

TO: MAYOR W. COPELAND  
AND COUNCILLORS

FROM: BURNABY/SIMON FRASER  
UNIVERSITY LIAISON COMMITTEE

: COPY - CITY MANAGER - DEP. CITY MGR. - CORP. SERV. - DEP. CITY MGR.-CORP. LABOUR RELATIONS - DIRECTOR ENGINEERING - DIRECTOR FINANCE - DIR. PLNG. & BLDG. - DIR. REC. & CULT. SERV. - CITY SOLICITOR
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SUBJECT: **TRANSFER AGREEMENT WITH S.F.U.:**  
**BURNABY MOUNTAIN CONSERVATION AREA LANDS**

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#### RECOMMENDATIONS:

1. THAT this report be received for information purposes.
2. THAT a copy of this report be forwarded to the Burnaby Parks and Recreation Commission.

### REPORT

#### 1.0 INTRODUCTION

At its "In-Camera" session of its meeting of 1995 September 25, Council received a report from the Burnaby/Simon Fraser Liaison Committee of Council seeking endorsement in principle to a comprehensive land transaction with Simon Fraser University and the entering into of a Memorandum of Understanding leading to the completion of the transaction. Council, at that time endorsed in principle the approach outlined and authorized staff to undertake actions necessary to finalize and execute the Memorandum of Understanding and the actions contained therein.

On 1995 November 16, the Premier and other representatives of the Provincial Government, together with City and Simon Fraser University representatives announced the culmination of the tri-party discussions and the inclusion of the university lands outside of the campus ring road into the Burnaby Mountain Conservation Area as city parkland.

The objective of the discussions has been to achieve two desired outcomes that are believed to be of lasting and crucial interest to the citizens of Burnaby for generations to come:

- (i) The provision of a new dedicated park and conservation area for the City of Burnaby
  - ▶ through acquisition and dedication of the lands presently owned by Simon Fraser University within the Council-approved Burnaby Mountain Conservation area, Burnaby will see the creation of a new dedicated park that will feature prominently among the largest urban parks in the Lower Mainland and will offer outstanding natural beauty and environmental value.

The dedication of these lands in the 1996 civic election as public park will secure their future for the coming generations and provide them with an unsurpassed conservation and recreation site, a goal Burnaby's Council and numerous citizens and public groups have sought to achieve for many years.

- (ii) A significant contribution to new opportunities for academic enhancement and campus development for Simon Fraser University.
  - ▶ through the creation of *The Burnaby Mountain Endowment Fund* and through the responsible development of campus lands, new options will be available to the University to support its primary mission of teaching, research and public service.

The Memorandum of Understanding between the University and the City expresses the commitment of both parties to seek the desired results through a series of mutually dependent actions over the next several months, leading to a concurrent transfer of titles to lands on Burnaby Mountain.

The purpose of this report is to highlight the contents of the Memorandum of Understanding with the University.

## 2.0 CONTEXT

A study of municipal records reveals the intention of creating a large park for the region on the slopes of Burnaby Mountain as early as 1930, through the designation and reservation of municipal and provincial lands. Councils over the years have recognized the unique environmental and recreational values represented by the lands on the mountain, and generations of Burnaby citizens have expressed their support and encouragement for the idea. At the present time, Burnaby Mountain Park on the westerly slopes of the mountain is one of the most popular public parks in the City for tourists and citizens alike, and large numbers of residents and University students today enjoy use of the informal system of trails beyond the park, within the University's lands.

When the Province of B.C. passed the **New Universities Act** in 1963, Burnaby Council with public support and enthusiasm offered to convey 1,050 acres of land on Burnaby Mountain for the creation of Simon Fraser University, for university purposes. The development of a peripheral park site around the campus was identified as most desirable in the plans for North East Burnaby following the creation of the university site, and Council took certain steps to negotiate the return of lands determined to be surplus to the University development needs for development as municipal park lands as early as 1969.

