

## ATTACHMENT 3 – REZONING PREREQUISITES

### REZ #24-16 – 4900 KINGSWAY, PORTION OF 4940 KINGSWAY AND 6446, 6450 NELSON AVENUE

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #24-16.

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) Subdivision Plan;
  - c) Construction Management and Access Plan;
  - d) Demolition and Phasing Plan;
  - e) Fire Access Plan;
  - f) Solid Waste and Recycling Plan;
  - g) Loading Management Plan;
  - h) Traffic Impact Analysis Report;
  - i) Public Art Plan;
  - j) Geotechnical and Groundwater Study;
  - k) Storm and Ground Water Management Plan;
  - l) Green Building Plan and Energy Benchmarking;
  - m) Offsite Civil Engineering Design;
  - n) Acoustic Study;
  - o) Arborist Report and Tree Survey with a Tree Retention Plan; and
  - p) If required, a Site Remediation Plan associated with the Site Disclosure Statement if Schedule 2 uses have been identified.
  
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 Kingsway development frontage to a Six-lane Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
  - c) Construction of Nelson Street development frontage to a Four-lane Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
  - d) Construction of Bennet Street development frontage to a Two-lane Collector Standard with separated sidewalks, cycle facilities, street trees, front boulevard, and street and pedestrian lighting;

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- e) Undergrounding of all overhead wiring abutting the site; and
- f) 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.

In addition, the necessary security, Covenant, and Statutory Right-of-Way for the construction of the identified private lane in accordance with an approved design 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.

5. **Road Dedications / Road Closure**

- a) Final adoption of a Highway Closure Bylaw to close the City-owned laneway off Nelson Street, and consolidation of the same with the development site;
- b) The dedication of any road or lane allowances as required, including the following approximate road dedications that are subject to change with the final civil design drawings approved by the Engineering Department:
  - 3m x 3m corner cut at Kingsway and Nelson Avenue
  - 6.9 m along Kingsway
  - 5.8 m along Nelson Avenue
  - 2.6 m along Bennett Street

6. **City Land Sale**

The completion of the sale of the closed City lane and consolidation thereof into the development site.

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 as necessary to allow for the completion of subdivision including addressing any necessary agreements or demolition requirements and demolition securities related to the existing uses and improvements on the site;

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- b) Section 219 Covenant ensuring compliance with the approved acoustical study;
- c) Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities;
- d) 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; or Section 219 Covenant to ensure payment of cash-in-lieu contribution for public art prior to Building Permit issuance;
- e) 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;
- f) Section 219 Covenant to ensure the provision of Transportation Demand Management measures, and a Statutory Right of Way to secure public access to the car share parking space(s) on the development site;
- g) Section 219 Covenant ensuring that the site is constructed and used in accordance with the approved geotechnical study;
- h) Section 219 Covenant restricting commercial uses fronting on Kingsway and Nelson Avenue from having obscured fenestration;
- i) If necessary, a Section 219 Covenant to ensure compliance with the Ministry of Environment and Climate Change Strategy's conditions relating to site remediation and to restrict occupancy of the development subject to the owner obtaining a Final Determination or a Certificate of Compliance from MOE;
- 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;
- k) Section 219 Covenant and Statutory Right of Way to secure public access to and use of the raised plaza space on the development site, which is to be constructed and maintained by the owner;
- l) Section 219 Covenant and Statutory Right of Way to secure public access to the private laneway proposed through the site which is to be constructed and maintained by the owner;
- m) 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;
- n) Statutory Right of Way allowing the City or its designates to access the mechanical system and thermal energy system-related infrastructure

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within the development for the purposes of enabling DEU connection and operation;

- o) 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, if any; and
  - p) Section 219 Covenants ensuring that the subdivided parcels from the parent development site will not be transferred separately, and that no newly constructed improvements are occupied, unless any necessary building code requirements are met or easements, provincial code requirements and Section 219 Covenants are registered, as required by the City, in respect of any encroaching improvements in the subject development.
8. **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.
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.