February 23, 2021 Council meeting.

The options for Council’s consideration are summarized below:

Status Quo

- Maintain Shared Facilities Agreement governed by the Landowners Committee
- Does not place any additional burden or impacts on homeowners
- Does not require additional land conveyances or planning applications
- Simplest approach, no changes for the property owners
- No additional impacts or risks to the City

Convert to Common Element Condominium Ownership

- May require a planning application, legal transactions, and agreement from all landowners
- Cost implications to the homeowners related to administrative fees, preparation of registered plans and condominium documentation
- Requires 100 percent buy in from the homeowners within the Shirley Drive to agree to move forward with formalizing this arrangement
- Homeowners would need to elect a board of directors to oversee the business affairs of the condominium corporation (similar to the obligations set out in the existing shared facilities agreement)
- No additional impacts or risks to the City

Municipal Assumption of the Laneway

- 100 percent of the Shirley Drive landowners would need to agree to transfer their respective portion of property that contains the Laneway (expropriation would need to be considered if this does not occur)
- The conveyance of the Laneway Lands to the City would need to be free of cost and without any encumbrances

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- Land transfers reduces the parcel sizes and property boundaries for each townhome which may trigger a requirement for relief from the zoning by-law standards for lot sizes and setbacks
- Costs incurred by the homeowners related to land transfers to the municipality, legal administration and planning application fees
- City would incur unquantifiable operating and capital expenses and liabilities associated with winter maintenance, ongoing repairs, replacement and potential upgrades to the existing infrastructure to bring it up to a municipal standard
- Costs for snow removal will be significantly higher than typical snow removal costs for the City
- Snow removal operations and duration times may not meet the expectations of residents and result in additional complaints
- City exposed to additional risks, liabilities, and claims in the future, given the reduced criteria used for the design and construction of the laneway, unique maintenance needs of the laneway and physical limitations and proximity of garage structures to the laneway
- Could establish a precedent for the City to assume other private laneways

Should Council wish to move forward with the assumption of the Shirley Drive Laneway, Staff recommend that the Landowners Committee have a full condition assessment completed for the Laneway and that all infrastructure be brought up to a reasonable state of good repair prior to assumption. Furthermore, staff recommend that appropriate operating and capital budgets be approved by Council for the ongoing operation, maintenance, repair, and replacement of the Laneway, prior to assumption.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix 1 - Private Laneway Names
- Appendix 2 - Public Laneway Names
- Appendix 3 - SRE.01.112 Shirley Laneway
- Appendix 4 - SRP.96.054 Shirley Private Laneway

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Report Approval Details

Document Title:	SRPI.22.034 Response to Council Motion Shirley Drive Laneway - stakeholder.docx
Attachments:	- Appendix 1 - Private Laneway Names.docx - Appendix 2 - Public Laneway Name.docx - Appendix 3 - SRE.01.112 Shirley Laneway.pdf - Appendix 4 - SRP.96.054 Shirley Private Laneway.pdf
Final Approval Date:	Jun 8, 2022

This report and all of its attachments were approved and signed as outlined below:

Dan Terzievski - Jun 7, 2022 - 12:49 PM

Paolo Masaro - Jun 7, 2022 - 1:06 PM

Antonio Dimilta - Jun 7, 2022 - 1:16 PM

Kelvin Kwan - Jun 7, 2022 - 4:39 PM

Darlene Joslin - Jun 8, 2022 - 8:47 AM

1286302 ONTARIO LIMITED

Financials 2021 – Budget 2022

Expenses	
Insurance	\$902.88
Snow Removal	\$9,605.00
Fence Repair	\$764.05
Hydro Utilities	\$957.40
Bank Fees	\$304.92
Electrical Repairs	\$2,666.29
Accounting Fees	\$2,994.50
Admin \ Office Supplies	\$50.00
Miscellaneous	\$72.00
	\$18,317.04
Transfer to Reserve Fund	\$6,000.00
Transfer to Repair Fund	\$2,000.00
Total Expenses	\$26,317.04

Annual Budget	2021/2022
Snow Removal	\$11,000.00
Insurance	\$1,100.00
Lane-way Repairs	\$3,500.00
Electrical/Lamp Repairs	\$600.00
Hydro	\$1,100.00
Bank Charges	\$100.00
Printing & Admin	\$100.00
Legal Fees	\$2,500.00
Accounting Fees	\$2,500.00
Reserve Fund	\$4,000.00
Total	\$26,500.00
2021/2022 Fee per unit	\$520.00