

21. Re: Lane Between Allman and Stanley Streets  
(ITEM 1 (In-Camera), Report No. 50, July 3, 1973)  
(ITEM 2 (In-Camera), Report No. 56, July 23, 1973)  
(ITEM 20, Report No. 66, September 4, 1973)

Council will recall that the proposal to open the lane between Allman and Stanley Streets (see attached sketch) has been the subject of considerable discussion and correspondence during recent weeks. Following for the information of Council is a summary of all related activities pertaining to this matter as of July 3, 1973, when Council was requested by a local resident to have the lane opened.

- JULY 3: Council approved the opening of the lane to Sixth Street, authorized the Land Agent to negotiate for requisition of the rear ten feet of Lot 3, Expl. Plan 14265, Block 2, D.L. 87, and directed the lane opening at Allman Street to be deferred until such time that Lot 3, Plan 1494 is subdivided.
- JULY 23: Council authorized preparation of a By-Law to expropriate the rear ten feet of Lot 3, Expl. Plan 14265, and directed that negotiation for acquisition of the parcel be continued.
- AUGUST 27: Council received a letter from Mr. & Mrs. Bruce Lucas objecting to the proposed opening of the lane.
- SEPTEMBER 4: Council received a letter opposing the lane from Mr. & Mrs. D. McGhee, two letters favoring the lane from Mr. W. J. Burrell and Mr. & Mrs. M. Burlin, a petition favoring the lane and a third report on the matter from Staff.
- Council subsequently on this date reaffirmed its previous decision to proceed with construction of the lane, and gave three readings to Burnaby Highway Expropriation By-Law No. 2, 1973.
- SEPTEMBER 10: Council finally adopted the Expropriation By-Law.
- SEPTEMBER 17: Council received a letter from F. A. Armstrong, owner on Lot 3, Expl. Plan 14265, and a petition opposing the lane. Mr. Armstrong on that date appeared before Council to state his objections to construction of the lane.
- SEPTEMBER 24: Council received another letter from F. M. Burlin, and a petition supporting construction of the lane.
- OCTOBER 1: Mr. F. M. Burlin will appear as a delegation to urge Council to have the lane from Allman Street opened at this time.

The positions of the Engineer and the Director of Planning are stated in their reports which are attached. It will be noted that the Engineer recommends that the lane be opened. The Director of Planning, on the other hand, is of the opinion that the lane between Allman and Stanley Streets is not necessary, but recommends that the matter be decided by the majority of the property owners that are affected. It should also be pointed out, however, that the Municipality continued to demand lane dedications on each subdivision regardless of any staff feelings about lanes.

As noted on the petition that Council received on September 24, 1973, the majority of the property owner's whose properties would abut the lane if it were constructed want the lane opened. (A sketch showing the locations of the property owners that want the lane was attached to the petition. This sketch is shown on page

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The Manager agrees that the status of the lane in question should be resolved by the wishes of the majority, and therefore recommends, on the basis of the petition showing that most of the abutting property owners want the lane, that it be opened.

Some comment is required on two points that are not covered in the attached reports. One refers to Mr. Burlin's statement in his letter dated September 4, 1973 to the effect that his dwelling on Lot 7856 was designed "in line with the Municipality's view that the lane is the best method of access and servicing the properties affected". A check with the Building Department has revealed that at the time of issuing a building permit, the owner was required to provide access to the street, and he was advised that lane was unconstructed. Mr. Burlin sited his carport in a manner to give him access to the street, while retaining the possibility of gaining lane access if the lane was developed. The siting of the carport, therefore, is not justification for completion of the lane.

The second point concerns a statement made by Mr. Armstrong in his letter dated September 13, 1973 regarding the need for a property owner to restore an area to its former standard following installation of a storm drain in June. Although this point is covered in Item 8 of the Engineer's Report, it must be noted that an investigation discloses that no Municipal Employee on any occasion told the property owner that the lane would "never go through". If Mr. Armstrong or the property owner can provide specific information concerning the identity of the person alleged to have made this statement, the matter will be fully investigated.

RECOMMENDATIONS:

THAT Council re-affirm its decision to proceed with the opening of the subject lane; and

THAT Council carry through with the intent of By-Law #6349, Burnaby Highway Expropriation By-Law #2, 1973; and

THAT Council's decision regarding the lane be conveyed to those persons who have expressed an interest in the matter.



