Information Report

To: Chair and Members
Planning & Economic Development Committee
Outstanding Business Item No. CC and Issue: Sidewalk Removal on Stoneglen Way and Solsbury Crescent and Boulevard Removal between 468 and 518 Jones Road (PED05209)

From: Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

| Telephone: | 905 546-4339 |
| Facsimile: | 905 546-4364 |
| E-mail: | lcoveydu@hamilton.ca |

Date: November 18, 2005

Re: Petitions to Remove the Sidewalks on Stoneglen Way and Solsbury Crescent and the Boulevard Between 468 and 518 Jones Road (Ward 11 with City Wide Implications) (PED05209)

Council Direction:

Concerned with numerous petitions being brought forward by residents in new subdivisions, staff was requested to respond to resident's petitions to eliminate the requirement for sidewalks on Stoneglen Way and Solsbury Crescent in Mount Hope and the boulevard between 468 and 518 Jones Road in lower Stoney Creek.

Information:

Petitions were received from both the residents on Stoneglen Way and Solsbury Crescent, in the subdivision known as “Southampton Estates Phase 1” in Mount Hope, requesting that the requirement for a sidewalk be removed; and from the residents between 468 and 518 Jones Road, in the subdivision known as “Trillium Gardens Phase 1” in lower Stoney Creek, requesting that the requirement for a boulevard be removed.

Allowing petition-based changes to approved subdivision plans significantly impacts the ability of staff to implement approved policies and standards in a predictable and reliable way, and represents a significant drain on staff resources.
Sidewalk Standards and Policy

Following amalgamation, the City of Hamilton adopted the Development Engineering Guidelines (April 23, 2003), that include standard road cross sections for new subdivisions, which define the location of the road, boulevards, sidewalks (if required) and lighting etc. within various right-of-way widths.

Historically, the requirement for sidewalks and/or the location of sidewalks has been one of the more contentious (and time consuming) issues that staff has to deal with in new neighbourhoods. The Engineering Guidelines were adopted, in part, to set and apply a clear and consistent policy regarding where they are to be placed (e.g. on one side or both sides), but also set a standard for their physical location in the Right-of-Way (i.e. the offset from the curb).

Further, as Council policy, and in an effort to ensure prospective home buyers are aware of future sidewalks prior to buying, the City:

- Stipulates the location of sidewalks, in accordance with the policy, in the subdivision draft plan conditions which form part of the Subdivision Agreement, registered on title.
- Requires the Developer to include a Land Use sign on the developing property that clearly shows where sidewalks are to be located.
- Ensures sidewalks are clearly identified on the approved engineering drawings.

The two developments in question were approved in accordance with the new standards.

According to City standards, since Stoneglen Way (which presently ends in a temporary turning circle but will be extended to Homestead Drive in the future) and Solsbury Crescent are both classified as “local residential”, a sidewalk is required on one side of the street. In the case of Jones Road being classified as an “arterial” street, a 3.0 metre boulevard between the curb and sidewalk is required.

Benefits of Sidewalks and Boulevards

Among the benefits in providing a sidewalk on a street:

- Provides a safe right-of way for pedestrians away from vehicular traffic.
- Provide pedestrian linkages for all residents in a neighbourhood, not just the residents on the street within the subject development.
Among the benefits in providing a boulevard on a street:

- Provides an area for snow storage during the winter season, which allows for more efficient snow clearing operations.
- Provides an area for the storage of garbage and blue box containers so there is less tendency for them to be left in the middle of the sidewalk.
- Provides an additional level of safety by increasing the separation between pedestrians and vehicular traffic.
- Acts as a service corridor for various utilities.
- Provides for a uniform level sidewalk with less undulation at driveway approaches which, in turn, provide a safer area for wheelchairs and baby strollers.

Problems with Considering Resident Petitions for Sidewalks and Boulevards

Since the sidewalk policy was approved and new Engineering Guidelines have been in place, the number of residents demanding changes to sidewalks and boulevards has reduced noticeably.

Recently, however, there has been a rise in the number of requests, which is becoming problematic for engineering and legal staff in terms of allocating resources and being able to apply policy and standards in a consistent manner.

The following list outlines the more prevalent problems encountered by staff when considering changes in requirements for sidewalks and/or boulevards from any one particular approved new development. Allowing changes:

- Sets a precedent for the City as a whole, making it difficult to implement the policy in future developments in a way that is predictable and reliable.
- Creates a lack of consistency between adjacent developments (both visually and operationally), worst case requiring a transition area between the developments with different cross-sections.
- Invariably results in delays in completion of the required works, adding to the frustration of residents/developers/contractors.
- Typically has no regard for any direct and indirect costs to the developer as a result of the process, design changes and time delays; costs which could, in some cases, become the responsibility of the City of Hamilton or the adjacent homeowners.
- Results in non standard location and transition to address street furniture.
Requires significant staff resources – approximately five engineering staff man-days and two legal staff man-days to complete the process to legally make changes to the Subdivision Agreement, which include:

- speaking with residents and before Committee.
- revisions to the approved engineering drawings and Subdivision Agreement.
- title searches, preparation of consent forms, and other miscellaneous administration work.

Finally, from a legal perspective, the City is at risk when allowing for changes to subdivision plans when 100% agreement of all owners within the subdivision plan to the changes is not achievable. This was the case for two successful petitions: Etherington Crescent in Binbrook, and recently, Nashville Circle/Webster Road in east Hamilton, where signed consents were only received from the directly affected property owners. The City allowed it because the risk was not considered significantly high and this followed the “New” City standard, but for the Subdivision Agreement to be legally changed it must have 100% consent from all residents party to the agreement; i.e. it needs to include consent from the residents on other streets in the subdivision whose property is not directly affected by the proposed change to the plan.

When the City allows the changes without 100% consent, it results in the City possibly being liable for changes should any owner or future owner in the neighbourhood demand the subdivision be completed in accordance with the Subdivision Agreement on title.

For these reasons, staff does not support making changes to the approved subdivision plans for “Southampton Estates Phase 1” and “Trillium Gardens Phase 1”, and strongly recommends petitions/requests not be supported by Council from constituents in new subdivision developments that contravene the City’s development standards and guidelines.

_______________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

:MS