In a series of public consultation community forums sponsored by Burnaby between 1970 and 1973, a high level of public interest was expressed with respect to the need for protecting areas with exceptional natural characteristics suited for public use and enjoyment. Interest in protecting the unique natural and landmark qualities of Burnaby Mountain featured prominently in the public input at that time, and the concept of preserving the nature of the Mountain was recognized by residents of Burnaby and the region. The **Livable Region Plan 1976/1986** prepared by the GVRD supported the designation of the mountain as a conservation area and urged ... "that the remaining lands on the mountain be held for conservation and recreation within the open space conservancy".

In 1976, Council began implementation of the Burnaby Mountain Conservation Area by rezoning all the public lands within a defined area containing the upper slopes of Burnaby Mountain, outside the proposed university ring road, to the P3 Park and Public Use category. The goal of creating the ultimate conservation area has been pursued by the City through acquisition of numerous privately-owned properties within the conservation area boundaries. A consistent effort has also been applied to obtain the transfer of Provincial and Federal lands within the area to the City. Today, only 15 private properties remain to be acquired. In addition, Council has initiated the park dedication of land within the conservation area through referenda held in 1990 and 1993. Having obtained the overwhelming consent of the electorate, 552.9 acres of City-owned land within the conservation area has been dedicated to date through this process.

Council has also approved several other planning initiatives to retain the integrity of the Burnaby Mountain Conservation Area. Burnaby's Official Community Plan of 1987 reconfirmed Burnaby Mountain as an important green space as protected by the conservation area. In 1993, the GVRD Report "Creating Greater Vancouver's Green Zone" outlines a collective vision of the region's important natural assets. Burnaby submitted the Burnaby Mountain Conservation area as part of this process and it was identified as a priority addition to the region's open spaces inventory. On 1994 April 11 Council approved a submission to the Province which outlined the conservation area as a candidate for the Protected Areas Strategy. This submission has been supported by Burnaby's four Members of the Legislative Assembly.

Consistent and strong support from Burnaby residents has also been provided for the establishment of a permanent, dedicated public park on the mountain. The Burnaby Mountain Preservation Society, other groups, and innumerable individuals have spoken, written letters, and campaigned for this cause in recent years, and have made their interest known to members of the Legislature as well as to this Council, reinforcing the official actions taken by Burnaby on behalf of all its citizens.

In 1991 December, Mayor Copeland appointed Councillor Lee Rankin to Chair, and Councillors Doug Drummond and Doreen Lawson to be the civic members of a Simon Fraser Liaison Committee. The intent of the committee was to provide an environment in which representatives of the City and the University could meet and discuss areas of mutual concern and interest in addition to improving communications. The main area of interest to both the City and University was resolution of the ownership and land use issues involving the university properties situated within the Burnaby Mountain Conservation Area. The University in discussions stressed its need to provide for the future needs of the institution both in terms of land resources and sources of funding for university purposes, and sought ways to create an endowment to accomplish these ends.

Through a process of dialogue and mutual exploration of the issues and various approaches to resolving this matter, a framework has emerged that the Committee believes will provide a permanent solution to a long-standing problem and provide the certainty desired by both Burnaby and the University.

### 3.0 FRAMEWORK OF THE AGREEMENT

The essence of the agreement that is proposed is that of a process that, through a series of mutual actions, will culminate in the transfer of lands from Burnaby to SFU and from SFU to Burnaby, that will accomplish the objectives identified above, in time for presentation of a Park Dedication Bylaw to the Burnaby electorate in November 1996 for approximately 800 acres of land presently owned by the University outside the campus ring road.

