

RE: PARCEL "B" , PLAN 17411, BLOCK 12, D.L. 10, PLAN 3054  
8760 GOVERNMENT ROAD - "LOVE PROPERTY"

Following is a report from the Director of Planning on the proposed acquisition of the subject property.

The Municipal Manager's opinion is that negotiations should at this time be commenced for only that portion of the property that is required for development of the municipal trail system, i.e., Stage 1, and that this be pursued on the basis of the current A-2 zoning designation. The Manager supports the eventual purchase of the entire property but is not prepared to recommend that such action be taken at this time given the timing projected for the need for the property.

At the same time, the Municipal Manager is of the view that none of the property should be rezoned from Agricultural District (A2) to Light Industrial (M5) as requested by Mr. Hean on behalf of Mr. and Mrs. Love.

RECOMMENDATIONS:

1. THAT authority be given to:
  - (a) advance in priority the "First Stage" and
  - (b) negotiate for the purchase of the "First Stage" portion only of the subject property; and
2. THAT a copy of this report be forwarded to the Parks and Recreation Commission for information; and
3. 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

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|----------|--|----------------------|
|          |  | PLANNING DEPARTMENT  |
| TO:      | MUNICIPAL MANAGER  | 1980 September 03    |
| FROM:    | DIRECTOR OF PLANNING   | Our File: PA 86-P-72 |
| SUBJECT: | PARCEL "B", PLAN 17411, BLOCK 12, D.L. 10, PLAN 3054<br>8720 GOVERNMENT ROAD - "LOVE PROPERTY" |                      |

RECOMMENDATIONS:

1. THAT the acquisition of the above-described property be advanced in priority and the Municipal Solicitor be authorized to reintroduce negotiations for its purchase.
2. THAT a copy of this report be forwarded to the Parks and Recreation Commission for information.
3. 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

A. BACKGROUND

The Council, on 1980 August 05, in considering the submission from Mr. Arnold F.C. Hean and the report of the Planning Department on the above-described property, adopted the following motion:

"THAT the submission of Mr. Arnold F.C. Hean, on the subject of the Love property at 8720 Government Road, be referred to the Planning Department for consideration of this submission and a subsequent report to Council."

B. SUMMARY

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In the report which follows the major points covered include:

- (1) The unsuitability of Parcel "B" for industry because of its proximity to existing or proposed parkland and the incompatibility that would result from such a location.
- (2) The importance of the property as an integral part of the Burnaby Lake-Central Valley park-trail system.
- (3) The need to purchase the property and to pursue acquisition.

C. THE REZONING PROPOSAL

In his submission, Mr. Hean proposes that the property be rezoned for industrial use and states that the Loves would grant, free of cost to Burnaby, rights-of-way along the Brunette River and Stoney Creek for trail purposes. It should be noted, in this regard, that the provision of required rights-of-way for public purposes is a normal requirement of any rezoning, and not something which is subject to negotiation.

With reference to the proposed rezoning of the properties at 6750 and 6766 Cariboo Road (R.Z. Ref. #38/79), we would advise that the status of this proposal has not changed from that reported in our submission to Council on 1980 July 05. As stated in that report, the Planning Department was advised on 1980 June 18 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.

As stated in our 1980 July 05 report, 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 Gagliardi 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.

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.

Under these circumstances, it is considered that this proposed land use change would be a "spot zoning" since it would apply only to one isolated parcel of land. The zoning of a community as a whole might reasonably require, under certain circumstances, that a small area, even a single property, be designated for a particular use, if by doing so the good of the entire community is served. This raises the question as to whether or not industry would, in fact, provide the most suitable use of the property for the Municipality and its citizens.

D. THE IMPLICATIONS OF INDUSTRIAL USE

In addition to removing the subject site from its use as a key component of the park/open space system in the area, development for industry would provide an island of incompatibility within a natural area of greenery, completely isolated from other industrial uses. Because of this, the industrial buildings and associated structures would have a considerable visual and aesthetic impact which would be quite out of keeping with the surrounding area.

Regardless of what industry or industries may be considered for the site, increased traffic volumes are almost certain to follow. This would result primarily from industrial truck traffic which, in turn, will require additional roads, developed to an industrial standard, to facilitate the movement of industrial vehicles to and from, as well as within, the site. This would create an inevitable conflict with the recreational users of the adjacent areas.

