
TO: CITY MANAGER **DATE:** 2009 September 17

FROM: DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES

SUBJECT: BURNABY FRASER FORESHORE PARK – GVS & DD REQUEST FOR STATUTORY RIGHT-OF-WAY FOR MARSHEND PUMP STATION

PURPOSE: To request approval in principle for the granting of a Statutory Right-of-Way and temporary use of an area within Burnaby Fraser Foreshore Park in favour of the Greater Vancouver Regional District, and to request authorization for the Legal and Lands Department to negotiate the terms of a statutory right-of-way agreement.

RECOMMENDATIONS:

1. **THAT** approval in principle be given to the granting of a statutory right-of-way in favour of the Greater Vancouver Regional District over Lot 186 (Except part subdivided by Plan 47786), DL 165, Group 1, NWD, Plan 1050 within Burnaby Fraser Foreshore Park for the purpose of access and egress to the Marshend Sanitary Pump Station facility as described in the attached report.
2. **THAT** approval in principle be given to the temporary use of a 342 sq.m. area of parkland at Burnaby Fraser Foreshore Park for a construction laydown area during the proposed Marshend Pump Station retrofit construction period.
3. **THAT** the Legal and Lands Department be authorized to negotiate the terms of a statutory right-of-way agreement with the Greater Vancouver Regional District's Sewerage and Drainage District as outlined in this report.
4. **THAT** a copy of this report be sent to the Greater Vancouver Sewerage and Drainage District.

REPORT

At its 'Open' Meeting of 2009 September 16, the Parks, Recreation and Culture Commission received the above noted report and adopted the five recommendations contained therein.

To: Parks, Recreation & Culture Commission
From: Director Parks, Recreation & Cultural Services
Re: BURNABY FRASER FORESHORE PARK – GVS &
DD REQUEST FOR STATUTORY RIGHT-OF-WAY
FOR MARSHEND PUMP STATION

..... Page 2



Dave Ellenwood
DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES

DE:tc

Attachment

P:\ADMIN\TC\DATA\COUNCIL\PK-BURNABY FRASER FORESHORE PARK – GVS & DD REQUEST FOR STAT RIGHT-OF-WAY

Copied to: City Solicitor
Deputy City Manager
Director Engineering
Director Finance
Director Planning and Building

TO: CHAIR AND MEMBERS
PARKS, RECREATION & CULTURE COMMISSION

FROM: DIRECTOR PARKS, RECREATION &
CULTURAL SERVICES

**SUBJECT: BURNABY FRASER FORESHORE PARK – GVS & DD REQUEST FOR
STATUTORY RIGHT-OF-WAY FOR MARSHEND PUMP STATION**

RECOMMENDATIONS:

1. **THAT** approval in principle be given to the granting of a statutory right-of-way in favour of the Greater Vancouver Regional District over Lot 186 (Except part subdivided by Plan 47786), DL 165, Group 1, NWD, Plan 1050 within Burnaby Fraser Foreshore Park for the purpose of access and egress to the Marshend Sanitary Pump Station facility as described in this report.
2. **THAT** approval in principle be given to the temporary use of a 342 sq.m. area of parkland at Burnaby Fraser Foreshore Park for a construction laydown area during the proposed Marshend Pump Station retrofit construction period.
3. **THAT** the Legal and Lands Department be authorized to negotiate the terms of a statutory right-of-way agreement with the Greater Vancouver Regional District's Sewerage and Drainage District as outlined in this report.
4. **THAT** a copy of this report be sent to the Greater Vancouver Sewerage and Drainage District.
5. **THAT** Council be requested to concur.

REPORT

PURPOSE

Staff is in receipt of a request from the Greater Vancouver Sewerage and Drainage District (GVS & DD) for a statutory right-of-way over city-owned park land at 7255 Mountbatten Street (Lot 186), within Burnaby Fraser Foreshore Park, for the purpose of providing a pedestrian access and egress area for the planned Marshend Sanitary Pump Station retrofit. Temporary use of adjacent parkland to the east of the pump station for a construction lay down area is also being requested.

