

APRIL 23, 1974 .

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Tuesday, April 23, 1974 at 7:30 P.M. to receive representations in connection with the following rezoning proposals:

PRESENT:

Mayor T. W. Constable, in the Chair
Alderman G. D. Ast
Alderman A. H. Emmott
Alderman B. M. Gunn
Alderman D. A. Lawson
Alderman J. L. Mercier
Alderman V. V. Stusiak

STAFF:

Mr. M. J. Shelley, Municipal Manager
Mr. J. Hudson, Municipal Clerk
Mr. A. L. Parr, Planning Director
Mr. B. D. Leche, Municipal Clerk's Assistant

(1) FROM RESIDENTIAL DISTRICT FOUR (R4) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT THREE (RM3)

Lots 6, 7 and 8 Except the South 15 feet and the North 20 feet, Block "P", D.L. 127W3/4, Plan 1254

(5344, 5346, 5348, 5350, 5354 and 5362 Hastings Street -- Located on the South side of Hastings Street approximately midway between Springer Avenue and Howard Avenue)

No one appeared in connection with this rezoning.

(2) FROM RESIDENTIAL DISTRICT FIVE (R5) TO PARK AND PUBLIC USE DISTRICT (P2)

Reference RZ #5/73

Lots 11 to 27 inclusive, Block 3, D.L. 29, Plan 3035

(7267/73/79/85/91/97, 7305/11 Ethel Avenue, 7267/71/77/79/83/85/89/95/97 Thirteenth Avenue -- Located on the Northeast corner of Thirteenth Avenue and Fifteenth Street)

No one appeared in connection with this rezoning.

(3) FROM MANUFACTURING DISTRICT (M1) TO PARKING DISTRICT (P8)

Reference RZ #16/74

(a) Lots 2 and 3A, Blocks "J" and 27, D.L. 97, Plan 21397

(b) Lots 40 to 43 inclusive, D.L. 97, Plan 27404

(7370 and 7450 McPherson Avenue; 7422, 7470, 7409 and 7411 Buller Avenue -- Located on the Northeast corner of Irmin Street extending Eastward past Buller Avenue and Prenter Street)

Mr. J. W. Wilson, Executive Director, British Columbia Hydro and Power Authority submitted a letter expressing a strong opposition to this rezoning proposal for a number of reasons:

- (a) He understood that the use of this property would be for parking in connection with a Park and Ride Station. This implies that it would be an element in the public transportation system although this proposal has been rejected by the Bureau of Transit Services.

- (b) He believed that it is not proper to zone private property for a use which would be, in effect, a single public use.
- (c) B.C. Hydro and Power Authority's intentions regarding this property were made known to Burnaby about a year ago and close contact has been maintained with Municipal officials since that time. This culminated in the submission of the Authority's proposed plans to the Municipality in December of last year with a request that Municipal officials comment on the concept embodied in the plans. During all these months no advice has been received from the Municipality that the Authority's plans were not acceptable. Mr. Wilson noted that the Municipal Act does not apply to B.C. Hydro. As a good corporate citizen, however, B.C. Hydro endeavours to see that this exemption does not prejudice any Municipality in the proper conduct of its business. However, B.C. Hydro cannot submit to treatment which is regarded as discriminatory and accordingly Mr. Wilson gave notice that he would not appear at the Public Hearing with respect to the subject property which has been called without discussion with them or consideration for the commitments which they and others have made in full view of Municipal officers and representatives.

(4) FROM HEAVY INDUSTRIAL DISTRICT (M3A) TO PARK AND PUBLIC USE DISTRICT (P3)

Reference RZ #3A/74

The Southeasterly 150 feet of Lot "C", D.L. 166A, Plan 7398

(Located at the Northeasterly corner of Byrne Road and the North Arm of the Fraser River)

No one appeared in connection with this rezoning.

