

RE: LETTER FROM MR. AND MRS. G. RIZZO AND MR. AND MRS. F. CIAPPONI WHICH  
APPEARED ON THE AGENDA FOR THE AUGUST 22ND MEETING OF COUNCIL (3 P)  
TRAFFIC PROBLEMS AT HOLDOM AVENUE AT KITCHENER STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Engineering be adopted.

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TO: MUNICIPAL MANAGER 1988 AUGUST 31  
FROM: DIRECTOR ENGINEERING  
SUBJECT: HOLDOM AVENUE AT KITCHENER STREET

RECOMMENDATION:

1. THAT a copy of this report be sent to:
  - (a) Mr. and Mrs. G. Rizzo, 1387 Holdom Avenue, Burnaby, B.C. V5B 3V5.
  - (b) Mr. and Mrs. F. Ciapponi, 1403 Holdom Avenue, Burnaby, B.C. V5B 3V5.
  - (c) Area Assessor, British Columbia Assessment Authority, #301 - 4199 Canada Way, Burnaby, B.C., V5G 1M1.

SUMMARY

The request for the installation of a cul-de-sac on Kitchener Street between Holdom and Fell Avenues has previously been dealt with by Council and denied. The request for a refund of taxes paid for the fifteen years prior to 1987 cannot be met as there are no provisions for retroactive appeals of assessments under the Assessment Act. There have been no accidents reported to the Burnaby R.C.M.P. since the installation, on 1986 December 31, of the 30 cm red flashing light mounted atop a 5 m post directed at westbound Kitchener Street traffic.

REPORT

Appearing on the 1988 August 22 Council Agenda was a letter jointly signed by Mr. and Mrs. G. Rizzo and Mr. and Mrs. F. Ciapponi. Within this letter the correspondents have made two requests, which are:

1. The placement of a cul-de-sac on Kitchener Street between Holdom and Fell Avenues, and
2. The "...assessed values on our houses for the past seventeen years be assessed at 50% and the applicable taxes and accrued interest on such be refunded to us".



The first request has previously been dealt with by the Traffic Safety Committee, including a public meeting held on 1986 June 24. This meeting was held for the purposes of hearing the views of the residents of Kitchener Street between Holdom and Fell Avenues regarding the closure of Kitchener Street by means of either barricading or a cul-de-sac or the creating of Kitchener Street as a one-way street eastbound. The majority of those present at this meeting supported the position that Kitchener Street remain as it is. This result was consistent with a questionnaire circulated in October 1985 to the residents of Kitchener, Charles and Grant Streets who responded with a 70% request for no changes in the existing street pattern.

The following is a chronology of action taken in response to complaints received related to the accident situation at Holdom Avenue and Kitchener Street:

- 1976 December 22 "T" intersection ahead sign erected on Kitchener Street east of Holdom Avenue in response to complaint from Rizzo.
- 1978 June 07 "T" ahead sign change to stop ahead as a more positive directive.
- 1983 May Ripple bar laid north half of Kitchener Street approaching stop sign.
- 1983 July 04 Large 122 cm x 122 cm checker board sign erected on west side of Holdom Avenue opposite Kitchener Street.
- 1985 October 07 Questionnaire sent to residents of Kitchener, Charles and Grant Streets on the subject of making Kitchener Street one-way eastbound, cul-de-sacing.
- 1986 February 20 Ripple bar removed as it caused traffic to move over into opposing lane.
- 1986 December 31 12" red flasher installed on 16' high post.
- 1987 Spring New design of ripple bar installed across entire width of Kitchener Street.
- 1987 June 23 Public meeting of citizens sent questionnaire. Consensus was to leave Kitchener the way it was and to remove ripple bar which kept them all awake.
- 1987 July 17 Ripple bar treatment removed.

In a report prepared by this Department for the Council Agenda of 1986 May 05, Manager's Report No. 31, Item No. 7, we stated the accident history for the subject location as follows:

"Accident History

We have checked our accident history files as far back as 1961. This intersection has recorded a total of twelve accidents in those twenty-five years. Of the twelve accidents, eight involved vehicles that were westbound on Kitchener Street. Of the eight, three were classified as out-of-control/off-the-road accidents.

