

CW(2) MAR 9/20

ITEM - DEP. 1

Deputation to City of Vaughan Whole Council Members: March 9, 2020Key Topics that will be covered during deputation scheduled for March 9, 2020 at 9:30am:

1. Deputations to the Committee of Adjustment written and oral submissions, sent to the City of Vaughan committee of Adjustment, before the scheduled meeting of Dec. 12, 2019, before scheduled, and rescheduled meeting of Jan. 16, 2020, and the meeting of Feb. 6, 2020, outlined the community concerns relating to the safety, security and risks associated with the adjustments requested (application A116/19) which will further obstruct view and increase risk to endanger pedestrians, children, cars and increase third party liability risk for the residents and city of Vaughan (there are accidents that have happened and further obstructing view will result in more accidents to happen). There was no safety triangle in the Dec. 12, 2019 CofA meeting and sketch the agent presented.
2. Copy of the petition signed by 14 residents shared before Feb. 6 with Committee of Adjustment and city council members. Copy of this petition is also circulated to the whole council for this deputation along with this cover pages and additional information shared in the subsequent pages.
3. In discussions in December 2019 and January 2020, any official in the city by law, planning, zoning etc. contacted was supportive and understanding of community concerns. Mr. Shefman was made aware of the situation by sharing copies of written submissions from December 2019, ongoing and Mr. Shefman stated on submissions quote "reasonable and rational"; Tina in zoning when we met with her on Jan. 14, 2020 and showed her the proposed triangle from agent (dated Dec. 16), agreed that the triangle (3.5 x 6.5m), had to adjusted to be set back much more in particular on the driveway side, and ensuring that nothing is planted in the triangle because will obstruct view in the future otherwise she stated quote "wait for more accidents to happen"; Daniel Coats in by law was very helpful in clarifying by laws (in particular fence by law), understood and listened with respect to community concerns and he did take us to engineering, etc., he was skeptical adjustments will be approved however the responsibility belonged to CofA, and M. Torres in planning was very helpful because it did share information that was requested promptly and in a very professional manner; Bruno in engineering was helpful because he confirmed that the standard on setbacks for safety triangles for intersections was the most current. In meeting of Dec. 12 Ms. Perrella was very understanding and supportive; last but not least, want to thank Mr. Britto for his support in facilitating and info sharing ahead of this deputation.
4. In absence of a by law, policy, guideline related to calculating the safety sight triangle for the scenario between 2 forest lane drive and 141 concord rd. (sight triangle or irregular sight triangle) we requested engineering to speak with residents when visiting to understand risks, variables listed in correspondence of Jan. 16, 2020 and petition emailed later and consider our safety concerns. Instead multiple meetings happened with agent and none with us residents. We felt misled as outlined in petition because on Jan. 14, 2020 we were told that the calculation for triangle was done by engineering considering pedestrians walking, and despite our requests to see the calculations and understand so we will feel safe, or to meet when visiting area, those requests were not considered. When we requested why the calculation did not include slope, school zone, accidents that have happened, kids biking on the side walk, kids and pedestrians jogging or unleashed dogs bigger car parked (page 10, picture 2 of petition Feb. 6), etc. etc. no answer was provided from Jan to Feb. 6, 2020. The only thing we were told is kids are not allowed to bike on the sidewalk?!. In the engineering staff report generated before the meeting of Feb. 6 it is written that the triangle was proposed by the agent and city approved, with what rationale??, it remains to be found.

The planner assigned by the city to the CofA "knew everything" had no intention of listening and understanding and instead had a mission of defending what agent had proposed. Meeting of Feb. 6 was over 1 hour of oral submission (4 residents/owners were able to make meeting and a family friend that had an accident); it felt that the decision was made before hand, despite the public hearing requirement. Another struggle was that community input and feedback reflecting the audio recording shared to the CofA Feb. 6 meeting. Feedback was provided and what was added was selective, in addition other input was added that we could not "decipher" from the audio recording shared with us, or we could recall from the meeting, unless there are other recordings. Overall it does appear the treasurer currently has a lot of influencing power to the committee members and decisions and that needs to be looked at as a risk.

