

2010 JANUARY 25

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 January 25 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 A. Kang
Councillor P. McDonell
Councillor N.M. Volkow

ABSENT: Councillor C. Jordan

STAFF: Mr. R.H. Moncur, City Manager
Mr. C.A. Turpin, Deputy City Manager
Mr. L. Chu, Director Engineering
Mr. R. Earle, 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. A. Skipsey, Deputy City Clerk

MOVED BY COUNCILLOR DHALIWAL:
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.

PROCLAMATIONS

His Worship, Mayor Derek R. Corrigan proclaimed the month of 2010 February as "***Heart Month***" in the City of Burnaby.

His Worship, Mayor Derek R. Corrigan proclaimed the month of 2010 February as "***Black History Month***" in the City of Burnaby.

1. MINUTES

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT the minutes of the ‘Open’ Council meeting held on 2010 January 18 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) His Worship, Mayor Derek R. Corrigan
Re: 2010 City Appreciation Dinner

His Worship, Mayor Derek R. Corrigan submitted a report requesting Council approval for the costs associated with the 2010 City Appreciation Dinner and the appointment of Council members to the Kushiro Cup Selection Committee.

His Worship, Mayor Derek R. Corrigan recommended:

1. THAT Council authorize for payment the cost of hosting the 2010 City Appreciation Dinner.
2. THAT Councillor Nick Volkow as Chair and Councillors Colleen Jordan and Dan Johnston, as Members be appointed as the 2010 Kushiro Cup Selection Committee.

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR CALENDINO:

“THAT the recommendations of His Worship, Mayor Derek R. Corrigan be adopted.”

CARRIED UNANIMOUSLY

B) Executive Committee of Council
Re: Grant Applications

The Executive Committee of Council submitted the following grant applications for Council’s consideration:

#10/01 Burnaby Family Life

The Executive Committee of Council recommended:

1. THAT a grant in the amount of \$16,000 be awarded to Burnaby Family Life in support of funding services provided by the organization.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR McDONELL:

“THAT the recommendation of the Executive Committee of Council be adopted.”

CARRIED UNANIMOUSLY

#10/02 Royal Canadian Legion Branch #148

The Executive Committee of Council recommended:

1. THAT this grant application be denied.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR McDONELL:

“THAT the recommendation of the Executive Committee of Council be adopted.”

CARRIED UNANIMOUSLY

#10/03 Apex Volleyball Club

The Executive Committee of Council recommended:

1. THAT a grant in the amount of \$500 (4 X \$125) be awarded to Apex Volleyball Club to assist with travel expenses for four Burnaby residents to compete at the Western Canadian Volleyball Championships to be held in Calgary, Alberta on May 2010.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR CALENDINO:

“THAT the recommendation of the Executive Committee of Council be adopted.”

CARRIED UNANIMOUSLY

#10/04 Big Brothers of Greater Vancouver

The Executive Committee of Council recommended:

1. THAT a grant in the amount of \$3,000 be awarded to Big Brothers of Greater Vancouver in support of the In-School and Teen Mentoring Programs for children in Burnaby.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR CALENDINO:

“THAT the recommendation of the Executive Committee of Council be adopted.”

CARRIED UNANIMOUSLY

#10/05 Canadian Oldtimers Baseball Championships

The Executive Committee of Council recommended:

1. THAT a grant not to exceed \$5,000 for in-kind printing costs and field rentals be awarded to the Royal Canadian Oldtimers Baseball Championships in support of hosting the National Oldtimers Championships 2010 to be held 2010 July 31 – August 02 in Burnaby.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR McDONELL:

“THAT the recommendation of the Executive Committee of Council be adopted.”

CARRIED UNANIMOUSLY

#10/06 Eurofest BC Society

The Executive Committee of Council recommended:

1. THAT a grant in the amount of \$3,000 for in-kind printing costs be awarded to Eurofest BC Society in support of hosting the European Festival in Burnaby.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR KANG:

“THAT the recommendation of the Executive Committee of Council be adopted.”

