

November 10, 1975

A regular meeting of the Municipal Council was held in the Council Chamber, Burnaby Municipal Hall, 4949 Canada Way, Burnaby, B. C. on Monday, November 10, 1975 at 7:00 p.m.

PRESENT:

Mayor T. W. Constable, in the Chair
Alderman G. D. Ast
Alderman A. H. Emmott
Alderman B. M. Gunn
Alderman D. A. Lawson
Alderman W. A. Lewarne
Alderman G. H. F. McLean
Alderman J. L. Mercier
Alderman V. V. Stusiak

STAFF:

Mr. M. J. Shelley, Municipal Manager
Mr. V. Kennedy, Deputy Municipal Engineer
Mr. A. L. Parr, Director of Planning
Mr. J. Hudson, Municipal Clerk
Mr. R. W. Watson, Deputy Municipal Clerk

M I N U T E S

The Minutes of the Council meeting on November 3, 1975 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LEWARNE:

"THAT the Minutes of the Council meeting held on November 3, 1975 be now adopted."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- (a) Brentwood Park Ratepayers' Association,
November 3, 1975
re Brentwood Apartment Project for Community Plan Area "D";
- (b) Mr. George D. Adams
re Subdivision at 198 North Ellesmere Street.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"THAT the delegations be heard."

CARRIED UNANIMOUSLY

(a) Brentwood Park Ratepayers' Association

Mr. David C. Holmes, President, Brentwood Ratepayers' Association then appeared before Council and commented as follows:

"Subsequent to the Special Public Meeting at the Brentwood Park School on April 9, 1975 the Brentwood Park Ratepayers' Association has had a series of meetings with the Planning Department in an attempt to resolve the Brentwood Apartment project for Community Plan Area "D".

Planning Department has now come out with an amended plan dated October 1975, which incorporates some of the Ratepayers' recommendations. Unfortunately we disagree with the October 1975 plan as follows:-

1. It is now proposed to put MORE UNITS to the south of Ridgelawn; and the total number of units south of Ridgelawn-Halifax is THE SAME AS the February 1975 proposal.

We have consistently argued for a 'toning down' of the overall plan; i.e. the present plan incorporates too many people in a congested, small area with difficult access.

We have always been strongly opposed to massive apartment development in the Brentwood area.

2. We are STRONGLY OPPOSED to changing the zoning on the immediate south side of Ridgelawn from the present single family dwelling units, now, or in the future.

Your Worship and Aldermen, we are not only concerned for the residents of the houses on the south side of Ridgelawn but also concerned with the outcome of the present proposal on the balance of our community.

3. We still feel that the Frontage Road near Beta is a poor solution and could be eliminated if the existing houses on Ridgelawn are retained.

We read from the "LIVABLE REGION" report of the Greater Vancouver Regional District as follows:-

page 33 The Livable Region 1976/1986

'By suggesting higher density development in Burnaby we are not advocating massive new high-rise apartment developments. While some additional high-rise development may be appropriate, we would urge that more attention be focused on medium density, low-rise development, such as town houses or compact housing. We would also propose that a program to increase densities only be undertaken in those neighbourhoods where the present residents agree and are actively involved in developing the program.'

There is no compelling social reason to destroy the houses on the south side of Ridgelawn, rather the reverse is true.

There is no wartime need; no need for the land for an airport, school, hospital, or widening of a roadway.

This is premeditated destruction of a portion of a pleasant community.

The objective of planning should be to develop a livable solution. In our opinion the present plan will not develop a livable solution for ourselves, or our sons, or our sons sons, consequently we must register our strong censure of the October 1975 plan."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"THAT Item 9, Manager's Report No. 68, 1975 be now lifted from the table."

