

THE CORPORATION OF THE DISTRICT OF BURNABY

15 December 1967.

REPORT NO. 61, 1967.

His Worship, the Reeve,
and Members of the Council.

Gentlemen:

Your Manager reports as follows:

1. Re: Grant Structure - Recreation.

At its meeting of 6th December 1967 the Parks and Recreation Commission discussed the Provincial Grant structure for leadership training and capital equipment in recreation. It was resolved that the Chairman and Deputy Chairman, together with the Recreation Director, should meet with the Honourable Leslie Peterson, Minister of Education.

The purpose of the meeting would be to urge the Department of Education to revise its present policy with a view to increasing the grants paid to municipalities for recreation.

The Chairman has directed that Council be advised of the Commission's resolution, and requests the support and assistance of Council.

Council should also authorize the trip by the two Commission members so the appropriate expense accounts can be honoured.

2. Re: Potential Hazards - Park Areas.

Council requested the Parks and Recreation Commission to evaluate the potential hazards contained within park areas and park reserves.

A map has been prepared indicating the hazardous areas and the Commission has forwarded it for the information of Council.

The map will be available for Council to examine at the December 18th meeting.

3. Re: Service Pay - Exempt Personnel - Fire Department.

On July 10th 1967 Council approved a request received from the Burnaby Firefighters Association, Local 323, to increase the service pay from \$2.50 to \$5.00 per month.

The following personnel receive service pay but are not covered by the agreement with the Association and therefore did not receive the increase granted members of the Union.

Fire Chief	-	L. Auvasche
Deputy Fire Chief	-	G. Monk
Fire Prevention Officer	-	H. Chapman
Assistant Fire Chief	-	F. Blake
Assistant Fire Chief	-	F. Cellum
Assistant Fire Chief	-	H. Anderson

It is recommended that the increase of \$2.50 per month granted the members of the Firefighters Association be also granted the exempt personnel named above to be effective as of March 1st, 1967.

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4. Re: S. D. Reference #239/67.

Section 712(a) of the Municipal Act provides that any lot created by a subdivision shall not have a frontage of less than 10% of its perimeter.

Section 712(b) enables Council to waive the provisions of Section 712(a).

It is recommended that the requirements of Section 712(a) be waived for the lot created by the above mentioned subdivision. A sketch is attached hereto.

5. Re: Sale of Land.

The Corporation owns Lot 164 and 165, D. L. 175, Group 1, Plan 31053 which are part of the property acquired by the Corporation located at 4037 S. E. Marine Drive.

The lots are fully serviced with frontage on Marine Drive.

It is recommended that the Land Agent be authorized to offer the lots for sale by public tender.

6. Re: Request of MacMillan, Bloedel & Powell River Industries Ltd.

The above mentioned Company has the consent of Council to occupy a water lease fronting on the street ends of Holland and Emily Streets - north arm of the Fraser River. The consent expires on December 31st, 1967, and the Company requests an extension to December 31st, 1968.

It is recommended that the request of the Company be granted.

7. Re: Retail Tire Sales Operations.

In January of 1967 Council allowed a retail tire sales operation to be constructed at 5501 East Hastings Street in a C2 Commercial Zone. It was the opinion of the Planning and Legal Departments that this use is not a permitted use in a C2 Commercial Zone.

Council directed that the operation at 5501 Hastings be kept under observation to determine whether it is causing a nuisance to the neighbourhood and with the view of having this information available for an examination of the regulations applying to C2 Commercial zoning in respect of retail tire sales.

In November 1967, an application was received from the operators of 5501 East Hastings (Big "O" Tires Ltd.) to erect a Front End Alignment addition. Planning was unable to grant Preliminary Plan approval because of the C2 Commercial Zoning. The applicants were so advised on 10 November 1967.

The Licence Department reports that no complaints concerning the operation were received in that Department between 15th March 1967, and 3rd October 1967 (the date of the report). Your Municipal Manager is not aware of any complaint having been received.

