

PUBLIC HEARING

2006 March 28

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2006 March 28 at 7:30 p.m.

The Secretary called the Public Hearing to order at 7:35 p.m.

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR EVANS:

“THAT Councillor D.N. Johnston be appointed as Chair of the Public Hearing.”

CARRIED UNANIMOUSLY

PRESENT: Councillor D.N. Johnston, In the Chair
Councillor P. Calendino
Councillor S. Dhaliwal
Councillor G. Evans
Councillor C. Jordan
Councillor N.M. Volkow

ABSENT: Mayor D.R. Corrigan
Councillor G. Begin
Councillor L. Rankin

STAFF: Mr. Jack Belhouse, Director Planning & Building
Mrs. A.L. Lorentsen, Administrative Officer Operations

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 8, 2006" - BYLAW NO. 12061

Rez. #05-34

7610/36/46 Kingsway; 7420/38 14th Avenue; and 7640 Lane Access

Lot E, D.L. 29, Plan 5878; Lots B & C, D.L. 29, Plan 4619; Lot D, D.L. 29, Plan 4619; North Half of Lot 4, Blk 19, D.L. 29, Plan 3035; West 44' of Lot 5, Blk 19, D.L. 29, Plan 3035; South Half of Lot 4, Blk 19, D.L. 29, Plan 3035

From: C4 Service Commercial District and R5 Residential District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District, and Edmonds Town Centre Plan as guidelines, and in accordance with the development plan entitled “Kingsway & 14th Ave Townhouse Development” prepared by Paul Leong Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit a townhouse development.

The Advisory Planning Commission submitted a report advising of its support of this rezoning application.

There were no further submissions received regarding Rez. #05-34, Bylaw No. 12061.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #05-34, Bylaw No. 12061 be now terminated.”

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 10, 2006" - BYLAW NO. 12063

Rez. #05-66

9188 & 9222 University Crescent

Lot 7 & 8, D.L. 211, Group 1, NWD Plan BCP3161

From: P11e SFU Neighbourhood District

To: CD Comprehensive Development District (based on RM4 Multiple Family Residential District Use and Density and SFU Official Community Plan as guidelines, and in accordance with the development plan entitled “Lots 7 & 8: UniverCity” prepared by Nigel Baldwin Architects)

The purpose of the proposed zoning bylaw amendment is to permit reduced building setback from the street and increased building height from what is permitted by the existing P11e zoning. This achieves an increased rear building setback from the established tree and riparian covenant areas

A letter dated 2006 March 27 was received from Walter Moroz, Intergulf Development Group, 1750 – 1055 W. Georgia, Street, Vancouver advising that Intergulf Development (Mountain) Corp. owners of adjacent property located at 9282 University Crescent, Burnaby, BC are opposed to the rezoning application. The writer also provided copies of a letter from Intergulf Development (Mountain) Corp. to UniverCity, SFU Community Trust and a letter from Perkins & Co., Architecture & Urban Design to Intergulf Development Group providing comment on the application.

A letter dated 2006 March 28 was received from Michael Geller, UniverCity, SFU Community Trust, responding to the concerns expressed by Intergulf Development and requesting that Council not delay in the Public Hearing for this application.

A memorandum dated 2006 March 23 was received from the Director Planning and Building advising Council that the applicant was concerned about entering into a commitment to permit cellular antennas on the proposed buildings at this time.

The Director Planning and Building recommended:

1. THAT prerequisite 'j' to the completion of the rezoning be amended to read:
 - j. An architectural design accommodating antennas on the buildings.”

Council agreed it would consider the recommendation of the Director Planning and Building following the receipt of input for speakers on the subject rezoning application.

Dale Slattery, 805 – 9262 University Crescent, a purchaser in Novo Two, located adjacent the subject site, appeared before members of Council to object to this application. Mr. Slattery advised that when he purchased his property he understood the original plan did not allow for buildings of the height proposed and to allow them now would negatively impact views and property values. The speaker noted he could find no justification for the change being proposed by Polygon other than increased profit at the expense of the owners in Novo Two.

Michael Geller, representing SFU Community Trust, owner of the subject property appeared before Council advising that it was the Trust that had initiated the proposed zoning change as they felt, given the size and shallowness of the lot, a reduced footprint for the buildings would be more appropriate. Mr. Geller also noted that reducing the size of the building will result in better protection of the riparian and tree covenant areas to the rear and west of the building site. The speaker further suggested that taller, more slim buildings, should benefit residents of the adjacent Lot 6 (Novo Two) because of the reduced view impact for those units on the westerly side of the westerly building. The proposed change will also result in a greater side yard setback between Novo Two and the subject site which should give Novo Two residents a greater sense of space, advised Mr. Geller.