CARRIED UNANIMOUSLY

- C) The City Manager presented a report dated 2010 January 25 on the matters listed following as Items 01 to 11 either providing the information shown or recommending the courses of action indicated for the reasons given:

**1. Updated Draft – Metro Vancouver Regional Growth (2009 November)
Request for Municipal Comment**

The City Manager submitted a report from the Director Planning and Building in response to the request from the Metro Vancouver Board for City comment on the updated *draft “Metro Vancouver 2040: Shaping our Future” – Regional Growth Strategy (RGS)* dated 2009 November. In considering the municipal implications associated with the new approaches established in the *draft RGS*, staff identify two primary areas of concern: the first relates to the specific content of the plan and the degree to which it accurately reflects the growth management objectives and regulatory approaches of the City; and the second has to do with the new adoption and amendment procedures associated with the *RGS* and the resultant loss of municipal autonomy in managing its growth management and land use affairs.

The 1996 Livable Region Strategic Plan (LRSP) in many ways represented a partnership between the member municipalities that advanced regional directions through their respective planning and land use decisions. It respected the intentions and abilities of local Councils to consider the regional consequences of their decisions, while at the same time allowing the necessary flexibility and judgment in the local decision making. Accommodation of a Regional regulatory and approval role as proposed in the *RGS* would require an acceptance of a new approach which would require approval by Metro Vancouver for changes to municipal land use plans including amendments to the City’s OCP and RCS. Staff recommend a federation of municipalities approach using the partnership arrangement as was utilized under the LRSP.

If the various recommendations presented in the report that affect the accuracy, agreement to and clear understanding of the Plan’s contents, are not acted on and reflected in the revised *RGS* to be submitted to the Metro Vancouver Board for approval and subsequent submittal to the municipalities for the formal 120 day review period, the only recourse that would remain would be for the City to not accept the *RGS*.

The City Manager recommended:

OVERALL:

1. THAT Council advise the Metro Vancouver Board that the *draft RGS*, in its present form, is not supportable as a basis for subsequent City acceptance and approval, and will require significant amendment and clarification as outlined below.

ITEMS OF SIGNIFICANT CONCERN:

2. THAT Council advise Metro Vancouver that the City still has serious concerns with the implications of the proposed regulatory framework within the *draft RGS* given the significance of the fundamental impact of the proposal on the ability of

local municipalities to effectively manage its land use in the future.

3. THAT Council inform Metro Vancouver that the City's general acceptance of the population, dwelling unit and employment levels referenced for Burnaby in the guidelines contained in Table A.1 of the *draft RGS* is pending and subject to further review.
4. THAT Council inform Metro Vancouver that the City is unable to accept the *Urban Centres* development guidelines contained in Figure 3 of the *draft RGS*, regarding the intended form, density, character and function of Municipal Town Centres, as they are at variance to the specific roles and local context for Burnaby's Municipal Town Centres, as defined in the City's adopted OCP and RCS.
5. THAT Council inform Metro Vancouver that item 2.1.4 of the *draft RGS* cannot be supported as it requires amendment to specifically accommodate the further development of office space within the designated *Mixed Employment* areas of the *draft RGS* consistent with the City's adopted plans for its Business Centre areas.
6. THAT Council inform Metro Vancouver that reference to consideration of a '*regional tax-base sharing framework*' within the RGS cannot be supported and that any reference to such a preliminary notion should only be made after more information is available for review and discussion at the municipal and regional level.
7. THAT Council advise Metro Vancouver that the City does not support the policy guidelines for *Mixed Employment* areas as currently presented in Strategy 2.1 of the *draft RGS*, and that amendments are required to clarify that the regional designation would allow for the future intended development of these lands consistent with the guidelines and uses established within the Council adopted Community Plans and OCP.
8. THAT Council inform Metro Vancouver that it does not agree with the proposal for individual municipalities to establish criteria to evaluate major development proposals for their direct and indirect impacts on greenhouse gas emissions, and identify feasible and effective mitigation measures as being the most appropriate course of action.
9. THAT Council inform Metro Vancouver that the application of specific criteria to address greenhouse gas emissions associated with the structural components of major developments would better be pursued through BC Building Code amendments applicable to the region as a whole.

SPECIFIC AMENDMENTS REQUESTED:

10. THAT Council submit **Appendix 1** of this report as the definition of the City's boundaries for its Urban Town Centre, General Urban, Mixed Employment, Industrial, Agricultural and Conservation and Recreation lands for designation

within the *RGS*.

