

RE: PROPOSED HIGHWAY EXCHANGE
PORTION OF ROYAL OAK AVENUE NORTH OF REGENT STREET
REGENT STREET WIDENING

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: ACTING MUNICIPAL MANAGER 1989 MAY 09
FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: R.C. 2/87
SUBJECT: PROPOSED HIGHWAY EXCHANGE
PORTION OF ROYAL OAK AVENUE NORTH OF REGENT STREET
REGENT STREET WIDENING

PURPOSE: To provide Council with a follow-up on past discussions regarding potential closure of Royal Oak Avenue road allowance north of Regent Street, to inform of an application that has been filed for creation of a surface parking lot adjacent the Highway 1 right-of-way in the immediate area, and to propose a Highway Exchange that will simultaneously resolve both matters.

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RECOMMENDATIONS:

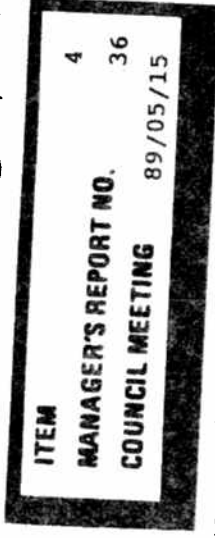
1. THAT Council support in principle the Highway Exchange outlined in Section 3.0 of this report.
2. THAT a copy of this report be sent to Galaxie Signs Ltd., 5085 Regent Street, Burnaby, B.C., V5C 4H4.

REPORT

1.0 BACKGROUND:

1.1 The purpose of this report is three-fold:

- i) to provide an update on the status of a matter considered by Council in early 1987 concerning potential closure of a portion of undeveloped road allowance in the industrial area north of Regent Street, to permit parking lot development for the benefit of certain businesses located in the area;
- ii) to advise Council of a current application for surface parking lot development by a local business on lands formerly owned by B.C. Hydro and located beneath the existing transmission lines immediately abutting the north side of the Freeway in the same immediate area; and
- iii) to propose a course of action that will appropriately resolve both the disposition of the redundant road allowance and also the preservation of the former Hydro lands for more appropriate land use and development.



- 1.2 On 1987 February 23 and March 02, Council received letters from two businesses located in the Regent Street/Still Creek industrial area requesting permission to utilize the Royal Oak Avenue Road allowance (see attached Sketch #1) for parking purposes. In a report submitted 1987 March 09, staff informed Council that it would examine the possibility of closing and selling the subject road allowance through the introduction of a Road Closure Bylaw, while protecting necessary access to Still Creek via registered easements. Background information was also presented outlining the status of the road allowance and the situation concerning the parking proposals advanced by the firms, and Council was advised of the possible need to rezone the property to the P8 Parking District. A copy of that report is attached for reference.
- 1.3 Staff pursued the potential closure to determine its feasibility and the conditions that would need to be attached, and on 1988 January 04 wrote to the owners of the adjacent properties (Regent Trailers Ltd. to the west and Regent Repairs Ltd. to the east) advising of the terms upon which closure and sale of the redundant road allowance could be recommended, and seeking the owners' written concurrence with the conditions, together with execution and return of the legal consent forms. Neither firm responded to the letter, and the road allowance today remains dedicated and still redundant.
- 2.0 **PROPOSED RECEIVED FOR CREATION OF SURFACE PARKING LOT GALAXIE SIGNS LTD. - PRELIMINARY PLAN APPLICATION (PPA) #9219**
- 2.1 An application for approval of a new 41-car surface parking lot on lands directly abutting Highway 1 south of Regent Street has been submitted by Galaxie Signs Ltd. (see attached Sketch #2). The site is zoned M2 General Industrial District and consists of two parcels formerly owned by B.C. Hydro in conjunction with a major transmission line right-of-way that traverses Central Burnaby. Galaxie Signs acquired these parcels early this year from B.C. Hydro and was successful in consolidating the lands with its site north of Regent Street (5085 Regent Street) by working directly through the Land Title Office, thereby effectively avoiding the need to apply for P8 zoning in conjunction with the proposed parking lot.
- 2.2 Staff consider the proposal to develop a surface parking lot at this location to be inappropriate relative to its visual impact, interference with desired beautification adjacent the Freeway, and conflict with the Municipality's need for additional road right-of-way to be acquired prior to completion of Regent Street (which is presently developed to only an interim standard within a 33-foot right-of-way) to a finished industrial road standard. Accordingly, staff have advised the applicant that it would be unwilling to support or recommend approval of the parking lot proposal for the reasons mentioned above, but rather proposed to recommend acquisition of the lands and development of an alternative solution for the sign company's additional parking needs.
- 2.3 (For information, staff have been informed that B.C. Hydro is interested in disposing of redundant portions of its land holdings associated with this power line right-of-way, and are at this time studying the feasibility and advisability of recommending to Council that authority be given for the Municipal Solicitor to enter into negotiations for those portions in which the Municipality would have an interest, either for road purposes, for consolidation with adjacent municipal holdings, for open space/beautification purposes, or for other public purposes.
- This matter is under active investigation by staff of the Legal and Planning & Building Inspection Departments, and will be the subject of a future report to Council.)

