

RE: LETTER FROM MR. MAURICE LeCOMTE, GALAXIE SIGNS, WHICH APPEARED ON THE
AGENDA FOR THE FEBRUARY 23RD MEETING OF COUNCIL (ITEM 4 C)
PUBLIC PARKING - ROYAL OAK AVENUE ROAD ALLOWANCE BETWEEN REGENT STREET
AND STILL CREEK

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building
Inspection be adopted.

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TO: MUNICIPAL MANAGER 1987 MARCH 04

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: PUBLIC PARKING - ROYAL OAK AVENUE ROAD ALLOWANCE
BETWEEN REGENT STREET AND STILL CREEK

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Maurice LeComte,
Galaxie Signs, 3085 Regent Street, Burnaby, B. C., V5C 3H4,
and to Mr. W. Friesen, Regent Repairs Ltd., 5211 Regent
Street, Burnaby, B. C., V5C 4H4.

REPORT

1.0 INTRODUCTION

Appearing on the 1987 February 23 Council Agenda was a letter from Mr. Maurice LeComte of Galaxie Signs Ltd. requesting permission to utilize the Royal Oak Avenue road allowance between Regent Street and Still Creek for public parking purposes (refer to attached sketch). Also appearing on the 1987 March 02 Council Agenda was a letter from Mr. W. Friesen of Regent Repairs Ld. regarding the same topic.

2.0 SUMMARY

At the present time, there appears to be a dispute over the right to the use of the unopened Royal Oak Avenue road allowance between Regent Street and Still Creek Avenue for off-street parking purposes. Galaxie Signs located at 5085 Regent Street, Regent Repairs Ltd. located at 5211 Regent Street and another property owner located adjacent to the road allowance at 5175 Regent Street all wish to park vehicles on the allowance. Council is advised that the Municipality is not in a position to grant exclusive use of the road allowance to any party and that staff will explore the possibility of abandoning and selling the road allowance at fair market value in order to allow it to be appropriately utilized, while protecting any necessary access requirements. Staff will also endeavor to work closely with Galaxie Signs Ltd. to resolve their existing problems with insufficient off-street parking.

3.0 GENERAL COMMENTS

- 3.1 At the present time, Galaxie Signs operates their business at 5085 Regent Street located two properties removed from the subject road allowance. Council is advised that, due to the manner in which they operate their business on the site, there is insufficient off-street parking to satisfy the prevailing Zoning Bylaw regulations as well as their business needs. The existing building occupies approximately 50% of the total site. A large portion of the remaining site area is utilized for outside storage which eliminated a large area that was utilized for parking prior to their occupancy of the site.

Their business operation requires 23 off-street parking spaces to comply with the zoning regulations and only 16 spaces can be provided under the present circumstances. Additional parking could be accommodated on their site if their large outdoor storage area was reduced in size and effectively used for off-street parking in order to comply with the parking bylaw regulations.

3.2 Regent Repairs Ltd. presently operates their facility at 5211 Regent Street immediately east of the Royal Oak Avenue road allowance. In reference to the several items of concern expressed by Mr. Friesen in his letter regarding this matter, the Planning & Building Inspection Department offers the following comments:

3.2.1 Access to Royal Oak Avenue (Items #4, #5, and #9):

The Planning & Building Inspection Department is not aware of any approvals given to Regent Repairs Ltd. to obtain and rely upon access to the unopened Royal Oak Avenue road allowance. Preliminary Plan Approval and Building Permit drawings specifically indicate that access would not be permitted to or from the unopened allowance. As such, there were no negotiations or assurances made by the Municipality in this regard.

3.2.2 Blacktopping improvements made to the Royal Oak Avenue road allowance (Item #5):

Council is advised that the Municipality did not authorize the installation of blacktopping within this road allowance. Furthermore, any such improvements made to unopened road allowances by a private person or company is contrary to Municipal policy.

3.2.3 Use of Municipal Property at the end of Regent Street (2871 Westminster Avenue) for parking purposes (Item #26):

Council is advised that this Municipally owned property forms part of the future site of the Municipal Works Yard and should therefore not be made available for rezoning to the P8 District for public parking purposes.

3.3 The subject Royal Oak Avenue road allowance has not been officially opened as a Municipal Street. The Municipality does not have a policy that allows for the private use of public road allowances. However, public road allowances have been used to create public parking lots on a time limited basis where there is sufficient demand by the general public. Such parking lots are open to the general public and exclusive use of such facilities is not, and cannot be, given by the Municipality.

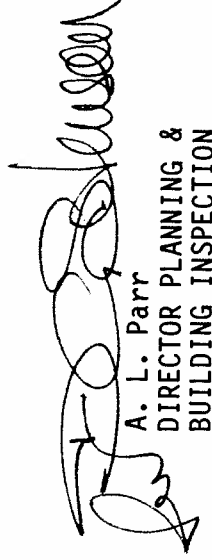
3.4 Another means by which a road allowance can be utilized for parking purposes is by abandoning the right of way by adoption of a Road Closing Bylaw if it has been determined that the allowance is redundant. For the Municipality to obtain title to an abandoned road allowance, the consent of the abutting owners to the closing and vesting of title would be required. All or half of the allowance could then be sold at fair market value to abutting property owners for consolidation with their respective sites. Alternatively, the road allowance could be closed and sold by public tender as a separate legal parcel of land at fair market value. Rezoning to the P8 Parking District would also be necessary to allow for off-street parking as a principal use.