5. We as community believe that when we interact with the city the experience has to be top notch and not one area passing the torch to another dept.

It is important that when a decision is made all variables, by laws that could be impacted are to be considered and above all input from the residents because of public hearing requirement; key is to consider in addition to quantitative also qualitative conditions/considerations.

As an example when we discussed or shared in writing, how the height of the fence (including elevation etc.), cabana location, shed height (and elevation), new trees planted etc. will be located etc. to better understand long term implications related to safety and third party risk liabilities, we were told that the committee does not have jurisdiction for these items. In our opinion it is unreasonable to make a decision without considering and understanding all factors (qualitative & quantitative), looking at the sketch/design in 3 D for the impacted properties, to allow for visualizing other issues or risks from arising in the future.

6. Given the decision that was made that did not consider any information shared both oral and written, and the one exception we requested as a community, if the 6 adjustment will be approved, we were and are forced to spend money to protect our safety (paying for advice and also paying for the appeal to LPAT hefty fees). It is unfair for us as citizens that we are forced to pay more of what the applicant/agent is paying for 6 exceptions to protect our safety. Something is not right.
7. In addition, it is general practice as pointed out in the additional information below, by the city of Vaughan, to use information from other municipalities as a comparable. We considered both in absence of a standard, by law or policy or guideline for irregular sight triangle:
  - a. we referenced in our request the city of Vaughan engineering standard for latest safety triangle dimensions for intersections definitions and setbacks. Because of the variables outlined in the petition we picked the most conservative, however we were open and as advised in writing the CofA treasurer, agent and city officials engaged etc. we wanted to get to an agreement that will be win win for both the 2 forest lane and the community at large.
  - b. we also referenced also the comparable info from other municipalities after speaking with folks in those municipalities.
8. We are happy to support any project or initiative that beautifies our area. We are happy to support our neighbor of 2 forest lane drive however we request that the city of Vaughan council supports the community in addressing the safety concern and for allowing us to enjoy our properties. What can the city council do to ensure safety and security is maintained providing relief to us and the 2

forest lane drive applicant? What can the city of Vaughan council do to help this Thornhill community?

9. The work we have done as a community in conducting research, speaking with residents, speaking with other municipalities or finding TAC guidelines etc. can help the city of Vaughan. We have shared in writing with the CofA of the above which outlines some areas of focus that perhaps the city can look and address such as completeness of staff reports, transparency, treating all fairly, public hearings concerns are understood and considered by staff etc. and decisions are made considering qualitative and quantitative considerations and impacts and implications to by laws mitigating risks and minimizing exceptions to be requested as a fast follow.

Above all we have gathered information for the irregular sight triangle as it pertains to a corner property abutting front lawn of neighboring property (scenario of 2 forest lane & 141, 145 concord rd.) where slope, curve, radius, traffic, etc. are considered.

10. City of Vaughan does not have as mentioned above a standard and policy, by law for this requirement (safety sight irregular triangle). Information gathered about variables to be added to calculation, risks and impacts to community, references to the Transportation Agency of Canada (as referenced in by law) guidelines, and comparable from other municipalities etc. This information can assist city of Vaughan to draft a by law, policy or standard so the calculation for safety triangle is defined, so it removes ambiguity and resulting in increased transparency.

Thank you for your time, and for listening to this deputation.

We look forward to hear City of Vaughan action, in addressing the above.

