

CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: December 4, 2012	
SUBJECT/REPORT NO: City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Sally Yong-Lee (905) 546-2424 Ext. 1428 Mark Inrig (905) 546-2424 Ext. 4303
SIGNATURE:	

RECOMMENDATION

- (a) The City of Hamilton's "Sidewalk Policies" approved by City Council at its meeting on April 23, 2003 be revised as follows:
- (i) That Section (B) (i) (1) and (aa) be deleted and replaced with the following:
 - (1) That sidewalks in new subdivisions shall be provided on both sides of all "**local residential**" streets; and,
 - (ii) That the following new clause be added to Section (B) (i) (3) as Item (3) (cc):
 - (cc) Where a draft plan of subdivision abuts an existing arterial road, which has no sidewalk, then a sidewalk shall be constructed along the portion of the arterial road which abuts the draft plan of subdivision. However, if the timing of such construction for the said sidewalk is deemed inappropriate by the Senior Director of Growth Management, Planning and Economic Development Department, the Developer shall provide a cash payment to the City equal to the value of the future sidewalk construction.

- (iii) That Section (B) (i) (4) be deleted and replaced with the following:
 - (4) That a sidewalk in new industrial subdivisions shall be provided on both sides of all internal streets.

- (iv) That the following new Section be added as Section (iv) – “Transition Policies”:
 - (a) For draft approved plans of subdivisions with 18 metre local streets and where a detailed engineering submission has been submitted for City review, as of Council’s adoption date of the new policy, the current sidewalk policy shall apply;
 - (b) For draft approved plans of subdivisions with 18 metre local streets and where detailed engineering has not been submitted for review, as of Committee adoption date of the new policy, a sidewalk shall be provided on one side of all 18 metre local streets;
 - (c) For draft plan of subdivision applications that are currently under review but not draft approved with 18 metre roads, a sidewalk shall be provided on one side of the road; and,
 - (d) For draft plan of subdivision applications submitted after Council’s adoption date of the new policy, the minimum width for all local streets shall be 20 metres and sidewalks shall be provided on both sides of the street.

- (v) That Section (B) (iii) be deleted and replaced with the following:

That the Senior Director of Growth Management, Planning and Economic Development Department be authorized to make amendments to the City’s Sidewalk Policy, as revised, without the need for Council approval where such revisions are deemed to be minor in nature, or to reflect changes in municipal policy, Provincial legislation, or to facilitate the uniqueness of individual development proposal, provided such amendments do not change the intent or principles of the City’s Sidewalk Policy, as revised.

- (b) That the item respecting the City of Hamilton Sidewalk Policy for New Development be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The purpose of this report is to revise the City’s Sidewalk Policy for new developments by requiring sidewalks on both sides of all local streets, including cul-de-sacs and crescents. This revision was initiated out of the recommendations by the City’s Advisory Committee for Persons with Disabilities (ACPD) in order to raise the level of service and public safety

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in fully developed urban areas. This will bring the City's Sidewalk Policy in line with the Committee's Accessibility Plan, as required by the Accessibility for Ontarians with Disabilities Act.

The City's 2003 Sidewalk Policy provides for the following:

1. Sidewalks are required on one side of all local streets except:
 - a. Cul-de-sacs having a maximum of thirty (30) residential units; or
 - b. Crescents having no more than sixty (60) residential units; or
 - c. Combination of cul-de-sacs off crescents having a maximum of 110 residential units.
2. Sidewalks are required on one side of all local streets if the cul-de-sac or crescent connects to a pedestrian link or walkway to external community facilities such as schools, parks/open space, other residential areas, shopping areas or recreational areas.
3. Sidewalks are required on both sides of all collector streets.
4. Sidewalks are required on both sides of all arterial streets.
5. No sidewalk requirement on internal streets within industrial subdivisions.

During staff's review of the current sidewalk policy (attached as Appendix "A" to Report PED12234), staff noted that the current policy, in some cases, resulted in a disjointed network of sidewalks. This forces residents to use the travelled portion of a road which is unacceptable from a safety standpoint. Without a proper network of sidewalks, residents are discouraged from walking within their neighborhood or to transit stops. This is inconsistent and contrary to the City's Vision 2020 and overall Healthy Community, Strategic Objectives which promotes the use of alternative modes of transportation.