ITEM 1 (IN CAMERA)  
 MANAGER'S REPORT NO. 50  
 COUNCIL MEETING July 3/73

ITEM 21  
 MANAGER'S REPORT NO. 73  
 COUNCIL MEETING Oct. 1/73

68	107	9	24.74
69	107	60	60
71	51.9	60	60
72	125.8	69	60
73	51.1	69	60
74	125.8	69	60
75	125.8	69	60
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80	125.8	69	60

LANE BETWEEN ALLMAN & STANLEY STREETS

IN FAVOR OF HAVING LANE OPENED AND

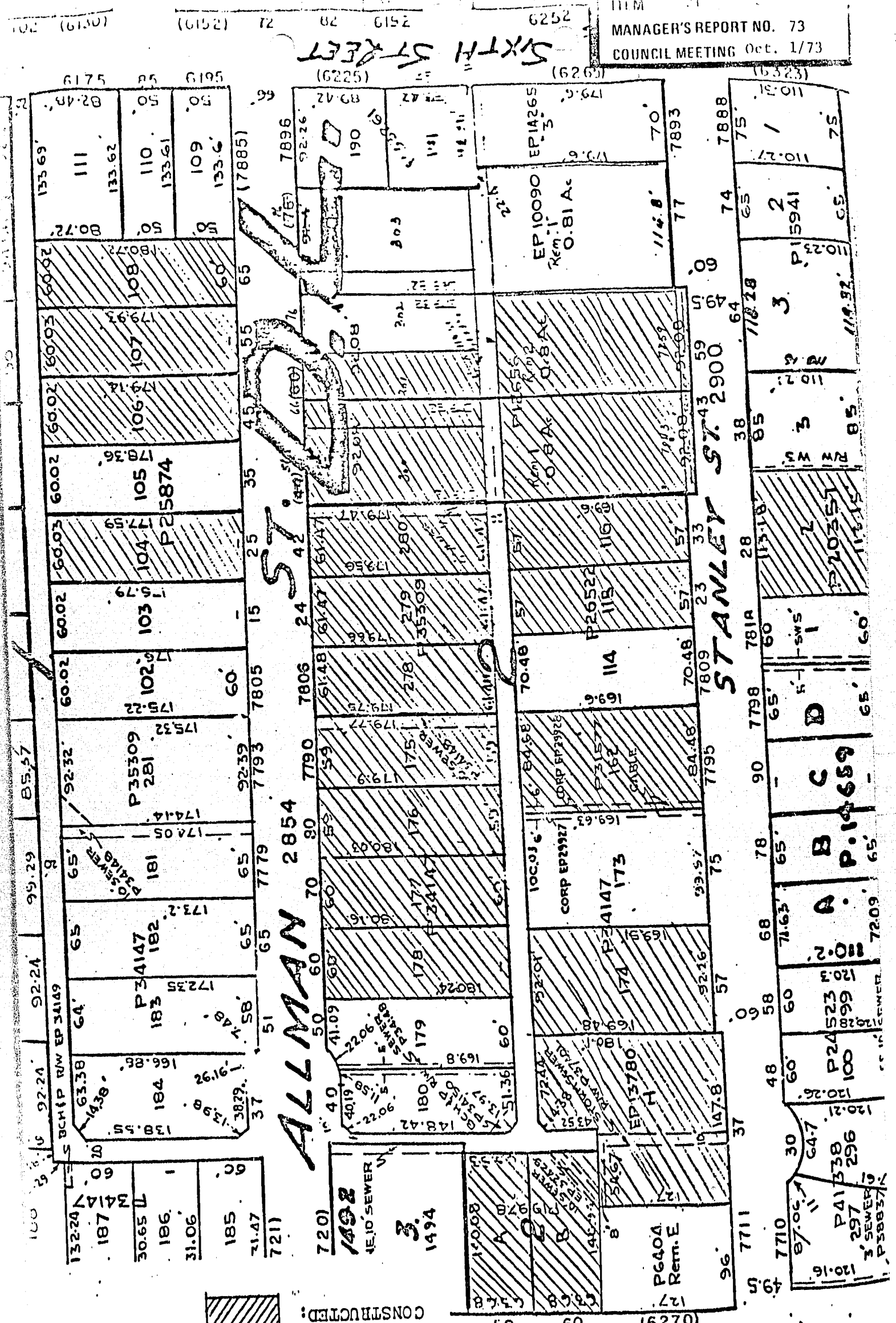
CONSTRUCTED:



ATTACHMENT TO ORIGINAL COMMUNICATIONS - September 26, 1973

Regular Council Meeting - September 26, 1973

CANADA



MANAGER'S REPORT NO. 73  
COUNCIL MEETING Oct. 1/73

Engineering Department  
27 September, 1973.

Mr. M.J. Shelley  
MUNICIPAL MANAGER.