11. THAT Council request that Metro Vancouver amend statements regarding the proposed reduction of residential and commercial parking requirements in *Urban Centres* and *Frequent Transit Development Corridors* within Strategy 1.2 of the *draft RGS* to specify these as a desired objectives for municipalities to pursue, rather than as a mandatory requirement.
12. THAT Council request that Metro Vancouver amend policy statements related to items 1.2.3 e and 1.2.3 f (i) of the *draft RGS* to reference that higher density residential development may be accommodated in Urban Villages and Neighbourhood Centres under the *General Urban* designation.
13. THAT Council request that Metro Vancouver amend item 1.2.3 f (i) of the *draft RGS* to clarify that the reference to “*support densities that are lower than those in Urban Centres and Frequent Transit Development Corridors and encourage ground-oriented residential development*” does not exclude higher density residential and mixed use development nodes permitted within *General Urban* areas.
14. THAT Council request that Metro Vancouver amend the *draft RGS* to specifically include reference to allowable municipally sponsored indoor recreation, cultural activities and other similar public uses within areas having a Conservation and Recreation designation.
15. THAT Council request that Metro Vancouver amend the *draft RGS* to clarify that limited service commercial uses such as restaurants, or institutional uses such as the BC Land Conservancy office can be accommodated within municipal structures on designated *Conservation and Recreation* lands.
16. THAT Council request that Metro Vancouver amend the *draft RGS* to only address and map regionally significant environmentally sensitive areas, and that a policy action be included to encourage municipalities to protect other smaller and diverse environmentally sensitive areas.
17. THAT Council request that Metro Vancouver amend Figure 5 (Regional Recreation Greenway Network) of the *draft RGS* to include the Burnaby Fraser Foreshore parkway connection between Vancouver and New Westminster and the extension of the Trans-Canada Trail westward from Burnaby into the City of Vancouver.
18. THAT Council request that Metro Vancouver reference Figure 6 (The Region’s Natural Features) of the *draft RGS* as a conceptual map only with no regulatory status.
19. THAT Council request that Metro Vancouver amend item 3.3.3.d of the *draft RGS* to include reference to *Mixed Employment* areas reflecting its designation as a focus area for employment growth.

20. THAT Council request that Metro Vancouver amend the wording of item 3.4.6 of the *draft RGS* to clarify that municipalities should include policies that “work towards” or “help address” safeguarding development and mitigating natural hazard risks and climate change impacts.
21. THAT Council request that Metro Vancouver amend the *draft RGS* to identify the Evergreen Rapid Transit Line to Coquitlam Centre as the first rapid transit line priority within the region.
22. THAT Council request that Metro Vancouver amend the *draft RGS* to include the Langley to Lougheed and Coquitlam Town Centres Highway 1 rapid bus connection as an identified priority within the *Major Emerging Transit Markets* category, consistent with its inclusion within the Highway 1/Port Mann Project.
23. THAT Council request that Metro Vancouver amend the Regional Roads Concept (Map 10) in the *draft RGS* to include missing major roads including Southridge Drive from Marine Way to 10th Avenue, 10th Avenue from Griffiths Avenue to McBride Boulevard and the Stormont- McBride Connector (cut and cover) from 10th Avenue to Highway #1.
24. THAT Council advise Metro Vancouver that it would prefer to see the *draft RGS* adopt a more pro-active role in identifying those transportation investments considered most strategic, and having a priority, in helping shape the desired regional land use objectives, and further that Metro Vancouver and TransLink clearly redefine their respective roles and responsibilities accordingly.
25. THAT Council request that Metro Vancouver amend the performance measure under Strategy 3.4 of the *draft RGS* to remove the reference to municipalities completing local vulnerability assessments and implementation strategies, and instead make reference to completion of vulnerability assessments and priority actions to address vulnerabilities identified at the regional Metro Vancouver level.

SPECIFIC ADDITIONS REQUESTED:

26. THAT Council request that Metro Vancouver give consideration to adding *Neighbourhood Centres* to Figure 3 (Guidelines for Urban Centres) and Table 1 of the *draft RGS* in order to complete the hierarchy of *Urban Centres* in the *draft RGS*.
27. THAT Council request that Metro Vancouver give consideration to specifically referencing *Mixed Employment* and *Industrial* areas as categories within the employment projection figures contained in Table 1 of the *draft RGS*.
28. THAT Council request that Metro Vancouver add a Section 4.1.7 requesting the federal and provincial governments to pursue a priority emphasis on developing new rental market housing through additional funding and tax/financial incentive

programs to rekindle private sector investment in rental housing preferably in the context of a coordinated national and provincial housing strategy and help facilitate more sustainable funding over longer term periods.

