

MARCH 23, 1976

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, March 23, 1976, at 7:30 P.M.

**PRESENT:** Mayor T.W. Constable, in the Chair  
Alderman G.D. Ast  
Alderman D.P. Drummond  
Alderman B.M. Gunn  
Alderman G.H.F. McLean  
Alderman F.G. Randall  
Alderman V.V. Stusiak

**ABSENT:** Alderman A.H. Emmott  
Alderman D.A. Lawson

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

1. From Small Holdings District (A2) to  
Comprehensive Development District (CD)

Reference RZ #26/75

Lot 79, D.L. 2, Plan 49167

(9380/90 Sandlewood Crescent (formerly 9300 Government Street) -- Located within a precinct bounded by Government Street to the North, the Keswick/Government School site to the East, the Trans Canada Highway to the South and the B.N.R. right-of-way to the West).

*The applicant proposes to construct two point block towers containing a total of 288 rental apartment units and an ancillary convenience store on an irregularly shaped 2.26 acre net site.*

There were no submissions received in connection with the foregoing rezoning proposal.

2. From Small Holdings District (A2) to  
Comprehensive Development District (CD)

Reference RZ #44/75

Lot 1, D.L. 148, Plan 3075

(8767 Broadway -- Located on the Southern Slope of Burnaby Mountain and consists of Areas #1, #8 and #9 as designated in the adopted Burnaby 200 Community Plan).

*The applicant proposes a project involving the residential development of three areas within the Burnaby 200 Community Plan with 328 dwelling units and related outdoor play areas on an overall net site of 35.2 acres.*

There were no submissions received in connection with the foregoing rezoning proposal.

3. From Single Family Residential District (R2) to Comprehensive Development District (CD) and Park and Public Use District (P3)

Reference RZ #51/75

- (a) Lot 294, Ex. Plan 48533, D.L.'s 6/56, Plan 41353
- (b) Lot 301, D.L. 56, Plan 48533

(9005 and 9025 Centaurus Circle -- Located in a precinct encompassed by Centaurus Circle comprising the entire Area 5 site of the Community Plan adopted for Lake City East).

*This proposal is composed of a 144-unit point-block rental apartment with a small ancillary convenience commercial facility on a net 1.79 acre site and the establishment of a 4.55 acre public park.*

Mr. Bob Davies, 3004 Carina Place, Chairman, Lake City Executive Committee then addressed Council and advised that he was appearing on behalf of the owners and residents of the Simon Fraser Hills area regarding the subject rezoning. The owners and residents of Simon Fraser Hills feel that the proposed construction of a 19 storey apartment tower on the southern portion of the subject site is unwarranted. This tower would be in the centre of a low profile town house development. Mr. Davies felt that the entire site should be dedicated for the use and enrichment of the community. It was noted that the proposed general use of the apartment is for bachelor and one bedroom suites which does not lend to occupancy by families as is the case in the rest of the community. Although the apartment tower has been in the Community Plan for some time, Mr. Davies was at a loss to understand the need for such a structure which is a direct opposite to the existing residences in the community. It was considered that this particular tower would be better suited to an area where similar buildings already exist. As an alternative to placing an apartment tower on this site, it was respectfully suggested that this area would better serve the needs of the community at large if some type of community oriented facility were to be established on the site. This facility might take the form of a branch library, or a physical fitness course such as the one located in New Westminster or West Vancouver, or some other facility to fill the needs of the community. Mr. Davies also noted that in some other areas of Burnaby high rise towers are buffered from single family residences by lower density, low rise apartments. This is not the case in this particular instance under consideration. Mr. Davies requested that Council consider some form of alternate use for the site under consideration. The increased density in this area of Burnaby, without the development of suitable community facilities, could have a serious affect on the social life and nature of the community.

✓ NOT ✓ *Hudson*

Mr. Davies respectfully requested that Council grant approval for the development of a high-rise apartment tower on this site.

There were no other submissions received in connection with the foregoing rezoning proposal.

4. Reference RZ #6/76

- (1) From Residential District (R2) and Residential District (R4) to Parks and Public Use District (P3)

All publicly owned lands in the area designated and situated in District Lots 15, 100, 114, 138, 143, 148, 207, 208, 209 and 215.

The following privately owned residential properties zoned (R2) and (R4) are not included in the proposed rezoning:

- (a) 350 Phillips Avenue;
- (b) 329, 470, 492, 548, 562, 580, 622, 642, 662, 682 and 690 Burnwood Avenue;
- (c) 295, 325, 355, 356, 630 Albany Avenue;
- (d) 461, 487, 562, 588, 610, 630, 650, 670, 686, 711, 720 and 731 Melba Avenue;
- (e) 261, 734 and 920 Belmont Avenue;
- (f) 916 Hoover Avenue;
- (g) 987 View Avenue;
- (h) 383 Centennial Way;
- (i) 7389, 7391, 7490, 7496, 7502, 7536, 7544, 7556, 7729, 7735, 7743, 7778 and 7784 Hastings Street;
- (j) 7660, 7680, 7710, 7742 and 7760 Aubrey Street;
- (k) 7659, 7679 and 7741 Kitchener Street.

(ii) From Small Holdings District (A2) to Parks and Public Use District (P3)

Those portions of Lot 145, District Lots 31, 101, 102, 141, 144, 147, 209, 210, 211, 212, 213 and 214, Plan 27774, as designated.

