

ITEM	12
MANAGER'S REPORT NO.	50
COUNCIL MEETING 1980	08 05

RE: LETTER FROM MR. ARNOLD F.C. HEAN, Q.C.,
 HEAN, WYLIE AND COMPANY, 600 BURNABY CENTRE, 4211 KINGSWAY
 BURNABY, B.C. V5H 2A8
 PARCEL "B", PLAN 17411, BLOCK 12, D.L. 10, PLAN 3054
 8720 GOVERNMENT ROAD (LOVE PROPERTY)

The following report from the Director of Planning is in reply to a letter from Mr. Arnold F.C. Hean which appears on the agenda for the 1980 August 05 meeting of Council.

RECOMMENDATION:

1. THAT the recommendation of the Director of Planning be adopted.

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TO: MUNICIPAL MANAGER 1980 July 29
 FROM: DIRECTOR OF PLANNING
 RE: PARCEL "B", PLAN 17411, BLOCK 12, D.L. 10, PLAN 3054
 8720 GOVERNMENT ROAD - LOVE PROPERTY

RECOMMENDATION

1. THAT a copy of this report be sent to Mr. Arnold F.C. Hean, Q.C., Hean, Wylie and Company, 600 Burnaby Centre, 4211 Kingsway, Burnaby, B.C. V5H 2A8.

REPORT

This report has been prepared in response to the letter of 1980 July 21 from Mr. Arnold F.C. Hean, Q.C., concerning the above described property.

A. BACKGROUND

Mr. Hean advances arguments in his letter for the extension of industrial use to the Love property. The points made are based largely on a proposal for the rezoning for industrial purposes of the properties at 6750 and 6766 Cariboo Road, on the westerly side of Gaglardi Way. However, this rezoning has not been implemented and the background to the matter is reviewed below.

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The proposed rezoning of the two Cariboo Road properties was initiated by the agent for the owners in a letter dated 1979 December 20. The proposal involves the consolidation of the two properties into one site and rezoning from the current A2 (Small Holdings) category to the M1 (Manufacturing) District classification. The Planning Department recommended against the rezoning because of the location of the properties within an area designated for future park use. Subsequently, the Council sent the rezoning to a Public Hearing and, on 1980 April 21, gave first and second readings to the proposal.

On 1980 June 18, the Planning Department was advised that the owner of the southerly property no longer wished to proceed with the rezoning. At this moment, therefore, the matter is in abeyance, the current zoning is still A2, and there appears to be considerable doubt that the rezoning will be pursued.

Even if the Cariboo Road rezoning were to proceed this would not provide a valid argument for the extension of industrial use to the Love property in view of its strategic location within the Central Valley Park System and its situation on the easterly side of Gaglardi Way. This is a major traffic arterial which, through a long established policy, has provided a well defined boundary between the industrial area to the west and residential and complementary park development to the east.

B. LAND USE CONSIDERATION

Parcel "B" is completely separated from any industrial development and is bounded on three sides by existing or proposed parkland. The use of the property for industrial purposes would be at variance with the previously approved Central Valley Park System concept and the North East Burnaby Study in which large clearly defined areas were established for industrial, residential and park uses in proper relationship to one another.

In the case of the latter plan, Gaglardi Way, a major traffic artery, was selected as the logical easterly limit for industrial development in the area. This policy has been followed in the developments which have taken place since the North East Burnaby Study was originally approved in 1966 and is reflected in the Community Plans for the North Road - Cameron and Lougheed - Government areas. The sector to the south of the Burlington Northern Railway has been designated for future park use (with the exception of the long established Continental Can site) from the westerly side of Burnaby Lake to the Brunette River and along its streamcourse to North Road on the east (see Map "C" - Proposed Future Development).

C. CURRENT STATUS

The most recent report from the Planning Department on the Love property was received by the Council on 1979 January 29. This report, which was also prepared in response to a letter from Mr. Hean, contains background material which is considered relevant at the present time. For this reason, a copy is attached for the information of Council (Item 19, Report No. 8).