29. THAT Council request that Metro Vancouver make provision for its cost sharing involvement with municipalities and other partners in the implementation of the Regional Recreation Greenway Network.
30. THAT Council request that Metro Vancouver also include a provision for future use of redundant rail rights-of way for urban trail/greenway or light rail purposes within a revised RGS.
31. THAT Council request that Metro Vancouver Board include a “satisfaction” measure of local municipalities with regard to their working relationship with the RGS on an annual basis to include an appropriate statistical measure, such as the number of requested amendments relating to the RGS, as well as an annual submission from municipalities in this regard.
32. THAT Council request that Metro Vancouver include a performance measure in the revised RGS to gauge the concentrations of total residential and employment growth within the Metro Vancouver area as a whole, differentiating the relative growth of the inner, more established communities and the outer, more suburban areas.
33. THAT Council request that Metro Vancouver include a measure in the RGS differentiating the relative growth of the inner, more established communities and the outer, more, suburban areas in the interests of measuring and better understanding the emerging concentrations of total residential and employment growth within the Metro Vancouver area as a whole.

CLARIFICATIONS REQUESTED:

34. THAT Council request that Metro Vancouver rectify the apparent contradiction between the land use designation amendment process for *Industrial, Mixed Employment, General Urban, Boundaries for Urban Centres and Frequent Transit Development Corridors*, as depicted in Figure 9 of the *draft RGS*, and the requirements for minor amendments to land use designations, as outlined in Section 6.7.2 of the *draft RGS*.
35. THAT Council request that Metro Vancouver provide clarification with respect to the distribution of employment, as projected in the Table 1 of the *draft RGS*, with reference to the significant increase in employment in regional and municipal town centres relative to other designated employment areas.

CONDITIONALLY SUPPORTED:

36. THAT Council advise Metro Vancouver that the City supports the designation of *Industrial* areas in the *draft RGS* for lands shown on Appendix 1 provided that the

designation allows for appropriate industrial activities and uses as defined by the existing industrial zoning districts contained within the Burnaby Zoning Bylaw.

37. THAT Council inform Metro Vancouver that it will respond to the role of developing a Housing Action Plan as a complementary action to its Regional Context Statement with the clear understanding that municipalities are limited in their financial resources, mandates and operating priorities to pursue and implement significant responses to the challenges presented.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

2. Rezoning Reference #06-65
Master CD Rezoning for 14 Development Sites and Potential New
Watertower in UniverCity Phase 3; Concept Plan for UniverCity Phase 4;
UniverCity at SFU

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward this application to a Public Hearing on 2010 February 16. The purpose of this zoning bylaw amendment is to establish the master CD zoning for Phase 3 of UniverCity as well as the concept plan for Phase 4.

The City Manager recommended:

1. THAT the predecessor Rezoning Bylaws 12399, 12120 & 12329, Amendment Bylaws No. 1/08, 40/07 & 36/06 be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 February 01 and to a Public Hearing on 2010 February 16 at 7:00 p.m.
3. 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 granting of any necessary statutory rights-of-way, easements, and covenants, and completion of necessary legal agreements, including, but not necessarily limited to those listed in Sections 3.13, 3.14 and 3.15 of this report.
 - e) The dedication of any rights-of-way deemed requisite.
 - f) The completion of the subdivision creating the subject development sites.
 - g) Provision of financial security for an alternative water supply to the proposed development, and a legally-binding commitment to have the alternative water supply constructed and in service by 2011 May.
 - h) The undergrounding of existing overhead wiring within or adjacent to the site.
 - i) The provision of sufficient car co-op spaces to serve the neighbourhood.
 - j) The submission of an undertaking to ensure that area plan notification forms, prepared by the City, are distributed with disclosure statements for each development; and to ensure that area plan notification signs, also prepared by the City, are posted on each development site and in the sales offices in prominent and visible locations prior to application for Preliminary Plan Approval, or at the time marketing for each 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.
4. THAT a licence be granted to permit the temporary use of a dedicated but unconstructed portion of University Crescent as part of an interim parking lot on the adjacent SFU property.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR McDONELL:

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

CARRIED UNANIMOUSLY

3. Rezoning Reference #07-53
Stacked Townhouse Development with Underground Parking
Apartment Study Area ‘C’

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward this application to a Public Hearing on 2010

February 16. The purpose of the proposed zoning bylaw amendment is to permit the construction of a stacked townhouse development with underground parking.

