

SEPTEMBER 7, 1971

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Tuesday, September 7, 1971 at 7:00 p.m.

PRESENT: Mayor Prittie, in the Chair;
Aldermen Clark; Dailly (7:12 p.m.);
Drummond; Emmott; Ladner; and McLean;

ABSENT: Aldermen Blair and Mercier;

MAYOR PRITTIE drew attention to the tragic accident which occurred on Canada Way South of Burris Street this morning and expressed:

- (a) deep regret regarding the death of two young students.
- (b) hope for the recovery of the others who were involved in the accident.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN EMMOTT:
"That the Minutes of the Council meeting held on August 23, 1971 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

* * *

DELEGATION

Manager, Burnaby Chamber of Commerce, submitted a letter requesting an opportunity for a spokesman from the Chamber to address Council on the question of Christmas Shopping Hours.

The following also submitted letters expressing views on the matter mentioned in the letter from the Burnaby Chamber of Commerce:

- (a) North Burnaby Commerce & Community Bureau
- (b) Super-Valu Stores
- (c) Campbell Shoes (C. W. Stephen Ltd.)
- (d) Brentwood Shopping Centre Association
- (e) Retail Clerks' Union
- (f) Retail Merchants' Association of Canada (B.C. Division)
- (g) Manager, Store #1, I.G.A.

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MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN EMMOTT:

"That all of the correspondence listed above pertaining to the subject of Christmas Shopping Hours be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN LADNER:

"That a representative of the Burnaby Chamber of Commerce be heard."

CARRIED UNANIMOUSLY

ALDERMAN DAILLY ARRIVED AT THE MEETING.

Mr. Horton, Chairman of the Retail Committee of the Burnaby Chamber of Commerce, appeared and made the following comments on the subject of the presentation from the Chamber:

- (a) In addition to those who submitted letters to Council this evening expressing support for extended opening hours for shops during the month of December, the Lougheed Mall had written to the Chamber to express the same view.
- (b) Those who have made statements in opposition to the proposal are not able to substantiate their stand.
- (c) A study was made of evening shopping elsewhere in North America by a Professor Mallen.
- (d) Merchants will remain open for business if it is found to be profitable.
- (e) Super-Valu has indicated that it wishes some extension of the opening hours during the month of December.
- (f) The opposition in the United States to long opening hours for shops really only applies to Sunday shopping.
- (g) The needs of all retailers differ and therefore each class of business should be examined in that light.
- (h) The request for extended opening hours will not compel each merchant to remain open.
- (i) There are six members on his Committee, some of whom represent the Retail Merchants Association and disagree with the view expressed by the Association in its letter to Council this evening. All members of the Association were not polled for their opinion on the matter at hand.
- (j) Some shopping centres include, in the lease to their tenants, a clause concerning opening hours and some also make reference to the payment to the shopping centre of rentals that relate to gross earnings.

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(k) The stimulation for longer shopping hours came from the merchants.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That items (5) and (13) of the Municipal Manager's Report No. 55, 1971, which relate to the question of Christmas Shopping Hours, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of those two reports from the Manager:

(5) Shops Closing By-law

The By-law the Legal Department has prepared to effect the request of the Chamber of Commerce establishes classes of shops and inserts into Schedule "A" those ones which would be permitted to have open hours. Not having any precise direction, the Legal Department itself interpreted the class of shop Council may wish to exempt from closing regulations during the month of December.

Barber shop hours have not been changed because, if the By-law at hand is passed in its present form, such shops will have restrictive hours for December.

Certain classes of shops are also completely exempt from the provisions of the Municipal Act, and this has been left in the new By-law.

The penalty section of the new By-law has increased the penalty from a possible fine of a maximum of \$100.00, or in default, to imprisonment not exceeding thirty days, to a maximum of \$500.00 or imprisonment not exceeding six months. This was done because \$500.00 is the usual summary conviction penalty and it also gives the Court a wider discretion.

A copy of the present By-law was being distributed to the members of Council.

(13) December Shopping Hours

The following are the results of the survey made of shopping regulations in surrounding municipalities:

<u>Municipality</u>	<u>Regulations</u>
Delta	Unrestricted hours
New Westminster	Schedule to By-law lists 79 businesses with restricted hours.
Vancouver	Shops allowed open to 9:00 pm on 7 business days before Christmas.
North Vancouver City	Same as Vancouver
North Vancouver District	" "
West Vancouver District	" "
Coquitlam	Submission awaiting reports from Staff and Chamber of Commerce

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Port Coquitlam	Unrestricted hours.
Surrey	" "
Richmond	" "

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That Burnaby Shops Closing By-law 1971 be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN EMMOTT:
"That leave be given to introduce "Burnaby Shops Closing By-law 1971" #5951 and that it now be read a First Time."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, 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

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That the By-law be abandoned because it is felt the present opening hours for shops are adequate to permit the public to make purchases from retail shops and that extended hours of opening would probably, in very little measure, benefit those who wish to shop in the municipality."

CARRIED

AGAINST -- ALDERMEN McLEAN
AND EMMOTT

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN McLEAN:
"That the Greater Vancouver Regional District be asked to review its position on the matter of regionalizing shops closing hours to see whether regulations at that level can be introduced."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

* * *

ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN EMMOTT:
"That all of the below listed original communications be received."

CARRIED UNANIMOUSLY

Centennial Co-Ordinator submitted a letter advising that the Centennial '71 Travelling Historical Exhibit will be displayed at the Loughheed Mall between September 9th and 13, 1971.

