

DECISION/DIRECTION NOTE

Title: Frampton Avenue Sidewalks

Date Prepared: June 17, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 1

Decision/Direction Required:

Decision required regarding the waiving of the installation of sidewalks on Frampton Avenue between civic number 3 and 21 in response to a petition by some of the residents as tabled by Councillor Hickman at Council's Regular Meeting of May 10, 2021, see Attachment No.1.

Discussion – Background and Current Status:

Development Approval

Frampton Avenue is part of the Clovelly Stage 3C residential subdivision development which was approved by the City in 2016. The development contains 105 building lots, 36 of these lots are fully developed and another 4 lots are presently under various degrees of construction, see Attachment No.2. The total number of building lots completed to the drywall stage is currently 36% and the City does not require sidewalk installation until 80% of the buildings on the lots have been constructed to the drywall stage.

Approved Sidewalk

The approved Lot Layout and Grading plans are appended in Attachments 3 and 4. The approved plans indicate sidewalk on both sides of the road for the through streets (Frampton Avenue and Gallipoli Street) while the cul-de-sacs (O'Flynn Place and Dyer Place) have no sidewalks.

Current Subdivision Design Manual

The requirements for sidewalks is covered in Section 4.2.1.4 of the Subdivision Design Manual. Sidewalks are required on both sides of all streets in zones having higher densities than R1 unless the installation of the sidewalk is deemed to be unwarranted by PERS. Sidewalk is not required on local streets having less than 25 dwelling units unless the street connects to a pedestrian generator such as a walking trail, school, park, or commercial use. Sidewalks are required on both sides of local streets having more than 25 dwelling units unless the installation of the sidewalk is deemed to be unwarranted by PERS. Sidewalk is required on both sides of collector and arterial streets.

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Sidewalk is not required on cul-de-sacs in residential low density zones (R1, RA and RA1) unless the cul-de-sac connects to a pedestrian generator such as a walking trail, school, park, or commercial use.

Pending Development Design Manual

The pending Development Design Manual which will come into effect later this year requires that sidewalks be installed on both sides of all urbanized streets with the following exceptions:

- (a) If a street is constructed that, based on existing zoning, is unlikely to serve pedestrian demand, and space within the street reservation is provided for a sidewalk in case of a change in land use, then the City may reduce the sidewalk requirement to: (1) a single sidewalk in cases where a through demand is likely; or (2) no sidewalk in cases where no pedestrian access is needed and through demand is not likely.
- (b) On a cul-de-sacs in residential low density zones (R1, RA, RA1), having a total length of 200 meters or less, the City may reduce the sidewalk requirement to: (1) a single sidewalk along the length of the cul-de-sac where a pedestrian link exists, or is planned, through the bulb end; or (2) no sidewalk along the cul-de-sac where no access is possible through the bulb end.

The Petition and Concerns Raised by Residents

The residents have provided a petition with 10 signatures representing the 10 properties in question where sidewalk is requested to be waived. The signatures for the remaining 41 properties along Frampton Avenue have not been acquired. The petition raises several issues for the omission of sidewalk along the properties such as:

- (a) Inadequate lengths of driveways to accommodate full size pickups.
- (b) Existing lot grading will create steep transitions once sidewalk is installed. The petitioners have concerns with vehicle damage from the perceived steep transitions and one resident who uses a wheelchair feels the steep transitions will be challenging to maneuver.
- (c) A sidewalk can be installed on the opposite side of Frampton Avenue which could accommodate pedestrian traffic.
- (d) Many homeowners have their landscaping completed and they believe both the landscaping and driveways will be damaged with the sidewalk installation.
- (e) The petitioners have indicated they have had discussion with the Developer who is willing to utilize resources allocated for the sidewalk to make improvements elsewhere in the neighborhood such as trails or parks.

Staff Response to Issues Raised and City Concerns with Sidewalk Waiver

The issues raised by the petitioners shall be responded to here, using the above numbering system, followed by staff's concerns regarding waiving the sidewalk on Frampton Avenue.

