



City of Richmond

Report to Committee

To Public Works & Transportation - Oct 18, 2006

To: Public Works and Transportation Committee Date: September 21, 2006

From: Victor Wei, P. Eng. Director, Transportation File: 08-4040-01/2006-Vol 01

Re: STEVESTON TOWNSITE SERVICING EXEMPTION - SUBDIVISION BYLAW NO. 6530, AMENDMENT BYLAW NO. 8124

Staff Recommendation

That Bylaw No. 6530 – To Regulate the Provision of Works and Services Upon Subdivision of Land, Amendment Bylaw No. 8124 be introduced and given first, second and third readings.

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Victor Wei, P. Eng. Director, Transportation (4131)

Att.1

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Engineering	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Law	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"/>	
REVIEWED BY TAG	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	REVIEWED BY CAO
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Staff Report

Origin

Richmond City Council directed staff to bring forward amendments to Bylaw No. 6530 – To regulate the *Provision of Works and Services upon Subdivision of Land*. These amendments are expected to clarify the current exemption of the Steveston townsite from providing works and services on public roads fronting newly subdivided properties (except for water distribution and sanitary sewerage collection systems). The purpose of this report is to:

- review the original intent of granting relief to the Steveston townsite from providing full subdivision standards for works and services;
- present the rationale prompting the need for amending the current bylaw; and
- recommend to Council amendments to Subdivision Bylaw No. 6530 to achieve clarity and to reflect any change in circumstance.

Analysis

1. The Intent of the Steveston Townsite Servicing Exemption

In the Steveston townsite (Section 03-3-7, boundaries: Steveston Highway, No. 1 Road, Chatham Street and 7th Avenue), all properties were originally subdivided into 10.05 metre (33 ft) wide lots. Over the years, a number of lots were consolidated when applications were made for building permits. Consolidation was necessary on many sites in order that the new building would conform with setback requirements and not be placed across property lines. In the mid-1980s and in subsequent years, some property owners in the Steveston townsite sought to subdivide their lots back to the original 10.05 metres width. These property owners felt that the requirement for frontage and lane improvements was an unfair assessment.

In recognizing the history of the subdivision and consolidation of properties in the Steveston townsite, on July 13, 1992, Council approved an amendment to the former Subdivision Bylaw No. 5428 to exclude the Steveston townsite from providing full lane and road frontage subdivision standards, such as curb and gutter, sidewalks, boulevard treatments, and ditch infilling (except for water and sewerage services).

On September 23, 1996, Subdivision Bylaw No. 5428 was repealed and replaced with Bylaw No. 6530 – To regulate the *Provision of Works and Services Upon Subdivision of Land*. The new bylaw was put in place mainly to update technical standards, practices and terminology, and to address internal document inconsistencies. The clause pertaining to the Steveston townsite servicing exemption remains a part of the new bylaw.

2. The Need to Amend Subdivision Bylaw No. 6530

Amendments to Subdivision Bylaw No. 6530 are required to address the following issues:

- Traffic Safety/Access Considerations: In the Steveston townsite, the perimeter roadways (Steveston Highway, No. 1 Road and Chatham Street), although not classified as arterial roads, provide major accesses to the Steveston commercial area, the dyke and Gary Point

Park. There is a need to complete the lanes and frontage improvements along these roadways to enhance traffic safety and to accommodate the increasing vehicular, cyclist and pedestrian traffic.

- Steveston Village Conservation Program: A study is currently underway to formulate and implement a Conservation Strategy for the Steveston Village. A section of Chatham Street, between No. 1 Road and 4th Avenue falls within the study area. Exempting lane and frontage improvements from the requirement of the Subdivision Bylaw in the Steveston townsite may limit the range and type of conservation strategies intended for Chatham Street. Based on the outcome of the study, removal of the current exemption for the properties on this section of Chatham Street may be necessary to allow for the implementation of conservation-related lane and frontage improvements.
- Land Title Act Considerations: The City Approving Officer, when examining a subdivision application, has the responsibility to consider the requirements of the Land Title Act. These requirements include reasonable access, functional lanes, continuation of existing lanes and standards relative to the intended use, configuration of the land, etc. Amendments to the current Subdivision Bylaw should be considered to ensure that the authority of the Approving Officer, as outlined in the Land Title Act, is not restricted by the Steveston townsite servicing exemption clause in the bylaw.

3. Subdivision Bylaw Amendment Options

There are three possible subdivision bylaw amendment options to address the issues of traffic considerations, the Steveston Village Conservation Program and the Land Title Act requirements.

