

JUNE 9, 1969

An adjourned meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, June 9, 1969 at 7:00 p.m.

PRESENT: Acting Mayor Drummond in the Chair;
Aldermen Blair, Dailly Clark, Ladner,
Herd, Mercier and McLean;

ABSENT : Mayor Prittie;

The Acting Mayor called for a Motion on the Adoption of the Minutes of December 23, 1968, January 13th and 20th, and May 20th and 26th, 1969, the Public Hearing held May 26, 1969 and Emergency Council Meetings held May 28th and 30th, 1969.

Alderman McLean pointed out that the May 28th Emergency Council Minutes showed that he was absent and that in fact he was present at that meeting.

It was also pointed out that the Minutes of January 20th, 1969 showed a Motion Moved by Alderman Lorimer whereas it should have read Moved by Alderman Ladner.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:

"That the Minutes as amended be adopted.

CARRIED

ALDERMAN LADNER, AND CLARK
ABSTAINING INsofar AS THE
MINUTES OF THE DECEMBER 23,
1968 MEETING WERE CONCERNED

DELEGATIONS

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the Delegations be heard."

CARRIED UNANIMOUSLY

(a) Mr. & Mrs. William J. Sim re drainage problem

Mr. Sim referred to a letter received from the Municipal Clerk and asked for a report from the Municipal Engineer which he never received.

The letter he had received suggested that water had come from his roof drains and had contributed to the flooding of his basement and he questioned this statement.

The Engineer explained that it was usual that roof drains were connected to the tile drains surrounding a residence and that while this was common he did not know whether the roof drains were connected to the basement drains around Mr. Sim's residence.

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Upon being questioned about the timing of the lowering of the ditch in the lane serving Mr. Sim's property from six to eight inches as had been recommended earlier, the Engineer advised that the ditch had been cleaned and an order placed for the lowering of the ditch and the catch-basin and that this order still stood and that the work would be carried out in due course.

Upon being further queried by Mr. Sim about quantities of gravel and broken tile in the drain which led from the catch-basin down the easement through to Fir Street, the Engineer advised that there were sand deposits in the drain, as there is in all drains of this type, but that they were not of sufficient quantity to seriously impair the flow of water. Field personnel had reported that there was no broken pipe in the drain and that the top portion of the drain was of eight inch masonry tile and the lower portion of ten inch cement tile all in good condition.

The Engineer apologized to Mr. Sim if he had made an erroneous statement concerning the roof drains not being connected to the drain tiles which led to the lane ditch.

Mr. Sim advised the Council that he had been in contact with the Engineering Department many times by telephone and had got the "run around".

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN McLEAN:
"That this matter be referred to the Engineer to rectify the problems forming the complaints by Mr. Sim and that a report be brought back to the Council on the situation."

It was suggested from Council that there was a legal responsibility since the claim had been filed and that the Solicitor should report to the Council on the situation after obtaining details from the Municipal Engineer on the circumstances appertaining.

A vote was then taken on the Motion; In Favour - Acting Mayor Drummond Aldermen McLean, Mercier and Dailly; Opposed - Aldermen Herd, Ladner, Clark and Blair. The Motion was negatived and was therefore declared lost.

(b) Parsons Enterprises Ltd. re proposal to rezone property at the South-West corner of Kingsway and Barker Avenue to RM5 (Reference RZ #30/69) with accompanying correspondence from:

(a) Macaulay Nicolls Maitland and Co. Ltd.

(b) Dencan Enterprises Ltd.

It was reported to the Council that the By-law effecting the rezoning of this property was on the Agenda and would be coming up later in the evening.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN CLARK:
"That the delegation from Parsons Enterprises Ltd. be heard at the time considerations are given to the rezoning By-law."

CARRIED UNANIMOUSLY

(c)

Mr. J. Clark, Chairman of the Mid-Burnaby Ratepayers' Association spoke with reference to the petition submitted by the Association expressing concern over the possibility of Forglen Drive and Oakland Street becoming a main connector road between Westminster Avenue and Gilley Avenue.

Mr. Clark advised their Association had been active for about three weeks time and named the Officers of the Association. The area covered by the Association was also delineated roughly in the areas surrounding Forglen Drive and Oakland Street between Royal Oak Avenue and Gilley Avenue.

Mr. Clark presented a large petition which he submitted was representative of 98% of the people in the area.

Upon being queried as to the route which commences from the present termination of Westminster Avenue along the Westerly boundary of the Forest Lawn Cemetery to the Northern terminus of Forglen Drive via Forglen Drive to Royal Oak Avenue thence via Oakland Avenue to Gilley Avenue was still a valid route.

