



Council Member Motion

for the Planning and Land Use meeting of February 5, 2015

Date: January 27, 2015 **From:** Councillors Isitt and Loveday and Mayor Helps
Subject: Amendment to Highway Access Bylaw

BACKGROUND

Council amended the Highway Access Bylaw in 2013 to provide discretion to the Director of Engineering to approve siting a driveway crossing for a corner lot on a higher classification highway in order to avoid unsafe or impractical situations or interference with protected trees or City infrastructure.

An additional minor amendment to the bylaw would extend this discretion to the Director of Engineering to ensure that new developments do not contribute to traffic volumes on highways that are inconsistent with the City's established priorities for transportation corridors, such as people-priority greenways for walking and cycling.

Several anticipated development applications in the City may contribute to traffic volumes that are inconsistent with identified priorities for lower-classification highways, and it is therefore prudent to proceed with a bylaw amendment at this time, to ensure land-use patterns are consistent with established transportation plans.

MOTION

BE IT RESOLVED THAT Council direct staff to prepare on a priority basis an amendment to the Highway Access Bylaw to add a new paragraph 12 (2) (d): "interfere with established priorities for lower classification highways including those identified in the Greenways Plan, Cycling Master Plan, Pedestrian Master Plan and Official Community Plan."

Respectfully submitted,

Handwritten signature of Councillor Ben Isitt.

Councillor Ben Isitt

Handwritten signature of Councillor Jeremy Loveday.

Councillor Jeremy Loveday

Handwritten signature of Mayor Lisa Helps.

Mayor Lisa Helps

Attachments.

Highway Access Bylaw Amendment Bylaw No. 13-081
Highway Access Bylaw No. 91-038
Staff report on Highway Access Bylaw Amendments, June 28, 2013

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Highway Access Bylaw No. 91-38 in order to give the Director of Engineering discretion to approve alternative siting of a driveway crossing on a corner lot in instances where compliance with Section 12 of the Bylaw would be impractical or unsafe.

Under its statutory powers, including sections 35-46 and 65 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in public meeting, enacts as follows:

Title

- 1 This Bylaw may be cited as "Highway Access Bylaw, Amendment Bylaw (No. 2)".

Highway Access Bylaw

- 2 Section 12 of Bylaw No. 91-38, the Highway Access Bylaw, is amended by:

- (a) renumbering it as section 12(1); and
- (b) adding a new paragraph (2) as follows:

"(2) Notwithstanding section 12(1)(b), the City Engineer may, at his or her discretion, approve siting a driveway crossing for a corner lot on a higher classified highway if compliance with Section 12(1)(b) would, in his or her opinion:

- (a) be impractical due to a lot configuration precluding compliance with 12(1)(a);
- (b) result in an unsafe crossing; or
- (c) interfere with protected or significant trees as defined by the Tree Preservation Bylaw No. 05-106, or existing infrastructure which cannot be reasonably removed or relocated."

Effective Date

- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the **24th** day of **October,** 2013.

READ A SECOND TIME the 24th day of October, 2013.

READ A THIRD TIME the 24th day of October, 2013.

ADOPTED on the 14th day of November, 2013.

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"CHRIS COLEMAN"
ACTING MAYOR

A BYLAW OF THE CITY OF VICTORIA

to regulate access to highways.

Pursuant to Sections 579(1)(c), (d), and (e), 579(3) and 964 of the Municipal Act, the Municipal Council of the Corporation of the City of Victoria enacts as follows:

1. This bylaw may be cited as the "HIGHWAY ACCESS BYLAW."

2. In this bylaw,

"arterial street" means a highway which forms a principal transit corridor or a principal truck route and which maximizes traffic movement between neighbourhoods and within the region;

"City Engineer" means the City Engineer of The Corporation of the City of Victoria or any person designated by him;

"collector street" means a highway which forms a primary route from local streets to arterials, which collects and disperses traffic to the local street system and which forms a minor transit route or limited truck route;

"commercial crossing" means a driveway crossing which provides vehicular access to the parking and loading areas of any lot zoned and used for commercial purposes;

"corner lot" means any lot which abuts at least two highways which intersect each other;

"driveway" means that portion of a lot that provides access to parking or loading spaces within the lot and is considered to be the extension of the lot's driveway crossing;

"driveway crossing" means the improved section of a curb, sidewalk or boulevard constructed to provide vehicular access to one or more lots from any highway;

"high density development" means any residential, hotel, or office development which consists of four or more storeys;

"highway" includes any street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

"industrial crossing" means a driveway crossing which provides vehicular access to the parking and loading area of any lot which is zoned and used for industrial purposes;

"local street" means a minor highway including a lane which provides for local traffic only, is not a truck route and the capacity of which is low;

"secondary arterial street" means any highway which forms a transit corridor or a truck route and which maximizes traffic routing between neighbourhoods;

"secondary collector street" means a highway which collects and disperses traffic within a local street system, is a secondary route from local streets to collectors and secondary arterials and is not a truck route;

"street boundary" means that boundary of a lot abutting on a highway;

"street line" means the outside edge of that area designed or intended for use by the general public for the passage of vehicles;

"total highway frontage" means the sum of all those boundaries of a lot abutting on a highway.