The subject rezonings are required for the establishment of the Burnaby Mountain Conservation Area.

Mr. Sholto Hebenton, Lawyer, advised Council that he was acting on behalf of Simon Fraser University and that the University has directed him to appear at this Public Hearing to express the University's views with respect to this rezoning proposal. Mr. Hebenton advised that his appearance here was to express his client's opposition to the proposed rezoning. Mr. Hebenton noted that although he was here to express his client's opposition to the proposed rezoning, the University, since its incorporation, has always tried its best to be a good community citizen in this community and hoped to continue in this role. The University is a firm believer in the principles of conservation which Mr. Hebenton considered was Council's prime concern in this matter. Further, the University very much believes in the principle of public access to University property because the Governors of the University feel that they, in a number of instances, are guardians of a public trust in owning such an attractive piece of land in the setting that it has. However, the University's basic message is that it is the University's view that Council does not have the power to rezone University property at all, and certainly not to turn the University into a park. Mr. Hebenton and his client were convinced that Council has not the authority to rezone the property as proposed. Mr. Hebenton then reviewed the history of Simon Fraser University and compared its incorporation with that of the University of British Columbia.

Mr. Hebenton noted that in the Director of Planning's Report on this subject, reference was made to an agreement between the Corporation and the Province of British Columbia wherein lands not required, or otherwise topographically unsuitable for further University development, would be devoted to open space for the use and enjoyment of the public. Mr. Hebenton requested that a copy of any such agreement be made available to himself and his client.

Mr. Hebenton stated that he and his client were firmly convinced that the highest and best use of the land under consideration is for University purposes. Mr. Hebenton advised that it was his client's opinion that all of the land under consideration is required for University purposes.

Mr. Hebenton advised that, without getting into the specifics of the actual

rezoning, the University would prefer the land to remain in its present A2 zoning than to be rezoned to P3 as proposed by the Municipality.

Mr. Heberton noted that the University has, as a body created by Statute in British Columbia, some features that set it rather apart from many other parties that appear before Council at Public Hearings. The University was created by the Legislature and has a duty to educate the people of British Columbia and that goes on forever. The University is growing, a fact over which the University has no control. It is projected that in 1981 the University will have a student population of 19,000. The University cannot, with any accuracy, predict how far this growth trend will continue and the University must therefore maintain flexibility. Mr. Heberton advised that the University is examining the possibilities of expanding its facilities in areas other than the Burnaby Mountain campus. The University, however, has the Burnaby Mountain Site which was given to it for the purpose of educating people and it is the University's wish to preserve that, as much of it and for as long as possible, to give the University maximum flexibility, maximum independence, and that is the main reason for the University's objection to the proposed rezoning.

Mr. Heberton went on to advise that the University has no objection to working out, for the time being, public use of the University lands. The University would be happy to get involved with discussions, wherever possible, to work out ways of ensuring public access to University property. The University, however, does not want these lands to be tied up in perpetuity as would be the case if this rezoning proposal is approved.

Mr. Barry Jones, 7729 Hastings Street, requested information on the implications of this rezoning proposal as for those privately owned residential properties in the area, particularly with respect to future expropriation.

The Director of Planning advised that there was no plan in connection with this rezoning proposal to expropriate property. The rezoning proposal includes a recommendation that the Municipality establish a fund for acquisition and there has been, for some time, a program of acquiring lands on Burnaby Mountain as they become available. The policy enunciated in the Departmental report is that the zoning of the privately owned properties within the conservation area will remain unchanged. There will actually be no move to force a person to sell but if a person wishes to sell his property, then the Municipality is interested in acquiring that property. The decision to move from, or remain in the conservation area, is largely one for the individual owner to take.

Mr. Ted Lyddiatt, 7502 Hastings Street, requested information as to whether an individual wishing to sell his property in the conservation area must sell to the Corporation of Burnaby.

His Worship, Mayor Constable, stressed the fact that an owner of land within the conservation area is free to sell that land to anyone he wishes, but that the Corporation would be interested in acquiring the land should it be the owner's desire to sell his land to the Municipality.

His Worship, Mayor Constable, reiterated his statement that the Municipality has no plans to expropriate and there is no intention of expropriating privately owned properties in the conservation area. If a person wants to sell his property to the Municipality, the Municipality may consider such requests to purchase. The Municipality may acquire these properties but only on a voluntary basis. There is no intention of acquiring properties within the conservation area by expropriation. A person is completely free to sell his property within the area or to remain there, it is entirely the individual's choice. Mayor Constable stated that the foregoing could be treated as a firm commitment by this Council.

There were no other submissions received in connection with the foregoing rezoning proposal.

March 23, 1976

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT this Public Hearing be now terminated."

CARRIED UNANIMOUSLY

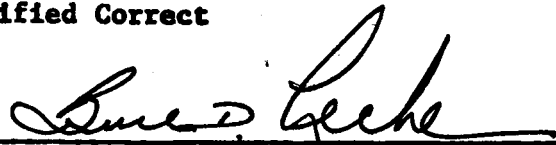
The Public Hearing terminated at 8:29 P.M.

Confirmed



Mayor

Certified Correct



Municipal Clerk's Assistant