As mentioned in the above noted report, the ultimate need of the entire Love property for park purposes was confirmed by the Parks and Recreation Commission on 1978 November 01. This was followed by the approval of the Park Acquisition Program by the Commission (1980 March 11) and the inclusion of the property in the program on a two-stage basis (see attached maps). The First Stage includes a strip of land along the Stoney Creek and Brunette River streamcourses with a high second priority designation (item 20). The remainder of the parcel has a third priority (long range) designation (item 47).

The current zoning of Parcel "B" is A2 (Small Holdings). This was the designation under the former Zoning By-law of 1948 and was continued when the present by-law came into effect in 1965. Therefore, until such time as the property is required for park purposes, development can occur under this particular zoning district category.

Love Property
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The matter of the acquisition of the Love property by the Corporation was the subject of discussions between Mr. Hean and the Municipal Manager in February and March of 1979. However, this has not been pursued further because of a lack of agreement on value.

D. CONCLUSIONS

In view of the foregoing considerations, it is confirmed that the whole of Parcel "B" is a "key" property in the future park development plans of the North Eastern area of the municipality, and is required for future park purposes. Quite apart from the strategic location of the property at the junction point of the projected trail system in the area, it forms an integral and necessary part of the Central Valley Park System which surrounds Burnaby Lake and extends along either side of the Brunette River to the New Westminster boundary.

This is for the information of Council.



A. L. Parr
DIRECTOR OF PLANNING

RBC/hf

Attach.

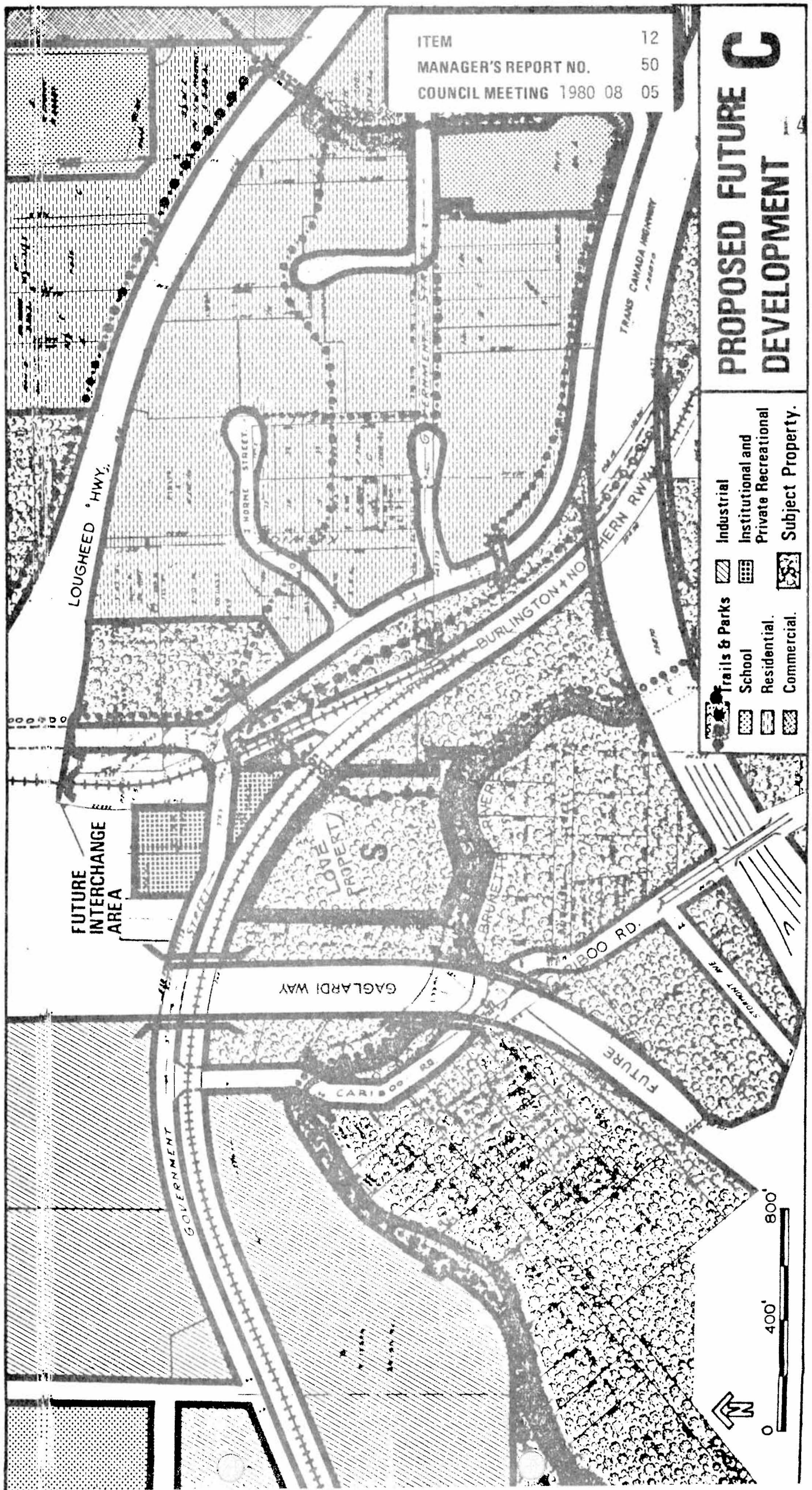
c.c. - Municipal Clerk
Municipal Solicitor
Parks and Recreation Administrator
Assistant Director - Long Range
Planning and Research

