

To Public Hearing
Date: <u>Aug 18, 2003</u>
Item # _____
Re: <u>Bylaw 7516</u>
<u>4820 Steveston Hwy</u>

MayorandCouncillors

From: ~~Michael~~ Charlotte Sakaki [mikchar@axion.net]
Sent: July 23, 2003 3:07 PM
To: MayorandCouncillors
Subject: Fw: Fencing problem at Birchwood Estates

----- Original Message -----

From: Brownlee, David
To: Michael Sakaki
Cc: Erceg, Joe ; Crowe, Terry ; Schmidt, Al
Sent: Tuesday, July 22, 2003 2:34 PM
Subject: RE: Fencing problem at Birchwood Estates

Thanks for the note. I've forwarded your comments on to Joe Erceg, Manager Development Applications for his information. Al Schmidt with the Development Applications Section has advised that fencing was not included in the servicing agreement for the site developed by Jay Minhas. As Council did not direct staff to require the fencing it then comes down to the written commitment provided by Mr. Minhas and his agents. It appears from your note that he is following through with his commitment to provide the fencing.

The rezoning application at 4820 Steveston Hwy has now been deferred to a new Public Hearing date of August 18th at 7:00 pm. Currently there is no requirement for developers to provide fencing in the lane policy. Development Application's staff have advised that they have no plans for including fencing in the servicing agreement if one is required for this site. Monies paid in lieu of construction of the lane do not include provision for fencing.

With regard to the question of safety, I trust that you have discussed the requirements for protective fencing with Mr. Caravan with the Building Approvals Department.

Hopefully this email responds to the additional questions that you posed. I attempted to contact you by phone several times earlier today but the line was busy. Should you have additional questions with regard to this email please feel free to contact me at the number below.

David Brownlee

-----Original Message-----

From: Michael Sakaki [mailto:mikchar@axion.net]
Sent: July 22, 2003 11:52 AM
To: Brownlee, David
Subject: Fencing problem at Birchwood Estates

Hi David,

Many thanks for all your help and information yesterday as I spoke to you about our concerns regarding the current construction behind us and the future development at 4820 Steveston Hwy.

This morning the safety fence was removed which now leaves the finished lane fully open and exposed to our property with no fencing in place. There is no barricade stopping vehicles from entering the lane as it has been moved aside. I spoke to the developer (Jay Minhas 604-880-2228 this morning to find out what the plan is regarding the cedar fence that was supposed to be erected prior to construction. He stated that construction of the cedar fence would begin either this afternoon or tomorrow. In the meantime the lane is open to cars entering without fencing and we are now left waiting to see if he follows through on this commitment.

We feel that it is important that City staff are made aware of how this lane establishment policy is affecting current

neighborhoods and how the issue of safety is not being addressed adequately.

Thank you again for your attention to this matter.

Sincerely,
Charlotte Sakaki
604-241-4884

C.A. SAKAKI

#50 - 4800 Trimaran Dr.
Richmond, B.C.
V7E 4Y7
604-241-4884

mikchar@axion.net

To Public Hearing
Date: <u>Aug 18, 2003</u>
Item #: <u>26</u>
Re: <u>Bylaw 7516</u> <u>4820 Steveston Hwy</u>

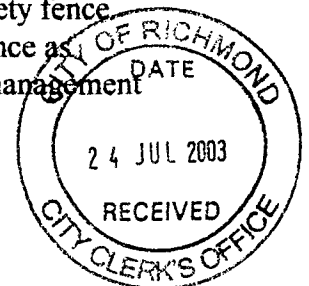
July 21, 2003

Mayor Malcolm Brodie and Council
City of Richmond
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Dear Mayor Malcolm Brodie and Council,

On behalf of the many concerned residents in our townhouse complex at Birchwood Estates, I wish to inform you of the impact of redevelopment in our neighborhood regarding the construction of 12 heritage homes and a lane on the south side of Steveston Hwy. between Trimaran Gate and Railway Avenue as it relates to the proposed development at 4820 Steveston Hwy. Our concerns of safety and fencing remain issues with the proposed development of two new single-family dwellings with access to a future lane which will back directly onto a well used play area on our property at 4800 Trimaran Drive.