Mr. J. L. Mitchie wrote to draw attention to a drainage problem he is experiencing on his property at 4435 Briarwood Crescent due to a number of underground springs.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That action on the subject of the letter from Mr. Mitchie be deferred until consideration of Item 9 of the Municipal Manager's Report No. 55, 1971 later this evening."

CARRIED UNANIMOUSLY

Mr. David E. Gillanders of the Legal Firm of Lawson, Lundell, Lawson and McIntosh submitted a letter requesting that Council either rezone the North 283 feet of a portion of Lot "P", D.L. 43, Plan 3227 to the M2 zoning category or amend the proposed M5 category to include a truck assembly use.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That action on the request of Mr. Gillanders be deferred until consideration of Item 18 of the Municipal Manager's Report No. 55, 1971 later this evening."

CARRIED UNANIMOUSLY

Mr. Allen G. LaCroix, Barrister and Solicitor, wrote to request that the amendment to the Zoning By-law covering the rezoning of Lot "B", Block 30, D.L. 186, Plan 5371 and Lot 17, Block 30, D.L. 186, Plan 1124 to Comprehensive Development District (CD) be finally adopted.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That action on the request of Mr. LaCroix be deferred until consideration of Item 14 of the Municipal Manager's Report No. 55, 1971 later this evening."

CARRIED UNANIMOUSLY

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Mr. L. Warne wrote to point out a number of possible traffic problems which could be created if a dental clinic planned to be located at 7726 Wedgewood Street is built.

It was mentioned to Council, during consideration of the matter concerning Mr. Warne, that the Traffic Safety Committee was seized of the matter.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN McLEAN:
"That action on the subject of Mr. Warne's letter be deferred until the Traffic Safety Committee submits a report on the matter."

CARRIED UNANIMOUSLY

Director of Regional Parks, Vancouver-Fraser Park District, submitted a letter advising that further consideration of the matter of establishing boundaries for the Burnaby Lake Regional Park will be given by the Planning Department of the Greater Vancouver Regional District as part of an overall study of Regional Park boundaries.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the Vancouver-Fraser Park District be requested to give the matter of establishing boundaries for the Burnaby Lake Regional Park top priority and therefore arrange for a study of the matter to be made immediately because of the:

- (a) relationship between the on-going development, by the municipality, of recreational facilities at the West end of Burnaby Lake and the long-range plan for the Regional Park.
- (b) fact that the aquatic activities for the 1973 Canada Summer Games will be held on Burnaby Lake."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

Mrs. H. James wrote to draw attention to an incident involving the health of her husband allegedly as a result of inhaling fumes from the Chevron Refinery in Burnaby.

City Engineer, City of Vancouver, forwarded a report prepared by Phillips, Barratt, Hillier, Jones and Partners, Consulting Engineers and Architects, pertaining to the East approach route to Vancouver from Highway 401 (Freeway).

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN DRUMMOND:
"That the Municipal Manager provide Council with a summary of the report from the City of Vancouver."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN DAILLY:
"That the Council now resolve itself into a Committee of the Whole."

CARRIED UNANIMOUSLY

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TABLED ITEMS

The following matter was then lifted from the table:

Request for Alteration of Median on Alaska Street (Western Sleep Products Ltd.)

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That Item 8 of the Municipal Manager's Report No. 55, 1971, which deals with the subject at hand, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of that report from the Manager:

(8) Median Alteration - Alaska Street (Western Sleep Products Ltd)

The Municipal Engineer has indicated that, in November 1968, Preliminary Plan Approval was given for an extension to the building of Western Sleep Products Ltd. The plot plan indicated the loading bay would be on the East end of the extension and that access would be gained via Alpha Avenue. On the building plan elevation layout, the Company indicated the doors now used for loading but not how they were to be used.

Since then, the Company has leased the East end of its building to Brentwood Dodge and have severed access to Alpha Avenue, leaving the only access to a public street by way of Alaska Street.

An attached plan shows the location of the median, existing driveway crossings and loading doors. Trucks using door number one need to back over the curb to get into position. Even a standard two-axle moving van has difficulty backing into doors two and three. The vehicles that experience a real problem are the semi-trailers who are backing up and over the centre median. These vehicles should not be loading or unloading here as their length involves an encroachment into the roadway.

It is unfortunate there is an access point to Alaska Street at the locations indicated but, none the less, they must be considered for the time being. It is not felt, however, that any adjustments to the median should be made which would encourage the use of larger vehicles because of resulting encroachments into the Alaska Street right-of-way.

The Engineer was recommending a ten-foot extension to the crossing, as shown on the accompanying sketch, to eliminate the present practice of driving over the curb.

He is not prepared to support any alteration to the median because this would only encourage the use of larger vehicles.

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It was being recommended that no alteration be made to the median in question but that the existing crossing referred to above be extended ten feet West to serve Door No. 1.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the subject of the report from the Manager be tabled until the September 13th meeting and, in the meantime, Western Sleep Products Ltd. be asked for comments on the recommendation in the report."

CARRIED UNANIMOUSLY

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ALDERMAN LADNER stated that the owner of the property at 4696 Marine Drive occupied by Pioneer Auto Salvage Ltd. wished to make a submission to Council concerning the future use of the property, which lies in the Big Bend Area.

He indicated that the owner would like to make a presentation to Council at the September 20th meeting.

