



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2020 October 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #17-38
AMENDMENT BYLAW NO. 49/18; BYLAW #13973
High-rise Apartment Tower with Street-Oriented Townhouses
Final Adoption

ADDRESS: 4455 Alaska Street and portion of lane and Willingdon Avenue

LEGAL: Lot A District Lot 119 Group 1 NWD Plan 40447 and Portion of Lane and Road

FROM: M1 Manufacturing 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 "Alaska Street Residential High-rise Development" prepared by dys Architecture)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2018 December 10,
- b) Public Hearing held on 2019 January 29,
- c) Second Reading given on 2019 February 11; and,
- d) Third Reading given on 2020 March 09.

The prerequisite conditions have been satisfied as follows:

- a. The submission of a suitable plan of development.
 - *The applicant has submitted a virtually complete suitable plan of development. 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 2020 February 12.*
- d. The submission of an undertaking to remove all improvements from the site prior to or within twelve months of the rezoning bylaw being effected. Demolition of any improvements will be permitted at any time, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Second Reading, Third Reading and/or Final Adoption of the Rezoning Bylaw.
 - *The applicant has requested in a letter dated 2020 February 12 to postpone demolition until one year (1) after Final Adoption. Given existing tenancies on site this request is considered suitable. A Section 219 Covenant has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption, and sufficient security has been deposited to ensure the remaining improvements are demolished within 12 months of Final Adoption.*
- e. The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.3 of this report.
 - *The applicant has agreed to the provision of a \$8,573,668.83 (subject to detailed survey) cash in-lieu contribution, in accordance with the terms and conditions approved by Council in a letter dated 2020 February 12. The applicant will deposit the funds prior to issuance of Preliminary Plan Approval. A Section 219 Covenant to guarantee this provision, including restricting the issuance of Preliminary Plan Approval and Building Permit for the proposed development, will be deposited in the Land Title Office prior to Final Adoption.*
- f. The dedication of any rights-of-way deemed requisite.
 - *A subdivision plan dedicating the requisite rights-of-way has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- g. The completion of the Highway Closure Bylaw.

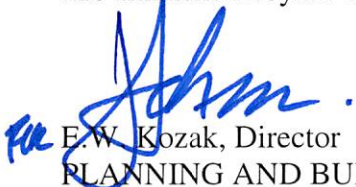
- *The Highway Closure Bylaw has been adopted by Council. The Bylaw plans have been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- h. The completion of the sale of City property.
- *The sale has been completed in accordance with the terms approved by Council.*
- i. The consolidation of the net site into one legal lot.
- *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.*
- j. The granting of any necessary Easements, Covenants, and Statutory Rights-of-Way including, but not necessarily limited to:
- restricting enclosure of balconies;
 - guaranteeing the provision and maintenance of signature art;
 - 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 compliance with the approved acoustic study;
 - ensuring the provision and ongoing maintenance of EV cars and EV plug-in stations;
 - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - ensuring the site can be used safely in accordance with the approved geotechnical report;
 - ensuring that the project does not draw down the water table;
 - ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
 - ensuring public access to the stairs and landing from Willingdon Avenue to Alaska Street.
- *The requisite Easements, Covenants, and Statutory Rights-of-way have been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*

- k. The execution of an indemnity agreement by the developer saving the City harmless from all liability associated with this development in relation to its geotechnical and hydrological (including any potential contaminated groundwater) impacts to surrounding infrastructure and other nearby development.
- *Upon further review, it has been determined that an indemnity agreement is not required for this site.*
- l. 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.*
- m. The undergrounding of existing overhead wiring abutting the site where feasible.
- *The applicant has agreed to this prerequisite in a letter dated 2020 February 12 and the necessary provisions are indicated on the development plans.*
- n. 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.*
- o. Submission of a Site Profile and resolution of any arising requirements.
- *The applicant has submitted the required Site Profile for the development site, and has committed to obtaining the appropriate instrument from the Ministry of Environment prior to release of any Occupancy Permits. The required covenant governing this arrangement 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 necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2020 February 12 agreeing to meet this prerequisite.*
- q. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.

- *A suitable Solid Waste and Recycling Plan has been approved, and the necessary provisions have been indicated on the development plans.*
- r. The review of on-site residential loading facilities by the Director Engineering.
 - *A suitable Residential Loading Plan has been achieved, and the necessary provisions have been indicated on the development plans.*
- s. 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.*
- t. 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 submitted the required Stormwater Management Plan for approval by the Director Engineering. A finalized on-site stormwater management system will be required prior to issuance of a Building Permit. The requisite covenant to ensure this provision has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- u. 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 2020 February 12 agreeing to meet this prerequisite, this provision is indicated on the development plans and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- v. The provision of facilities for cyclists in accordance with this report.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2020 February 12 agreeing to meet this prerequisite.*
- w. Compliance with the guidelines for underground parking for visitors.
 - *The required deposits have been made to meet this prerequisite.*
- x. The deposit of the applicable Parkland Acquisition Charge.

- *The required deposits have been made to meet this prerequisite.*
- y. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The required deposits have been made to meet this prerequisite.*
- z. The deposit of the applicable School Site Acquisition Charge.
 - *The required deposits have been made to meet this prerequisite.*
- aa. 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 2020 February 12 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 2020 October 26.


E.W. Kozak, Director
PLANNING AND BUILDING

IW:tn

cc: City Manager