The City Manager recommended:

1. THAT a Road Closure Bylaw be authorized according to the terms outlined in Section 3.3 of this report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 February 1 and to a Public Hearing on 2010 February 16 at 7:00 p.m.
3. 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 submission of an undertaking to remove all existing improvements from the site prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw. Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.
 - e) The dedication of any rights-of-way deemed requisite.
 - f) The completion of the Highway Closure Bylaw.
 - g) The consolidation of the net project site into one legal parcel.
 - h) The granting of any necessary statutory rights-of-way, easements and/or covenants.
 - i) The granting of a Section 219 Covenant restricting enclosure of balconies and providing that all disabled parking to remain as common property.

- j) The retention and/or protection of identified existing trees and vegetation on and off-site, their protection by registration of a Section 219 Covenant, submission of a written undertaking to ensure that all site areas identified for preservation of existing trees are effectively protected by chain link fencing during the whole course of site and construction work, and deposit of sufficient monies to ensure the protection of identified existing trees, to be refunded a year after release of occupancy permits, upon satisfactory inspection.
- k) The review of a detailed Sediment Control System by the Director Engineering.
- l) 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.
- m) The submission of a Site Profile and resolution of any arising requirements.
- n) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
- o) Compliance with the guidelines for underground parking for residential visitors.
- p) The provision of facilities for cyclists in accordance with Section 4.6 of this report.
- q) The undergrounding of existing overhead wiring abutting the site.
- r) Compliance with Council-adopted sound criteria.
- s) The provision of urban trail upgrades and the deposit of sufficient monies for these works, as outlined in Section 3.6 of this report.
- t) The deposit of the applicable Parkland Acquisition Charge.
- u) The deposit of the applicable GVS & DD Sewerage Charge.
- v) The deposit of the applicable School Site Acquisition Charge.
- w) 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 JOHNSTON:

SECONDED BY COUNCILLOR McDONELL:

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

CARRIED UNANIMOUSLY

**4. Rezoning Reference #08-43
Infill Townhousing Project
Community Plan Eight**

The City Manager submitted a report from the Director Planning and Building seeking Council authorization to forward this application to a Public Hearing on 2010 February 16. The purpose of the proposed zoning bylaw amendment is to permit the construction of an 11-unit townhouse project with full underground parking.

The City Manager recommended:

1. THAT the sale be approved in principle of City-owned property for inclusion within the subject development site in accordance with the terms outlined in Section 3.7 of this report, and subject to the applicant pursuing the rezoning proposal to completion.
2. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 February 1, and to a Public Hearing on 2010 February 16 at 7:00 p.m.
3. 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 submission of an undertaking to remove all existing improvements from the site prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw. Demolition of any improvements will be permitted after Second

Reading of the Rezoning Bylaw has been granted, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.

- e) The completion of the sale of City property.
- f) The consolidation of the net project site into one legal parcel.
- g) The granting of any necessary statutory rights-of-way, easements, and/or covenants.
- h) The granting of Section 219 Covenants restricting the enclosure of balconies and providing that all disabled parking remains as common property.
- i) Compliance with the Council-adopted sound criteria.
- j) Compliance with the guidelines for underground parking for residential visitors.
- k) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
- l) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- m) The review of a detailed Sediment Control System by the Director Engineering.
- n) The provision of facilities for cyclists in accordance with Section 4.5 of this report.
- o) The approval of the Ministry of Transportation to the rezoning application.
- p) The submission of a written undertaking to include information on the future lane closure in the project disclosure statement in accordance with Section 3.3 of this report.
- q) The deposit of the applicable Parkland Acquisition Charge.
- r) The deposit of the applicable GVS & DD Sewerage Charge.
- s) The deposit of the applicable School Site Acquisition Charge.
- t) 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 DHALIWAL:

SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

5. CVG Section 1, 2, 3:
Still Creek Drive to Madison Avenue

The City Manager submitted a report from the Director Planning and Building seeking Council authorization for design and construction of specific works related to Section 1, 2, and 3 of the Central Valley Greenway (CVG).