2.4

Officials of Galaxie Signs advise that they have been seeking a solution to their shortage of on-site parking on their property at 5085 Regent Street. Staff have met and discussed the matter with them on several past occasions in order to overcome the shortfall mentioned in the 1987 March 09 report, and are aware that Galaxie has had in place an agreement with a property owner west of their site for additional parking. However, as a result of a recent change of ownership of that property and potential further development on that site, Galaxie Signs has been obliged to look elsewhere for a longer term solution to their parking needs. They are most anxious to see their parking needs met and purchased the Hydro lands for this purpose; however, they recognize the concerns expressed by staff in this regard and have been willing to seek an alternative solution.

2.5

Upon discussion with representatives of the sign company, staff indicated that a possible resolution of the matter could be found in a mutually-beneficial highway exchange, whereby the land acquired by Galaxie Signs from B.C. Hydro which are required for future Regent Street widening might be exchanged for the redundant Royal Oak Avenue road allowance, subject to the necessary easements and other conditions. This solution, as more particularly described in the next section of this report, has been discussed in a preliminary way with the Municipal Solicitor, who indicates that it is an appropriate basis on which to proceed, and with the sign company, which has indicated that it is prepared to enter into the exchange for its property and to adhere to all the regulations (access to Still Creek, provision of a public walkway, paving, landscaping, etc.).

3.0

PROPOSED HIGHWAY EXCHANGE

3.1

It is being recommended that Council give approval in principle for a Highway Exchange that will dedicate the former B.C. Hydro parcels (presently part of Galaxie's consolidated site) for road purposes in exchange for the redundant portion of Royal Oak Avenue road allowance (see attached Sketch #3). This will effectively provide the dedication necessary for future widening of Regent Street across the 101.38 m extent of the Galaxie holdings as a first step in the acquisition of the land required for completion of the road. It will also provide Galaxie with a site suitable for rezoning to the P8 District and development of a suitably designed and screened parking lot, together with protection of services and retention of rights of public access to the future Still Creek walkway system.

3.2

Particulars of the proposed exchange are as follows (refer to Sketch #3):

Approximate area to be dedicated (Area "B") (from Galaxie).....	2240 m ²
Approximate area to be exchanged (Area "A") (to Galaxie).....	1491 m ²
Net Difference (in favour of road dedication).....	749 m ²
(All figures subject to survey.)	

(Note that the road area to be closed and exchanged will be subject to necessary easements and encumbrances and subject to rezoning to the P8 Parking District, and that the former B.C. Hydro lands are also fully encumbered by rights-of-way retained by B.C. Hydro).

Despite the reduced land area of the proposed parking lot site, its configuration allows it to be used more efficiently than the site presently owned by Galaxie, and it is expected to be able to accommodate approximately 50 cars after providing space for landscaping and screening.