From a financial standpoint, there will be an added cost to the City to maintain and replace sidewalks over a 30 to 40 year lifespan. However, the benefits of providing a safe and efficient network of sidewalks for residents far outweigh the costs and greatly improve the quality of life and health of our residents.

Historically, developers in the 70s lobbied the Province against sidewalks arguing the cost of installation to be prohibitive and a burden on development. This subsequently led to lower development standards with little regard for creating walkable cities. From a municipality's point of view, there is no basis to exempt sidewalks in fully developed urban areas with parks, schools, recreation centres, shopping plazas and public transit systems. Sidewalks are an essential part of our pedestrian infrastructure and linkages.

Alternatives for Consideration – See Pages 7, 8 and 9

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: Developers are responsible for providing sidewalks and approaches in new subdivisions. The cost is approximately \$80 to \$90 per metre for sidewalks and \$650 to \$1,100 per approach plus soft costs.

Property owners are responsible for winter maintenance (snow plowing and sanding) of sidewalks except in Ancaster.

The inclusion of more sidewalks in new subdivisions will add to a Developer's cost and the City's overall annual operating budget for maintenance and replacement. However, staff believe that the benefits of having sidewalks far outweigh the added costs.

Staffing: None.

Legal: None.

HISTORICAL BACKGROUND (Chronology of events)

On April 23, 2003 Council adopted a policy for installation of sidewalks in new development for the amalgamated City of Hamilton. At that time, the policy attempted to take into consideration the variation in standards and requirement which existed between the former local municipalities for sidewalks. Sidewalk requirements varied from no sidewalk, one sidewalk or sidewalks on both sides depending on the classification of the road. The current policy struck a balance between the different levels of service that existed in the former Area Municipalities.

The City's 2003 Sidewalk Policy provided the following:

1. Sidewalks are required on one side of all local streets except:
 - a. Cul-de-sacs having a maximum of thirty (30) residential units; or,
 - b. Crescents having no more than sixty (60) residential units; or,
 - c. Combination of cul-de-sacs off crescents having a maximum of 110 residential units.
2. Sidewalks are required on one side of all local streets if the cul-de-sac or crescent connects to a pedestrian link or walkway to external community facilities such as schools, parks/open space, other residential areas, shopping areas or recreational areas.
3. Sidewalks are required on both sides of all collector streets.
4. Sidewalks are required on both sides of all arterial streets.
5. No sidewalk requirement on internal streets within industrial subdivisions.

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When the 2003 sidewalk policy was originally presented to the Hearings Sub-Committee on March 28, 2003, concerns about sidewalk exemptions on courts, crescents and provision of sidewalks on one side of local streets was raised. However, the policy was subsequently recommended for approval by Council, provided development staff obtains input from the City's Advisory Committee for Persons with Disabilities (ACPD). The ACPD is a Committee established by the City through legislation passed by the Province under the Accessibility for Ontarians with Disabilities Act. The Act requires that each municipality establish a Committee made up of members with disabilities to develop a plan and standards for the community to improve accessibility and to advise its Council about the requirements and implementation of the accessibility plan.

After a presentation by development staff on August 5, 2003, it was recommended by the ACPD, that the City's policy be revised to reflect the accessibility plan, which proposed that as a matter of public safety, sidewalks be installed on both sides of all streets within residential developments. As such, persons with disabilities may benefit from a continuous and uninterrupted network of sidewalk upon which to travel, that is separate from the vehicular road surface. The Advisory Committee's recommendations also included installation of sidewalks on both courts and crescents (See Appendix "B").

In order to accommodate two sidewalks on local streets, it is necessary to increase the width of the right-of-way for a local street from 18 metres to 20 metres to accommodate municipal infrastructure and utilities.

Alignment with City Policies/Guidelines

Vision 2020 is to guide in making decisions on building a better community towards a healthy and more sustainable future.

One of the City's **Official Plan** objectives is to expand transportation options that encourage travel by foot, bike and transit and enhance efficient inter-regional transportation connections. Pedestrian movement, cycling and any other non-motorized modes of transportation are key components to the City's active transportation network which includes establishing a high standard of connectivity which provides infrastructure that maximizes safe and convenient passage for pedestrians and cyclists along streets.

Guiding principles and objectives of the City's **Transportation Master Plan** to "offer safe and convenient access for individuals to meet their daily needs" and to "offer a choice of integrated travel modes, emphasizing active transportation (walking and cycling), public transit and carpooling". To achieve these objectives, it is imperative that a good pedestrian system be in place. A continuous sidewalk will provide opportunities for all residents in particular seniors, children in strollers, people in wheelchairs and others with limited mobility with a safe and accessible pedestrian connection to community services such as schools, parks, open spaces, businesses and transit. A sidewalk also provides a place for neighbors to socialize.

