



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2016 May 11

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #14-35
AMENDMENT BYLAW NO. 32/15 ; BYLAW #13528
High-Rise Apartment Tower with Street-oriented Townhouses
Third Reading

ADDRESS: 2338 and 2440 Madison Avenue

LEGAL: Lots 26, DL 119, Group 1, NWD Plan 28536; Lot 1, DL 119 Group 1, NWD Plan EPP4113

FROM: M2 General Industrial District

TO: CD Comprehensive Development District (based on RM4s Multiple Family Residential District and Brentwood Town Centre Development Plan as guidelines and in accordance with the development plan entitled "Fulton House" prepared by Buttjes Architecture Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2015 November 09;
- b) Public Hearing held on 2015 November 24; and,
- c) Second Reading given on 2015 December 07.

The prerequisite conditions have been partially satisfied as follows:

- a. The submission of a suitable plan of development.
 - *A virtually complete suitable plan of development has been submitted. A few remaining details will be resolved prior to Final Adoption.*
- b. The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
 - *The applicant has submitted engineering design drawings for review and has agreed in a letter dated 2016 March 10 to deposit the necessary funds including 4% inspection fees and complete the servicing agreement prior to Final Adoption.*

- c. The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10.*
- d. The utilization of an amenity bonus through the provision of a \$6,234,480 cash in-lieu contribution in accordance with Section 3.5 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10, and will deposit the necessary funds prior to Final Adoption.*
- e. The consolidation of the net project site into one legal parcel.
 - *The requisite subdivision plan of consolidation has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- f. The granting of any necessary Covenants, including, but not necessarily limited to, Section 219 Covenants restricting the enclosure of balconies, indicating that project surface driveway accesses will not be restricted by gates, guaranteeing provision and maintenance of public art, guaranteeing the provision and ongoing maintenance of electric vehicles and EV plug-in stations, providing that all disabled parking to remain as common property, ensuring compliance with the submitted acoustical analysis, ensuring the project will not draw down the water table and to ensure compliance with the Streamside Protection and Enhancement Area Setback of Chub Creek Trib 1.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- g. The granting of any necessary easements and statutory rights-of-way.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10, and the requisite easements and statutory rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*
- h. The approval of the Ministry of Transportation to the rezoning application.
 - *The preliminary approval of the Ministry of Transportation to the subject rezoning proposal has been obtained. Final approval of the rezoning bylaw will be obtained prior to Final Adoption.*

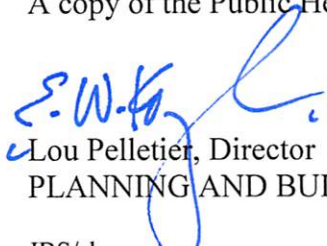
- i. The design and provision of units adaptable to persons with disabilities (the provision of special hardware and cabinet work being subject to the sale/lease of the unit to a disabled person.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10, and the necessary provisions are indicated on the development plans.*
- j. The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2016 March 10 committing to implement the recycling provisions.*
- k. The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10. A suitable on-site stormwater management system has been submitted for the approval of the Director Engineering. The required Covenant will be deposited in the Land Title Office and the required funds to guarantee this provision will be deposited prior to Final Adoption.*
- l. The submission of a Site Profile and resolution of any arising requirements.
 - *The applicant has submitted the required Site Profile which is being processed to determine if remediation measures are required.*
- m. The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- n. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10. A detailed Solid Waste and Recycling Plan has been approved by the Engineering Department – Environmental Services Division.*

- o. The review of on-site residential loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10. An on-site residential loading plan has been submitted to the Engineering Department – Traffic Division for approval prior to Final Adoption.*
- p. The provision of facilities for cyclists in accordance with this report.
 - *This provision is indicated on the development plans and the applicant has submitted a letter dated 2016 March 10 agreeing to meet this prerequisite.*
- q. Compliance with the Council-adopted sound criteria.
 - *An acoustic study has been submitted for review by the Engineering Environmental Services Division. Agreement by the applicant to comply with the Council-adopted sound criteria and an acceptable study will be achieved prior to Final Adoption.*
- r. The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- s. Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 March 10 and the necessary provisions have been indicated on the development plans.*
- t. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2016 March 10 to make the necessary deposits prior to Final Adoption.*
- u. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2016 March 10 to make the necessary deposits prior to Final Adoption.*
- v. The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2016 March 10 to make the necessary deposits prior to Final Adoption.*

- w. The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.
- *The applicant has provided a letter of undertaking dated 2016 March 10 and the area plan notification signs are in place.*

As the prerequisite conditions to this rezoning are now substantially complete, could you please arrange to return this amendment bylaw to Council for Consideration and Third Reading on 2016 May 16, with Reconsideration and Final Adoption to follow when the prerequisites are completely fulfilled and Planning notifies you to that effect.

A copy of the Public Hearing minutes for this rezoning application is **attached** for information.


Lou Pelletier, Director
PLANNING AND BUILDING
JBS/sla
Attachment

cc: City Manager
Director Finance

**BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 32, 2015 – BYLAW NO. 13528**

Rez. #14-35

2338 and 2440 Madison Avenue

From: M2 General Industrial District

To: CD Comprehensive Development District (based on RM4s Multiple Family Residential District and Brentwood Town Centre Development Plan as guidelines and in accordance with the development plan entitled "Fulton House" prepared by Buttjes Architecture Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 41 storey high-rise apartment tower with ground oriented townhouses, underground and structured parking.

The Advisory Planning Commission advised it supports the rezoning application.

Seven letters were received in response to the proposed bylaw amendment.

OPPOSED:

Sue Garbe, 2402-4132 Halifax Street, Burnaby
Aaron Lowe, 2801-2345 Madison Avenue, Burnaby
Annie Zhang, 2355 Madison Avenue, Burnaby
Isabella Ma, TH 22-2345 Madison Avenue, Burnaby
Daniel Lam, 2355 Madison Avenue, Burnaby
Ann Marie Giesbrecht, 1906-2355 Madison Avenue, Burnaby
Ping Yao, 601-2355 Madison Avenue, Burnaby

The following speakers appeared before Council in support or opposition to the proposed bylaw amendment.

Brian Ellis, 900-1332 West Broadway, Vancouver, representing Polygon Homes BC, appeared before Council to answer any questions.

Francis Flanagan, TH 8-2355 Madison Avenue, Burnaby, spoke in opposition to the rezoning application. Ms. Flanagan shared concerns regarding the lack of research on the impacts of densification, lack of market information to justify building (not enough demand), increase in crime and high percentage of vacant condos.

Kayshan Mirfakhrai, 1703-2345 Madison Avenue, Burnaby, spoke in opposition to the rezoning. Ms. Mirfakhrai shared concerns regarding: increased traffic, parking concerns, loss of quality of life, health concerns, noise issues, lack of security, lack of community centre and a lack of an integrated development plan. Ms. Mirfakhrai asserted that consideration should be given to the impact of high rise developments on the whole city not just the surrounding area.

MOVED BY COUNCILLOR S. DHALI WAL
SECONDED BY COUNCILLOR N. VOLKOW

THAT this Public Hearing for Rez. #14-35, Bylaw #13528 be terminated.

CARRIED UNANIMOUSLY