
TO: CITY MANAGER **DATE:** 2009 January 05

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20
Reference: **REZ #08-37**

SUBJECT: **REZONING REFERENCE#08-37**
5092/5094 Portland Street
Frogger's Creek Ravine Park

PURPOSE: To respond to issues raised at Public Hearing regarding the rezoning of the City property associated with Frogger's Creek Ravine Park.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to Mr. James Yu, 5092 Portland Street, Burnaby, BC V5J 2P8.

REPORT**1.0 INTRODUCTION**

- 1.1 At the Public Hearing held on 2009 December 16, a verbal submission was received from Mr. James Yu, owner of 5092 Portland Street regarding the rezoning of City lands within Frogger's Creek Ravine Park (Ptn. of Portland Street; 7841, 7861 and 7883 McGregor Avenue; 8012 and 7994 Nelson Avenue; and 4891 Marine Drive) from its current residential zoning to the P3 Park and Public Use District. Mr Yu also made a similar written submission to the Public Hearing.
- 1.2 In response to Mr. Yu's submissions, Council requested that staff report on the matters raised. This report responds to that request.

2.0 BACKGROUND

- 2.1 The Frogger's Creek Ravine Park site generally extends between Rumble Street to the north, Marine Drive to the west, Arthur and Nelson Avenues to the west, and McGregor Avenue to the east (see *attached* Sketch #1). A significant portion of the designated park site is in City ownership. There are 16 privately-owned lots, primarily in the northern portion of the park site, which remain to be acquired by the City for Park purposes as they become available. Mr. Yu's property is within the Parkland Acquisition Program.

- 2.2 On 2008 December 16, Council received a report regarding the rezoning of various City properties to the P3 Park and Public Use District to bring them into conformance with their use as park or conservation area, which included a number of properties in the Frogger's Creek Ravine Park site (Rezoning Reference #08-37). The report noted that rezoning is carried out as an administrative land designation procedure to ensure that the zoning conforms to the intended use, but does not indicate further park development of the subject lands is being pursued at this time.
- 2.3 Mr. Yu's property at 5092/5094 Portland Street is located on the southwest corner of the intersection of McGregor Avenue and Portland Street. The property is occupied with a newer two-family dwelling. Of the two units in the dwelling, the unit at 5092 Portland Street fronts onto the unopened section of Portland Street, and the unit at 5094 Portland Street fronts onto the adjoining property to the south. However, vehicular and pedestrian access to both units is provided from the east via the constructed McGregor Avenue.
- 2.4 The unopened portion of Portland Street adjacent Mr. Yu's property is within the established park boundaries for Frogger's Creek Ravine Park, and is part of the above referenced park rezoning (Rezoning Reference #08-37).

3.0 RESPONSE TO ISSUES RAISED

Mr. Yu expressed concerns that the rezoning of the portion Portland Street would eliminate access to his dwelling unit, reduce his privacy, as well as pose potential safety issues to dwellings in the immediate area. Mr. Yu also noted that the current addressing of his property has created some confusion for postal service and visitors. As part of the review of Mr. Yu's issues, staff conducted a site visit to the designated park land within the unopened Portland Street right-of-way. The following information is provided in response to these issues:

- 3.1 *Issue:* Mr. Yu raised a concern that the change in zoning to the P3 Park and Public Use District would result in a loss of privacy for his property at 5092/5094 Portland Street, as well as bring noise and potential safety threat to nearby dwellings.

In response, staff would advise that the rezoning is an administrative land designation procedure to ensure that the zoning conforms to the intended use. Frogger's Creek Ravine Park is generally intended to be maintained as a naturalized environmental area, in which no further development of the park is proposed at this time. As such, the rezoning would not affect a change to the use of the park land adjacent to Mr. Yu's property.

- 3.2 *Issue:* Mr. Yu advised that his current property address using the unopened Portland Street right-of-way causes some confusion with deliveries to his property.

In response, staff would advise that a Personal Preference Address Change could be completed by Mr. Yu to change his address to reference McGregor Avenue. Should Mr.

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Yu wish to pursue this change, the typical fee associated with this service would be waived given the benefit that would arise to emergency responders and others in reaching the property from its constructed accesses from McGregor Avenue.

As noted, in responding to Mr. Yu's concerns, staff conducted a site visit to the subject adjacent unopened road right-of-way associated with Portland Avenue. Arising from the site visit, staff noted that an unauthorized parking pad in the required front yard which encroaches onto the adjacent park land to the north (portion of Portland Street). A significant portion of this City park land has also been screened, landscaped and maintained as an extension of the front yard of 5092/5094 Portland Street. Staff have also noted that a covered deck structure, constructed without permit on 5092 Portland Avenue, which projects into the required side yard and encroaches onto the adjacent City park land to the west at 5080 Portland Street. Staff will be contacting Mr. Yu to advise of the requirement to remove the encroachments from the adjacent City park lands, to restore the park land to a naturalized state, and to bring the development of the property into conformance with the City's bylaws.