(5) Reference RZ #14/74

(A) FROM HEAVY INDUSTRIAL DISTRICT (M3) TO MARINE DISTRICT ONE (P9)

- (a) Lot "C", Tidal Lands in Front of D.L. 213, Plan 6258 (8452 Burrard Inlet)
- (b) Lot "D", Tidal Lands in Front of D.L. 213, Plan 6258 (8562 Burrard Inlet)
- (c) Lot 14, D.L. 213, Plan 3081 (551 Cariboo Road North)
- (d) A 2.0 Acre Portion of Lot "B", Tidal Lands in Front of D.L. 213, Plan 6258 (8382 Burrard Inlet)
- (e) A 0.7 Acre Portion of Lot 13, D.L. 213, Plan 3081 (8223 Barnet Road)

(B) FROM HEAVY INDUSTRIAL DISTRICT (M3) TO MARINE DISTRICT TWO (M7)

- (f) Water Lot Lease B 110 (3.436 Acres) (8634 Burrard Inlet)
- (g) Water Lot V573 (3.13 Acres) (8704 Burrard Inlet)
- (h) Water Lot Lease in Front of Blk. 6, D.L. 212 (1.43 Acres) (8784 Burrard Inlet)
- (i) Unleased Water Lot in Front of D.L. 114 (9190 Burrard Inlet)
- (j) Water Lot V2626 (4.591 Acres) (9350 Burrard Inlet)
- (k) Lot "C", D.L. 212, Plan 17073 (550 Cariboo Road North)
- (l) Lot 4, D.L. 212, Plan 3080 (8676 Burrard Inlet)
- (m) Lot 6, D.L. 212, Plan 3080 (8774 Burrard Inlet)
- (n) A 0.06 Acre Portion of Blk. 3, D.L. 114, Plan 3066

(C) FROM HEAVY INDUSTRIAL DISTRICT (M3) TO MARINE DISTRICT TWO A (M7a)

- (o) 12.19 Acre Portion of Lot "A", Tidal Lands in Front of D.L.'s 213/214, Plan 6258 (8178 Burrard Inlet)
- (p) 4.5 Acre Portion of Block 7 Part, Sketch 8678, D.L. 214, Plan 3081 (8059 Texaco Drive)

(D) FROM HEAVY INDUSTRIAL DISTRICT (M3) TO LIGHT INDUSTRIAL DISTRICT (M5)

- (q) Lot 2 Except Part on Plan 21334, D.L. 114, Plan 3066 (9149 Barnet Road)
- (r) Lot 7 Except Part on Plan 21334, D.L. 212, Plan 3080 (8745 Barnet Road)
- (s) Lot 5 Except Part on Plan 21334, D.L. 212, Plan 3080 (8675 Barnet Road)
- (t) Lot 2 Except Part on Plan 21334, D.L. 212, Plan 3080 (8655 Barnet Road)
- (u) Lot 12, Explanatory Plan 6584 and Except Parcel "A", Sketch 10549, D.L. 213, Plan 3081 (8587 Barnet Road)
- (v) Lot 12, Parcel "A" Explanatory Plan 10549 and Except Parcel 1, Explanatory Plan 10778, D.L. 213, Plan 3081 (8533 Barnet Road)
- (w) Lot 1, S.D. "C", Block 8, D.L. 214, Plan 8411 (8029 Texaco Drive)
- (x) Lot 3, S.D. "C", Blocks 4/7/8, D.L. 214, Plan 8411 (8039 Texaco Drive)
- (y) Lot 2, S.D. "C", Blocks 4/7/8, D.L. 214, Plan 8411 (8007 Texaco Drive)

(E) FROM HEAVY INDUSTRIAL DISTRICT (M3) TO PARK AND PUBLIC USE DISTRICT (P3)