In recognition of the land use plan which had been developed for the Cariboo Road-Brunette River area, which included the designation of Gaglardi Way as the easterly limit of industrial development, the Council on 1974 December 02 rejected a similar proposal for the rezoning of the Love property for industry. It was concluded, at that time, that industrial use would be inappropriate since the property is completely separated from other industrial developments and bounded on three sides by existing or proposed parkland. The Council then adopted a recommendation to reaffirm the earlier actions which had been taken with respect to the Burnaby Lake-Central Valley Park System and the inclusion of Parcel "B" in the municipal portion of this system.

E. PARCEL "B" AND THE PARK SYSTEM CONCEPT

Due to its strategic location, Parcel "B" will form an integral and necessary part of the Burnaby Lake-Central Valley Park System as shown on map "A" which is attached. The property is also located at the confluence of two major projected park trails, 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 northerly 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.

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. 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 south-easterly direction to provide a link between Burnaby Lake and Hume Park in New Westminster.

This system, which is included in the recently approved "Burnaby Trail Study", takes advantage of the natural features in the area and provides a much more desirable routing than that proposed by Mr. Hean in his submission. In this latter case, the route merely utilizes the existing road network, for the most part, which is not considered suitable due to the hazardous conditions involved, particularly where a mixture of horses and automobiles is concerned. While it is agreed that the B.N.R. constitutes an impediment to the continuity of the system, the development of a future, grade-separated crossing is considered feasible as in the case of the crossing of the C.P.R. to provide access to Barnet Marine Park.

As noted in our report of 1980 August 05, the ultimate need of the entire Love property for park/open space 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 on a two stage basis (see attached maps). The first stage includes a strip of land along 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). In terms of timing, these designations would involve an estimated 10 and 20 year periods respectively.

#### F. ACQUISITION CONSIDERATIONS

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. It should be noted, in this regard, that to the best of our knowledge A2 has been the only zoning district category which has ever been applied to the parcel. This was the designation under the former zoning bylaw of 1948 and was carried over when the existing bylaw came into effect in 1965. Further, the Love property has a LIMITED USE ("LIM") designation in the Official Regional Plan, which precludes industrial development. On the other hand, the current A2 zoning of the parcel is in conformity with this designation and the property may be developed for uses permitted in this district under the Burnaby Zoning Bylaw.

In the implementation of the Park Acquisition Program, it has been the practice that, in the event of an owner wishing to dispose of his property, or develop it in some way, an advance in priority is generally recommended in the case of a property with a lower priority designation.

It is our opinion that the Love property falls into this category, particularly in view of the recent representations made by Mr. Hean on behalf of the owners. Also, the property has been the subject of a considerable amount of discussion and negotiation over the past ten years or so. Because of this, and the need of the parcel as a part of the Central Valley park and open space system, consideration should be given to the Corporation advancing the priority of its acquisition. The owner obviously wishes to sell and to relocate elsewhere, and this department supports the view that the Municipality has an obligation to finalize the acquisition proceedings. For these reasons, we have recommended that the Municipal Solicitor be authorized to continue acquisition negotiations.

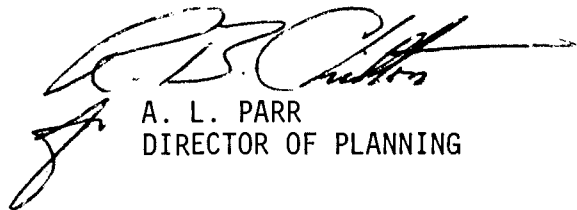
There would be advantages, of course, to the acquisition of the entire site, since to purchase only the trail portions at this time would tend to perpetuate the present situation. While a phased program would provide, in theory, a satisfactory basis for acquiring the property, it is considered that the purchase of the entire parcel will be the only way of achieving a settlement with the owner.

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With respect to financing, it has been determined that funds are available from the Tax Sales Monies Fund (there was a total of \$6,741,629.00 in the account as of 1980 August 03). Such funds could be used to purchase the property with repayment from the Park Acquisition account to commence when the land is turned over to the Parks and Recreation Department (as in the case of the Riley and Loftus properties on Deer Lake which were as important to Deer Lake as the Love property is to the Central Valley). Prior to the need of the property for park and open space, the portion not required for trails could continue to be utilized for small holding purposes that would be compatible with the surrounding area.