Option A: Retain Steveston Townsite Servicing Exemption

Description – Make no change to the current Subdivision Bylaw. All future subdivisions in the Steveston townsite will continue to be exempted from providing lane and road frontage improvements.

Option B: Remove Steveston Townsite Servicing Exemption

Description – The clause contained in the current Subdivision Bylaw pertaining to the Steveston townsite servicing exemption would be removed. All future subdivisions in the area would be required to provide full services and works.

Option C: Minor Adjustment of Servicing Exemption Boundaries (Recommended)

Description – The current Subdivision Bylaw would be amended to remove the following properties from the Steveston townsite servicing exemption area: all north-south oriented properties fronting Steveston Highway and Chatham Street between No. 1 Road and 7th Avenue; and a small mixed use area (commercial, single and medium density residential developments) at the northeast corner of the Steveston townsite. The north-south oriented properties on Steveston Highway and Chatham Street currently have direct access to these roadways. The implementation of this option would allow, over time, the relocation of existing property frontage accesses to the rear lane. **Attachment 1** shows the proposed new boundaries within

which lane and frontage works would be exempted when a subdivision application is made in the Steveston townsite.

4. Evaluation of Subdivision Bylaw Amendment Options

The three Subdivision Bylaw amendment options are evaluated based on the following criteria:

- Respect Original Intent of the Steveston Townsite Servicing Exemption: The original intent of the servicing exemption is to address the issues related to the history of property subdivisions and consolidations in the Steveston townsite. The various options are examined to determine if this intent is fully or substantially respected.
- Traffic Safety and Access Considerations: Given the increasing vehicular, pedestrian and cyclist traffic on Chatham Street and Steveston Highway west of No. 1 Road, completing the lane system to remove direct access to these roadways and providing frontage improvements is required for traffic safety reasons. The three options are assessed relative to the degree that this criterion is met.
- Equity: Under the current Subdivision Bylaw, all developers are required to provide works and services when an application is made for property subdivision, except those carrying out projects in the Steveston townsite. The exemption of this area from meeting the full requirement of the Subdivision Bylaw presents an equity issue. This issue is one of the criteria used in the evaluation framework.
- Consistent Lane and Frontage Servicing Standards: The Steveston townsite is currently rural in nature. Less than 10 percent of the properties in the area have sufficient width for subdivision. A bylaw amendment requiring all future subdivisions to provide lane and frontage improvements would result in isolated pockets of single lot subdivisions with full urban standards while the remaining 10.05 metre wide properties (over 90 percent) would still have ditches and unfinished lanes. The issue of achieving consistent servicing standards is another criterion used in the evaluation process.
- Approving Officer's Responsibilities: The Approving Officer, when considering a subdivision application, must take into account matters under the Land Title Act, as well as the Local Government Act, city bylaws and policies. There is, in some situations, conflict between the Approving Officer's demand for certain services and the Steveston townsite servicing exemption clause in the Subdivision Bylaw. The extent to which clarity is achieved in addressing this issue, forms an important part of the evaluation matrix.
- Accommodation of Steveston Conservation Strategies: The Steveston Conservation Program is expected to generate a series of strategies for the Steveston Village. Some of these strategies may be implemented in the Steveston townsite. The flexibility contained in each bylaw amendment option to accommodate future conservation strategies is assessed in the evaluation process.

The following table compares the relative merits of the three Subdivision Bylaw amendment options based on the criteria developed for the evaluation matrix:

Evaluation Criteria	Option A Retain Exemption	Option B Remove Exemption	Option C Adjust Exemption Boundaries
Respect Intent of Steveston Townsite Servicing Exemption	✓✓	x	✓✓
Traffic Safety / Access Considerations	x	✓✓	✓✓
Equity	x	✓✓	✓
Consistent Lane and Frontage Servicing Standards	✓✓	x	✓✓
Clarify Approving Officer's Responsibilities	x	✓✓	✓✓
Accommodate Steveston Conservation Strategies	x	✓	✓✓

✓✓ - criterion fully or substantially met

✓ - criterion partially met

x - criterion not met

The result of the evaluation is summarized as follows:

Option A: Retain Steveston Townsite Servicing Exemption

This option, while meeting fully the criteria of respecting the original intent of the Steveston townsite servicing exemption and retaining the current rural standards in the area, fails to address other important issues such as: the requirement for enhancing traffic safety and accommodating increasing traffic volumes on the perimeter roadways of the Steveston townsite; equity among developers in the Steveston townsite and city-wide; and resolving the conflict between the Approving Officer's responsibilities and the Subdivision Bylaw Steveston townsite servicing exemption clause. The ability to implement future Steveston conservation strategies may also be restricted. For these reasons, Option A is not recommended.

