



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Public Works and Transportation Committee
FROM: Gordon Chan, P.Eng.
Manager, Transportation
J. Richard McKenna
City Clerk
Steve Ono, P.Eng.
Manager, Engineering Design & Construction

To PWT - Aug 22, 2001
DATE: July 24, 2001
FILE: 8060-20-7222

RE: RESIDENTIAL LOT VEHICULAR ACCESS REGULATION BYLAW

STAFF RECOMMENDATION

1. That Residential Lot Vehicular Access Regulation Bylaw No. 7222 be introduced and given first, second and third readings.
2. That the new Lane Establishment Policy (accompanying the attached report dated July 24, 2001) be adopted, thereby ensuring consistency with the Residential Lot Vehicular Access Regulation Bylaw No. 7222.
3. That each of the following policies be rescinded:
 - (a) Single Family Residential Development Access Policy No. 5003, (adopted on October 10, 1989); and
 - (b) Lane Establishment Policy No. 5036 (adopted on June 12th, 2000).

Gordon Chan
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Manager, Transportation

J. Richard McKenna
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City Clerk

Steve Ono
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Manager, Engineering Design & Construction

Att. 2

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>Steve Ono</i>
Building Approvals	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Development Applications	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Policy Planning	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ORIGIN

The purpose of this report is to present a bylaw which takes a more comprehensive and yet simplified approach to the current arterial road residential driveway access regulation practices which have been followed by the City since the 1960s. In so doing, this report will address the direction from Council last year to review and revise the bylaw, which regulated driveway accesses on Williams Road as well.

ANALYSIS

1. **Current Practices**

From the early 1960s through to the mid-1990s, the City adopted a number of bylaws, which regulated vehicular (driveway) access to designated arterial roads. The bylaw method chosen was to prohibit all such access, but to 'grandfather' those properties fronting an arterial road, which had an existing driveway access. To establish which driveways actually existed, these access regulation bylaws contained the legal descriptions of each parcel, as well as the exact, measured location of each driveway, using property location pins and 'metes and bounds' descriptions. This resulted in bylaws to which were attached schedules containing the legal descriptions of many hundreds of properties.

To reiterate, the purpose of this very labour intensive process was to ensure that the City was aware of all existing driveway accesses, and therefore by implication, would know that any accesses not exempted by the bylaw were illegal.

2. **Existing Problems**

There were, however, a number of problems with this method of arterial road access regulation. First, the subdivision of any property listed in one of the bylaws required an amendment to the bylaw regulating access to that particular road, and it was common to have many amendments to certain bylaws. For example, the Gilbert Road Access Regulation Bylaw was amended 12 times between 1972 and 1985. A second problem was that only certain portions of selected arterial roads within the City had driveway access regulated by bylaw, leaving either portions of those arterial roads, or more serious still, complete arterial roads with no driveway access control at all.

These problems in the existing arterial road access regulation system were brought to light last year when it was discovered that notwithstanding these exacting driveway location bylaw practices, since 1983, more than 24 driveway accesses were installed to properties on Williams Road alone in violation of the provisions of the existing bylaw for that road.

3. **Staff Assessment and Proposed Solution**

In view of these problems a review has been undertaken by the City Clerk's Office and the Development Applications, Engineering, Policy Planning, and Transportation departments of the City's approach to arterial road access regulation. This, combined with the recent adoption of the *Lane Establishment Policy* by Council to develop alternate access when arterial road properties are re-developed in the long term, has resulted in an entirely new and simpler approach being taken to address this issue.

Upon staff's assessment of the problems experienced in administering the existing bylaws, it was concluded that only residential driveways need to be addressed in a new bylaw as non-residential driveways (commercial, industrial, etc.) are typically managed through the formal re-development process.

Research was also undertaken on the practices of other major jurisdictions in Greater Vancouver, and surprisingly only Richmond appears to have opted for this individual property and driveway location method of access regulation. Instead, other jurisdictions have chosen a much simpler and all encompassing approach. Staff have now taken this approach to develop a new single bylaw, titled *Residential Lot (Vehicular) Access Regulation Bylaw*, which is attached.