Staff will pursue the submission of a rezoning application for the Royal Oak Avenue parcel to the P8 District, and seek a suitable plan of development incorporating suitable paving, drainage, landscaping, and screening appropriate to the facility's location with respect to both Still Creek and the Highway.

Authority to introduce the necessary Highway Exchange Bylaw will be requested in conjunction with the forthcoming rezoning application report.

- 3.3 If Council so approves, the Director Engineering will be requested to prepare the necessary survey plans and the Municipal Solicitor will be requested to prepare and introduce the necessary Highway Exchange Bylaw for Council's consideration.

Staff will also conclude its study of the merits of acquisition of further B.C. Hydro land holdings associated with this transmission line, and provide its recommendations to Council in a future report.

- 3.4 In summary, the present application for development of a surface parking lot immediately abutting the Freeway is not supported, but the discussions concerning an alternative site north of Regent Street have led to identification of a solution that will begin to achieve some Municipal goals while providing the PPA applicant with a site on which to effect a permanent solution to his parking problem.

DGS:lf

Attachments

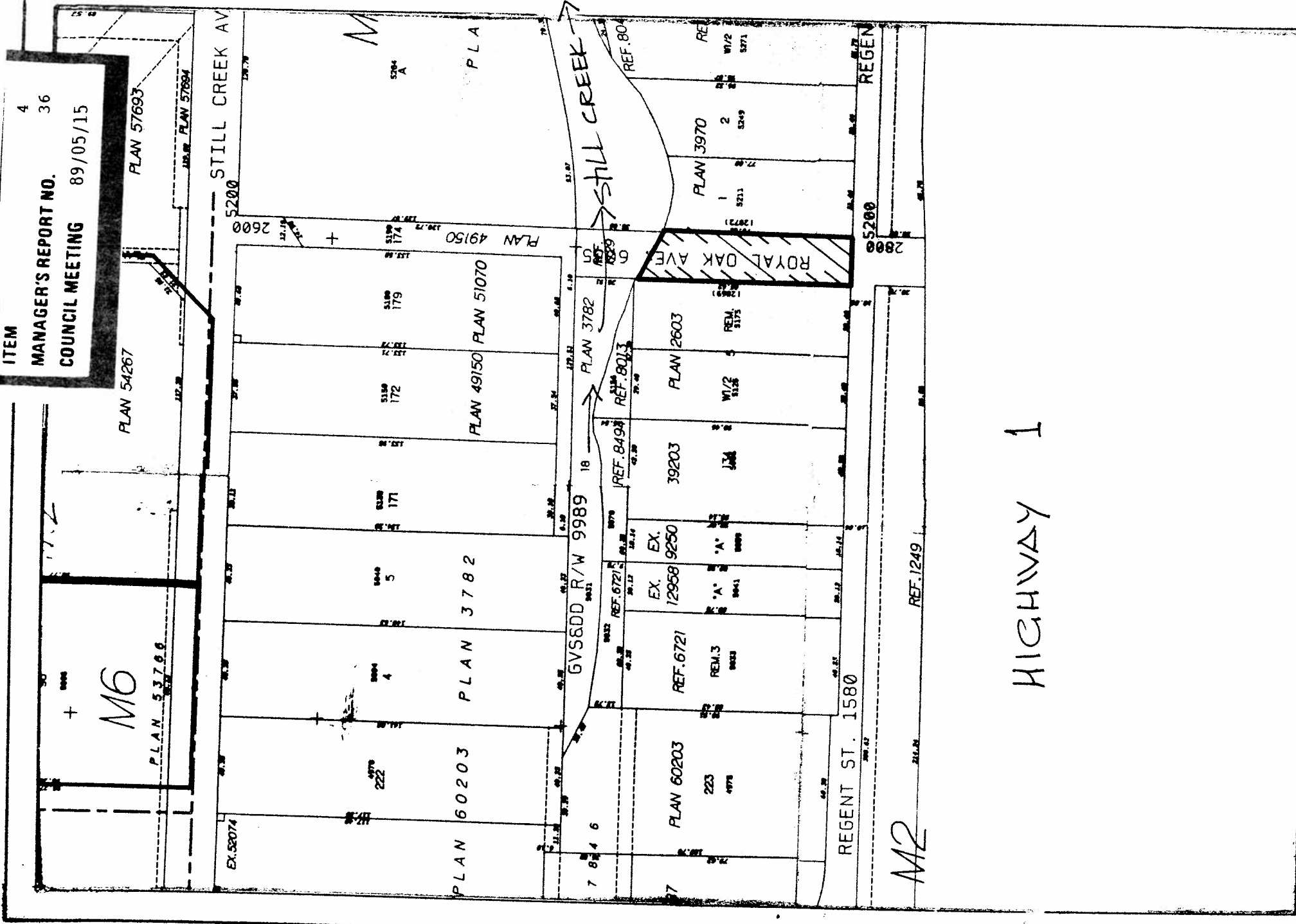
- cc: - Municipal Solicitor
- Director Engineering
- Director Recreation
& Cultural Services
- Transportation Planner



