

23 March, 1967.

REPORT NO. 13, 1967.

His Worship, the Reeve,
and Members of the Council.

Gentlemen:

Your Manager reports as follows:

1. Re: Acquisition of Easement - Northerly 10' of Lot 193 of a subdivision of the East 174' of Lot 2, D.L. 86, Plan 1203

An easement is required, in order to finalize a subdivision, over the northerly 10' of Lot 193 of a subdivision of the East 174' of Lot 2, D.L. 86, Plan 1203 as shown on plan prepared by H.B. Cotton, B.C.L.S., dated 15 March, 1967, from Bernard George Suais and Phyllis Danalda Suais, 7335 Burris Street, Burnaby 1, B.C. The property on which the easement is located is 7335 Burris Street, Burnaby 1, B.C. The easement is required for drainage purposes. There is no consideration payable by the Corporation.

adoption
It is recommended that authority be granted to acquire the above easement and that the Reeve and Clerk be authorized to execute the easement documents on behalf of the Corporation.

2. Re: Rezoning Application No. 56/64
 a) Lot "E", Blocks 43/44, F.L. 30, Plan 7164
 b) Pcl. "H" Exp. Pl. 7297, except Exp. Pl. 14259, S.D. 11, Blk. 43, D.L. 30, Plan 3036
 c) Lot 1, Blk 44, D.L. 30, Plan 3036
 d) Pcl. "A", Ref. Pl. 5944, Blk. 44, D.L. 30, Plan 3036

note
Submitted herewith for the consideration of Council is a report prepared by the Director of Planning on direction of Council. Council desired a precis of the rezoning application.

3. Re: Simon Fraser University and B.C. Hydro Building

Your Municipal Manager was directed to make enquiries with respect to plans reported to Council of a new building for the B.C. Hydro to be erected on the University site.

It was confirmed that B.C. Hydro propose to erect a new building which will be located east of the water tower, but will be linked to the water tower by a large podium level surrounding both the new Control Centre building and the existing Water Tower. Essentially, the new Control Centre Building will fulfill site development around the Water Tower and will provide a large public area for purposes of a viewpoint.

The University quadrangle is located on the former site under lease by B.C. Hydro when the Municipality granted the Simon Fraser University the new campus. This new site for the Control Centre is a replacement for it.

There is no question of the compatibility of the Architecture of the new Control Centre with the University buildings. Rhone and Iredale are the Architects and they also designed part of the University.

The ultimate zoning for the University site after boundaries are finally agreed is anticipated to be P1 (Institutional). P1 (Institutional), which provides for the location and regulation of public and quasi-public uses, makes provision in 501.1(15) for 'Telephone exchanges and similar public utilities, provided they are housed completely within an enclosed building.'

A new B.C. Hydro Control Centre, as proposed, would then be compatible with the ultimate zoning proposed for S.F.U.

The only question then remaining would be one of taxation. B.C. Hydro is not taxable but in April 1965 the Provincial Executive Council adopted a recommendation that, pursuant to the provisions of subsection (1) of Section 54 of the British Columbia Hydro and Power Authority Act, 1964 "Commencing with the year 1965 each municipality be paid an annual grant which does not exceed the sum of the following: ---", (followed by a formula).

B.C. Hydro has been paying a grant annually, based on the formula. It has not been ascertained whether B.C. Hydro would take any different approach to the new building on the S.F.U. site, but it certainly would be reasonable for the Municipality to expect S.F.U. to ensure in its lease with B.C. Hydro that the formula would apply.

On the subject of taxation of non-university enterprises on the S.F.U. campus there is an impasse between Municipal and University officials. University officials contend that everything on University property is tax exempt.

The Municipal Solicitor has ruled to the contrary and this poses a serious problem. Certain Municipal officials are charged with their responsibilities by statute, and the opinion of the Municipal Solicitor must be their guide in such cases as tax exemption.

It would appear that the impasse could best be removed by seeking an interpretation of the appropriate section of the S.F.U. Universities Act by a Supreme Court Judge.

It is recommended this be done.