Planning was directed to review the question of permitting Retail Tire Stores in C2 districts. This has been done and Planning reaffirms its earlier opinion that the Zoning By-law covers this use, in that it is permitted in C4 Commercial districts. This opinion is based on the belief that it has never been the intent of the Zoning By-law that "Retail Tire Sales" should be included as a permitted principal use in the C2 (Community Commercial) District. While "Retail Stores" are among the permitted uses in this zone, the qualifications "catering to the daily and occasional shopping needs of the residents of several neighbourhoods" has been

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(Item 7....re Retail Tire Sales....continued)

included to provide an indication of the character of the district as a residentially-oriented type of shopping area.

Further, the definition of "Store, Retail" on page 13 of the By-law concludes with the following phrase - "but does not include any retail outlet otherwise classified or defined in this By-law." The use, "Retail sale of new automobile parts and accessories" (which in Planning's view includes retail tire sales) would fall into this excluded category.

"Retail sale of new automobile parts and accessories", which is included among the permitted uses in the C3 (General Commercial) and C4 (Service Commercial) Districts, has been excluded from the C2 (Community Commercial) District.

Planning proposes that the solution to this problem is not to amend the C2 Zoning category to allow this use, but rather to rezone the property to C4 Commercial which allows the use and the wheel alignment bay which the operator wishes to construct.

C. Re: Expropriation of Land for Industrial Purposes.

As a result of the representations which were made to Council on 11 December 1967 regarding the proposed industrial development of land in the Stride Avenue Area, Council required an opinion from the Municipal Solicitor on the rights of the Municipality and B.C. Hydro to expropriate land to assemble property for industrial development.

The Municipal Solicitor has provided this opinion:

"The Municipality's powers to acquire land for industrial purposes is set out in section 485 of the Municipal Act. Briefly, the section provides that Council may by resolution or by-law acquire property other than by expropriation for use as an industrial area or by by-law/^{and} with the approval of the Lieutenant-Governor in Council acquire property for such purpose by expropriation.

The B. C. Hydro and Power Authority has even wider powers. Section 14 (1) (f) of its Act provides that subject to the approval of the Lieutenant-Governor in Council, the Authority has power to purchase or otherwise acquire, lease, maintain, develop, replace, alter, administer, manage, operate and dispose of any property real or personal. Section 18 of the Act provides that on the recommendation of the Authority the Lieutenant-Governor in Council may, for any purpose related to the exercise of the powers of the Authority, authorize the Authority, without the consent of the owner or of any other person, to take by expropriation in accordance with the Act any property, real or personal."

9. Re: Acquisition of Easement - Portion of Lot 60 and Lot 61 of a subdivision of the South 135.30 feet (Ref. Pl. 278) of Lot 9, D.L. 27, Plan 824.

An easement is required, in order to finalize a subdivision, over a portion of Lot 60 and Lot 61 of a subdivision of the South 135.30 feet (Reference Plan 278) of Lot 9, D.L. 27, Group 1, Plan 824 from Romain Holdings Co. Ltd., 8164 - 16th Avenue, Burnaby 3. The location of the easement is 6992 Fuller Avenue. The easement is required for drainage purposes. There is no consideration payable by the Corporation.

It is recommended that authority be granted to acquire the above easement and that the Reeve and Clerk be authorized to execute the easement documents on behalf of the Corporation.

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10. Re Lot Sizes in Two-Family Zones

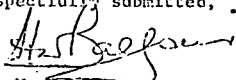
Submitted herewith is a report prepared by the Municipal Planner in the above connection.

11. Submitted herewith for your information is the report of the Fire Chief covering the activities of his Department for the month of November, 1967.

12. Submitted herewith for your information is the report of the Chief Licence Inspector covering the operations of his Department for the month of November, 1967.

13. Submitted herewith for your information is the report of the Officer in Charge, Burnaby Detachment, R. C. M. P., covering the policing of the Municipality for the month of November, 1967.

Respectfully submitted, .