4. Proposed New Bylaw

Essentially, the proposed new bylaw has the effect of 'grandfathering' all existing driveway accesses on arterial roads where there is no alternate access, without the unworkable method of describing and maintaining the legal status of every existing driveway on every arterial road in the City. Instead Part One of the bylaw would restrict access from a residential lot to an abutting arterial road under the following three conditions:

- *When Alternative Access Exists* - No new access or modification to an existing access on an arterial road is permitted if an alternative access is available for the residential lot. If the existing access does not meet the City's design standard, the owner is, however, permitted to modify the access to bring it to standard upon obtaining approval from the City.
- *When New Alternative Access or Arterial Road Improvement is Made* - Any existing access on an arterial road must be removed when, after this bylaw is adopted:
 - a new alternative access (e.g., a back lane or access to a side street) is provided for the residential lot; or
 - when the City has constructed curb and gutter along the arterial road frontage and an existing alternative access is available for the residential lot.
- *When Building Permit is Applied For* – Upon issuance of a building permit for a complete construction of a house, garage, or carport, no access on an arterial road is permitted if an alternative access is, or will be, available for the residential lot at the time of the building occupancy. If there is no alternative access and staff do not expect one to be available by the time at which the new building is occupied, and the existing access to the arterial road does not meet the City's design standards, the owner is then required to modify the access to bring it up to standard as part of the conditions of the building permit approval.

The above conditions therefore establish the 'grandfathering' provisions for existing driveways at residential lots along arterial roads, as long as none of the above conditions is triggered.

5. Repeal of Existing Bylaws

The proposed new bylaw will in effect permit the repeal of 28 existing bylaws as listed in the Repeal Section of the attached proposed bylaw, including:

- 17 Regulated Access Bylaws (1966 to 1996)
- Major Intersection Access Control Bylaw (1986)
- Access Policy (1989)
- Residential Driveway Bylaw (1999)

Essentially the new bylaw incorporates the intent of a number of existing bylaws and policies that restrict vehicular driveway access along arterial roads. At the same time, the opportunity has been taken to simplify the existing regulation procedures by incorporating them into the new bylaw. Furthermore, the new bylaw would generally accelerate the implementation of back lanes along those arterial roads identified in the recently adopted Lane Establishment Policy (No. 5036) by introducing the requirement for relocating the access from the arterial road to the back lane as part of the Building Permit process under the circumstances previously noted.

6. Revision to Lane Establishment Policy

To ensure consistency, a revision to the current Lane Establishment Policy No. 5036 (adopted on June 12, 2000) is also proposed to:

- refer to the new *Residential Lot (Vehicular) Access Regulation Bylaw*;
- to remove references to permanent and temporary access concepts which are now addressed by the new bylaw; and
- to provide Council and the Approving Officer some flexibility in the application of the policy.

For clarification purposes, clause 1.e) of the Policy was also revised to change "dedicate land" to "provide land (e.g., dedicate)" to give staff flexibility. The revised policy is attached.

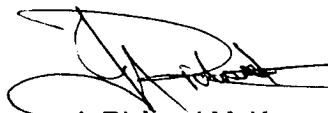
FINANCIAL IMPACT

None. In fact, it is expected that the new single bylaw would require considerably less staff resources to administer than the multitude of existing bylaws.


CONCLUSION

Over the last several decades, a number of bylaws were created with an intent to protect the arterial road's primary function of facilitating through-traffic movement by limiting individual driveways on these key roads in the city. However, based on recent experiences in managing and enforcing some of these bylaws, it has now been proven that these bylaws are deficient in meeting the intent. Therefore, a new single comprehensive but simplified bylaw, such as the one proposed in this report, needs to be introduced to replace all of the previous ones, while achieving the long term goal to minimize or eliminate driveway access on arterial roads.

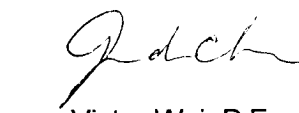
This new bylaw will significantly reduce the likelihood of future administrative problems and more importantly, make it considerably easier for the public to understand the intent as well as the requirements of the City. To provide improved customer service to those who enquire about residential driveways, the driveway access specifications adopted last year have also been included in the new bylaw to make this a "one-stop shopping" approach. From a bylaw administration viewpoint the new bylaw is also a significant step in reducing bureaucracy as it proposes to repeal 28 existing bylaws, thereby reinforcing Council's commitment to simplify and to eliminate redundant city practices where possible.