Respectfully submitted,



H. W. Balfour,
MUNICIPAL MANAGER

HWB:at

4. Re: Acquisition of easements - Oakalla Sewer Area #21

Easements are required in connection with the abovenoted Sanitary Sewer Project as follows:

- (a) Owner - Jennie Crews, 6042 Selma Avenue, Burnaby 1, B.C.
Property - Easterly ten feet Lot 3, Block "C", D.L. 94, Group 1,
Plan 1426A, N.W.D.
Location of easement - 6042 Selma Avenue, Burnaby 1, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (b) Owner - Eric Gettling, 6163 Pearl Avenue, Burnaby 1, B.C.
Property - South five feet Lot 11, Parcel "B", D.L. 94, Group 1,
Plan 15407, N.W.D.
Location of easement - 6161-6163 Pearl Avenue, Burnaby 1, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (c) Owner - James Campbell, 6290 Selma Avenue, Burnaby 1, B.C.
Property - Easterly ten feet Lot 5, Block 3, D.L. 94, Group 1,
Plan 1117, N.W.D.
Location of easement - 6290 Selma Avenue, Burnaby 1, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (d) Owner - Stephen R. Bailey and Jean Marjorie Bailey, 6150 Selma
Avenue, Burnaby 1, B.C.
Property - Easterly ten feet North fifty feet of Parcel "A",
(Explanatory Plan 11597) of Parcel 1, D.L. 94, Group 1,
N.W.D.
Location of easement - 6150 Selma Avenue, Burnaby 1, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (e) Owner - Victor Edward Price and Florence Mary Price, 6230 Royal
Oak Avenue, Burnaby 1, B.C.
Property - Portion of Lot 2 and Lot 17 as shown outlined in red on
Plan deposited in L.R.O., Block 1, D.L. 94, Group 1,
Plan 1117, N.W.D.
Location of easement - 6230 Royal Oak Avenue, Burnaby 1, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (f) Owner - Elmer Richard Scambler and Alice Lillian Scambler,
6209 Pearl Avenue, Burnaby 1, B.C.
Property - Portion of Lot 18 as shown outlined in red on Plan
deposited in L.R.O., Block 1, D.L. 94, Group 1, Plan 1117,
N.W.D.
Location of easement - 6209 Selma Avenue, Burnaby 1, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (g) Owner - James Arthur Westcott, 6270 Selma Avenue, Burnaby 1, B.C.
Property - Easterly ten feet Lot 4, Block 3, D.L. 94, Group 1,
Plan 1117, N.W.D.
Location of easement - 6270 Selma Avenue, Burnaby 1, B.C.
Consideration - \$1.00 plus restoration of the easement area.

adopted
5. Re: Agreement between C.N.R. and Burnaby Regarding Streets and
Properties at the South End of the C.N. Tunnel

Negotiations have been conducted with the C.N.R. concerning exchange of land and other matters south of Dawson Street in connection with the construction of the south approach to the new C.N. Tunnel.

There are several matters of concern, including the proposed construction of the south approach on dedicated street allowances. The negotiations were designed to set out agreement between the C.N. and Burnaby which would establish a basis for completion of the C.N.'s commitment to Burnaby to attend to surface drainage and to

(Item #5 - Re: Agreement between C.N.R. and Burnaby Regarding Streets
and Properties at the South End of the C.N. Tunnel cont.)

re-establish a meaningful road pattern to replace that disturbed by the tunnel approach.

It is considered that with mutual acceptance of the terms of agreement the Municipal Engineer would be enabled to close Alaska Street and a section of Rosser Avenue and give C.N. permission to begin construction on the street allowances traversed by the open cut section of the Tunnel.

The following broad terms of agreement have now been reached and confirmed in writing by the C.N.

1. An exchange of land has been worked out based on value. The areas coloured in red on the plan are valued at \$68,495.00 and will be turned over to the C.N.R. by the Municipality. The areas coloured green are valued at \$49,055.00 and will be turned over to the Municipality by the C.N.R. This leaves a balance of \$19,440.00 in favour of Burnaby which will be paid to us by the C.N.R., subject to a small adjustment for an additional area of approximately 2300 square feet (0.05 acre) needed by the Municipality on the west side of the Willingdon Overpass, and shown in blue on the sketch.
2. C.N.R. will design and construct, at their expense, the new section of roadway along the north side of the new rail line from Rosser Avenue to the underside of the proposed Willingdon Overpass. They have agreed to a gravel standard similar to that on Alaska Street which the new street replaces, but it seems reasonable that they should at least provide a 20 foot wide pavement as well.