A. L. Parr
Director Planning &
Building Inspection

ITEM

4
MANAGER'S REPORT NO. 36
COUNCIL MEETING 89/05/15



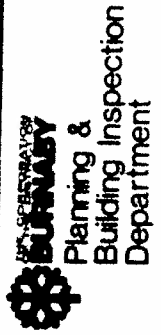
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1989 MAY

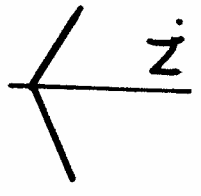
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Drawn By:



Royal Oak Ave. Road Allowance.



SKETCH #1 119-D

119-E

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MANAGER'S REPORT NO.	36
COUNCIL MEETING	89/05/15

ITEM	8
MANAGER'S REPORT NO.	17
COUNCIL MEETING	87/03/09

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.

* * * * *

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

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RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Maurice LeComte, Galaxie Signs, 5085 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.

ITEM

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BT-MO.

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17

87/03/09

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.

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PLANNING & BUILDING IN
PUBLIC PARKING - ROYAL
1987 MARCH 04 . . .

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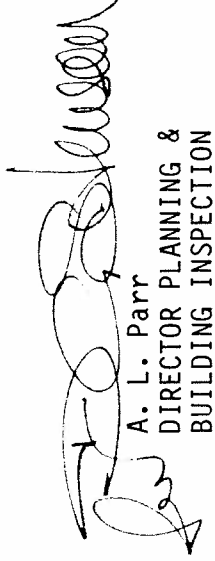
ITEM 8
MANAGER'S REPORT NO. 17
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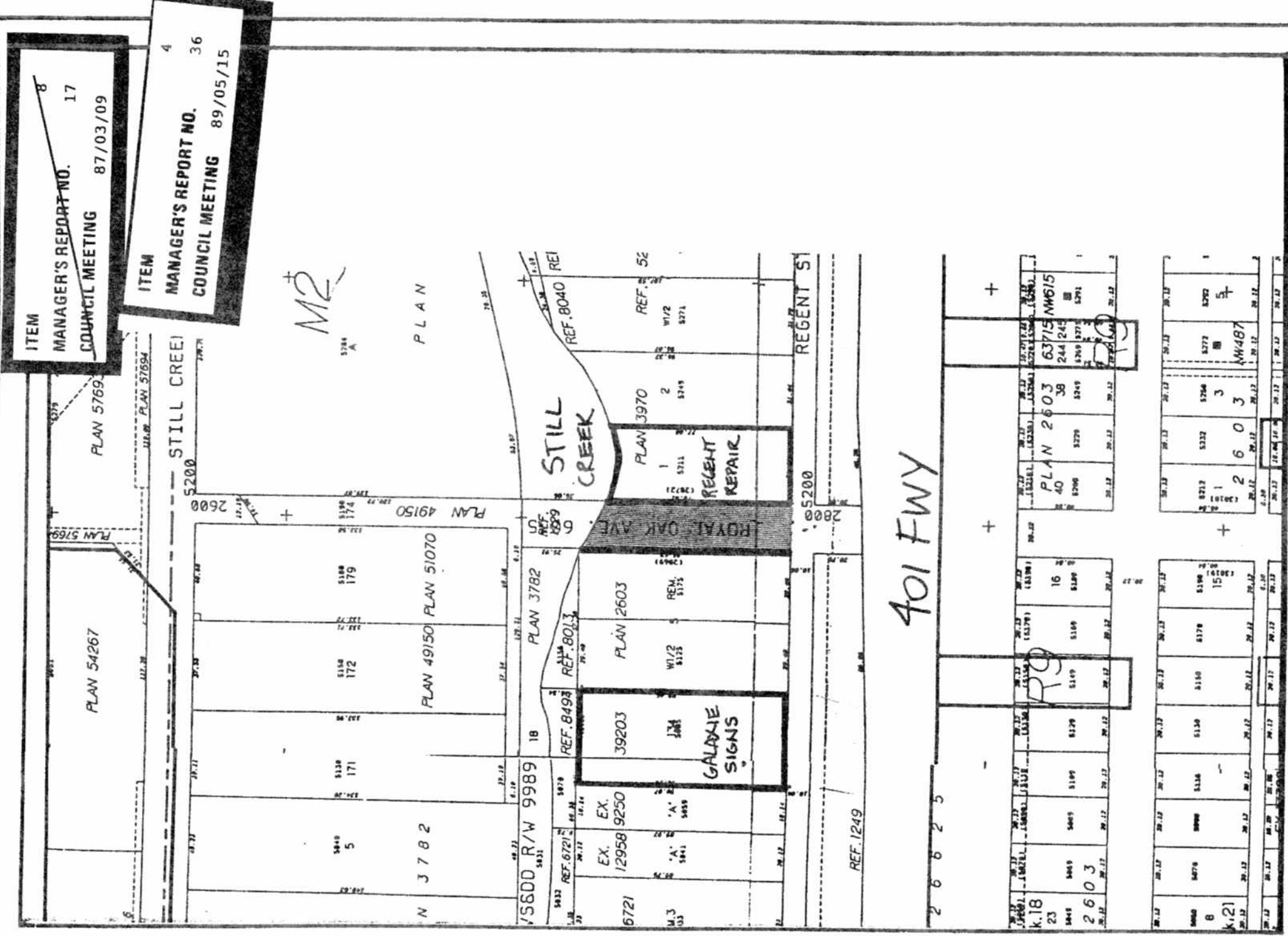
3.5 The Planning and Building Inspection Department has recently been in contact with Mr. W. Friesen of Regent Repairs Ltd. who has requested that he be permitted to formally lease the subject road allowance which abutts his site and which he has been unofficially using for a number of years as outlined 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