The Engineer submitted that the route was basically the same.

The Chairman of the Association advised that the route had been originally planned in 1956 when there was little in the way of housing in the area, however that the green areas of that day had now developed into concentrated housing developments.

Mr. Clark used the epidiascope to outline proposed alternate routes linking to the proposed North-South route between the Deer Lake Interchange and Gilley Avenue around the West side of Deer Lake. One such link would come from the extension of Westminster Avenue via Grassmere Street to the North-South Deer Lake Route.

The second proposal presented by Mr. Clark indicated a route traversing the Oakalla Prison Farm and again linking with the North-South route around Deer Lake. It was submitted that to the best of the Association's knowledge these two routes had not been previously explored and that some serious consideration should be given by the municipality to these routes as alternates to the Forglen-Oakland Route.

Mr. Clark presented the following objections to the original route as contained in this petition:

- (1) There are alternate routes which we feel have not been adequately explored and which would not disturb existing residential areas. The alternate routes are as described earlier herein.
- (2) The entire area surrounding the aforementioned roads is exclusively residential, housing a large number of children.
- (3) The taxes paid by the residents now are high enough for them to expect their elected representatives to keep the tranquill quality of their suburb. The beauty of living in their area of Burnaby, was that they were not at present seriously disturbed by the two residential pollutants, fumes from gasoline and diesel exhausts, and noise.
- (4) The major diagonal feeder route which has been contemplated by past and possibly the present administration without due consideration for the consultation with the voters, both homeowners and residents of this area.

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Mr. Clark understood that there was a current study presently under way on major routes through the municipality and this was the reason the delegation was present and the petition had been presented so that their presentation could be considered along with this study.

The delegation was advised that the study going on at the present time was a truck route study and really had nothing to do with the development of the Forglan-Oakland Extension.

Reverting to consideration of the alternate routes the Planner advised that the Grassmere Route had been studied previously and had not been rejected as an alternate.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:

"That the Council request a report outlining future North-South roads within the municipality that are in the projection stage with all their various alternatives for the handling of North-South traffic through the municipality as a whole."

CARRIED UNANIMOUSLY

Mr. Clark advised that the fears of the people in the area were that if the Forelen-Oakland Connection came to fruition there would then be a connection with the Stride Area Industrial Project and other industrial areas on Annacis Island and on the North side of the Freeway once rumored crossings of the Fraser River and the Freeway at the North end of Westminster Avenue were accomplished.

The Council tacitly agreed that when the report on the general North-South road pattern was presented that the Association would be supplied with a copy so that they may be able to comment.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN LADNER:

"That the Original Communications be received."

CARRIED UNANIMOUSLY

ORIGINAL COMMUNICATIONS

A letter was received from the North Burnaby Commerce and Community Bureau re: 3800 and 3900 Blocks Hastings Street wherein two questions were asked:

- (a) Has a time been set for completion of the street widening in the blocks referred to and if so, when?
- (b) Now that the properties have been acquired what will be the procedure and time schedule for proceeding with the re-establishment of the shopping area?

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:

"That question (a) be referred to the Manager for reply."

CARRIED UNANIMOUSLY

The Assistant Municipal Manager advised that the Manager was attempting to arrange a meeting with the Minister of Highways in order to activate the widening work along the Highway.

Regarding question (b) it was submitted that there was a proper basis established through the execution of a tri-party agreement between the municipality, the Provincial Government and the Federal Government for the re-establishment of this area.

Timing for the proposal was somewhat difficult to reply to at this time, however, some information might be supplied.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
"That item (b) be referred to the Manager and the Planner for reply to the Association."

CARRIED UNANIMOUSLY

The Superintendent of Motor Vehicles wrote expressing appreciation to the Council for co-operation and assistance extended to their Motor Vehicle Inspection Unit which was located in Burnaby from May 5th to 16th. The Superintendent enclosed a statistical copy of a report indicating the number of inspections made and the results of such inspections.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN HERD:
"That the letter be received and that the Council's appreciation be extended to the Simpsons Sears Company where the Mobile Motor Vehicle Inspection Unit was located and to any other business concern which loaned its premises for this purpose."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN HERD:
"That an enquiry be made of the Motor Vehicle Branch on progress being made for the establishment of a permanent testing station in Burnaby particularly in view of an announced establishment of such a station in the municipality of Richmond and that such enquiry point out the concern of the Council over the establishment of stations in municipalities of minor size to Burnaby the second largest community, population wise, within the Province."