M.D. Lea and Associates have been retained by the C.N.R. to design this roadway, and in so doing it was agreed that they will squeeze this road as far south as possible at the underpass so as to minimize the length of the overpass structure required.

3. C.N.R. will design and construct, at their expense, the lane south of Dawson between Madison Avenue and the C.N. right-of-way, and the associated lane connection to Dawson Street through Lot 5.
4. C.N.R. will take care of all drainage intercepted by their rail line south of Dawson Street by diverting it along the new roadway paralleling the new rail line, to connect to the Municipal drainage system at Willingdon. If this increases the size of the drainage facility requirements along Willingdon to Still Creek, C.N.R. will pay the difference in cost.

There is another drainage system north of Dawson Street but this has already been taken care of in the tunnel design and the Engineering Department has received the associated drawings.

5. C.N.R. must make provision for serving Lot "C" with sanitary sewer facilities.
6. C.N.R. will consolidate into one parcel, or arrange to have consolidated as the case may be, the areas outlined in orange on the attached sketch.
7. Details regarding the raising of Dawson Street by several feet over the tunnel structure have not been worked out, but it has been understood that the C.N.R. will be responsible for bringing the street at this location to a suitable condition reflecting its future function as a through street, and that no additional present or future costs should be incurred by the Municipality as a result of the tunnel construction.

These arrangements are based on an exchange of letters and several meetings between representatives of C.N.R. and Municipal staff. They give a general picture of the arrangements with C.N.R. but do not include some of the details.

(Item #5 - Re: Agreement between C.N.R. and Burnaby Regarding Streets
and Properties at the South End of the C.N. Tunnel cont.)

adoption
Pending approval of the above arrangements, the Municipal Engineer has given C.N.R. permission to fence off the working area and close off Alaska Street.

It is recommended that Council approve of the general terms of agreement as outlined.

6. Re: Sanitary Sewer Utility

A sanitary sewer extension is required on Springer Avenue a distance of approximately 569 feet from the existing main at Halifax and Springer. The purpose of the extension is to provide sanitary sewer service to a subdivision of Lot 14, N. 91.2 feet of Lot 14, Lots 15N $\frac{1}{2}$ and S $\frac{1}{2}$, D.L. 126 -- Subdivision Reference #146/66. The subdivision will create 14 lots and the extension will serve an additional 4 acres of subdividable property.

The estimated cost is \$7,000.00.

adoption
Council previously rejected a former proposal in October 1966 when sewer construction was being greatly restrained.

It is recommended the sanitary sewer extension be approved.

7. Re: Junk Dealers - Auto Wreckers

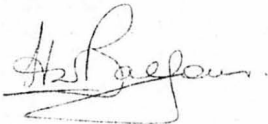
For seventeen years this Municipality has classed Auto Wreckers as Junk Dealers, largely because the restrictions imposed on such businesses in both the old and new Zoning By-laws and the Trades License By-law put them in similar categories.

The Automotive Retailers' Association has taken strong exception to this practice in a letter to Council.

There is no reason for not complying with the request of the A.R.A. and License and Business Tax Records are being changed accordingly.

Rec'd
The change of designation will have no effect on the business taxes payable, which are based on the Assessed Rental Value of the property.

Respectfully submitted,



H.W. Balfour,
MUNICIPAL MANAGER

THE CORPORATION OF THE DISTRICT OF BURNABY

PLANNING DEPARTMENT,
March 23, 1967.

H. W. Balfour,
MUNICIPAL MANAGER.

Municipal Manager's
(Item 2, Report No. 18, 1967.)

Dear Sir:

Re: REZONING APPLICATION NO. 56/64

- a. Lot "E", Blks. 43/44, D.L. 30, Plan 7164
- b. Pcl. "H", Expl. Pl. 7297, except Expl. Pl. 14259,
S.D. 11, Blk. 43, D.L. 30, Plan 3036
- c. Lot 1, Blk. 44, D.L. 30, Plan 3036
- d. Pcl. "A", Ref. Plan 5984, Blk. 44, D.L. 30, Pl. 3036

The Zoning Amendment Bylaw covering the rezoning of the above properties to Multiple Family RM4, was on the Council Agenda for the meeting of March 13, 1967.

