



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2019 December 11

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #13-07
AMENDMENT BYLAW NO. 37/17; BYLAW #13805
Conceptual Master Plan and Phase I
Final Adoption

ADDRESS: 4750 Kingsway

LEGAL: Lot A, District Lot's 32, 152 & 153, Group 1, NWD Plan 80588

FROM: CD Comprehensive Development District (based on C3 General Commercial District)

TO: Amended CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C3 General Commercial District and "Metrotown Sears Site Master Plan and Phase I" prepared by IBI Group)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2017 November 06,
- b) Public Hearing held on 2017 November 28;
- c) Second Reading given on 2017 December 04; and,
- d) Third Reading given on 2019 May 27.

The prerequisite conditions have been fully satisfied as follows:

- a. The submission of a suitable plan of development.
 - *A complete suitable plan of development has been submitted.*
- 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% Engineering 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 2019 October 26 and the necessary provisions are indicated on the development plans.*
- d. The utilization of an amenity bonus in accordance with Section 6.3 of this report.
- *The applicant has agreed to this prerequisite in a letter dated 2018 October 26, the applicant will deposit the funds prior to issuance of Preliminary Plan Approval. A Section 219 Covenant to guarantee this provision, including restricting the sale of the Phase I Site, restricting marketing the proposed development, and restricting issuance of a building permit for the proposed development, has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- e. The dedication of any rights-of-way deemed requisite .
- *The applicant has agreed to this prerequisite in a letter dated 2019 October 26 and the requisite subdivision plan 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:
- allocating development densities on the overall site;
 - guaranteeing provision and maintenance of public art;
 - guaranteeing the provision of a Master Site Stormwater Management Plan and continued operation and maintenance of Phase I stormwater management facilities;
 - ensuring compliance with the approved acoustical study;
 - ensuring that handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation;
 - ensuring the provision and ongoing maintenance of EV cars and EV plug-in stations;
 - for the provision and ongoing maintenance of on-site car share vehicles and parking stalls;
 - ensuring the provision and ongoing maintenance of end of trip facilities;
 - ensuring that the site can be used safely in accordance with the approved geotechnical report, and that the project does not draw down the water table;
 - restricting enclosure of balconies; and,

- indicating that project surface driveway access will not be restricted by gates.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26 and the required 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 statutory rights-of-way and easements, including, but not necessarily limited to those:
- guaranteeing public access to the proposed private roads, plazas and walkways, and
 - guaranteeing reciprocal access to and from adjacent properties at 4700, 4800 Kingsway and 6411 Nelson Avenue.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26 and the required statutory rights-of-way and easements have been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- h. Submission of a Site Profile and resolution of any arising requirements.
- *The applicant has submitted the required Site Profile. No remedial works are required in connection with the proposed development.*
- i. The review of a detailed Sediment Control System by the Director Engineering.
- *This applicant has agreed in a letter dated 2019 October 26 and the required Sediment Control System plans have been submitted.*
- j. The submission of a Master Conceptual Stormwater Management Plan and suitable on-site stormwater management system for Phase I 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 Master Conceptual Stormwater Management Plan and suitable on-site stormwater management system for Phase I has been approved by the Director Engineering, the required funds to guarantee this provision has been deposited and the required covenant has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- k. The submission of a Master Servicing and Phasing Plan.
- *The applicant has agreed to this prerequisite in a letter dated 2018 October 26 and the required Master Servicing and Phasing Plan has been submitted.*
- l. The submission of a Construction Management and Access Plan.

- *The applicant has agreed to this prerequisite in a letter dated 2018 October 26 and the required Master Servicing and Phasing Plan has been submitted.*
- m. The submission of a District Energy Pre-feasibility study.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26 and the required District Energy Pre-feasibility study has been submitted.*
- 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 2019 October 26 and the necessary provisions are indicated on the development plans.*
- o. The design and provision of units adaptable to persons with disabilities with allocated handicap parking spaces protected by a Section 219 Covenant.
 - *The applicant has submitted a letter dated 2018 October 26 agreeing to meet this prerequisite, this provision is indicated on the development plans and the requisite covenant has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- p. 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 applicant has agreed to this prerequisite in a letter dated 2019 October 26 and the necessary provisions are indicated on the development plans.*
- q. Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
 - *The applicant has agreed to this prerequisite in a letter dated 2019 October 26 and the necessary provisions are indicated on the development plans.*
- r. The review of on-site residential and commercial loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2019 October 26 and the necessary provisions are indicated on the development plans.*
- s. The submission of an acoustic study to ensure compliance with the Council-adopted sound criteria.

- *An acoustic study has been approved by the Engineering Environmental Services Division. A Section 219 Covenant to ensure compliance with the Council-adopted sound criteria and an acceptable acoustic study has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- t. The undergrounding of existing overhead wiring abutting the site.
 - *There are no overhead wires abutting the site, as such this prerequisite condition is no longer required.*
- u. The deposit of the applicable Parkland Acquisition Charge.
 - *The necessary deposits have been made to meet this prerequisite.*
- v. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The necessary deposits have been made to meet this prerequisite.*
- w. The deposit of the applicable School Site Acquisition Charge.
 - *The necessary deposits have been made to meet this prerequisite.*
- x. 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 agreed to this prerequisite in a letter dated 2018 October 26 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 2019 December 16.


E.W. Kozak, Director
PLANNING AND BUILDING

JBS:rh
cc: City Manager