It was tacitly understood by Council that the owner involved could come forward at any time to make a submission to Council on the matter concerning him.

ALDERMAN EMMOTT was scheduled to submit a report on his trip to Kushiro and other parts of Japan but asked for a one week deferment.

It was understood by Council that Alderman Emmott would endeavor to provide a written report for Council at its September 13th meeting on the matter mentioned.

* * *

QUESTION AND ANSWER
PERIOD

MAYOR PRITTIE recommended that Alderman Blair be appointed as Council's representative to the United Community Services (Burnaby Division) for the term ending December 31, 1971 in place of Alderman Drummond.

Alderman Drummond pointed out that his municipal activities in other fields made it extremely difficult for him to perform as Council's representative to the organization mentioned by the Mayor.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:
"That the recommendation of the Mayor be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LADNER:
"That Aldermen Blair and Mercier be granted leave of absence from this meeting."

CARRIED UNANIMOUSLY

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MAYOR PRITTIE read a letter he had received from the Burnaby Ladies Pipe Band expressing appreciation to Council for a grant.

When Alderman McLean enquired as to developments in connection with the Stormont Interchange, the Municipal Engineer replied that he had asked for more details regarding the matter. He added that the Department of Highways has made some progress in connection with the project.

The Engineer also commented that nothing further had developed with respect to the connection of Broadway with Como Lake Road.

Alderman Clark enquired as to the latest situation in regard to the redevelopment planned for the 3800 and 3900 Blocks Hastings Street.

Mr. Armstrong of the Planning Department replied that one bid was received for the redevelopment scheme, which was not acceptable, and the tenderer has asked that his bid bond be returned.

* * *

REPORTS

GRANTS AND PUBLICITY COMMITTEE submitted a report recommending that grants be made to the following organizations in the amounts indicated:

- (a) B. C. Sports Hall of Fame - \$500.00 - to assist in constructing the building to house the Hall of Fame.
- (b) Danish Old People's Home - \$2,455.71 - grant in lieu of taxes
- (c) Action Line Children's Village Society - (Project No. 3 - 6126 Sperling Avenue) - \$1,108.62 - grant in lieu of taxes.
- (d) Burnaby Horsemen's Association - \$351.04 - to be written off by the Municipal Treasurer because this represents the taxes due this year on the land leased by the Association.

It was also being recommended that the appropriate Department of the Provincial Government be asked to take into account municipal taxes when establishing the per diem rate for residents of Children's Villages.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN CLARK:
"That the recommendations of the Committee be adopted."

CARRIED UNANIMOUSLY

MAYOR PRITTIE drew attention to a request of the Burnaby Senior B Lacrosse Club for a grant in the amount of \$750.00 to assist in defraying the expenses of the Club in travelling to Windsor, Ontario on September 12th to compete in the Canadian Finals.

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MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN McLEAN:
"That a grant in the amount of \$750.00 be made to the Burnaby Senior B Lacrosse Club for the purpose indicated by the Mayor."

CARRIED UNANIMOUSLY

ALDERMAN DAILLY LEFT THE MEETING.

As a result of a brief discussion, it was understood by Council that the Parks and Recreation Commission would be asked by the Grants and Publicity Committee for an opinion on applications which are received for grants relating to recreational activities.

* * *

MUNICIPAL MANAGER submitted Report No. 55, 1971 on the matters listed below as Items (1) to (23), either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Huxley Avenue and Sanders Street

The Parks and Recreation Commission has advised the School Board that Huxley Avenue, which is located to the West of Moscrop Junior Secondary School, is 99 feet wide and the paved portion of the Avenue is located on the Westerly 66 feet of the allowance. It would therefore appear that the Easterly 33 feet of the road allowance is redundant and could be abandoned and added to the school property. This additional land could be used to advantage by producing greater width for the turf sports field.

The Moscrop Junior Secondary School site presently conforms to the standards set by the Department of Education so it is unlikely permission could be secured to purchase the 33 foot strip mentioned above. A few years ago, a portion of Sanders Street, which parallels the Marlborough School site on the South side, was developed without the municipality formally obtaining title to the allowance. It is therefore possible that the 33 by 598.22 foot portion of Huxley Avenue could be exchanged for the 33 by 566.91 foot portion of Sanders Street.

The School Board has indicated that it would approve this exchange arrangement.

It was being recommended that:

- (a) Council approve the exchange with the School Board, as detailed above.
- (b) The necessary metes and bounds descriptions and explanatory plan be prepared.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LADNER:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

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- (2) Lots 1 to 5 inclusive, Except Plan 10599 and Lot 6, D.L. 91N,
Part, Plan 1869 (St. Albans Anglican Church)

A sketch illustrating the location of the above property, which was inadvertently not provided to Council on August 30th, was being submitted at this time.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN EMMOTT:
"That the report and accompanying sketch from the Municipal Manager be received."

CARRIED UNANIMOUSLY

- (3) Lot 19, Except Parcel "A", Sketch 12407, Block 4, D.L. 125,
Plan 3520
REFERENCE REZONING #53/70

It was being recommended that the following prerequisites be established in connection with a proposal to rezone the above described property to Multiple Family Residential District One (RMI):

- (a) The submission of a suitable plan of development for the site.
- (b) The filing of a cash bond with the municipality, in the amount of \$7,000.00, to cover the cost of providing suitable landscaping for the site by August 30, 1972, on the basis that the amount mentioned, or any portion thereof, can be withdrawn and used by the Corporation for any landscape work that may be necessary to bring the development up to the standard indicated in plans submitted by the applicant.

