

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #23-19 4545 and 4587 Juneau Street

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #23-19.

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) Traffic Impact Analysis Report;
- g) Public Art Plan or cash in lieu;
- h) Geotechnical and Groundwater Study;
- i) Storm and Ground Water Management Plan;
- j) Offsite Civil Engineering Design;
- k) Acoustic Study; and
- l) 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 Juneau Street to a final Two-Lane Local Town Centre Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- c) Construction of Alpha Avenue frontage adjacent to a final Two-Lane Local Town Centre Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting; Improvements to the lane as required; 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. Submission of a copy

ATTACHMENT 3 – REZONING PREREQUISITES

of either the developer's or the contractor's Certificate of Insurance, acceptable to the City's Risk Manager.

4. **Density Bonus**

The utilization of an amenity bonus in accordance with Section 3.4 of this report.

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

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

a) if applicable:

- (i) Section 219 Covenant restricting the issuance of Preliminary Plan Approval and Building Permit until the bonus density has been paid in full and requiring the payment, on a quarterly basis, to the City of interest in respect of the density bonus payment at the rate of interest equal to two percentage points above the Variable Royal Bank Prime Rate per annum compounded annually with the interest payment calculated commencing on the date of final adoption of the rezoning bylaw to the date of payment in full of the density bonus payment; or
 - (ii) 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 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 a Section 219 Covenant to ensure payment of cash-in-lieu contribution for public art prior to Building Permit issuance;
 - e) 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;
 - f) 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

ATTACHMENT 3 – REZONING PREREQUISITES

- architectural lighting at the City's request in the event that the lighting results in any adverse neighbourhood and/or environmental impacts;
- 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 Juneau Street from having obscured fenestration;
 - i) 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 in accordance with, and to tenants that meet the eligibility criteria under, the RUZP;
 - j) If necessary, a replacement to the existing Section 219 Covenant, Statutory Right of Way and Option to Purchase registered against the development site and park site to include any design revisions to the park plan or, if necessary, any further restrictions (in addition to a restriction of Phase 2 occupancy) until construction of the park site to the City's satisfaction, and transferring the park site to the City, and;
 - k) Amendments as necessary to the existing density allocation covenant for the Master Plan to reflect the density utilized in Phase 2, and to account for residential density contributed by the park site to the remainder lands.
6. **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.
7. **Site Disclosure**
The submission of a Site Disclosure Statement and resolution of any requirements.
8. **Ministry of Transportation and Infrastructure Approval**
The confirmation of approval of the proposed development from the BC Ministry of Transportation and Infrastructure.
9. **Indemnification Agreement**
If required, the execution and delivery of an Indemnification Agreement by the registered owner, and, if applicable, the beneficial owner, and if required by the City, the parent company of the registered owner and beneficial owner (collectively, the "Indemnifier"), pursuant to which the Indemnifier indemnifies the City in respect of all claims and expenses arising from:

ATTACHMENT 3 – REZONING PREREQUISITES

any geotechnical and hydrological (including any potential contaminated groundwater and/or any groundwater concerns) impacts caused by the design and construction of the development on neighbouring properties and developments, or other infrastructure, including City infrastructure, surrounding the development site, including impacts arising from settlement or basal heave of the soils on the development site.

10. **Additional Requirements**

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