Option B: Remove Steveston Townsite Servicing Exemption

The merits of this option are: all developers are put on an equal footing; traffic safety and access issues on Steveston Highway and Chatham Street are addressed; and clarity is achieved as to what works and services are required when a subdivision application is made. This option, however, does not respect the original intent of the Steveston townsite servicing exemption. In addition, the provision of full servicing standards for less than 10 percent of the subdivideable properties in the Steveston townsite would lead to a two-tiered lane and frontage standard in the area (i.e., rural vs. urban). This option is therefore not recommended.

Option C: Minor Servicing Exemption Boundary Adjustment

This option meets substantially the criterion of respecting the original intent of the Steveston townsite servicing exemption as only a small number of properties fronting Steveston Highway and Chatham Street are removed from the exemption area to provide lane and frontage improvements for traffic safety reasons. Option C also fully meets the other criteria with the exception of the equity issue. However, it is noted that in order to meet the equity criterion fully, the removal of the entire Steveston townsite from the existing lane and frontage servicing exemption would be required. As noted earlier in this report, less than 10 percent of the

properties in the Steveston townsite are subdivideable. The monies collected from the future subdivision of these properties would not be sufficient to carry out 100 percent of the works and services for all the properties within the current exemption boundaries. Therefore, the strategic removal of the proposed areas from the exemption is justifiable as it balances equity with practicalities and public safety. This option also offers flexibility for the implementation of future conservation strategies in the Steveston Village. Based on these reasons, Option C is recommended as it meets all the criteria either fully or partially.

5. Recommendation (Option C - Minor Servicing Exemption Boundary Adjustment)

Based on the result of the evaluation, Option C - Minor Servicing Exemption Boundary Adjustment is recommended. The implementation of this option would require the properties fronting Steveston Highway and Chatham Street (between No. 1 Road and 7th Avenue), together with a small area of mixed-use developments at the northeast corner of the Steveston townsite, be removed from the servicing exemption area.

It is further recommended that the Approving Officer be given the flexibility to impose reasonable subdivision requirements for works and services both within and beyond the exemption area. These requirements would be applied in special situations on a case-by-case basis to fulfill the matters as dictated by the Land Title Act, Local Government Act, and city bylaws and policies (a sub-section is included in the proposed Subdivision Bylaw amendment to this effect), while considering the practicality of implementing such works and services and respecting the unique characters of Steveston (as suggested by the Richmond-Urban Development Institute Liaison Committee). Such subdivision requirements imposed by the Approving Officer may include frontage improvements or lane works that are a necessary extension of adjacent improvements or which facilitate the development of lands beyond the subdivision.

Summary

The purpose of the proposed Subdivision Bylaw amendment is to achieve improved bylaw administrative clarity, enhance traffic safety and provide opportunities for heritage conservation. Specifically, the proposed bylaw amendment clarifies the following:

For Areas Proposed To Be Removed From The Existing "Exemption Area"

- developers would provide lane and frontage improvements; and
- developers would still provide water and sanitary sewerage improvements.

For Areas Proposed To Be Retained In A Modified "Exemption Area"

- developers may still be required to provide lane and frontage improvements, at the discretion of the Approving Officer; and
- developers would still provide water and sanitary sewerage improvements.

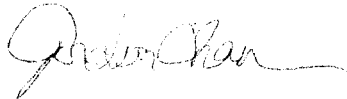
Financial Impact

There is no financial impact to the city.