CARRIED

AGAINST -- ALDERMAN BLAIR

The Canadian Transport Commission forwarded a copy of the Railway Transport Committee Order issued to the Canadian National Railway Company to utilize their diversion track from their Thornton Branch approximately 3.05 miles in length commencing at a point on the Great Northern - Canadian National joint section, mileage 151.76 Cascade Subdivision of the Great Northern Railway (mileage 126.95 Yale Subdivision of the Canadian National Railways) in the District of Burnaby and extending to a connection with the Burrard Harbour Subdivision at mileage 3.13 Thornton Branch (mileage 4.91 Burrard Harbour Subdivision) in the Municipality of North Vancouver being the Canadian National extension from approximately Willingdon Avenue through the tunnel section to approximately the Second Narrows of the Burrard Inlet.

Mr. Lloyd J. Costley, Chairman, Burnaby Young Voyageur Reception Committee wrote asking that the Council sponsor a banquet and reception at a cost of approximately \$325.00 for twenty-four students from Sarnia, Ontario who will be visiting Burnaby on an exchange programme during the period July 2nd to July 9th. The reception was to be held at Burnaby Mountain Pavilion on Tuesday, July 8th, 1969.

MOVED BY ALDERMAN LADNER., SECONDED BY ALDERMAN HERD:
"That this request be referred to the Grants Committee for consideration and recommendation."

CARRIED

AGAINST -- ALDERMAN DAILY

Mrs. Belle Curd wrote with reference to the difficulty of access to and from her property at 5168 Canada Way since widening of this Highway. Mrs. Curd noted that:

- (1) Parking in front of the homes had been taken away.
- (2) An alternate route is needed for taking away some of the load.
- (3) Local roads should have been put in beside the Highway to service local residents so that there would be no danger to residents entering or leaving the Highway.
- (4) Turnabouts must be constructed on the owners property in order for cars to enter the Highway. There is no parking space for visitors.
- (5) Property values have dropped considerably.

Mrs. Curd asked that consideration be given to the alleviation of the problems which she has presented. During discussion the reference earlier to the Engineer of the question of problems of secondary access to properties in different parts of the municipality was noted and it was felt that since there had already been one report presented on the problem noted by Mr. Curd this matter should be referred to the Engineer.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:

"That the letter from Mrs. Curd and the problem to which she has referred be placed in the hands of the Municipal Engineer to include in his general report on lane problems throughout the municipality."

CARRIED UNANIMOUSLY

The Lower Mainland Municipal Association wrote advising of the change in date of the next meeting of the Association from June 11th to June 18th.

Mrs. W. H. Refausse wrote complaining about the use of a lane allowance North from Price Street and West from Smith Avenue and submitting that there were undesirable trespassers on the lane allowance. Lighting was needed. The neighbours were using the property allowance for garbage disposal, etc. and those whose property are on the improved 100 feet of now existing lane use the property for parking of vehicles, boats, etc. making it difficult for residents to obtain access to their own yard.

The writer asked that the Council either improve, maintain or light the area and failing these improvements return the approximately 15 square feet of land to the land owners which they had originally designated for improvements.

The Engineer advised there had been investigations made into this complaint earlier and a report had been submitted.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:

"That the complaint be referred to the Municipal Engineer for investigation at this time and for upgrading of the report previously submitted on the matter."

CARRIED UNANIMOUSLY

The Children's Aid Society of Vancouver submitted an Invitation to the Council to attend the 67th Annual Meeting of their Society to be held at the Bayshore Inn on Tuesday, June 12th at 8:00 p.m.

Mr. D. A. Copan, Chairman, Family Court Committee, wrote advising that the Committee had reviewed its function in the light of recent amendments to the Provincial Court Act. It was the opinion that the services of the Family Division of the new Act might properly come within the purview of the Regional District and it was suggested that Burnaby's representatives on the Regional District ask that other municipalities representatives consider the future role of the Family Division with a view to combining the services now offered individually by the municipalities that comprise the Regional District.

The feasibility of establishing a Remand-Diagnostic Centre to serve the Family Divisions (Juvenile Courts) of the region could also be considered at the same time.

During discussion it was suggested that the Burnaby Family and Children's Court Committee might meet with other similar committees in the Lower Mainland Area as it was felt that the Regional District would at this time not accept this suggestion as a function of the District because of the long list of functions already before the Regional District.

It was further submitted in discussion that the matter of a Remand Centre was one which was of concern to the City of Vancouver as well as other areas in the immediate vicinity because of growing juvenile problems and it was suggested that this aspect, at least, of the submission of the Chairman of the Burnaby Committee might be considered.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the Chairman of the Burnaby Family Court Committee be advised that it is the opinion of the Council that a meeting of combined Family Court Committees with similar problems within the Vancouver Area would in the view of this Council be a better course to follow to bring about some cohesion in the problems before the Committees."