To: Parks, Recreation & Culture Commission
From: Director Parks, Recreation & Cultural Services
Re: Burnaby Fraser Foreshore Park - GVS&DD Request
for Statutory Right-of-Way for Marshend Pump
Station Upgrade Project

.....Page 2

The Marshend Pump Station is located on a GVS & DD owned property (7215 Mountbatten Street) within Burnaby Fraser Foreshore Park, adjacent to the group picnic site and the off-leash dog area and trail along the Byrne Creek dyke as illustrated in the attached sketch plan (Attachment #1).

At this time staff are seeking approval in principle to: the siting of the emergency access and egress and temporary construction lay down areas on city-owned parkland within the Burnaby Fraser Foreshore Park; the granting of a 78.7 sq.m. statutory right-of-way area for emergency access and egress to the expanded building; and authorization for the Legal and Lands Department to negotiate the terms of the Statutory Right-of-Way agreement in favour of GVS & DD. Authorization to grant and execute the SRW agreement and temporary construction access documentation will be sought in a future report to Commission and Council, outlining the negotiated terms.

BACKGROUND

The GVS & DD owned property at 7215 Mountbatten Street is currently used as a site for a wastewater pump station known as the Marshend Pump Station. This station collects sanitary sewerage from areas of Burnaby, New Westminster, and Vancouver and conveys it to the Annacis Waste Water Treatment Plant via a series of mains transiting the park. Upgrades are required to this pump station to maintain its longterm operating reliability. These upgrades include a seismic retrofit to the existing building, installation of a new standby generator, and a new building to house the generator and high voltage equipment. With the exception of two pipes located to the west of the pump station (within a former road right-of-way area), and a pipe located within the undeveloped Mountbatten Street road right-of-way, all GVS & DD infrastructure located within the park are within statutory rights-of-way. GVS & DD's request for the granting of any outstanding rights-of-way will be addressed through the pump station site rezoning process.

CURRENT SITUATION

The planned addition to the building at 7215 Mountbatten Street would extend the building footprint to the southeast property line of the GVS & DD owned lot, necessitating use of adjacent parkland to accommodate the required emergency egress from the new generator room at the southeast side of the building. To facilitate the retrofit, a rezoning of the pump station property from P3 (Park and Public Use District) to Comprehensive Development (CD) based on P2 (Administration and Assembly District), and the granting of a Statutory Right-of-Way area over the adjacent park land for the emergency egress are required.

The GVS & DD property is currently zoned P3 which permits 6.0 m., 6.0 m. and 9.0 m. property line setbacks for front side and rear yards respectively, and maximum building site coverage of 30%. With the new pump station building expansion, a different zoning is recommended by the City. The suggested zoning is Comprehensive Development based on P2, which could permit

To: Parks, Recreation & Culture Commission
From: Director Parks, Recreation & Cultural Services
Re: Burnaby Fraser Foreshore Park - GVS&DD Request
for Statutory Right-of-Way for Marshend Pump
Station Upgrade Project

.....Page 3

variances to the site's coverage and setback requirements, including the proposed 0.00 m. setback to the east property line. In order to achieve this, Metro Vancouver has submitted a rezoning application to the City, Rezoning Reference #09-13. At its meeting of 2009 July 22, Council received the attached staff report (Attachment #2) informing Council of the application, listing the preliminary rezoning considerations, and advising that the Planning Department will work with the applicant towards the preparation of a plan of development suitable for presentation to a Public Hearing on the understanding that a further report will be submitted at a later date.

PROJECT IMPACTS TO PARK

The location proposed for the pump station building expansion and statutory right-of-way area is encumbered by a grove of ten pine trees originally planted to screen the pump station building from park users. Removal of these trees will be necessary to facilitate the building expansion. Planting of replacement trees and landscaping adjacent the building and in the adjacent park area will be a requirement of the project approval.

Some disruption to the Burnaby Fraser Foreshore Park off-leash facilities, including a portion of the open area and east bank of the Byrne Creek dyke trail is expected to occur during the project construction and restoration periods. Fencing of the construction zone to separate construction activity and protect park users and their dogs will be required. Public notification and clear signage at the site informing park users of the construction activity and restrictions to use of a portion of the off-leash open area and dyke trail in advance of, and during construction will be required.