#### 3.1 Memorandum of Understanding

In generalized form, the following are the elements of the Memorandum of Understanding:

- (i) The University will contribute to the public, by transfer of title to the City, for park and conservation purposes, approximately 800 acres of University land outside the Ring Road and 20 acres of University land immediately south of Gaglardi Way (see **attached** Figure 1). In return, the City will transfer a four (4) acre Burnaby parcel which projects inside the Ring Road, and approximately 6 acres of serviced City lands to help establish **The Burnaby Mountain Endowment Fund** (see **attached**).
- (ii) The Province will provide the City of Burnaby with \$5 million for land acquisition under its Lower Mainland Nature Legacy Program. These funds will form part of the contribution from the City as part of the land transfer agreement with Simon Fraser University and as a contribution to the Burnaby Mountain Endowment Fund.

- (ii) Following the identification by the University of lands within the Ring Road to be reserved solely for university purposes, all lands within the Ring Road will be the subject of a Burnaby Council-approved Development Plan Concept and subsequent Official Community Plan and zoning amendment consideration, which together will assist the University to meet its institutional objectives by enabling non-university development within the Ring Road.

The arrangement described seeks to balance the benefits to both parties and commits the parties to seek ways to maintain that balance over the long term. The land transactions that are foreseen will accomplish Burnaby's paramount objective of securing the SFU lands and making it possible, with the consent of the electorate, to dedicate them for public park purposes as a major complement to Burnaby's present holdings (approximately 640 acres) in forming the major public park with an ultimate area of approximately 1,770 acres, surrounding the campus.

The land transfers to the University will complete the assembly of the whole of the lands within the campus ring road, will provide the ability to raise funds to launch **The Burnaby Mountain Endowment Fund** (see *attached*), and will enable the University, subject to amendments to the zoning bylaw and approval of a development concept and an Official Community Plan Amendment, to accept non-university development within the ring road to assist it in meeting its institutional objectives.

#### 4.0 CONCLUSION

The proposed approach recognizes the fact of the University's present ownership of the lands outside the ring road, and facilitates their return to Burnaby's ownership and subsequent dedication. It proposes to accomplish this by offering value to the university in terms of title to smaller areas of land outside the Conservation Area, to be used for campus and revenue production purposes respectively, and by offering the opportunity for the University to introduce market housing development and related local commercial services within the ring road, pursuant to a development plan and zoning amendments yet to be determined, and subject to Council's consideration and approval following a Public Hearing.

The University lands that are proposed to be transferred to Burnaby (for park dedication) consist of all the SFU lands outside the ring road (about 820 acres in total, subject to survey), with the exception of a limited area north of the ring road in the vicinity of the Diamond University Club and the service station. The University will be responsible for the preparation of the necessary survey and documentation to effect this transfer, and it is expected that financial assistance will be forthcoming from the Provincial Government to underwrite the cost of the major survey that is involved.

The Burnaby lands that are proposed to be transferred consist of: a) a remnant portion of a City-owned parcel known as 7590 Pandora Street (approximately 4 acres) that lies within the westerly portion of the "campus" area, inside the ring road, and b) an area of developable land presently owned by Burnaby in the vicinity of Phillips Avenue and Curtis Street, below the Conservation Area boundary, that is to be serviced by the City and subdivided as developable lots. The proceeds from the University's ultimate sale of the lands received by them in this subdivision will be placed in **The Burnaby Mountain Endowment Fund** for the purpose of academic enhancement.

The opportunity for the University to introduce market housing and associated support uses on a land lease basis (in addition to student and faculty housing) within the ring road is desired by the University in order to provide a source of income, and to provide for greater diversity in the campus institutional experience. To effect the changes and permit development for the mixed or multi-use purposes described above, appropriate amendments to the zoning bylaw to create a distinct zoning category for Simon Fraser University development, and an attendant amendment to the Official Community Plan will be required. The Public Hearing requirements of the Municipal Act will apply to these steps. Under this approach, development of individual buildings would not require rezoning, but would be subject to normal Preliminary Planning Approval and Building Permit requirements.

