

TO: CITY MANAGER **DATE:** 2004 08 03
FROM: DIRECTOR ENGINEERING **FILE:** 35000-30 (035)
SUBJECT: CORRESPONDENCE FROM MS. SUSAN PEARSON OF
3970 ETON STREET
PURPOSE: To respond to concerns regarding a Local Area Service (LAS) petition for roadworks on Eton Street.

RECOMMENDATIONS:

1. **THAT** a copy of this report be sent to Ms. Susan Pearson of 3970 Eton Street, Burnaby, B.C., V5C 1J5.

REPORT

1.0 INTRODUCTION

At its meeting of 2004 July 18 Council received correspondence from Ms. Susan Pearson of 3970 Eton Street regarding the process surrounding the unsuccessful petition for Local Area Service (formerly called Local Improvement Program, or LIP) roadworks in the 3900 block of Eton Street. The writer intimated that the lack of support from owners with abutting "view" properties was due primarily to a misconception of City policy regarding boulevard trees and was concerned about the lengthy delay in processing a future application on Eton Street. This report responds to those concerns.

2.0 BACKGROUND

The City first received a request in May 1997 for local improvement roadworks in the 3900 block of Eton Street. Due to budgetary constraints and backlog of LIP requests, summer 2000 was the earliest possible date for construction on Eton. This information was conveyed to the property owner making the request.

In developing the 2000 LAS roadworks program, sections of Oxford and Eton Streets were excluded, pending the outcome of an ongoing public consultation process with Burnaby Heights residents. Consultation comprised of a series of "open houses," newsletters and surveys seeking input on the reclassification of Oxford and Eton, within the context of the Burnaby Transportation Plan and implementation of traffic calming measures in the wider

Burnaby Heights Area. The process culminated with a report approved by Council at its regular meeting of 2003 June 16 that, in essence, recommended reclassification of Eton and Oxford Streets to a "Local Residential" standard and that the pending requests for LAS road improvements on both streets be issued for property owners approval. It further recommended the approach of releasing an equal number of petitions on Eton and Oxford in tandem as a means of treating both streets equally.

Accordingly, two blocks of Oxford (3800 & 4300) and Eton (3900 & 4200) were included in the proposed 2005 LAS construction program. It is the intention to release petitions for two more blocks on Oxford (3900 and 4200) and Eton (4000 and 4300) next spring in time for 2006 construction.

Petitions for the proposed 2005 construction program were mailed on 2004 May 28 for owner's approval. Each abutting owner was sent an information letter explaining the LAS process with specific cost information. The letter also contained staff contact telephone numbers that those property owners were encouraged to use to obtain additional information. The project description on both the petition and information letter sent to owners in the 3900 block Eton read as follows:

Eton Street, Ingleton Avenue to Macdonald Avenue - 8.5 meter pavement, with curb and replacement walk both sides, except curb and walk on north side abutting the reservoir, and trees as required.

The City Clerk's Certificate of Sufficiency approved by Council on 2004 July 19 indicated that the petition for the 3900 block Eton was not returned and Council was, therefore, precluded from proceeding with the proposed improvements.

3.0 CURRENT SITUATION

Ms. Pearson in her correspondence to Council indicated that had the issue of boulevard trees been made clear then the project would have likely received the support from abutting owners with "view" properties. Since the petition was not returned, staff are not in a position to determine the extent of influence that the three "view" properties had on the final outcome. It is our practice to typically allow for a single boulevard tree per property on LAS projects. However, type and location is determined by the City's arborist and property owners may consult with the arborist in determining preferences. Abutting owners do not pay directly for trees, since, as for example, where mature trees already exist in close proximity, an additional boulevard tree may not be required. Staff will review the content of the LAS information letters with a view to further clarification of the City's practice with regard to boulevard trees.

Ms. Pearson also expressed concern with the delay (possibly 3 to 4 years) before another

LAS petition for improvements on her block could be issued. The section of the Community Charter legislation that regulates Local Area Services does not preclude property owners from reapplying immediately after an unsuccessful petition and permits the City to determine the order of construction. Typically, however, petitions are issued on a first-come first-served basis. There are currently thirty-five (35) requests on the waiting list for LAS road improvements and those applicants were notified of a possible 3 to 4 years delay from the date of receipt. It should be noted, however, the new community Charter legislation may in fact lengthen the waiting period of LAS improvements. To be successful a petition now requires approval from only 50% of abutting owners compared to a two-thirds majority under the previous Local Government Act. This would in all likelihood increase the success rates and, with fixed budgets, also correspondingly increase waiting periods. Staff is of the opinion that notwithstanding Ms. Pearson's assertion regarding any misunderstanding of the City's practice on boulevard trees on LAS projects, there would be no overriding reason to prioritize the 3900 block Eton Street ahead of those on the wait list.

The contents of this report have been discussed with Ms. Susan Pearson.


W.C. Sinclair, P. Eng.
DIRECTOR ENGINEERING

AAS:slr

cc: Director Planning & Building
City Clerk
City Solicitor

