

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #22-22 – PORTION OF 9855 AUSTIN ROAD

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #22-22.

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) Phasing and 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; and
- m) Acoustic Study.

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 Austin Road across the development frontage to a Town Centre Minor Arterial Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- c) 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. A copy of either the developer's or the contractor's Certificate of Insurance is to be submitted to the Planning and Development Department.

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In addition, the necessary security, Covenant, and Statutory Right-of-Way for the construction of the identified Road D to a two lane Town Centre Local Standard is required.

4. **Subdivision**

A submission for registration in the Land Title Office of a subdivision plan to create the subject development parcel and all required road dedications, including but not limited to an approximately 2.55 m dedication along the Austin Road frontage.

5. **Demolition**

In addition to a Section 219 Covenant, to ensure the demolition and removal of existing structures and materials on the subject site:

- a) The submission and acceptance by the City of a signed and dated cost estimate for the demolition of all existing buildings that includes the removal, disposal and recycling of the demolition materials (including hazardous waste materials); and
- b) The submission of cash, a certified cheque, bank draft or an irrevocable Letter of Credit in the amount of the accepted cost estimate in s. 8(b) above to ensure completion of the demolition.

6. **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 ensuring the demolition of the existing building(s) on the development site within 12 months of final adoption of the subject rezoning bylaw;
- b) Section 219 Covenant restricting occupancy of Tower 6 until a certificate of occupancy has been issued in respect of the non-market rental units of Tower 5.
- c) Section 219 Covenant restricting enclosure of balconies;
- 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 provision and ongoing maintenance of public art, and if required, a Statutory Right of Way guaranteeing public access to, and use and enjoyment of, the public art; or Section 219 Covenant to ensure payment of cash-in-lieu contribution for public art prior to Building Permit issuance;
- 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;

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- h) Section 219 Covenant to ensure the provision of Transportation Demand Management measures, and an update to the Statutory Right of Way to secure public access to the car share parking spaces on the Phase 1 development site as required;
 - i) 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;
 - j) Section 219 Covenant ensuring that the site is constructed and used in accordance with the approved geotechnical study;
 - k) Section 219 Covenant restricting commercial uses from having obscured fenestration;
 - l) Section 219 Covenant to ensure the non-market rental units required to be constructed as part of the development in accordance with the City's Rental Use Zoning Policy (RUZP) are rented at rates and to tenants that meet the eligibility criteria under the RUZP;
 - m) Section 219 Covenant (to be registered against the remainder Master Plan site lands) to ensure that if and when the "Eateries" food court is demolished, that the owner will be required to provide and construct the amount of commercial floor area associated with the food court in any proposed redevelopment thereof;
 - n) 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; and,
 - o) Any necessary updates to Master Plan covenants and/or new Section 219 Covenants to secure requirements, including but not limited to car share stalls, commercial parking stalls, required non-market rental housing, and the Master Plan density allocation covenant.
7. **Housing Agreement and Housing Agreement Bylaw**

Adoption of a Housing Agreement Bylaw and the execution and delivery of a Housing Agreement setting out the terms and conditions regarding the occupancy of the non-market housing units required to be constructed as part of the development in accordance with the RUZP, or any needed covenants at the time of Final Adoption to require the completion of the Housing Bylaw and Agreement and the fulfillment of RUZP requirements prior to occupancy of the development.

8. **Site Disclosure**

The Site Disclosure Statement for the site has been submitted and is pending review and approval by the Ministry of Environment and Climate Change Strategy.

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9. **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.

10. **Ministry of Transportation and Infrastructure Approval**
The confirmation of approval of the proposed development from the BC Ministry of Transportation and Infrastructure.

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