The reason for this bonding arrangement is to ensure the provision of a high standard of landscaping which is designed to alleviate problems created by retaining the existing motel on the property, which are the minimal distance between dwelling units and the close proximity of these units to the Lougheed Highway.

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

CARRIED UNANIMOUSLY

- (4)(a) Lane North of Monarch Street from Mahon Avenue to Atlee Avenue
(b) Lane East of Cliff Avenue from Blaine Drive to Kitchener Street
Street

It was being recommended that the following cost reports pertaining to the paving, as Local Improvements, of the above lanes be received:

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	<u>Lane north of Monarch St. from Mahon Ave. to Atlee Avenue.</u>	<u>Lane east of Cliff Ave. from Blaine Dr. to Kitchener St.</u>
Length of work	500'	300'
Estimated cost of work	\$ 1,000.	\$ 600.
Actual frontage	785.89'	490.82'
Taxable frontage	528.00'	377.40'
Owner's share of the cost of the work	\$ 528.00	\$ 377.40
Estimated lifetime of the work	---- 10 years ----	----
Frontage tax levy	---- 5 annual install- ments of \$.257 per taxable front foot ----	----

It was also being recommended that the necessary construction by-laws to authorize the works be prepared.

MOVED BY ALDERMAN McLEAN; SECONDED BY ALDERMAN LADNER:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(5) Shops Closing By-law

(This item was dealt with previously in the meeting.)

(6) Estimates

It was being recommended that the report of the Municipal Engineer covering special estimates of work, in the total amount of \$145,000.00, be approved.

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

CARRIED UNANIMOUSLY

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(7) Burnaby Lake

A copy of a report, including an abstract of it, pertaining to students projects involving Burnaby Lake was being submitted.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:

"That the report filed this evening by the Manager relating to Burnaby Lake be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN EMMOTT:

"That the group which undertook a survey of Burnaby Lake be commended for the efforts expended in making the survey and compiling the report."

CARRIED UNANIMOUSLY

ALDERMAN DAILLY RETURNED TO THE MEETING.

(8) Median Alteration Request - Alaska Street (Western Sleep Products Limited)

(This item was dealt with previously in the meeting.)

(9) Drainage Problem - 4435 Briarwood Crescent (Mitchie)

This refers to a letter Council received earlier this evening from Mr. J. L. Mitchie concerning a drainage problem on his property at 4435 Briarwood Crescent.

The advice given to Mr. Mitchie in the past has been quite correct and factual inasmuch as the Corporation has never accepted liability or responsibility for underground seepage waters unless the flow of such water was caused, or added to, by a defective sewer or water main or service.

There are numerous locations in Burnaby which have underground water seepage conditions and it would be an impossible task for the Corporation to assume responsibility for intercepting and controlling such seepage.

Mr. Mitchie's appeal to Council is based primarily on some information allegedly provided by a representative of Gosal Brothers Contracting Limited, who is purported to have stated that their time-table for storm sewer construction on Briarwood Crescent was delayed owing to the existence of "springs" which apparently were encountered across the street from Mr. Mitchie's property.

If such information was provided by the representative of Gosal Brothers, the choice of the word "springs" was unfortunate, although there is no denying the fact the area does have a general problem of underground seepage waters.

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The Municipal Engineer is satisfied that the Corporation did not make the problem worse by adding surface waters from the road because these were effectively controlled by means of ditches on both sides of the road.

The Engineer was recommending that the Corporation's position with respect to the existence of natural underground seepage waters be once again explained to Mr. Mitchie and that Mr. Mitchie be advised the interception and handling of such natural waters on his own property is solely his responsibility.

It was being recommended that Council endorse the recommendation of the Engineer.

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

CARRIED UNANIMOUSLY

(10) Burnaby Lake

During consideration by Council of a progress report on the dredging contract involving Burnaby Lake, note was taken of a statement in a letter dated July 23, 1971 from Associated Engineering Services Limited that "by deleting some of the dredging work to bring about a decrease in cost commensurate with a reduction in the area to be dredged, which will offset the extra cost the contractor has indicated will be claimed because of the deletion of the third shift in each day, (note that this will be in the order of one third of the standby charge)".

The Council expressed concern that such claim is capable of being filed under the terms of the contract and asked for a review of the matter.

It seemed to be the contention of some members that the consulting engineers should have foreseen possible difficulties in the matter of depositing spoils and the effect this would have on the dredging contract.

Associated Engineering Services Limited has written a letter dated August 12, 1971 in connection with the matter. Basically, the Company feels the contractor has performed in accordance with the contract and the Company was not negligent in preparing specifications for the work. Associated also feels the Contractor was not responsible for plugging the Greater Vancouver Sewerage and Drainage District sewer, nor has the District any responsibility in the blockage. The cleaning of the sewer has, however, increased its capacity.

The Municipal Solicitor has indicated that the contractor has performed the work specified in the construction specifications and therefore can not be held liable for the cost of the blockage because the machinery and method of operation were approved by the Engineer Consultants.

In discussion with the Greater Vancouver Sewerage and Drainage District, the Municipal Engineer was informed that the District accepts no responsibility for the blockage. The account with the District for \$15,871.63, representing costs resulting from the blockage, has not yet been paid by the municipality.

