

Re: Construction and Industrial Activity on the Kapoor Site

On April 1, 1974 Council received an In-Camera Report on the Kapoor property. Staff was directed to bring forward for consideration in an "open" session of Council that portion of the report relating to the recent construction of a barge unloading facility at the site (see attached sketch). It will be recalled that this information was submitted in response to the following four questions which were asked during the March 25, 1974 meeting of Council:

1. Were permits obtained for the work that is being done?
2. What specific types of activities are going on in the area?
3. Who is involved?
4. Was the stop work order ignored?

The attached report from the Director of Planning contains information on the activity as of the date on which it was written (March 28, 1974). Since that time, Mr. John Kask, a part owner of Kask Brothers Ready Mix Limited, contacted the Planning Department for the purpose of discussing his Firm's use of the Kapoor property. He mentioned that the Firm has a one-year lease on the property, and that the lease contains a ninety day cancellation clause in the event that the property is sold. He also stated that the Firm is willing to post a bond guaranteeing removal of equipment within ninety days, and that he will make arrangements to apply for Preliminary Plan Approval as the first step in an effort to have the operation made legal.

From the foregoing, it is evident that the desire of the Firm is to receive approval of the operation as a legal short-term use. The firm position of the Planning Department, however, is that confirmation of the use cannot be recommended, and that the operation should be removed.

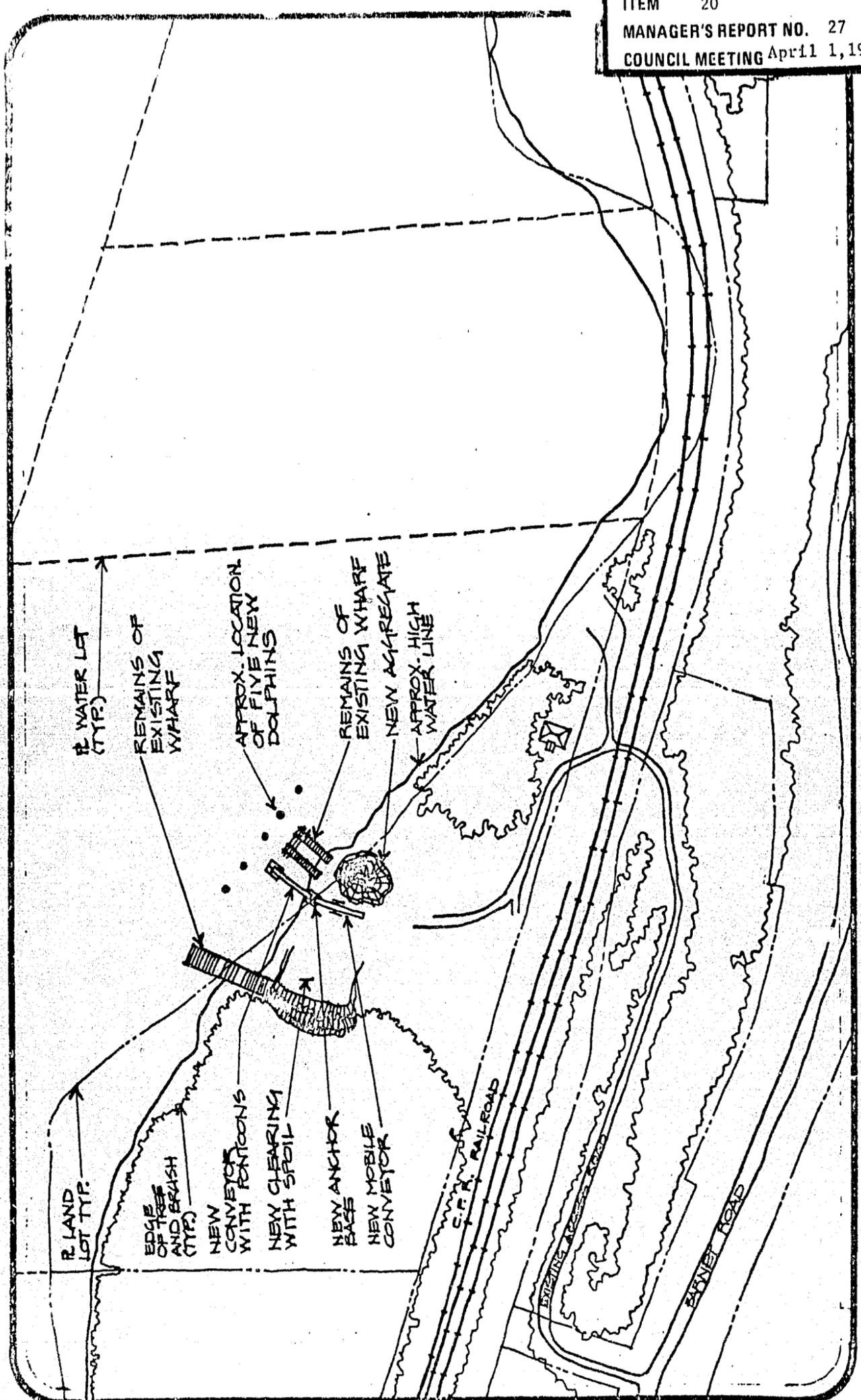
It was made clear to Mr. Kask that the use is at variance with the proposed future use of the land and with the current zoning application which is to go to public hearing on April 23, 1974, and that acceptance of an application for Preliminary Plan Approval should not be construed as implying that approval will be granted.