- (z) Lot "B" Except Part on Plan 21334, Blocks 4/7/8, D.L. 214, Plan 7060 (8181 Barnet Road)
- (aa) 29.338 Acre Portion of Unleased Water Lot in Front of D.L. 215 (7580 Burrard Inlet)
- (bb) Unleased Water Lot in Front of Blocks 5/6, D.L. 214 (16.015 Acres) (7968 Burrard Inlet)
- (cc) 5.0 Acre Portion of Lot "A", Tidal Lands in Front of D.L.'s 213/214, Plan 6258 (8178 Burrard Inlet)
- (dd) 17.8 Acre Portion of Lot "B", Tidal Lands in Front of D.L. 213, Plan 6258 (8382 Burrard Inlet)
- (ee) Block 5, D.L. 214, Plan 3081 (7818 Burrard Inlet)
- (ff) Block 6, D.L. 214, Plan 3081 (7958 Burrard Inlet)
- (gg) 6.9 Acre Portion of Block 7 Part, Sketch 8678, D.L. 214, Plan 3081 (8059 Texaco Drive)
- (hh) 10.0 Acre Portion of Lot 13, D.L. 213, Plan 3081 (8223 Barnet Road)
- (ii) Lot "A" Except Part on Plan 21334, Blocks 12/8/9 Part, D.L.'s 213/214, Plan 6584 (8383 Barnet Road)

Mr. J. A. Kask of Kask Brothers Ready Mix Concrete Limited submitted two letters objecting to the proposed rezoning.

Mr. W. G. Polsen, Assistant Manager Real Estate, National Harbours Board submitted a letter in which he noted that as the proposed rezoning will have a substantial effect on the current and future use and/or development of Board property, a detailed report is currently being prepared by the Board office. It is anticipated that the report will be completed within a weeks time and a copy will then be submitted to the Municipal Manager and the Planning Department for further discussion with the Board officials.

He further noted that the Board was deeply concerned with respect to the proposed changes. He requested Council's cooperation in withholding action pending further investigation and discussion on the matter.

Mr. Arnold F.C. Hean stated that he was the Solicitor to Kapoor Holdings Limited and had been instructed to appear at the Public Hearing to oppose the Planning Department's proposal to rezone the property from Heavy Industrial District (M3) to proposed Marine District One (P9) and Park and Public Use District (P3).

Mr. Hean's Brief outlined the past and present situations with respect to the Kapoor property and the reasons for his client's objection to the rezoning proposal.

Mr. Hean reviewed the history of the Kapoor property from 1965 and reviewed the attempts of Kapoor Holdings Limited to develop a Marina and Park on the property at company expense and their most recent attempts to develop the property under the existing Industrial zoning.

Mr. Hean was of the opinion that Kapoor has made every possible effort to develop the land properly in pursuance of Municipal By-laws and controls. A positive loss has been sustained and is still being carried by Kapoor through no fault or action of its own other than that it happens to own land which the Municipality apparently wishes to develop itself.

Mr. Hean concluded his presentation by stating that this must surely be an unusual situation. Some might even call it unfair, or discriminatory, or oppressive upon Kapoor Holdings Limited if Council were to rezone.

He respectfully requested that the rezoning application be turned down.

Mr. Gordon Lewis, 7230 Braeside Avenue spoke in favour of the proposed rezoning. He noted that there had been a promise of a beach in this area of Burrard Inlet for many years and he was of the opinion that the project should be proceeded with immediately.

Mrs. J. Webster, 135 North Fell Avenue spoke in support of the rezoning proposal.

Mrs. D. Salisbury, 5131 Harbourview spoke in favour of the proposed rezoning. She was of the opinion that the land should be acquired as soon as possible and the proposed park and beach be proceeded with.

Mr. Bill Cornelisse, 7329 Braeside Avenue spoke in favour of the rezoning proposal.

Mr. Dave Roberts speaking on behalf of Allied Chemicals Limited noted that the Company had been operating on its present site since 1908. He noted that the Company's business would be placed in a non-conforming position should the rezoning be approved which would effectively preclude future development. He was of the opinion that it was not necessary to rezone this particular piece of property to carry out the development concept as presented by the Planning Department.

