

## **2010 NOVEMBER 01**

An 'Open' meeting of the City Council was held in the Council Committee Room, City Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 2010 November 01 at 6:30 p.m. followed immediately by a 'Closed' meeting from which the public was excluded. At the conclusion of the 'Closed' meeting, the 'Open' meeting was reconvened at 7:00 p.m. in the Council Chamber.

PRESENT: His Worship, Mayor D.R. Corrigan, In the Chair  
Councillor P. Calendino  
Councillor R. Chang  
Councillor S. Dhaliwal  
Councillor D. Johnston  
Councillor C. Jordan  
Councillor A. Kang  
Councillor P. McDonell  
Councillor N.M. Volkow

STAFF: Mr. R.H. Moncur, City Manager  
Mr. C.A. Turpin, Deputy City Manager  
Mr. R. Earle, Deputy City Manager  
Mr. L. Chu, Director Engineering  
Mrs. D. Jorgenson, Director Finance  
Mr. D. Ellenwood, Director Parks, Recreation & Cultural Services  
Mr. B. Luksun, Director Planning & Building  
Mr. B. Rose, City Solicitor  
Mrs. D.R. Comis, City Clerk  
Ms. L. Axford, Administrative Officer I

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR KANG:

"THAT the 'Open' Council meeting do now reconvene."

CARRIED UNANIMOUSLY

The 'Open' Council meeting reconvened in the Council Chamber at 7:00 p.m.

## **PROCLAMATION**

His Worship, Mayor Derek R. Corrigan proclaimed 2010 November 4<sup>th</sup> as "*New Vista Society Day*" in the City of Burnaby.

**1. MINUTES**

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

“THAT the minutes of the ‘Open’ Council meeting held on 2010 October 25 be now adopted.”

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR VOLKOW:

“THAT the minutes of the Public Hearing (Zoning) held on 2010 October 26 be now adopted.”

CARRIED UNANIMOUSLY

**2. REPORTS**

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

**A) Community Development Committee**

**Re: Burnaby Zoning Bylaw Text Amendment  
Supplementary Community Benefit  
Bonus Density Policy**

The Community Development Committee submitted a report seeking Council approval of a proposed approach for a Supplemental Community Benefit Density Bonus Policy and related amendments to the Burnaby Zoning Bylaw. The report proposes several policies aimed at expanding the established density bonus provisions. The impetus for the proposed increases to multiple family residential densities within the City’s four town centres involves the need to accommodate significant new growth in areas well-served by transit, commercial and institutional services. The proposed program would provide Council with opportunities to provide community amenities, such as affordable housing units, park and community centre enhancements, non-profit office space, childcare facilities or environmental improvements.

The proposed policy approach is for two phases of implementation: the first involves amendments to the Zoning Bylaw to permit the expanded density bonus program and the second would involve subsequent detailed town centre development plan amendments and possibly critical designation of key sites for supplemental density within the context of transportation, land use, social, environmental and other considerations.

The Community Development Committee recommended:

1. THAT Council adopt the provisions for a Supplemental Community Benefit Density Bonus Policy, as outlined in Section 3.0 of this report.
2. THAT Council authorize the introduction of bylaw amendments for First Reading on Monday, 2010 November 01 and to the 2010 November 23 Public Hearing at 7:00 p.m. of the Burnaby Zoning Bylaw to allow for implementation of the proposed Supplemental Community Benefit Density Bonus Policy, as outlined in Section 3.0 of this report.

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT the recommendations of the Community Development Committee be adopted.”

CARRIED UNANIMOUSLY

**B) Community Development Committee**

**Re: Rezoning Reference #08-05**

**Mixed-Use Commercial At-Grade and**

**High-Rise Apartment Tower**

**Metrotown Development Plan – Sub-Area 7**

The Community Development Committee submitted a report seeking Council authorization to forward this application to a Public Hearing on 2010 November 23. The purpose of the zoning bylaw amendment is to permit a high-rise apartment development with ground-level street-fronting commercial and townhouse components.