The ramifications of introducing housing and associated limited commercial support uses within the campus suggests a number of issues and topics will have to be addressed in the course of the Development Plan process, including protection of environmental values, determining appropriate development types, forms and densities, respecting and complementing the natural heritage of Burnaby Mountain, and maintaining the quality, consistency and integrity of the University's architectural environment. Practical issues related to the social, recreational, and service needs and neighbourhood "livability" of any housing development will also need to be addressed in the planning process.

All non-university uses introduced onto the site will be subject to leasehold arrangements and municipal taxation, unless eligible for tax exemption under the Municipal Act.

The Memorandum of Understanding, in our estimation represents a significant milestone in ultimately securing an outcome long sought by Burnaby Councils and by many, many residents of Burnaby and the region. Through the component parts of this agreement, Simon Fraser University is also able to secure some valuable outcomes to assist it in playing its role in the educational system now and in the years to come. The conclusion of an accord on this matter will also represent a substantial step in furthering the kind of community relationship and partnership mutually desired by the City, University and the Province where each contributes to the other in a vital and mutually-beneficial way.

Planning and Building

Re: Proposed Transfer Agreement With S.F.U.:  
Burnaby Mountain Conservation Area Lands

1995 November 15

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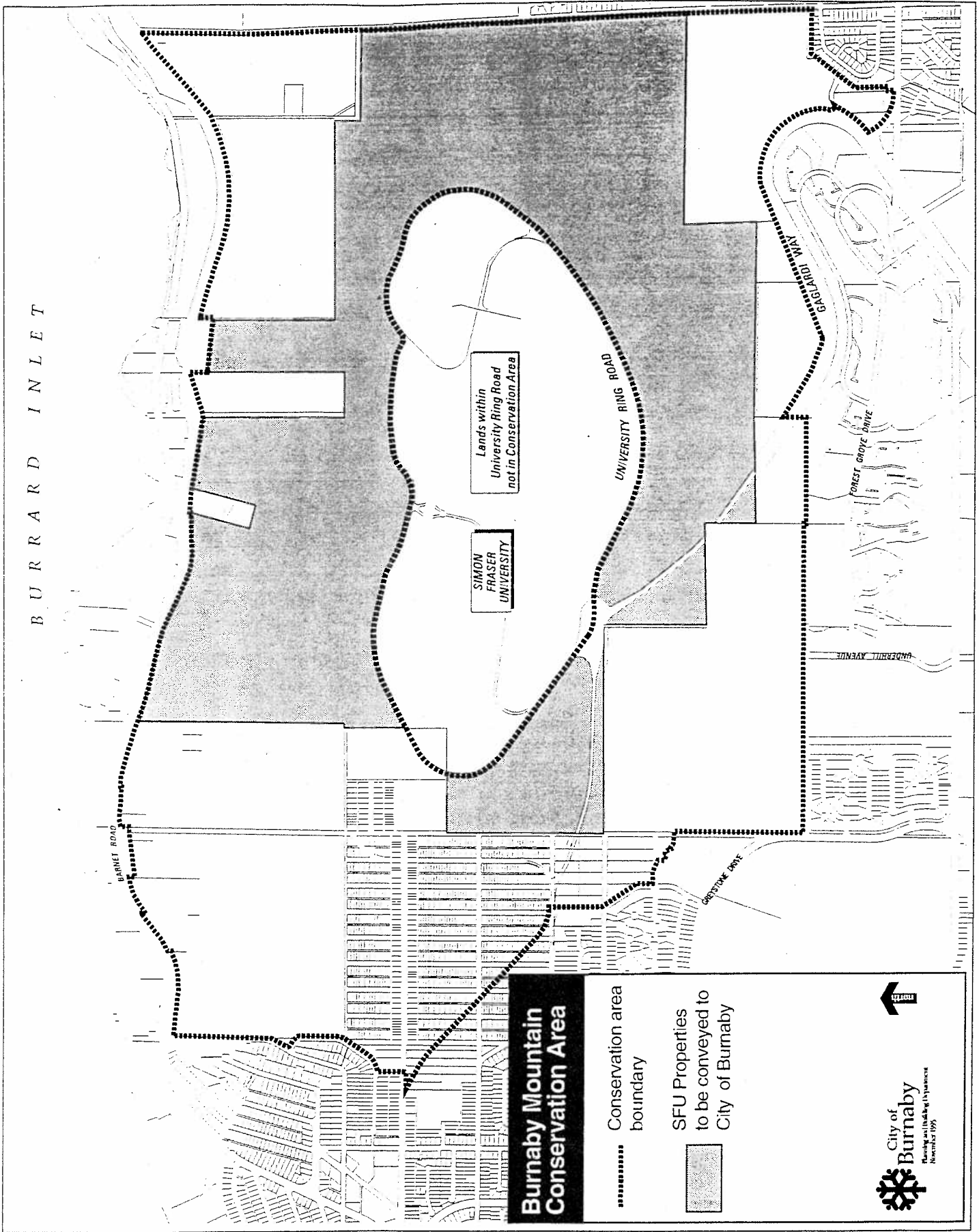
In conclusion, the Province, the City and the University recognize the ecological importance of the Burnaby Mountain Conservation Area in a rapidly growing region. The announcement on November 16 and the associated agreements ensures the preservation of 820 acres of significant open space within the Burnaby Mountain Conservation Area will be permanently conserved for all residents of the City and the region.