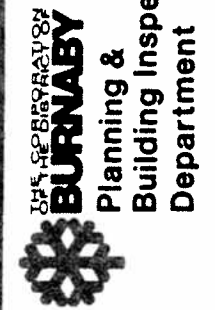


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A

PLAN

401 FWY



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1987 MARCH

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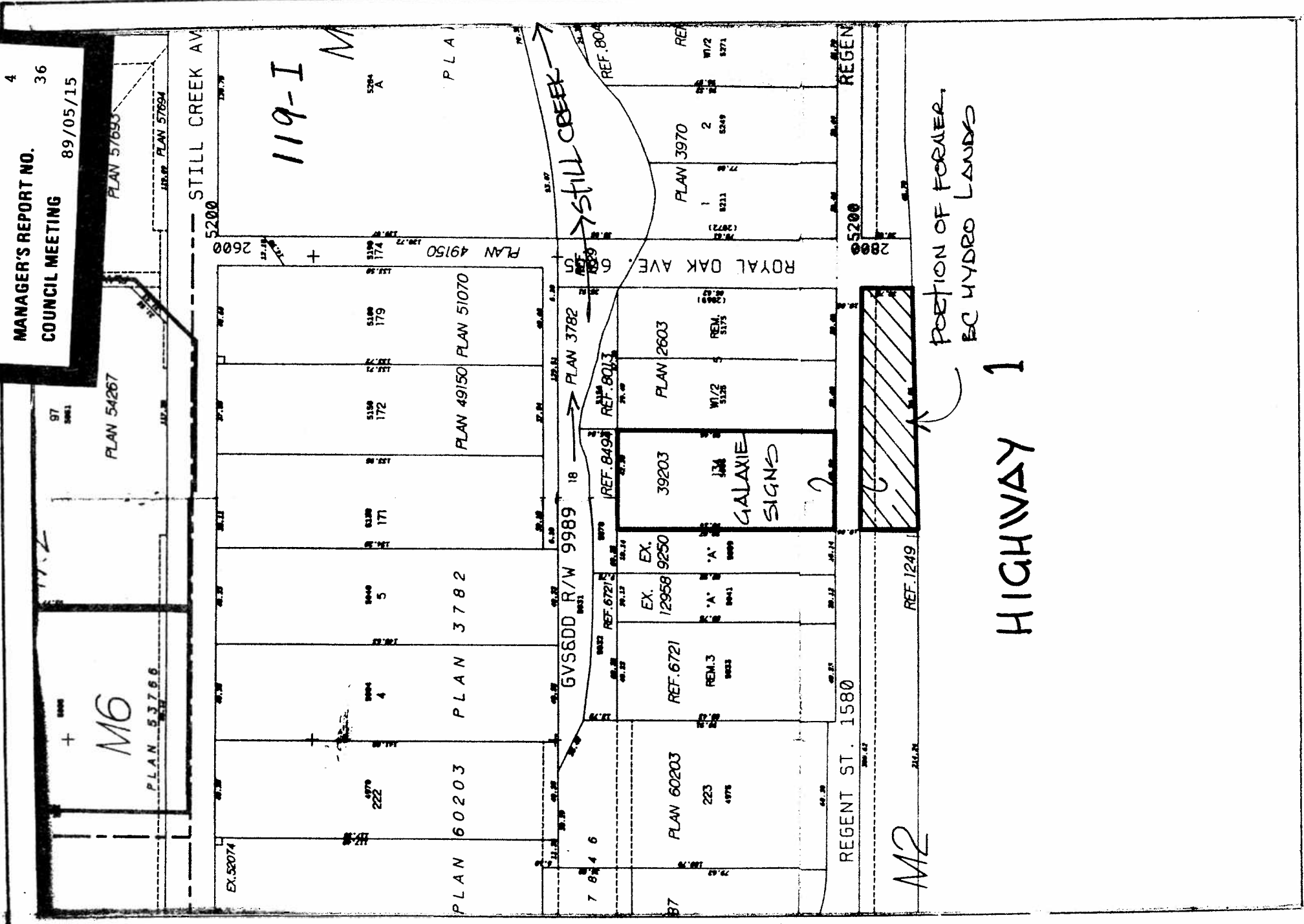
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ROYAL OAK AVE ROAD ALLOWANCE

119-H



ITEM 4
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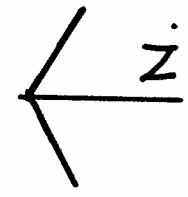