CARRIED

AGAINST-- ALDERMEN McLEAN
AND HERD

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the Council resolve itself into a Committee of the Whole (8:05 p.m.)."

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CARRIED UNANIMOUSLY

TABLED ITEM

Watercourse at 1084 Delta Avenue -- (Letter from Mr. R. J. Nevill tabled on May 20th to allow the Aldermen an opportunity of viewing the property)

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:

"That the Engineer be asked to advise Mr. Nevill of the dimensions of the pipe necessary to enclose the drainage course on his property together with an estimated cost and further that if Mr. Nevill so wished he could proceed with the enclosure of the natural watercourse with the approval of the Municipal Engineer."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That a Public Hearing be held on Tuesday, June 24th, 1969 at 7:30 p.m. for the purpose of dealing with proposed amendments to the Zoning By-law specifically:

- (1) The Comprehensive Development rezoning proposal in the McMurray Avenue and McArthur Street area covered by Rezoning Reference #15/69
- (2) The proposed Comprehensive Development rezoning in the Lougheed, Keswick Avenue, Government Road area covered by Rezoning Reference #46/68 and 46/68A."

CARRIED UNANIMOUSLY

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The Municipal Clerk submitted a report on an emergency session of the Council held on Friday, May 30th at 10:00 a.m. to discuss a report of the Manager concerning the labour dispute which had resulted in a strike of workers in Vancouver, Burnaby and Richmond. Discussions had centered on the attached Memorandum of Understanding prepared and signed by all members of the Negotiating Teams for the Civic group and the representatives of the various unions involved.

The Clerk advised that the Emergency Session of the Council of May 30th, 1969 formally recommends to the Council that the Memorandum of Understanding dated May 29, 1969 at the City of Vancouver and signed by the Civic representatives on the Negotiating Team for the municipalities of Vancouver, Burnaby, and Richmond and by the representatives of the various unions concerned, be ratified by this Council.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the recommendation contained in the report of the Clerk be adopted."

CARRIED UNANIMOUSLY

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MUNICIPAL MANAGER'S REPORT NO. 40, 1969

- (1) Acquisition of Easement - Lot "A", D.L. 8S $\frac{1}{2}$, Plan 12052
SUBDIVISION REFERENCE #202/68

The Manager recommended that authority be granted to acquire an easement over the above described property from Joseph Louis and Delvina Marie Payment, the easement being eight feet in width located on the South end of the remainder of Lot "A" for drainage purposes. No consideration was payable by the Corporation.

The Manager recommended that the Mayor and Clerk be authorized to execute the documents on behalf of the Corporation.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (2) Frontage Requirements - Stage 2B - D.L. 86,
Subdivision Reference #66/69

The Manager recommended that the requirements of Section 712(1) of the Municipal Act be waived as they apply to Subdivision No. 66/69

Four of the lots being created by the subdivision being unable to meet the requirements of this Section in that they do not have a frontage of more than 10% of its perimeter.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(3) Juvenile Detention Home

The Manager recommended that a new agreement be entered into with the City of Vancouver for the use of this home, the former per diem rate being \$16.85 and the new per diem rate being \$15.65. The agreement extended from May 1st, 1969 to April 30th, 1970.

The Manager recommended that the Mayor and Clerk be authorized to sign the agreement.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(4) Miscellaneous Storm Drainage Works

The Manager reported that tenders had been called for the storm drainage work in connection with the 1969 Local Improvement Projects involving the installation of storm drainage materials in approximately twenty different locations.

Five tenders were opened in the presence of staff and the representatives of the firms bidding in accordance with a tabulation which was attached to the Manager's Report.

It was recommended that the lowest tender from H. B. Contracting Ltd. amounting to \$341,114.26 be accepted.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(5) Hastings Street Redevelopment Project No. 1

The Manager recommended that the necessary Road Closing By-law be passed by the Council as a part of the above project involving the closure of portions of Ingleton Avenue and the lane East of the said Avenue as shown on a sketch attached to the Manager's Report.

The areas so closed would become part of the consolidated redevelopment site and the lane closure will be replaced by a lane along the East 20 feet of Lot 17.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED

AGAINST -- ALDERMAN CLARK

(6) North Road Construction Contract - J. Cowe Ltd.

The above contract had a completion date of November 30, 1968.

During the Fall of 1968, J. Cowe Ltd. was delayed in completing the work from two causes beyond their control and also beyond the control of the Corporation; these factors were the installation of underground conduit by the B. C. Telephone Company, and a considerable amount of extra work required in the contract itself.