J. Richard McKenna
City Clerk



For Steve Ono, P.Eng.
Manager, Engineering Design
& Construction



Victor Wei, P.Eng.
A/Manager, Transportation

CITY OF RICHMOND

**RESIDENTIAL LOT (VEHICULAR) ACCESS REGULATION
BYLAW NO. 7222**

The Council of the City of Richmond enacts as follows:

PART ONE: RESIDENTIAL LOT ACCESS TO ARTERIAL ROADS

1.1 Vehicular Access to Arterial Roads - Restrictions

- 1.1.1 A person must not construct any means of new or modified **vehicular access** from a **residential lot** to an **arterial road**, where alternate **vehicular access** exists for such **residential lot**.
- 1.1.2 A person must not construct, maintain or use any means of **vehicular access** from a **residential lot** to an **arterial road** where:
- (a) a new alternate **vehicular access** is provided for such **residential lot**; or
 - (b) alternate **vehicular access** exists for such **residential lot** and new curb and gutter have been constructed by the **City** along such **arterial road**
- after the date of adoption of this bylaw.
- 1.1.3 A person, who has been issued a building permit for the construction of a new residential building, garage or carport, on a residential lot after the date of adoption of this bylaw:
- (a) must not construct, maintain or use any means of **vehicular access** from such **residential lot** to an **arterial road**, where alternate **vehicular access** exists or will be available for such **residential lot** at the time of building occupancy; or
 - (b) must bring any existing **vehicular access** from a **residential lot** to an **arterial road** into compliance with the Residential Driveway Crossing Specifications established in Part Two, where no alternate **vehicular access** exists or will be available for such **residential lot** at the time of building occupancy.

1.2 Exceptions to Vehicular Access to Arterial Roads Restrictions

- 1.2.1 Notwithstanding the provisions of subsection 1.1.1, where an existing **vehicular access** from a **residential lot** to an **arterial road** does not conform with the Residential Driveway Crossing Specifications established in Part Two, the owner of such **residential lot** may, with the written approval of the **General Manager of Engineering and Public Works**, bring the existing vehicular access into compliance with such specifications.

1.2.2 Notwithstanding the provisions of subsections 1.1.2 and 1.1.3 where, in the opinion of the **General Manager of Engineering and Public Works**,

- (a) an existing **vehicular access** from a **residential lot** to an **arterial road** is the only practical means of vehicular access due to existing major physical obstructions such as mature trees, fixed permanent building structures, or swimming pools that would prevent the provision of alternate access; or
- (b) a building permit for the construction of a new residential building, garage or carport, on a **residential lot** with an existing **vehicular access** to an **arterial road** is required due to catastrophic incidences such as fire, resulting in complete re-construction of a house, garage or carport on such **residential lot** after the date of adoption of this bylaw,

the owner of such **residential lot** may, with the written approval of the **General Manager of Engineering and Public Works**, retain the use of the existing **vehicular access** to such **arterial road** provided that such **vehicular access** be brought into compliance with the Residential Driveway Crossing Specifications established in Part Two.

PART TWO: RESIDENTIAL DRIVEWAY CROSSING SPECIFICATIONS

2.1 General Prohibitions

2.1.1. Notwithstanding the provisions of Part One, a person who has been issued a building permit for the construction of a new residential building, garage, or carport, on a **residential lot**, must not:

- (a) install more than one **driveway crossing** abutting any **arterial road** or **collector road** shown on Schedule A;
- (b) install a new **driveway crossing** except in conformity to the specifications contained in Schedule B;
- (c) install two **driveway crossings** abutting a **highway** in the **City** unless all of the following requirements are satisfied:
 - (i) the abutting **highway** is not an **arterial road** or a **collector road**;
 - (ii) the **lot** has a frontage of 25 metres or greater;
 - (iii) both **driveway crossings** conform to the specifications contained in Schedule B;
 - (iii) a minimum distance of 10 metres separates the two **driveways crossings** to any one **lot**;
 - (iv) no public utilities, fire hydrants, or trees will be affected by the proposed **driveway crossing**; and
 - (v) written approval is obtained from the **General Manager of Engineering and Public Works**.

- (d) locate a **driveway crossing** for the purpose of accessing a **corner lot**, except in conformity with the specifications contained in Schedule C; or
- (e) install a walkway or steps:
 - (i) within the portion of the **boulevard** between the sidewalk and the **roadway**; or
 - (ii) of a width greater than 2 metres.

2.2 Exception to General Prohibitions

- 2.2.1 Notwithstanding the provisions of subsection 2.1.1, a person who has been issued a building permit before September 8th, 1997 for the construction of a new residential building, garage, or carport, on a **residential lot**, with the written approval from the **General Manager of Engineering and Public Works**, may install a new **driveway crossing** in conformity to the specifications contained in Schedule D.

2.3 Driveway Crossing Application Procedure

- 2.3.1 Applications for approval of all new **driveway crossings** whether or not in conjunction with a building permit, must be made to the **General Manager of Engineering and Public Works**, and must be accompanied by:
- (a) a payment in an amount determined by the **General Manager of Engineering and Public Works**; and
 - (b) an administration/inspection fee of \$75.
- 2.3.2 The administration/inspection fee required under clause (b) of subsection 2.3.1 does not apply to any **driveway crossing** application for developments under an agreement with the **City** which contains provisions for **driveway crossing** inspections.