CARRIED UNANIMOUSLY

The recommendations contained in Item 9, Manager's Report No. 68, 1975 are as follows:

- (1) THAT Council approve the proposed amendments to Community Plan Area "D" as summarized in Section 4.0 of this report on the understanding that the revised Community Plan Area "D" (Sketch #4) will be utilized by applicants as a development guideline with reference to the rezoning of specific sites within the subject Community Plan Area;

(2) With reference to the request of the Brentwood Park Ratepayers' Association for assistance in eliminating through east-west traffic in the Brentwood Area, it is recommended that Council authorize the closure to traffic of Halifax Street at Woodway Place, and of Dellawn Drive at Springer Avenue as outlined in Sketch #4, subject to the placement first of an additional fire hydrant on the southeast corner of Halifax and Woodway, and relocation of an existing hydrant to the southeast corner of Dellawn and Crestlawn.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"THAT Phase I of the Brentwood Apartment Project Community Plan Area "D" be adopted in principle and Phase II be held in abeyance for further discussion between the Brentwood Park Ratepayers' Association and the Director of Planning and as well consideration of Council comments."

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN MCLEAN:

"THAT the Director of Planning be directed to exchange land being the Easterly Lot #8 (Woodway and Bellwood) to enlarge the Westerly Lot #8 (Halifax and Delta)."

FOR -- ALDERMEN LEWARNE AND
MCLEAN

OPPOSED - MAYOR CONSTABLE,
ALDERMEN AST, EMMOTT,
GUNN, LAWSON, MERCIER
AND STUSIAK

MOTION DEFEATED

The original motion as moved by Alderman Stusiak and seconded by Alderman Gunn was then voted on and CARRIED.

Alderman Lewarne and McLean OPPOSED.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN MCLEAN:

"THAT Item 8, Municipal Manager's Report No. 71, 1975 be received."

CARRIED UNANIMOUSLY

(b) Mr. George D. Adams
re Subdivision at 198 North Ellesmere Street

Mr. Adams appeared before Council and commented as follows:

"A number of years ago I acquired 33' of road allowance on the north side of my 50' lot at the above address, giving me a total of 82.5'.

About two years ago, because of persisting requests from contractors and real estate agents to purchase my property, I inquired at the Planning Dept., the size of lots needed to subdivide in my zoning - R5. I was informed that 50' was the minimum. Because of still more calls from contractors etc. and also seeing houses on 66' lots in the area being taken down and new houses built on two 33' pieces of land, I returned to Planning and inquired further.

This time, I was told I could talk to an assistant of the Planner. When asking her about these lots, she told me that they were all old subdivisions - but on rare occasions the Planner would look at the size lots in the block and if the lots were for the most part small, he would sometimes allow a larger lot to be subdivided. She then looked at my property and said because the lots in the block (except for mine and 3 others) were 33' and under, that I should apply for a subdivision. I then asked if the 10' Easement on the north portion of my property would interfere with a subdivision. She claimed there was no Easement shown. Upon my persistence, she went to check, then returned to tell me that I should forget about this because Mr. Parr had refused a subdivision. When I questioned as to why, and informed the person I was talking to, that I could state property that had been subdivided with less foota : than mine, I was told this was not so. Once again I returned

home feeling frustrated and defeated.

After a number of months I thought I would like to talk with Mr. Parr, thinking that there must be some misunderstanding. When I phoned to make the appointment I was told that I could talk with Mr. Bloxham an assistant to Mr. Parr. Stating my proposals to him, he said that he would have to call me back. The return phone call informed me that the Planning Department was firm in its decision and that it would be useless for me to think of subdividing. A number of months passed when I again called Mr. Bloxham and asked if I could come in and see him. His reply was that because of speaking previously, he could see no point in a meeting, however agreed to see me anyway. At this meeting I pointed out that I could not see why subdivisions were granted to some and not to others. Mr. Bloxham then said that it had never been done since he had been employed with the Planning Department some 3 years previous. I told him the property I was referring to was done within the last 2 years. Again I was told this was not so. I asked him to get the map and I would show him exactly where I was speaking about. When I pointed to the property at 3792 - 3798 Union, he said that I was right (which I found out later was approved in October 1973). Again I asked why I could not subdivide and he could not give me any explanation. Since then, I have come across other properties smaller than mine which have been subdivided and are located at 3770 - 3780 Union and 4820 - 4826 Francis.