### **Additional Information**

**(information will be shared with City of Vaughan whole council on Mar. 9, 2020).**

Committee of Adjustment (Feb. 6, 2020), did not consider the repeated requests from the community in particular on the safety and security risks, third party liability etc. and did not consider requesting contractor (agent) for 2 forest lane drive, to accommodate a set back closer to what the community was requesting referencing what exists in engineering standard (request was for 8 meters x 12 meters) for the irregular sight triangle between 2 forest lane drive and 141 concord rd. properties and the request to ensure easement is in place for 2 forest lane drive for the sight triangle for the purpose of inspecting and removing any obstructions, natural or otherwise, to the clear sight line which is necessary for the safe use of the traffic, pedestrians, children's etc. and consisting of the right to restrict ... This results that the risk and mitigations reside with the residents of the properties impacted listed in the petition and community at large and the city of Vaughan. Request from the community was driven by the fact that there is no standard on the calculations on the sight triangle and is driven by the engineering team. In this instance the calculations were provided by contractor (agent for 2 forest lane), and the city has approved without a rationale that was shared in the staff report or verbally with the community or at the committee of adjustment meeting.

All what the community asked in this situation was for this property were 6 or more exceptions that will be approved and the community was asking for an exception to be approved for the community as follows the triangle of 8m x 12 m (set back in driveway and sidewalk) and easement on the triangle so no obstruction in the future could be allowed. In addition, the ask was to provide relief to the 2 forest lane drive given that they will not utilize that portion of their property.

It is common practice that when a standard does not exist then comparable information is found in municipalities close by or that will be similar to Vaughan. Even this was not provided or shared. As a reference please find below the comparable information found by the community members of Thornhill.

The below information is for regular sight triangles. Referencing the below the in driveway the sight triangle is to be set from 4.5 m – 6m in driveway by 6m to 8m or more if there is an exception approved for irregular sight triangles. References below. When we explained to them the details on the curve, hill/slope, radius 75 degree, increased traffic, narrow street, known accidents, large number of kids taking the one side walk that exists to go to school and pedestrians, etc. the fact that the concord is a minor collector in close proximity to the corridor (centre) and very close proximity to Beverly Glenn Blvd (another minor collector), (as pointed in detail in petition of Feb.6), they stated that the triangle will fall in the high risk and the committee must have accommodated an exception that will address the community needs given the public hearing and address safety and security concerns raised.

We did connect and spoke with folks in by law and compliance and engineering as applicable in the municipalities below. They did advise that if city of Vaughan needs information they can share all that with city of Vaughan by law or engineering when a formal request is sent to them.

We are aware that city of Vaughan takes security and safety seriously. As an example, for 76 Worth Blvd. It was a driveway expanded and a large pick up truck was parked blocking view and sight triangle. City of Vaughan did request owner to remove expanded driveway and to park so the sight triangle is not obstructed for properties in question. In this circumstance the sight triangle in this case was between 5 m x 10m or so and was a regular sight triangle not with the irregular parameters mentioned above that impact visibility and obstruct view for Concord rd. residents 141, 145 and 149.

#### **Common practice from City of Vaughan using other municipalities comparable:**

**(As a reference: Fence by law review, May 7, 2019, Mary Reali, Deputy City Mgr. Reference).**

**City of Mississauga provided a more complete view and detail on sight triangle and was able to share more information:**

By-law 397-78: Page 2: Definitions, items a) and b) "sight triangle" means: (a) that portion of a corner lot within the triangular space formed by the street lines and a straight line drawn from a point in one street line to a point in the other street line, each such point being 6 meters (19 ft. 8 inches) measured along each street line from the point of intersection of the street lines, or (b) such other sight triangle set out; (i) in the relevant sections of the City of Mississauga Zoning By-laws, as amended, or (ii) in a site plan agreement, for a particular lot.

Point 6 item 4: Where a rear yard of one property abuts the front yard of an adjoining property and the safety of passing pedestrians from vehicular movement may be affected by the presence of a solid type rear yard fence then the fence must be of open construction if it is erected within 4.5 meters of a driveway on an adjoining lot. (By-law 349-83)

Point 7 page 4: Except as provided in subsection (2) of this section, no person shall erect, or cause to be erected, a privacy screen on any land lawfully used for residential or commercial purposes. (2) A privacy screen may be erected in a side yard or rear yard, if: (a) it is more than 4.5 meters (14 ft. 9 inches) from the street property;