ENVIRONMENTAL AND OTHER APPROVAL REQUIREMENTS

As the facility is located partially within the riparian setback zone of Byrne Creek, review of the project by the City's Environmental Review Committee (ERC) is required. Preliminary review of the project plans by the ERC indicate that compensatory planting within the riparian zone of Byrne Creek located to the south, west and northeast of the pump station within Burnaby Fraser Foreshore Park will be required.

Compliance with the requirements of the Burnaby Noise and Sound Abatement Bylaw 1979, Amendment Bylaw No.1, 1995 and all applicable Sediment Control measures will be required during construction and site preparation for this project.

Rezoning Approval, Preliminary Plan Approval (PPA) and a Building Permit will be required prior to commencement of any construction at this site. Upon approval in principle to the granting of the statutory right-of-way, the GVS & DD will make application for PPA, however, final approval of the statutory right-of-way is required prior to final adoption of the rezoning.

To: Parks, Recreation & Culture Commission
From: Director Parks, Recreation & Cultural Services
Re: Burnaby Fraser Foreshore Park - GVS&DD Request
for Statutory Right-of-Way for Marshend Pump
Station Upgrade Project

..... Page 4

REQUESTED STATUTORY RIGHT-OF-WAY AREA

The proposed SRW area will be approximately 78.7 square metres in size. As illustrated in Attachment #1, the right-of-way is proposed to commence at the northeast property line of Lot 186 (park property) and extend in a narrow rectangle approximately 3 m. wide by 26.23 m. long along the southeast side of the GVS & DD's pump station property. The SRW area will include a paved pedestrian path and landscaped plant bed along the southeast side of the expanded pump station building. Access to the right-of-way area will be from the northeast, through the Mountbatten Street road allowance.

The proposed statutory right-of-way will encumber the land and restrict use of the area by the public for recreation, compensation for the land area will be required at market value. The standard City Terms will apply and the GVS & DD will be required to maintain the improvements and to comply with all other applicable permit and bylaw requirements.

It should be noted that the city-owned property, Lot 186, is dedicated for park purposes under Park Dedication Bylaw No. 9425 (1991). However, there is no impediment to the granting of this statutory right-of-way as the proposed works are considered an expansion of an existing regional facility within the park and the statutory right-of-way is for pedestrian access and egress purposes only.

SUMMARY

The City is in receipt of a request from the Greater Vancouver Sewerage and Drainage District for a statutory right-of-way over city-owned park land at Burnaby Fraser Foreshore Park for the purpose of pedestrian access and egress to an expanded Marshend Pump Station. Byrne Creek and the Fraser River will benefit directly from the environmental protection which would be provided by both a seismic upgrade and an emergency back-up power source for Marshend Pump Station. Staff are, therefore, advancing the GVS & DD's request to Commission and Council for approval in principle to use land at Burnaby Fraser Foreshore Park to facilitate the pump station retrofit based on an acceptable site plan and a restoration plan which meets both the GVS & DD's and the City's requirements and rezoning of the site to CD based on P2. Staff is also seeking authorization for the Legal and Lands Department to negotiate the terms, including compensation, of the proposed statutory right-of-way agreement.

To: Parks, Recreation & Culture Commission
From: Director Parks, Recreation & Cultural Services
Re: Burnaby Fraser Foreshore Park - GVS&DD Request
for Statutory Right-of-Way for Marshend Pump
Station Upgrade Project