In conclusion, the acquisition of the property at this time will uphold Council's long established plans and policies for the future use of the parcel as an integral part of the Burnaby Lake-Central Valley park/open space and trail system.



A. L. PARR  
DIRECTOR OF PLANNING

RBC:lf

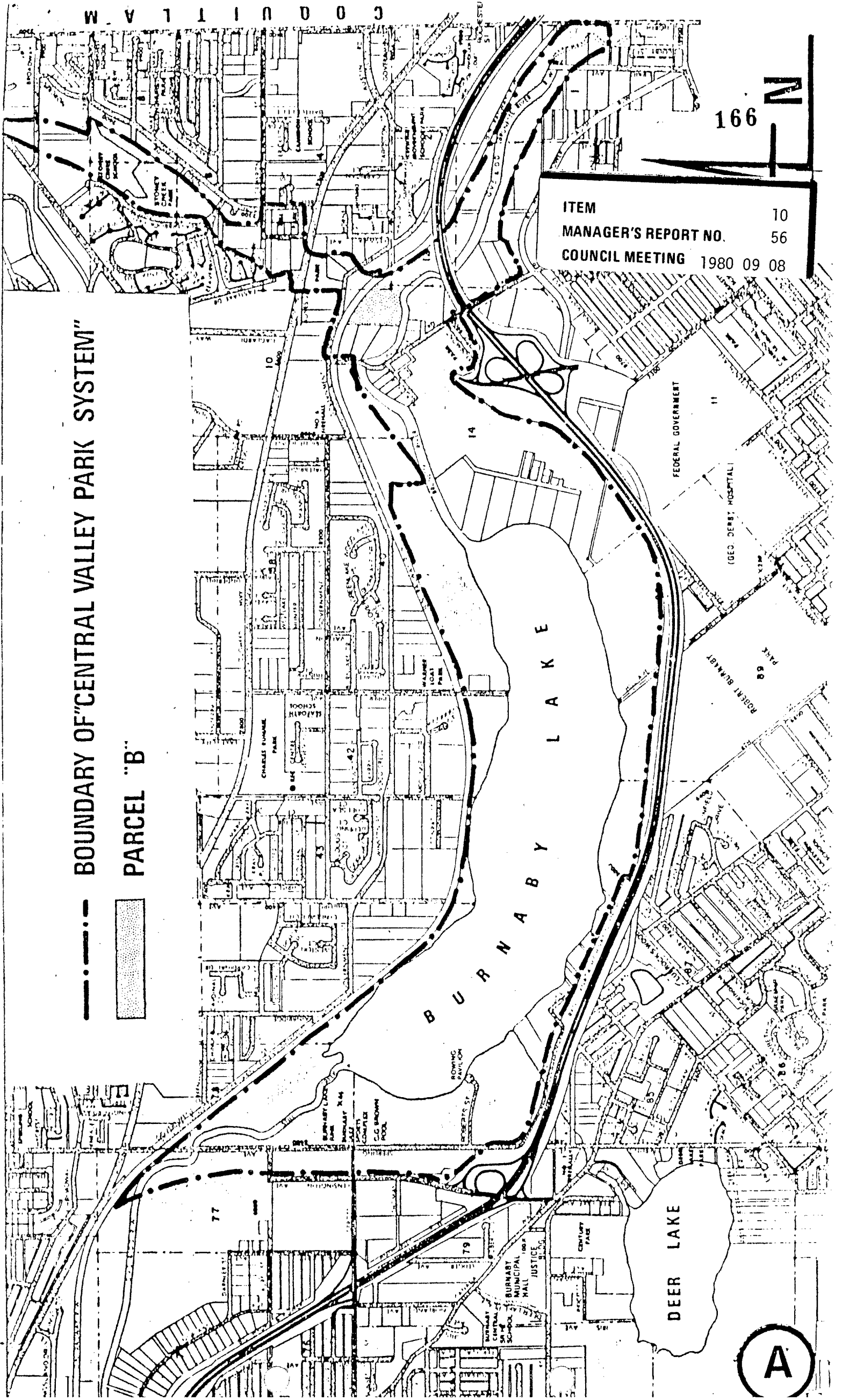
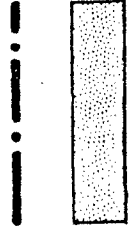
Attachments