Progress Payment Certificate No. 4 and the Consultant's letter of August 16th are being referred to Council at this time. This Certificate includes the payment of three extras, one of which is for the construction of levees to retain the spoil.

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A copy of the Consultant's letter of August 20, 1971 was also being submitted this evening. This letter explains the need for including the standby item of \$5,692.32, the purpose being a requirement that the dredge operate only on two shifts, instead of three, daily because of overloading of the spoil areas. The resultant claim is for one third of the daily standby time for lack of progress while operating on only two shifts.

The second extra is the payment for the grinder, which was fabricated on request. Although never used, the contractor was ordered to make the grinder. The charge of \$5,142.62 is compared to the estimate of \$7,000.00 and this lesser amount is because the grinder was not mounted on the dredge. The contractor has been asked whether he would consider the purchase of the grinder. If this happens, there may be a further credit on this item.

The third claim for an extra is \$6,302.53 for levee construction covering the cost of labour and material involved to hold the spoil material from flowing back into the channel. This item has been charged in accordance with the specified method for payment for extras on the contract.

There is an item of credit for \$7,400.00, which resulted from the reduced length of the course.

The contract is not as yet completely finished because the glacial till has to be removed from the point jutting into the course on the North side, and this cannot be done by dredge. The contractor is preparing the dredge to excavate this point by normal methods. This will not constitute an extra because the contractor was warned in the specifications that he would be required to dredge to line and elevation shown on the drawings and neither the Corporation nor the Engineer would assume responsibility for variations of subsoil quality and conditions.

The dredge is presently contracted to the Greater Vancouver Water District to lower the 36 inch water main, which was estimated to cost the municipality \$10,000.00.

Also being attached is a summary of the cost for the project as at August 31, 1971. The projected total cost at this time is \$340,504.03 whereas the estimate was \$350,000.00.

Progress Certificate No. 4 has been referred to the Summer Games Society for consideration and approval because the municipality is really only a vehicle in the Project. The municipality is, however, paying one sixth of the costs by virtue of the agreement between the Federal Government, the Provincial Government, New Westminster and Burnaby.

It is trusted that the foregoing satisfactorily answers the question raised in Council with respect to the general subject of liability as far as the contractor and consultant are concerned. Unless Council directs otherwise, Progress Certificate No. 4 and the account with the Greater Vancouver Sewerage and Drainage District in the amount of \$15,871.63 will be paid once approval has been received from the Summer Games Society.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(11) Heritage Village

It was being recommended that Council accept the quotation of Heritage Construction Company in the amount of \$41,166.50 for exterior and interior finishings in buildings G, H and I of the Heritage Village Complex.

A copy of a letter from the Chairman of the Building Sub-Committee of the Centennial '71 Committee relating to the matter was also being submitted.

It was also being recommended that the Corporation enter into a contract with Heritage Construction Company.

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

CARRIED UNANIMOUSLY

(12) Non-Conforming Uses

A question was raised in Council on August 23rd as to whether the owners of properties which were being used on a legal non-conforming basis can undertake landscaping and similar improvements notwithstanding the non-conformity.

The Municipal Solicitor has indicated that he can see no reason why the owner of non-conforming property cannot landscape it. He has added that the only restriction is on structural alterations, but even these are permitted by the Board of Variance. The Solicitor also mentions that, if the owner of a non-conforming property wishes to install pollution abatement equipment, he is hardly likely to do so unless compelled by statute or by-law.

It was being recommended that the foregoing information be conveyed to Tri Mac Transportation System, because of its interest in such a situation, for consideration and that the Planning Department be asked to work with that Company to assist in developing a landscaping scheme or installing pollution abatement equipment, if so requested by the Company.

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

CARRIED UNANIMOUSLY

(13) December Shopping Hours

(This Item was dealt with previously in the meeting.)

- (14) (a) Lot "B", Block 30, D.L. 186, Plan 5371
(b) Lot 17, Block 30, D.L. 186, Plan 1124
REFERENCE REZONING #36/70

The Planning Department has indicated that the following matters pertaining to the above rezoning proposal are still outstanding:

- (a) A plan consolidating the two parcels has not yet been received.

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- (b) A detailed landscape plan has been submitted but it requires minor adjustments.

The Solicitor for the developer of the property, Mr. A. G. LaCroix, has given an undertaking that arrangements will be made to expedite the filing of the consolidation plan as soon as it is returned from the Central Mortgage and Housing Corporation.

It was being recommended that:

- (a) The amendment to the Zoning By-law covering the rezoning of the properties in question to Comprehensive Development District (CD) be finally adopted.
- (b) Preliminary Plan Approval be issued for the excavation and construction of the foundation only at this time for the development planned on the property.
- (c) Further approval for the balance of the structure not be issued until the plan consolidating the properties has been registered and minor adjustments to the landscape plan for the site have been made.

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

CARRIED UNANIMOUSLY

(15) Sidewalk Crossing Policy

The Council has previously been apprized of problems involving the construction of sidewalk crossings in municipal subdivisions. The Engineer has indicated in reports which have been adopted by Council that it has been found necessary to complete the sidewalks prior to the sale of lots in order to protect the municipal investment on servicing the properties but this, in turn, has raised the problem of having to cope with building crossings into such sidewalks following the sale of the lots.

In the sale of 38 lots in Stage II (b) of the Buckingham Heights Subdivision, a clause appeared in the newspaper advertisement pertaining to the matter that was considered by one party to have been somewhat misleading. This clause made reference to the completion of roads and sidewalks following the sale of the lots. This servicing was actually completed prior to the sale. As a result, one party felt he did not have the opportunity to have his crossing constructed at virtually no cost. He therefore maintains he should not have had to pay for his crossing at this time.