Because of no satisfaction from the Planning Department I am appealing to the Council to look at my proposals which are:

That I would be able to acquire 1.5' from my neighbour on the south side to correct an intrusion on his property.

And that I would be able to subdivide the total 84' and make a 45' lot on the north portion, leaving 39' for the existing house property."

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN LAWSON:

"THAT Item 12 of the Municipal Manager's Report No. 71, 1975 be brought forward."

CARRIED UNANIMOUSLY

Item 12 was a report from the Approving Officer to the Municipal Manager dated November 6, 1975 advising therein as to the background and existing situation in reference to the proposed subdivision of 198 North Ellesmere Street, D.L. 189, and was for the information of Council.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN LAWSON:

"THAT Item 12 of the Municipal Manager's Report No. 71, 1975 be received."

CARRIED UNANIMOUSLY

It was agreed that the Director of Planning would review the subject matter with Mr. George D. Adams in the next while and visit and view the property concerned.

THE MEETING ADJOURNED AT 9:11 P.M.

THE MEETING RECONVENED AT 9:24 P.M. WITH ALL MEMBERS OF COUNCIL PRESENT.

BY - L A W S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"THAT 'Burnaby Noxious Weed By-Law 1957, Repeal By-Law 1975' - No. 6764 be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the By-Law."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"THAT the Committee now rise and report the By-Law complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"THAT the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"THAT 'Burnaby Noxious Weed By-Law 1957, Repeal By-Law 1975' - No. 6764 be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN STUSIAK:

"THAT Item 14 of the Municipal Manager's Report No. 71, 1975 be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

Item 14 of the Municipal Manager's Report No. 71, 1975 recommended that "Burnaby Plumbing By-Law 1973, Amendment By-Law No. 2, 1975" - No. 6744 be brought forward for final adoption.

MOVED BY ALDERMAN MERCIER:

SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"THAT:

- 'Burnaby Plumbing By-Law 1973, Amendment By-Law No. 2, 1975' - No. 6744
- 'Burnaby Council Indemnity By-Law 1976' - No. 6752

be now reconsidered and finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED

OPPOSED -- ALDERMEN LEWARNE
AND MERCIER TO
BY-LAW NO. 6752

C O R R E S P O N D E N C E A N D P E T I T I O N S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 71, 1975 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- (a) Ellen Betts
re Stupid Laws Covering Dogs

A letter under date of October 31, 1975 was received indicating frustration and disgust at the law covering dogs, particularly, as it relates to dogs biting children.

The Municipal Manager reported as follows:

"Appearing on the Agenda for the November 10, 1975 Council meeting is a copy of a letter dated October 31, 1975 from Mrs. Ellen Betts, 3780 Lozells, concerning a dog bite received by her son, Michael, and the question of harbouring vicious dogs.

The following is the report of the Chief License Inspector dated November 5, in this connection.

On June 25, 1973 (see Item 28, Report No. 47, concerning UBCM Resolutions), the Council adopted the following resolution:

"THAT the Government of the Province of B.C. be respectfully requested to amend the Municipal Act to empower the Municipal Council to enact a bylaw which may provide for the following:

- a) The destruction of dogs or any other animal which has suffered a severe injury so as to be obviously beyond recovery.
- b) The authority to define 'at large' to include a dog that is on a highway, public place or any area other than the premises of the owner or his agent and shall include a dog not confined or restricted to the owner's property.
- c) That the poundkeeper or any other person appointed by the Municipal Council may at any reasonable time enter upon any property for the purpose of enforcing the provisions of the bylaw and in particular to ascertain if any persons on such property own or harbour any dog or animal and to further ascertain if the harbouring of such dogs or animal is in contravention of the provisions of the bylaw.
- d) The poundkeeper may seize and impound or may order to be confined in a secure manner by the owner, any dog which has bitten or in his opinion injured or viciously attacked any person or other animal. Such order or impounding may continue until the dog is cleared for release by the Public Health Officer."