The contract as of this date is very substantially complete with only the intersection of North Road and Lougheed Highway to be completed. J. Cowe Ltd. is at present being further held up in completion owing to work required at the subject intersection being performed by the B. C. Department of Highways, and again, B. C. Telephone and B. C. Hydro.

The holdback on the above contract as of April 30, 1968, amounted to \$45,510.71; with a deduction of \$1,070.88 as counter claims from the Municipality, there is a net balance in the holdback of \$44,439.83.

The Municipal Engineer has discussed the question of releasing a portion of the holdback with the Legal Department following receipt of J. Cowe Limited's request for such consideration.

In view of the above factors, all of which were beyond the control of the Company and the Municipality, and having regard to the passage of time since the original completion date called for, it was recommended that \$40,000.00 of the holdback be released to J. Cowe Ltd., as soon as possible.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(7) Willingdon Avenue Widening

The property located at 4501 East Pender Street has been acquired for the above mentioned project.

There is a dwelling on the property which is approximately 55 years old which should be demolished.

It was recommended that the Land Agent be authorized to demolish the dwelling.

The Assistant Municipal Manager reported that if the Council approves this item the demolition will be included with tender calls for the last buildings to be demolished on Hastings Street in preparation for the Hastings Street widening and rehabilitation project.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(8) Lot 6, Block 27/28, D.L. 98, Plan 3294

The Manager reported that this property was located on the North side of Irwin Street East of Royal Oak Avenue. The Parks and Recreation Committee on the advice of the Planning Director recommends that the property be retained for future park/school site purposes.

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MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of the Parks and Recreation Commission
as related by the Manager be adopted."

CARRIED UNANIMOUSLY

(9) Boys' Clubs of Vancouver

The Manager reported on a letter received by the Council enquiring as to the reaction of the Boys' Clubs of Vancouver providing service on an experimental basis within a specific area of Burnaby. The submission was referred to the Parks and Recreation Commission for report. A financial statement was requested from the Boys' Clubs of Vancouver. The Manager attached a copy of the report from the Recreational Director to the Parks and Recreation Commission which the Commission had directed be forwarded to Council.

The report of the Parks and Recreation Commission, Recreation Director in essence indicated that the services of the United Community Services in Burnaby should be encouraged along with its related social agencies and that Mr. Brian Robinson, Executive Director of the Boys' Clubs of Vancouver discussed the establishing of youth programmes in Burnaby with the Burnaby United Community Services.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the recommendation as contained in the Recreational Director's report be endorsed."

CARRIED UNANIMOUSLY

(10) Rezoning Application No. 57/67

The Manager attached a copy of the Planner's Report on this item which dealt with Ukrainian Greek Orthodox Church, 7137 Canada Way and referred to approaches made by Mr. Gordon Dowding on behalf of the Church for a review of the situation pertaining to the rezoning of this property for institutional purposes to allow a church to be built on the property.

Mr. Dowding referred to the prerequisites which had been placed on the rezoning by the Planning Department and adopted by the Council which were so designed to protect the future road and subdivision pattern for this area.

Mr. Dowding had questioned the propriety of imposing restrictions such as this upon a property under rezoning and the Planner gave a full resume of the prior history of this application and recommended that no change be made in the prerequisites in order to ensure that the Church development proceeds without detriment to surrounding lands.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Planner be adopted."

CARRIED UNANIMOUSLY

(11) Canadian Public Welfare Association and Canadian Welfare Council

The Manager recommended that Mr. Coughlin be authorized to attend this Association's Annual Meeting and Conference in Toronto on June 25, 26 and 27, 1969.

The Manager noted that Mr. Coughlin had been nominated to the Board of Directors and that the Federal Government recognized the Organization and seeks their advice and opinion in matters related to social services.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERO:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(12) Rezoning Application #15/69

The Manager submitted a report of the Municipal Planner on this application dealing with the rezoning of land in the Mc Kercher - McMurray Area from R5 Residential to CD Comprehensive Development to permit the construction of two high-rise apartment buildings. The Planner referred to earlier considerations having been given to this application to rezone the area bounded by Mc Kercher, McMurray and the future Grange Street extension and the future extension of Hazel Street. The site measures approximately 2.4 acres.

The introduction of high-rise apartments was agreed to in principle and the Planner was authorized to work with the applicant in preparation of suitable plans. The Planner outlined the access available to the site at the present time and that anticipated to be obtained through the development basically involving the extension of Hazel Street and Grange Street. The applicant was prepared to contribute towards the right-of-way acquisition of the proposed Hazel Street extension. In the future Mc Kercher Avenue would be closed from Hazel to Sussex and McMurray Avenue would be closed except for a 150 foot long cul-de-sac connected with the future Grange Street extension.

