

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #22-30 – Portion of 7201 11th Avenue

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #22-30.

1. **Suitable Plan of Development**
The submission of a Suitable Plan of Development.
2. **Phased Site Specific Master Plans**
The advancement of the Southgate Amended Master Plan, Rezoning Reference #22-31A 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 for Phase 1:
 - a) Phasing and Demolition Plan;
 - b) Construction Management and Access Plan;
 - c) Fire Access Plan;
 - d) Solid Waste and Recycling Plan;
 - e) Loading Management Plan;
 - f) Traffic Impact Analysis Report;
 - 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
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 Southgate Boulevard development frontage to a two-lane local Town Centre standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
 - c) Construction of private road (13th avenue) to a custom two-lane standard;
 - d) Undergrounding of all overhead wiring abutting the site; and
 - e) 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**

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:
- 21.8 m dedication for Southgate Boulevard extension

7. **Density Bonus**

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

8. **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.

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

The submission for registration in the Land Title Office of legal instruments with security, where necessary, including but not limited to:

- a) 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;
- b) Section 219 Covenant to allocate density to Phase 1 and Phase 2, and across the Master Plan development site;

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- c) 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;
- d) Section 219 Covenant restricting enclosure of balconies;
- e) Section 219 Covenant ensuring compliance with the approved acoustical study, in relation to Phase 1;
- f) Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities in relation to Phase 1;
- g) 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 in relation to Phase 1;
- 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 in relation to Phase 1;
- i) Section 219 Covenant to ensure the provision of Transportation Demand Management measures, and, if applicable, a Statutory Right of Way to secure public access to the car share parking space(s) on the development site in relation to Phase 1;
- j) 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 in relation to Phase 1;
- k) Section 219 Covenant and Statutory Right of Way to secure public access to a 2.0 m wide pedestrian path through the site (Owner constructed/Owner maintained);
- l) Section 219 Covenant ensuring (1) the heating and hot water system in the development buildings is designed and constructed in accordance with 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; and
- m) 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.
- n) Section 219 Covenant restricting occupancy of the G5 Building unless and until a certificate of occupancy has been issued in respect of the non-market rental units in the G6 Building.

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- o) Section 219 Covenant restricting Building Permit issuance for the future phase 2 on proposed Lot 1(G3/G4) until such time that a site-specific development application (PPA or DP) has been approved in respect of Phase 2 by the General Manager Planning and Development. Items relating to Phase 2 to be deferred to a future site-specific development application will include, but not necessarily be limited to:
- The satisfaction and submission of the following conditions, plans and studies acceptable to the City including but not limited to:
 1. Architectural Plans
 2. Landscape Plans
 3. Registration of a Housing Covenant and Final Adoption of a Housing Agreement Bylaw for the G4 Building
 4. Parking and Loading Plans
 5. Fire Access Plan;
 6. Solid Waste and Recycling Plan;
 7. Loading Management Plan;
 8. Traffic Impact Analysis Report;
 9. Public Art Plan;
 10. Geotechnical and Groundwater Study;
 11. Storm and Ground Water Management Plan;
 12. Green Building Plan and Energy Benchmarking;
 13. Acoustic Study;
 14. Arborist Report and Tree Survey with a Tree Retention Plan;and,
 - Any necessary legal plans and agreements (easements, covenants, SRWs), including agreements similar to those set out herein to be registered against Phase 1
10. **Housing Agreement and Housing Agreement Bylaw**
Adoption of a Housing Agreement Bylaw and the execution and delivery of a Housing Agreement setting out to 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.
11. **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

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- 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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- 12. **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.
 - 13. **Additional Requirements**
Additional requirements as determined by the City, in its discretion, as part of the review of the development proposal.