Mr. Marshall, who is the owner of the property, although not the applicant for rezoning, appeared and requested that the category be changed to RM3.

The Council deferred consideration of the bylaw and requested the Planning Department to prepare a precis of the rezoning application for presentation to the Council meeting to be held on March 27, 1967. This precis follows:-

On September 11, 1964, an application was received from Mr. H. J. Marshall to rezone two of the subject parcels (Lot E and Parcel A) from Residential Two Family to Multiple Family.

The Municipal Clerk immediately advised Mr. Marshall, in a letter dated September 14, 1964, that the Council had deferred all consideration of Multiple Family rezoning until the adoption of the new zoning bylaw.

The new Burnaby Zoning Bylaw was adopted during June 1965, and a report on the application, dated July 20, 1965, was presented to the Municipal Council on August 9, 1965. This report gave general information on the plans for the Kingsway-Edmonds area, and recommended that the applicant discuss these plans with the Planning Department.

The Municipal Council concurred with the recommendation and two days later on August 11, 1965, the Planning Director met with Mr. Marshall to discuss various alternative land use proposals. Mr. Marshall agreed to consider two basic alternatives and to return with a proposal in due course.

The Municipal Council was advised of the above meeting on August 16, 1965, and on August 17, 1965, a letter was received from Mr. Marshall, confirming his understanding of the meeting which was as follows. Firstly that his rezoning application for two parcels would be held in abeyance, and secondly, that an application for the rezoning of all four subject parcels, either to all multiple family or all commercial would be accepted in the future.

(continuedpage 2)

Municipal Manager,
Planning Director.

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March 23, 1967....page 2.

Nothing more was heard from Mr. Marshall until March 4, 1966, when a meeting was held, attended by the Planning Director, Mr. Marshall, and two interested developers Messrs. McAndrew and Rosenfeld.

At this meeting, sketches of a high rise building were produced, and high density apartment development of the subject four properties was discussed. The suitability of the area for RM4 density zoning was pointed out to the owner and the developers at the meeting, but on March 3, 1966, an application for RM5 zoning of the four subject parcels was received from Messrs. McAndrew and Rosenfeld, accompanied by a letter from Mr. Marshall asking that the application for RM5 zoning (which does not permit 3 storey frame building) replace his earlier application.

A report dated May 13, 1966 was prepared on the new application and presented to the May 24, 1966, Council meeting. This report recommended RM4 zoning for the four properties subject to consolidation into one parcel; provision of storm drainage and the presentation of development plans.

Council concurred with the recommendation, forwarded the application to a Public Hearing and on June 27, 1966 the amending bylaw was introduced; Council agreeing to give final reading to the bylaw once the 3 requirements had been met.

Mr. Marshall, who had already agreed to the conditions on June 2, 1966 was advised of the Council action in letters dated July 6, 1966 and July 13, 1966, and apart from Council confirmation of the storm drainage requirement on November 21, 1966 nothing further was heard from Mr. Marshall until March 13, 1967, when he requested that the zoning category be amended to permit the erection of a 3 storey frame development.

Although the RM4 regulations prior to their amendment, permitted the erection of lower buildings, at no time following the application for RM5 zoning was there any indication that it was proposed to place other than high rise development on the subject property, nor were sketch plans, as required by the Council, presented.

It is the opinion of this department that the site is suitable for taller buildings, and that it should be reserved for this purpose. There are many sites in the municipality suitable for 3 storey building but only a certain number that have the location characteristics necessary for high rise building.

It is recommended that the amending bylaw remain unchanged and that final reading of the bylaw be given when the applicant has fulfilled the 3 requirements of consolidation, provision of storm drainage, and presentation of development plans.

A. L. Parr
A. L. Parr,
PLANNING DIRECTOR.

ALP:ew

c.c. Municipal Clerk.

*Moved to Table 2 weeks
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H.B.
28/3/67.*