..... Page 5



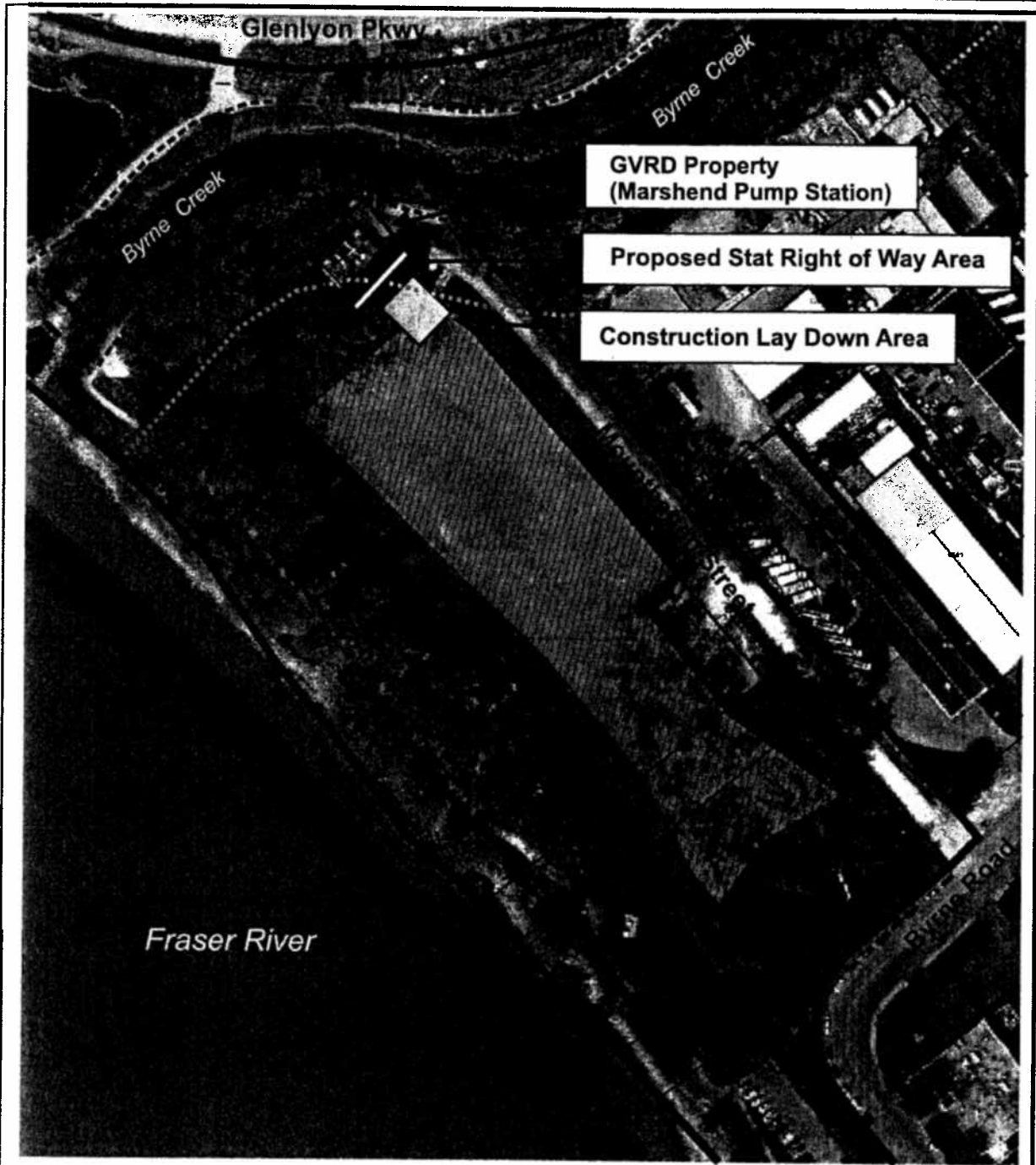
Dave Ellenwood
DIRECTOR PARKS, RECREATION & CULTURAL SERVICES

ATS:ats:tc

Attachments (2)

P:\admin\shared\as\reports\to be formatted\bby fraser foreshore_marshend pump station srw






Copied to: City Solicitor
Deputy City Manager
Director Engineering
Director Finance
Director Planning and Building



Burnaby Fraser Foreshore Park:
*Proposed Marshend Pumpstation
 Upgrade Project - SRW Area*

Scale: NTS
 Drawn By: LC
 Date: 09/01/09

Legend

-  Dog off leash area
-  Dog off leash trail
-  Group Picnic Area
-  Park Boundary
-  Riparian Setback

CITY OF BURNABY

PLANNING AND BUILDING

Rezoning Reference: 09-13

Council Date: 2009 July 22

ITEM #2

A rezoning application has been made and is briefly described as follows: (see attached sketches).