The above resolution on Dog Control was not debated at the 1973 UBCM Convention, it being deemed that the content of the resolution had been endorsed at the 1972 Convention, and the matter was, at that time, before the Minister of Municipal Affairs for his consideration. To the best of our knowledge, no action has been taken by the Province on this to date.

As will be noted from the Chief Licence Inspector's report of November 5, 1975, the Domestic Animals Protection Act, which was passed at the second 1973 session of the Legislature and repealed sections of the Animals Act dealing with the destruction of vicious dogs, was proclaimed in force on August 24, 1974. In this regard, the following article appeared in the Friday, May 9, 1974 issue of the Vancouver Sun:

"Vancouver is powerless to deal with dogs that bite people because of a gap in Provincial legislation.

Last August, the government repealed sections of the Animals Act that permitted municipal authorities to destroy dangerous dogs. Although changes in animal legislation are planned to fill that gap, they are not ready yet.

City pound officials say they are getting two or three calls a day complaining about dog bites.

'I can't say when the amendments will be ready,' says Neil Rhodes, the Provincial livestock inspector who deals with domestic animals, 'but right now there's nothing that can be done.'

Rhodes says that, in areas not organized into municipalities, dangerous dogs can be killed. But Charles Fleming, city director of legal services, said Thursday that Vancouver does not have the statutory power to destroy dogs, except those in its own pound. 'If a properly licensed dog on a leash bites someone there's nothing we can do,' he said. 'We can't go on the owner's property and seize the dog and we can't destroy it.'

A spokesman for the Provincial Department of Municipal Affairs said other municipalities also lack the specific power to destroy dangerous animals.

Earlier this week, Council's subcommittee on dogs was warned that dog overpopulation in Vancouver is out of control.

November/10/1975

Jerry Presley, the President of the Western Federation of Individuals and Dog Organizations, said Wednesday that, unless loose dogs are curbed, citizens will form vigilante groups to steal nuisance dogs from front yards and pedestrians will start carrying guns. 'I'm concerned with those ultra-right organizations,' he said. 'You know, people with swastikas on their lapels - and it's happening in some parts of the world.'

According to the B.C. Society for the Prevention of Cruelty to Animals, there are an estimated 250,000 dogs in Greater Vancouver and the pet population has doubled in the past four years to 500,000.

The SPCA wants municipal funding to build a low-cost spaying and neutering clinic. Council's dog subcommittee thinks the Greater Vancouver Regional District should handle any such clinic."

The Chief Public Health Inspector reports that there have been occasions when the Health Department, based on the severity of attack, condition and history of the animal, and consultation with Provincial and Federal Health Authorities, has proceeded with destruction and laboratory analysis of the animal, with such procedures instituted in the interest of protecting public health."

It was recommended that:

1. THAT the Minister of Municipal Affairs be requested to enact the necessary legislation that will permit municipal authorities to destroy dangerous dogs; and
2. THAT copies of this report item be sent to all Burnaby M.L.A.'s with the request that each lend her or his support to the request for amended legislation as stated in recommendation No. 1; and
3. THAT Mr. C. Jack Homes, Secretary-Manager, British Columbia Society for the Prevention of Cruelty to Animals, and Mrs. Ellen Betts be sent copies of this report item; and
4. THAT the S.P.C.A. continue to patrol in the area of Mrs. Bett's residence; and
5. THAT a copy of this report be sent to UBCM.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN MERCIER:

"THAT the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(b) Noble Towing Ltd.

re Request for Lease Extension on a Month-to-Month Basis

A letter was received under date of November 1, 1975 indicating the attempts of Noble Towing Ltd. to relocate their booming ground operations at Admiralty Point and indicating that they had a lease now in force with Ottawa and indicating they had run afoul of another obstacle in the name of the "Navigable Waters Protection Act" which means final approval from Ottawa.

Noble Towing Ltd. requested a further extension from the Corporation on a month-to-month basis until this matter is cleared up.