- (a) The length of driveways is controlled by the 6m minimum setback for building lines in the R1 zone as required under section 10.3.3. of the current Development Regulations. Each applicant for a residential home can opt for a larger setback which would allow longer driveways for parking. Homeowners that have elected to place their building line at the 6m minimum setback will be subsequently constrained by the amount of driveway length they have available for parking. The City looked into this issue previously and determined that all residences at the time were adhering to the required 6m minimum setback. Some examples of standard pickup lengths with 2.4m long boxes are: 2021 Ford F-150 Regular Cab (5.78m); 2021 Ford F-150 Super Cab (6.36m); 2021 Dodge RAM 3500 Regular Cab (5.89m); and 2021 Dodge RAM 3500 Crew Cab (6.63m). Some of the larger sized pickups exceed the length of the 6m minimum setback for building lines. Houses built with 6m long driveways will not accommodate some of the longer pickups that are available in the marketplace. The City accepts no liability in these instances. Homeowners are responsible to ensure their vehicles fit within their properties.
- (b) The lot grading plans are designed to ensure that there is not a steep transition between the driveway and street gutter. If the elevations on the lot grading plan were not followed during the construction of the existing driveways then situations can arise where the tie-in from the end of the driveway to the back of the sidewalk may create a sharp transition. The City accepts no liability in these instances.
- (c) It is correct to state that a sidewalk will be installed along Frampton Avenue on the opposite of the street but the approved plans required sidewalks on both sides. The petitioners are looking to eliminate some of the sidewalk on their side of the road which is a unique request which will be addressed below.
- (d) Landscaping and asphalt disruption is kept to a minimum during sidewalk installation with reinstatement completed after the sidewalk has been cured.
- (e) The City has had no discussions with the Developer regarding the sidewalk waiver or what additional amenities he would provide in lieu of the sidewalk should Council decide to waive the sidewalk requirement.

From a traffic perspective, removing a section of the sidewalk on one side of Frampton Avenue would create a safety hazard by either forcing pedestrian traffic onto the street and into the gutter or by creating a de facto midblock crosswalk that driver's would not expect. Removal of a portion or all of the sidewalk on one side of Frampton Avenue would also decrease pedestrian mobility in the area and neither option is recommended by staff.

Key Considerations/Implications:

1. Budget/Financial Implications: The waiving of sidewalks would represent a cost savings for the developer and a potential windfall for the same if the money is not spent elsewhere within the development. The cost of sidewalk was already built in to the cost of the building lots.

2. Partners or Other Stakeholders: Residents who bought lots on Frampton Avenue outside of civic number 3-21 would be expecting sidewalk on both sides of the street. Their position regarding the sidewalk waiver is unknown because they were not included in the petition.
3. Alignment with Strategic Directions/Adopted Plans: The approved plans indicate sidewalks on both sides of Frampton Avenue and this is consistent with the City's engineering practices for local through streets. A modification such as that proposed would be precedent setting.
4. Legal or Policy Implications: Property owners who have purchased lots in the subdivision and who were not included in the petition may have an expectation of sidewalks in their neighborhood. If Council decides to waive the sidewalk requirement in part or in whole then it could be challenged by property owners who were not part of the petition.
5. Privacy Implications:
6. Engagement and Communications Considerations: The City has not performed any engagement with the area residents on this matter.
7. Human Resource Implications:
8. Procurement Implications:
9. Information Technology Implications:
10. Other Implications:

Recommendation:

That Council deny the request of some residents for a waiver of some or all of the sidewalk along Frampton Avenue and that Council require sidewalk installation as per the approved plans.

Prepared by:

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Approved by:

Jason Sinyard M.B.A., P.Eng.
Deputy City Manager, PERS

/attachments

Report Approval Details

Document Title:	FramptonSidewalksMay2021.docx
Attachments:	<ul style="list-style-type: none">- Attachment No 1 - Petition, Framton Avenue May 10, 2021.pdf- Attachment No 2 - Clovelly Stage 3C Lot Build Out May 12, 2021.pdf- Attachment No 3 - Lot Layout and Grading Plan1.pdf- Attachment No 4 - Lot Layout and Grading Plan 2.pdf
Final Approval Date:	Jun 17, 2021

This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghle Brushett - Jun 17, 2021 - 2:10 PM

Jason Sinyard - Jun 17, 2021 - 2:33 PM