H. W. Helton
MUNICIPAL MANAGER

HB:mc

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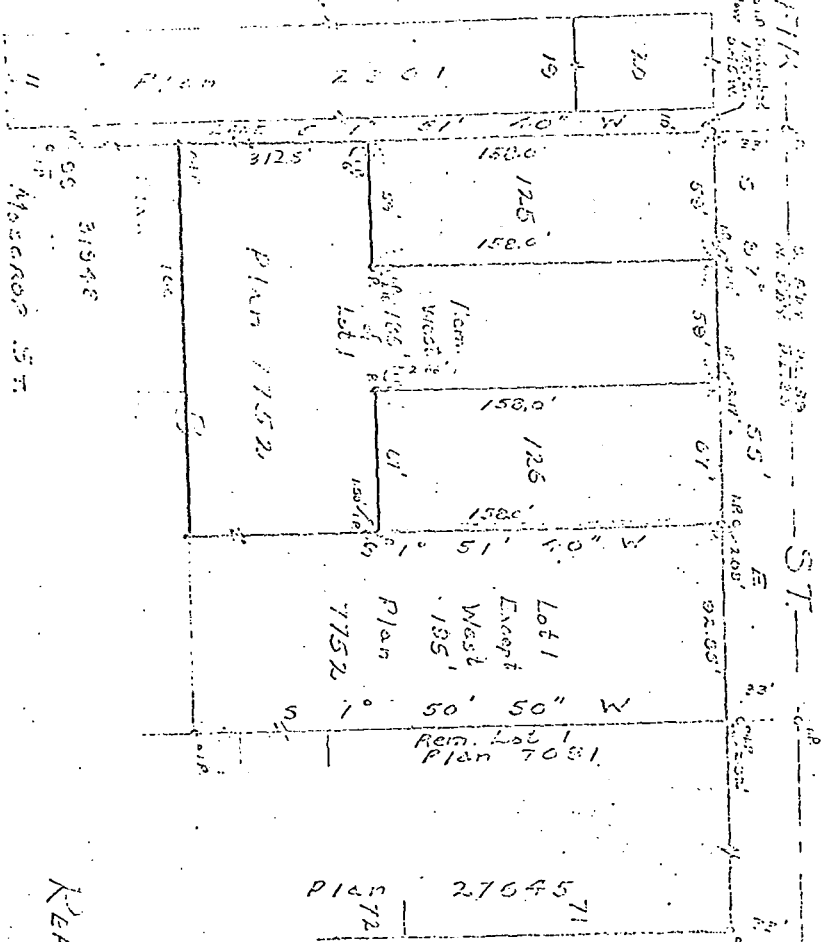
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14. Re: Municipal Elections - Pay

Approximately every four years the Returning Officer reviews the rates of pay to be used for Election staff. This was done for the 1967 Election.

The following rates were decided upon and staff employed on the basis of these rates:

Presiding Officer	- Basic rate of \$25.00 plus \$1.00 for each Poll Clerk on staff at a Polling Station. Transportation allowance of \$3.50.
Poll Clerks	- \$20.00
Returning Officer	- \$140.00 basic plus \$30.00 for each ballot over one.
School Janitors	- \$20.00 (based on Poll Clerk pay)
Assistant to Returning Officer	- 70% of Returning Officer pay.

D.R.O.'s serve at least 14 hours on Election Day plus 2 hours the day previous coming to the Municipal Hall, being sworn, and attending a class of instruction.

Poll Clerks serve 14 hours on Election Day.

It is recommended these rates be approved.

15. Re: Reserve for Uncompleted Budget Projects - Parks

An item of \$9,000. was included in the Development Funds of the 1967 Parks Budget for alterations to the three Recreation Centres - Wesburn, Willingdon Heights, and Charles Rummel.

At its meeting of 1 November 1967, the Commission received the plans for a two storey addition which was estimated to cost \$12,500. for each Centre.

As there are insufficient funds available for this work in 1967, the Commission wishes to hold over the \$9,000. to next year at which time it will endeavour to augment this amount by a further \$28,500. in order that the additions may be constructed during 1968.

The 1967 Budget also provided \$33,000. for the increase in the greenhouse and head-house in the Parks Nursery. However, the project has been delayed until now and tender calls will be in the newspaper on 8th and 9th December. This means there will not be enough time by the year-end to select the winning tender and for Council to award a contract.

The Parks Commission has spent to date \$1,331.66 in ground preparation. Under the circumstances, it would be desirable that the balance of \$31,668.34 be carried forward to next year.

It is recommended that the \$9,000. and the \$31,668.34 be charged to the 1967 Parks Budget and that the sums be carried forward to 1968 in a Reserve for Uncompleted Budget Projects - Parks.

