

TO: CITY MANAGER
DATE: 1998 OCTOBER 08

FROM: DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES

SUBJECT: BURNABY FRASER FORESHORE PARK - COMMONWEALTH DOCK FACILITY

PURPOSE: To request Council to authorize the execution of a water lot lease for public recreation purposes with the North Fraser Harbour Commission for the term of one year.

RECOMMENDATIONS:

1. THAT upon transfer of ownership of Lot 44 to the City for inclusion in Burnaby Fraser Foreshore Park, the transfer of ownership from the Commonwealth Construction dock facility to the City be approved, subject to the negotiation with the North Fraser Harbour Commission of a new smaller water lot lease area as outlined in the attached report.
2. THAT the execution of a water lot lease for public recreation purposes with the North Fraser Harbour Commission for the term of one year be approved.

REPORT

At its meeting of 1998 October 07, the Parks and Recreation Commission received the attached staff report on the above subject and adopted the three recommendations contained therein.



KATE FRIARS
DIRECTOR PARKS, RECREATION
AND CULTURAL SERVICES

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Attachment

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cc: Director Planning & Building
City Solicitor
Director Finance
Purchasing Agent
Environment Services

SUBJECT: BURNABY FRASER FORESHORE PARK - COMMONWEALTH DOCK FACILITY

RECOMMENDATIONS:

1. THAT upon transfer of ownership of Lot 44 to the City for inclusion in Burnaby Fraser Foreshore Park, the transfer of ownership of the Commonwealth Construction dock facility to the City be approved, subject to the negotiation with the North Fraser Harbour Commission of a new smaller water lot lease area as outlined in this report.
2. THAT approval, in principle, be given to the allocation of \$90,000 in the 1999 Capital Budget for the restoration and upgrading of the Commonwealth Pier at Burnaby Fraser Foreshore Park.
3. THAT Council be requested to authorize the execution of a water lot lease for public recreation purposes with the North Fraser Harbour Commission for the term of one year.

REPORT

Introduction

At its meeting of 1998 April 01, the Commission received a report regarding the proposed transfer of a waterfront property (Lot 44) and dock facility to the City as part of the Commonwealth Construction Company's re-zoning and subdivision of its Big Bend Area properties located off of Tillicum Street in South Burnaby. Recognizing the potential benefits of retaining the timber pier in the park, the Commission approved the expenditure of \$3000 to undertake an inspection and engineering assessment of the timber wharf to determine its condition and suitability for conversion to public use as a viewing and fishing pier.

Restoration and Upgrading of the Wharf for Public Use

Staff are now in receipt of the inspection and structural assessment report prepared by Villholth Jensen and Associates Ltd. Consulting Engineers describing the condition and estimated repair costs for converting the timber wharf to public use.

The report describes the timber wharf as being in poor to fair condition. Some repair would be required in order to make the wharf suitable for public use. The replacement of the decking, replacement or repair of piles with significant damage and the replacement of all stringers under the wharf is required. Furthermore, it is recommended to secure all pile caps to the concrete land abutment and to install suitable railings around the perimeter of the wharf. The above noted repairs would yield a further twenty-year service life for the timber wharf.

The estimated cost of this work is \$90,000, with \$70,000 going towards the structural repairs and \$20,000 towards new railings and furnishings. There is a possibility that a donor may wish to contribute to the financial cost of refurbishing the pier.

It should be noted that Lot 44 is only partially developed for park use at this time. The decommissioning of the wharf loading ramp, and removal of the fencing, will free the un-landscaped driveway and loading area for public use. Some grading, grass seeding, planting and path development will be required to incorporate this area into the surrounding park and to provide pedestrian circulation to the pier. An estimate of the cost of this work will be prepared and brought forward for the consideration of the Commission in the near future.

Should the land transfer be approved, the dock facility would be transferred to the City this year and closed for public access until the dock is made safe.