Dear Sir:

Re: Lane Between Allman and Stanley Streets - 6th St. to Canada Way

BACKGROUND:

The subject lane was classified in 1969 as a "problem lane", along with several others which had arisen periodically from requests for construction, but all of which had some measure of outstanding lane allowance yet to be dedicated.

This specific lane had its beginning in subdivision planning in March of 1964 when the first portion of lane allowance was dedicated as a condition of subdivision approval. Subsequent subdivisions created additional lane allowance which, by 1969, had reached Allman Street with an L-shaped lane at the Canada Way end, but having insufficient lane allowance widths of only 10 ft. at both ends. A demand was made by the subdivision developers, Chan & Chan Ltd., to construct the lane utilizing either the 10 ft. section, or, alternately, by acquiring a full allowance through to 6th Street. The demand was reviewed and, largely because of the subdivision potential still remaining, Council elected not to proceed with construction at that time. Subsequent demands for construction occurred in August of 1970 and in March of 1971, with the same decision of Council resolving that no action be taken until "...necessary land is required at nominal cost to complete the lane allowance...". Such a decision at that time is considered quite justified inasmuch as a final internal subdivision occurred in 1973 with dedication of additional allowance and depositing of funds for construction; this brought forward the current request for construction starting in June of this year. In answer to the current request, a report on the lane was placed before Council, pointing out that only one parcel at the Canada Way end has any subdivision potential and that the allowance was complete to within 70 ft. of 6th Street, which in turn required only the acquisition of a 10 ft. x 70 ft. portion of Mr. Armstrong's non-subdivisible property at the 6th Street end of the lane. Council approved of that acquisition which required expropriation proceedings to resolve inasmuch as Mr. Armstrong is of the group that opposes lane construction.

PAST POLICY OF COUNCIL REGARDING PROBLEM LANES

As a result of considering a list of problem lanes, the Council on 10 August, 1970, established a policy whereby the Corporation is not considering any acquisition of land for a lane unless the required land is to be conveyed for the nominal consideration of not more than \$1.00. The Council did, however, exempt from that policy three specific lanes, one of which is the Allman-Stanley lane now under consideration, and decided to deal with these three in isolation from the total group of problem lanes.

Subsequently, at its meeting of 8 September, 1970, upon receiving additional information, the Council considered the three particular lanes, and with respect to the Allman-Stanley lane, the Council "...re-affirmed the current policy of not improving this lane until the necessary land is acquired at nominal cost to complete the lane allowance."



In his submission to Council, Mr. Armstrong sets out a number of objections to lanes, on which Council has asked the Engineering Department to comment. These are our comments corresponding to Mr. Armstrong's listed points:

1. We do not consider that lanes today are anachronistic but rather are proving themselves to be a real necessity in the solution of problems related to efficient land use brought on by the growth of an affluent society.

Secondary access to rear yards is necessary to provide parking for 2-and-3-car families which are quite prevalent today. Trends in modern house construction have almost completely cut off access to the rear yards by normally occupying the maximum frontage of a parcel. Without lane access, driveways and carports from the street tend to become storage areas for trailers, boats, campers, etc., which are in themselves a source of visual pollution to the appearance of any street. Allman Street was the subject of controversy on this particular point earlier this year when the Corporation was obligated, by the lack of a lane, to approve of the construction of two driveways from Allman Street.

Lanes in general, but the Allman-Stanley lane in particular, provide further value in reducing visual pollution of Hydro and telephone poles and lines by offering an acceptable alternative to the location of poles on Allman Street.

On sloping properties, such as between Stanley and Allman Streets, the lane ditches have proven to be an effective means of controlling surface drainage from one private property onto others. The advantage of drainage control was of necessity incorporated into the most recent municipal subdivision in the Buckingham Heights area because of surface run-off conditions.

2. Inasmuch as all lanes in Burnaby are constructed with asphalt surfacing, any possible untidy appearance and dust are minimized and is no worse a condition than that existing on an interim standard street. The location of garbage cans in lanes is considered by many as preferable to their unsightly appearance on pick-up days at the front of the streets.
3. The orientation of carports to Stanley Street and Allman Street was dictated by the lack of secondary access at the time that the houses were constructed. We believe, however, that the other advantages provide sufficient justification for construction of the lane.
4. Garbage collection from lanes does not necessarily require that owners carry their receptacles to the lane line. In the vast majority of cases, people station their receptacles permanently at the lane line and carry refuse to them on a regular basis throughout the week.
5. The construction of this lane will have no direct effect on taxes of abutting owners and a negligible effect on general taxation.

The lane is to be constructed from funds held in trust for the purpose, supplemented, if necessary, from a lane construction account which is specifically budgetted annually for that purpose. No local improvement charges are imposed in such cases where funds are held in trust for lane construction.