In response to inquiries from Council members, Geller clarified there is no increase in the number of units being built from what was previously proposed. SFU Community Trust initiated these changes with the developer Polygon because their experience with development along this street has led them to believe the lessened encroachment into the treed area along the ring road, better view potential for the Novo Two property and greater separation between Novo Two and the developments will result in a better overall development. There is no profit motivation related to the application on Polygon's part, stated the speaker.

Nigel Baldwin, Nigel Baldwin Architects, project architect, appeared before Council members to review the proposed building design as compared what would be built under existing zoning and provided Council with diagrams and view simulations showing the difference between the plans. The speaker explained that the even with the higher topography, the shape of the subject site makes it better suited to a taller, slimmer building design. Mr. Baldwin noted that if this site were to be built in the same manner as Novo Two there would poorer views from Novo Two because of blockage from the Penthouse and the wider building bulk. The reduced setback from the street only applies to the two storey townhouses located at the front of the site, not the towers, located further back on the site. With regard to shadowing, the speaker noted, there is no difference between the existing and proposed zoning.

Dale Slattery, 805 -9262 University Crescent, Burnaby again appeared members of Council to question the motive for the proposed zoning change. Mr. Slattery argued the point there would be no increase in profit to the developer as a result of the zoning change because the height of the units would demand a higher selling price, thus providing a greater motivation to pursue a taller building proposal.

In response to a query from Council, Mr. Slattery noted that he while his view would not be directly impacted by the new buildings, his property value will, as will other purchasers in Novo Two which is why he was coming forward to express his concern. Also responding to Council's inquiry regarding why he is objecting to the building height, given the difference in topography between the sites, Mr. Slattery noted his primary objection is that the proposed changes deviate from the original intent and context especially with regard to increased height. Mr. Slattery inquired whether the original architects for the SFU development, Hotson Bakker, had an opportunity to provide input on the proposed amendments.

Michael Geller, representing SFU Community Trust, again appeared before Council to clarify the increased height proposed is only ten feet higher than the maximum permitted under the existing zoning. Mr. Geller pointed out that the previous speaker is expressing concern about building bulk only as it relates to height; however he is not commenting on the fact that the actual bulk of the building is smaller and it will be located even further away from Novo Two than is currently proposed.

In answer to the question, regarding input from the initial concept architects, Mr. Geller advised that Norm Hotson of Hotson and Bakker had suggested that taller, slimmer buildings would be best for the site.

Wally Moroz, Sr. VP Development, Intergulf Development Group, appeared before Council advising that as the developers of the adjacent Lot 6 (Novo Two) they were opposed to the proposed zoning change. Mr. Moroz in referring to the plans submitted by Mr. Baldwin pointed out that with decrease in the footprint of the buildings they now have the option of moving the development either to the west or east to take advantage of better views for their units.

Nigel Baldwin, Nigel Baldwin Architects, project architect, again appeared before Council advising Council has already endorsed a variety of building heights along this street with buildings of 9, 10 and 11 stories. By an urban design point of view having this graduated increase in height along the streetscape to the highest point this is quite acceptable.

Intergulf Development has chosen to push their buildings to the outside limits of their sites, creating more space within the centre of the site – this proposal is much different by creating more space between the two developments and less space between the buildings on site.

Wally Moroz, Intergulf Development Group, again appeared before Council members advising that they object to the proposed design concept that allows the face of the building to go straight up without a friendly interface with the street.

This concept, noted the speaker, is demonstrated on Lot 5 (Aurora) another Polygon project. The Nova developments are stepped back front the street, while the Aurora shoots straight up creating a "severe spacial compromise".

Vivian Sorensen, 805 – 9262 University Crescent, Burnaby appeared before members of Council to express her concern about the variety of building heights that have been asked for by Polygon in its SFU developments.

The speaker noted that from her home she looks out at an existing Polygon (Lot 5) development and feels that it is monolithic in size compared to the other developments. Ms. Sorensen advised that during construction of the existing Polygon property protected trees were damaged through carelessness and therefore she questions the motivation to save trees as a reason for the zoning change. In conclusion, the speaker questioned the impact the higher building will have on shadows over the protected tree area.

Jihab Faris, 904 – 9288 University Crescent, Burnaby appeared before Council members advising that while is employed by Intergulf Developments he is a resident of Novo One and was speaking to Council in his capacity as a resident of the community. The speaker pointed out the variance in heights between Lots 7/8 and Lot 6 is significant particularly due to the elevation. The speaker noted that the floor to ceiling height in the building on Lot 6 is 8 feet, while those proposed for Lots 7/8 will average at 9 feet, which combined with the increased elevation will add not just one to two more stories in height to the building, but three to four. Similarly the Polygon development on Lot 5 (Aurora) which was supposed to have added just one more floor is, in reality, two and half floors higher.