The City Manager recommended:

1. THAT Council authorize an expenditure not to exceed \$653,625 (inclusive of 5% GST) from Casino Funds for design and construction of specific works for Section 1, 2, 3 of the Central Valley Greenway, as outlined in Section 2.0 of this report.
2. THAT Council authorize an expenditure not to exceed \$167,500 (inclusive of 5% GST) from Casino Funds for design and construction of environmental works for the Central Valley Greenway, as outlined in Section 3.0 of this report.
3. THAT Council forward a copy of this report to the Finance and Civic Development Committee for information purposes.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

6. LCLB Policy Directive -
Hours of Liquor Service

The City Manager submitted a report from the Director Planning and Building advising Council of the Liquor Control and Licensing Branch (LCLB) Policy Directive with regard to the extension of hours of liquor service during the Olympic Games.

The City Manager recommended:

1. THAT Council maintain the established hours of Food and Liquor Primary licences within Burnaby during the month of February 2010, as described in Section 3.0 of this report.
2. THAT a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR CALENDINO:

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

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR KANG:

“THAT the motion as moved by Councillor Johnston and seconded by Councillor Calendino being ‘THAT the recommendations of the City Manager be adopted’ be now **TABLED**.”

CARRIED UNANIMOUSLY

This item was TABLED until the 2010 February 01 meeting in order to provide Council members with a further opportunity for review.

7. 2010 Canary Soapbox Derby

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services seeking Council approval for the road closure for the third annual 2010 Canary Soapbox Derby on 2010 September 25 from 9:00 a.m. to 4:00 p.m.

The City Manager recommended:

1. THAT Council approve the road closure, as discussed in this report.
2. THAT the coordinator of the event, Stephanie Price, 25 – 788 West 15th Avenue, Vancouver, BC V5Z 1R5 be sent a copy of this report.
3. THAT the operator of Silent Waters Ltd. (Deer Lake Boat Rentals), Damien Liu, 5435 Sperling Avenue, Burnaby, BC V5E 2T2 be sent a copy of this report.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

8. Bylaw to Fund Parks, Recreation and Cultural Services 2010 Capital Projects

The City Manager submitted a report from the Director Parks, Recreation and Cultural Services seeking Council approval to bring forward a bylaw to appropriate funds from Capital Reserves to finance six projects and to appropriate funds from Gaming funds for the Festival Lawn project.

The City Manager recommended:

1. THAT a bylaw be brought down to appropriate \$1,333,500 (inclusive of 5% GST) from Capital Reserves to finance six projects.
2. THAT approval be granted for the appropriation of Gaming Funds in the amount of \$525,000 (inclusive of 5% GST) for the Festival Lawn project.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

**9. Contract No. 2009-10
Central Valley Greenway Trail -
Section 3 – Phase II**

The City Manager submitted a report from the Director Finance seeking Council approval to award a contract for the Central Valley Greenway Trail. The work of this contract involves the construction for preload removal, design – build trail bridge, trail paving, trail lighting, landscaping and related work.

The City Manager recommended:

1. THAT a contract be awarded to the lowest bidder, Mission Contractors Ltd., for the Central Valley Greenway Trail, for a total cost of \$479,579.66 with final payment based on actual quantities and unit prices tendered.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR JOHNSTON:

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

CARRIED UNANIMOUSLY

10. Capital Accounts

The City Manager submitted a report from the Director Finance seeking Council approval of a capital account for the Combined Sewer Separation (2011 Program).

The City Manager recommended:

1. THAT approval be given to the capital account referred to in this report.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

11. Rezoning Applications

The City Manager submitted a report from the Director Planning and Building submitting the current series of new rezoning applications for Council’s consideration.

The City Manager recommended:

1. THAT Council set a Public Hearing for this group of rezonings on 2010 February 16 at 7:00 p.m. except where noted otherwise in the individual reports.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

Item #1 Application for the rezoning of:

Rez #09-30 Lot 1, D.L. 165, Group 1, NWD Plan BCP36073

From: CD Comprehensive Development District (based on M5 Light Industrial District and Glenlyon Concept Plan)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District, P1 Neighbourhood Institutional District and Glenlyon Concept Plan guidelines and in accordance with the development plan entitled “Ritchie Bros. Childcare” prepared by Bunting Coady Architects Inc.)