The Municipal Manager provided the following report of the Director of Planning:

"Appearing on the Council Agenda is a letter from Noble Towing Ltd. dated November 1, 1975 requesting a further extension to their existing lease with the Corporation for the use of a portion of the former Kapoor property for log sorting purposes. Relative to this it will be recalled that Council at its meeting of October 20, 1975 granted an extension of one month (to November 2, 1975) to the original lease in recognition of the fact that the company was making relocation arrangements.

The basis for this additional request relates to the fact that Noble Towing has yet to obtain final approval for their use of a water lot at Admiralty Point under the terms of the Navigable Waters Protection Act.

In discussing this matter with the local National Harbours Board representatives, the Planning Department has determined that final approval under the Navigable Waters Protection Act would take approximately two months from the time of application. Considering the fact that Noble Towing Ltd. has submitted their application and is, in fact, actively pursuing their immediate relocation, the Planning Department would not object to one final extension of two months to the original lease (to January 2, 1976) with an additional month for relocation and clean-up."

It was recommended:

- (1) THAT Noble Towing Ltd. be granted an extension of two months to their original lease (to January 2, 1976) with an additional month for relocation and clean-up to permit adequate time for the processing of their application for the use of a water lot at Admiralty Point.
- (2) THAT the current lease rate of \$750 per month apply to the Noble Towing Ltd. lease extension, with the understanding that the same rate will apply to the additional month for relocation and clean-up.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN LAWSON:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED

OPPOSED -- ALDERMAN GUNN

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN MCLEAN:

"THAT a copy of Item 7, Municipal Manager's Report No. 71, 1975 be forwarded to the Burnaby Parks and Recreation Commission."

CARRIED UNANIMOUSLY

(c) Mrs. Lillian E. Mann
re Cameron Road - Sullivan Heights

A letter was received under date of November 1, 1975 indicating several concerns relating to traffic problems in the Cameron Road-Sullivan Heights area.

The Municipal Manager provided the following report of the Municipal Engineer:

"Reference the submission from Mrs. L. E. Mann dated November 1, 1975.

In replying to Mrs. Mann's enquiries we would advise that there has really been very little action in recent months related to the future street patterns in the Sullivan Heights area. We have received very few objections to the present system of road closures and must assume that the majority of residents are quite happy with them.

Traffic volumes on Cameron Street have naturally increased with the closures of the other accesses to North Road. Prior to these closures the daily traffic on Cameron Street at North Road was approximately 5,500 V.P.D. (vehicles per day) and on Cameron Street just east of Bell Avenue about 5,000 V.P.D. On February 10, 1975 the road closures were finalized that exist today. In May of 1975 we re-counted the two locations and found the volumes had increased to 6,600 V.P.D. and 8,200 V.P.D.

We intend to count Cameron Street again during the Christmas shopping period in early December and again after New Year's to obtain volumes for both periods.

The traffic signal proposed for Cameron Street and North Road will be installed after the signal revisions have been completed at Austin and North Road and Austin and the Lougheed, revisions that will permit dual eastbound left turns. To do the Cameron Street signal first could encourage additional commuter traffic to Cameron Street that would otherwise remain on Austin Road."

It was recommended that a copy of this report be sent to Mrs. Mann and the Sullivan Heights Ratepayers' Association.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(d) Petition November 6, 1975
re 5' Concrete Curb Sidewalk - Both Sides -
4300 Block Venables Street

A petition under date of November 6, 1975 was received requesting that a 5' concrete curb sidewalk on both sides of the 4300 Block Venables Street be considered in the 1976 Local Improvement Programme. The petition included 41 signatures of persons showing 4300 Block Venables Street addresses.

The Municipal Manager provided the following report of the Municipal Engineer dated November 6, 1975:

"The Municipal Council has received a petition, signed by a majority of property owners in the 4300 Block Venables Street, requesting five foot curbwalk street improvement.

We are, at this time, preparing the 1976 Local Improvement Program and can have this street added to the program."