The Community Development Committee recommended:

1. THAT the introduction of a Highway Closure Bylaw be authorized according to the terms outlined in Sections 4.2 and 4.6 of this report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. THAT the predecessor Rezoning Bylaw, Amendment Bylaw Nos. 37/08, Bylaw No. 12484, be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
3. THAT the sale be approved in principle of City-owned property at 6475 Telford Avenue for inclusion within the subject development site in accordance with Section 4.3 of this report, and subject to the applicant pursuing the rezoning proposal to completion.
4. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 November 01, and to a Public Hearing on 2010 November 23 at 7:00 p.m.
5. THAT the following be established as prerequisites to the completion of the rezoning:
  - a) The submission of a suitable plan of development.

- b) The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
- c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The removal of all existing improvements from the site within 24 months of the rezoning amendment bylaw receiving Final Adoption by Council, in accordance with a Section 219 Covenant, a Licensing Agreement and a Trespass Agreement with the City detailing the arrangement.
- e) The utilization of an amenity bonus through the provision of up to a maximum of 16,017 sq. ft. non-profit office space owned by the City and established through the creation of an airspace parcel and protected by a 219 Covenant in accordance with Section 4.4 of this report.
- f) The consolidation of the net project site into one legal parcel.
- g) The granting of any necessary covenants, including, but not necessarily limited to, Section 219 Covenants restricting the enclosure of balconies, indicating that project surface driveway accesses will not be restricted by gates, allocating development densities on the overall site, guaranteeing provision and maintenance of public art, providing that all disabled parking to remain as common property, and the provision and maintenance of identified public plazas.
- h) The granting of a Section 219 Covenant for the provision of three surface car co-op spaces, with cars and memberships for the residential units to be held as common property in accordance with Section 4.1 and 4.7 of this report.
- i) The granting of any necessary easements, including, but not necessarily limited to easements guaranteeing public access to proposed plaza, public open space and pedestrian walkway/linkage areas.
- j) The provision and maintenance of the public plaza by the development.
- k) The provision of statutory rights-of-way and/or easements guaranteeing public access to non-profit office parking areas and related pedestrian connections.
- l) The dedication of any rights-of-way deemed requisite.
- m) The design and provision of units adaptable to persons with disabilities (the provision of special hardware and cabinet work being subject to the sale/lease of the unit to a disabled person) with allocated disabled parking spaces protected by Section 219 Covenant.

- n) The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering within the residential portions of the development and a commitment to implement the recycling provisions.
- o) The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- p) The pursuance of green building practices for the proposed development in accordance with Section 4.1 of this report.
- q) The deposit of the applicable GVS & DD Sewerage Charge.
- r) The deposit of the applicable Parkland Acquisition Charge.
- s) The deposit of the applicable School Site Acquisition Charge.
- t) The deposit of the applicable Metrotown Public Open Space Charge.
- u) Completion of the Highway Closure Bylaw.
- v) The completion of the sale of City property.
- w) The provision of facilities for cyclists in accordance with this report.
- x) The undergrounding of existing overhead wiring adjacent to the site.
- y) Compliance with the Council-adopted sound criteria.
- z) The review of a detailed Sediment Control System by the Director Engineering.
- aa) The submission of a Site Profile and resolution of any arising requirements.
- bb) Compliance with the guidelines for underground parking for visitors.
- cc) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT the recommendations of the Community Development Committee be adopted.”

CARRIED

OPPOSED: COUNCILLOR DHALIWAL

**C) Community Development Committee**  
**Re: Animal Kennels on Industrial Zoned Lands**

The Community Development Committee submitted a report responding to a Council request that a report be prepared on the advisability of permitting kennels within Burnaby's industrial zoning districts. The establishment of kennels in a broader range of locations in Burnaby would provide a needed service to dog and/or cat owners.