Conclusion

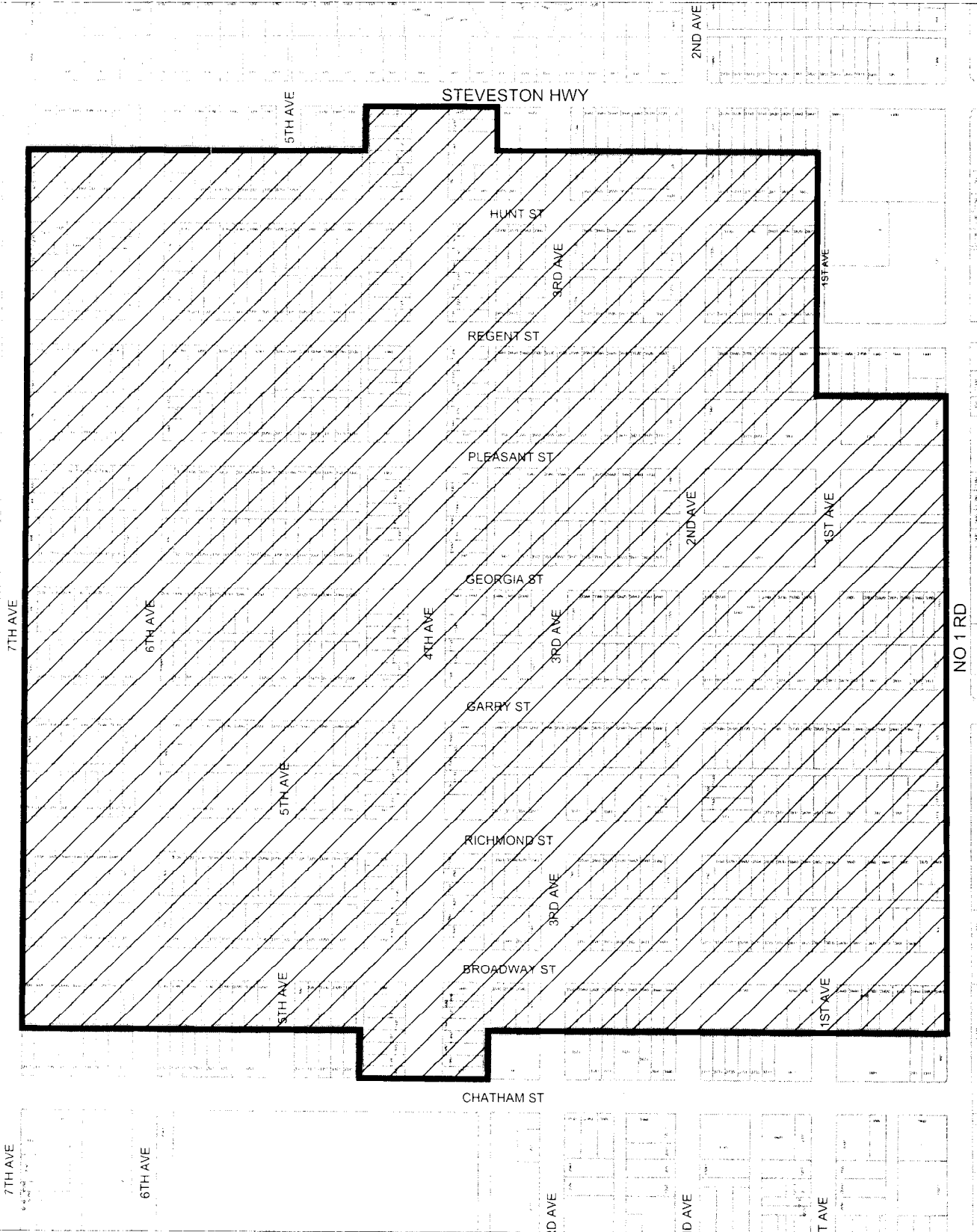
In response to a Council directive to amend Subdivision Bylaw No. 6530 to clarify the current servicing exemption in the Steveston townsite, staff have developed and evaluated three bylaw amendment options: retain the servicing exemption, remove the servicing exemption, and adjust the exemption boundaries. The last option is recommended as all evaluation criteria are either fully or partially met.

The proposed Subdivision Bylaw amendment achieves improved bylaw administrative clarity, enhances traffic safety and provides opportunities for heritage conservation.



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(4021)

GFC:lce



BOUNDARIES OF SERVICING EXEMPTION IN THE STEVESTON TOWNSITE
(EXCEPT WATER DISTRIBUTION AND SANITARY SEWERAGE COLLECTION SYSTEMS)



To Regulate the Provision of Works and Services Upon Subdivision of Land Bylaw No. 6530, Amendment Bylaw No. 8124

The Council of the City of Richmond enacts as follows:

1. Subdivision Bylaw No. 6530 is amended by deleting Section 15 and substituting the following:
 15. Without limiting in any manner an exercise of authority by the Approving Officer pursuant to the *Land Title Act*, this Bylaw does not apply to:
 - (a) private services situated on the privately owned lot which they serve; or
 - (b) to properties situated within the boundary as shown on the map attached hereto as Schedule "G", except that a water distribution system and a sanitary sewerage collection system shall be provided in accordance with Sections 5 and 6.
2. Subdivision Bylaw No 6530 is amended by adding the following Section after Section 15, and renumbering the remaining provisions accordingly:
 16. For certainty, this Bylaw is not intended to and does not limit the powers or duties of the Approving Officer with respect to subdivision that may be exercised under the *Land Title Act* of British Columbia.
3. Subdivision Bylaw No. 6530 is amended by adding the Schedule "A" attached hereto and forming part of this Bylaw as Schedule "G".
4. This Bylaw is cited as **"To Regulate The Provision Of Works and Services Upon Subdivision of Land Bylaw No. 6530, Amendment Bylaw No. 8124"**.