It was recommended:

- (1) THAT the 4300 Block Venables Street be added to the 1976 Local Improvement Program; and
- (2) THAT the petitioners be so advised.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN EMMOTT:

"THAT the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

T A B L E D M A T T E R

Proposed Amendments to Brentwood Community Plan #9 Apartment Area "D"

This item was considered previously under Item 2(a) - Delegations.

E N Q U I R I E S

Alderman Stusiak

Alderman Stusiak requested that the Municipal Manager obtain copies of Federal legislation relating to a \$1,000.00 grant for housing units if same conforms to certain patterns be obtained for Council members.

Alderman Stusiak referred to a news item in the daily papers where it was indicated that a \$16,000,000.00 commercial-residential development planned for East Hastings - Boundary Road area in Burnaby has been shelved at least temporarily because of adverse financial conditions. It was also stated in the news item that if conditions improve construction may commence now or in the Spring or Summer of 1976. On a question of Alderman Stusiak, it was agreed that the contractual arrangements between the said developer and the District of Burnaby do not now exist.

Alderman Stusiak then referred to election campaign literature put forth by the Burnaby Citizens' Association and requested that the Council confirm where the Municipal Council had approved the installation of an industrial conveyor and dock loading facilities to be built over parkland at the Barnet Beach.

Alderman Mercier

On a question of Alderman Mercier as to the 20-year pay back for the Roads and Parks By-Laws it was agreed the matter be confirmed and the Municipal Manager issue a press release on the subject.

On a further question of Alderman Mercier, Mayor Constable advised that he had worked through the Greater Vancouver Regional District in connection with the construction of the new addition to the Burnaby General Hospital and that Alderman Gunn had been the Council representative on the Burnaby Hospital Board.

R E P O R T S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"THAT Council do now resolve itself into a Committee of the Whole."

CARRIED UNANIMOUSLY

(a) Grants and Publicity Committee

Your Committee has considered a request for financial assistance and recommends as follows:

- | | | |
|---|---|----------|
| 1. Burnaby Region, Boy Scouts of Canada - Venturers | - | \$500.00 |
|---|---|----------|

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"THAT the recommendation of the Grants and Publicity Committee be adopted."

CARRIED UNANIMOUSLY

- | | | |
|------------------------------------|---|----------|
| 2. Century Park Museum Association | - | \$400.00 |
|------------------------------------|---|----------|

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"THAT the recommendation of the Grants and Publicity Committee be adopted."

CARRIED UNANIMOUSLY

(b) The Municipal Manager presented Report No. 71, 1975 on the matters listed following as Items (1) to (14), either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Medical Health Quarterly Report

The Municipal Manager provided a report of the Medical Health Officer covering the activities of his Department for the months of July, August and September, 1975.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"THAT the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(2) Building Department Report

The Municipal Manager provided a report of the Chief Building Inspector covering the operations of his Department from October 6th to October 31, 1975. The report indicated 2,110 permits for a total value of \$93,247,662.00 to date.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN MCLEAN:

"THAT the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

It was requested that the Municipal Manager arrange for a new format for the Building Department reporting form to indicate thereon the number of new dwelling units constructed as well as the number of permits taken out to date.

(3) Restrictive Covenant for Subdivision Reference #77/75 -
Chevron Canada

The Municipal Manager provided the following report of the Approving Officer dated November 4, 1975:

"B. C. Hydro is presently constructing a substation within the Chevron site on the proposed Lot 1. One of B. C. Hydro's requirements is the creation of a separate site to contain these facilities in order to ensure legal access to the substation independent of the Chevron site. The substation will not have any permanent employees on the site and will not include any washroom facilities.

As a result of circulating the subdivision application to the Engineer Department, it has been determined that the provision of sanitary sewer would be exorbitant. Since the use intended for the site is completely non-effluent producing, it is proposed that the sanitary sewer requirement be waived and that a covenant under Section 24A of the Land Registry Act be entered into guaranteeing connection of Lot 1 to the sewer system upon any change of use which requires sanitary facilities."