NFHC Water Lot Lease

The timber wharf is located within the North Fraser Harbour Commission (NFHC) Water Lot 5769, which is just over one hectare in size and is leased to Commonwealth Construction for \$9,409 per annum, (Industrial rate). The Commission was informed that if the decision is made to retain this wharf for public use the City will be required to enter into a lease with the NFHC at the same rate as is currently charged to Commonwealth Construction. A request was made of the North Fraser Harbour Commission to reduce the Water Lot fee to a lesser amount to reflect the proposed conversion of the timber wharf to public recreational use. Unfortunately the policy agreed to by the NFHC and the Ministry of Environment, Lands and Parks is that occupation of the Crown's water for public use shall be charged at the lowest rate (Industrial) and therefore, the NFHC would not be prepared to waive the lease fee in this instance.

In an effort to reduce the annual cost of the water lot lease, Staff subsequently approached the NFCH with a request that the lease area be reduced to approximately 1/3 of its current size to include only the timber wharf, thereby reducing the annual fee proportionally. The General Manager and Chief Executive Officer of the NFHC has advised that he is prepared to recommend to the NFHC Board a reduction of the lease area.

Under the NFHC lease form, the City accepts and occupies the Land "as is". In a preliminary effort to identify the existence, nature or extent of any hazardous substances on or from the water lot, the services of an Environmental Consultant were used. Findings from the two test samples taken from the river bed identify levels of Antimony, Arsenic, Lead and Zinc which exceed Contaminated Sites Regulation (CSR) standards in the gravel layer underlying the first 40 centimetres of silt. A review of the current CSR by Environmental Services staff indicates that there is no present need to take any remedial action in relation to the hazardous substances which have been identified at the site providing the City does not undertake any work which would disturb this gravel layer. The North Fraser Harbour Commission has been advised of these findings.

The proposed lease form, including Schedule "B", also contain a number of clauses related to tenant responsibility for environmental contamination, including contamination resulting from activities upstream, which would expose the City to an unpredictable and immeasurable financial risk. An attempt has been made to negotiate these terms but unfortunately, the NFHC has advised that the proposed lease is their standard lease form, including Schedule "B", which has been approved by the Province, representatives of a group of the major tenants affected, and the Commissioners of the Commission, and is not subject to negotiation.

Although the proposed lease is with the NFHC, the Province holds the Head Lease. Given this fact, it is possible that legal access to the wharf could be negotiated directly with the Province under terms which would be more acceptable to the City. The NFHC is aware of this potential solution and is prepared to enter into a lease with the City for a term of one year while the city explores this option through discussions with the Province.

Despite the above noted findings, and the potential financial risk to which the City will be exposed on the execution of the lease, the benefits to the public of having access to the Fraser River via the pier are felt to outweigh the potential risks. It is, therefore, proposed that the acceptance of transfer of the timber wharf be approved subject to the termination of the existing lease between Commonwealth and the NFHC and the granting of a new lease for the reduced water lot area for the purpose of a public recreational pier for a period of one year. Discussions would then proceed with the Province (with the knowledge of the NFHC) regarding it granting the City legal access to the pier in the longer term in under terms which are acceptable to all parties.

Conclusion

As part of the re-zoning and subdivision of its Big Bend Area properties Commonwealth Construction Company is proposing to transfer title of Lot 44 to the City for inclusion in Burnaby Fraser Foreshore Park. In addition, City staff have had preliminary discussions with Commonwealth about the transfer of ownership of its dock facility to the City with the intention that it be converted for public recreational use. The pier could become an asset to the park as it adds to the quality of the recreational experience by providing a pleasant perspective over the river, good fishing opportunities and a unique opportunity for public access to the Fraser.

If the Commission determines that it wishes to pursue the retention of the timber wharf it will be necessary to allocate \$90,000 in the 1999 Capital Budget for the restoration and upgrading of the timber wharf upon its transfer to the City. It will also be necessary to negotiate and enter into a new lease with the NFHC for a reduced water lot area.

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cc: Director Planning
City Solicitor
Director Finance
Purchasing Agent
Environmental Services