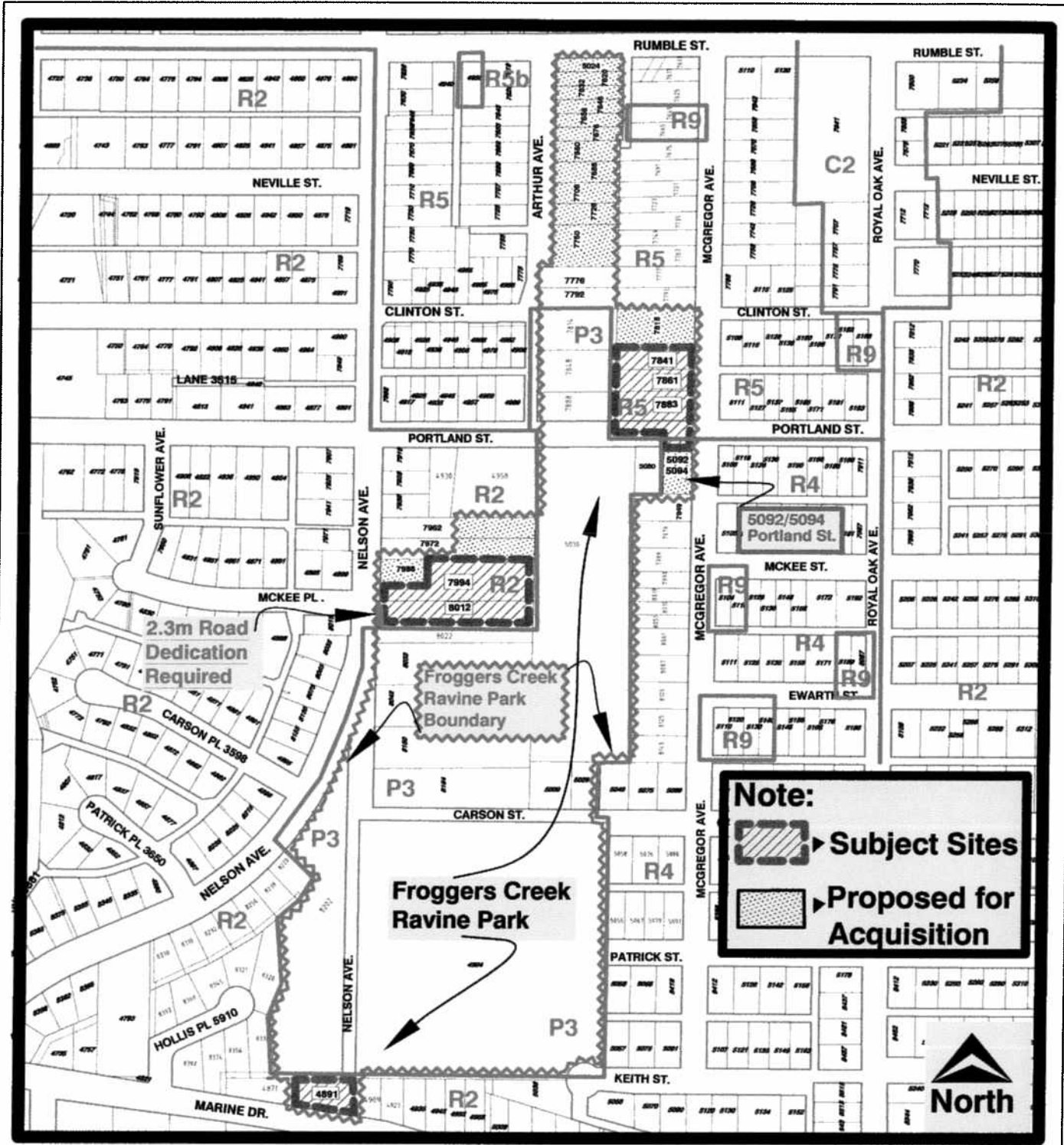
This report is provided for the information of Council.



B. Luksun
Director Planning and Building

ZM:gk:hr
Attach

cc: City Clerk
City Solicitor
Chief Building Inspector
Director Parks, Recreation and Cultural Services



Planning and Building Department

Scale: N.T.S.
 Drawn By: J.P.C.
 Date: January 2009

REZONING REFERENCE # 08 -- 37 C
Froggers Creek Ravine Park
 7841,7861&7883 McGregor Ave.and Ptn. of Portland St.
 8012 and 7994 Nelson Ave. and 4891 Marine Dr.

Sketch # 1