It was recommended that Council authorize the preparation and execution of a covenant pursuant to Section 24A of the Land Registry Act, as more particularly described in the Approving Officer's report.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN MERCIER:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

It was requested that a copy of the Municipal Manager's report be forwarded to the North Slope Ratepayers' Association.

(4) Fire Department Report

The Municipal Manager provided a report of the Municipal Fire Chief covering the activities of his Department for the months of July, August and September, 1975.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN MERCIER:

"THAT the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(5) Petition re Five Foot Concrete Curb Sidewalks

The subject matter was considered previously under Item 4(d) - Correspondence and Petitions.

(6) Letter dated November 1, 1975 from Mrs. Lillian E. Mann,
9637 Cameron Street, Burnaby
Traffic Conditions in the Sullivan Heights Area

The subject matter was considered previously under Item 4(c) - Correspondence and Petitions.

- (8) Letter dated November 3, 1975 from the Brentwood Park Ratepayers' Association
1781 Delta Avenue, Burnaby
Proposed Amendments to Community Plan #9

The subject matter was considered previously under Item 2(a) - Delegations.

- (9) Subdivision Reference #123/75
Restrictive Covenant for Single Family Use
D.L. 207, Lot 252, Plan 46790

The Municipal Manager provided the following report of the Approving Officer dated November 6, 1975:

"The Municipal Council, on November 3, 1975, received a report on the subject item which provided information on the proposed use of the subject lot and requested authorization to prepare and execute a covenant limiting development to a single family use.

Council adopted the report and asked for a sketch showing the proposed subdivision of the adjacent lands.

EXISTING SITUATION

Council will note that the geometry of those properties east of the subject lots is such that they can subdivide either in two stages involving three owners or all at once involving six owners.

The decision to permit the subdivision of Lot 252 was reached only after the subdivision guide plan was revised and it became apparent that the remaining properties could all be subdivided without involving Lot 252.

We have been advised by the owner of Lot 252 that he has repeatedly tried to reach agreement with the adjacent owner on a co-operative subdivision. He states that he has offered to either sell the redundant land from Lot 252, to purchase the requisite land from the adjacent owners, or to enter into a land exchange with this owner. All of his efforts have been frustrated. In view of these apparent difficulties, the revision to the subdivision guide plan, and the fact that the remaining owners can now subdivide their lands without involving Lot 252, the Approving Officer granted Tentative Approval of the Subdivision for the division of Lot 252 providing the new lots were used for single family purposes only."

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LAWSON:

"THAT the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

- (10) Proposed 21 Unit Strata Title Single-Family
Dwelling Proposed on 6.15 Acre Net Site
Comprehensive Development Rezoning - Sperling/Haszard

The Municipal Manager provided the following report of the Director of Planning dated November 6, 1975:

"On March 17, 1975 a rezoning report on a proposed 24 unit condominium project consisting of detached dwelling units on a 6.15 acre net site according to the R8 Group Housing District was submitted to Council for its consideration and submission of the proposal to a Public Hearing. A Public Hearing was scheduled for April 15, 1975 but was tabled for two further weeks to allow the public to study the proposal. Considerable public opposition to the proposed R8 Group Housing proposal was evident. Council on May 5, 1975 passed a motion to abandon the subject rezoning by-law. It was left up to the initiative of the developer to explore other alternatives.

2.0 COMPREHENSIVE DEVELOPMENT PROPOSAL

The applicant has now requested the Planning Department to place before Council for consideration a Comprehensive Development 21-unit strata title single-family dwelling proposal on a 6.15 acre net site. To clarify a procedural point, the applicant is legally entitled to submit a new application based on a different total number of units and the Comprehensive Development Rezoning District. The Planning Department had previously reported that the previous 24-unit Group Housing proposal had merit and believes the subject revised 21-unit proposal represents an improvement.

However, since Council had previously passed a motion to abandon a previous rezoning by-law (R.Z #10/75), the direction of Council is requested at this time to ascertain whether Council would be prepared to receive a new rezoning application for a similar residential development on the subject 6.15 acre site.

