



**Hamilton-Halton  
Home Builders'  
Association**

*Community Builders...Building Communities*

December 4, 2012

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Director, Growth Planning  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

**Re: City of Hamilton Proposed Sidewalk Policy**

We are writing to express our serious concerns with the City's proposed Sidewalk Policy ("Policy") being brought before Planning Committee and Council at this time. It is our opinion that the proposed Policy is premature and the implications of implementing this Policy have not been adequately analyzed and considered. On this basis, we strongly recommend that the Policy be deferred until further review is completed with the HHHBA and other stakeholders. This further review would include the preparation of design guidelines and standard cross-sections that accommodate the needs and interests of all parties involved, and would be undertaken in conjunction with the City's upcoming review of its Engineering Design Guidelines. At this point, it is our understanding that City staff are recommending that a general Policy be adopted without the guidelines and criteria that will be critical to implementation.

We have previously raised issue with City staff recommending implementation of a new Sidewalk Policy that we would consider premature on many levels. We were initially advised that the planned changes to the Sidewalk Policy were as a result of expected changes to the built form standards implemented by the Province through the Accessibility for Ontarians with Disabilities Act (AODA). However, at that time, they had yet to be implemented. Our letters to City staff dated May 16<sup>th</sup> and June 29<sup>th</sup>, 2012 outlined our expectation that the City would be consistent with these new standards. Since we issued these letters, the Province has issued revised draft built form standards that are not nearly as prescriptive as the City's current policy, nor its proposed policy, in terms of such criteria as locations and widths of sidewalks. However, City staff decided to move forward with the proposed Policy, even though many of its policies are not driven by, or consistent with, the AODA and its built form standards.

The process of preparing the proposed Policy has occurred with very little consultation with the HHHBA and other stakeholders. City staff made a presentation to our members outlining the intent of the proposed Policy, but advised at that time that there would be opportunity to discuss the details prior to moving the Policy forward to this Committee. However, we have since been advised that this consultation will not occur, and that the details which are critical to making a decision on how to proceed will not be considered prior to selecting a direction on where sidewalks should be, and what road allowance widths will be used. As a result, there has been a critical lack of preparation of, and consultation about, built form standards and cross-sections that will need to accompany the Policy. This discussion would include detailed discussions and coordination with Growth Management, Public Works, the utility companies and other applicable and interested agencies.

The following sections outline some of our specific concerns with the Policy in its current form and reinforce the importance of deferring the Policy for further review.

### **1. Minimum 20-Metre Rights-of-Way**

In order to accommodate sidewalks on both sides of all roadways, we have been advised that City staff are recommending the implementation of a minimum right-of-way of 20 metres and elimination of the current minimum 18-metre right-of-way (ROW). The justification provided is that an 18-metre ROW is insufficient to accommodate sidewalks on both sides of a road while also including boulevards, utilities and the paved roadway. However, several other municipalities, including the Town of Oakville and City of Burlington, have standard street cross-sections narrower than the current 18-m cross section used for local roads that include sidewalks on both sides.

It is our opinion that it is extremely important that detailed review of the cross-sections and design guidelines be conducted and vetted through the HHHBA and other stakeholders before this Policy can be advanced. The implementation of 20-metre ROWs as a minimum standard will greatly impact the development density that can be achieved and, consequently, the unit yield from individual developments.

### **2. Intensification**

The proposed Policy directly conflicts with the City's intensification efforts and its obligations under several provincial statutes and policies. The Province has clearly set out its requirements for intensified forms of development through the Places to Grow Growth Plan for the Greater Golden Horseshoe. These requirements include a minimum density of 200 residents and jobs per combined hectare by 2015 and each year thereafter. The objectives of the Growth Plan that drive these density targets include the provision of a mix of affordable housing options and the efficient and cost-effective provision of municipal infrastructure and services. In addition, the Provincial Policy Statement (PPS) sets out principles related to the development of efficient land use patterns that are cost-effective in terms of land use and the provision of public services and infrastructure. The impacts on development density and the resulting costs to the new home buyer will challenge the City's ability to adhere to these requirements and expectations.

As an example, we have reviewed the impact that increasing ROWs to a minimum of 20 metres would have had on the Summit Park Phases 1 – 4 development in Stoney Creek, compared to what has actually been approved and constructed. This change to the minimum ROW would have reduced in the number of condominium units by 14, reduced the number of street townhouses by 2, and reduced the number of single family dwellings by 2, or a total loss of 18 units over the same development area.