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16. Re: Sale of Land - Burnaby School Board

The Corporation recently acquired Lot 7, S.D. 4, Blocks 1/2, D.L. 207, Group 1, Plan 4032, located at 7310 Hastings Street East.

The front portion of the property is required by the Corporation for the planned right-of-way through D.L. 207 connection Hastings Street and Curtis Street. The rear portion south of a proposed lane is required by the Burnaby School Board and the agreed value is \$12,000.00.

It is recommended that the rear portion of the said property be conveyed to the Burnaby School Board for the consideration of \$12,000.00 and that the Reeve and Clerk be authorized to sign the necessary documents.

17. Re: Complaint re Easement - Mr. A. C. Killip, 7763 Hazelmore Street.

Submitted herewith is a report regarding this complaint, prepared by the Engineer's Office.

With regard to the possibility of hand-digging, your Municipal Manager recommends that this be done at an estimated increase in cost of \$1,800.00.

18. Re: Acquisition of Easement - Portion of Lots 99, 100, 101, 116, 117 and 118 of a subdivision of Lot 1 (except Parcel "A", explanatory plan 15091) and Lot 2 of Block 6, Plan 11954; the east 86 feet of the north 545 feet of Block 6, Plan 729; the west 80 feet of the north 545 feet of Block 5, Plan 729; Parcel "B" (explanatory plan 13408) of Block 5, Plan 729; and Lot 65, Plan 26460, D.L. 80.

An easement is required, in order to finalize a subdivision, over a portion of Lots 99, 100, 101, 116, 117 and 118 of a subdivision of Lot 1 (except Parcel "A", explanatory plan 15091) and Lot 2 of Block 6, Plan 11954; the east 86 feet of the north 545 feet of Block 6, Plan 729; the west 80 feet of the north 545 feet of Block 5, Plan 729; Parcel "B" (explanatory plan 13408) of Block 5, Plan 729; and Lot 65, Plan 26460, D.L. 80, from Burnaby Housing Enterprises Ltd. of 5416 Buckingham Avenue, Burnaby 1. The easement is required for B. C. Hydro and Power Authority services and for sewers at the western ends of Lots 100, 117 and 118. There is no consideration payable by the Corporation.

It is recommended that authority be granted to acquire the above easement and that the Reeve and Clerk be authorized to execute the easement documents on behalf of the Corporation.

19. Proposed Road Abandonment - Portion of Broadway

It is considered desirable to abandon a redundant portion of Broadway right-of-way passing through D.L. 59, Group 1, just west of Lake City Way as shown on the attached sketch.

Ownership of the right-of-way to be cancelled will be vested in the name of the Corporation and Western Pacific Projects Ltd. as indicated on the sketch.

Western Pacific Projects will convey Lot 36 (also shown on the sketch) to the Corporation for park purposes, thus providing a "green belt" link to the golf course to the north.

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(Item 19 - "Proposed Road Abandonment - Portion of Broadway" continued)

The consideration will be \$1.00.

It is recommended that the redundant portion of Broadway be abandoned and title vested in the owners of the adjoining properties as outlined above and that the Corporation acquire the said lot 34 for park purposes.

20. Re: Application for the Rezoning of Lot "A", N. 131.68', D.L. 30, Group 1, Plan 4680 from R3 Residential to I1 Institutional

The following is the report of the Planning Director:

The by-law covering the above rezoning was given two readings by Council on June 19, 1967 subject to the following pre-requisites:

1. Adequate road and lane allowances be dedicated from the property to permit the future development of peripheral lands.
2. A sum be deposited to cover normal servicing costs to construct to final standard the allowances mentioned under Item 1. (Estimated cost \$8,360.00)
3. An undertaking be given that the existing improvements on the property will be demolished within 6 months of the rezoning being effected.
4. Adequate storm drainage facilities be provided to the site.

Since this Council action there have been numerous meetings with the applicants to discuss the necessity of Items 1 and 2. Culminating in the decision that these items were included primarily to preserve the subdivision potential of one adjacent property, coloured blue on the attached sketch that in future might possibly be consolidated with adjacent property rather than subdivided.