It was recommended that the applicant be advised to submit a rezoning application for a comprehensive development 21-unit Strata Title Single-Family Dwelling Development on the subject 6.15 acre site.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"THAT the recommendation of the Municipal Manager be adopted."

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

"THAT the subject matter be tabled one week."

FOR -- ALDERMEN AST, LAWSON
AND LEWARNE

OPPOSED -- MAYOR CONSTABLE, ALDERMEN
EMMOTT, GUNN, MCLEAN,
MERCIER AND STUSIAK

MOTION DEFEATED

A vote was then taken on the original motion as moved by Alderman Stusiak and seconded by Alderman Gunn and CARRIED. Aldermen Lawson, Lewarne and McLean OPPOSED.

- (11) Letter dated October 31, 1975 from Mrs. Ellen Betts,
3870 Lozells, Regarding a Dog Biting Complaint

The subject matter was considered previously under Item 4(a) - Correspondence and Petitions.

- (12) Letter dated November 5, 1975 from George D. Adams
198 North Ellesmere Street, Burnaby

The subject matter was considered previously under Item 2(b) - Delegations.

- (13) Buffer Adjacent to Winston Street

The Municipal Manager provided the following report of the Approving Officer dated November 5, 1975:

Council, on October 20 and November 3, 1975 received reports from the Approving Officer on the subject item. The first report, which provided information on the proposed subdivision, was tabled to allow further discussion between the developer and the Approving Officer on possible subdivision configurations which might be appropriate for the site. The second report advised Council that an alternate proposal had been prepared which was consistent with the original intent to provide adequate buffering and setbacks from the adjacent industrial area and from Winston Street, which provided a relatively open type of development in keeping with the intent of the R1 Residential Zone. This report was received by Council.

After giving consideration to this report, Council requested the Approving Officer to report on the form of the proposed landscape buffer adjacent to Winston Street and the effect of a landscape covenant on ancillary uses.

EXISTING SITUATION

The Planning Staff has reviewed the methods of providing a buffer which can be summarized as follows:

1. 90 FOOT BUFFER WITH BERM AND LANDSCAPING

This proposal provides for a 90 foot buffer which would be used for landscape purposes only. In this scheme a landscape architect would design a buffer which would provide an earth berm densely planted with native trees where no natural tree cover exists and maintain the existing trees where possible, augmented by additional tree planting.

The buffer would, of necessity, be 90 feet in depth and contain landscape materials throughout this depth. The berm would be located as close to Winston Street as is practical. Ancillary uses in the 90 foot buffer would, therefore, be prohibited.

2. 40 FOOT BUFFER WITH FENCE AT THE PROPERTY LINE, CERTAIN PLANTINGS AND A 90 FOOT PRINCIPAL BUILDING SETBACK

This proposal would provide for the construction of a designed wood fence at the property line on Winston Street, planting of the boulevards in front of the fence, a 40 foot landscaped buffer and a setback of 90 feet for all principle buildings. Ancillary uses would only be prohibited in the 40 foot buffer area. The reduction in the area designated for tree planting is made possible with the construction of the fence.:

It was recommended:

- (1) THAT Council endorse the proposal to require the subdivider to provide a buffer adjacent to Winston Street in Subdivision Reference #146/75 which provides for the construction of a wood fence to the specifications of the Approving Officer, a 40 foot landscaped area which will not be used for any other purpose, and a 90 foot setback for all principle buildings from the Winston Street property line; and
- (2) THAT Council authorize the preparation and execution of a covenant pursuant to Section 24A of the Land Registry Act which establishes the aforementioned conditions.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN MERCIER:

"THAT the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (14) Burnaby Plumbing By-Law, 1973
 Amendment By-Law No. 2, 1975
Permit Fees - Sprinkler and Standpipe Systems

The subject matter was considered previously under Item 3(b) - By-Laws - By-Law No. 6744.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"THAT the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"THAT the Council do now resolve itself into a Committee of the Whole 'In Camera'."

CARRIED UNANIMOUSLY