- cc: MUNICIPAL CLERK
- MUNICIPAL SOLICITOR
- MUNICIPAL TREASURER
- PARKS AND RECREATION ADMINISTRATOR
- ASSISTANT DIRECTOR-LONG RANGE PLANNING & RESEARCH

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BOUNDARY OF "CENTRAL VALLEY PARK SYSTEM"

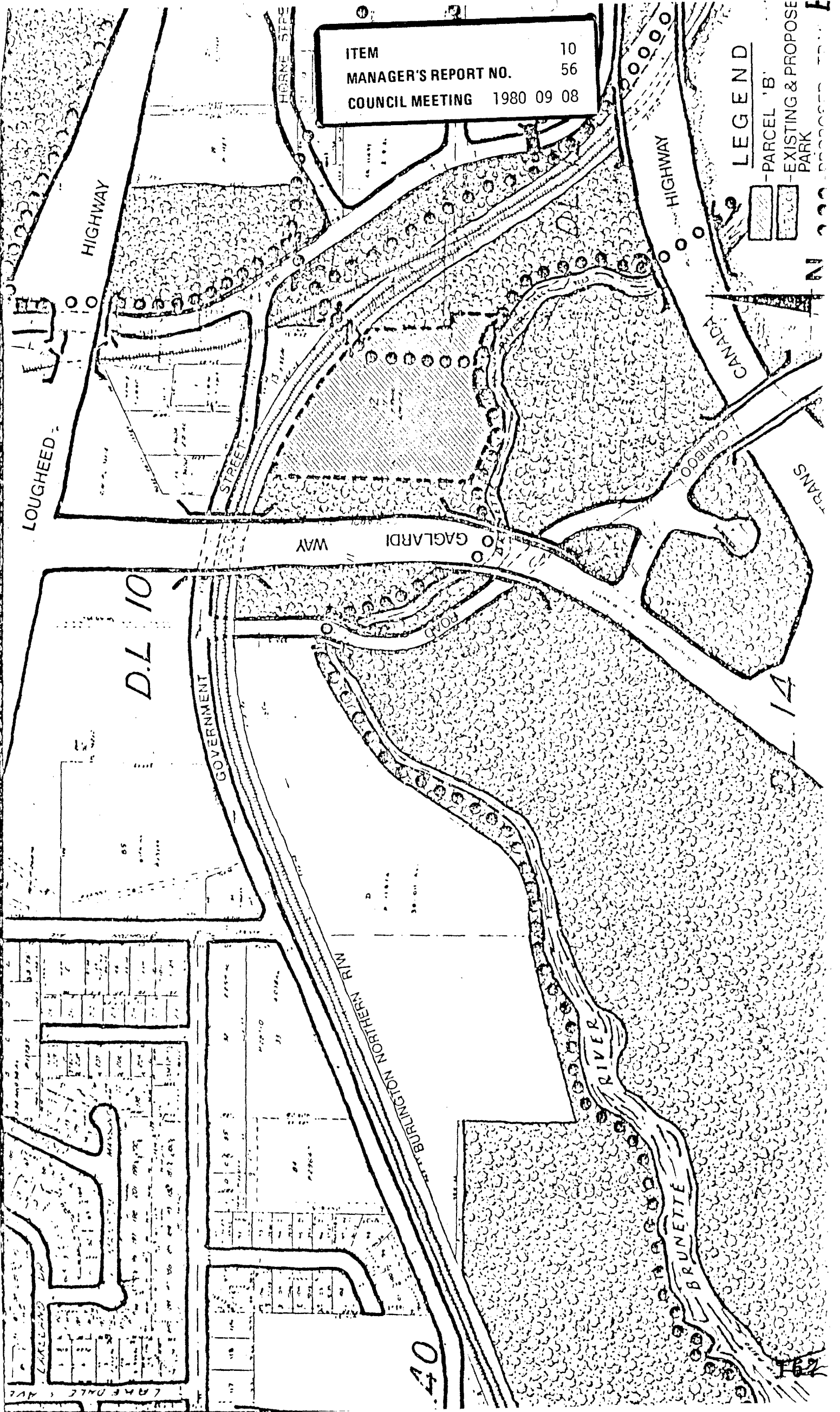
PARCEL "B"