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The City of Hamilton signed the **International Charter for Walking in 2008** which promotes a set of principles to encourage a culture of walking.

A more recent initiative by the City is the **Pedestrian Mobility Master Plan** which supports the commitment to the International Charter for Walking. This study promotes pedestrian environments that are safe, attractive, and accessible. This study is nearing completion and is expected to be finalized in 2013.

In August 2012, the Ministry of Community and Social Services released its draft of the “Design of Public Spaces Standards (Accessibility Standards for the Built Environment)”, this document specifies a clear width of 1.5m; however, the issue of sidewalk locations has not been included.

POLICY IMPLICATIONS

The policy proposed by this report has been put forth by staff for the purpose of revising the City’s existing sidewalk policy for new development. There are no other policies affected by the recommendations within this report. However, adoption of the revised sidewalk policy by the City will require a minimum right-of-way for local streets in new developments be increased from 18 metres to 20 metres. The 20 metres is required to accommodate the necessary municipal infrastructure and utilities.

RELEVANT CONSULTATION

The revised sidewalk policy for new development was developed in consultation with the City’s Advisory Committee for Persons with Disabilities.

The Public Works Department (Engineering Services and Transportation Divisions) has received a copy of the draft report for review and input. They are supportive of sidewalks on both sides of the street provided the minimum local road is 20 metres.

The Hamilton-Halton Home Builders Association has been advised of the City’s desire to increase the level of service and public safety in urban residential and industrial subdivisions by revising the requirements for sidewalks. Their view is that the enhanced sidewalk requirement will add costs which will ultimately be burdened by the new homeowner.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Staff and Council in the past have received requests/petitions from residents requesting the deletion of a proposed sidewalk and/or to move the location of the sidewalk to the opposite side. Under the new policy requiring sidewalks on both sides of all streets, all property owners are treated equally,

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

In considering a revision to the City's current sidewalk policy, staff considered several options:

Residential Subdivisions

Option 1 - Make no change to the existing policy.

In the opinion of staff, Option 1 is inconsistent with the goals of the Accessibility for Ontarians with Disabilities Act and the City's Vision 2020 and tends to discourage walking in the community. From a public safety point of view, Option 1 creates more instances where the walking public is forced onto the same surface as moving traffic because there is no continuous network of sidewalk. This option represents a low level of service for the pedestrian in areas that are generally defined as fully developed, especially for persons with disabilities and those with young children. The lack of sidewalks does not promote the use of public transit. For these reasons, Option 1 is not recommended.

Option 2 - Modify the existing policy to provide for a minimum of one sidewalk on all local roads.

This option represents an increase in safety and level of service for the walking public on local roads but does not satisfy the recommendations of the Accessibility for Ontarians with Disabilities Act, and will not result in a complete network of sidewalk. As a result, it does not completely satisfy the strategic goals of the City's Vision 2020 and the Master Transportation Plan which sets out to promote active forms of transportation such as walking and cycling.

Option 3 - Require sidewalks on both sides in 18 metre right-of-way. This option provides for increased safety, but requires the City to adopt a permanent 18 metre right-of-way standard. A 20 metre row provides for additional space for municipal services and utilities.

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Option 4 - Require sidewalks on both sides of all residential streets on 20 metre right-of-way regardless of the street classification in order to raise the level of service and safety within the community.

Option 4 represents the highest level of service and public safety. This option encourages walking within the community, enhances and supports the City's public transit routes and is consistent with the goals of Vision 2020, the Official Plan, City's Transportation Master Plan, International Charter for Walking in 2008, Pedestrian Mobility Master Plan and Accessibility for Ontarians with Disabilities Act.

Industrial Subdivisions

Option 1 - Make no change to the existing policy.

Under the current policy there is no provision made for sidewalks in industrial subdivisions. An absence of sidewalk on industrial streets exposes the walking public to industrial truck traffic and does not promote the use of public transit.

For this reason, this Option 1 is not recommended.

Option 2 - Modify existing policy to provide for a minimum of one sidewalk on all industrial streets.

