



CITY OF RICHMOND

REPORT TO COMMITTEE

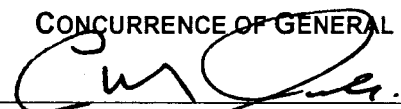
TO: Public Works and Transportation Committee **DATE:** November 27, 2000
FROM: Jeff Day, P. Eng.
 Director, Engineering **FILE:** 6045-07-02
RE: Zero Tolerance Notifications, Broadmoor Area - Update

STAFF RECOMMENDATION

It is recommended that the attached memorandum entitled Zero Tolerance Notifications, Broadmoor Area – Update 2, dated November 10, 2000, from the Manager, Engineering Design & Construction be received for information.

for 
Jeff Day, P. Eng.
Director, Engineering

Att. 1

FOR ORIGINATING DIVISION USE ONLY
CONCURRENCE OF GENERAL MANAGER




CITY OF RICHMOND
ENGINEERING & PUBLIC WORKS DIVISION

MEMORANDUM

TO: Mayor & Councillors
FROM: Steve Ono, P.Eng.
Manager, Engineering Design & Construction
DATE: November 10, 2000
FILE: 6045-07-02

RE: Zero Tolerance Notifications, Broadmoor Area – Update 2

This memorandum is to provide you with background information in advance of a Manager's Report at the upcoming Public Works and Transportation Committee Meeting on December 6, 2000. As you are aware, pursuant to Zero Tolerance Policy 9015, and a complaint made by a resident listing properties in the Broadmoor area with Bylaw infractions, 60 Zero Tolerance notifications have been issued to area residents for correction of illegal changes to boulevards and ditches fronting their properties. A meeting with the affected residents was held on Wednesday November 8, 2000, from 7:00 p.m. to 8:30 p.m. in City Hall Meeting House Room 2.004. The purpose was to clarify that this is an enforcement issue, and to work with these residents to reach a mutually acceptable conclusion. Approximately 80 residents were in attendance.

The residents raised a variety of issues related to their perception that they have not received sufficient City services proportionate to the taxes they have paid in the past. Further details of points raised by the residents are appended herewith. In summary, with respect to the Zero Tolerance Policy, and Bylaw enforcement, some Broadmoor residents believe they have paid a lot of taxes, and want to see ditches infilled, curb, gutter and sidewalk installed and streetlighting provided, all at no additional cost to them. They believe ditch maintenance is too infrequent, and that many ditches are in a state of collapse. That is why they shore up the ditches with timber. They also believe the Zero Tolerance Policy is unfair because residents who purchased a property with the unauthorised changes to boulevard and ditch already in place are expected to pay for the removals even though they themselves did not make the changes.

Staff responded with a number of points, further details of which are appended herewith. Of direct relevance to the Zero Tolerance Policy and Bylaw enforcement, the Zero Tolerance Policy is the result of a public delegation which appeared before the Public Works and Services Committee in February of 1994, favouring stronger City control and prevention of unauthorised construction in City boulevards and ditches. This control is needed because unauthorised changes to City property cause safety and maintenance concerns. Staff noted that residents should call the City if ditches are collapsing because it is our responsibility to respond to such calls with appropriate maintenance. Residents are not to shore up ditches themselves. City approved options are infill of ditches under Culvert Infill Permit or through the Local Improvement Program.

Staff confirmed that residents currently in receipt of Zero Tolerance Notices must remove unauthorised changes to City boulevards and ditches by April 3, 2001 which allows for the six month maximum grace period in accordance with Policy. Staff have a responsibility to enforce Bylaws pursuant to the Zero Tolerance Policy on behalf of the citizens of Richmond who have requested such enforcement, and who have respected City Bylaws.

Staff advised that responsibility for those unauthorised changes which were in place prior to adoption of the Zero Tolerance Policy on March 28, 1994 is currently being reviewed by staff, and a report will be brought forward to the Public Works and Transportation Committee. The policy assigns responsibility for those unauthorised changes which were placed after the adoption of the Zero Tolerance Policy on March 28, 1994 to the property owner who fronts the unauthorised change.

Follow Up Actions

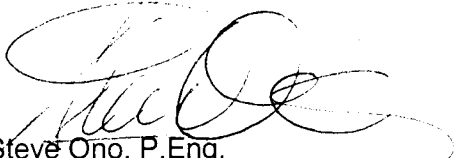
- Staff will continue to enforce Bylaws pursuant to the Zero Tolerance Policy and require residents to remove unauthorised changes to City property.
- Pursuant to Policy, and in fairness to those residents who have complied with the Zero Tolerance Notifications, staff will use City resources to remove the unauthorised changes, if they are not removed by April 3, 2001 and seek compensation from the owner of the property fronting the unauthorised change.
- Staff will complete a review and bring forward a report to the Public Works and Transportation Committee addressing the issue of responsibility for those unauthorised changes which were in place prior to adoption of the Zero Tolerance Policy on March 28, 1994.

During the course of the meeting, staff offered to remove unauthorised structures from ditches during routine ditch maintenance at the City's cost. Upon review of the Policy and the long term implications of such action, staff have since informed the residents that staff are not empowered to undertake such action at the City's cost.