The Community Development Committee recommended:

1. THAT Council authorize the City Solicitor to prepare the necessary bylaw amendments to the Burnaby Zoning Bylaw to permit the establishment of kennels in the M1, M2 and M3 Districts, as outlined in Section 4.0 of this report, for advancement to First Reading on 2010 November 22, and Public Hearing on 2010 December 14 at 7:00 p.m.
2. THAT a copy of this report be provided to Mr. Tony Haller – Vice President, Woof Dog Lounge and Spa Inc., 3999 Second Avenue, Burnaby, BC V5L 2G1 and Ms. Kathleen Dickie – Owner, Canine Corner Doggie Daycare, 5610 Goring Street, Burnaby BC V5C 4B9.

MOVED BY COUNCILLOR JORDAN:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT the recommendations of the Community Development Committee be adopted.”

CARRIED UNANIMOUSLY

- D)** The City Manager presented a report dated 2010 November 01 on the matters listed following as Items 01 to 03 either providing the information shown or recommending the courses of action indicated for the reasons given:

**1. Attorney General's White Paper on Limitation Act Reform**

The City Manager submitted a report from the City Solicitor recommending that Council support an amendment to the B.C. Limitation Act reducing the ultimate limitation period from 30 years to 10 years. Staff are of the view that a 10 year ultimate limitation period is not only fair, but, is in the best interests of the City.

The City Manager recommended:

1. THAT the City provide a written response to Ministry of Attorney General's White Paper on Limitation Act Reform indicating its support for a reduced ultimate limitation period of 10 years.

MOVED BY COUNCILLOR DHALIWAL:  
SECONDED BY COUNCILLOR CALENDINO:

“THAT the recommendation of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**2. Marine Way at North Fraser Way**

The City Manager submitted a report from the Director Engineering seeking Council approval of an additional expenditure for engineering services for the Marine Way/North Fraser Way intersection improvement project. The scope of this capital project includes extending the left turn lane and constructing additional through lanes between North Fraser Way and Market Crossing. There are sufficient funds available within an existing expenditure bylaw previously approved by Council for the current phase of the project.

The City Manager recommended:

1. THAT Council approve the revised amount of \$377,000 plus HST under an existing Engineering Agreement E5-2009 with Associated Engineering (BC) Ltd. for engineering services in connection with the Marine Way/North Fraser Way project.

MOVED BY COUNCILLOR CALENDINO:  
SECONDED BY COUNCILLOR KANG:

“THAT the recommendation of the City Manager be adopted.”

CARRIED UNANIMOUSLY

**3. Siting Approval Application #10-86 – 5860 Sprott Street**  
**Siting Approval Application #10-87 – 5888 Sprott Street**

The City Manager submitted a report from the Director Planning and Building informing Council of a request to construct two new single-family dwellings in the Central Administrative Area. New single family dwellings on the subject properties would be in-line with the prevailing single-family character of the eastern section of Sprott Street. The Department proposes to grant Siting Approval.

The City Manager recommended:

1. THAT this report be received for information purposes.

MOVED BY COUNCILLOR McDONELL:  
SECONDED BY COUNCILLOR KANG:

“THAT the recommendation of the City Manager be adopted.”

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR JORDAN:

“THAT the Committee now rise and report.”

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR CALENDINO:  
SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

### **3. BYLAWS**

#### **FIRST READING**

#12871	Text Amendment	
#12872	6451, 6475 & 6479 Telford Avenue and Ptn. of Lane Allowance	REZ #08-05
#12873	3175 (known as 3185) Willingdon Green	REZ #10-07
#12874	4193 North Road	REZ #10-08

MOVED BY COUNCILLOR KANG:  
SECONDED BY COUNCILLOR CALENDINO:

“THAT

Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 37, 2010	#12871
Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 38, 2010	#12872
Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 39, 2010	#12873



Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 40, 2010

#12874

be now introduced and read a first time.”

CARRIED  
OPPOSED: COUNCILLOR DHALIWAL  
TO BYLAW NO. 12872

**FIRST, SECOND AND THIRD READING:**

MOVED BY COUNCILLOR KANG:

SECONDED BY COUNCILLOR VOLKOW:

“THAT

Burnaby Capital Works, Machinery and Equipment  
Reserve Fund Expenditure Bylaw No. 26, 2010

#12870

be now introduced and read three times.”

