

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2010 February 23

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20
Reference: Rez #06-65

SUBJECT: **REZONING REFERENCE #06-65**
MASTER CD REZONING FOR 14 DEVELOPMENT SITES AND
POTENTIAL NEW WATERTOWER IN UNIVERCITY PHASE 3;
CONCEPT PLAN FOR UNIVERCITY PHASE 4; UNIVERCITY AT SFU
Ptn. 8888 University Drive and 9055 University High Street
RESPONSE TO PUBLIC HEARING ISSUES

PURPOSE: To respond to issues raised at the Public Hearing on 2010 February 16 for Rezoning Reference #06-65.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to the applicant and to individuals who spoke at the Public Hearing for Rezoning Reference #06-65.

REPORT**1.0 BACKGROUND**

On 2010 February 16, a Public Hearing was held for Rezoning Reference #06-65. The subject rezoning application is to establish the master CD zoning for Phase 3 of UniverCity as well as the concept plan for Phase 4 (see attached Sketch).

At the Public Hearing, four residents of existing multiple-family developments at UniverCity and a representative from the Stoney Creek Environment Committee spoke and raised a number of issues, including water quality impacts, tree retention and green space, building height, and radio frequency radiation from communications equipment installed on the water tower.

As requested by Council at the Public Hearing, this report provides a staff response to the main issues raised.

2.0 ISSUES RAISED

Issue #1 – Water Quality: The concern was raised that water quality from stormwater was not sufficiently addressed. It was suggested that monitoring was required with a view to ensuring that water quality downstream during and after construction, be as good or better than prior to construction.

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #06-65
2010 March 01 Page 2

Response: The Burnaby Mountain Watercourse and Stormwater Management Plan (WSMP), developed in February 2002, lays out the development standards regarding the management of water quality and flow for the development as a whole and for individual development sites. The plan encompasses both on and off-site streams. The management plan allows the development of UniverCity while protecting the environmental resources values (i.e., water quality and flow) for Stoney Creek, Aliceville Creek, Submarine Creek, Crab Creek, and Cougar Creek. The water quality and flow quantity is being monitored by an independent consultant to ensure that developments are meeting the WSMP standards.

All monitoring data are submitted in bi-annual written reports to SFU Community Trust (SFU CT) and the Adaptive Management Committee (AMC) which meets every six months and has representatives from SFU CT, the City, DFO, Metro Vancouver, and the Stoney Creek Environment Committee. The data are also presented and discussed at the meetings. A new initiative for 2010 is that the consultant will address the question of whether the UniverCity development is meeting or exceeding storm water quality objectives compared to pre-development conditions. This objective will be tested with a monitoring program that compares water quality discharging from the currently built-out sub-catchment with that of the entire UniverCity development area.

In conclusion, SFU CT and the independent consultant are addressing the requirements of the WSMP for Burnaby Mountain through the adaptive management process.

Issue #2 – Tree cutting and pruning: Concerns were raised over provisions in the Tree Preservation Covenants for sites at UniverCity which allow tree pruning and removal for view corridors. The suggestion was also made that there should be citizen input before hazard trees are removed.

Response: Existing registered Tree Preservation Covenants for development sites at UniverCity include Tree Management Plans which allow application to the City to remove, limb, or top certain trees for the purposes of view management and preservation. The purpose of this provision is to prevent 'ad-hoc' tree removal, by providing a specific mechanism to allow tree removal for view corridor preservation. This provision strictly regulates the removal of trees for view preservation by restricting tree removal proposals to every 10 years and requiring that all trees removed are replaced on a three for one basis. Proposals for tree removal are subject to City review and approval of replacement plantings.

The identification of "hazard trees" is a technical issue that requires the specialized knowledge of trained professional arborists. The arborist incorporates a detailed knowledge of the characteristics of individual tree species, including their growth habits, potential failure modes, susceptibility to disease and typical lifespan, together with the assessment of the defects present in specific individual trees and balances the risk of tree failure with the presence of a target that may be harmed should the tree or a piece of the tree fall.

In all cases, a certified arborist must submit a detailed analysis of potential hazardous conditions and recommendations to reduce the hazard to an acceptable level to the City of Burnaby for

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #06-65
2010 March 01 Page 3

review. The City of Burnaby's Landscape Development Technician reviews the recommendations and either allows the work to proceed or requests revisions to the work program prior to allowing the work to proceed. In all cases, the desire to retain existing trees is balanced with the need to maintain personal and property safety, while at the same time recognizing the importance of the trees to the environment and the community.

Staff note that the above provisions and procedures have and continue to provide a sound basis for the management of tree preservation areas.

Issue #3 – Tree Retention in Richard Bolton Park: Concern was expressed that while Tree Preservation Covenants were established on private development sites at UniverCity, there was no tree retention plan for Richard Bolton Park.