He further stated that Allied Chemicals Limited would continue to operate in this location unless the property was finally expropriated by the Municipality.

Mr. Lloyd Farris, a Solicitor presented a Brief on behalf of Texaco Canada Limited indicating that that Company was unalterably opposed to the proposed rezoning of their land in Burnaby for parks purposes. Such rezoning constitutes a taking of their land and effectively freezes their operation to its present stage of development. The Company must have the ability to expand if their marine terminal is to meet the growing needs. This particular land is most unique and is not readily replaceable in the Lower Mainland area because of the Company's need for water, rail, highway access and zoning. The Company, therefore, respectfully requests that the Municipality abandon its plans for park development in this area.

It was indicated that Texaco Canada Limited would be quite willing to negotiate a mutually satisfactory arrangement for their lands which would guarantee their continued operation from this property and at the same time permit them to retain sufficient lands to meet their minimum requirements for expansion.

Mrs. J. Sembler, 109 N. Fell Avenue spoke in favour of the proposed rezoning.

(6) FROM CEMETERY DISTRICT (P4) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Reference RZ #19B/73

A 14.9 acre portion of Lot 1, D.L.'s 73/81, Plan 40648

(Located in the area bounded by Woodsworth Street, Wayburne Drive and the Forest Lawn Memorial Cemetery)

Mr. K. Schmid, Architect, outlined the development for Phase III of the Greentree Village which consists of the community facilities and 136 housing units. The development will generally conform to that already finished, or under construction, in Phases I and II of the project. Chimneys in the Phase III development will be enclosed.

There were no other comments received in connection with this rezoning proposal.

(7) FROM SMALL HOLDINGS (A2) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Reference RZ #38/73

Lot 26, D.L. 79, Plan 31328

(6460 Roberts Street -- Located on the South side of Roberts Street 255 feet East of Ledger Avenue)

Mr. Douglas A. Hall, Project Manager, Canadian Freehold Properties Limited, owner of the subject property advised the Hearing that it was intended to construct two air conditioned office buildings on the subject property which would be constructed in two phases approximately one year apart. The two buildings would contain 135,528 square feet of floor space.

All parking with the exception of 21 spaces would be located underground. A pedestrian walkway through from Canada Way to Roberts Street, featuring a landscaped plaza in the centre, will be provided.

Mr. A. Kozac, 6411 Roberts Street enquired as to the effect the proposed development would have on his property which is located directly across Roberts Street from the first building to be constructed. He understood that Roberts Street would be widened at this point.

Mr. Parr, Planning Director, stated that it would not affect Mr. Kozacs property. Mr. Parr further pointed out that street improvements would be the responsibility of the developer and there would be no charge against Mr. Kozac's property.

Mr. Kozac stated that he was not opposed to the rezoning.

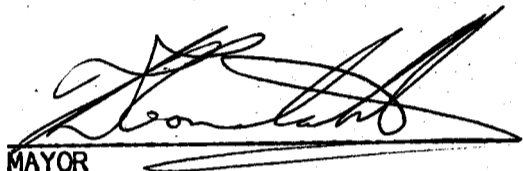
MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:
"That the Public Hearing be now terminated."

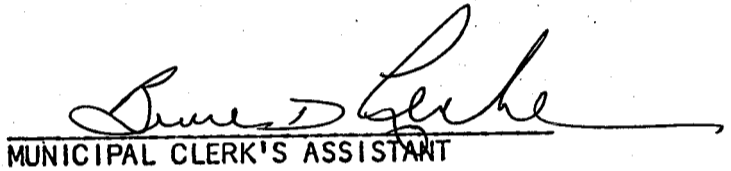
CARRIED UNANIMOUSLY

The Public Hearing terminated at 10:15 P.M.

Confirmed:

Certified Correct:


MAYOR


MUNICIPAL CLERK'S ASSISTANT

BL:sr