The first accident was recorded in 1977 November and gives no details other than out of control.

The second accident was recorded in 1982 December and resulted in the vehicle striking the Rizzo home. The driver was charged with being impaired.

The third accident was recorded in 1985 June and involved a vehicle being pursued by police westbound on Kitchener Street, mounting the municipal sidewalk on the west side of Holdom Avenue in front of the Rizzo home.

The complainants have stated that there have been many more accidents than those we have recorded. This may be quite true as the majority of the out-of-control, off-the-road accidents involve impaired drivers who, if they are able to do so, will drive away to avoid reporting the accident."

The only accident reported to the Burnaby R.C.M.P. since this statement involved two southbound vehicles on Holdom Avenue on 1986 July 02 at approximately 12:00 noon. There have been no accidents reported since the red flashing light was installed on 1986 December 31.

At the 1988 August 22 Council meeting, the Director Engineering was requested to provide information regarding the height of flasher, sight distance, and advance warning signs. This information is detailed below:

1. Height of flasher - the 30 cm red lens is mounted atop a 5 m (16 ft.) post.
2. Sight distance - to a driver of a compact size vehicle, the red lens of the flasher comes into full view at approximately 130 metres (426 feet) from the stop sign at Holdom Avenue. This point of full view is 27 metres (87 feet) east of the crest of the hill.
3. Advance warning sign(s) - there is an advance stop ahead warning sign and the word STOP with an arrow painted on the Kitchener Street pavement. The distance to the word STOP from the stop sign at Holdom Avenue is approximately 160 metres (528 feet) and the arrow and stop ahead signs are located 133 metres (438 feet) east of the stop sign.

It is the opinion of your Director Engineering that the current treatment is more than adequate warning for a reasonably prudent motorist whose faculties are not impaired. We would concur with the statements contained within the correspondents' letter that these controls may not be adequate for a motorist speeding, if speeding means far in excess of the existing legal speed limit of 50 km/h, or for a motorist who is impaired by some means. No traffic control device that we know of currently in use is capable of controlling motorists that fall into these latter two categories.

The second request of the correspondents' letter was for the refund of taxes paid in the fifteen years prior to 1987. Your Director Finance replies to this request as follows:

"In response to the Rizzo's and Ciapponi's request that "the assessed values on our homes for the past 17 years be assessed at 50% and the applicable taxes and accrued interest on such be refunded to us", the Director Finance advises:

1. Property assessments are established by the B.C. Assessment Authority. The Assessment Authority is under the jurisdiction of the Provincial Government. Any appeals to assessment must be referred to the Assessment Authority.
2. Assessments are established on two year cycles. For example, the value for 1987 and 1988 are established as of 1986 July 01.
3. Appeals to assessed value can be submitted to the Assessment Authority until October 31 of each year for the following year.
4. The Deputy Assessor for Burnaby, Mr. G. Howard, advises that there is no provision in the Assessment Act which would permit assessments to be retroactively appealed. Therefore, it is not possible for the Assessment Authority to reduce the assessed values on the Rizzo's and Ciapponi's property by 50% for the past 17 years.
5. Property taxes are determined using assessed value, and could only be retroactively adjusted where a valid assessment appeal has resulted in a change to the assessed value of the property; it is not possible for the Municipality to refund property taxes as the Rizzos and Ciapponis are requesting.
6. Under Section 291 of the Municipal Act, Council is prohibited from granting a person a particular privilege or an immunity or exemption from the ordinary jurisdiction of the Corporation, such as property taxes. Section 291 also specifically prohibits Council from paying property taxes on behalf of an individual.

In summary, the Director Finance advises that it is not possible for the Municipality to comply with the Rizzo's and Ciapponi's request for a 50% reduction in assessment for the past 17 years or to refund taxes for that period."

Mrs. Rizzo and Mrs. Ciapponi have been advised of the contents of this report.