1. **Applicant:** Greater Vancouver Sewerage & Drainage District (GVS&DD), 4330 Kingsway, Burnaby, B.C. V5H 4G8 (Attention: Delia Laglagaron)
2. **Project Address:** 7215 Mountbatten Street
3. **Location:** The subject GVS & DD property is located south of Mountbatten Street by Burnaby Fraser Foreshore Park

Site: The subject site, measuring approximately 627.23 m² (6,751.67¹ sq.ft.), is currently occupied by the existing GVS & DD pump station
4. **From:** P3 Park and Public Use District

To: CD Comprehensive Development District (based on P2 Administration and Assembly District and Big Bend Development Plan)
5. **Rezoning:** For the purpose of retrofitting the existing Marshend (GVS&DD) pump station.
6. **Rezoning considerations will include, but not necessarily be limited to, the following:**
 - a. Submission of a suitable plan of development, with Parks Recreation and Cultural Services Department support, to ensure integration with Burnaby Fraser Foreshore Park
 - b. Submission of a geotechnical report regarding the stability of the site to accommodate the proposed development for the review of the Chief Building Inspector.
 - c. Satisfaction of site flood proofing requirements.
 - d. Submission of the applicable GVS&DD Sewerage Charge.
 - e. Provision of any necessary easements, covenants and statutory rights-of-way.
 - f. Submission of a Site Profile and resolution of any arising requirements.
 - g. Submission of a Tree Survey and Arborist's Report.
 - h. Submission of an environmental review and resolution of arising requirements related to the subject site's proximity to Byrne Creek.

The proposed prerequisite conditions to the rezoning will be included in a further report.

This Department will work with the applicant towards the preparation of a plan of development suitable for presentation to a Public Hearing on the understanding that a further report will be submitted at a later date.

7. **RECOMMENDATION:**

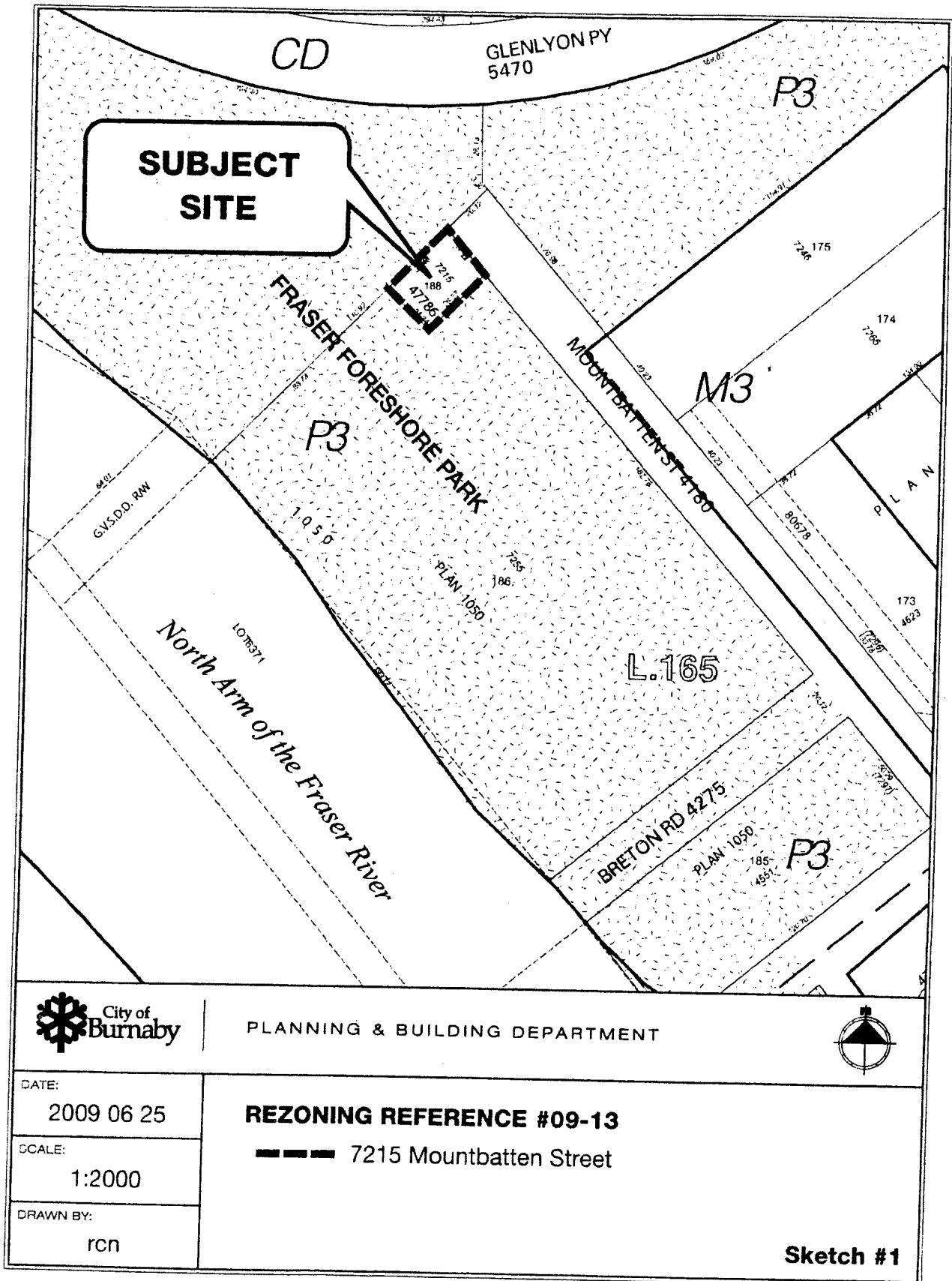
1. **THAT** this report be received for information purposes.