### **3. Impact on Parking Supply**

It is common practice for home owners that do not have sidewalks in front of their houses to park vehicles end-to-end in their driveways up to the edge of the travelled roadway. This results in a parking capacity of 4 vehicles in a double car driveway and 2 cars in a single car driveway, which helps avoid issues with these additional vehicles being parked on the street. However, requiring sidewalks on both sides of all roads will eliminate this important parking opportunity and force these additional vehicles onto the street. As an example, consider a street that currently has a sidewalk on one side of the road with houses with double car garages on each side. The addition of a second sidewalk to this street would eliminate 2 parking spaces from the driveways on the side that previously had no sidewalk. The result is a net reduction in driveway parking supply of 1 space per house, which will then need to be accommodated on the street.



**4. Reduction in Municipal Tax Revenue and Increase in Maintenance Costs**

Requirements for sidewalks on both sides of all roads, in conjunction with a minimum ROW of 20 metres, will reduce the number of housing units that can be constructed in an individual development. This will decrease the property tax that the City will collect from the development compared to the revenue that would be collected from a higher density, more cost-effective development. To illustrate this point, we have analyzed the Summit Park Phases 1 – 4 development. As mentioned in Section 2 of this correspondence, increasing the ROWs to a minimum of 20 metres would have reduced the number of condominium units by 14, reduced the number of street townhouses by 2, and reduced the number of single family dwellings by 2. Based on estimated property tax levy of \$2,959 per townhouse and \$5,109 per single family dwelling, this reduction in development density would have decreased the property tax revenue to the City by \$57,562 per year.

In addition to lost revenue, the increased sidewalk requirements, both length and width, will result in increases to City maintenance costs. These sidewalks will need to be maintained in perpetuity through the City's operating budget. This increase would be even more dramatic if existing communities are retrofitted to conform to the proposed Policy.

**5. Increase in Housing Prices**

The requirements for sidewalks on both sides of the road will directly increase the construction costs for individual development sites, which will ultimately be borne by the new home buyer. Our analysis indicates that sidewalks cost in the order of \$120 per metre and concrete driveway aprons cost approximately \$850 each for double car driveways and \$500 each for single car driveways. When these costs are considered, we anticipate that the increased cost to a home buyer associated with providing sidewalks on the both sides of an 18-metre ROW to be \$1,025 for a typical single family dwelling and \$615 for a typical townhouse. When the minimum ROW is increased to 20 metres, as is currently proposed, the impact is \$2,260 and \$1,318 per single family dwelling and townhouse respectively. This cost increase not only impacts the attractiveness of Hamilton to new home buyers, but also conflicts with the principles of affordability that are central to the Provincial Policy Statement and Places to Grow.

**6. Lack of Design Guidelines and Criteria**

At this time, the proposed Policy is being brought forward for adoption without the design guidelines and criteria that will be critical to implementation of the Policy. There is considerable uncertainty on what the specific requirements of the Policy will be, and how all of the physical elements required in a ROW will be accommodated. For example, City staff have suggested that sidewalks wider than 1.5 metres will be required in certain areas, but no details have been provided on the criteria that will be applied or how this requirement would be accommodated within the ROW. We anticipate that there will be numerous similar situations that need to be vetted through the development of detailed design guidelines and criteria. For this reason, it is our opinion that the proposed Policy cannot be adopted until these important documents have been prepared and finalized.



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**7. Inconsistency Between Existing and New Communities**

The HHHBA is also very concerned with the different standard that is proposed to be applied to new development communities compared to existing communities. New home buyers will be required to bear the considerable costs and other impacts associated with the requirements of the proposed Policy. However, it is our understanding that the City will not be moving forward with similar sidewalk construction in existing subdivisions due to costs that are considered prohibitive. Other than the problems that will occur with different levels of accessibility in different areas of the City (i.e. new v. existing), there will be a considerable discrepancy in affordability among these areas. Given the City's mandate of ensuring accessibility and mobility for all citizens, this lack of fairness and consistency is not acceptable. Moreover, the experience of many of our members that have worked in Hamilton for several years is that, in many communities, homeowners have requested that sidewalks be removed. This raises the question of whether this Policy actually addresses what its residents want and need.

In summary, the HHHBA supports the principle of safe and accessible communities, but is of the opinion that the proposed Policy, in its current form, does not properly assess the implications of the options being considered, including significant cost and implementation challenges. Much more review and consultation with the HHHBA and other stakeholders is required to ensure that this Policy effectively achieves its objectives, and that the tools and guidelines required for effective implementation are available.

Yours truly,

**HAMILTON-HALTON HOME BUILDERS' ASSOCIATION**

Michael Barton  
Policy Director