Municipal services were available with the exception that a diversion of the sanitary sewer was required at an estimated cost of \$10,300.00 and it was recommended that the developer be responsible for this cost. The scheme proposes two towers (18 and 15 stories) located on two levels of underground parking. A total of 258 housing units would be included in the towers with a density of 107 units to the acre. The proposed FAR of 2.14 is in accordance with the density proposed in the McMurray Area Study and meets the By-law requirements.

In general the proposal reflected the conceptual objectives established in the McMurray redevelopment study. A parking ratio of 1.27 was considered sufficient.

It was recommended that the application be forwarded to a Public Hearing for further consideration and the final readings of the amending Zoning By-law be subject to the following prerequisites:

- (1) The dedication of portions of Lots 9, 107 and 11 to provide the right-of-way for the Hazel Street extension.
- (2) The dedication of portions of Lots 97, 21 and 22 to provide the right-of-way for the McMurray cul-de-sac.
- (3) An agreement to be entered into between the municipality and Edgewater Construction Ltd., whereby an appropriate land exchange will take place at no cost to the municipality or the developer, once the Grange Street extension has been surveyed.
- (4) The cancellation of the 10 foot lane allowance between the properties.

(5) The deposit of \$10,300.00 for the diversion of the sanitary sewer.

(6) The submission of detailed and suitable plans of development as required by the Comprehensive Development sections of the Zoning By-law.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:

"That the report be received and that the proposed rezoning be referred to a Public Hearing."

CARRIED UNANIMOUSLY

(13) Lot 24, North 457 feet, D.L. 82, Plan 201
Subdivision Reference No. 120/68

The Manager recommended that these easements be acquired and the Mayor and Clerk be authorized to sign the necessary easement documents there being no consideration payable. The easements were required for storm and sanitary sewer purposes. The property is located on the East side of Sussex Avenue North of Bond Street.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(14) Estimates

It was being recommended that the Special Estimates of Work of the Municipal Engineer, in the total amount of \$46,944.00, be approved.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(15) Revenue & Expenditures

It was being recommended that the Revenue and Expenditures covered in the Municipal Treasurer's report for the period January 1, 1969 to May 11, 1969 be approved.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:

"That the statement of Revenue and Expenditures be approved."

CARRIED UNANIMOUSLY

(16) Building Department Report

A report of the Building Department covering the operations of the Department for the period April 28th to May 23rd was being submitted.

(17) Medical Health Department Report

A report of the Medical Health Officer covering activities of his department for the month of April was being submitted.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:

"That these reports be received."

CARRIED UNANIMOUSLY

(18) Fraser Valley Mosquito Control Board

The Manager recommended that the Department of Transport be requested to waive Section 529 A and B as they apply to aircraft owned and operated by Skyway Air Services Ltd. used in mosquito control in Burnaby during the year 1969.

The Manager explained that the aircraft company had valid insurance policies in force providing for public liability and property damage coverage on \$1,000,000.00 for general liability and \$100,000.00 for chemicals.

The regulations refer to low flying aircraft over built up areas and set a minimum elevation of 1,000 feet and during the mosquito control operation the aircraft fly below this level.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the Committee do now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the report of the Committee be adopted."

CARRIED UNANIMOUSLY

B Y - L A W S

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That leave be given to introduce "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 27, 1969" #5524 and that it now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That the By-law be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That the Council do now resolve into a Committee of the Whole to consider and report on the By-law."

CARRIED UNANIMOUSLY

This By-law provides for the following rezoning:

Reference RZ #30/69

FROM MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM3), SERVICE COMMERCIAL DISTRICT (C4) AND MANUFACTURING DISTRICT (M1) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT FIVE (RM5)

- (1) The area bounded by Kingsway on the North, Patterson Avenue on the West, Olive Avenue on the East and Beresford Street on the South, and
- (2) Four lots immediately to the East of the area described above, having a total frontage on Kingsway of 234 feet and legally described as Lots 13, 14, 15 and 16, Block 8, D.L.'s 151/3, Plan 2155

The submissions which Council received earlier this evening from Parsons Enterprises Ltd., Macaulay Nicolls Maitland & Co. Ltd., and Dencan Enterprises Ltd. expressing opposition to the rezoning of Lots "A" and "B", Block 7, D.L. 153 to Multiple Family Residential District Five (RM5) (which lie within the area described under (1) above) were brought forward.