Staff at the present time is considering methods of requiring the present use to be discontinued.

RECOMMENDATIONS:

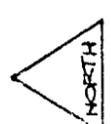
THAT Council endorse the necessary action to require that the illegal use and development of the property be halted immediately; and

THAT authorization be given to withhold Building Permits and Preliminary Plan Approval pending determination of the rezoning application presently being considered.



SCALE	1" = 200' APPROX.
DRAWN	lbb
DATE	MARCH, '74

RECENT ACTIVITY ON KAPOOR PROPERTY



BURNABY PLANNING DEPARTMENT

ITEM 20
MANAGER'S REPORT NO. 27
COUNCIL MEETING April 1, 1974

PLANNING DEPARTMENT
MARCH 28, 1974

SUBJECT: KAPOOR PROPERTY
RECENT CONSTRUCTION AND INDUSTRIAL ACTIVITY

A. Background:

During the inquiry period of the March 25, 1974 meeting of Council, it was reported that considerable activity was still taking place on the Kapoor site on the south shore of Burrard Inlet, despite the issuance of a stop work order, posted in connection with the construction and installation activity that had been detected previously on the site. It was mentioned that there were rumours to the effect that a company involved in the ready-mix concrete and sand and gravel business was engaged in a gravel unloading operation in this area. Several questions were raised related to the nature of the operation, responsibility for the activities and the situation regarding Municipal permits and approvals, the ramifications of the use being conducted, and the status of negotiations for acquisition of the property by the Municipality. The following relates your staff's findings on the matter, as far as can be determined at this time.

B. Construction Work on the Site

Some time prior to March 13, five dolphins were constructed in the waters of the Inlet near the remains of a former dock on the Kapoor property. These dolphins consist of approximately a dozen piles each, including batter piles on the land side, and are laid out in a straight line in such a way that they might accommodate the docking of large vessels or barges. Further, a concrete anchor pad with steel stanchions had been constructed on the land, accommodating the fixed end of a conveyor system from a steel pontoon float on the water adjacent to two of the dolphins. This conveyor, with belting approximately four feet wide, is arranged to transfer material to a second conveyor, this one a portable unit mounted on rubber tires, so articulated that it may dump material along an arc about the anchor pad location. Construction trailers, a portable generator and above-ground fueling tank are also situated in this area.

On March 18, 1974 at 11:00 a.m., the Chief Building Inspector posted stop work orders on the site, as the work had been and was being done without benefit of the necessary building permits and Preliminary Plan Approval. To that time, and in fact up to the present date, no applications have been made for Municipal permits or approvals for the work, and hence the work is in violation of the Burnaby Building Bylaw and Burnaby Zoning Bylaw.