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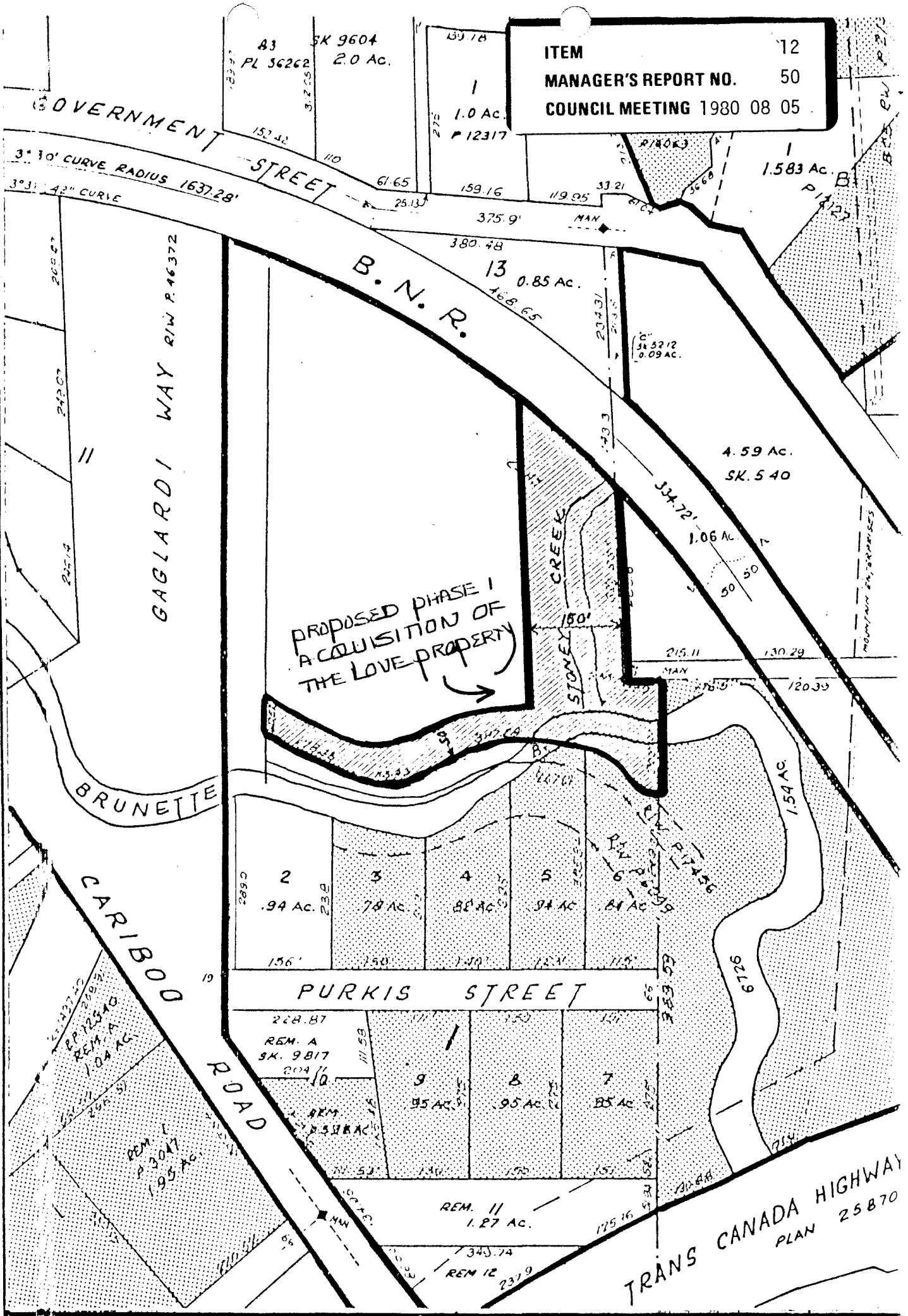
PROPOSED FUTURE DEVELOPMENT C