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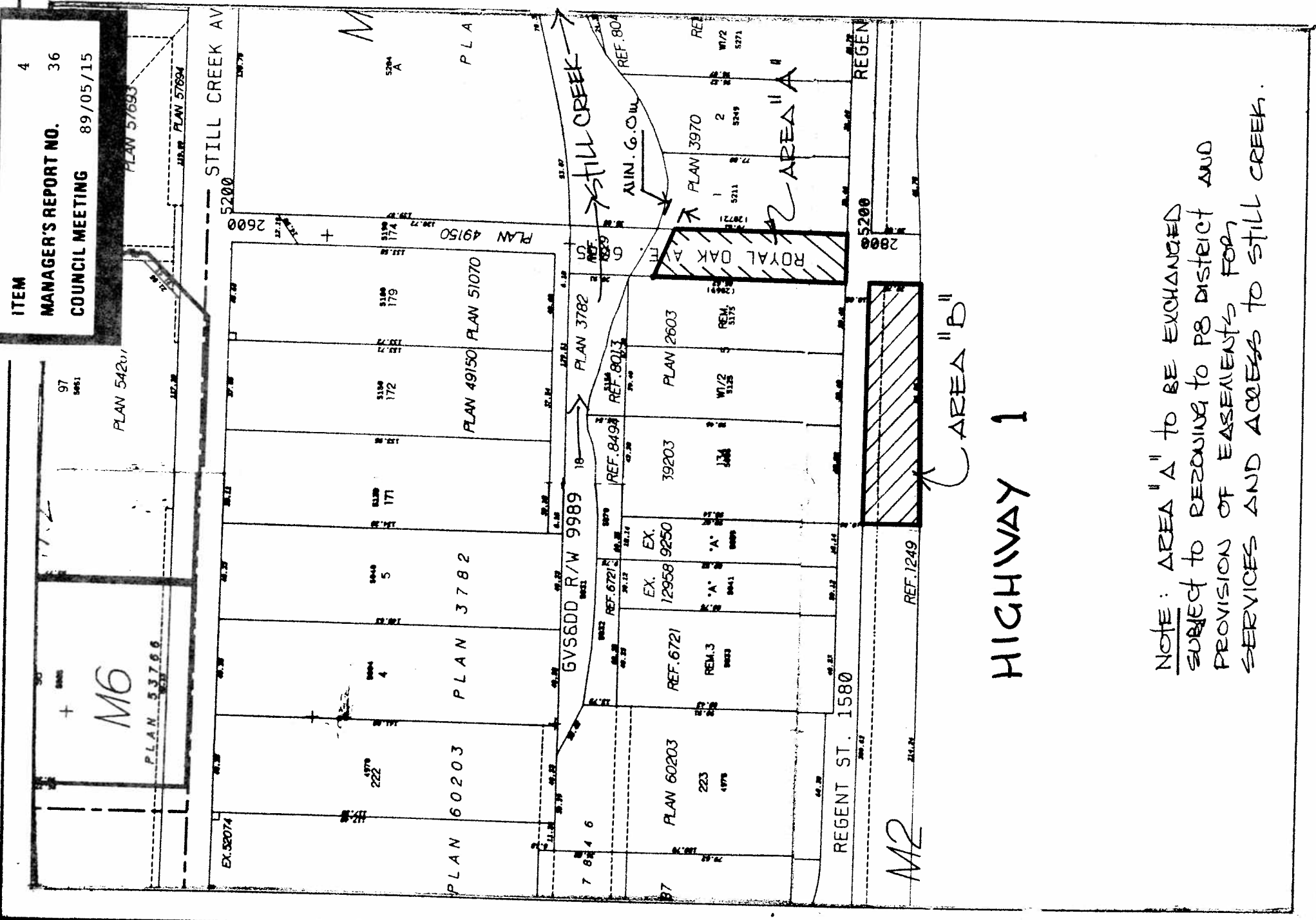
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SITE OF 41-CAR PARKING
 Lot PROPOSED UNDER
 PPA # 9219.

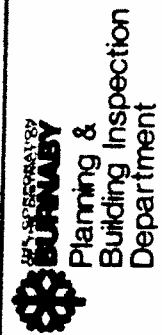


SKETCH # 2

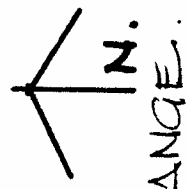
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NOTE: AREA "A" TO BE EXCHANGED
 SUBJECT TO REVIEWING TO P8 DISTRICT AND
 PROVISION OF EASEMENTS FOR
 SERVICES AND ACCESS TO STILL CREEK.



Date: 1989 MAY
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PROPOSED HIGHWAY EXCHANGE.

AREA "A" - 1491 m² ± (to GALAXIE)

AREA "B" - 2240 m² ± (to ROAD)

SKETCH # 3.119-J