2.4 Variations To Residential Driveway Crossing Specifications

- 2.4.1 The **General Manager of Engineering and Public Works** is authorized to vary the provisions of subsection 2.2.1 where:
- (a) the proposed access to a **residential lot** is considered unsafe by the **General Manager of Engineering and Public Works** because of an existing non-conforming garage or carport which is situated within the standard 6 metre setback to a **residential lot**; or
 - (b) safe access from the **roadway** is not possible due to a **non-standard geometric driveway**.

PART THREE: GENERAL PROVISIONS

3.1 Removal Of Unauthorized Vehicular Accesses

- 3.1.1 In the event that the **City** is required to remove a **vehicular access** constructed, maintained or used in violation of any provision of this, or any other bylaw of the **City**, the owner of the property is responsible for all such removal costs, and all related work necessary to restore the **boulevard** to its original condition.
- 3.1.2 If the costs referred to in subsection 3.1.1 are unpaid as of December 31 of any year, they are to be added to and form part of the taxes payable on the **lot** to which the **driveway crossing** was to provide access.

3.2 Schedules to the Bylaw

- 3.2.1 Schedules A, B, C, and D are attached and form a part of this bylaw.

PART FOUR: INTERPRETATION

4.1 In this Bylaw:

ARTERIAL ROAD	means any arterial road shown on Schedule A.
BOULEVARD	means the portion of a highway between the roadway and the boundary of a lot adjacent to the highway , and includes any trees, landscaping, sidewalk, underground utilities or other improvement located within the boulevard.
CITY	means the City of Richmond.
COLLECTOR ROAD	means any collector road shown on Schedule A.
CORNER LOT	means a lot which abuts two or more highways where the interior angle of the intersection is less than 135 degrees.
COUNCIL	means the Council of the City .
DRIVEWAY CROSSING	means the area of a driveway, or any driveable surface, extending from the edge of the pavement of the travelled portion of a roadway or curb, to the boundary of the lot adjacent to the highway .
GENERAL MANAGER OF ENGINEERING & PUBLIC WORKS	means the person appointed by Council to the position of General Manager of Engineering and Public Works, and includes a person designated as an alternate.

HIGHWAY	means a street, road, lane and any other way open to public use, but does not include a private right-of-way on private property.
LOT	means the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office.
NON-STANDARD GEOMETRIC DRIVEWAY	means a driveway which is not perpendicular to the roadway or to the garage or carport orientation.
RESIDENTIAL LOT	means a property whose use pertains to the accommodation and home life of a family.
ROADWAY	means that portion of a highway which is improved for use by vehicular traffic and includes paving, underground utilities, curbs and gutters.
VEHICULAR ACCESS	means access to, or egress from, the lot in question, by a vehicle.
ZONING & DEVELOPMENT BYLAW	means the current Zoning & Development Bylaw of the City.

PART FIVE: VIOLATIONS AND PENALTIES

5.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this, or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required by this bylaw; or
- (d) makes any false or misleading statement in connection with this bylaw,

is deemed to have committed an infraction of, or an offence against, this bylaw, and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

PART SIX: PREVIOUS BYLAW REPEAL

- 6.1 Driveway (Residential) Regulation Bylaw No. 7024 (adopted on June 28th, 1999) is repealed.
- 6.2 Alderbridge Way (between No. 3 Road and Shell Road) Access Regulation Bylaw No. 5544 (adopted on May 28th, 1990) is repealed.
- 6.3 Garden City Road, Granville Avenue and Railway Avenue Access Regulation Bylaw No. 2620 (adopted on July 27th, 1970), and the following amendment bylaws are repealed:

<u>Amendment Bylaw</u>	<u>Adopted</u>
No. 2677	February 8 th , 1971
No. 4354	August 27 th , 1984
No. 5719	June 17 th , 1991

- 6.4 Gilbert Road (from Westminster Highway to Steveston Highway, and from Westminster Highway to the Dinsmore Bridge) Access Regulation Bylaw No. 2882 (adopted on October 23rd, 1972) and the following amendment bylaws are repealed:

<u>Amendment Bylaw</u>	<u>Adopted</u>
No. 2990	February 11 th , 1974
No. 3008	April 22 nd , 1974
No. 3060	September 23 rd , 1974
No. 3091	January 27 th , 1975
No. 3124	May 26 th , 1975
No. 3208	February 23 rd , 1976
No. 3448	July 11 th , 1977
No. 3685	January 8 th , 1979
No. 3810	January 28 th , 1980
No. 3869	July 28 th , 1980
No. 4353	August 27 th , 1984
No. 4435	February 25 th , 1985