The following reasons are felt to support a policy of the Corporation bearing the cost of providing crossings to lots sold by the municipality:

- (a) It has been the Corporation's practice to build sidewalks without crossings prior to the sale of municipal land.
- (b) Although the Corporation claims its lots are fully serviced, this is not really true without a crossing being provided.
- (c) Owing to the relatively minor expense involved in providing a crossing (the average is between \$175.00 and

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\$200.00), it is not considered worthwhile to require purchasers of municipal lots to pay an additional cost for a crossing.

- (d) Developers of private properties are required to pay for sidewalk crossings and therefore the municipality should be guided in the same manner.

In examining the present method of removing a portion of a sidewalk in order to provide a crossing, a method has been considered which involves the construction of a gradually sloping curb and a thicker sidewalk section that can be driven on at any point. The extra cost of this additional thickness is almost equal to the cost of removing a portion of the sidewalk and constructing the new crossing. One of the problems with this method is that there is no control over the location of the crossing. In addition, the Corporation will actually pay the extra cost as part of the servicing when sidewalks are installed.

The Engineer has concluded that the Corporation should provide, at its expense, crossings to property sold by the municipality.

It is not felt that the municipality is too heavily involved in precedent or past practice to consider implementation of such a policy at this time. Some recent deposits by private owners for the cost of providing crossings in recently completed municipal subdivisions will probably require refunds but, in the interest of treating all property owners alike, it is not considered to be a serious problem. There are 38 lots in the last stage of the Buckingham Heights Subdivision and the contractor is presently completing the next stage involving 20 lots. A change in policy, as indicated above, would cost approximately \$10,000.00 to \$11,000.00.

It was being recommended that Council establish the following policy in respect of sidewalks crossings for land sold by the municipality:

- (a) That the municipality provide sidewalk crossings, at its expense, as part of the cost of servicing municipal land that is subdivided and sold where no lanes are being provided.
- (b) That the policy just enunciated be effective commencing with Stage II (b) of the Buckingham Heights Subdivision.
- (c) That the amount already paid for a single sidewalk crossing only for each and any lot in the said Stage II be refunded.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN CLARK:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(16) Easements - Gardner Court and Wayburn Drive
SUBDIVISION REFERENCE NO. 105/71

It was being recommended that Council authorize the:

- (a) Acceptance of easements over portions of Lot 18, D.L. 73, Plan 38659 for sewerage purposes and the execution of the documents required in connection therewith.

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- (b) release of the ancillary rights over a portion of the said Lot 18 that is described by right-of-way plan 37232 and Explanatory Plan 32038-A

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

CARRIED UNANIMOUSLY

- (17) Easement - Portion of Lot 13, D.L. 126, Plan 3473
SUBDIVISION REFERENCE NO. 119/71

It was being recommended that Council authorize the acceptance of an easement, for drainage purposes, over a portion of the above described property and the execution of the documents required in connection therewith.

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

CARRIED UNANIMOUSLY

- (18) North 283 feet of a portion of Lot "P", D.L. 43, Plan 32227
REFERENCE REZONING #17/71

This has reference to a request contained in a letter Council received earlier this evening from Lawson, Lundell, Lawson and McIntosh, Barristers and Solicitors, to either rezone the above described property to M2 or amend the new M5 category to include the assembly of trucks.

The Planning Department has held discussions with the applicant to determine whether the proposed expansion of the truck manufacturing plant of Freightliner of Canada Ltd. could be accommodated under the proposed new M5 zoning category. The manufacturing and assembly of trucks would not be permitted as a principal use under M5 but the Planning Department did suggest a number of uses which could be accommodated under M5 (viz. office facilities, storage buildings, and employee and customer parking). The applicant submitted Preliminary Plans for proposals to accommodate a number of the permitted uses but the principal use of the site would still be the manufacture and assembly of trucks. The actual manufacturing use would take place in a totally enclosed building at a significantly lower elevation than adjacent residential development. Notwithstanding, the Planning Department feels the proposal would still be in conflict with the aims of the development planned for the Winston Area to minimize conflicts between residential and industrial land uses. The Department therefore has reiterated its earlier recommendation that the application not be approved.

It was being recommended that:

- (a) The property in question not be rezoned to M2 and be left in the proposed M5 zone.
- (b) The permitted uses in the M5 zone not be changed to include the assembly and manufacture of trucks.

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

CARRIED

AGAINST -- ALDERMEN DRUMMOND,
EMMOTT AND CLARK

(19) Lots "B" and 22 to 28 inclusive, Block 3, D.L. 25W,
(Burnaby Halfway Lodge Society)
RE ERENCE REZONING #17/70

A couple of alternate sites to the above properties have been located for the development planned by the Burnaby Halfway Lodge Society. It is considered desirable that they be examined in greater detail before the rezoning proposal in caption is advanced to a Public Hearing.

The matter of a lease value for the site has not been discussed with the Society but it is proposed to suggest the various alternatives so that the Society can make its choice.

If the subject rezoning proposal is withdrawn from the Public Hearing scheduled to be held on September 21, 1971, the Council could perhaps have another Public Hearing on the following Monday for another site if one is selected.