JBS

JBS:gk

Attachment: Sketches #1 & #2

cc: Director Engineering
Director Parks, Recreation & Cultural Services
City Clerk



City of Burnaby

PLANNING & BUILDING DEPARTMENT



DATE:
2009 06 25

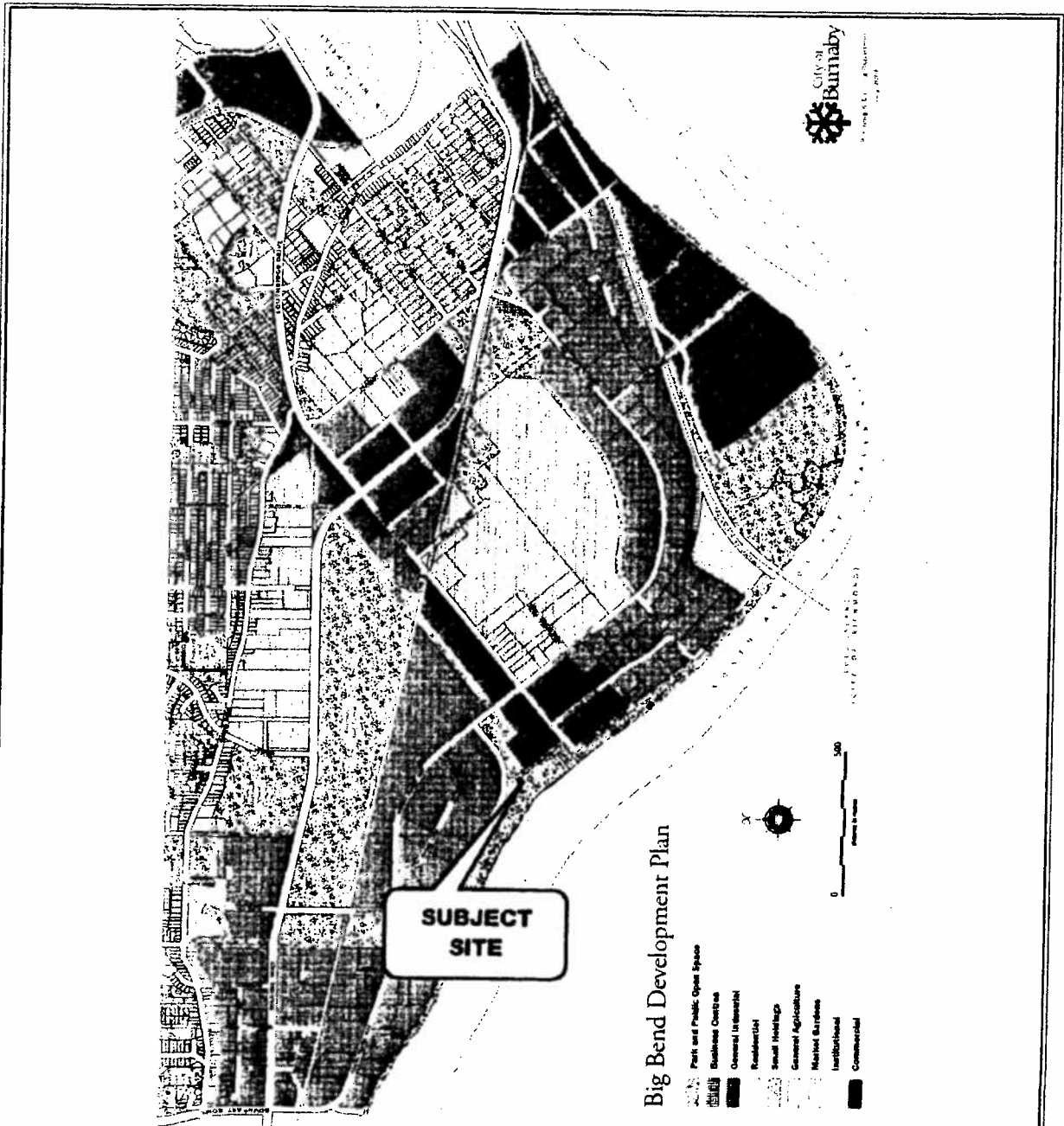
SCALE:
1:2000



DRAWN BY:
rcn

REZONING REFERENCE #09-13

--- 7215 Mountbatten Street

Sketch #1



		PLANNING & BUILDING DEPARTMENT		
DATE:	2009 06 25	REZONING REFERENCE #09-13 7215 Mountbatten Street		
SCALE:	nts			
DRAWN BY:	rcn			
				Sketch #2



metrovancover

4330 Kingsway, Burnaby, BC, Canada V5H 4G8 604-432-6200 www.metrovancover.org

Engineering & Construction Department
Civil, Mechanical Design and Construction
Phone 604-432-6405 Fax 604-432-6297

July 14, 2009

File: SE-02-01-05013-30

City of Burnaby
Planning and Building
4949 Canada Way
Burnaby, B.C. V5G 1M2

Attention: Mr. Johannes Schumann
Community Planner

Dear Sirs:

Re: Letter of Intent to Rezone
Marshend Pump Station Lands (7215 Mountbatten Street)

It is the intent of Metro Vancouver (GVS&DD), to rezone the property at 7215 Mountbatten Street (Marshend Pump Station) from the P3 Park and Public Use District to the CD Comprehensive Development District (utilizing the P2 Administration and Assembly District as a guideline) for the purpose of seismically upgrading the existing building, installation of a new generator and the construction of a new building to house the generator and high voltage equipment for the long term operation of the pump station.

Should you require further information, please contact our Project Manager, Robin Miller at (778) 452-2640 or Robin.Miller@metrovancover.org.

Yours truly,

A handwritten signature in black ink, appearing to read "Larry Yee".

Larry Yee, P. Eng.
Senior Engineer
Civil, Mechanical Design and Construction

LY/RM/rm

Attachments: Application for Rezoning
Title Search
Site Profile
Architectural Drawings (2)
Site Layout Drawing
Landscape Layout Drawing
Cheque for Site Profile Fee
Cheque for Rezoning Application Fee

cc: Saleh Haidar, M.Sc.) City of Burnaby, Engineering
Robyn McLean) City of Burnaby, Planning and Building
Lou Pelletier) City of Burnaby, Planning and Building
Alekos Sarter) City of Burnaby, Parks, Recreation, and Cultural Services
Catherine Lambert) Metro Vancouver, Property Division
Chris Loeppky, P. Eng.) Metro Vancouver, Operations and Maintenance
Robin Miller, P. Eng.) Metro Vancouver, Engineering and Construction

004950768