



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK 2016 September 14

**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**  
**Final Adoption**

**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.)

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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;
- c) Second Reading given on 2015 December 07; and,
- d) Third Reading given on 2016 May 16.

The prerequisite conditions have been completely satisfied as follows:

- a. The submission of a suitable plan of development.
  - *A 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 the necessary funds including a 4% inspection fee to cover the costs of all services necessary to serve the site and the servicing agreement has been completed.*
- 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 necessary deposits have been made to meet this prerequisite.*
- e. The consolidation of the net project site into one legal parcel.
  - *The requisite subdivision plan of consolidation has been submitted in registerable form 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 requisite covenants have been submitted in registerable form and 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 requisite easements and statutory rights-of-way have been submitted in registerable form and 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 approval of the Ministry of Transportation to the rezoning bylaw has been obtained.*

- 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.
  - *A suitable on-site stormwater management system has been approved by the Director Engineering, the required covenant has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption, and the required funds to guarantee this provision have been deposited.*
- l. The submission of a Site Profile and resolution of any arising requirements.
  - *The applicant has submitted the required Site Profile and has obtained the necessary Certificate of Compliance from the Ministry of Environment to meet this prerequisite.*
- m. The review of a detailed Sediment Control System by the Director Engineering.
  - *A detailed Sediment Control System plan has been approved by the Engineering Department – Environmental Services.*
- 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 necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2016 March 10 agreeing to meet this prerequisite.*
- 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.
- *The applicant has submitted an acoustic study which has been accepted by Engineering Environmental Services Division, and a Section 219 Covenant to ensure compliance with the submitted study has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- r. The review of a detailed Sediment Control System by the Director Engineering.
- *A detailed Sediment Control System plan has been approved by the Engineering Department – Environmental Services.*
- 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 required deposits have been made to meet this prerequisite.*
- u. The deposit of the applicable Parkland Acquisition Charge.
- *The required deposits have been made to meet this prerequisite.*
- v. The deposit of the applicable School Site Acquisition Charge.
- *The required deposits have been made to meet this prerequisite.*
- 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 complete, could you please arrange to return this amendment bylaw to Council for Reconsideration and Final Adoption on 2016 September 19.



Lou Pelletier, Director  
PLANNING AND BUILDING

JBS/spf