

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #23-20 - 3676 BAINBRIDGE AVENUE

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #23-20.

Site Specific Rezonings

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 or cash in lieu;
 - i) Geotechnical and Groundwater Study;
 - j) Storm and Ground Water Management Plan;
 - k) Offsite Civil Engineering Design;
 - l) Acoustic Study; and
 - m) Arborist Report and Tree Survey with a Tree Retention Plan.

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 Bainbridge Avenue and Winston Street development frontage to their required street standards with separated sidewalks, cycle facilities, street trees, and street and pedestrian lighting;
 - c) Undergrounding of all overhead wiring abutting the site; 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.

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4. **Subdivision**

A submission for registration in the Land Title Office of a subdivision plan to create the development parcels for the three phase development, and all required dedications for road and/or SPEA purposes.

5. **Road Dedications / Road Closure**

The dedication of any road allowances as required. The area of the road dedications is to be confirmed prior to Third Reading.

6. **Demolition**

In addition to a Section 219 Covenant, to ensure the demolition and removal of existing structures and materials on the subject site prior to Phase 1 Building Permit occupancy:

- 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. 6(a) above to ensure completion of the demolition.

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

The submission for registration in the Land Title Office of the following legal instruments together with payment to the City of financial security, where necessary:

- a) Section 219 Covenant ensuring the demolition of the existing building(s) on the development site prior to Phase 1 Building Permit occupancy;
- 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 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;
- e) Section 219 Covenant ensuring that the site is constructed and used in accordance with the approved geotechnical study;
- f) Section 219 Covenant and Statutory Right of Way (if required) for the protection and enhancement of the identified Streamside Protection and Enhancement Area (SPEA) and to restrict occupancy of Phase 3 subject

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- to the daylighting of Station Creek in accordance with the *Water Sustainability Act*, section 11 approval from the Province;
- g) Section 219 Covenant for the protection and enhancement of the identified Streamside Protection and Enhancement Area (SPEA);
 - h) Section 219 Covenant to ensure the non-market rental units constructed 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, and to restrict occupancy of Phase 1 unless and until a certificate of occupancy has been issued in respect of the 80 non-market rental units in Phase 1, and to restrict occupancy of Phase 3 unless and until a certificate of occupancy has been issued in respect of the 63 non-market rental units in Phase 3; and
 - i) If applicable, Section 219 Covenant and Statutory Right of Way to secure secure publicly accessible pedestrian paths.
 - j) If applicable, Easements and Section 219 Covenants, as required by the City, in respect of access to and the use of any on-site shared amenities, allocated parking between lots, and pedestrian/vehicular access areas.
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, including terms and conditions with respect to unit mix, the rents that may be charged and the tenant eligibility criteria for specified categories of the non-market housing units, 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 requirements.
10. **Streamside Protection and Enhancement Area**
Streamside Protection and Enhancement Area (SPEA) applies to this development site. Approval of the overall landscaping plans and final protection area. The daylighting of Station Creek requires a Water Sustainability Act Section 11 approval from the Province and will be required prior to Final Occupancy of Phase 3.

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11. **Additional Requirements**

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