It was being recommended that:

- (a) Council withdraw the proposal to rezone the captioned properties to Institutional District (P7) from the Public Hearing to be held on September 21, 1971.
- (b) A further report on the question of the Burnaby Halfway Lodge Society establishing its development on an alternate site be submitted after consultation with the Society.
- (c) A Public Hearing be held at 7:00 p.m. on September 27, 1971 pertaining to the rezoning of another site (if one is selected).

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

CARRIED UNANIMOUSLY

(20) Lots 8 to 10 inclusive, Block 15, D.L. 116N $\frac{1}{2}$, Plan 1236

The Planning Department has received an application for Preliminary Plan Approval to erect a 29-suite apartment block on the above properties. These three lots and Lot 7 immediately to the West, while presently zoned RM3, are still occupied by individual dwellings while the entire Westerly portion of the block has been developed for apartment purposes. As the proposal to consolidate Lots 8, 9 and 10 will result in Lot 7 (which is only 50 feet wide) being isolated and incapable of experiencing RM3 development, the matter was being placed before Council prior to granting approval.

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The RM3 regulations require a minimum lot frontage of 120 feet for a three-storey development and 100 feet for a two-storey building.

The applicant has been informed of the concern in regard to the isolation of Lot 7 but has indicated that the owner of that lot is not prepared to sell his property for a price that is deemed reasonable.

The owner of Lot 7 has indicated that he has recently made extensive alterations to modernize his home and has reflected this in the value placed on his property.

It appears the prospective developers of Lots 8, 9 and 10 have given the owner of Lot 7 several opportunities to include his property in the scheme. The contracts for the sale of Lots 8, 9 and 10 have clauses which require positive action by September 7th to maintain their validity.

It was being recommended that:

- (a) Approval be given to develop Lots 8, 9 and 10, Block 15, D.L. 116N½, for RM3 purposes, exclusive of Lot 7.
- (b) The owner of the said Lot 7 be advised of this decision.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:
"That the recommendations of the Manager be adopted."

CARRIED

AGAINST -- ALDERMAN DAILLY

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN LADNER:
"That the owner of the Lot 7 which is mentioned in the report of the Manager be advised that Council has no alternative but to issue Preliminary Plan Approval for the development planned on the aforementioned Lots 8, 9 and 10 because the applicant has met all requirements of the various by-laws of the municipality governing such development."

CARRIED

AGAINST -- ALDERMEN CLARK,
McLEAN AND DAILLY

MAYOR PRITTIE DECLARED A RECESS AT 9:20 P.M.

THE COMMITTEE RECONVENED AT 9:30 P.M.

ALDERMAN CLARK WAS ABSENT.

(21) Heritage Village

It was being recommended that:

- (a) Council authorize the transferring of \$6,000.00 from the C.I.P. Minor Development Account to the Operational Budget Grants Account of the Parks and Recreation Commission so that a grant of like amount can be made to the operating body of the Heritage Village for

operating costs during the period between October 15th and December 31, 1971.

- (b) This transfer actually take place when the Budget Recast for the current year is prepared.

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

CARRIED UNANIMOUSLY

- (23) (a) Canadian Association of Fire Chiefs Annual Convention
(b) B. C. Fire Chiefs Association Annual College

Fire Chief Auvache, Deputy Fire Chief Collum and Fire Prevention Officer Chapman have submitted a report on their attendance at the above Conferences.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN McLEAN:
"That the report be received."

CARRIED UNANIMOUSLY

(22) Big Bend Area

The Planning Department has reported on proposed new agricultural zoning district regulations and areas for the Big Bend, as follows:

- (a) Among the proposals included in the Area Zoning Concept report presented earlier by the Department pertaining to the Big Bend Area was one for the establishment of a new A3 (Agricultural) District. The main purpose of such a District would be to encourage the intensive agricultural development of those sections of the Big Bend Area which are best suited for this use.
- (b) Many of the uses which are permitted in the present A1 District would not meet this objective nor would they be suitably located in areas suggested for the A3 category (i.e. kennels, golf driving ranges, pounds, the keeping of various types of animals, mushroom growing and rifle ranges). None of these uses, except for golf driving ranges, are permitted in the M3 District. The Southerly section suggested for A3 zoning, which is presently included in the M3a category, is relatively undeveloped apart from a limited amount of truck gardening along the Byrne Road frontage.

The application of the A2 District category to the areas was considered, since it excludes many of the more questionable uses, but it was felt the one acre minimum lot size standard would be too small and the function of the District (largely for a holding zone for future residential development) does not lend itself to an area where agricultural use is being considered on a long-term basis.

