



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2021 July 07

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-35**
BYLAW #13854, AMENDMENT BYLAW NO. 05/18
High Rise Apartment Tower with Street Fronting Townhouses
Brentwood Town Centre Development Plan
Final Adoption

ADDRESS: 5180 Lougheed Highway

LEGAL: Lot 4, DL 125, Group 1, NWD Plan 3674

FROM: M2 General Industrial District

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "5180 Lougheed Highway" prepared by Raffi Architects Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2018 March 12;
- b) Public Hearing held on 2018 March 27;
- c) Second Reading given on 2018 May 28; and,
- d) Third Reading given on 2018 July 23.

The prerequisite conditions have been fully satisfied as follows:

- a. The submission of a suitable plan of development.
 - *The applicant has submitted a complete suitable plan of development.*
- 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 4% inspection fees 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 2018 July 16.*
- d. The submission of an undertaking to remove all improvements prior to Final Adoption of the Bylaw. If requested, demolition may also be delayed to more closely coincide with approval of building permits, subject to specific conditions.
 - *The Applicant has agreed to this prerequisite in a letter dated 2018 July 16, the requisite funds have been deposited to guarantee this provision, and a Section 219 Covenant has been submitted in a registerable form and will be deposited with the Land Title Office prior to Final Adoption.*
- e. The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.6 of this report.
 - *The required deposits have been made to meet this prerequisite.*
- f. The completion of the Road Closure Bylaw.
 - *The Road Closure Bylaw has been adopted by Council. The Road Closure plans have been submitted in a registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- g. The completion of the sale of City property.
 - *The sale has been completed in accordance with the terms approved by Council.*
- h. The dedication of any rights-of-way deemed requisite .
 - *A subdivision plan dedicating rights-of-way has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- i. The consolidation of the net site into one legal parcel.
 - *The requisite subdivision plan of consolidation has been submitted in a 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;
 - indicating that project surface driveway access will not be restricted by gates;
 - guaranteeing the provision and maintenance of public art;
 - ensuring that handicap accessible parking stalls be held in common property to be administered by the Strata Corporation;
 - ensuring compliance with the approved acoustic study;
 - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - ensuring that the site can be used safely in accordance with the approved geotechnical study;
 - ensuring that the water table will not be drawn down during and after development;
 - ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
 - ensuring the provision and ongoing maintenance of EV plug-in stations;
 - ensuring the provision and ongoing maintenance of car share vehicles;
 - restricting the use of guest rooms;
 - Statutory right-of-way granting public access to the parkway, sidewalk, cycle track, seating, feature art, and plaza under the Millennium Line Guideway, and;
 - Extension of the statutory right-of-way for the Millennium Line Guideway over a portion of the closed road on Springer Avenue at Loughheed Highway;
- *The applicant has agreed to this prerequisite in a letter dated 2018 July 16, and the requisite Easements, Covenants and Statutory Rights-of-way have been submitted in a 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.

- *The Engineering Department has determined that this prerequisite is no longer required.*
- l. 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 July 16 agreeing to meet this prerequisite, this provision is indicated on the development plans and the requisite covenant has been submitted in a registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- m. The undergrounding of existing overhead wiring abutting the site.
- *The applicant has agreed to this prerequisite in a letter dated 2018 July 16 and has deposited the necessary funds to guarantee the completion of this prerequisite*
- n. Compliance with the Council-adopted sound criteria.
- *The Applicant has submitted an acoustic study which has been accepted by the Climate Action and Energy 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 instruments 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 2018 July 16 agreeing to meet this prerequisite.*
- q. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.

- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2018 July 16 agreeing to meet this prerequisite.*
- 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 are indicated on the development plans.*
- s. 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 2018 July 16 agreeing to meet this prerequisite.*
- t. The review of a detailed Sediment Control System by the Director Engineering.
 - *A detailed Sediment Control System has been approved by the Climate Action and Energy Division*
- u. Compliance with the guidelines for underground parking for visitors.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2018 July 16 agreeing to meet this prerequisite.*
- v. 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 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.*
- w. The deposit of the applicable Parkland Acquisition Charge.
 - *The required deposits have been made to meet this prerequisite.*
- x. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The required deposits have been made to meet this prerequisite.*

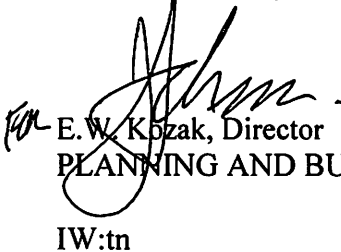
y. The deposit of the applicable School Site Acquisition Charge.

- *The required deposits have been made to meet this prerequisite.*

z. 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 July 16 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 2021 July 12.


E.W. Kozak, Director
PLANNING AND BUILDING
IW:tn

cc: Acting City Manager