



**SUBJECT: Sidewalk Warrant and Local Improvement By-law Update**

**TO: Community Planning, Regulation & Mobility Cttee.**

**FROM: Transportation Services Department**

Report Number: TS-16-20

Wards Affected: All

File Numbers: 830-08, 570-02-746

Date to Committee: December 8, 2020

Date to Council: December 14, 2020

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**Recommendation:**

Direct staff to amend By-law 4-2010 to remove reference to sidewalks and no longer apply local improvement charges to sidewalk infill projects.

**PURPOSE:**

**Vision to Focus Alignment:**

- Improve integrated city mobility by improving the transportation mode split and improving access to transit;
  - Support sustainable infrastructure and a resilient environment through reducing community greenhouse gas emissions; and
  - Building more citizen engagement, community health and culture though focusing on the health and wellbeing of our residents and ensuring walkable access to greenspace.
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**Background and Discussion:**

Through Staff Direction SD-12-17 the Director of Transportation Services has been directed to review the need for the local improvement levy relative to practices of other municipalities as it relates to sidewalk infill projects. The direction to review and revise the sidewalk warrant is being incorporated in the Integrated Mobility Plan workplan with opportunity for public engagement. This report deals solely with the omission of sidewalks from the local improvement charges by-law.

## **Importance of Sidewalks**

Pedestrian facilities are vital pieces of the transportation network. Safe, accessible, and well-maintained sidewalks are a fundamental and necessary investment for cities.

Sidewalks provide connection to community areas such as schools, parks, community centres, libraries, places of worship, etc. and serve an important function in facilitating access to transit services. Sidewalks are a community feature that promotes public interaction and brings neighbourhoods together, connecting people to places.

Provision of dedicated space for pedestrians to travel in a safe and comfortable manner, separate from vehicular traffic, leads to an increase in walking trips and thereby improves traffic operations while lowering the potential for vehicle-pedestrian conflicts.

The inclusion of sidewalks in both capital and standalone construction projects supports the city's goals of a multi-modal, accessible and inclusive transportation system and is of particular importance as dedicated pedestrian facilities support transit and active transportation initiatives which aim to reduce the number of auto trips.

## **Local Improvement Charges By-Law**

Local improvement charges (By-Law 4-2010) enables the City to recover all or part of the cost of capital improvements made on public lands from the property owners who are deemed to directly benefit from the improvement. Eligible capital projects may include:

- New sidewalks or curb installations,
- New storm sewer installations
- New noise walls installations

Before undertaking a local improvement project, the municipality must notify the public and affected property owners and provide information about how to petition against the project.

If the municipality receives a sufficient number of petitions against starting the project, it may cancel the project or apply to the LPAT for approval to move ahead. If the project moves ahead, the municipality can often spread the cost of the improvements over ten years, thereby reducing the annual payment property owners must make.

In the context of new sidewalk projects, local improvement charges apply to local streets only, thereby requiring that adjacent homeowners fund part, or all, of the construction cost. Local improvement charges negatively impact the public's support for sidewalks given that the directly impacted homeowner has the ability to petition against the project, largely in part due to financial impact, and successfully cancel the project without consideration of overall community benefit.

A jurisdictional scan was undertaken to determine which local municipalities continue to employ local improvement charges to new and infill sidewalk projects. The jurisdictional scan included comparable and nearby municipalities including Oakville, Hamilton, Kitchener, Waterloo, London, St. Catharines and Welland. The results of the scan confirmed that Burlington is the lone municipality that continues to apply local improvement charges to new sidewalk construction projects.

In the context of an integrated transportation network, sidewalks achieve city-wide benefit and are considered critical pieces of public infrastructure, regardless of street classification. Local streets are no less important, or less in need of first mile/last mile pedestrian infrastructure. The continued application of local improvement charges hinders public acceptance of sidewalk projects and negatively impacts the broader community. Removing reference to sidewalks from the by-law will allow residents to focus on the merits of sidewalks and alignment with strategic mobility goals, not rejection of the project due to financial impact.

It is therefore recommended that all future sidewalk projects be funded through the general tax base rather than recovered through local improvement charges, and that By-law 4-2010 be amended to remove reference of sidewalks.

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### **Financial Matters:**

Removing sidewalks from the local improvement charges by-law will have a financial impact to the City. If the reference to local improvements is removed from the by-law as recommended, the City will no longer be recovering those costs for applicable projects. This impact is expected to be minimal. For example, based on the recent new sidewalk construction on Strathcona Drive (TS-5-19), approximately 20% of the sidewalk construction cost (\$85,000 of total \$391,000 cost for proposed sidewalks) would have been recovered under local improvement charges, this is considered an average. The resultant financial impact will vary on a project-by-project basis as it relates to new sidewalk construction on local roads.

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### **Climate Implications**

Expansion of the pedestrian network supports active transportation, increases the pedestrian mode split and helps to reduce transportation related greenhouse gas emissions, thereby contributing to a reduction in the city's carbon footprint.

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**Engagement Matters:**

Not applicable.

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**Conclusion:**

That reference to sidewalks in the local improvement charges (By-Law 4-2010) be omitted.

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Respectfully submitted,

Trevor Clark

Transportation Planning Technologist

905-335-7600 x7323

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.