The speaker questioned the accuracy of the diagrams presented by the architect and that the actual height difference between the developments will be vast and will negatively impact the streetscape of the community.

Mr. Faris also advised that most purchasers in the Novo Two development would be opposed to the proposed changes. Improvements to views in Novo Two because of slimmer buildings, as promoted by the applicant, are not relevant to this discussion, noted the speaker, because trees will still block the view corridors up to the 8th floor. Mr. Faris also expressed doubt that profit was not a motivation for the proposed the change because the higher up you can build the more you can sell the units for. In conclusion, the speaker suggested that economics is the reasoning behind the proposal, not the best interest of residents of the community.

At the request of Council, Mr. J.S. Belhouse, Director Planning and Building provided a brief explanation regarding building heights. Mr. Belhouse advised that he understands the heights to be 9'4" to 9'6" close to standard floor height.

Mr. Faris, in disagreeing with this comment, advised that in Novo Two – the floors 1 – 7 are 8' and floors 8 – 10 are 9' in height and in Novo floors 1 – 5 are 8' and floors 6 – 9 are 9' from floor to ceiling.

In response to a query from Council, Mr. Faris explained that his concern regarding the alteration of the streetscape was, because under the new zoning the buildings will go straight up with no stepping back in height, it will drastically alter the visual appearance of the building. The master plan for the community called for a height restriction of 10 stories and purchasers have bought their units on that understanding; most will likely object to the proposed change, advised the speaker. Many of the new owners live outside Canada and there has not been sufficient notice given to those people to object to this proposal; the Public Hearing should be postponed until more time has been given for notification and preparation suggested the speaker.

In response to Council's inquiry, A.L. Lorentsen, Office of the City Clerk advised that notification of the Public Hearing had been given in accordance with the requirements of the Local Government Act.

In response to a query from Council, J.S. Belhouse, Director Planning and Building clarified the difference in height per floor, if the buildings were at equal grade, would be 3 – 4 m per floor. Mr. Belhouse also confirmed that it was the City who required that a riparian zone be protected at the rear of the site and that the proposed change would increase that zone.

Wally Moroz, Intergulf Development Group, responding to an inquiry from Council in reference to a letter from Michael Geller, SFU Community Trust, confirmed that the Trust had encouraged Intergulf to increase the floor height of its Novo Two development which was built to below the maximum permitted under the existing zoning. Intergulf chose not to change its development plan because they were at the stage where they were going to market and felt it was not in their best interest to take that option. Mr. Moroz noted that their design preference was to consider height impact and have buildings that step back from the street, with a less massive and severe façade.

Jihab Faris, 904 – 9428 University Crescent, Burnaby appeared before Council members advising that while Intergulf understood they could only build to a maximum of ten stories within the existing master plan and that go beyond that they would have to go through a Public Hearing process.

Michael Geller, representing SFU Community Trust, again appeared before Council advising that overall the Trust has been very pleased with the developments both Polygon and Intergulf have built at SFU. For clarification Mr. Geller noted the Community Trust development guidelines were very clear that a stepped appearance, with townhouses built at grade at the front of the lots and the high-rise towers set back. The Trust has been responsible for coordinating the developments, including the streetscape which is why they had encouraged Intergulf to build higher floors; Intergulf, however chose not to go that way.

Mr. Geller also noted that the Trust had sent out newsletters to all owners advising them of this Public Hearing and of the Information Meeting that was held by SFU Community Trust. In conclusion the speaker noted when implementing the SFU plan ten years ago they recognized a need to adapt for specific building plans over the term of development and requested Council not delay its consideration of this rezoning application.

Dale Slattery, 805 -9262 University Crescent, Burnaby again appeared members advising that the concerns of Intergulf be recognized by Council as representing the purchasers of their development. Intergulf no longer owns the Novo development, however they are concerned on behalf of the present and future resident of these buildings.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #05-66, Bylaw No. 12063 be now terminated.”

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JORDAN:

THAT the recommendation of the Director Planning and Building regarding Rez #05-66, Bylaw No. 12063, being

THAT prerequisite 'j' to the completion of the rezoning be amended to read:

j. An architectural design accommodating antennas on the buildings.”
be adopted.”

CARRIED UNANIMOUSLY

A D J O U R N M E N T


MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR CALENDINO:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:05 p.m.

Confirmed:


MAYOR

Certified Correct:


ADMINISTRATIVE OFFICER OPERATIONS