- 6.5 Major Intersection Access Control Bylaw No. 4704 (adopted on December 22nd, 1986) is repealed.
- 6.6 No. 3 Road Access Regulation Bylaw No. 2217 (adopted on February 28th, 1966) and the following amendment bylaws are repealed:

<u>Amendment Bylaw</u>	<u>Adopted</u>
No. 2405	July 8 th , 1968
No. 2462	April 14 th , 1969

- 6.7 No. 6 Road (between Westminster Highway and Cambie Road) Access Regulation Bylaw No. 4768 (adopted on March 23rd, 1987) and Amendment Bylaw No. 5483 (adopted on February 26th, 1990) are repealed.

6.8 Williams Road (between No. 4 Road and No. 5 Road) Access Regulation Bylaw No. 3967 (adopted on June 22nd, 1981) and Amendment Bylaw No. 6621 (adopted on May 27th, 1996) are repealed.

PART SEVEN: SEVERABILITY AND CITATION

7.1 If any part, section, subsection, clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

7.2 This bylaw is cited as " Residential Lot (Vehicular) Access Regulation Bylaw No. 7222 ".

FIRST READING

SECOND READING

THIRD READING

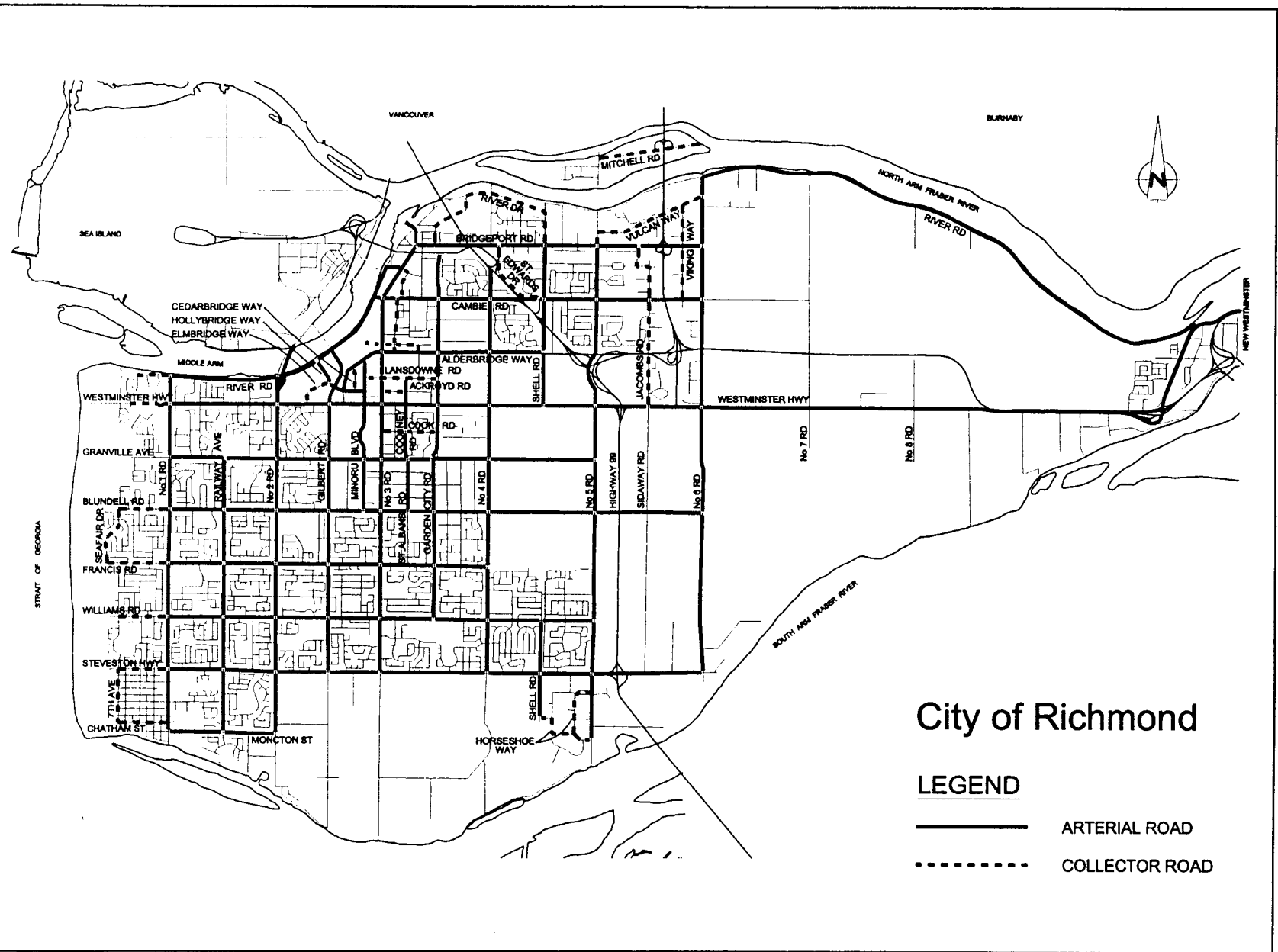
ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