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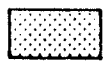

- Trails & Parks
- School
- Residential
- Commercial
- Industrial
- Institutional and Private Recreational
- Subject Property.



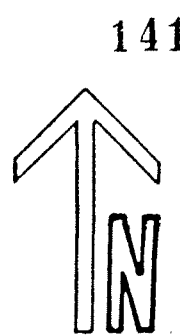
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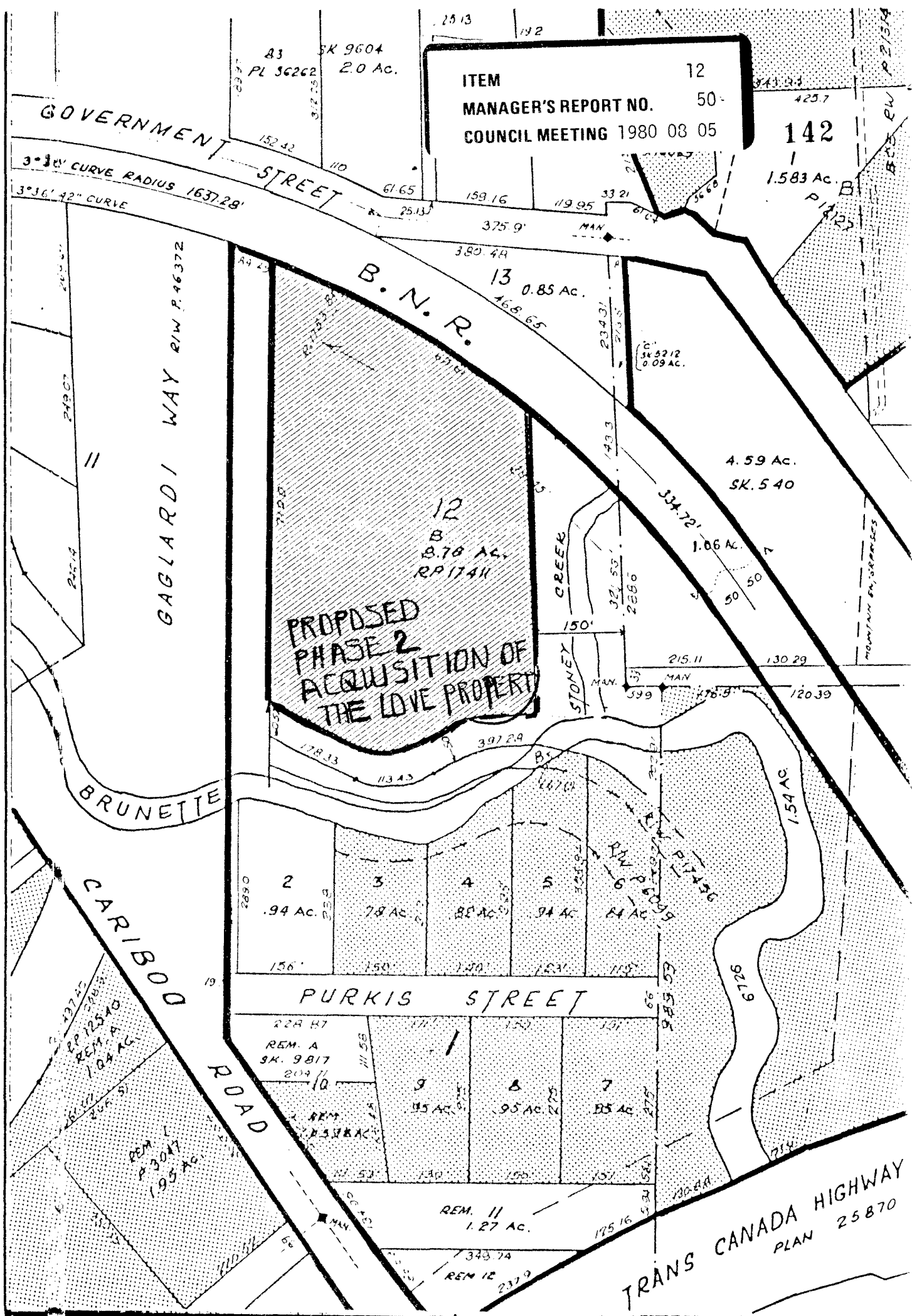


CENTRAL VALLEY PARK SYSTEM - STAGE 1 -




-  Proposed Acquisition
-  Existing Park
-  Proposed Park Area

Scale: 1" = 200'

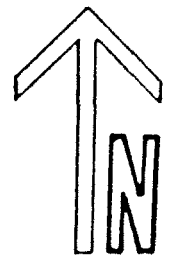




CENTRAL VALLEY PARK SYSTEM - STAGE 2 -

-  Proposed Acquisition
-  Existing Park
-  Proposed Park Area

Scale: 1" = 200'



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ITEM	19
MANAGER'S REPORT NO.	8
COUNCIL MEETING	1979 01 29

Re: LETTER FROM MR. ARNOLD F.C. HEAN
 SUITE 200, BURLAW BUILDING
 P.O. BOX 80359, 4545 KINGSWAY, BURNABY, V5H 2A8
 PARCEL "B", PLAN 17441, BLOCK 12, D.L. 10, PLAN 3054
 LOVE PROPERTY

Appearing on the agenda for the 1979 January 29 meeting of Council is a letter from Mr. Arnold F.C. Hean regarding the subject property. Mr. Hean in his correspondence requests an opportunity to meet with a Committee of Council to discuss this matter.

The following report from the Director of Planning contains background information on the property in question.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Arnold F.C. Hean, Suite 200, Burlaw Building, P.O. Box 80359, 4545 Kingsway, Burnaby, B.C., V5H 2A8.

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1979 January 24

TO: MUNICIPAL MANAGER
 FROM: DIRECTOR OF PLANNING
 RE: PARCEL "B", PLAN 17411, BLOCK 12, D.L. 10, PLAN 3054 - LOVE PROPERTY

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

This report has been prepared in response to the letter of 1979 January 11 from Mr. Arnold F.C. Hean, Q.C., concerning the above described property.