Address: 9500 Glenlyon Parkway

Purpose: To permit the operation of a public childcare component.

The City Manager recommended:

1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 February 01 and to a Public Hearing on 2010 February 16 at 7:00 p.m.
2. THAT the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development
 - b) The amendment of the registered Section 219 Covenant for amenity spaces, to remove the childcare component.
 - c) Compliance with all requirements of the Fraser Health Authority including the applicable sections of the *Child Care Licensing Regulation of the Community Care and Assisted Living Act*.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

Item #2 Application for the rezoning of:

Rez #09-31 Lot A, D.L. 166, Group 1, NWD Plan BCP11469

From: CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)

To: Amended CD Comprehensive Development District (based on M2 General Industrial District M5 Light Industrial District, Big Bend Development Plan guidelines and in accordance with the development plan entitled “Mezzanine Expansion” prepared by Streamline Facility Planning)

Address: 7700 Riverfront Gate

Purpose: To permit construction of a mezzanine expansion.

The City Manager recommended:

1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 February 01 and to a Public Hearing on 2010 February 16 at 7:00 p.m.

2. 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 the applicable GVS & DD Sewerage Charge.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

Item #3 Application for the rezoning of:

Rez #09-32 Lot “A” Except: Northerly 33 ft. extending from the westerly boundary to the easterly boundary of said lot and adjoining the right-of-way of the BC Electric Railway Company Ltd., D.L. 151, Group 1, NWD Plan 1992, Parcel “A” (BY49405E) Lot 1, D.L. 151, Group 1, NWD Plan 1992 and Easterly Half Lot 1, D.L.’s 151 and 153, Group 1, NWD Plan 1992

From: R5 Residential District and M4 Special Industrial District

To: CD Comprehensive Development District (based on RM5 Multiple Family Residential District and Metrotown Development Plan guidelines and in accordance with the development plan entitled “Phase 2 – High Rise Residential Development” prepared by Chris Dikeakos Architects Inc.)

Address: 6130 & 6150 Wilson Avenue and 6149 Kathleen Avenue

Purpose: To permit a 21-storey apartment building with street-fronting townhouses.

The City Manager recommended:

1. THAT the introduction of a Highway Closure Bylaw be authorized according to the terms outlined in Section 4.3 of this report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 February 01 and to a Public Hearing on 2010 February 16 at 7:00 p.m.
3. 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 to serve the development.
- 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 utilization of an amenity density bonus through the deposit of funds equal to the estimated value of the density bonus in accordance with Section 4.2 of this report.
- e) The consolidation of the net project site into one legal parcel.
- f) The completion of the Highway Closure Bylaw.
- g) The granting of any necessary easements, statutory rights-of-way and covenants, including, but not necessarily limited to, Section 219 Covenants restricting the enclosure of balconies, prohibiting driveway gates and providing that all disabled parking to remain as common property. Additionally, reciprocal access easements are required in relation to the initial phase of development to the south.
- h) The dedication of any rights-of-way deemed requisite.
- i) The undergrounding of existing overhead wires along the east side of Wilson Avenue and within the Kathleen Avenue right-of-way.
- j) 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.
- k) The design and provision (5%) 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.
- l) The submission of a suitable on-site stormwater management.
- m) The review of a detailed Sediment Control System by the Director Engineering.
- n) The submission of a Site Profile and resolution of any arising requirements.

- o) The deposit of the applicable GVS & DD Sewerage Charge.
- p) The deposit of the applicable Parkland Acquisition Charge.
- q) The deposit of the applicable School Site Acquisition Charge.
- r) Compliance with the Council-adopted criteria.
- s) The provision of a public pedestrian walkway with lighting, protected by a statutory right-of-way, within the Kathleen Avenue right-of-way to the approval of the Director Engineering.
- t) Compliance with the guidelines for surface and underground parking for residential visitors.
- u) The provision of facilities for cyclists in accordance with this report.
- v) 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 JOHNSTON:

SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

Item #4 Application for the rezoning of:

Rez #09-33 Lot A, D.L. 97, Group 1, NWD Plan 77715

From: M2 General Industrial District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Royal Oak Community Plan guidelines)

Address: 5700 Sidley Street

Purpose: To permit the development of a townhouse/low-rise apartment project with full underground parking.