BURNABY/SIMON FRASER UNIVERSITY  
LIAISON COMMITTEE

Councillor L. Rankin

Councillor D. Drummond

Councillor D. Lawson



### Burnaby Mountain Conservation Area

- ..... boundary
- SFU Properties to be conveyed to City of Burnaby





## APPENDIX A

### THE BURNABY MOUNTAIN ENDOWMENT FUND

*Simon Fraser University has gained international recognition for its traditions of quality, innovation and responsiveness. Committed to student and faculty achievement, Simon Fraser University encourages the best in teaching and scholarship and takes its place among the top Canadian universities in providing financial awards for deserving students.*

*Through its programs of learning and service, Simon Fraser University is a Canadian leader in promoting interdisciplinary research and instructional programs which address economic and social challenges in an increasingly competitive world.*

*Through its national leadership in co-operative education, lifelong learning, instructional innovation and distance education, Simon Fraser University has been a pioneer in offering its academic services to a broad range of individuals, organizations and communities as they prepare to face a more complex and demanding future.*

*The Burnaby Mountain Endowment, jointly funded by the City of Burnaby and the Government of British Columbia, will assist Simon Fraser University to preserve its academic quality while maintaining its leadership role. It will be used to encourage flexibility, capitalize on emerging instructional technologies, seize new opportunities as they arise, and find ever greater efficiencies. Income from The Burnaby Mountain Endowment will offer a positive response by channelling resources into the following four endeavours:*

#### **Student Access and Achievement**

To attract and support students of demonstrated academic achievement by offering scholarships and bursaries.

To support bridging programs which provide new students with the skills needed to make a successful transition to university-based learning and to provide graduating students with the skills needed for a successful transition to the workplace.

#### **Innovation and Academic Enhancement**

To support new program development, new curricula and new innovations in teaching and learning that are responsive to student and community needs.

To support development of new approaches to instructional delivery that expand student access, demonstrate cost savings and promote the effective use of new educational technologies.

#### **Matching Program**

To establish a fund that encourages donations for selected academic priorities from corporations and individuals by "matching" the donor's contribution with contributions from the University's endowed income.

#### **Bridging Program**

To facilitate the transitions needed to bring about greater efficiencies in the delivery of academic services.

To ensure the continuing vitality and responsiveness of academic programs by bridging the appointment of promising new scholars to funded faculty positions made available through future retirements.