The following is the substance of these communications:

PARSONS ENTERPRISES LTD.

- (a) An offer has been received from Dencan Enterprises Ltd. to purchase the two lots for the development of a restaurant on them.
- (b) If the properties are rezoned to RM5, then Dencan will not be able to proceed.
- (c) It is doubtful that Parsons Enterprises Ltd. would receive a sufficient price for the properties to adequately discharge the mortgage on them or realize a profit.
- (d) Considering the many ordinary apartments in the area, these would be dwarfed by any high-rise development.
- (e) The facility planned by Dencan will provide a much needed service in the area.

MACAULAY, NICOLLS, MAITLAND AND CO. LTD.

- (a) The property owned by Parsons Enterprises Ltd. is so located as to not affect the workability of the overall plan to rezone the area in question to RM5; therefore, the deletion of the Lots "A" and "B" would not adversely effect the usability of the site designated by the Planning Department as NO. 1 for RM5 purposes.
- (b) Good planning dictates that a Commercial buffer strip should exist between areas of high density development and main traffic arteries.
- (c) Commercial land has a higher value, on a square footage or frontage basis, than land zoned RM5; therefore, if Lots "A" and "B" were rezoned to RM5, Parsons Enterprises Ltd. could expect a considerable loss.
- (d) From purely a real estate point of view, the practical effect of rezoning Lots "A" and "B" to RM5 would produce the following results:

- (1) If all the land in Site No. 1 was so rezoned and the developer assembled all of it except Lots "A" and "B" he would likely find that Parsons Enterprises Ltd. would desire an amount substantially greater for its site than that paid for other property in the area.

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- (ii) This developer would then likely ask that he be allowed to proceed without Lots "A" and "B".
- (iii) Because the municipality is desirous of having high-rise development in the area, the Planning Department might accede to the developer's request.
- (iv) If Council concurs, Parsons Enterprises Ltd. would then be left with a parcel of RM5 property which would be too small to be developed for that purpose.
- (v) The municipality would then probably rezone the property back to its present C4 zoning.

DENCAN ENTERPRISES LTD.

- (a) Dencan Enterprises Ltd. has made an accepted offer to purchase the subject Lots "A" and "B" and proposes to erect a restaurant on the site.
- (b) Considerable time and effort has been spent in preparing for this venture.
- (c) One of the reasons for selecting the site is that it lends itself admirably to Commercial usage.
- (d) The Company would naturally be concerned about the proposal to rezone Lots "A" and "B" to some category which would not allow for the construction of a restaurant.
- (e) A valid alternative situation would be to maintain a buffer of Commercial zoning on Kingsway to a depth of approximately 130 feet.

Mr. Parsons then spoke and reiterated that which he indicated at the beginning of the meeting.

Mr. Evans of Macaulay, Nicolls, Maitland and Co. Ltd. also spoke and stated that his firm was being retained by Mr. Parsons.

He also stressed the points in his letter and, in response to a query, indicated that the proposed restaurant was not a drive-in type.

He concluded by urging Council to not proceed with the rezoning of Lots "A" and "B" to RM5.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the Committee now rise and report progress on the By-law, with it being understood that the By-law will not be advanced until after Council deals with the report of the Planning Department containing a review of the apartment development situation from the time the Apartment Location Policy was established by Council."

CARRIED

AGAINST -- ALDERMEN CLARK, McLEAN
AND DRUMMOND.

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

ACTING MAYOR DRUMMOND DECLARED A RECESS AT 9:20 P.M.

THE COUNCIL RECONVENED AT 9:35 P.M.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That leave be given to introduce:
"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 5, 1969" #5529
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 28, 1969" #5525
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 29, 1969" #5526
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 30, 1969" #5527
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 31, 1969" #5528
and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the By-laws be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the Council do now resolve into a Committee of the Whole to consider and report on the By-laws."

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 28, 1969 provides for the following text amendment:

Reference RZ #26/69 (Part 1)

"Screening of Parking Areas Adjacent to Lanes

The Amendment of Section 6.15 to permit the addition to Clause (c) (c) (1) of the following:

"except, however, that where a parking area abuts a lane, the screening along the lane shall be not less than 2½ feet nor more than 3½ feet in height for a distance of not less than 20 feet from all points of ingress and egress to and from such parking area."