The City Manager recommended:

1. THAT the Planning and Building Department be authorized to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR KANG:

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

CARRIED UNANIMOUSLY

Item #5 Application for the rezoning of:

Rez #09-34 Lot 116 Except: Part dedicated road on Plan 67656, D.L. 130, Group 1, NWD Plan 47649

From: CD Comprehensive Development District (based on M5 Light Industrial District, A1 Agricultural District) and R2 Residential District.

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District, A1 Agricultural District and Holdom Station Area Plan guidelines) and R2 Residential District.

Address: 6250 Loughheed Highway

Purpose: To permit an internal café use.

The City Manager recommended:

1. THAT a Rezoning Bylaw be prepared and advanced to First Reading on 2010 February 01 and to a Public Hearing on 2010 February 16 at 7:00 p.m.
2. THAT the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development
 - b) The approval of the Ministry of Transportation and Highways to the rezoning application.

MOVED BY COUNCILLOR McDONELL:

SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

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

CARRIED UNANIMOUSLY

3. BYLAWS

FIRST, SECOND AND THIRD READING:

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR KANG:

"THAT

Burnaby Local Improvement Fund Expenditure Bylaw No. 1, 2010	#12757
---	--------

Burnaby Procedure Bylaw 2004, Amendment Bylaw 2010	#12758
---	--------

Burnaby Highway Closure Bylaw No. 1, 2010	#12759
---	--------

be now introduced and read three times."

CARRIED UNANIMOUSLY

4. NEW BUSINESS

Councillor Volkow

Councillor Volkow made reference to Item F) of the Council Correspondence package received to 2010 January 22 from Larry Wartel, Volunteer, the Leonard Pelletier Defense Committee Canada and the John Graham Defense Committee requesting support for the defense of Leonard Pelletier and John Graham.

Arising from consideration of the correspondence, 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 President Barack Obama to request clemency for Leonard Pelletier and a fair trial for John Graham in the pursuit of justice for Anna Mae Aquash and THAT His Worship, Mayor Derek R. Corrigan also write Mayor Gregor Robertson to urge the City of Vancouver to write a letter to President Obama in this regard.”

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR McDONELL:

“THAT consideration of the motion ‘THAT His Worship, Mayor Derek R. Corrigan write to President Barack Obama to request clemency for Leonard Pelletier and a fair trial for John Graham in the pursuit of justice for Anna Mae Aquash and THAT His Worship, Mayor Derek R. Corrigan also write Mayor Gregor Robertson to urge the City of Vancouver to write a letter to President Obama in this regard’ be **POSTPONED** to the 2010 February 01 Council meeting.”

CARRIED UNANIMOUSLY

Councillor McDonell

Councillor McDonell made reference to Item B) of the Council Correspondence package to 2010 January 22 from Ernest Neumann, Property Manager, Bayside Property Services Ltd. requesting permission to install parkade gates to the visitor parking areas at 4657/4689 Hazel Street and requested clarification from staff as to exactly what was entailed.

Mr. Basil Luk Sun, Director Planning and Building explained there would be an onsite visit and that changes would require an amendment to the CD Plan and would therefore come before Council for review. Council agreed issues arising with regard to visitor parking and City’s bylaws would continue to be considered by the Community Development Committee.

Councillor McDonell advised Council the Province Newspaper reported the World Police and Fire Games had won a world wide special events award for the Opening Ceremonies and thanked the organizers for a first class event from beginning to end.

Councillor Chang

Councillor Chang advised there will be a press conference tomorrow to thank Mr. Lee, the artist of the sculpture displayed in the Courtyard of City Hall, for his contribution of artwork to the City of Burnaby.

5. **INQUIRIES**

There were no inquiries brought before Council at this time.

6. **ADJOURNMENT**

MOVED BY COUNCILLOR VOLKOW:


SECONDED BY COUNCILLOR CALENDINO:

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

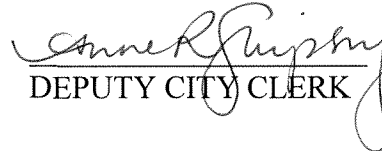
CARRIED UNANIMOUSLY

The ‘Open’ Council Meeting adjourned at 8:12 p.m.

Confirmed:


MAYOR

Certified Correct:


DEPUTY CITY CLERK