A. PARCEL "B" AND THE PARK SYSTEM CONCEPT

Due to its strategic location, this property will form an integral and necessary part of the Burnaby Lake - Central Valley Park System, as shown on map "A".

It is also located at the confluence of two major projected park-trail systems, as shown on the accompanying map "B".

The first of these would follow the Brunette River from the easterly end of Burnaby Lake to Stoney Creek where it would proceed in a north-easterly direction along the creek on the east side of Parcel "B" to Lougheed Highway via a future underpassing of the Burlington Northern Railway. The projected southerly extension of Eastlake Drive would provide an underpass of the highway of sufficient width to accommodate pedestrian and equestrian trails. This would serve as a direct link with the trail system on the north side of the highway, which would follow the Stoney Creek ravine to the easterly slope of Burnaby Mountain and join with the existing trails in this area. A further connection would be provided from the vicinity of the junction of the Brunette River and Stoney Creek to the walkway system in the Keswick-Government neighbourhood to the east by way of an existing pedestrian overpass of Government Street.

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The second major park-trail route would extend to the east from Burnaby Lake along the Brunette River beneath the overpassing of the river and Cariboo Road of the Freeway-Gaglardi Way connection recently under construction. From this point the route would continue in an easterly direction along the river adjacent to the southerly boundary of Parcel "B" to underpass the Freeway to the south. The projected trail would then continue to follow the Brunette River in a southeasterly direction to provide a link between Burnaby Lake and Hume Park in New Westminster.

The most significant steps which have been taken to establish the park use of the property include the following:

- (1) 1966 - The North-East Burnaby Study in which Parcel "B" was included in the proposed Burnaby Lake Regional Park system was approved by the Council as a guide to future development in the area.
- (2) 1967 October 18 - The Park Sites Review report, which included Parcel "B" as part of the Burnaby Lake Regional Park system, was adopted by the Parks and Recreation Commission and subsequently by the Council as a guide to park development in the municipality.
- (3) 1972 March 29 - The Burnaby Lake Development Committee, composed of two Burnaby Council members as well as representatives of the Parks and Recreation Commission and the G.V.R.D., approved the overall boundaries proposed for the Burnaby Lake - Central Valley Park System, which included the Love property. At that time it was agreed that the G.V.R.D. would assume responsibility for acquisition and jurisdiction in the area west of Cariboo Road (with the exception of the equestrian site), while the municipality would be responsible for that portion of Burnaby Lake Regional Park and the Central Valley Park system to the east of this route.
- (4) 1972 April 24 - The overall boundaries of the Burnaby Lake - Central Valley Park system, previously approved by the Burnaby Lake Development Committee, were adopted by the Council. In addition, the Council approved a recommendation to initiate an amendment to the Official Regional Plan that would extend the PRK-2 (Future Park Development Area) designation to the Burlington Northern Railway on the east and the Freeway on the south (an area which included Parcel "B").
- (5) 1972 July 26 - The Board of Directors of the G.V.R.D. passed the amendment to the Official Regional Plan at the easterly end of Burnaby Lake which extended the PRK-2 (Future Park Development Area) designation to the Burlington Northern Railway on the east and the Freeway on the south.
- (6) 1974 September 25 - The Park Acquisition Program of 1974, which includes Parcel "B" as a Category "C" - First Priority item, was adopted by the Parks and Recreation Commission.

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- (7) 1976 November 22 - The Council adopted a recommendation that a copy of a Planning Department report be sent to Victor and Muriel Love. This report was prepared in response to a statement that Parcel "B" lay outside the Burnaby Lake Regional Park boundary because of its location to the east of Cariboo Road. It was explained that Cariboo Road is not the boundary of the park system but merely the jurisdictional boundary allocating areas of responsibility between the municipality and the G.V.R.D. and that Parcel "B" was definitely within the Central Valley Park system.