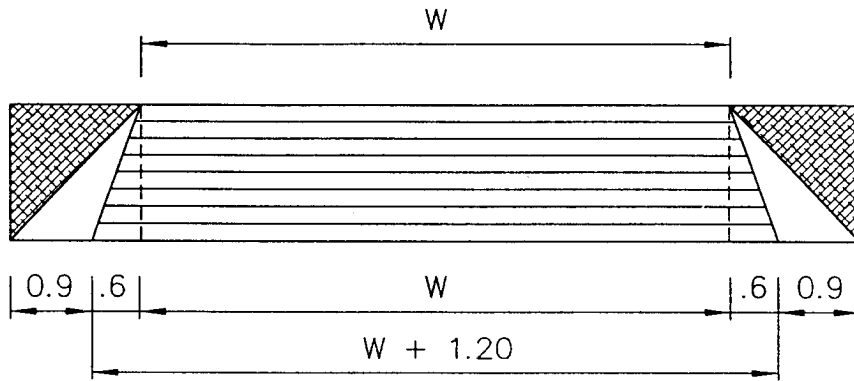
CITY CLERK

SCHEDULE A to BYLAW NO. 7222



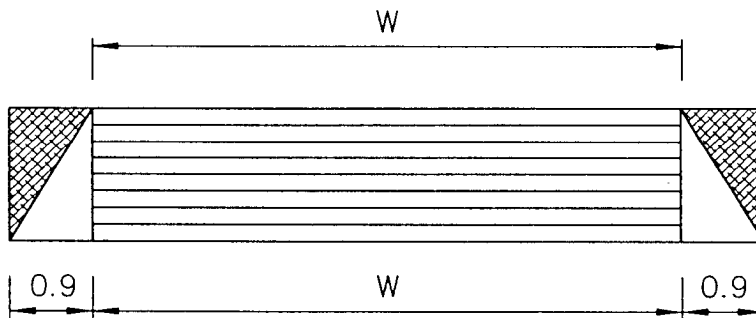
SCHEDULE B to BYLAW NO. 7222

ACCESS TYPE	DRIVEWAY TYPE	DRIVEWAY WIDTH W (metres)	
		ON COLLECTOR AND LOCAL ROADS	ON ARTERIAL ROADS
RESIDENTIAL	TWO-WAY	4.0	5.0