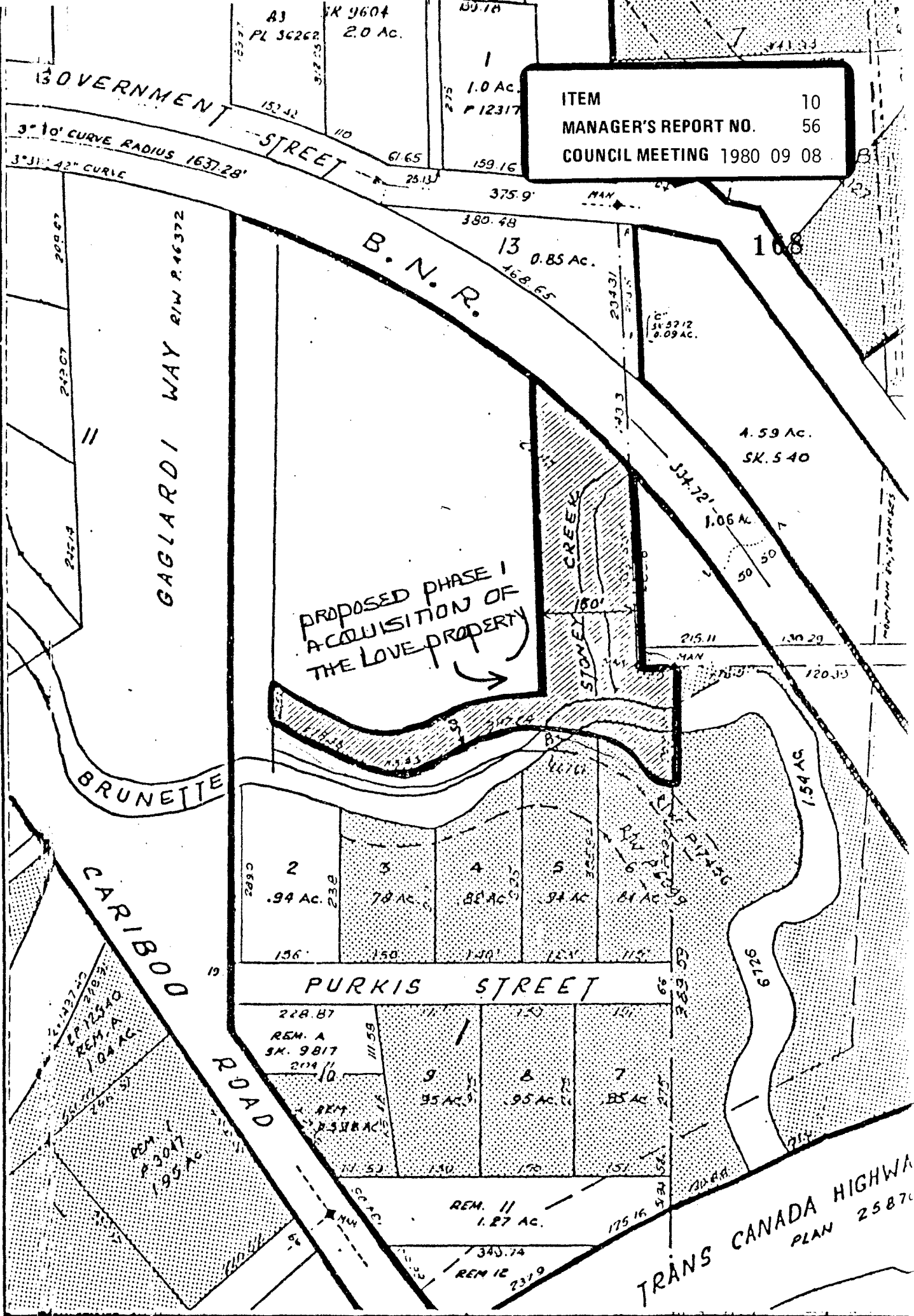


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LEGEND

- PARCEL 'B'
- EXISTING & PROPOSED PARK

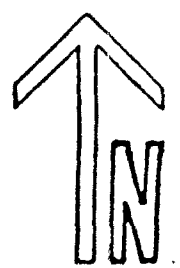




# CENTRAL VALLEY PARK SYSTEM - STAGE 1 -

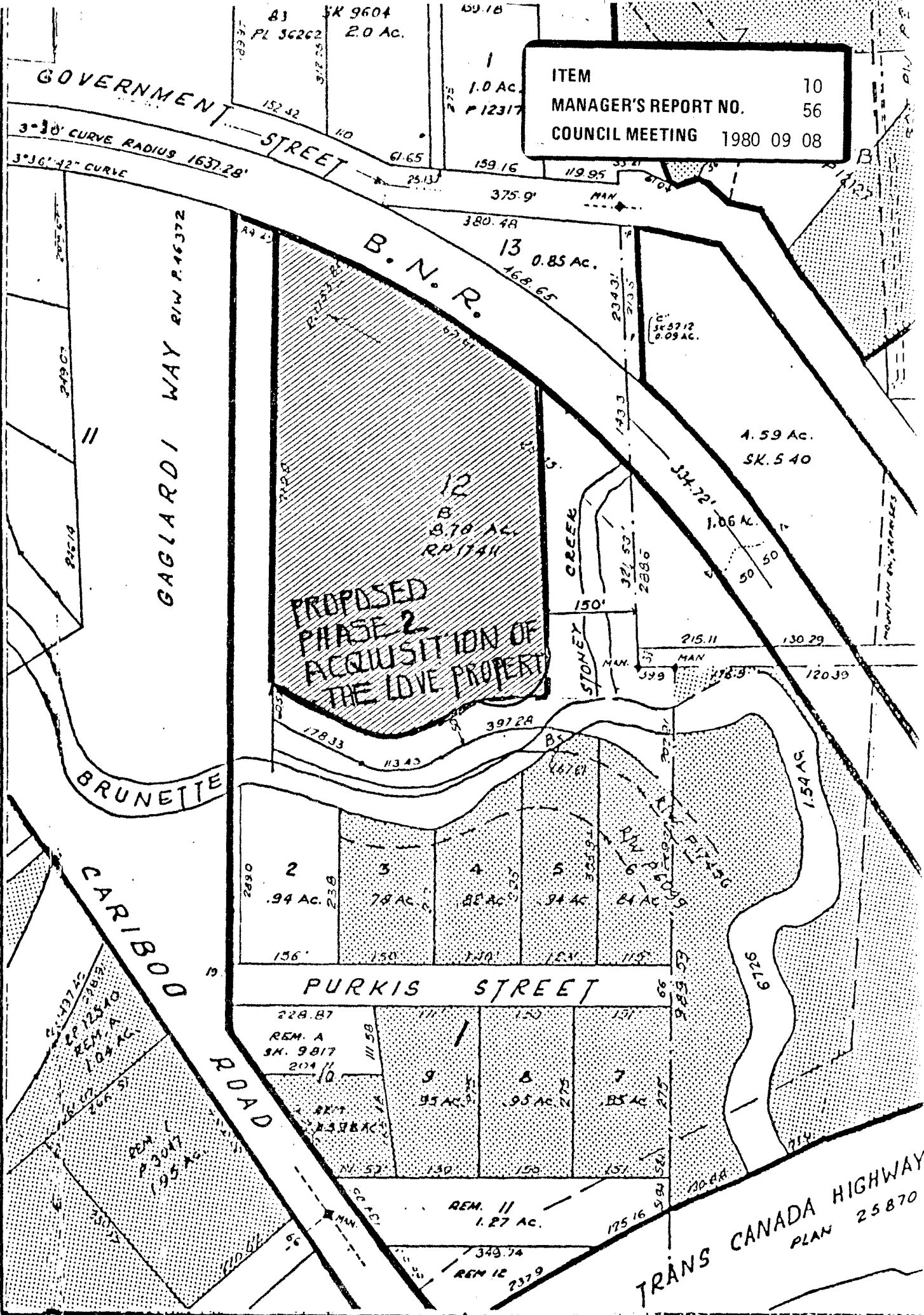
-  Proposed Acquisition
-  Existing Park
-  Proposed Park Area

Scale: 1" = 200'








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# CENTRAL VALLEY PARK SYSTEM - STAGE 2 -

-  Proposed Acquisition
-  Existing Park
-  Proposed Park Area

Scale: 1" = 200'