6. The Graham property (at the Canada Way end) is subdivisible and, ultimately, lane construction costs and dedication of additional allowance will be accomplished without cost to the Municipality; this accounts for the lack of a recommendation to acquire widening on the Graham property (avoidance of subdivision subsidy). Inasmuch as Allman Street is a dead-end street and the majority of the homes have access to their carports from the street as previously noted, the lack of lane access at the Canada Way end would not, in our opinion, generate any appreciable volume of lane traffic at the 6th Street entrance.

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7. The Municipal Subdivision Control By-law does not give any choice to developers on servicing requirements in subdivisions. Lane construction was required in this case, which can readily be justified, in our opinion, for this area for the reasons listed previously in this report; further, the lots are of sufficient length (approximately 180 ft.) where they can readily afford to relinquish a lane allowance.
8. The Gaetz property was created by subdivision which in turn created the lane allowance and provided funds for construction. The improvements on the lane allowance exist without legal justification and the most recent subdivider was even required to re-instate the area following storm sewer construction, as this is our long-standing policy regarding disruption of improvements.

Mr. Armstrong has been correctly advised that this is the only case, at least for some considerable time, where land is being considered for acquisition under terms other than the usual nominal \$1.00 amount. This was recognized when the matter was brought up again in 1973, but conditions and circumstances in this particular lane were considered to be sufficiently important to result in the recommendations contained in Item #1, Manager's Report #50, Council Meeting 3 July, 1973 (In Camera). The recommendation was for the Land Agent to negotiate for the 10 ft. of widening from Mr. Armstrong's property, but subsequently investigations by the Land Agent resulted in further reports to Council of 23 July, 1973 and 4 September, 1973, that the subject widening be expropriated.

## IT IS RECOMMENDED:

THAT Council re-affirm its decision to proceed with opening of the subject lane; and

THAT By-law #6349, being "Burnaby Highway Expropriation By-law #2, 1973" receive favourable consideration of Council; and

THAT a copy of this report be provided to all of those persons having an interest in the subject matter.

Respectfully submitted,

*E.E. Olson*  
E.E. Olson  
MUNICIPAL ENGINEER

EEO:op

- c.c. ( ) Planning Director  
( ) Land Agent  
( ) Municipal Solicitor  
( ) Municipal Clerk

TO: MUNICIPAL MANAGER DEPARTMENT:

FROM: DIRECTOR OF PLANNING DEPARTMENT:

SUBJECT: LANE BETWEEN ALLMAN AND STANLEY STREETS

ITEM 21

MANAGER'S REPORT NO. 73

COUNCIL MEETING Oct. 1/73

OUR FILE #

YOUR FILE #

At the September 17, 1973 meeting of the Municipal Council, a letter from Mr. F.A. Armstrong relative to the captioned item was referred to the staff for comment. We have examined this letter and have commented on those matters raised which make reference to planning policy as follows:-

- 1) Lanes are an anachronism today and are not found in our better subdivisions.

The Planning Department does not make provision for lanes in new subdivisions except where necessary for secondary access on arterial streets. It is, however, our policy to complete existing lanes and lane rights-of-way.

- 3) The existing carports on Allman and Stanley Streets are oriented towards the street rights-of-way.

A site inspection confirmed this statement.

- 6) The proposed lane will be open only on the 6th Street end.

If the lane were developed, this would temporarily be the case. It is reasonable to expect, however, that the property at the other end of the lane (adjacent to Canada Way) will be subdivided in the future and, at that time, the lane will be completed as a condition of subdivision.

- 7) The reasoning advanced that these persons subdividing indicated their desire for a lane by depositing funds for construction, is not true. The parties subdividing were not given any choice by the Planning Department.

A total of \$9,350.00 is held in trust for construction of this lane. These monies were obtained through normal subdivision procedure in line with Council's directive to continue (or complete) existing lane rights-of-way.


Mr. Armstrong further proposed the alternate solution that the lane be developed over someone else's property.

An inspection of the area reveals that existing development and lot sizes would preclude this possibility.

RECOMMENDATION:

The only part of the lane which is absolutely necessary is that portion paralleling and providing secondary access to Canada Way. The development of the remainder of lane does not appear to be of particular advantage to the Corporation in this instance. We are inclined to agree with many of the points raised by Mr. Armstrong (as noted above), and feel that the development of the balance of the lane is a matter which should be decided by those land owners directly affected. If the Council should decide that lane allowance is redundant, the monies held in trust should be returned and the lane allowance cancelled.

Yours truly,

  
A. I. PARR,  
DIRECTOR OF PLANNING