RESIDENTIAL

ARTERIAL ROADS

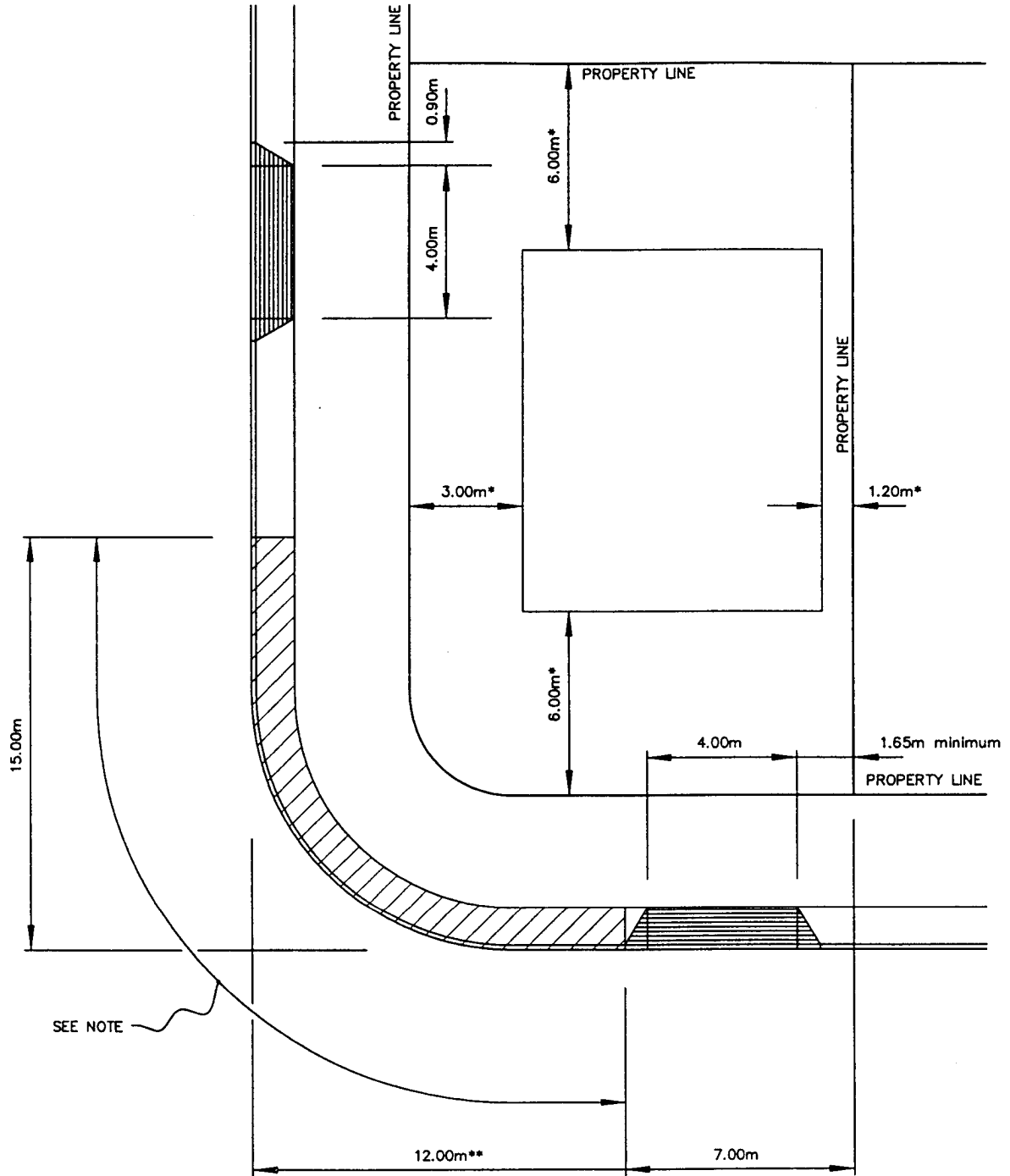


RESIDENTIAL

COLLECTOR AND LOCAL ROADS

NOTE: ALL DIMENSIONS SHOWN IN METRES

SCHEDULE C to BYLAW NO. 7222



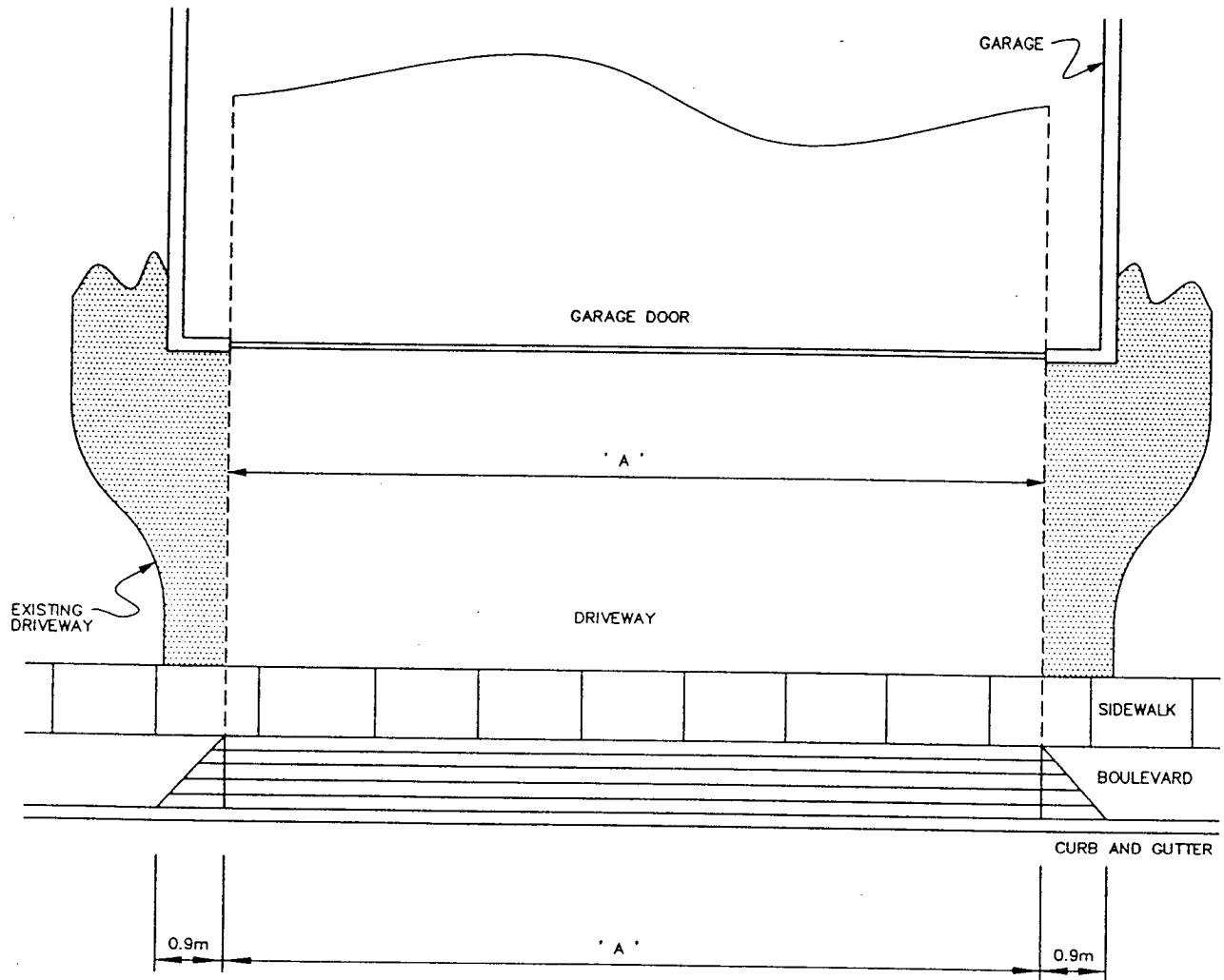
NOTE :