There is a core group from the public meeting who are intent upon presenting as a delegation before the Public Works and Transportation Committee to have their concerns surrounding the Zero Tolerance Policy heard.

There are others in the Broadmoor area who are supportive of staff in enforcement of the Zero Tolerance Policy.

Please contact Steve Ono at 276-4394, if you require additional information.



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

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pc: Chuck Gale, P. Eng., General Manager, Engineering & Public Works
 Jeff Day, P. Eng., Director, Engineering

Mayor G. Halsey-Brandt	Councillor K. Kumagai
Councillor M. Brodie	Councillor B. McNulty
Councillor D. Dang	Councillor L. Barnes
Councillor L. Greenhill	Councillor H. Steves
Councillor K. Johnston	

APPENDIX

Issues Raised By Residents

The residents raised a variety of issues related to their perception that they have not received sufficient City services proportionate to the taxes they have paid in the past.

- Broadmoor residents believe they have paid a lot of taxes, and want to see ditches infilled, curb gutter and sidewalk installed and streetlighting provided all at no additional cost to them.
- Residents believe they deserve to have streets improved because other areas in central Richmond have fully improved streets.
- Residents believe ditch maintenance is too infrequent, and that many ditches are in a state of collapse. That is why they shore up the ditches with timber.
- Residents believe the Zero Tolerance Policy is unfair because residents who purchased a property with the unauthorised changes to boulevard and ditch already in place are expected to pay for the removals even though they themselves did not make the changes.
- The City has paid for ditch infill and other street improvements in Richmond. A specific example is curb installation along River Road paid for by the City capital program.
- A past mayor of Richmond in the 1970's promised that all ditches in Richmond would eventually be filled in.
- Some residents disagree with the City's decision to beautify streets with furnishings and landscape when Broadmoor is without fully improved streets.

Points Identified By Staff

- The purpose of this meeting is to clarify the reason for the issuance of Zero Tolerance Notifications to residents and to clearly outline options for residents to bring boulevard's and ditches into compliance.
- The Zero Tolerance Policy is the result of a public delegation which appeared before the Public Works and Services Committee in February of 1994 favouring stronger City control and prevention of unauthorised construction in City boulevards and ditches.
- Unauthorised changes to City property cause safety and maintenance concerns, such as potential for collapse of timber shoring in ditches. Therefore, Zero Tolerance Policy is necessary for the City to control works occurring in City ditches and boulevards.
- Residents should call the City if ditches are collapsing. The City's responsibility is to respond to such calls with appropriate maintenance.
- If a resident does not like their ditch, City approved options are infill of the ditch under City Permit or through Local Improvement Program.
- Residents that are currently in receipt of Zero Tolerance Notices must remove unauthorised changes to City boulevards and ditches by April 3, 2001, which allows for the six month maximum grace period in accordance with Policy.

- Staff have a responsibility to enforce Bylaws pursuant to the Zero Tolerance Policy on behalf of the citizens of Richmond who have requested such, and/or who have undertaken legal ditch infills or Local Improvements, and/or who have no unauthorised changes within their boulevards and ditches.
- Responsibility for those unauthorised changes which were in place prior to adoption of the Zero Tolerance Policy on March 28, 1994 is currently being reviewed by staff, and a report will be brought forward to the Public Works and Transportation Committee.
- Responsibility for those unauthorised changes which were placed after the adoption of the Zero Tolerance Policy on March 28, 1994, is assigned to the property owner who fronts the unauthorised change. During discussion of this item, one offer made by staff was for the City to remove unauthorised changes from the ditches as part of routine maintenance during ditch cleaning. The offer was tempered by logistics such as timing of the removals to coincide with an entire block being ready for ditch cleaning.
- The prospective purchaser of a property or their agent can approach the City for a 'comfort letter' which identifies outstanding obligations to the City associated with the property, such as Zero Tolerance infractions or Building Permit infractions. A prospective purchaser should undertake such research prior to committing to the purchase of a property. Once the purchaser of the property completes the purchase, they also assume the obligations associated with the property.
- The installation of curb in Terra Nova along River Road was for traffic calming. The developer paid for all ditch infill, and for the original road and curb installed for the development.
- Most ditch infill undertaken under the City Capital Program is paid for through Development Cost Charges which are applicable for arterial and collector roads.
- Available funds are not sufficient to infill all ditches in Richmond. Therefore, drainage works are prioritised to address flooding issues and safety issues first.
- Taxes are paid to benefit all of Richmond as a whole, not just Broadmoor. Staff make recommendations for prioritised expenditures to benefit all of Richmond for Council's approval.
- The Broadmoor area has benefited from lane drainage construction along the lane north of Afton Drive, and will benefit from lane drainage along the lane south of Broadmoor Boulevard in 2001 subject to Council approval.
- The Broadmoor area has benefited from watermain renewal along Reeder Road and will benefit from watermain renewal along Deagle Road in 2001, subject to Council approval.
- There is not enough money to spend on all the construction projects needed throughout the City, so capital construction expenditures are prioritised on a point basis by the City staff Capital Team, and then projects with the highest points are recommended in an annual program for approval by Council.
- A long term master drainage plan is being developed by Engineering Planning under the management of Paul Lee. Concerns related to long term ditch infill should be directed to his attention.