3.5 The Planning and Building Inspection Department has recently been in contact with Mr. W. Friesen of Regent Repairs Ltd. who has requested that he be permitted to formally lease the subject road allowance which abutts his site and which he has been unofficially using for a number of years as outlined in his letter. He was advised that the Municipality is not in a position to lease the road allowance since it is the property of Her Majesty the Queen in Right of the Province of British Columbia and that the allowance should be retained for access to Still Creek for maintenance by the Greater Vancouver Sewerage and Drainage District.

Additionally, access rights may be required for public pedestrian use in conjunction with future proposed park trail development adjacent the Creek. Mr. Friesen was advised that staff would further explore the possibility of closing Royal Oak and selling half or all of the allowance for consolidation with his site. Staff will pursue this matter as required and will report to Council in due course.

4.0 In view of the foregoing information, staff will examine the possibility of closing and selling the subject road allowance through the introduction of a Road Closure Bylaw while at the same time protecting necessary access to Still Creek via registered easements. Closure of the road would allow the sale of half the allowance to abutting property owners for consolidation with their respective sites, or alternatively, sale of the allowance by public tender as a legal parcel of land, upon obtaining consent of abutting owners and subject to rezoning to the P8 District which would permit creation of a 66 foot wide lot. In the latter case, Galaxie Signs Ltd. would then be in a position to purchase the allowance (if they are the successful bidder through the public tender process) following rezoning to the P8 District, to provide for their parking needs. In the interim, staff will endeavor to work with Galaxie Signs Ltd. to ensure that they comply with the parking bylaw and, if appropriate, explore the possibility of finding another site in Burnaby that could satisfy their operational requirements.

PS/hr
Attach.



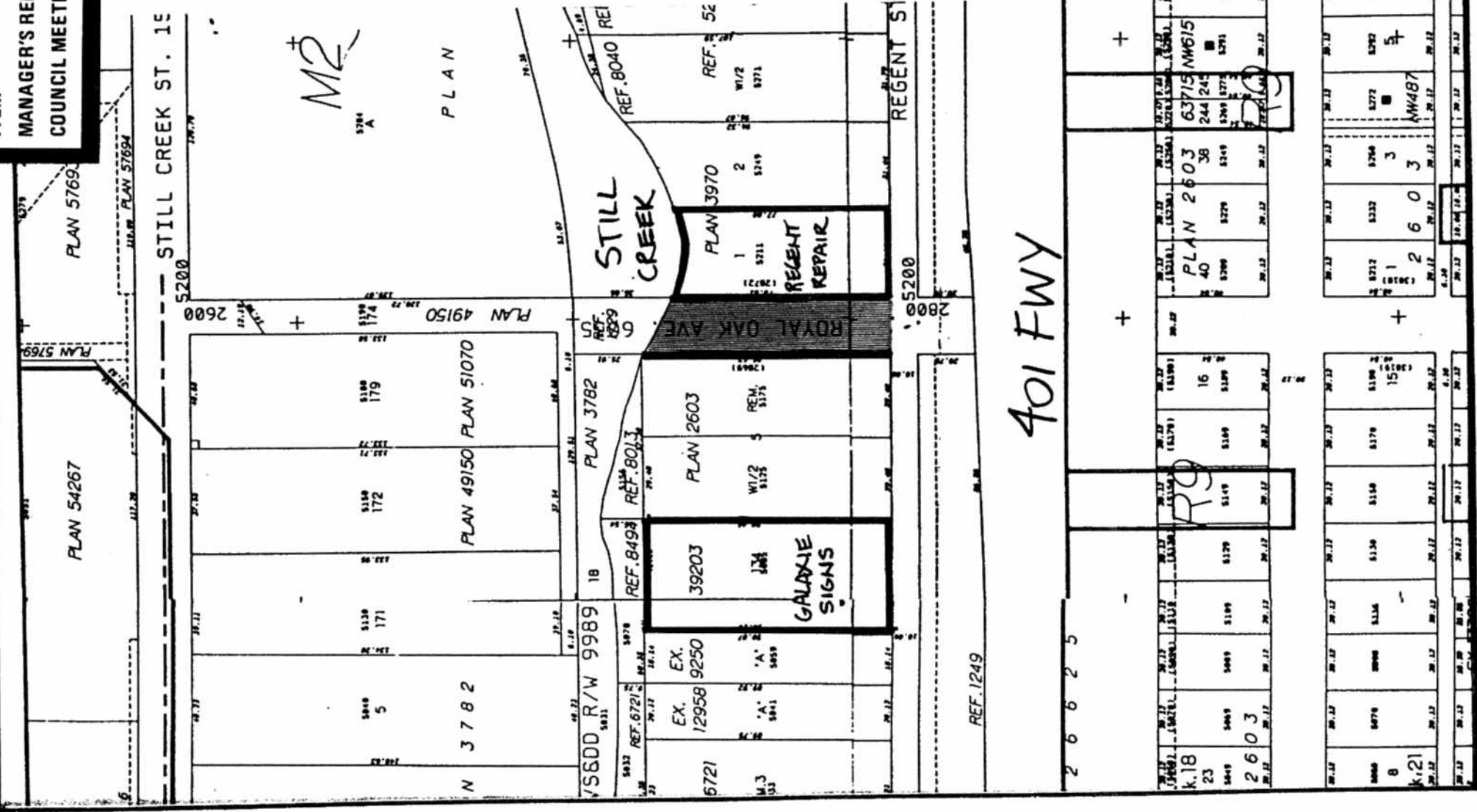
A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

128

STILL CREEK ST. 15

M2
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PLAN



Date
 1987 MARCH

Scale
 1:2000

Drawn By

ROYAL OAK AVE ROAD ALLOWANCE