3. If a conflict exists between the classification of streets as set out in Bylaw 87-130, the STREETS AND TRAFFIC BYLAW and the definitions in this bylaw, the classification in the STREETS AND TRAFFIC BYLAW shall prevail.
4. With the exception of agents, servants or employees of the City acting in the course of their employment, no person shall construct, remove, widen or repair a driveway crossing without first having applied to and received the approval of the City Engineer.
5. All applications, with the exception of those applications referred to in Section 11, shall be in the form prescribed in Schedule "A" to this bylaw.
6. All applicants shall ensure that the driveway crossing is constructed in accordance with the dimensions prescribed in Schedule "B" to this bylaw.
7. All applicants shall comply with the provisions of this bylaw.
8. If approval for a driveway crossing has been granted and the applicant has not completed construction of the driveway crossing within one year from the date approval was given, the City Engineer may revoke, in writing, the driveway crossing approval.
9. Any person who applies for and obtains a building permit and who requires a driveway crossing shall comply with the provisions of this bylaw.
10. The City Engineer may approve a driveway crossing width which exceeds the maximum widths prescribed in Schedule "B" if the vehicles requiring access to the lot require a greater maximum width.
11. The City Engineer may approve a driveway crossing width which is less than the minimum widths prescribed in Schedule "B" if the width would cover 25% or more of the

street boundary of the lot or if the location of the existing buildings on the lot makes compliance impossible.

12. The driveway crossings for all corner lots shall be
 - (a) located at least 8.0 m from the point of intersection of those street boundaries of the lot which are adjacent to the intersection; and
 - (b) sited on the highway having the more minor street classification.

13. No person shall construct a driveway crossing within a bus zone, as designated under the STREETS AND TRAFFIC BYLAW, without the prior written consent of both the British Columbia Transit Authority and the City Engineer.

14. The minimum distance between any commercial crossings and/or any industrial crossings shall be 12.0 m where these crossings provide access to an arterial street, a secondary arterial street or a collector street.

15. Notwithstanding section 21(1), where there is more than one driveway crossing providing access to a lot or to a single development situated on more than one lot, the minimum distance between the driveway crossings shall be 12.0 m unless the driveway crossings accommodate one way traffic, in which case the minimum distance shall be 10.0 m.

16. (1) The surface of a driveway crossing shall have a minimum clearance of 1.2 m measured horizontally from any above ground public, private or municipal utility equipment, any above ground public, private or municipal utility box, and any lamp standard or tree and 1.0 m measured vertically from any below-ground public, private or municipal utility equipment.

(2) All applicants shall be permitted to

construct a driveway crossing over public, private or municipal underground utility boxes provided the casting of the utility box is of sufficient thickness to support the traffic which will be using the driveway crossing and provided the applicable public or private utility company has given written approval to do so.

(3) The applicant shall be fully responsible for any relocation or removal of the items listed in subsection (1), including costs, if any.

(4) The City Engineer may relax the minimum clearance required in subsection (1) if the applicable authority has consented in writing to do so.

17. Where vehicular access to a lot will be through an adjoining property, approval to construct a driveway crossing shall not be given until an easement through the adjoining property has been registered in the Land Title Office.

18. An easement required pursuant to the preceding section shall be in a form approved by the City Solicitor and shall contain a covenant in favour of The Corporation of the City of Victoria restricting the use of the easement area to ingress and egress.

19. Where vehicular access to a lot will be through an adjoining property and by way of a driveway crossing which is already in existence, the owner of the lot requiring an easement shall ensure that the driveway crossing conforms to the requirements of this bylaw and that the easement is in a form approved by the City Solicitor and contains a covenant in favour of the Corporation of the City of Victoria restricting the use of the easement area to ingress and egress.

20. Lots which are zoned single family dwelling or two family dwelling shall

have no more than one driveway crossing.