Item 8: page 5: No person shall erect, cause to be erected, or, in the case of trees, hedges or shrubs, maintain or allow a fence or privacy screen to grow to a height that is higher than 1 meter (39 inches) above effective ground level within a sight triangle unless such fence or privacy screen is of open construction and does not obstruct the visibility of motorists and pedestrians. (By-law 349-83, 236-01)

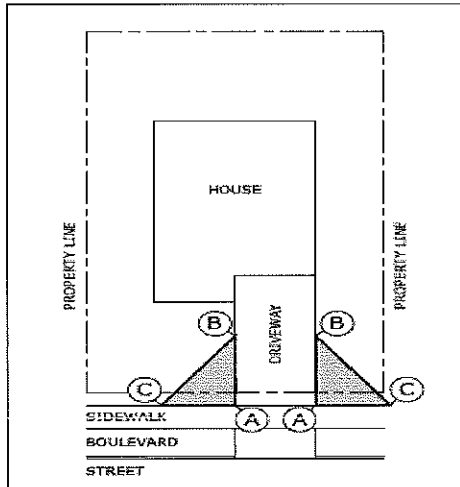
Page 6, 7: In considering the completed application for an exemption, the Commissioner shall take into account the following: (298-08) (a) any special circumstances or conditions applying to the fence or privacy screen referred to in the application; (b) whether strict application of the provisions of this by-law would result in practical difficulties or unnecessary hardship to the applicant; The Fence By-law 397-78 7 (c) **whether the fence or privacy screen may affect surrounding sight lines and create, or potentially create, a hazardous condition for persons or vehicles;** and (d) whether the affected Ward Councillor is in agreement with granting the exemption or any conditions that may be attached.

The item above is used by city of Mississauga to deal with exceptions i.e. irregular sight triangle.

### City of Guelph:

**Other lots:** Measure five meters (16.5 feet) from the stake (point A) along the driveway to point B. Measure four meters (13.2 feet) from the stake (point A) along the sidewalk or street to point C. The area between these three points is the sightline triangle, and must be kept free of obstructions.

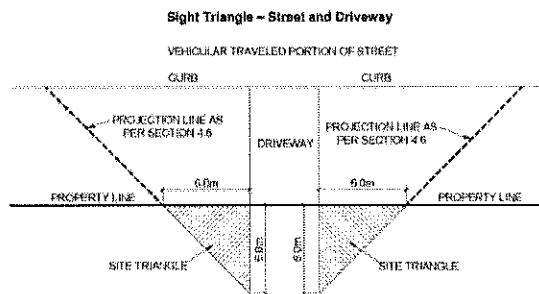
<https://guelph.ca/living/house-and-home/corner-lot-properties/>



*Driveway sightline triangles with sidewalk*

### City of London:

[https://www.london.ca/business/Permit-Licences/Sign-Permits/Documents/Sign\\_By-law\\_2017-Figure1-Sight\\_Triangle.pdf](https://www.london.ca/business/Permit-Licences/Sign-Permits/Documents/Sign_By-law_2017-Figure1-Sight_Triangle.pdf)



The above illustrations are for clarification and convenience only and do not form part of the by-law.

Please also refer to the Section 2 – Definitions and Section 4 – General Provisions of the by-law.

## City of Markham

<https://www3.markham.ca/Markham/aspc/engineeringPortal85/drawings/getPDF.aspx?ATTACHMENTR SN=617006>

### Minimum Sight "Triangle" Requirements

The following table indicates the minimum sight "triangle" requirements, in the form of street line roundings and triangles, for various intersecting roadway situations under ideal conditions. Sight "triangles" shall otherwise be sized according to safe sight distance requirements when conditions dictate.

Table 4: Minimum Rounding/Day-light Triangle Requirements

Road Type	Intersecting Road Type	Minimum Rounding Requirements
Laneways	All	3.0 m
Local	Local, Minor and major Collectors	5.0 m
Minor and Major Collectors	Minor and Major Collectors	10.0 m x 10.0 m (triangle)
Major Collector	Major Collector	15.0 m x 15.0 m (triangle)
All City's Roads/Laneways	Regional Roads	As per the Region