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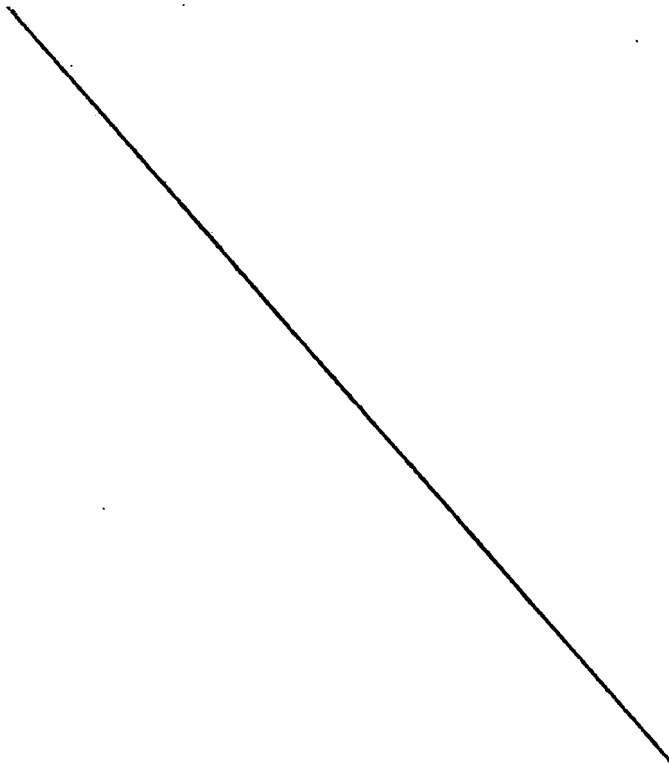
- (c) The areas suggested for inclusion in the proposed A3 category are generally those of an intensive agricultural character (truck gardening, orchard or nursery cultivation, greenhouses, etc.) and relate closely to the development which has already taken place. Provision has also been made for related facilities that are designed to encourage the full use of the area's potential. These include centres for the collection, storage and distribution of agricultural produce, and farmers markets for the sale of agricultural produce. Such uses can also locate on filled sites which are not suitable for intensive cultivation.

Single family dwellings have been included among the accessory uses in order to maintain intensive agricultural use as the principal activity in the District.

- (d) The bulk regulations proposed for the zone are the same as those which presently apply to the existing A1 District.

The inclusion of the Agricultural Districts in the screening requirements of the Zoning By-law, for outside storage, is also being proposed.

- (e) It was being recommended that the new Agricultural District Zoning Category, including the regulations shown, be established as follows:



603. TRUCK GARDENING DISTRICT (A2)

This District provides for farming, truck gardening, orchard or nursery cultivation, greenhouses and similar activities, as well as related facilities designed to encourage full utilization of the existing potential for intensive agricultural development in proper relationship with surrounding uses.

603.1 USES PERMITTED

- (1) Farming, truck gardening, orchard or nursery cultivation, greenhouses and other similar enterprises and uses.
- (2) Centres for the collection, storage and distribution of fruits and vegetables.
- (3) Farmers' markets for the retail sale of agricultural produce.
- (4) Home occupations.
- (5) Peat processing.
- (6) Accessory buildings and uses, including a single family dwelling on an agricultural lot with a minimum area of five acres, provided that such dwelling is limited to the proprietor of the property and his immediate family and subject to the bulk regulations of this district.

1. 603.2 HEIGHT OF BUILDINGS :

The height of a building shall not exceed 35 feet nor 2½ storeys.

603.3 LOT AREA AND WIDTH:

Each lot shall have an area of not less than five acres and a width of not less than 300 feet.

603.4 FRONT YARD:

A front yard shall be provided of not less than 30 feet in depth.

603.5 SIDE YARDS:

A side yard shall be provided on each side of the building of not less than 15 feet in width.

603.6 REAR YARD:

A rear yard shall be provided of not less than 30 feet in depth.

603.7 OFF-STREET PARKING:

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this By-law.

603.8 OFF-STREET LOADING:

Off-street loading shall be provided and maintained in accordance with Schedule IX of this By-law.

It was also being recommended that Section 5.1 of the Zoning By-law be amended to read:

VI	AGRICULTURAL	A
	AGRICULTURAL	A1
	SMALL HOLDING	A2
	TRUCK GARDENING	A3

It was further being recommended that Agricultural Districts be added to the screening requirements for outside storage under Section 6.15, Clause 2 (Screening and Landscaping - Storage Yards) of the Zoning By-law, as follows:

- (i) "In A, C4, M1 and M4 Districts, any part of a lot used or intended to be used as an outside storage area shall be enclosed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening".

It was being recommended that:

- (a) Council concur with the recommendations advanced by the Planning Department, as listed above.
- (b) The Planning Director prepare a list of the properties that are proposed to be rezoned to the new A3 zoning category.

ALDERMAN CLARK RETURNED TO THE MEETING.

The following suggestions were made in Council during consideration of the above report from the Manager:

- (a) *That the Clause under the proposed "Uses Permitted" section "Centre for the Collection, Storage and Distribution of Fruits and Vegetables" be written in such a manner that it is clear the intention is that food processing plants be permitted.*
- (b) *That the Clause under the same section "Farmer's Markets for the Retail Sale of Agricultural Produce" indicate that the intention is that roadside stands be allowed in the A3 District planned for the Big Bend Area.*
- (c) *That the Clause "Peat Processing" under the "Uses Permitted" section be changed to indicate that the intention is that the peat processing operation is to be the type where soil is prepared for agricultural development.*
- (d) *That the Clause stipulating that buildings on an agricultural lot with a minimum area of five acres be limited to occupancy by the proprietor of the property and his immediate family be changed to allow tenants to occupy such buildings.*

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MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN McLEAN:
"That action on the recommendations advanced this evening in the report of the Manager pertaining to the A3 District be deferred until the Planning Department submits a report on the above four suggestions and any other points deemed pertinent."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

* * *

BY - LAWS

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 51, 1970" #5789 be now reconsidered and finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

* *

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:
"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 23, 1971" #5884
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 43, 1971" #5945
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 45, 1971" #5947
be tabled until the September 13th meeting."

CARRIED UNANIMOUSLY

* *

The Council resolved itself into a Committee of the Whole "In Camera" at 10:15 p.m.