21. (1) With the exception of single family dwelling lots or two family dwelling lots, any lot or any single development which is situated on more than one lot which has fewer than 100 parking spaces may have one driveway crossing for each 20.0 m of total highway frontage or portion thereof, to a maximum of two driveway crossings.

(2) The City Engineer may permit an additional driveway crossing which provides a drive through drop-off and pick-up area to a high density development on a lot that fronts on more than one highway.

22. A lot or a single development which is situated on more than one lot which has 100 or more parking spaces may have one driveway crossing for each 30.0 m of total highway frontage or portion thereof, to a maximum of three driveway crossings.

23. The City Engineer may permit an additional driveway crossing to a lot or to a single development located on more than one lot in order to provide emergency access or to provide access to a separate off-street loading area.

24. The City Engineer shall not issue permission for the construction of a driveway crossing until the owner of the lot has provided a paved driveway from the street line into the lot for a minimum distance of 6.0 m.

25. The grade of all driveway crossings from the street line to the street boundary shall not exceed 10%.

26. The grade of that portion of a driveway measured from the street boundary for a distance of 6.0 m into the lot shall not exceed

(a) 3% for any lot which is zoned or used for commercial or industrial purposes;

(b) 6% for any lot which is zoned or used for residential purposes on any street other than a local street;

(c) 8% for any lot which is zoned or used for residential purposes on any local street.

27. (1) The City Engineer may relax the grades in sections 25 and 26, up to a maximum of 15%, if the applicant is unable to comply due to limitations which are specific to the lot.

(2) This relaxation shall not apply to claims of hardship on the part of the applicant.

28. No person shall erect, construct, plant or maintain, within the area shown in heavy outline in Schedule "C", any structure, landscaping, fencing or any other thing which exceeds 1.0 m in height, as measured from that point at the centre of the driveway where the driveway intersects the street boundary, such that it creates a safety hazard on the adjacent highway.

29. Any person who contravenes any provision of this bylaw is liable upon conviction to a penalty of not less than \$25.00.

30. Section 72 of Bylaw 87-130, the STREETS AND TRAFFIC BYLAW, is repealed.

31. Section 12(i) of Schedule "C" of Bylaw 80-159, the ZONING REGULATION BYLAW, is repealed.

Passed and received third reading by the Municipal Council the day of 1991.

Reconsidered and adopted by the Municipal Council the day of 1991.

CITY CLERK

MAYOR



Governance and Priorities Committee Report

Date: June 28, 2013

From: Brad Dellebuur, Manager, Transportation

Subject: Highway Access Bylaw Amendment – Discretionary Authority of Director of Engineering

Engineering staff are recommending Council direct the City Solicitor to amend the Highway Access Bylaw (91-038), to provide for discretion by the Director of Engineering on locating driveway crossings on corner lots.

Currently, Section 21.1 of the Highway Access Bylaw requires that driveway crossings for all corner lots be sited on the highway having the more minor street classification. The rationale for this requirement is that locating property access on the street frontage with the lowest volumes and speeds results in the fewest potential conflicts between vehicles entering or exiting a development site, and other road users (vehicles, pedestrians, and cyclists). It is staff's professional opinion that the overwhelming majority of properties in the City can be safely and efficiently accessed by complying with this regulation, and that regulating property access in this manner best serves the public interest.

In a limited number of circumstances, however, providing vehicle access on the more minor classified street may not be the most appropriate location. Examples include:

1. Site configuration prevents compliance with s.12 (e.g., insufficient frontage);
2. Compliance with s. 12 would result in an unsafe condition (e.g., sight lines, traffic volumes, proximity to intersections, etc.); and
3. Compliance with s. 12 would interfere with protected trees or existing infrastructure that cannot be removed/relocated

Staff recommends the Director of Engineering be given the authority to consider approving a driveway crossing on another street frontage for the development in these instances.

Recommendation:

That Council direct the City Solicitor to prepare amendments to the Highway Access Bylaw, giving discretion to the Director of Engineering to approve siting a driveway crossing on a corner lot on a higher classified highway where:

1. Site configuration prevents compliance with s.12 (e.g., insufficient frontage);
2. Compliance with s. 12 would result in an unsafe condition (e.g., sight lines, traffic volumes, proximity to intersections, etc.); and
3. Compliance with s. 12 would interfere with protected trees or existing infrastructure that cannot be removed/relocated

Respectfully submitted,

Brad Dellebuur
Manager, Transportation

Dwayne Kalynchuk, P. Eng.
Director of Engineering and
Public Works

Peter Sparanese, P. Eng.
General Manager of
Operations

Report accepted and recommended by the City Manager:

Gail Stephens