NO DRIVEWAY CROSSINGS
TO BE LOCATED WITHIN
HATCHED AREA

* INDICATES MINIMUM
SETBACK FOR BUILDING

** CAN BE VARIED FOR LOTS WITH LESS THAN
12m OF FRONTAGE ON NON-ARTERIAL ROADS

SCHEDULE D to BYLAW NO. 7222



NOTE :
DIMENSION 'A' NOT TO EXCEED 7.3m



POLICY 5036:

It is Council policy that:

1. Where the City approves Rezoning, Development Permit and/or Subdivision applications for properties which:
 - a) are outside the City Centre;
 - b) are designated by the Official Community Plan as "Neighbourhood Residential";
 - c) front a major arterial road, or local arterial road that is part of the Bike Network or Francis Road between No.1 and No.4 Roads; and
 - d) are illustrated generally on the attached map, "Lane Establishment Policy Development Areas";the City requires the applicant to:
 - e) provide land (eg, dedicate) at the rear and/or side of the properties for a lane and/or mid-block lane access; and
 - f) pay for construction, to City standards, of such lane and/or mid-block lane access.

2. A lane required under Section 1 must not exit directly onto a major arterial road, unless:
 - a) a mid-block vehicular access is approved by the City and constructed to current standards; or
 - b) land is dedicated and funding provided for the future construction of a lane and in the interim a temporary, single-width, shared access driveway is provided for use by vehicles accessing only those parcels located directly adjacent to the driveway on the understanding that any garage(s) is to be located at the rear of such property, to ensure that the access to the arterial road can be closed when the lane is operational.

3. In order to implement the provisions of Section 1, restrictive covenants may be required as part of a rezoning application in order to:
 - a) increase rear-yard setbacks;
 - b) ensure that where fill is added to raise the property, vehicular access to the lane is maintained;
 - c) ensure that garages, if any, are located at the rear of the property in question; and/or
 - d) ensure that when the lane is operational, access to the arterial road is closed.

4. Exceptions to the policy, which would be determined with each application, include where:
 - a) there is a lane already built to City standards;
 - b) the property is less than 30m in depth;
 - c) there is, or the City approves, an alternate access, such as a frontage road, shared access, or internal road;
 - d) Council authorizes an exemption through the rezoning or development permit process; or
 - e) the Subdivision Approving Officer authorizes an exemption through the subdivision process.



5. The main principles used by staff to determine the suitability of an alternate access referred to in clause c) of section 4 are that:
 - (i) there are to be no additional accesses created to residential lots along arterial roads;
 - (ii) the proposed access will not impede the intended function of the arterial road; and
 - (iii) the type of access is consistent with the existing and/or anticipated form of development.

6. Notwithstanding the provisions of this policy, the City will continue to examine development applications in terms of meeting OCP objectives, Lot Size Policies, the Residential Lot Vehicular Access Regulation Bylaw and other requirements, standards and factors.