- (8) 1978 November 01 - The Parks and Recreation Commission considered a report from the Director of Planning dealing with Parcel "B" which stated that:
 - (a) the entire property will ultimately be needed for park purposes;
 - (b) acquisition should be on a two-stage basis;
 - (c) the higher priority should be given to the acquiring of park strips of 150 feet and 50 feet along the east and south boundaries of the property respectively in order to provide for the projected park-trail system linkages along Stoney Creek and the Brunette River;
 - (d) the second stage would include the remainder of the property which would have a lower priority designation and be acquired at a later date.

The Commission endorsed the above by approving the acquisition of Parcel "B" on a two-stage basis, and requesting that this decision be reflected in the updated Park Acquisition Program.

The above actions definitely confirm the use of the Love property for park purposes.

The property has had a fluctuating priority in past Park Acquisition Programs, ranging from Category "A" (First Priority) to Category "C" (First Priority). While it is currently considered that acquisition would be on a long term basis (i.e. 14 to 18 years for Stage 1 and 25 or more years for Stage 2), an updated Park Acquisition Program has not yet been adopted.

B. ZONING AND USE

It should be noted that, to the best of our knowledge, A2 (Small Holdings) has been the only district category which has ever been applied to Parcel "B". This was the designation under the former Zoning By-law of 1948 and this was applied to the property when the existing by-law came into effect in 1965.

As mentioned previously, the subject property has a PRK-2 (Potential Park Areas) designation in the Official Regional Plan. Each classification in the plan is accompanied by a "Use Policy" which sets forth in general terms the types of interim uses that would not be at variance with the future objectives of the plan. The current A2 zoning of Parcel "B" is in conformity with this and the property may therefore be developed for uses permitted in this district under the Burnaby Zoning By-law.

The arguments advanced by Mr. Hean that the use of the property is "frozen" is therefore not correct. As in the case of any other property in the municipality, Parcel "B" can be developed for any of the uses which are permitted within the zoning district which has been legally applied to it by the Council under the authority of the Municipal Act.

The permitted uses in the A2 District category include the following:

- (1) Single family dwellings
- (2) Farming, truck gardening, orchard or nursery cultivation, greenhouses, and other similar enterprises and uses
- (3) Home occupations
- (4) Kennels, for the keeping of not more than 5 dogs, riding academies, and the keeping of cows, goats, horses, mules or sheep for domestic or commercial purposes
- (5) The keeping of pigeons or poultry for domestic purposes
- (6) Accessory buildings and uses, excluding the erection or use of roadside stands or similar structures for the retail sale of farm produce.

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Finally, it is considered that an appropriate range of uses for the interim development of Parcel "B", consistent with the public interest and adopted plans, is provided under the existing A2 District designation. However, should the Council feel that rather than rely on their legal zoning powers further action is desirable, there may be merit in reviewing priorities and reconsidering the possibility of acquiring the property through a land exchange. Mr. Hean has been recently advised by you that such an exchange is not possible in view of other priorities, but such an exchange has been supported by the Planning Department on several previous occasions.