A subsequent official inspection by the Building Inspector on March 26 revealed that the Notice of Suspension had not been observed by those involved, as equipment had been assembled, installed, and put into operation, a portable electrical generating set situated on the work site, and a bulldozer was being used to continue leveling of the site.

Further, we are advised that no permits have been issued by the National Harbours Board for construction of the dolphins, as required under the Navigable Waters Protection Act. Nor has approval been requested of or obtained from the Fire Prevention Office or Fire Marshal for the fueling installation existing on the site. Consequently the work is in violation of the Fire Prevention Bylaw and apparently contrary to the provisions of the Navigable Waters Protection Act.

Despite the fact that the stop work order was issued on March 18, and referred to both construction and installation activities, a visit to the site on March 27 revealed that work was still in progress by a welder on the equipment on the site, and a bulldozer was clearing and grading an additional area of the land, reportedly to accommodate additional piles of material to be brought in by barge. This grading caused spoil material to be piled up into a treed natural area adjacent to the open area where most of the activity is taking place.

It has been difficult to determine precisely who is responsible for the work done to date, but it is known that Rivtow Straits Limited was involved in the creation of the barge facility and that Fraser River Pile Driving Company Limited did the pile driving. Sources within these companies are unable to state who was responsible for obtaining the necessary permits. It is understood that the work was done for Kask Brothers Ready Mix Limited, who have commenced using the site for the unloading and storage of aggregates barged in to the site, and it is understood that Kask Brothers have entered into a short term lease of a portion of the property from the Kapoors, although this has yet to be confirmed.

C. Industrial Activity on the Site

Since the date on which work was to be stopped on the site and the equipment, at least one barge has been unloaded at the facility, and a large pile of aggregate has been created on an open area of the site. This material is presently being loaded by a front-end loader and trucked from the site to the Kask Brothers ready mix plant roughly one mile to the west, where large volumes of material are being stockpiled. It is reported that at least one additional bargeload is expected later this week, and the clearing operation observed was ordered to provide space for the additional material.

This industrial activity constitutes a new development on the site under the Burnaby Zoning Bylaw, and as such requires Preliminary Plan Approval, prior to receiving a Business License. On March 27, after contact by the License Inspector, Kask Brothers made application for a business license to conduct its operations on this site. As neither Preliminary Plan Approval nor the necessary business license have been obtained to date, the activities being carried on are illegal.

The Land Agent is reporting separately on the matters concerning impact of the activity on value of the land, and on the status of negotiations between the owners and the Municipality concerning acquisition.

D. Summary

The Council are well aware of the significance of the Kapoor property in the Development Concept for the Eastern Segment of the Municipal Burrard Inlet Foreshore. The property and waterlots are to be developed as the principal focus of the Recreational Core under the development concept, and the report on the topic adopted by Council stressed that the natural setting of the Kapoor and Texaco sites is unique in character and worthy of preservation and public enjoyment. Moreover, it was emphasized that industrial development of the Kapoor property would pre-empt the essential component of the proposed recreational core, and was strongly opposed. To preserve the natural quality of the site and initiate the public recreational development, the Municipality has moved to acquire the site and to proceed with rezoning of this and other properties to effect the development plan.

The illegal activities that have taken place and at this moment continue to be conducted are totally in opposition to Council's objectives for the property and the rezoning proposal (M3 Heavy Industrial District to P3 Park and Public Use District) which is to be considered at a Public Hearing on April 23.

In order to preserve the remaining natural quality of the site and prevent further illegal activity and construction, it is imperative that the Bylaws be enforced directly. Accordingly, staff are at this time taking the strongest possible actions to prevent further contravention of the Municipal Bylaws and the public interest concerning this part of the waterfront. It is requested that Council support this position and take the following actions to restore normality, to prevent further despoiling of the natural environment, and the expedite acquisition of the land.

Recommendations:

It is recommended that:

1. Council endorse the necessary action to require that the illegal use and development of the property be halted immediately,
2. authorization be given to withhold Building Permits and Preliminary Plan Approval pending determination of the rezoning application presently being considered.

Respectfully submitted,


A. L. Parr,
DIRECTOR OF PLANNING.


DGS:cm

Location sketch attached.

cc: Land Agent
Municipal Solicitor