In view of this it was suggested that an alternative to Items 1 and 2, would be for the applicants to enter into an agreement with the Corporation, whereby the owners of the land would dedicate the required road allowances free of charge when required to do so by the Corporation and also that they would locate their buildings as though the future road allowance existed (i.e. with appropriate setbacks). Under this agreement the future road construction costs would presumably be the responsibility of the potential subdivider referred to above.

Item 4 is no longer applicable since storm drainage has recently become available to this site.

Council consideration is therefore required of the replacement of Items 1 and 2 by the agreement referred to above. An alternative to this agreement would be for the owners to dedicate the land at this time, and for the Municipality to agree to return this land to the owners when and if it is shown to be not required for road purposes.

Herewith is the opinion of the Municipal Solicitor:

Section 513(4) of the Municipal Act provides that the Council may by by-law enter into an agreement with another owner of land for reserving any part of such land for highway purposes,

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(Item 20 - Application for Rezoning of Lot "A" etc.....continued)

including the condition that said land so reserved shall remain unencumbered by buildings or structures and the agreement shall have the force and effect of a restrictive covenant running with the land and shall be registered in the Land Registry Office by the Municipality.

Section 24A(1) of the Land Registry Act provides that there may be registered as annexed to any land that is being or has been registered a condition or covenant in favour of the Crown or of a municipality that the land, or any specified portion thereof, is not to be built on, or is to be or not to be used in a particular manner.

I am of the opinion that these sections would ensure that the road allowances required would be reserved. I am not sure if the Municipality could enforce a condition that the reserved road allowances be dedicated without cost to the Municipality. I think the agreement could stipulate that no buildings would be constructed within a certain distance of the road allowances.

However, I understand that the four conditions fixed by Council were discussed at the Public Hearing and that the rezoning by-law was given two readings on the understanding that these conditions would be carried out. If these conditions are now to be changed to the detriment of one affected owner, I think Council could be criticized and the by-law perhaps quashed.

21. Re: Suggested Senior Citizens' High-Rise Apartment Building

The suggestion by His Worship, The Reeve, that the site at Kingsway and Edmonds should be considered for a Senior Citizens' High-Rise Apartment Building has resulted in two firms submitting proposals with respect to it. These firms are Sven Wooster Engineering Co. Ltd. and Peter F. Smith, Architect, and a verbal presentation to the Reeve by Chomick and LeBlond, Architects.

Your Municipal Manager considers it most important that the suggestion of a high-rise building for senior citizens on this site be examined from the following aspects.

- (1) Suitability of the site in general.
- (2) Impact of location on the site from the point-of-view of eventual expansion of the main branch of the Burnaby Public Library.
- (3) The siting of such a new high-rise with relation to the existing Police Station: Can an economical and useful purpose for the existing Police Station be found? Depending upon the retention or demolition of the existing Police Station, where is the best area on the site for the high-rise building?
- (4) While considered to be matters of indicated Planning, the urgency would be created for finding a new location for, and constructing a new Dog Pound, and for relocation of the Police Impounding area for Automobiles.
- (5) What facilities other than rental accommodation should the high-rise building contain? The siting of the building could have an effect on this decision.

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(21. Suggested Senior Citizens' High-Rise Apartment Building - Continued)

- (6) Projected economics of the high-rise building from the aspects of Capital Financing, Operations, Rental rates, etc.

Your Municipal Manager supports the idea of a senior citizens' high-rise and the above comments are submitted for the consideration of Council so the next steps to be taken can be initiated in accordance with Council's wishes.

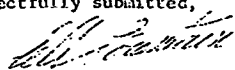
22. Re: Tenders for Trucks and Cars

Submitted herewith is a report prepared by the Municipal Treasurer regarding the above subject:

In summary, it is recommended:

- (1) That the Corporation purchase 10 half-ton trucks and replace them every 24 months; Funds to be found from Parks and Engineering Machinery Reserve.
- (2) That cars be purchased for the Reeve and the Municipal Manager, with the policy of replacing the Reeve's car every 12 months, and the Municipal Manager's every 24 months.
- (3) That the tender of George Black Motors Ltd. for the lease of seven (7) three-ton trucks be accepted.
- (4) That all other tenders for leasing be rejected.

Respectfully submitted,


H. W. Balfour
MUNICIPAL MANAGER

HWB:mc