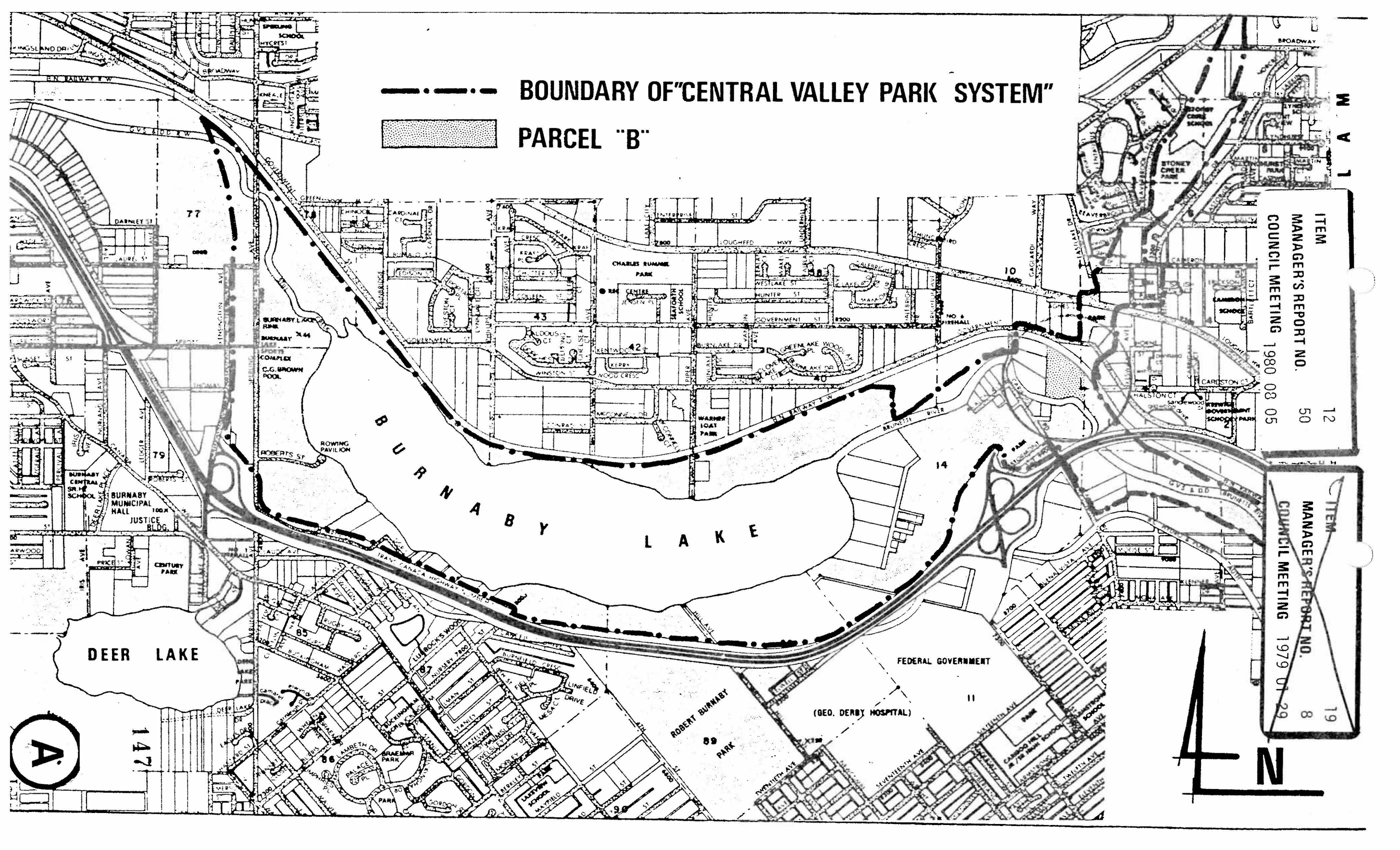
This is for the information of the Council.


A. L. Parr
DIRECTOR OF PLANNING

RBC/hf

c.c. - Municipal Solicitor
Parks and Recreation Administrator
Assistant Director - Long Range
Planning and Research

--- BOUNDARY OF "CENTRAL VALLEY PARK SYSTEM"
 ■■■ PARCEL "B"



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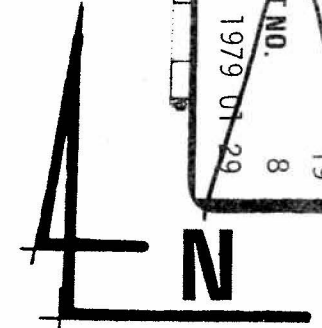
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LEGEND

-  - PARCEL 'B'
-  - EXISTING & PROPOSED PARK
-  - PROPOSED TRAIL SYSTEM

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