Response: The Parks, Recreation and Culture Commission has approved the development plan for Richard Bolton Park, and within the plan, the forested area of the park is left in place. The development of the park plan included three public open houses where the community expressed their desire to retain the forest. This was agreed and supported in the plan for the park that was developed.

In summary, there is no plan or intent to remove or reduce the forested area. Management of the site, like other parks, remains with the Commission, and is undertaken with due consideration of public objectives and input.

Issue #4 – Preservation of Green Space: It was suggested that more green space should be provided as development proceeds and population increases. The concern was expressed that green spaces would not be preserved between buildings in Phase 3, as had successfully been achieved in the existing development.

Response: Ongoing development and population growth, and the preservation of green space and provision of parkland continues to be in line with the Simon Fraser University Official Community Plan adopted by Council in 1996 with public input, and in conjunction with the transfer of 313 ha (773 acres) of lands outside the ring road to the City for the Burnaby Mountain Conservation Area. The Plan also protected Naheeno Park (12 ha/29 acres) and riparian setbacks along watercourses within the ring road, as well as requiring an East Neighbourhood park and school site which were provided in the Phase 1 subdivision for UniverCity. In addition, the Plan specifically stated “that much of the existing forested area within the Residential Neighbourhoods will be cleared as development proceeds”.

This rezoning establishes substantial Tree Preservation Covenant areas totalling 2,734.9 m² (29,439 sq.ft.) as well as Riparian Covenant areas totalling 4011.6 m² (43,182 sq.ft.) in Phase 3. There are areas for tree preservation between Parcels 16 and 17, between Parcels 18 and 19 (including a walkway) and between Parcels 19 and 21 along University Crescent, and between Parcels 28 and 29 (including a walkway) on University High Street. This is a continuation of the “green fingers” between buildings concept established in the existing UniverCity development. Phase 3 also includes the enlargement of Richard Bolton Park by 1,450.3 m² (15,611 sq.ft.) to a

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #06-65
2010 March 01 Page 4

total area of 9,319.9 m² (100,322 sq.ft.), not including the adjacent plaza and other statutory right-of-way park areas on Parcel 26 and the adjacent school playfield. In addition, the rezoning establishes tree preservation and riparian areas in Phase 4.

In conclusion, the provision of green space at UniverCity is consistent with the established Community Plan, with Phase 3 following the same pattern established in the existing development.

Issue #5 – Building Height: It was noted that building heights at UniverCity had initially been restricted to a height of 10 storeys, but that this rezoning included a 20 storey building.

Response: The Simon Fraser University Official Community Plan, as originally adopted in 1996, limited building heights in the East Neighbourhood to a maximum of 10 stories. In 2004, following a Public Hearing, a Plan amendment was adopted stating that the 10 storey height could be exceeded “to achieve improved urban design quality or preservation of existing vegetation, subject to Comprehensive Development rezoning”. To date, an 11 storey building has been developed on Parcel 25, and an 11 storey building and a 12 storey building have been developed on Parcel 7/8. This has resulted in a very successful urban design streetscape on University Crescent. This will be continued with a pattern of building heights stepping up from 12 and 14 storey buildings on Parcel 16 to a 20 storey building on Parcel 20 (adjacent to the water tower which is higher) and then falling again to an 8 storey building on Parcel 21.

This rezoning (like the predecessor rezoning presented to Public Hearing and granted Second Reading in 2008) implements a neighbourhood planning process which SFU CT and City staff pursued in 2007 in order to improve the urban design of the community and to provide a variety of housing types in more appropriate locations.

In summary, the increase in building heights results in better urban design and allows a denser more urban community to be created near the commercial core in the Phase 3 Highlands area, while a lower density area is created in the Phase 4 Slopes area south of University High Street. There is no increase in overall development potential or density for the East Neighbourhood over that approved in the Community Plan.

Issue #6 – Radio Frequency Radiation from Equipment on the Water Tower: A concern was raised that radio frequency radiation and noise from antenna equipment on the water tower could impact residents of the apartment development planned beside it.

Response: A radio frequency (RF) survey at the water tower was conducted in 2001 by Telus and BC Hydro employees. BC Hydro concluded that power density was well below safe limits for the public. It was recommended that an RF survey be conducted every three years, or earlier, if additional equipment is installed or existing equipment is altered. Staff are not aware of any noise issues or complaints related to equipment on the water tower.

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #06-65
2010 March 01 Page 5

The existing water tower, as well as a site for a future new or replacement water tower that may be required is located on proposed Parcel 26. The nearest apartment building proposed is a 14 storey tower on Parcel 20, located approximately 19m from the existing water tower, and approximately 18m from a potential future tower.

To respond to this issue, a Covenant is proposed to be registered on Parcel 20 requiring satisfactory RF testing and noise testing prior to release of the PPA for residential development. A Covenant is also proposed to require the developer's disclosure statement for the Parcel 20 development to inform purchasers that the zoning for the adjacent Parcel 26 permits construction of a second water tower.

