

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #23-24 Portion of 3405 Willingdon Avenue

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #23-24.

1. **Suitable Plan of Development**

The submission of a Suitable Plan of Development.

2. **Required Plans and Studies**

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

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

3. **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 Willingdon Avenue development frontage to a typical six-lane Town Centre standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- c) Construction of Street 2 and a portion of Street 3 to a local Town Centre standard with separated sidewalks, street trees, rain gardens, and street and pedestrian lighting; and,
- d) Any required easements, statutory rights-of-way, or other legal instruments to facilitate servicing requirements.

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.

ATTACHMENT 3 – REZONING PREREQUISITES

4. **Certificate of Insurance**

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**

If applicable, a submission for registration in the Land Title Office of a subdivision plan to create the subject development parcels and all required road dedications.

6. **Road Dedications / Road Closure**

- a) The dedication of any road or lane allowances as required, including the following approximate road dedications:
- 6.95 m dedication along the Willingdon Avenue frontage;
 - 21 m dedication to establish Street 2 and a portion of Street 3.

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) Section 219 Covenant restricting enclosure of balconies;
- b) Section 219 Covenant restricting Phase 2 occupancy until the Phase 1 rental units have received occupancy.
- c) Section 219 Covenant to allocate density to the Phase 2 site area and across the remainder of the Master Plan site;
- d) Section 219 Covenant ensuring compliance with the approved acoustical study;
- e) Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities;
- f) Section 219 Covenant guaranteeing the installation, maintenance, repair and replacement of public art, and if required by the City, a Statutory Right of Way guaranteeing public access to, and use and enjoyment of, the public art;
- g) 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;
- h) Section 219 Covenant ensuring that the water table will not be drawn down during or after development;
- i) Section 219 Covenant restricting commercial uses from having obscured fenestration;
- j) Section 219 Covenant and Statutory Right of Way to secure public access to a promenade through the site between Buildings 2A and 2B (Owner constructed/Owner maintained);
- k) Section 219 Covenant ensuring (1) the heating and hot water system in the development buildings is designed and constructed in accordance with

ATTACHMENT 3 – REZONING PREREQUISITES

the connection guidelines in the Council-adopted District Energy policy for connection to the City's District Energy Utility system (DEU) if and when the DEU is available for connection, and (2) the owner connects the development buildings to the DEU if and when the DEU is available for connection;

- l) Statutory Right of Way allowing the City or its designates to access the mechanical system and thermal energy system-related infrastructure within the development for the purposes of enabling DEU connection and operation;
 - m) Any easements and Section 219 Covenants as required by the City in respect of access to and the use of on-site shared amenities and pedestrian/vehicular access areas; and
 - n) Any replacement Section 219 Covenants and Statutory Rights of Way as required by the City.
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.
9. **Site Disclosure**
- The submission of a Site Disclosure Statement and resolution of any resultant conditions.
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. **Ministry of Transportation and Infrastructure Approval**
- The confirmation of approval of the proposed development from the BC Ministry of Transportation and Infrastructure.
12. **Additional Requirements**
- Additional requirements as determined by the City, in its discretion, as part of the review of the development proposal.