CARRIED UNANIMOUSLY

**SECOND READING:**

#12863	7575 North Fraser Way	REZ #10-20
#12864	7215 Mountbatten Street	REZ #09-13
#12865	Text Amendment	
#12866	Ptns. of 3804, 3810 & 3820 Napier Street and Ptns. of 1123 & 1145 Douglas Road	REZ #10-24

MOVED BY COUNCILLOR KANG:

SECONDED BY COUNCILLOR CALENDINO:

“THAT

Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 32, 2010

#12863

Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 33, 2010

#12864

Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 34, 2010

#12865

Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 35, 2010

#12866

be now read a second time.”

CARRIED UNANIMOUSLY

**CONSIDERATION AND THIRD READING:**

#12803                      5700 Sidley Street

REZ #09-33

MOVED BY COUNCILLOR KANG:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT

Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 17, 2010

#12803

be now read a third time.”

CARRIED UNANIMOUSLY

**RECONSIDERATION AND FINAL ADOPTION:**

#12676                      6842/58/76 Royal Oak Avenue

REZ #06-46

#12778                      7423 Edmonds Street and  
Ptn. of 7435 Edmonds Street

REZ #10-05

MOVED BY COUNCILLOR KANG:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT

Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 32, 2009

#12676

Burnaby Zoning Bylaw 1965, Amendment  
Bylaw No. 9, 2010

#12778

be now reconsidered and Finally Adopted, signed by the Mayor and Clerk and the Corporate Seal  
affixed thereto.”

CARRIED UNANIMOUSLY

**4. NEW BUSINESS**

**Councillor Dhaliwal**

Councillor Dhaliwal was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR DHALIWAL:

SECONDED BY COUNCILLOR McDONELL:

“THAT WHEREAS TransLink has a severe shortage of funds to invest in the high-priority capital projects needed to address immediate and future public transportation demand;

AND WHEREAS TransLink has unilaterally committed \$171 million to erecting fare gates and introducing a smartcard system;

AND WHEREAS a smartcard system can be implemented without fare gates and at a fraction of the cost;

AND WHEREAS study after study (including TransLink’s own) has refuted the claim that the fare gates are a cost effective way to reduce fare evasions;

AND WHEREAS TransLink has not presented a credible business case for the smartcard and fare gate infrastructure project:

THEREFORE BE IT RESOLVED THAT the City of Burnaby urges TransLink to abandon the construction of fare gates while proceeding with the implementation of a smartcard system;

AND BE IT FURTHER RESOLVED THAT all local governments within Metro Vancouver be urged to support this resolution;

AND BE IT FINALLY RESOLVED THAT a copy of the resolution be submitted to the Minister of Transportation of British Columbia.”

CARRIED UNANIMOUSLY

**Councillor Volkow**

Councillor Volkow advised that the members of Council with staff toured the Burnaby Lake dredge project on the weekend and noted the Provincial Government has not taken an interest as far as visiting the site.

Arising from consideration of the discussion, Councillor Volkow was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT His Worship, Mayor Derek R. Corrigan write to invite the Honourable Murray Coel, Minister of Environment, to tour the Burnaby Lake dredge site.”

CARRIED UNANIMOUSLY

**5. INQUIRIES**

There were no inquiries to come before Council at this time.

**6. ADJOURNMENT**

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR KANG:


“THAT this ‘Open’ Council Meeting do now adjourn.”

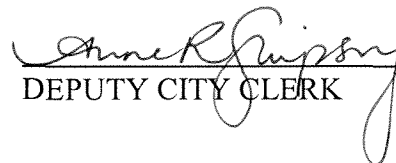
CARRIED UNANIMOUSLY

The ‘Open’ Council Meeting adjourned at 8:24 p.m.

Confirmed:

Certified Correct:

  
MAYOR

  
DEPUTY CITY CLERK