Where the City's public transit system has been planned through industrial areas of the City, these routes have been established for the benefit of the working public that cannot travel by automobile. For these people a commute to and from work includes walking some distance on industrial roads between a bus stop and their place of employment. An absence of sidewalk on industrial streets also exposes the walking public to industrial truck traffic. Therefore, Option 2 is not recommended.

Option 3 - Require sidewalks on both sides of all industrial streets regardless of the street classification in order to raise the level of service and safety within the community.

Option 3 represents the highest level of service and public safety. This option encourages walking within the community, enhances and supports the City's public transit routes and is consistent with the goals of Vision 2020, the Official Plan, City's Transportation Master Plan, International Charter for Walking in 2008, Pedestrian Mobility Master Plan and Accessibility for Ontarians with Disabilities Act.

For the above reasons, staff recommends Option 3 for both Residential and Industrial Subdivisions for approval by Council.

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In order to allow the development community to adjust their proposals the following transition polices are recommended:

Transition Policies

- (a) For draft approved plans of subdivisions with 18 metre local streets and where a detailed engineering submission has been submitted for City review, as of Council's adoption date of the new policy, the current sidewalk policy shall apply;
- (b) For draft approved plans of subdivisions with 18 metre local streets and where a detailed engineering has not been submitted for review, as of Committee adoption date of the new policy, a sidewalk shall be provided on one side of all 18 metre local streets;
- (c) For draft plan of subdivision applications that are currently under review but not draft approved with 18 metre roads, a sidewalk shall be provided on one side of the road; and,
- (d) For draft plan of subdivision applications submitted after Council's adoption date of the new policy, the minimum width for all local roads shall be 20 metres and sidewalks shall be provided on both sides of the street.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Social Development

- ◆ People participate in all aspects of community life without barriers or stigma.

Healthy Community

- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Resources).

APPENDICES / SCHEDULES

- Appendix "A": Existing Sidewalk Policy
- Appendix "B": Advisory Committee for Persons with Disabilities - Recommendations

SYL/MI:tl
Attachs. (2)

B) SIDEWALK POLICIES

- i) That the requirement for sidewalks in new developments, as outlined in Section 2.4.5.5 of the Development Engineering Guidelines, attached to Report PD03060 as Appendix "A", be approved as Council policy for new developments in the City of Hamilton, which requirements are summarized as follows:
- 1) That sidewalks in new subdivisions shall be provided on one (1) side of all "**local residential**" streets except as outlined below:
 - aa) That no sidewalks shall be required on cul-de-sacs (1-access street) having a maximum of thirty (30) residential units, or on crescents (street with 2 accesses to the same street) having no more than sixty (60) residential units (corner entrance lots are not included in the determination of maximum units), or on a combination of cul-de-sacs off crescents having a maximum of 110 residential units; unless the cul-de-sac or crescent design connects to a pedestrian link or walkway to external community facilities such as schools, parks/open space, other residential areas, shopping areas, or recreational areas; in which case, a sidewalk on one (1) side of the street shall be required connecting to the pedestrian link/walkway; and,
 - bb) That a 1.75m boulevard shall be provided between the curb and the sidewalk.
 - 2) That a sidewalk in new subdivisions shall be provided on both sides of all "**Collector**" streets with a 1.75m wide boulevard between the curb and the sidewalk.
 - 3) That a sidewalk in new subdivisions shall be provided on both sides of all "**Arterial**" streets:
 - aa) located 1.0m from the streetline, where there is no driveway access permitted to the arterial street; and,
 - bb) which shall include a 3.0m boulevard between the curb and sidewalk where driveway access is permitted to the arterial street.
 - 4) That there shall be no requirement for sidewalks on internal streets within industrial subdivisions.

ii) That communication be enhanced to the public and prospective purchasers related to sidewalk locations and driveway/boulevard policies in the City of Hamilton to assist in citizen's understanding of the policies, thereby minimizing requests to vary the policies by:

- 1) Requiring subdividers, through the Subdivision Agreement, to clearly identify the location of all required sidewalks on the entrance billboard sign(s) displaying the new subdivision.
 - 2) Requiring subdividers, through the Subdivision Agreement, to openly display in the site sales office/model home, the approved grading or engineering plan showing all sidewalk locations, boulevard areas and proposed street furniture locations.
 - 3) That the City's standard form Subdivision Agreement be amended to include the following additional provisions:
 - a) That, prior to registration of the plan, the Subdivider shall erect, at each main entrance to the subdivision, a billboard sign displaying the design of the plan, zoning, proposed and surrounding land use, sidewalk locations and pedestrian connections and other special site features; with the sign contents and sign size all as firstly approved by the City's Director of Development.
 - b) That the Subdivider undertakes to place a notice in all Offers to Purchase and Sale, Rental Agreements, advising prospective purchasers and tenants that a sidewalk will or will not be constructed within the right-of-way fronting the subject property.
- a) That Item 8 of Hearings Sub-Committee Report 03-014 be amended by deleting the current wording of Section B(ii), Subsection 3(c), and replacing it with the following wording:**
- “The City shall require that concrete or asphalt driveway aprons leading up to any required City sidewalk be part of the Subdivider's responsibilities/subdivision securities.”**

- (b) **And further, that the entire matter of the driveway aprons be referred back to Planning and Development and Public Works staff for discussion with the Hamilton Halton Home Builders Association Liaison Committee, and report back thereafter.**

Amendment CARRIED.
Motion as amended CARRIED.

- c) That the Subdivider undertakes to place a notice in all Offers to Purchase and Sale advising prospective purchasers that the driveway apron approach within the public right-of-way is required to be hard-surfaced by the owner within three (3) years of initial occupancy or use of the lands with all future maintenance of such driveway apron being the responsibility of the owner. For all single detached, semi-detached and street townhouse lots, appropriate securities shall be deposited with the City, by the Builder, at the time of the building permit to guarantee the hard surfacing of the driveway apron.

- (iii) Any exemptions or changes to the standards for sidewalks shall, unless deemed to be minor by the City's Director of Development, require Council approval as part of its consideration of the conditions for draft plan approval of new plans of subdivision or condominium.

Appendix "A" to Report FCS05099 - 2005 Annual Accessibility Plan - Ontarians with Disabilities Act (City Wide)
CITY OF HAMILTON
2005 ACCESSIBILITY PLAN

Division: Development & Real Estate

Mandate:

- working cooperatively with business and the public to provide an open, effective and timely development and engineering review process. By-laws, standards, and guidelines, consistent with regulatory requirements, which contribute to quality development, quality of life and the protection and enhancement of the health, property and environment of our community.

2004-2005 CONSULTATION ACTIVITIES

Person/Organization Consulted	Topic/Barrier Identified	Actions Resulting
	Sidewalk Policies	Recommend: that sidewalks be constructed on both sides of the road in all residential areas to avert future problems; that sidewalks be included in all cul-de-sacs and that sidewalks be elevated and not level with the roadway; that sidewalk policy be submitted to ACPD for comments.

STATUS OF 2004 - 2005 INITIATIVES

Activity or Initiative	Actions to Date	Status
Engineering Guidelines & sidewalk policies.	Establish what streets will have sidewalks and the location. Adopted Spring 2003. Will be implemented in subdivision approvals.	Staff is investigating the cost, benefit and feasibility of sidewalks on both sides of streets.
Site Plan Guidelines, change to Barrier Free Design Guidelines and Urban Braille	Site plan guidelines adopted by Council in Oct. 2003. Now all site plans are reviewed, and must show locations for parking for persons with disabilities and barrier free ramp.	New guidelines in use. Complete.

<p>Outdoor Boulevard Urban Braille guidelines. Establish standards. Consultation required.</p>	<p>Urban Braille Guidelines for Outdoor Boulevard Cafes on Public Property were prepared by staff, in consultation with ACPD at their meeting of April 16, 2004. The ACPD endorsed these guidelines, subject to ramps conforming to Barrier Free Standards.</p>	<p>Planning & Economic Development Committee approved the Urban Braille Design Guidelines for Outdoor Boulevard Cafes on Public Property on July 6, 2004, Council approval July 14, 2004. Complete and being implemented.</p>
<p>Urban Braille System – Evaluation</p>	<p>Evaluation of the Urban Braille system installed to date. Terms of Reference approved. Initiated site photos and documentation of existing markings. In the process of organizing end users interviews. Next step: preparation of survey questionnaires.</p>	<p>Terms of Reference approved in May 2005. Project began June 2005, and completion is anticipated to be December 2005.</p>

ACTIVITIES PLANNED FOR 2005-2006

Development and Real Estate has no new initiatives planned for 2005 – 2006.

I hope this information is of assistance. Please contact either Maxine Carter or myself if you need any further information. Also, as discussed, we would appreciate a copy of the draft report, when it is available.

Thanks, Jane

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