A Covenant is also proposed to be registered on Parcel 26 to require that any equipment located on that site continues to meet Burnaby noise bylaw requirements and all applicable radiation health and safety requirements. The Covenant will also require that compliance be verified every three years (or earlier if additional equipment is installed or existing equipment is altered such that an increase in emissions is expected) by measurement, and that the report be submitted to SFU CT, SFU, the City, and the owner(s) of Parcel 20.

Staff and SFU CT have agreed that the above measures satisfactorily address the issue raised, both prior to development and on an ongoing basis.

3.0 CONCLUSIONS

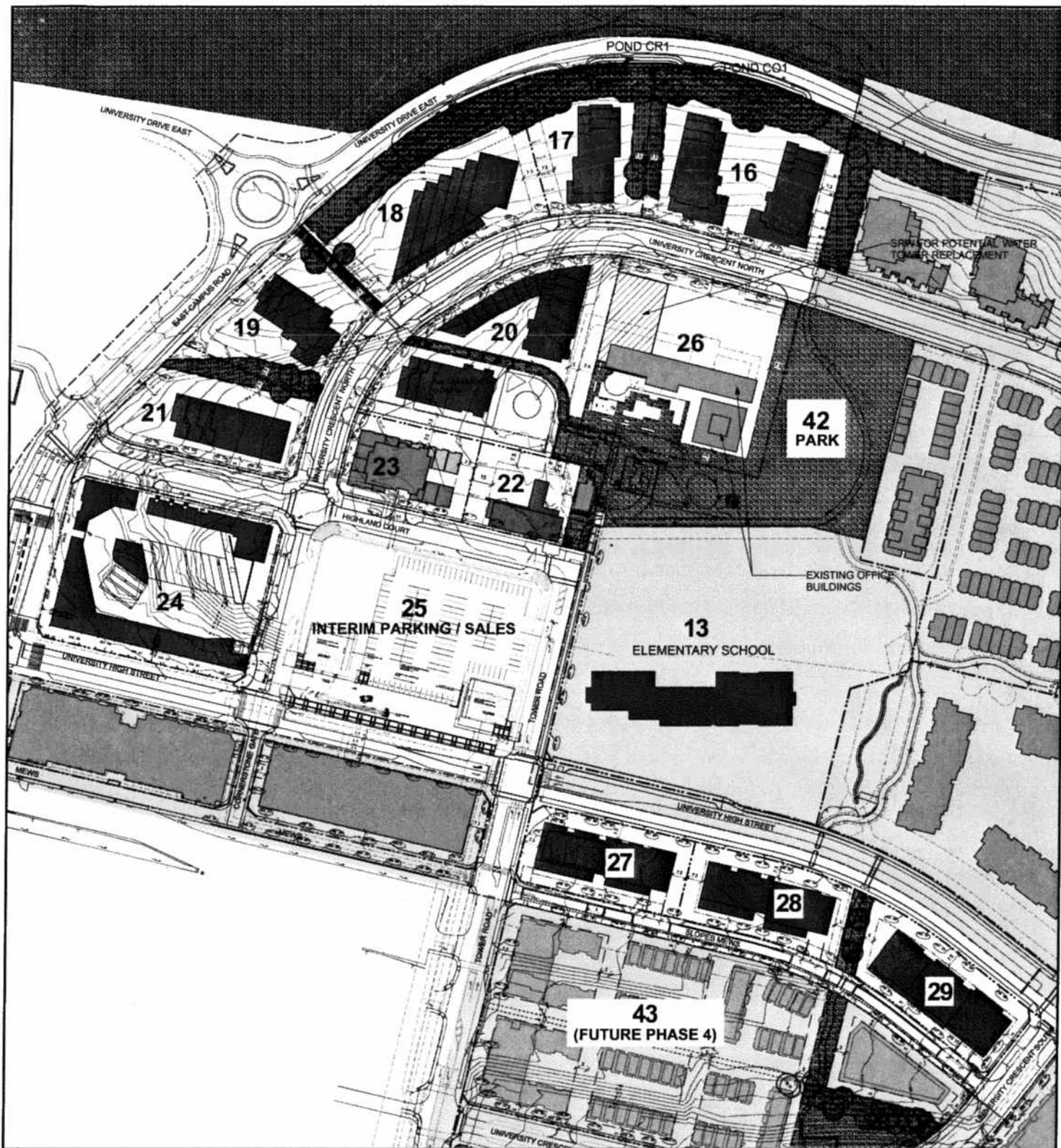
In conclusion, the proposed rezoning is in line with the adopted Community Plan, and the pattern and quality of development achieved to date. This rezoning sets the stage for UniverCity to build on its success to date, and on the considerable recognition it has received as an innovative and sustainable complete community.



for B. Luksun
Director Planning & Building

RR:gk
Attach

cc: Director Engineering
Director Parks, Recreation and Cultural Services
Chief Building Inspector
City Solicitor
City Clerk



Rezoning Reference #06-65
Parcel Reference Sketch