At the November 18, 2002 public hearing we attended regarding construction at 4640 - 4740 Steveston Hwy. our request of a chain-link fence and landscape barrier between our property and the new lane was turned down and Council felt the developer's agreement to build a 6' cedar fence prior to construction was adequate. Construction began in earnest at the beginning of May with no new fence erected. Instead, a broken down fence collapsed onto our property blocking access to homeowner's yards and the construction site remained wide open while large backhoes, dumptrucks etc. worked in very close proximity to our yards. It took 9 days of phone calls to City employees, inspectors, and the developer before the site was secured by a temporary fence. There seems to be no city bylaw that requires the site to be secured for the protection of children, which meant we had to resort to involving WCB, who finally brought some common sense to this hazardous situation by enforcing an order to erect a safety fence. The lane is now complete, the street lights are in and there is still no cedar fence as agreed to by Elegant Development in their November 12, 2002 letter to our management company.



page 2 of 2

Fencing remains an issue with the proposed development at 4820 Steveston Hwy. The following questions are being asked by Birchwood Estates homeowners and remain unanswered at this point:

- 1) Will the existing fence remain?
- 2) Who will be responsible for replacing the existing fence when it requires replacing?
- 3) If the existing fence is removed, will the site be secured during construction when large machinery is brought in for the future lane development?

The current lane establishment bylaw does not deal with this issue in any way. Our situation is unique in that our townhouse complex is much closer in proximity to the new lane than the average single-family home and the fencing belongs to homeowners (developers) on Steveston Hwy. This will continue to be an issue with further development behind us on Steveston Hwy. as well as any future development on the west side of Railway Ave. We feel that the burden of cost should not fall on homeowners, such as ourselves, as a result of your lane establishment policy.

We would appreciate your consideration of these issues before approving any further development abutting our property and are looking to Council to begin minimizing the impact on our established neighborhoods with this new lane establishment policy. We look forward to working together to find acceptable solutions to the problems we have outlined.

Sincerely,

C. Sakaki

Charlotte A. Sakaki

attach.(2)

Lane Construction at 4640, 4700, 4720, 4740 Steveston Hwy.
(Impact on homeowners at 4800 Trimaran Dr.)



it took
9 DAYS
of phone
calls to the
developer &
the City to
get a safety
fence erected

It was WCI
finally, that
enforced the
order for a
safety fence



children
easily entered
the site wh
large machin
were operati

large holes
were left
unprotected

Birchwood
Estates

Birchwood Estates

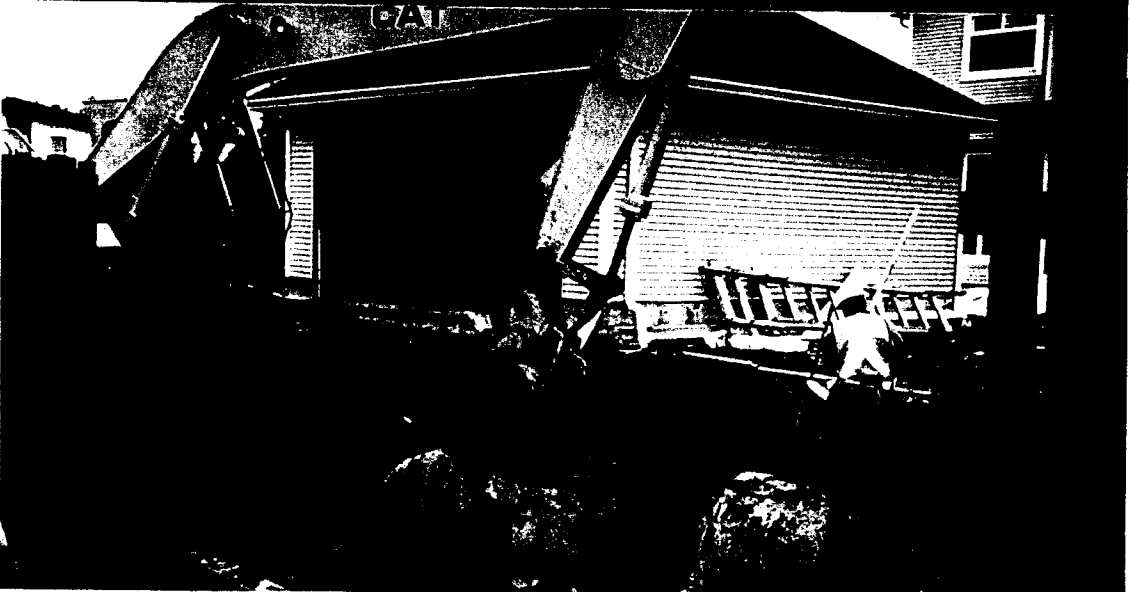


distance between new lane and some of the yards in Birchwood Estates at its closest point

children were at risk on our property while large machinery worked in close proximity with no safety fence



repeated calls to the developer & the City brought no action in having these hazards removed from our property



Birchwood property

large machinery working directly outside one of our yards