

## ATTACHMENT 3 – REZONING PREREQUISITES

### REZ #24-15 – Portion of 5334 Lougheed Highway

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #24-15.

1. **Suitable Plan of Development**

The submission of a Suitable Plan of Development.

2. The advancement of Phase 1 of the Bassano Master Plan, Rezoning Reference #21-30, and Rezoning Reference #21-29 to Final Adoption prior to, or concurrent with, the subject rezoning application.

3. **Required Plans and Studies**

The submission of the following plans and studies acceptable to the City:

- a) Comprehensive Sign Plan;
- b) Demolition Plan;
- c) Construction Management and Access Plan;
- d) Fire Access Plan;
- e) Solid Waste and Recycling Plan;
- f) Loading Management Plan;
- g) Traffic Impact Analysis Report;
- h) Public Art Plan;
- i) Geotechnical and Groundwater Study;
- j) Storm and Ground Water Management Plan;
- k) Green Building Plan and Energy Benchmarking;
- l) Offsite Civil Engineering Design;
- m) Acoustic Study; and
- n) Arborist Report and Tree Survey with a Tree Retention Plan.

4. **Engineering**

Provision of standard requirements to service the proposed development as determined by the General Manager of Engineering, including the execution and delivery of a Servicing Agreement in respect of all services necessary to serve the site, including but not limited to:

- a) any required storm sewer, sanitary sewer, and water main upgrades;
- b) Construction of Springer Avenue development frontage to a Two-Lane Town Centre standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- c) Construction of internal street; and
- d) Any required easements, statutory rights-of-way, or other legal instruments to facilitate servicing requirements.

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All services are to be designed to City standards and constructed in accordance with the City-approved engineering design. Completion of all services required under the Servicing Agreement is a condition for the issuance of an occupancy permit for the development. A copy of either the developer's or the contractor's Certificate of Insurance is to be submitted to the Planning and Development Department.

5. **Subdivision**

The subject lot will be created through the Rezoning Reference #21-30 for Phase 1.

6. **Density Bonus**

The utilization of an amenity bonus in accordance with Section 3.5 of this report.

7. **Statutory Rights-of-Way, Easements, Covenants and Agreements**

The submission for registration in the Land Title Office of the following legal instruments with security, where necessary:

- a) [where the value of the density bonus has been negotiated and approved by Council, but where the applicant requests to defer payment to PPA/BP] Section 219 Covenant restricting the issuance of Preliminary Plan Approval and Building Permit until the bonus density has been paid in full and requiring the payment, on a quarterly basis, to the City of interest in respect of the density bonus payment at the rate of interest equal to two percentage points above the Variable Royal Bank Prime Rate per annum compounded annually with the interest payment calculated commencing on the date of final adoption of the rezoning bylaw to the date of payment in full of the density bonus payment;
- b) [where the value of the density bonus has not been negotiated at final adoption of the rezoning and has instead been deferred] Section 219 Covenant restricting the issuance of Preliminary Plan Approval (PPA) and Building Permit, and prohibiting the owner from marketing any units (as defined in the *Real Estate Development Marketing Act*) until the density bonus payment payable in respect of the building(s) authorized by the PPA or Building Permit, or that are being marketed, has been paid to the City;
- c) Section 219 Covenant restricting enclosure of balconies;
- d) Section 219 Covenant ensuring that project surface driveway access(es) will not be restricted by gates;
- e) Section 219 Covenant ensuring compliance with the approved acoustical study;
- f) Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities;

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- g) If required by the City, Section 219 Covenant guaranteeing the installation, maintenance, repair and replacement of public art, and if required, a Statutory Right of Way guaranteeing public access to, and use and enjoyment of, the public art;
  - h) Section 219 Covenant ensuring compliance with the Green Building Plan for the site as well as a commitment for the property owner/representative to submit the necessary information to NRCAN;
  - i) Section 219 Covenant to ensure the provision of Transportation Demand Management measures;
  - j) Section 219 Covenant ensuring that the water table will not be drawn down during or after development;
  - k) Section 219 Covenant ensuring that any building lighting features can be turned on and off by the owner, and that the owner will turn off any architectural lighting at the City's request in the event that the lighting results in any adverse neighbourhood and/or environmental impacts;
  - l) Section 219 Covenant ensuring that the site is constructed and used in accordance with the approved geotechnical study;
  - m) Section 219 Covenant requiring issuance of an occupancy permit for the requisite non-market rental units at the Beresford Site, prior to the issuance of an occupancy permit for the subject development;
  - n) Section 219 Covenant to ensure that all buildings and structures are constructed at elevations respecting flood proof requirements;
  - o) Any easements, SRWs, and Section 219 Covenants as required by the City in respect of access to and the use of on-site pedestrian/vehicular access areas over Phase 1 and Phase 2;
  - p) Any easements, SRWs, and Section 219 Covenants as required by the City, to permit construction of an underground parkade and surface pathway or driveway on a portion of the Phase 2 lot, at the time of Phase 3 of the development; and
  - q) Any necessary updates to Master Plan covenants and or new Section 219 Covenants to secure requirements that are deferred to Phase 3, including but not limited to car share stalls, SRW walkway construction, and required non-market housing.
8. **Tree Cutting**
- a) In accordance with the Burnaby Tree Bylaw, a tree cutting permit will be required for the removal of any tree over 20 cm (8 in.) in diameter; and
  - b) The submission of a nesting raptors survey to the Planning and Development Department prior to the removal of any trees on the site.

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9. **Site Disclosure**

A Final Determination for the development site has been issued by the Ministry of Environment and Climate Change Strategy. No further remediation action is required. A copy has been submitted to the Planning Department for the subject application.

10. **Area Plan Notification**

Distribution and posting of area plan notification forms on the development site and in any applicable sales or leasing office prior to Third Reading.

11. **Additional Requirements**

Additional requirements as determined by the City, in its discretion, as part of the review of the development proposal.