FIRST READING

SECOND READING

THIRD READING

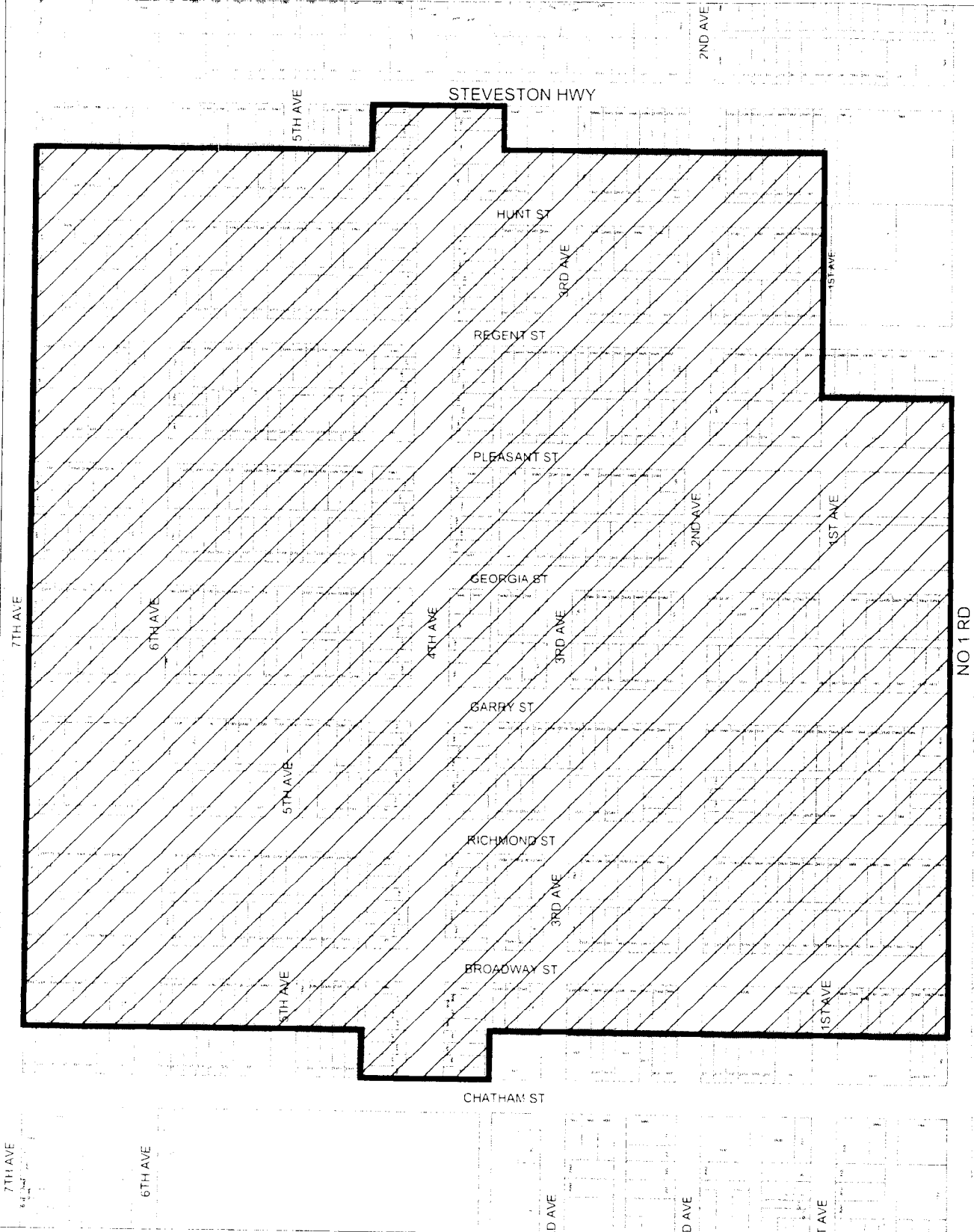
ADOPTED

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

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 8124



BOUNDARIES OF SERVICING EXEMPTION IN THE STEVESTON TOWNSITE
(EXCEPT WATER DISTRIBUTION AND SANITARY SEWERAGE COLLECTION SYSTEMS)