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 29, 1969 provides for the following text amendment:

Reference RZ #26/69 (Part 2)

"Underground Parking Structures

(a) The addition of the following to the bonus clauses in the Floor Area Ratios Sections of the By-law (Sections 201.5, 202.5, 203.5, 205.7(2), 303.5 and 502.6):

"or underground (where the roof of the underground parking area is not more than 2½ feet above the adjacent finished grade) an amount may be added to the floor area ratio equal to"

(b) Projections into Required Yards - Section 6.12(1)

"(j) Underground parking structures, subject to suitable landscaping or architectural treatment and proper maintenance, and provided that such projections do not exceed 10 feet in the case of a required front yard."

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 30, 1969 provides for the following text amendment:

Reference RZ #26/69 (Part 3)

"Senior Citizens" Housing in P5 (Community Institutional Districts):

Uses Permitted - Section 505.0(6)

That the following be deleted:

"Senior Citizens' housing projects, provided that where a project includes dwelling unit accommodation, the following minimum floor areas shall apply:

- (a) Bachelor Unit - 350 square feet
- (b) 1-Bedroom - 500 square feet"

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 31, 1969 provides for the following text amendment:

Reference RZ #26/69 (Part 4)

"Two Dwellings on a Lot in R1 (Single Family Residential) Districts:

In order to tie the granting of a second building permit to the possibility of subdivision, it is proposed that the words "and can" be inserted after the word "shall" in clause (1) of Section 101.1, to read as follows:

"Single family dwellings. Where the lot area exceeds 24,000 square feet, there may be two separate dwellings on one lot, provided that each dwelling shall and can be sited as required by the Subdivision Approving Officer in order to facilitate the future subdivision of the parcel or adjacent parcels of land."

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That the Committee do now rise and report the By-laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That:

- "BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 5, 1969"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 28, 1969"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 29, 1969"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 30, 1969"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 31, 1969"

be now read a Third Time."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN LADNER :

"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 63, 1968" #5419 be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN LADNER:

"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 63, 1968" be now finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the Council resolve into a Committee of the Whole "In Camera" (9:40 P.M.)."

CARRIED UNANIMOUSLY

DELEGATION

Mrs. L. McKenzie re: Watercourse at 7437 Burris Street

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That the delegation be heard."

CARRIED UNANIMOUSLY

Mrs. McKenzie and Dr. L. Beamish were present and Mrs. McKenzie presented her case to the Council.

A copy of a letter written by Mrs. McKenzie concerning the watercourse traversing her property had been supplied to the members of the Council and had been read previously. The letter referred to the watercourse and her desire that the said watercourse be maintained in its natural state. Reference was made to the enclosure of the watercourse downstream by Dr. Beaudoin and his encroachment upon her property with a catchbasin leading to the culvert. Mrs. McKenzie advised that her insurance agent had inspected the property and had issued a clearance of all danger insofar as the use of the creek was concerned.

The Municipal Engineer advised that the catchbasin and two lengths of pipe were situated on Mrs. McKenzie's property and had been installed by Dr. Beaudoin. The length of the pipe had not been determined by the Municipal Engineering Department, however the pipe size was adequate to take the drainage flow. The Doctor had agreed to grant an easement to the municipality covering the enclosed watercourse which traversed his property.

Alderman Ladner explained to Mrs. McKenzie that the Council had a duty to enclose all watercourses eventually so that they would not endanger private property. It was pointed out that the watercourse does come from a source further upstream but the conditions were different. It was planned by the municipality to enclose about

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55 feet of the watercourse on her property at this time to avoid danger to her property and to the downstream property. It was pointed out that the watercourse was contained in a well defined course further upstream.

Mrs. McKenzie advised that there had been some danger to the fence of a neighbour but since the winter time when the runoff was heavy the watercourse had changed and there was now no longer any danger to the neighbour's fence.

Mrs. McKenzie pointed out that Dr. Beaudoin was going to move the catchbasin and pipe until Burnaby interfered and then the whole atmosphere regarding the matter changed.

The Engineer submitted that the waterflow is becoming faster and as the area upstream develops there will be a greater danger from the flash type of flow and this can become more dangerous.

It was pointed out by Alderman Blair that it did not matter whether the catchbasin was situated on Mrs. McKenzie's property or not the problem would still exist. The current problem was not created by this Corporation and it was felt that the Corporation should not become involved.

Dr. Beamish commented that some action had been taken with regard to the property of Mrs. Manwaring further down on Burris Street which had solved a drainage problem there and it was suggested that similar action might be the answer to the current problem with Mrs. McKenzie.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the matter be tabled for a period of one week and that Alderman Blair, Mrs. McKenzie and the Municipal Engineer meet and try and resolve the situation and report back to the Council."

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CARRIED UNANIMOUSLY

MUNICIPAL MANAGER'S REPORT NO. 41, 1969

(IN CAMERA)